



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

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

Tuesday, June 6, 2023
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 May 16, 2023 Regular Council Meeting 1-7 Adopt

7. **Consent Agenda:**

Recommendation:

THAT Council approve the Consent Agenda: 8-16

1. *Minutes of the May 16, 2023 Committee of the Whole Meeting;*
2. *Minutes of the May 16, 2023 Public Hearing;*
3. *Draft Minutes of the May 24, 2023 Accessibility Task Force Meeting;*
4. *Draft Minutes of the May 24, 2023 Official Community Plan – Housing Task Force Meeting; and*
5. *Release of Items from Closed Meeting:*
 - *THAT Council direct staff to advertise for applicants to the Agriculture Advisory Committee.*
 - *THAT Council accept the resignation of Amanda Lewis; AND THAT Council appoint James Ludvigson to the Accessibility Task Force.*

Graham
Watt/Konanz

8. **Staff Reports:**

Kunka 8.1 Section 57 Notice on Title 17-23
 Re: 41 Greenwood Drive

*Staff Recommendation: THAT the owners of 41 Greenwood Drive (the Property) be notified that Council will consider passing a resolution to place a notice on title, under section 57 of the Community Charter, with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 18, District Lot 251 Similkameen Division Yale District, Plan 27075, located at 41 Greenwood Drive, stating the following: "Failure to complete a building permit, which is a violation of the City of Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall."
 AND THAT the owners be notified of the proposed notice on title report and be given the opportunity to speak to the matter at the regular Council meeting on July 18, 2023.*

Capewell	8.2	<p>Zoning Amendment Bylaw No. 2023-18 Development Permit PL2023-9507 Re: 60 Roy Avenue</p> <p><i>Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-18", for Lot 8 District Lot 115 Similkameen Division Yale District Plan 9176, located at 60 Roy Avenue, a bylaw to amend the zoning for the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);</i></p> <p><i>AND THAT Council forward "Zoning Amendment Bylaw No. 2023-18" to the June 20, 2023 Public Hearing;</i></p> <p><i>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-18", approve "Development Permit PL2023-9507", a permit to approve the form and character of the proposed development of two side-by-side duplex buildings, totaling four dwelling units on the subject property.</i></p>	24-54
Capewell	8.3	<p>Zoning Amendment Bylaw No. 2023-19 Development Variance Permit PL2022-9370 Development Permit PL2022-9369 Re: 951 and 963 Dynes Avenue</p> <p><i>Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-19", for Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue and Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue, a bylaw to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), with the following site specific provision:</i></p> <p style="padding-left: 40px;"><i>1. Apartments shall not be a permitted use.</i></p> <p><i>AND THAT Council forward "Zoning Amendment Bylaw. No. 2023-19" to the June 20, 2023 Public Hearing;</i></p> <p><i>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-19", consider and deny the associated "Development Variance Permit PL2022-9370", a permit to vary the following sections of Zoning Bylaw No. 2023-08:</i></p> <p style="padding-left: 40px;"><i>1. Section 10.10.2.3: to increase maximum lot coverage from 50% to 56.5%;</i></p> <p style="padding-left: 40px;"><i>2. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m;</i></p> <p style="padding-left: 40px;"><i>3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and</i></p> <p style="padding-left: 40px;"><i>4. Section 5.2, Table 5.1 to waive the requirement for landscaping buffers along the east and west property line.</i></p> <p><i>AND THAT Council, subject to consideration of "Development Variance Permit PL2022-9370", consider and deny the associated "Development Permit PL2022-9369", a permit for the construction of 13 residential units in the form of two rows of townhouses.</i></p> <p><i>THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services:</i></p> <ul style="list-style-type: none"> <i>• Upgrade of the existing 100mm water main from the development to Sydney Street.</i> 	55-107
Tanguay	8.4	<p>Temporary Use Permit PL2023-9513 Re: 140-3547 Skaha Lake Road</p> <p><i>Staff Recommendation: THAT Council, after hearing from the applicant, deny "Temporary Use Permit PL2023-9513", a permit to allow the use 'Contractor Services, Limited' and six (6) 'metal storage containers' on Lot 1 District Lot 189 Similkameen Division Yale District Plan 33200, located at 140 – 3547 Skaha Lake Road, for a twenty-one (21) month period.</i></p>	108-128

Collyer	8.5	<p>Development Variance Permit PL2022-9481 Development Permit PL2022-9421 Re: 1042, 1050 and 1060 Government Street</p> <p><i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2022-9481" for Lot 1 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68129, Lot 2 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68130, and Lot 1 District Lot 250 Similkameen Division Yale District Plan 7798 Except Plan KAP68055, located at 1042, 1050 and 1060 Government Street, a permit to vary the following sections of Zoning Bylaw No. 2023-08 in order to facilitate the development of a five-storey, 35 unit apartment building:</i></p> <ol style="list-style-type: none"> 1. <i>Table 5.1: to waive the requirement for a landscape buffer (north).</i> 2. <i>Section 6.1.5.4: to increase the maximum percentage of off-street small car parking spaces from 25% to 41%.</i> <p><i>AND THAT Council, subject to approval of "Development Variance Permit PL2022-9481", approve "Development Permit PL2022-9421", for Lot 1 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68129, Lot 2 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68130, and Lot 1 District Lot 250 Similkameen Division Yale District Plan 7798 Except Plan KAP68055, located at 1042, 1050 and 1060 Government Street, a permit to approve the form and character of a five-storey, 35-unit apartment building;</i></p> <p><i>AND THAT Council direct staff to issue "Development Variance Permit PL2022-9481" and "Development Permit PL2022-9421" subject to consolidation of the three subject properties into one lot.</i></p>	129-180	
9. Bylaws and Permits:				
Collison	9.1	Safe Public Places Bylaw No. 2023-06	181-186	Adopt
Collison	9.2	Zoning Amendment Bylaw No. 2023-16 Re: 517 Alexander Avenue	187-188	Adopt
Collison	9.3	Growing Communities Reserve Fund Bylaw No. 2023-17	189	Adopt
10. Notice of Motion				
11. Business Arising				
12. Public Question Period				
<p>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'll 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.</p>				
13. Council Round Table				
14. Adjourn to a Closed Meeting:				
<p><i>Resolution: THAT Council adjourn to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)</i></p> <ol style="list-style-type: none"> <i>(d) the security of the property of the municipality;</i> <i>(g) litigation or potential litigation affecting the municipality; and</i> <i>(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.</i> 				

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

Tuesday, May 16, 2023
at 1:00 p.m.

Present: Mayor Bloomfield
Deputy Mayor Konanz
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Miller
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager of Community Services
Blake Laven, Director of Development Services
Elma Hamming, Manager of Finance
Hayley Anderson, Legislative Assistant

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

195/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on May 16, 2023 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

196/2023

It was MOVED and SECONDED

THAT Council recess to a Committee of the Whole meeting at 1:03 p.m.

CARRIED UNANIMOUSLY

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:12 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 2, 2023 Regular Meeting of Council

197/2023

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of May 2, 2023 as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

198/2023

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the May 2, 2023 Committee of the Whole Meeting;
2. Minutes of the May 2, 2023 Public Hearings;
3. Draft Minutes of the May 3, 2023 Official Community Plan – Housing Task Force Meeting; and
4. Draft Minutes of the May 3, 2023 Accessibility Task Force Meeting.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Safe and Resilient Council Priority: Public Safety Working Group Update

199/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated May 16, 2023 titled “Safe & Resilient Council Priority: Public Safety Working Group Update”, a report that outlines the public safety planning and actions being implemented in 2023 and the creation of indicators for reporting on the progress of these priorities.

CARRIED UNANIMOUSLY

8.2 RCMP Quarterly Update

200/2023

It was MOVED and SECONDED

THAT Council receive into the record the report titled “RCMP Quarterly Update” dated May 16, 2023.

CARRIED UNANIMOUSLY

8.3 Safe Public Places Bylaw No. 2023-06

201/2023

It was MOVED and SECONDED

THAT Council, after consideration of the comments by the Medical Health Officer and after consideration of the public engagement results, give second and third reading to “Safe Public Places Bylaw No. 2023-06”, a bylaw that supports a safe, secure and healthy community through regulating solicitation, disorderly conduct, public nuisances, public substance use, and the general safe use of public places.

CARRIED UNANIMOUSLY

8.4 2023/2024 Capital Project Overview

Main Motion:

It was MOVED and SECONDED

THAT Council receive into the record the report dated May 16, 2023 titled "2023/2024 Capital Project Overview".

202/2023

Amendment:

It was MOVED and SECONDED

THAT Council remove the decorative scroll project.

CARRIED UNANIMOUSLY

203/2023

Main Motion as Amended:

THAT Council receive into the record the report dated May 16, 2023 titled "2023/2024 Capital Project Overview" and remove the decorative scroll project.

CARRIED UNANIMOUSLY

8.5 Growing Communities Fund Grant

Main Motion:

It was MOVED and SECONDED

THAT Council gives first, second and third reading to "Growing Communities Reserve Fund Bylaw No. 2023-17", a bylaw to establish a reserve fund for the Growing Communities Fund Grant in accordance with the *Community Charter*;

AND That Council authorize the transfer of \$7.177M of grant funds from the Growing Communities Fund Grant into the Growing Communities Reserve Fund;

AND That approximately 20% of the funds be used to fund existing projects that may require amendments due to inflation;

AND That approximately 40% of the funds be used on community projects including Downtown, Okanagan and Skaha Lake decorative seasonal lighting displays, Riverside Park Skate Park and Basketball Court Lighting, Urban Forestry Master Plan Projects, and the Kiwanis Pier Replacement;

AND That the remaining 40% be allocated to the North Gateway with projects to be identified as they arise or through the budget process;

AND That Council direct staff to amend the 2023-2027 Financial Plan accordingly.

204/2023

Amendment:

It was MOVED and SECONDED

THAT Council decrease North Gateway funding from 40% to 30% and increase community projects from 40% to 50%.

CARRIED UNANIMOUSLY

205/2023

It was MOVED and SECONDED

THAT the item be tabled to the evening session after item 13.1 is heard.

DEFEATED

Mayor Bloomfield, Councilors Boulton, Gilbert, Graham, Konanz and Watt, Opposed

206/2023

Amendment:

It was MOVED and SECONDED

THAT Council add "but not limited to" to the sentence outlining community projects.

CARRIED

Councillor Miller, Opposed

207/2023

Main Motion as Amended:

It was MOVED and SECONDED

THAT Council gives first, second and third reading to "Growing Communities Reserve Fund Bylaw No. 2023-17", a bylaw to establish a reserve fund for the Growing Communities Fund Grant in accordance with the *Community Charter*;

AND That Council authorize the transfer of \$7.177M of grant funds from the Growing Communities Fund Grant into the Growing Communities Reserve Fund;

AND That approximately 20% of the funds be used to fund existing projects that may require amendments due to inflation;

AND That approximately 50% of the funds be used on community projects including, but not limited to Downtown, Okanagan and Skaha Lake decorative seasonal lighting displays, Riverside Park Skate Park and Basketball Court Lighting, Urban Forestry Master Plan Projects, and the Kiwanis Pier Replacement;

AND That the remaining 30% be allocated to the North Gateway with projects to be identified as they arise or through the budget process;

AND That Council direct staff to amend the 2023-2027 Financial Plan accordingly.

**CARRIED
Councillor Miller, Opposed**

The Mayor recessed the meeting at 2:47 pm. and reconvened the meeting at 2:57 pm.

8.6 First Quarter 2023 Financial and Corporate Business Plan Update

208/2023

It was MOVED and SECONDED

THAT Council receive into record the report dated May 16, 2023 titled "First Quarter 2023 Financial and Corporate Business Plan Update";

THAT Council approve amending the 2023-2027 Financial Plan to provide for budget amendments noted in report including reserve transfers of \$406,000 Equipment Replacement Reserve for fleet cost increases and emergency replacement, timing of purchases, and equipment failures, \$27,500 Climate Action Reserve for four electric bikes with safety gear, and \$50,000 Asset Sustainability Reserve for Skaha Marina boat launch repairs;

AND THAT Council approve that the funds in excess of the RCMP retroactive pay accrual and the RCMP retroactive pay owing be transferred to the RCMP Reserve.

CARRIED UNANIMOUSLY

8.7 2022 Statement of Financial Information

209/2023

It was MOVED and SECONDED

THAT Council approves the Statement of Financial Information for the fiscal year ending December 31, 2022.

CARRIED UNANIMOUSLY

8.8 Short-Term Rental Benefit and Impact Study – Final Report and Recommendations

210/2023

It was MOVED and SECONDED

THAT Council implement a principal resident requirement for short-term rentals in Penticton.

DEFEATED

Mayor Bloomfield, Councilors Boulton, Gilbert, Graham, Konanz and Watt, Opposed

211/2023

It was MOVED and SECONDED

THAT Council receive into the record the report “Short Term Rental Benefits and Impacts Study” dated April 2023;

AND THAT Council maintain the status quo approach, but work towards a new licensing classification system acknowledging home-share STRs, on-site operator STRs and off-site operator STRs;

AND THAT Council give direction to Staff to increase enforcement efforts, including higher short term rental fines for non-compliance;

AND THAT Council forward the report to the Official Community Plan Housing Task Force as a background document to inform future policy changes;

AND THAT Council advocate to third party platforms such as VRBO to only allow properties that can provide a valid business license to advertise on their sites.

CARRIED

Councillor Miller, Opposed

8.9 Development Variance Permit PL2023-9573

Re: 419 Westminster Avenue West

212/2023

It was MOVED and SECONDED

THAT Council approve “Development Variance Permit PL2023-9573” for Lot 5 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849 and The Westerly 17 Feet of Lot 4 Measured Along Westminster Avenue By The Full Depth of Said Lot; District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 419 Westminster Ave W, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08, to reduce the minimum rear yard from 6.0 m to 5.1 m, in order to facilitate the construction of an addition to a single family dwelling;

AND THAT Council direct staff to issue the “Development Variance Permit PL2023-9573”.

CARRIED UNANIMOUSLY

8.10 ALR Non-Farm Use PL2022-9487

Development Variance Permit PL2023-9576

Re: 1350 Naramata Road

213/2023

It was MOVED and SECONDED

THAT Council support “ALR Non-Farm Use PL2022-9487”, for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to increase the maximum size of an outdoor lounge from 233m² to 370m²;

AND THAT staff be directed to forward “ALR Non-Farm Use PL2022-9487”, to the Agricultural Land Commission (ALC) with support from Council.

THAT Council approve "Development Variance Permit PL2023-9576", for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to vary Zoning Bylaw No. 2023-08 Section 9.2.4.1.c to increase the maximum size of the area devoted to food and beverage service for a winery from 233m² to 370m² for outdoor areas;
AND THAT Council direct staff to issue "Development Variance Permit PL2023-9576", subject to the Agricultural Land Commission approving "ALR Non-Farm Use PL2022-9487".

CARRIED UNANIMOUSLY

9. Public Question Period

10. Recess to a Closed Meeting:

214/2023

It was MOVED and SECONDED

THAT Council recess at 4:27 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows: Section 90(1)

- (a) Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.
- (d) the security of the property of the municipality;
- (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;
- (g) litigation or potential litigation affecting the municipality;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

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

The Mayor reconvened the meeting at 6:09 p.m.

12. Bylaws and Permits

- 12.1 Zoning Amendment Bylaw No. 2023-16
Re: 517 Alexander Avenue

215/2023

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2023-16".

CARRIED UNANIMOUSLY

13. Notice of Motion

- 13.1 Notice of Motion from Councillor Graham, Councillor Gilbert and Councillor Boulbee Postponed from May 2, 2023 Regular Council Meeting – request for cost

216/2023

It was MOVED and SECONDED

THAT Council withdraw the motion postponed from May 2, 2023.

CARRIED UNANIMOUSLY

13.2 Notice of Motion Introduced by Councillor Miller on May 2, 2023

217/2023

It was MOVED and SECONDED

THAT the City include a sentence on the monthly utility bill that Council approved borrowing funds from the Electric Surplus Reserve for the purpose of constructing the Fire Hall 2 two bay garage, Point Intersection and Bike Network Plan with repayment over 10 years and the amount of each should be listed along with the amount of the electrical dividend.

CARRIED UNANIMOUSLY

13.3 Notice of Motion Introduced by Deputy Mayor Konanz on May 2, 2023

218/2023

It was MOVED and SECONDED

THAT Council request staff look at how other communities are addressing surplus, debt, investment and reserves and report back with a proposed strategy framework prior to budget.

CARRIED UNANIMOUSLY

14. Business Arising

15. Public Question Period

16. Council Round Table

17. Adjournment

219/2023

It was MOVED and SECONDED

THAT Council adjourn the May 2, 2023 Regular meeting of Council at 6:33 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Committee of the Whole
held at City Hall, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 16, 2023
Recessed from the Regular Council Meeting at 1:00 p.m.

- Present:** Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt
- Staff:** Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager of Community Services
Blake Laven, Director of Development Services
Hayley Anderson, Legislative Assistant

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:03 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on May 16, 2023 be adopted as amended by removing item 3.2.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 Proclamation "Seniors' Week" June 4-10, 2023

Elmie Saaltink, Seniors Wellness Society provided Council with a presentation on the importance of Seniors' Week and the events going on for Seniors in the community.

Mayor Bloomfield read the proclamation proclaiming June 4-10, 2023 as "Seniors' Week" in the City of Penticton.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held May 16, 2023 at 1:12 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Public Hearing
held electronically and at City Hall, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 16, 2023
at 6:00 p.m.

Present: Mayor Bloomfield
Deputy Mayor Konanz
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Miller
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Elma Hamming, Manager of Finance
Kristen Dixon, General Manager of Infrastructure
Blake Laven, Director of Development Services
Steven Collyer, Senior Planner
Hayley Anderson, Legislative Assistant

1. Call to order

Mayor Bloomfield called the public hearing to order at 6:01 p.m. for Zoning Amendment Bylaw No. 2023-16.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held in-person and electronically to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. "Zoning Amendment Bylaw No. 2023-16" (517 Alexander Avenue)

The purpose of "Zoning Amendment Bylaw No. 2023-16" is to amend Zoning Bylaw No. 2023-08 as follows:

Rezone Lot 9 District Lot 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3348, located at 517 Alexander Avenue, from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), to provide a third dwelling unit on the property.

The applicant is proposing an addition to their existing home. The plans include removing the existing attached carport and replacing it with an enclosed garage and workshop, with a secondary suite above.

The Corporate Officer advised that one letter has been received since the printing of the agenda.

DELEGATIONS

Mayor Bloomfield asked the public for the first time if anyone wished to speak to the application.

- Andrew Jakubeit, Applicant an owner of 517 Alexander Avenue, currently someone living onsite, renovation modernizes suite, plan is for long-term housing for staff, applicant lives on site. No variances requested, parking on site, adding housing stock, have an opportunity for extra income or mortgage helper a good thing, neighbours have asked about it and may consider doing something similar, revitalizing neighbourhood, creating walkable community, requests Council’s support for rezoning change.
- Lynn Kelsey, Oakville Street, commented no pictures available for public, renderings are important to know what is being talked about. Spoke in support of application, adding to the area.

Mayor Bloomfield asked the public for the second time if anyone wished to speak to the application.

- Jordan Shade, Backstreet Blvd, modern and great, smart way for staff and business, spoke in support of application.

Mayor Bloomfield asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for “Zoning Amendment Bylaw No. 2023-16” was terminated at 6:09 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Accessibility Task Force Meeting

To be held via Zoom and in-person in Room B
City Hall, 171 Main Street
Wednesday, May 24, 2023
at 11:00 a.m.

Present: Trisha Kaplan, Chair
Kona Sankey, Vice-Chair
Kristi Bauman
Randy Boras
Victoria Jaenig
James Ludvigson (in-person)
Heather Miller
Grant Pattingale
Leanne Williams

Council Liaison: Ryan Graham, Councillor

Staff: Blake Laven, Director of Development Services (in-person)
Sarah Desrosiers, Social Development Coordinator (in-person)
Hayley Anderson, Legislative Assistant (in-person)

1. **Call to Order**

The Staff Liaison called the Accessibility Task Force to order at 11:11 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Accessibility Task Force adopt the agenda of May 24, 2023 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Accessibility Task Force adopt the minutes of May 3, 2023 as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Appointment of Task Force Chair and Vice Chair

It was MOVED and SECONDED

THAT the Accessibility Task Force appoint Trisha Kaplan as the Task Force Chair and Kona Sankey as Vice-Chair.

CARRIED UNANIMOUSLY

James Ludvigson joined the meeting at 11:24 am.

4.2 Disability Alliance of BC

Dr. Prescott (in-person) provided the Task Force with an update on the role of Disability Alliance of British Columbia (DABC) including their role as a leader and champion in the approach and engagement. Dr. Prescott discussed different engagement strategies including journey experience mapping and geonarratives.

Grant Pattingle joined the meeting at 11:49 am.

4.3 Review of Supporting Information

The Social Development Coordinator provided the Task Force with an overview of the supporting information.

4.4 Planning for future meetings

The Director of Development Services provided the Task Force with an update on upcoming items for the Task Force, including developing principles and objectives as well as public engagement.

5. **Next Meeting**

The next Accessibility Task Force meeting is scheduled to be held on June 14, 2023 at 11:00 a.m.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Accessibility Task Force adjourn the meeting held on May 24, 2023 at 12:50 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant

Official Community Plan - Housing Task Force Meeting

To be held in-person in Council Chambers
City Hall, 171 Main Street
Wednesday, May 24, 2023
at 4:30 p.m.

Present: Nathan Little, Chair
Nicholas Hill, Vice-Chair
Drew Barnes
Ajeet Brar
Dara Parker
Linda Sankey
Chris Schoenne
Nicolas Stulberg
Richard Langfield

Council Liaison: Campbell Watt, Councillor
Helena Konanz, Councillor

Staff: Anthony Haddad, General Manager, Community Services
Blake Laven, Director of Development Services
Steven Collyer, Senior Planner
JoAnne Kleb, Communications and Engagement Manager
Jamie Lloyd-Smith, Social Development Specialist
Hayley Anderson, Legislative Assistant

Regrets: Rod Ferguson
Brian Menzies
Alison Gibson
Loretta Ghostkeeper

1. **Call to Order**

The Staff Liaison called the Official Community Plan - Housing Task Force meeting to order at 4:34 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Official Community Plan - Housing Task Force adopt the agenda of May 24, 2023 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Official Community Plan - Housing Task Force adopt the minutes of May 3, 2023 as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Appointment of Task Force Chair and Vice-Chair

It was MOVED and SECONDED

THAT the Official Community Plan – Housing Task Force appoint Nathan Little as the Task Force Chair.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

THAT the Official Community Plan – Housing Task Force appoint Nicholas Hill as Vice-Chair.

CARRIED UNANIMOUSLY

4.2 Process Update

The General Manager, Community Services provided an update on the Official Community Plan process moving forward, including bringing forward the draft Housing Needs Assessment, housing accelerator fund, future engagement strategies, short-term rentals and the Neighbourhood Charm Project.

4.3 100 Homes Penticton

Kyler Woodmass from 100 More Homes and the City's Social Development Specialist provided the Task Force with an update on the non-market continuum of housing and the different types of social housing options and needs throughout the City, as well as the inventory available within the City.

The presentation outlined the range of non-market housing that has been invested into the City over recent years from Emergency housing, Transition Housing, Supportive Housing and Subsidized Housing. The gaps in affordable rental and workforce housing were highlighted as the priority housing type that needs to be focused on for our community over the coming years.

The presentation and data collected by Social Development and 100 Homes Penticton will be used to inform the Housing Needs Assessment that is currently underway.

4.4 Housing Tour Discussion

The Senior Planner provided the Task Force with an update on different housing types and developments within the City. A tour will be organized to view and discuss these different housing types.

4.5 Next Steps – for June Meeting

The General Manager, Community Services provided the Task Force with an update on what items to expect in the upcoming Task Force meeting. The next meetings in June will focus on the Engagement Strategy, CMHC Housing Accelerator Fund and staff will present information on short-term rentals and the Neighbourhood Charm project, as directed to the Task Force by Council.

5. **Next Meeting**

The next Official Community Plan - Housing Task Force meeting is scheduled to be held on June 14, 2023 at 4:30 p.m.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Official Community Plan – Housing Task Force adjourn the meeting held May 24, 2023 at 5:54 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant



Council Report

pentiction.ca

Date: June 6, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 41 Greenwood Drive

Subject: **41 Greenwood Drive: Section 57 Notice on Title**

File No: N\city\Address\Greenwood

Staff Recommendation

THAT the owners of 41 Greenwood Drive (the *Property*) be notified that Council will consider passing a resolution to place a notice on title, under section 57 of the *Community Charter*, with respect to contraventions of the City of Penticton *Building Bylaw No. 2021-21* on Lot 18, District Lot 251 Similkameen Division Yale District, Plan 27075, located at 41 Greenwood Drive, stating the following:

“Failure to complete a building permit, which is a violation of the City of Penticton *Building Bylaw No. 2021-21*. Further information about it may be inspected at the municipal hall.”

AND THAT the owners be notified of the proposed notice on title report and be given the opportunity to speak to the matter at the regular Council meeting on July 18, 2023.

Strategic Priority Objectives

Safe & Resilient: Enhance and protect the safety of all residents and visitors to Penticton.

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

Background

Building Permit BP010164 was issued on August 23, 2018, for the removal of two existing retaining walls and the construction of two new concrete retaining walls at the Property (Attachment A – Site Map). However, BP010164 expired on August 20, 2020, without a final inspection by staff and structural engineering verification only for the lower concrete wall. To notify the owners of expiry of BP010164, a standard 22-month notification letter was sent on October 21, 2021.

Upon one of the owner’s request, an extension was granted for BP010164, allowing the building permit to remain valid until June 12, 2022. Subsequent to an inspection on January 14, 2022, staff discovered that the two upper retaining walls did not meet the requirements outlined in the City’s *Building Bylaw No. 2021-21* and appeared to be structurally compromised (Attachment B – Photos (2022)). Therefore, further involvement of an engineer was deemed necessary, and a Stop Work Order was promptly posted on the Property.

Despite staff efforts to work with the property owners to seek compliance BP010164 expired again on June 12, 2022. As of the date of this report, BP010164 remains expired and the non-compliant works remain unresolved.

As outlined within the Chronology of Events (Attachment C), the Property has expended a considerable amount of staff time, and staff are now recommending and requesting that Council consider that the owners be notified that Council will consider passing a resolution for the placement of a notice on the title of the property, via section 57 of the *Community Charter*.

City of Penticton – Building Bylaw No. 2021-21

As outlined in division 1 of the *Community Charter*, local governments have the authority to regulate construction. In the City of Penticton, the power to regulate construction is exercised through the *Building Bylaw No. 2021-21*, and the failure to complete a building permit falls under the *Building Bylaw No. 2021-21* as well.

Financial implication

The City will pay minimal fees for the registration of the notice on title.

Analysis

In recommending the notice on title, staff are acting in accordance with section 57(1) of the *Community Charter*, which allows for a building inspector to recommend that Council consider a resolution to notify the owners that Council will consider placing a notice on the title of the Property.

At the time of this report, the Property is out of conformity with the City's *Building Bylaw No. 2021-21* and the *British Columbia Building Code*, because of the expired Building Permit BP010164 for the retaining wall on the Property. Due to current efforts having not brought the Property into compliance with the City's Bylaws, staff are recommending the registration of a notice on the title of the Property. In addition, staff would like for Council to consider the following information when contemplating this action:

- That potential buyers of the Property should be informed of construction that is not compliant with the British Columbia Building Code and the City's Bylaws;
- The City's potential liability for legal claims as a result of possible damages to surrounding properties;
- A reputation of not ensuring compliance with the City's regulations;
- The continued consumption of staff time and resources to have the Property brought into compliance.

Under the section 57(1) of the *Community Charter*, it is appropriate for Council to consider a resolution to notify the owner of the Property that Council will consider placing a notice on title for the failure to complete the Building Permit BP010164 for the retaining wall. Due to the expired building permit, staff are recommending that Council support staff in notifying the owners of the possible registration of the notice on the title of the Property.

Attachments

Attachment A – Site Map

Attachment B – Photographs (2022)

Attachment C – Chronology of Events

Respectfully submitted,

Ken Kunka
Building and Permitting Manager

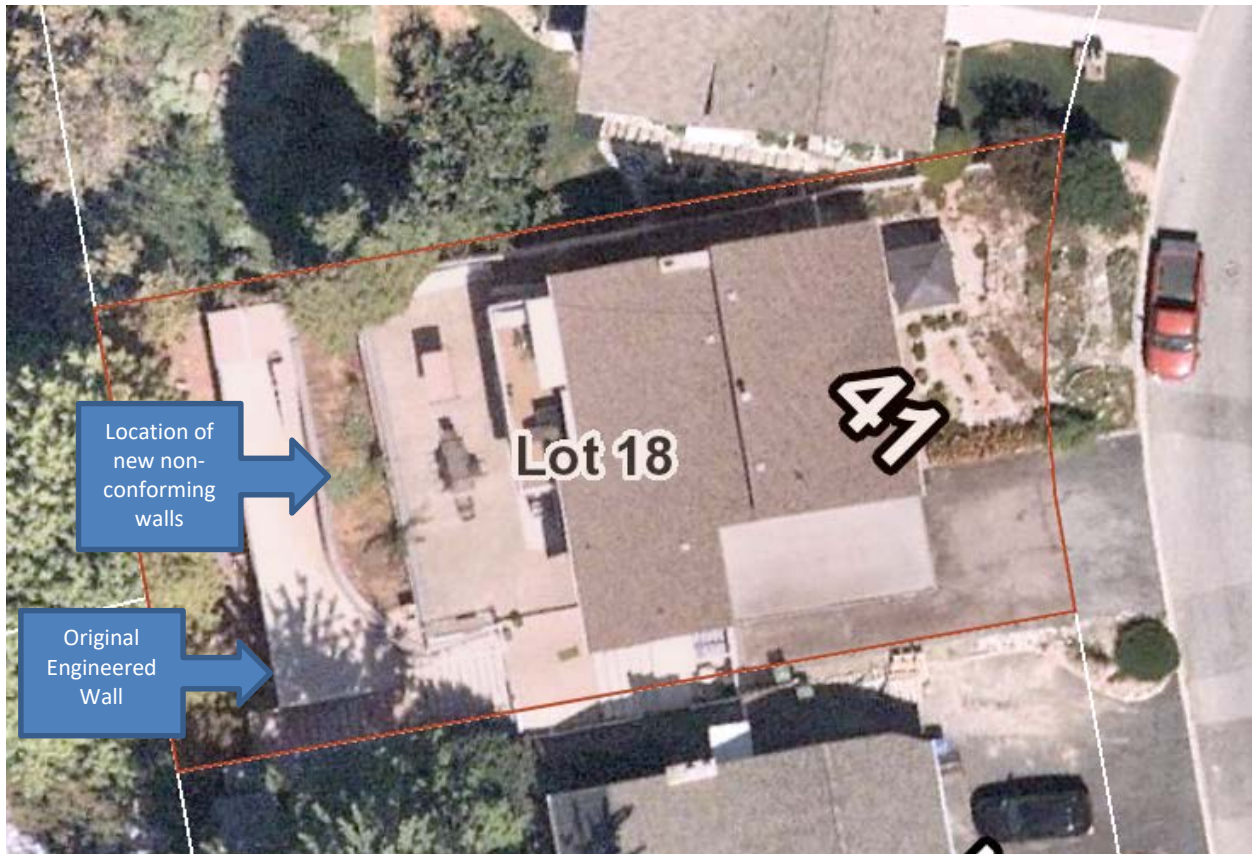
Concurrence

Director of Development Services <i>BL</i>	Acting Chief Administrative Officer KD
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Attachment A – Site Map



(2020)

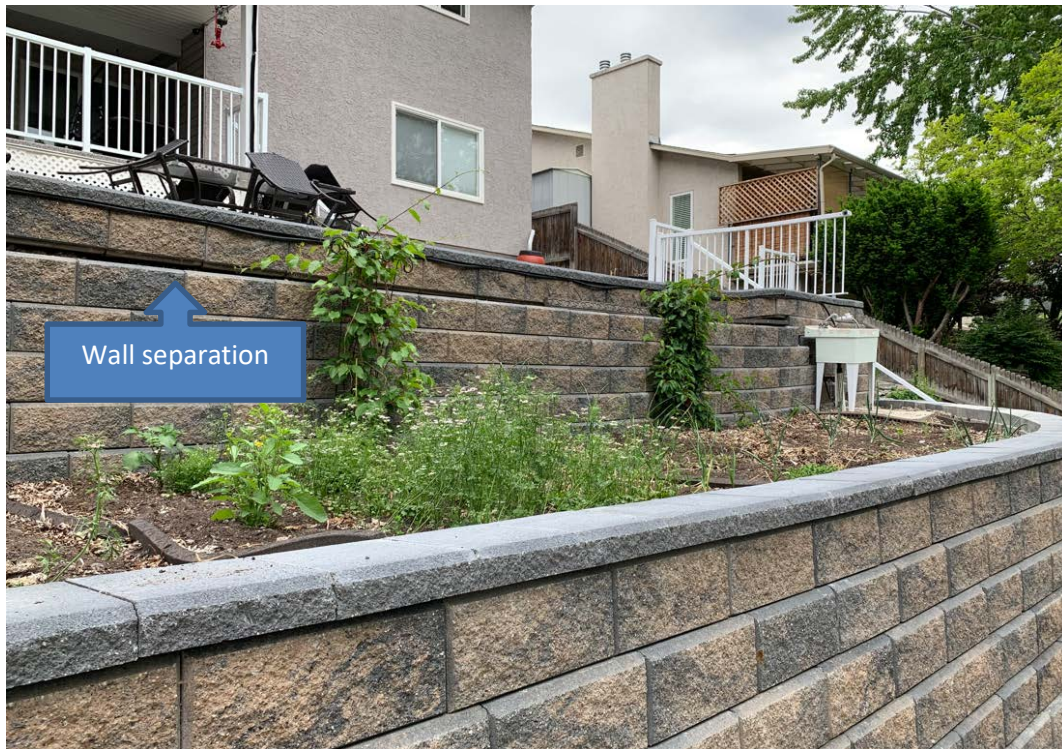


2023

Attachment B – Retaining Wall Photographs (2022)



Upper tier walls





Attachment C – Chronology of Events

Chronology of Events

41 Greenwood Drive

Date	Description
May 5, 2023	The owner advised of geotechnical engineer consultation.
May 1, 2023	Staff informed the owner to have the engineering review completed by the end of May 2023 or staff would seek a notice on title.
March 13, 2023	Staff informed the owner that the expired BP010164 would need to be addressed within 90 days.
March 7, 2023	Staff informed the owner to resolve the retaining walls by the end of April 2023 or staff would seek a notice on title
June 12, 2022	BP010164 expired without a final inspection having occurred or a completion certificate having been issued.
May 30, 2022	A notice was placed on the tax certificate for the property.
May 30, 2022	The last inspection on record occurred for BP010164.
January 14, 2022	Staff conducted an inspection for BP010164 and posted a Stop Work Order.
January 14, 2022	Staff informed the owner of the upper walls not being compliant with the Building Bylaw and that an engineer was required.
November 18, 2021	Staff received a Schedule C-B from the previous structural engineer for only the bottom wall.
November 17, 2021	Staff approved the owner's request for an extension and provided seven months to complete BP010164.
November 16, 2021	The structural engineer informed staff of no longer being involved in the project.
October 21, 2021	Staff sent a standard 22-month notification letter to the owners about the expiry of BP010164.
August 20, 2020	BP010164 expired without a final inspection having occurred or a completion certificate having been issued.
August 23, 2018	BP010164 was picked up and made active for the two new retaining walls.
July 25, 2018	The owners submitted a building permit application to remove two existing retaining walls and construct two new concrete retaining walls.

Council Report



Date: June 6, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 60 Roy Avenue

File No: RMS/60 Roy Ave

**Subject: Zoning Amendment Bylaw No. 2023-18
 Development Permit PL2023-9507**

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2023-18”, for Lot 8 District Lot 115 Similkameen Division Yale District Plan 9176, located at 60 Roy Avenue, a bylaw to amend the zoning for the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council forward “Zoning Amendment Bylaw No. 2023-18” to the June 20, 2023 Public Hearing;

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2023-18”, approve “Development Permit PL2023-9507”, a permit to approve the form and character of the proposed development of two side-by-side duplex buildings, totaling four dwelling units on the subject property.

Strategic Priority Objective

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

Proposal

The applicant is proposing to construct a multi-family residential development on the subject property. The development would consist of two side-by-side duplex buildings, totaling four dwelling units on the property. Each dwelling unit contains approximately 2,700 sq. ft. of living space, with three bedrooms and four bathrooms, a basement and attached garage. Each unit also includes a large storage area and approximately 500 sq. ft. of private outdoor, at grade, amenity space.

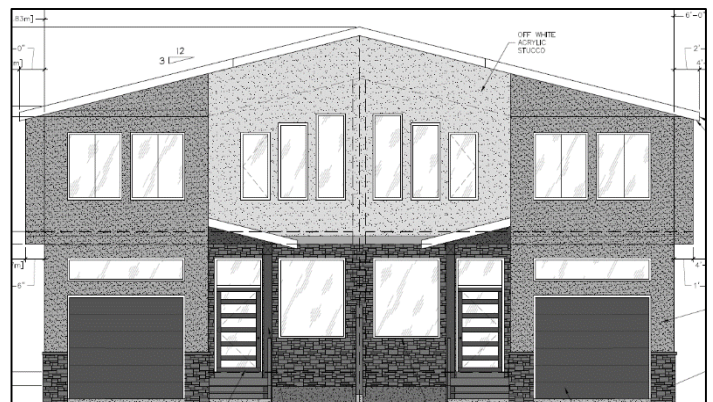


Figure 1 - Front Elevation of Proposed Development

In order to facilitate the proposed development, the applicant has applied for the following applications:

1. Zoning Amendment to rezone the property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), and
2. Development Permit for the form and character of the proposed development.

Both applications have been included for Council consideration.

Background

The subject property is located on the south side of Roy Avenue (Figure 2). The property is currently zoned R1 (Large Lot Residential) and is designated by the Official Community Plan as Ground Oriented Residential. The property is approximately 0.27 acres in size and located within an area of the City close to many amenities and services. These factors make this property desirable for redevelopment, and increased density from the current single family dwelling that exists on site.

The surrounding area includes a mixture of zoning, including directly adjacent C4 (General Commercial), P1 (Public Assembly), RM2 (Low Density Multiple Housing), RD2 (Duplex Housing: Lane) and R1 (Large Residential). There are many other zones in the nearby area, as this property is in a residential area near many commercial uses along Main Street, Duncan Avenue W and Atkinson Street.

Directly west of the subject property are three recent four-unit developments at 64, 68 and 76 Roy Avenue. These properties began redevelopment in 2017 and are now completed. The subject property is proposing to do a development similar to those (two side-by-side duplexes); however, the subject property at 60 Roy Avenue is larger in size, allowing larger units and more amenity space.

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
 - Class 1 and Class 2 bicycle parking spaces provided.
 - The Lake-to-Lake Cycling route runs along Atkinson Street one block to the west of the proposed development.
 - Transit nearby – bus exchange at Cherry Lane Mall
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.

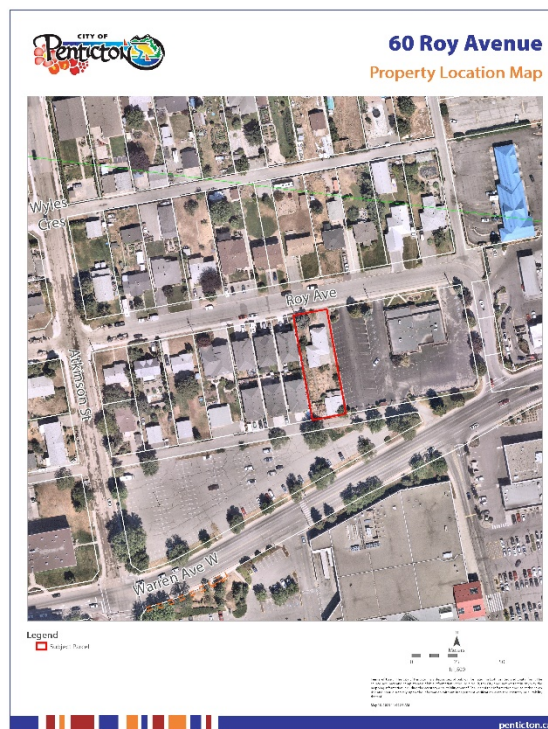


Figure 2 - Property Location Map

- The two proposed buildings will be required to meet Step Code 3 as a minimum standard of energy efficiency.
- EV charging stations provided inside each garage for the private use of the residents.

Technical Review

The application package has been reviewed by the Technical Planning Committee, a group of internal staff who review development applications. Comments related to the future building permit application were provided to the applicant in the case that the land use applications are successful. Some concerns were identified regarding site drainage with an original plan submission, however the applicant worked diligently with staff to amend the plans and resolve those concerns. The applicant will be required to maintain all storm water drainage on site.

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	18.88 m
Minimum Lot Area*:	540 m ²	1,112 m ²
Maximum Lot Coverage:	40%	39.9%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.69 Floor Area Ratio (FAR)
Vehicle Parking:	Total Required: 1.25 spaces per unit <ul style="list-style-type: none"> • 4 resident spaces • 1 visitor space Total 5 spaces required	Total provided: 2.5 spaces per unit <ul style="list-style-type: none"> • 8 resident spaces <i>(each unit has 1 space inside garage, 1 space outside)</i> • 2 visitor spaces Total 10 spaces provided
Bicycle Parking	Class 1 Required = 0.5 spaces per unit, Total 2 spaces Class 2 Required = 0.1 spaces per unit, Total 1 space	Class 1 Provided = 4 spaces (provided within the garage of each unit) Class 2 Provided = 1 space
Required Setbacks		
Front Yard (Roy Avenue):	3.0 m	6.0 m
Side Yard (east):	1.5 m <i>(when less than 8.0m in height and not exceeding 2 storeys)</i>	1.83 m
Side Yard (west):	1.5 m <i>(when less than 8.0m in height and not exceeding 2 storeys)</i>	1.83 m
Rear Yard (lane):	6.0 m	7.32 m
Amenity Space	20m ² per dwelling unit 25% must be provided at grade	46.5m ² provided per dwelling unit 100% provided at grade

Landscaping Buffer	Required along north and west property lines	Provided along north and west property lines
Maximum Building Height	12 m	7.98 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, or bareland stratas (Figure 3). Duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct two side-by-side duplexes (total 4 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.

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

Figure 3 - OCP Land Use Designation

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 4.1.3.6	Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.
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 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed rezoning to RM2 to allow two side-by-side duplexes (total 4 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 reading to "Zoning Amendment Bylaw No. 2023-XX", and forward the bylaw to the June 20, 2023 Public Hearing to gather comments and feedback from the public

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. The development proposes a density that is aligned with the 'Ground Oriented Residential' designation and provides a design that meets all Zoning Bylaw regulations for setbacks, parking and is well within the allowable building height.

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 a Development Permit analysis in addition to their letter of intent (Attachments 'E' and 'F'), which outline 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. Staff do not recommend this option.

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2023-18".

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 (applicant)
- Attachment F – Development Permit Analysis (applicant)
- Attachment G – Draft Development Permit PL2023-9507
- Attachment H – Zoning Amendment Bylaw No. 2023-18

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

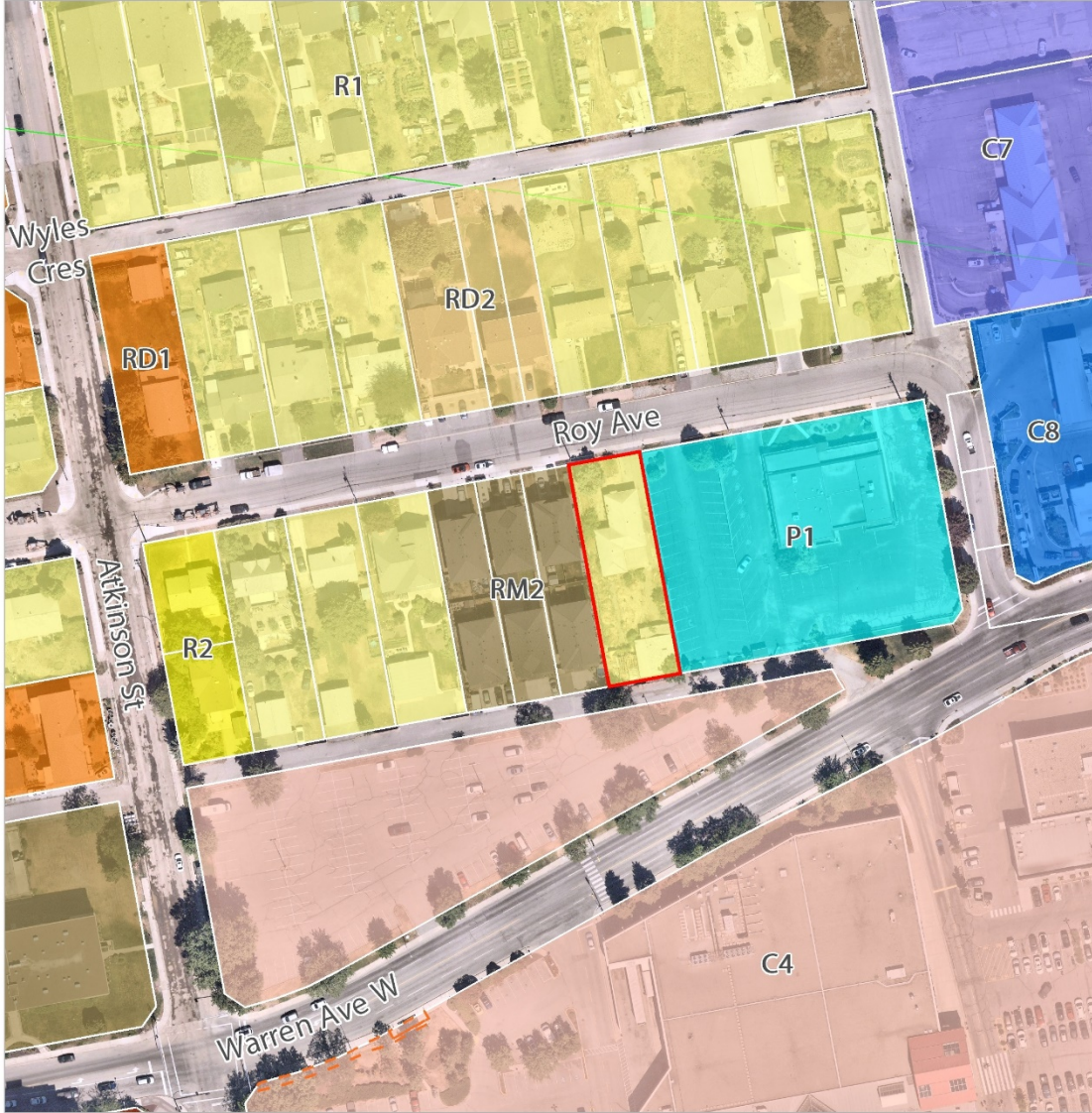
Director of Development Services <i>BL</i>	General Manager of Infrastructure <i>KD</i>	Acting Chief Administrative Officer <i>KD</i>
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Attachment A – Zoning Map



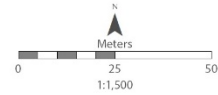
60 Roy Avenue

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM4 - High Density Multiple Housing
- C4 - General Commercial
- C7 - Service Commercial
- C8 - Vehicle Service Station
- P1 - Public Assembly



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May 18, 2023 11:19:54 AM

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Attachment B – Official Community Plan Map



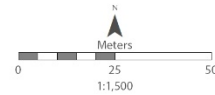
60 Roy Avenue

Official Community Plan Map



Legend

- Subject Parcel
- Detached Residential
- Ground Oriented Residential
- Commercial
- Urban Residential
- Urban High Density Residential



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 including 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.

May 10, 2023 11:19:10 AM

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Attachment C – Photos of Property



Looking south at subject property from Roy Avenue



Looking northwest towards subject property from laneway

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 G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- There are walkways provided to each of the front units from the Roy Avenue sidewalk.
 - There is also a walkway along the east property line to access the rear units from the street.
- 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 front duplex units face towards the street, and are ground oriented with front doors to the street.
 - The rear duplex units face towards the laneway and are ground oriented with front doors to the laneway.
- Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces*
- The development has been designed with the neighbouring properties in mind, and considering overlook. The proposed zone allows heights higher than what is proposed, however the applicants have considered the neighbouring properties and context in the design, and are able to utilize a basement level to keep the overall height minimized.
 - There are no second floor balconies. All amenity space is provided at grade, which helps to reduce overlook to the amenity space of neighbouring properties.
- 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 west property line.
 - There will be several trees planted throughout the property, including at the front along the boulevard.

Guideline G58 *Garbage and recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and do not conflict with pedestrian traffic.*

- The proposed design includes designated 'rooms' accessed from the outside at the rear of each unit to store the garbage and recycling bins. These are enclosed and out of view from the public realm.

January 26, 2023

LETTER OF INTENT

To: Mr. Mayor, city council members, and staff of the city of Penticton

Re: 60 Roy Avenue

We would like to rezone this property from R1 zoning, which consists of an old home that is an eyesore to the neighbourhood and it's surrounding neighbours, to a proposed zoning of RM2. To construct a multi-family development of two buildings with two units per building (for a total of four units), as per the drawings submitted to the city.

We believe that this new development will enhance the neighbouring properties and neighbourhood by providing a similar development to 64, 68, and 76 Roy Avenue, which already consist of four units per property and are already zoned RM2.

We believe the proposed development would be a positive contribution to the city and community, by providing four more family orientated and affordable units to this beautiful and growing city.

Thank you for your time and attention in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Karanjit Bhangoo', written in a cursive style.

1054977 B.C. LTD.
KARANJIT BHANGOO
President

Development Permit Analysis

Project Address - 60 Roy Avenue

Property details

LOT 8, PLAN 9176

FOLIO: 02071-000

PID: 009-797-483

Current Zoning: R1

Proposed Zoning: RM2

Current Usage: Single Family Dwelling

Proposed Development: Two side-by-side duplexes. One facing Roy Avenue to the North and the other facing South toward the lane.

Design and Planning with reference to 5.2.2 General Guidelines:

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 review of the site and neighborhood was performed by the developer. It was found that the existing neighborhood is a mixture of older single-family homes and duplexes of various styles and finishes. Next door to the East is a church with a large parking lot directly adjacent to the subject property. On the west side is a newer multi-family development. This development spans 64, 68 and 76 Roy Ave and consists of 2-two story buildings on each lot, each facing Roy Ave to the North and the lane to the South. These buildings have a fairly steep roof and stand tall enough to tie in with the large 2-story single family home directly to the West of that. Given the distance to the church lower profile flat roof building on East it was decided to go to a lower slope roof and keep the over all building profile lower to better blend with the overall streetscape. This decision was supported by the ability to apply for RM2 Zoning which allows a wider more low-profile building.

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.

The majority of main floor level is raised approximately 1 metre above grade to allow for windows which provide natural light into the basement without the use of window wells. However, the foyer and formal living room at the front of the dwelling units is dropped 0.3m thus requiring only three risers from finished grade to the front entry porch. This will provide a pleasing visual look from the street as well and all for easy access to the main entry of the dwelling.

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 design of the front elevation incorporates a stepped back section in the center with a cantilevered portion on the upper level within the stepped back portion. There is also a mono slope roof over the projecting portions on the flanks and an opposite sloping mono slope roof at the lower level over the entry which extends back to the stepped back wall face. These elements are presented in contrasting shades and combine to provide cover from the elements over the entries and break up the overall mass of the building both structurally and visually.

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

The property to the East is currently occupied by a church. There is an existing fence of the East side of the property line. There is a parking area between the church building and the property line extending approximately 29 meters from the fence to the building. The design incorporates a front to back walkway along the east side of the development with amenity areas well back from the property line to minimize any impact on, and from, the church parking lot.

The property to the West is occupied by a multi-family development. There is an existing privacy fence on the West side of the property line. The design incorporates a landscape buffer along the west side with amenity areas well back from the property line.

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 design incorporates a large amenity area for each unit centralized in a courtyard style with privacy fences delineating each space. Each unit has main floor family room windows facing into this area as well as a window in the kitchen and a door directly off the kitchen to the amenity area. On the front, facing out to the street and lane respectively each unit has a common area and master bedroom windows with a view on the upper level and a large living room window and front entry below.

Design and Planning with reference to 5.3.2.7 Multifamily Residential Guidelines:

MF2. In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from groundoriented ground floor units.

Design provides for a courtyard style central amenity area with good neighbor style fencing delineating each individual semi-private space. Amenity spaces are viewable from the ground level family room and accessible from the kitchen. Provisions can be provided for individual and/or common recreation opportunities depending on occupant preferences.

MF5. Electric vehicle charging stations should be provided in larger developments

EV charging outlets will be pre-wired into each garage.

Development Permit

Permit Number: DP PL2023-9507

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 115 Similkameen Division Yale District Plan 9176
 - Civic: 60 Roy Avenue
 - PID: 009-797-483
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two side-by-side duplexes, totalling 4 dwelling units, as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

General Conditions

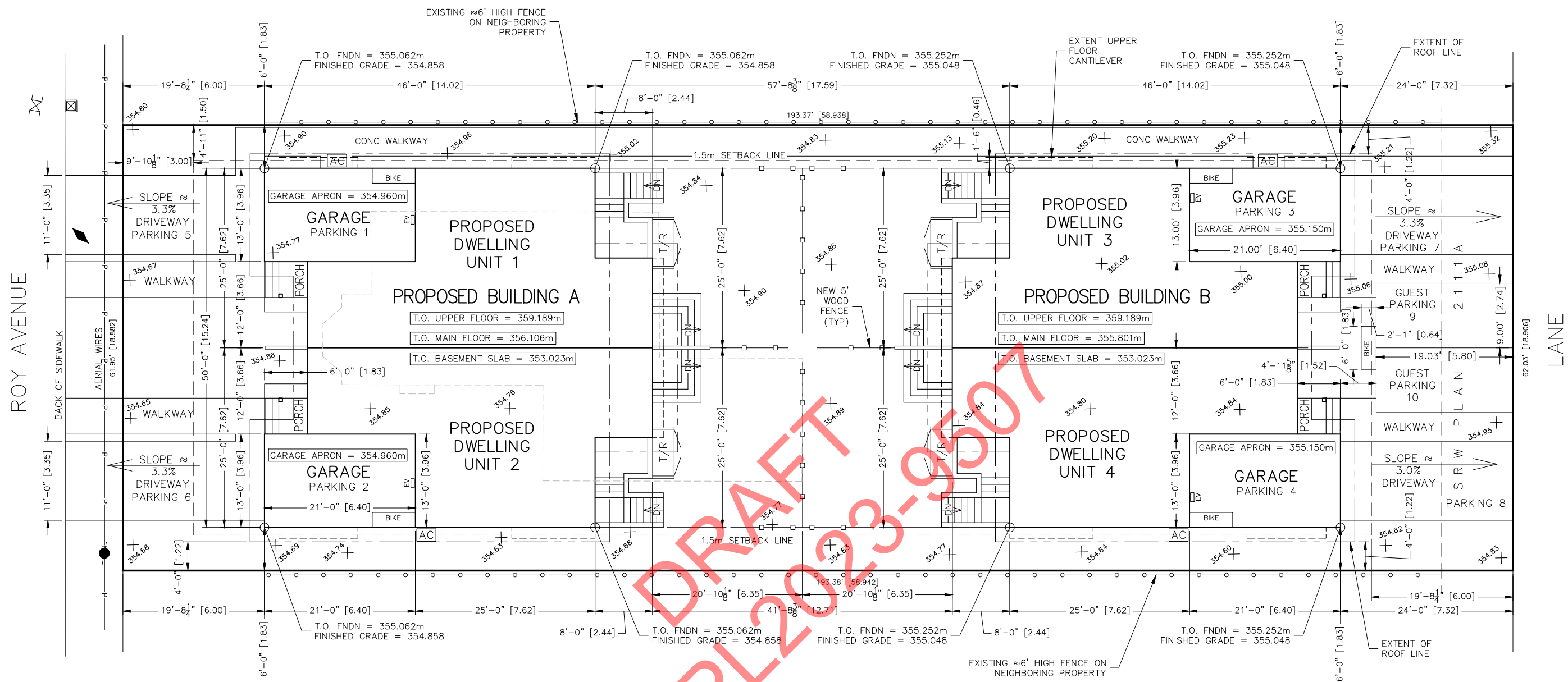
7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not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

Authorized by City Council, the _____ day of _____, 2023.

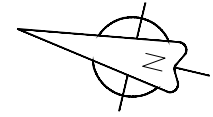
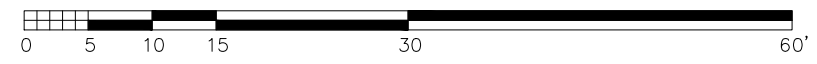
Issued this _____ day of _____, 2023.

Angela Collison
Corporate Officer

DRAFT
DP PL 2023-9551



CIVIC ADDRESS: 60 ROY AVE, PENTICTON BC	
LOT 8, PLAN 9176 FOLIO: 02071-000 PID: 009-797-483	CURRENT ZONING: R1 PROPOSED ZONING: RM2
LOT COVERAGE: PARCEL AREA = 11,990 SQ. FT. [1139.9m ²]	
ALLOWABLE FOOTPRINT = 40% = 4796 SQ. FT. [445.6m ²]	PROPOSED FOOTPRINT = 39.97% = 4792 SQ. FT. [445.2m ²]
FAR: PARCEL AREA = 11,990 SQ. FT. [1139.9m ²]	
ALLOWABLE FAR = 0.8 = 9592 SQ. FT. [891.2m ²]	PROPOSED FAR = 0.69 = 8240 SQ. FT. [765.5m ²]
AMENITY AREA	
REQUIRED PER UNIT = 215.3 SQ. FT. [20m ²] (5m ² AT GRADE)	PROPOSED PER UNIT = 455 SQ. FT. [42.3m ²] (100% AT GRADE)
BUILDING HEIGHT	
MAXIMUM ALLOWED = 26.24' [8.0m]	PROPOSED 26.19' [7.98m]
ON SITE PARKING	
SPACES REQUIRED = 6	SPACES PROVIDED = 10
SETBACKS - REQUIRED	
FRONT (NORTH) = 9.84' [3.0m]	FRONT (NORTH) = 19.68' [6.0m]
REAR (SOUTH) = 19.68' [6.0m]	REAR (SOUTH) = 24.00' [7.32]
SIDES (E&W) = 4.92' [1.5m]	SIDES (E&W) = 6.00' [1.83m]



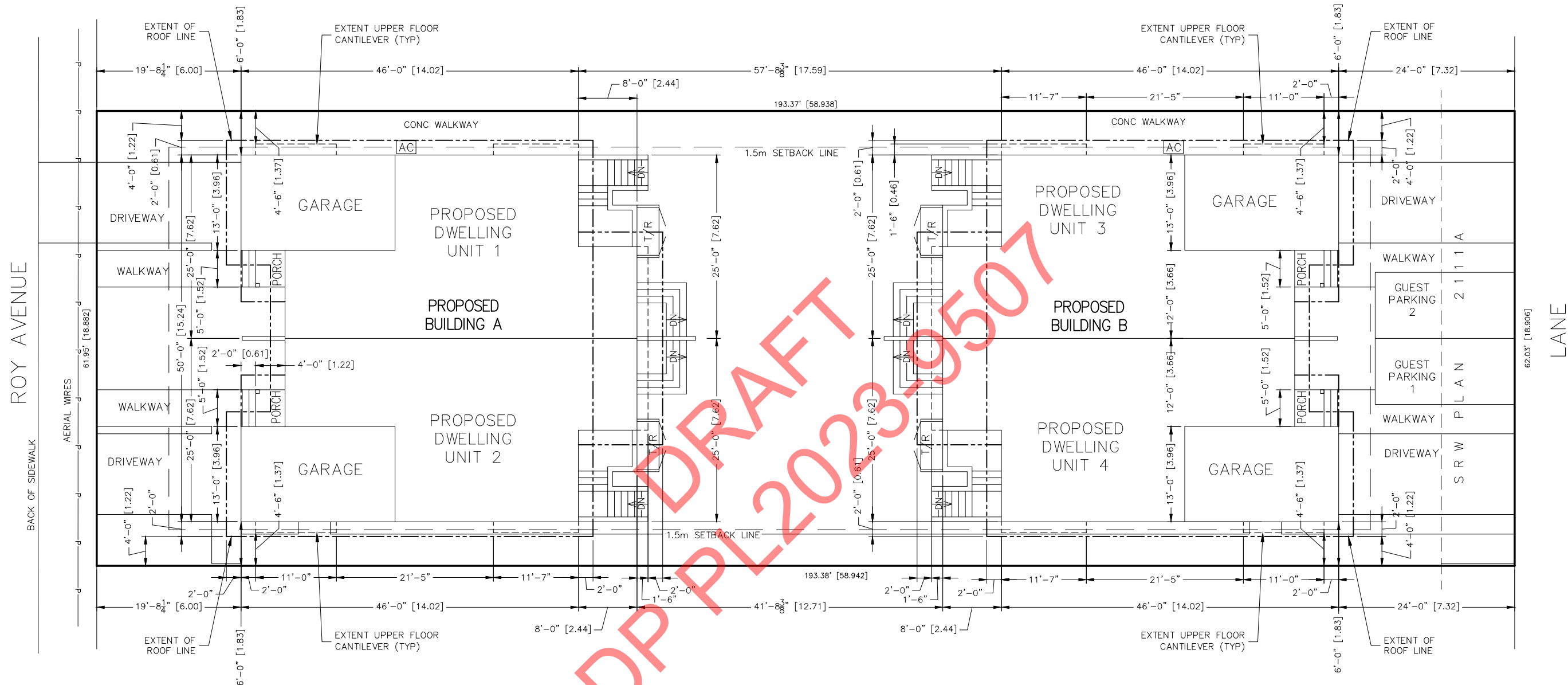
NOTE:
 - GRADE ELEVATIONS PROVIDED BY CONTRACTOR, NO ON-SITE VERIFICATION DONE BY AZTECH DRAFTING.
 - ALL PERIMETER FNDN AND ROOF DRAINS TO BE CONTROLLED ON-SITE WITH APRV'D DRYWELL OR ROCK PIT.
 - CONTROL ALL RUN-OFF AND SURFACE DRAINAGE ON-SITE WITH APRV'D ABSORBENT LANDSCAPING MATERIAL.

ISSUED FOR DEVELOPMENT PERMIT

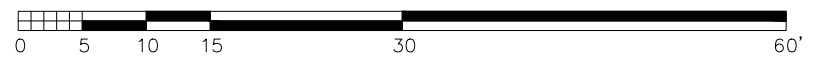
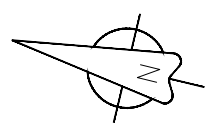
NOTE: REV 3 AFFECTS SHEET 1, 2 & 3 ONLY

PROPOSED SITE PLAN MULTI-FAMILY DEVELOPMENT	
60 ROY AVENUE PENTICTON BC	
DRAWN BY: MBW	DATE: MAY 16/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET Page 1 of 13

AZTECH DRAFTING SERVICES
 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com



DRAFT



ISSUED FOR DEVELOPMENT PERMIT

NOTE: REV 3 AFFECTS SHEET 1, 2 & 3 ONLY

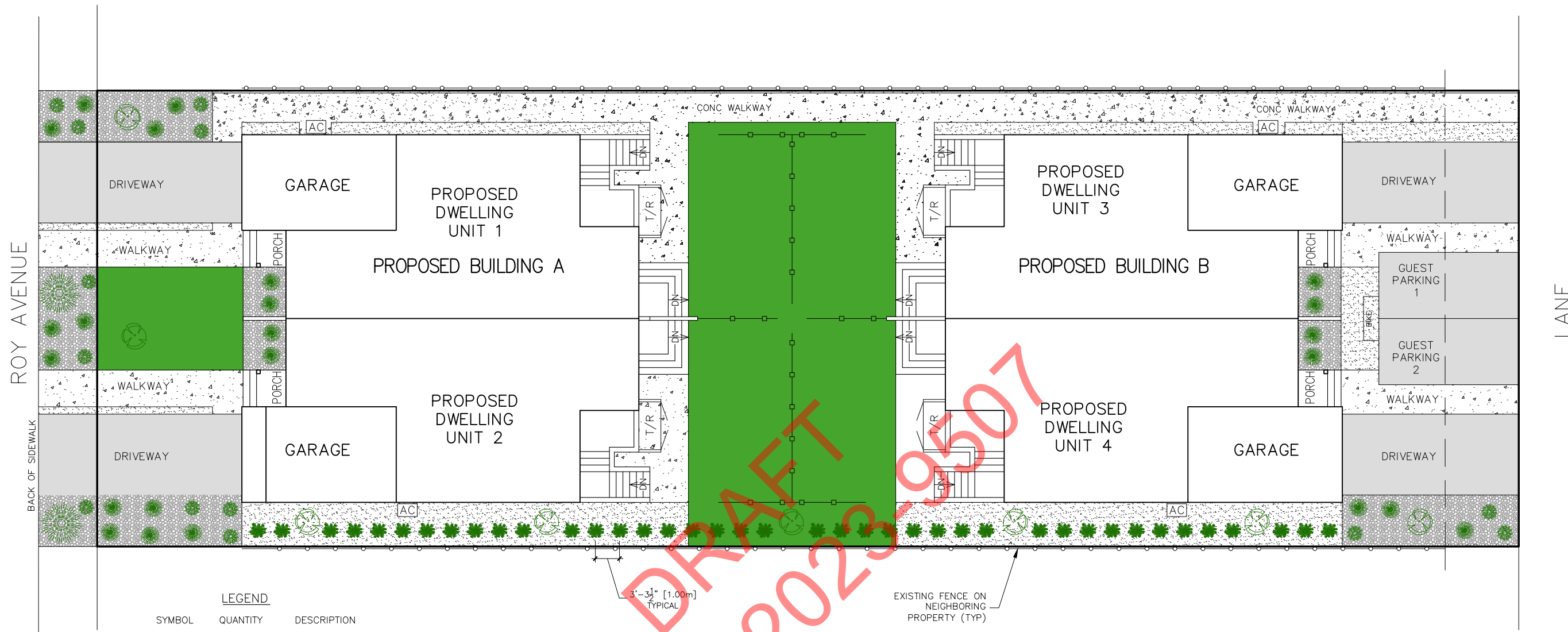
**SITE PLAN HIGHLIGHTING ROOF
MULTI-FAMILY DEVELOPMENT**

60 ROY AVENUE
PENTICTON BC

DRAWN BY: MBW	DATE: MAY 16/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET Page 2 of 13 13

AZTECH DRAFTING SERVICES

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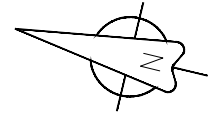
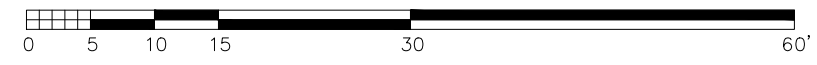


LEGEND

SYMBOL	QUANTITY	DESCRIPTION
	13	Bunch Grass
	23	Low Lying Grass
	8	Deciduous Tree as per Zoning Bylaw (to be selected from aprv'd list)
	2	Boulevard Tree as per Zoning Bylaw (to comply with Spec S-R18a)
	40	Min #2 Pot Shrub (from approved planting list)
		New 5' High Wood Privacy Fence
		Existing Fence on Neighboring Property
		Landscape Rock
		Concrete
		Asphalt
		Compacted Crusher Fines
		Grass

NOTE: INSTALL AUTOMATED UNDERGROUND IRRIGATION SYSTEM TO EXTEND INTO BOULEVARD LANDSCAPING AS REQUIRED.

NOTE: ALL CONC SIDEWALKS TO BE MIN 1.2m WIDE.



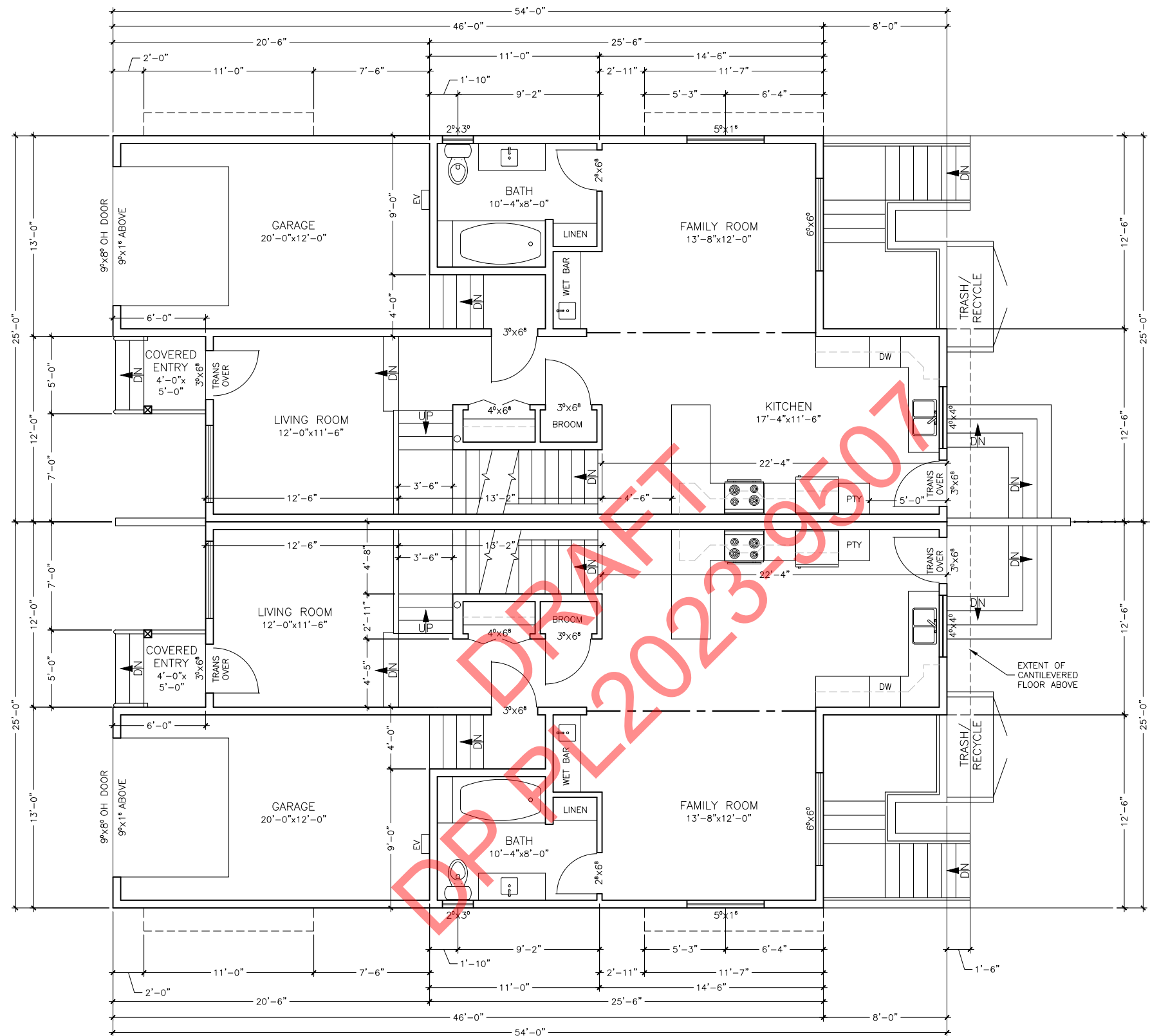
ISSUED FOR DEVELOPMENT PERMIT

NOTE: REV 3 AFFECTS SHEET 1, 2 & 3 ONLY

PROPOSED LANDSCAPE PLAN	
MULTI-FAMILY DEVELOPMENT	
60 ROY AVENUE PENTICTON BC	
DRAWN BY: MBW	DATE: MAY 16/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET Page 3 of 13 13

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DRAFT 2023-9507

ISSUED FOR DEVELOPMENT PERMIT



MAIN FLOOR PLAN
 893 SQ FT CONDITIONED SPACE PER UNIT
 1786 SQ FT CONDITIONED SPACE PER BUILDING
 TOTAL FOOTPRINT 2396 SQ FT PER BUILDING

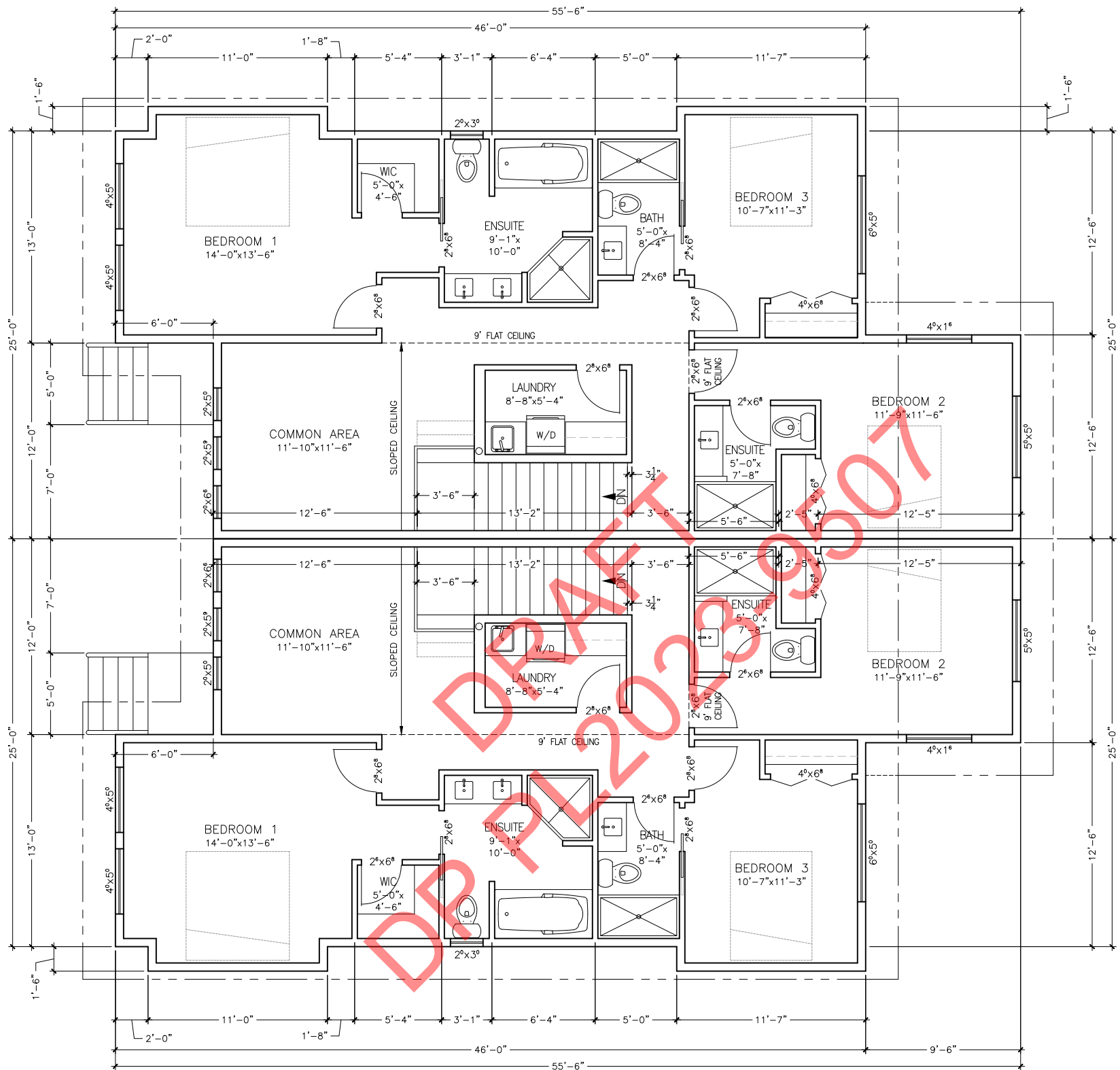
T.O. MAIN FLOOR = 355.916m

TOTAL CONDITIONED SPACE PER BUILDING
 4120 SQ FT - INCLUDING MAIN & UPPER FLOORS

PROPOSED MAIN FLOOR PLAN
BUILDING A
 60 ROY AVENUE
 PENTICTON BC

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 4 of 13 13

AZTECH DRAFTING SERVICES
 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com



UPPER FLOOR PLAN
 1167 SQ FT CONDITIONED SPACE PER UNIT
 2334 SQ FT CONDITIONED SPACE PER BUILDING
 T.O. UPPER FLOOR = 358.999m

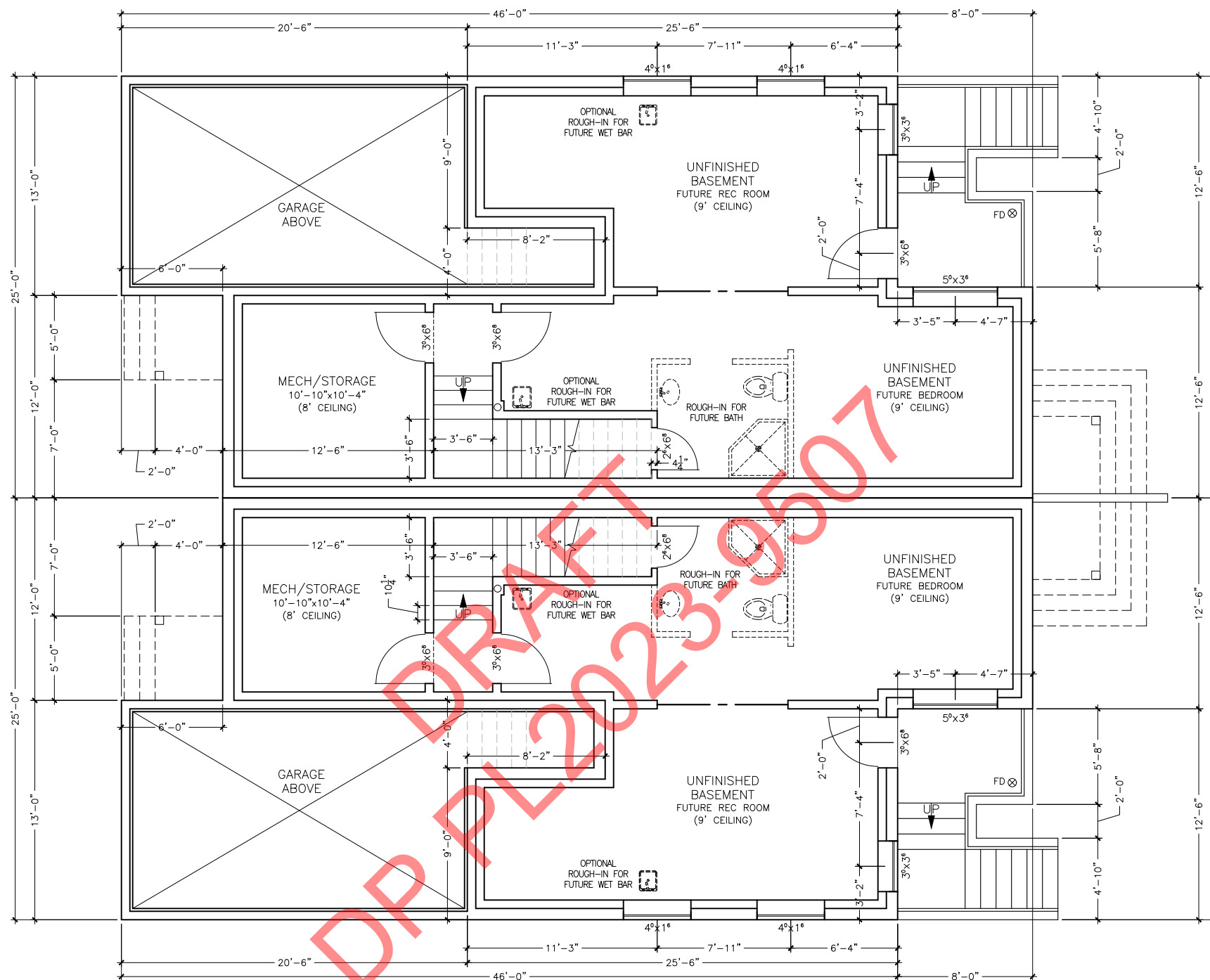
TOTAL CONDITIONED SPACE PER BUILDING
 4120 SQ FT - INCLUDING MAIN & UPPER FLOORS

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED UPPER FLOOR PLAN
 BUILDING A
 60 ROY AVENUE
 PENTICTON BC

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 5 of 13 13

AZTECH DRAFTING SERVICES
 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com



BASEMENT FLOOR PLAN
651 SQ FT ENCLOSED SPACE PER UNIT

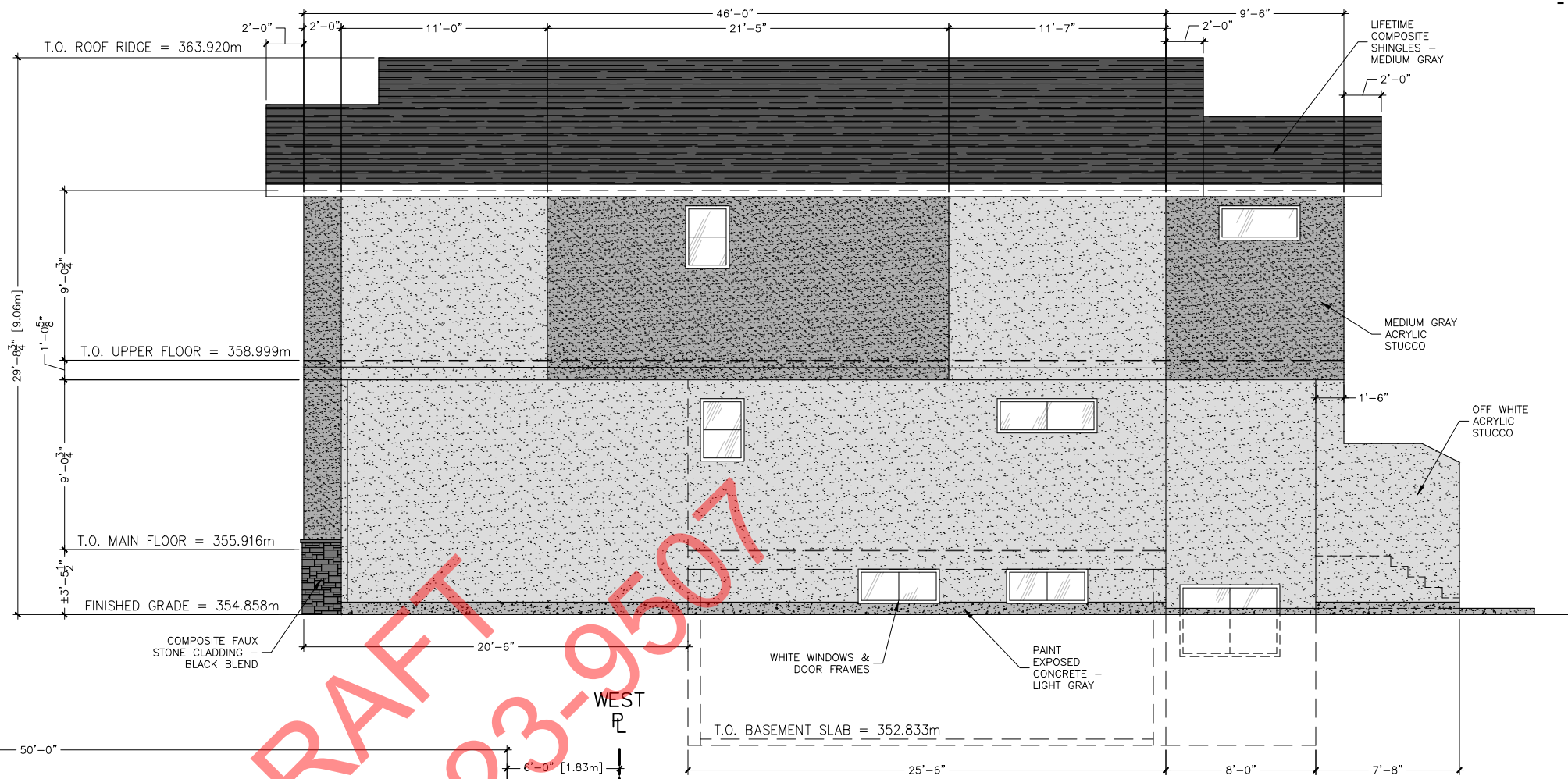
T.O. BASEMENT SLAB = 352.833m

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED BASEMENT PLAN
BUILDING A
60 ROY AVENUE
PENTICTON BC

AZTECH DRAFTING SERVICES
1288 Lyon Street, Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 6 of 13 13



NOTE:
 - GRAY AND OFF-WHITE SHADES SHOWN ARE INTENDED TO REFLECT FINISHED SIDING COLORS. ACTUAL COLORS WILL DIFFER DEPENDING ON SUPPLIER AND AVAILABILITY.



WEST ELEVATION

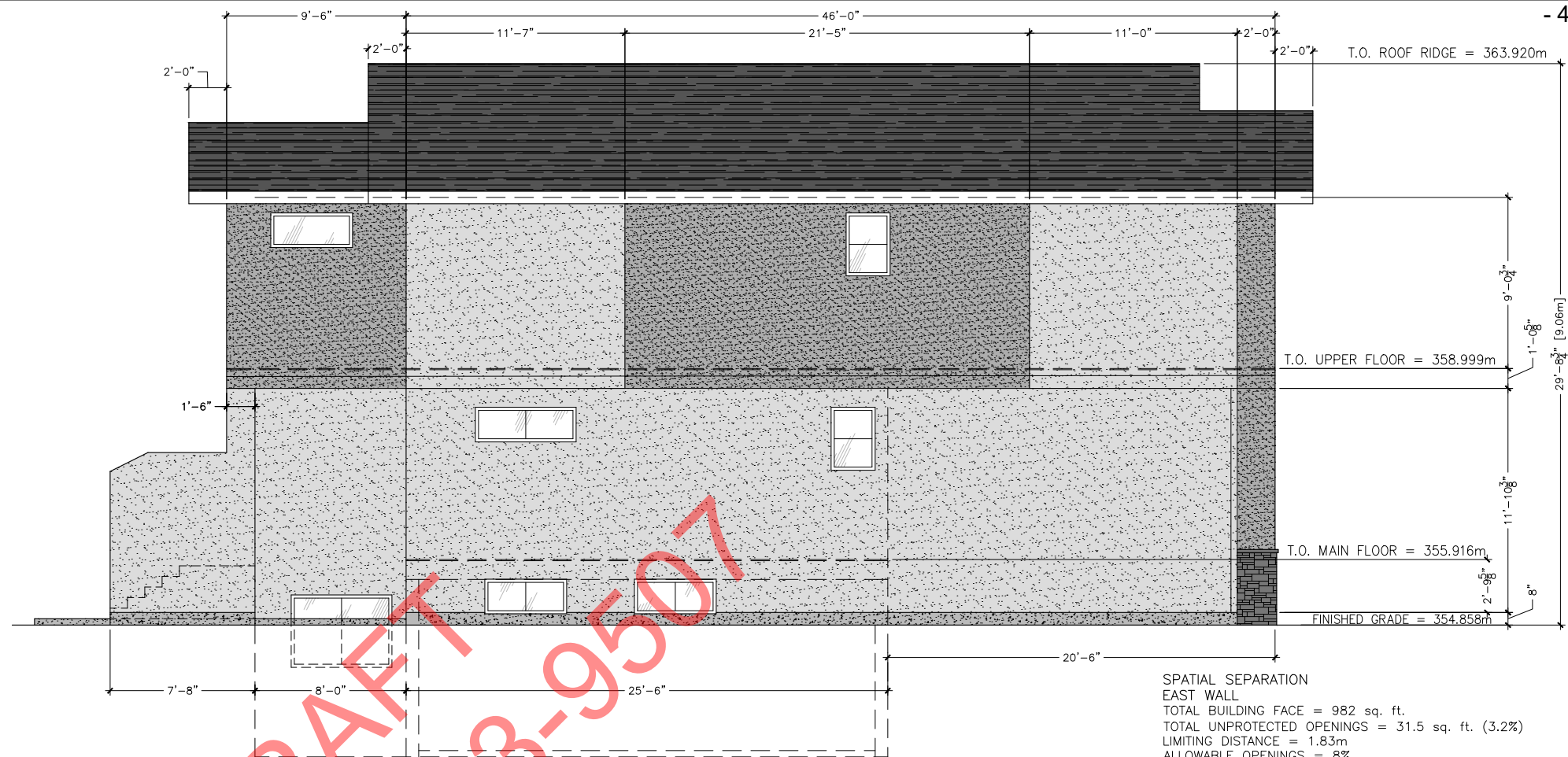
SPATIAL SEPARATION
 WEST WALL
 TOTAL BUILDING FACE = 982 sq. ft.
 TOTAL UNPROTECTED OPENINGS = 31.5 sq. ft. (3.2%)
 LIMITING DISTANCE = 1.83m
 ALLOWABLE OPENINGS = 8%

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED N&W ELEVATIONS
BUILDING A
 60 ROY AVENUE
 PENTICTON BC

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 Phone: 250-492-3344 e-mail: service@aztechdrafting.com

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 7 of 13 13



EAST ELEVATION

SPATIAL SEPARATION
 EAST WALL
 TOTAL BUILDING FACE = 982 sq. ft.
 TOTAL UNPROTECTED OPENINGS = 31.5 sq. ft. (3.2%)
 LIMITING DISTANCE = 1.83m
 ALLOWABLE OPENINGS = 8%



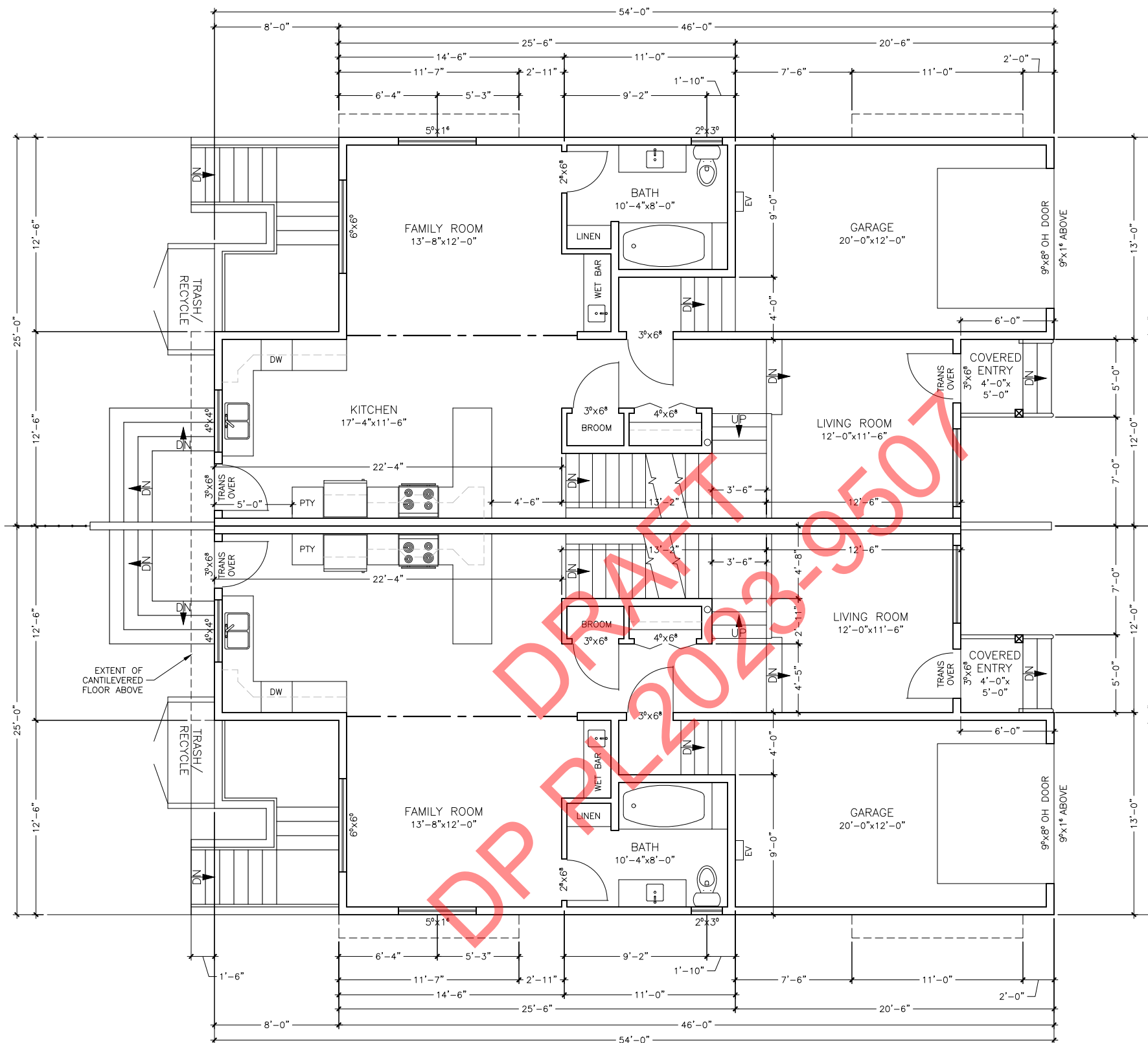
SOUTH ELEVATION

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED S&E ELEVATIONS
BUILDING A
 60 ROY AVENUE
 PENTICTON BC

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 8 of 13 13

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EXTENT OF CANTILEVERED FLOOR ABOVE



MAIN FLOOR PLAN
 893 SQ FT CONDITIONED SPACE PER UNIT
 1786 SQ FT CONDITIONED SPACE PER BUILDING
 TOTAL FOOTPRINT 2396 SQ FT PER BUILDING

T.O. MAIN FLOOR = 356.106m

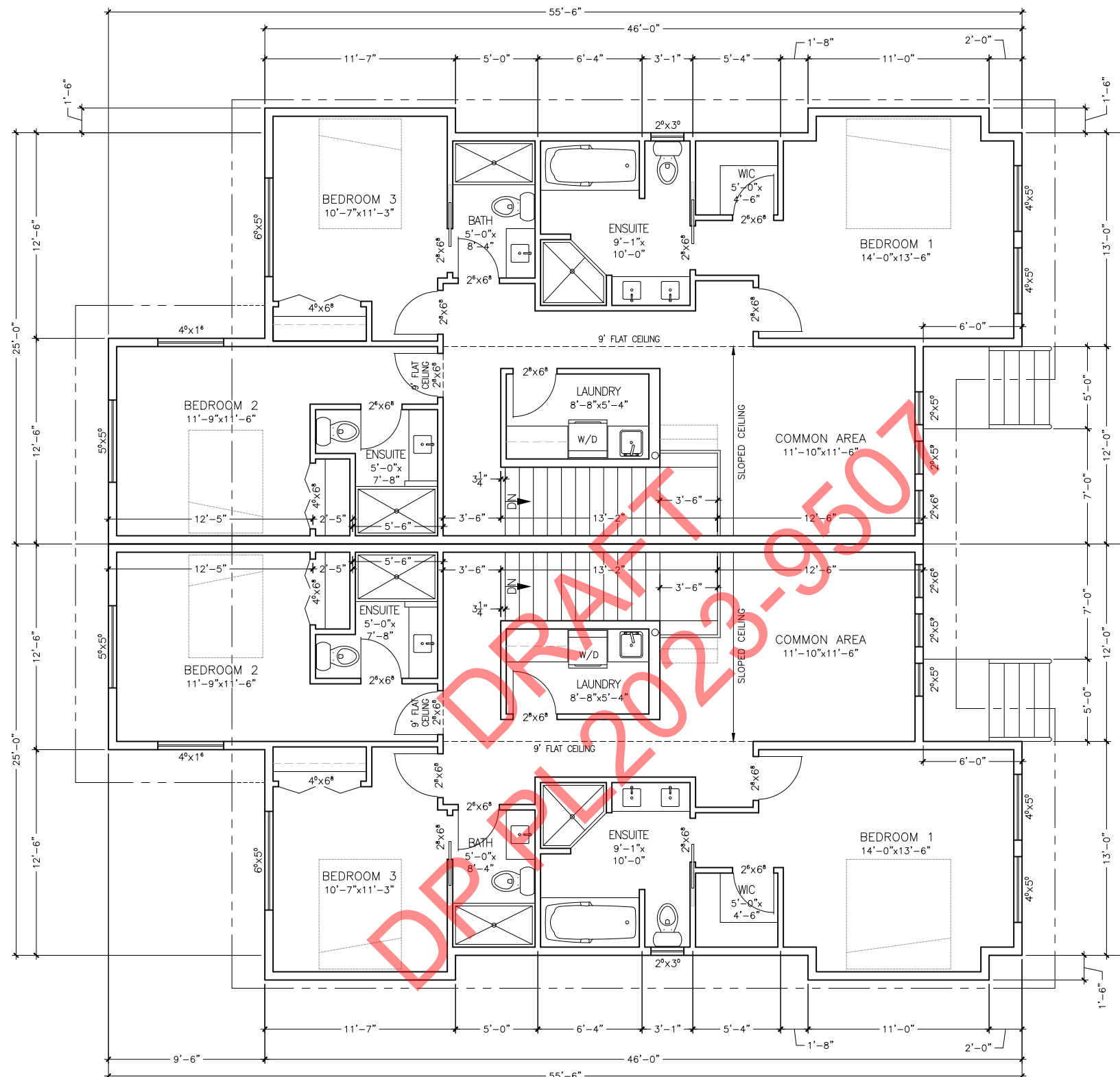
TOTAL CONDITIONED SPACE PER BUILDING
 4120 SQ FT - INCLUDING MAIN & UPPER FLOORS

ISSUED FOR DEVELOPMENT PERMIT

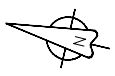
PROPOSED MAIN FLOOR PLAN
BUILDING B
 60 ROY AVENUE
 PENTICTON BC

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	SHEET Page 9 of 13 13

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 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com



ISSUED FOR DEVELOPMENT PERMIT



UPPER FLOOR PLAN
 1167 SQ FT CONDITIONED SPACE PER UNIT
 2334 SQ FT CONDITIONED SPACE PER BUILDING

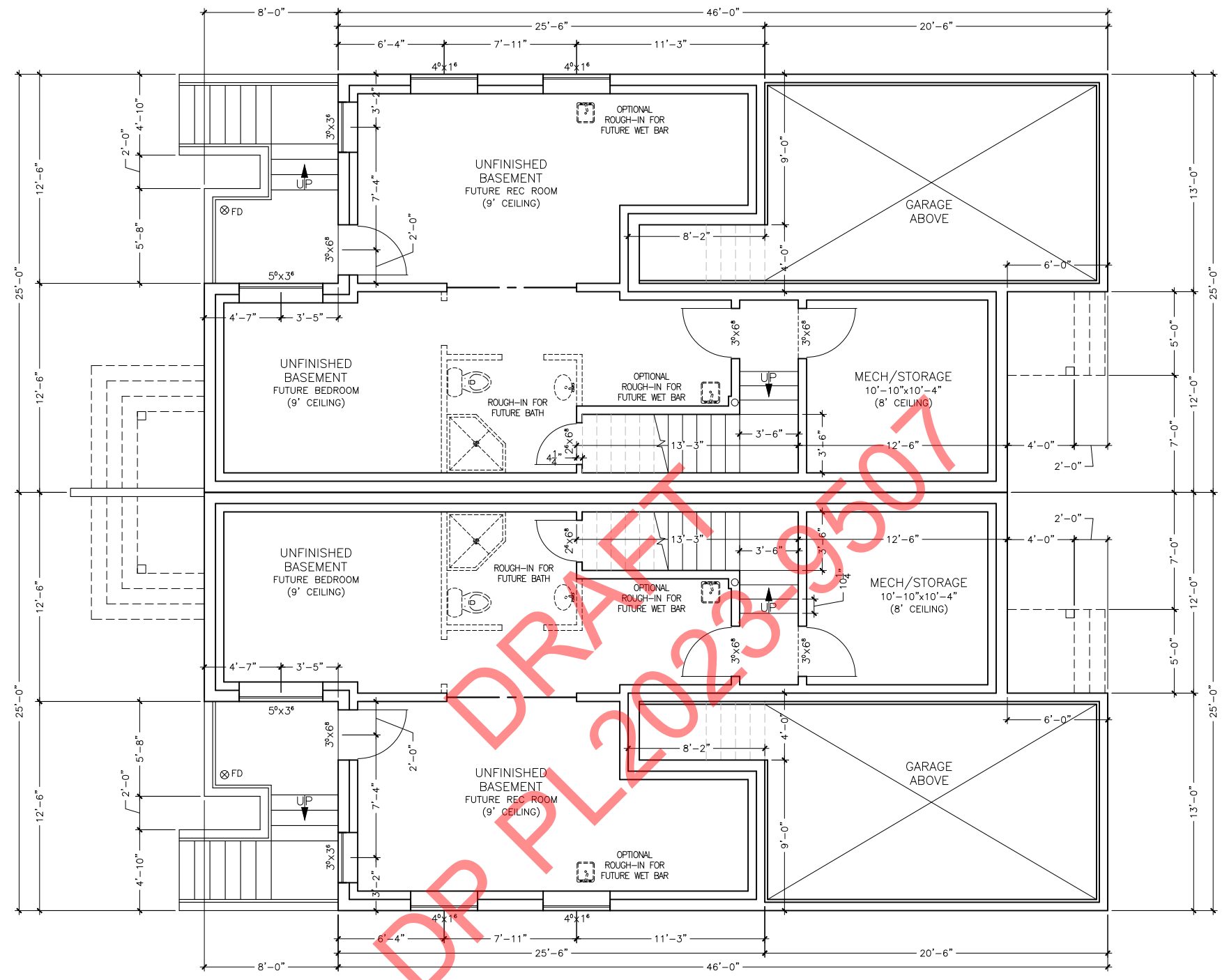
T.O. UPPER FLOOR = 359.189m

TOTAL CONDITIONED SPACE PER BUILDING
 4120 SQ FT - INCLUDING MAIN & UPPER FLOORS

PROPOSED UPPER FLOOR PLAN
BUILDING B
 60 ROY AVENUE
 PENTICTON BC

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	Page 10 of 13

AZTECH DRAFTING SERVICES
 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com



BASEMENT FLOOR PLAN
651 SQ FT ENCLOSED SPACE PER UNIT

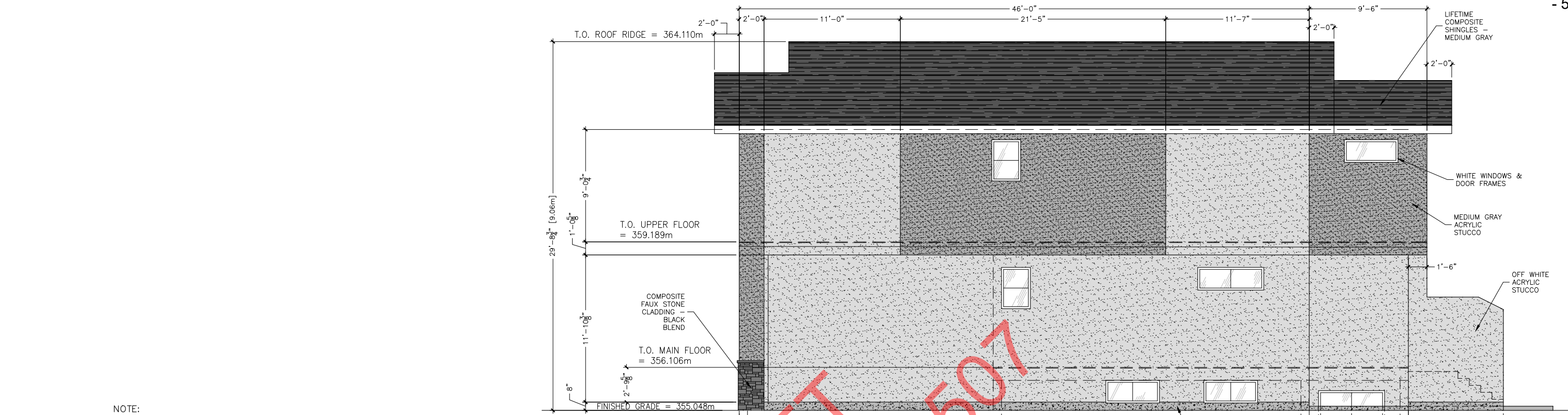
T.O. BASEMENT SLAB = 353.023m

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED BASEMENT PLAN
BUILDING B
60 ROY AVENUE
PENTICTON BC

AZTECH DRAFTING SERVICES
1288 Lyon Street, Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

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DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	Page: 11 of 13



NOTE:
 - GRAY AND OFF-WHITE SHADES SHOWN ARE INTENDED TO REFLECT FINISHED SIDING COLORS. ACTUAL COLORS WILL DIFFER DEPENDING ON SUPPLIER AND AVAILABILITY.



EAST ELEVATION

SPATIAL SEPARATION EAST WALL
 TOTAL BUILDING FACE = 982 sq. ft.
 TOTAL UNPROTECTED OPENINGS = 31.5 sq. ft. (3.2%)
 LIMITING DISTANCE = 1.83m
 ALLOWABLE OPENINGS = 8%

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED N&E ELEVATIONS
 BUILDING B
 60 ROY AVENUE
 PENTICTON BC

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 1288 Lyon Street, Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com

DRAWN BY: MBW	DATE: MAY 1/23
DESIGN BY:	PROJECT No.: 222123
CHK'D BY:	FILE No.:
SCALE: 1/8"=1'	Page 12 of 13

The Corporation of the City of Penticton

Bylaw No. 2023-18

A Bylaw to Amend Zoning Bylaw 2023-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2023-18".

2. **Amendment:**

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

Rezone Lot 8 District Lot 115 Similkameen Division Yale District Plan 9176, located at 60 Roy Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	day of	, 2023
A PUBLIC HEARING was held this	day of	, 2023
READ A SECOND time this	day of	, 2023
READ A THIRD time this	day of	, 2023
ADOPTED this	day of	, 2023

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2023 and the ___ day of ____, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

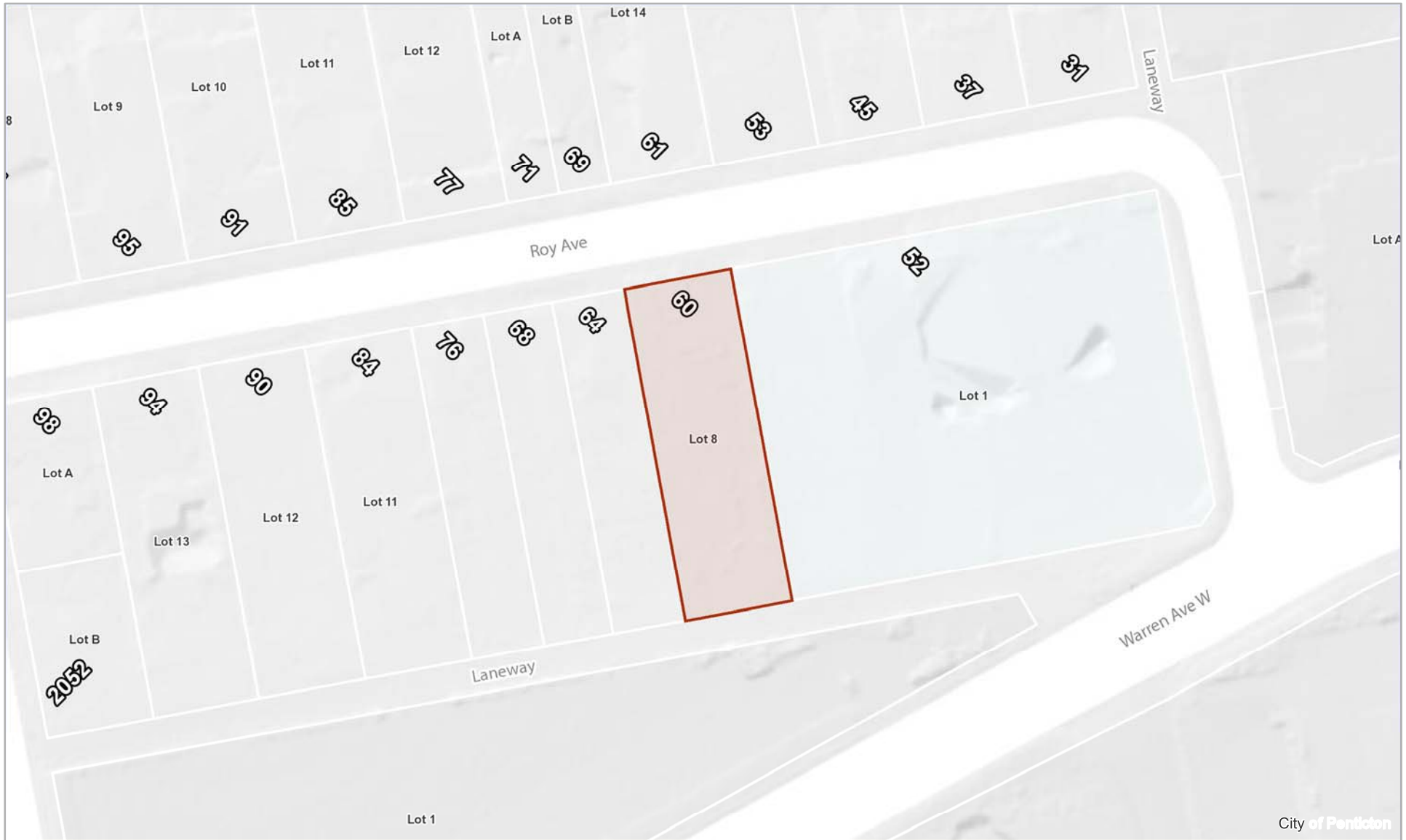
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-18

Date:

Corporate Officer:

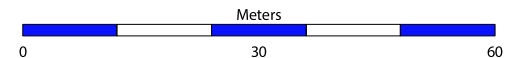


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1:960

May 29, 2023 8:48:23 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N



Council Report

penticton.ca

Date: June 6, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 951 and 963 Dynes Avenue

File No: RMS/951 Dynes Ave

Subject: **Zoning Amendment Bylaw No. 2023-19**
Development Variance Permit PL2022-9370
Development Permit PL2022-9369

Staff Recommendation

Zoning Amendment

THAT COUNCIL give first reading to “Zoning Amendment Bylaw No. 2023-19”, for Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue and Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue, a bylaw to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), with the following site specific provision:

1. Apartments shall not be a permitted use.

AND THAT Council forward “Zoning Amendment Bylaw. No. 2023-19” to the June 20, 2023 Public Hearing;

Development Variance Permit and Development Permit

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2023-19”, consider and deny the associated “Development Variance Permit PL2022-9370”, a permit to vary the following sections of Zoning Bylaw No. 2023-08:

1. Section 10.10.2.3: to increase maximum lot coverage from 50% to 56.5%;
2. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m;
3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and
4. Section 5.2, Table 5.1 to waive the requirement for landscaping buffers along the east and west property line.

AND THAT Council, subject to consideration of “Development Variance Permit PL2022-9370”, consider and deny the associated “Development Permit PL2022-9369”, a permit for the construction of 13 residential units in the form of two rows of townhouses.

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services:

- Upgrade of the existing 100mm water main from the development to Sydney Street.

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 develop the subject properties into a multi-family residential development in the form of townhouse units. The development proposes 13 townhouse units, 3 storeys in height, with one block of 6 townhouse units facing Dynes Avenue and another block of 7 townhouse units facing towards the laneway (Figure 1).



Figure 1 - Conceptual Rendering of Proposed Development

In order to accommodate the development as designed, the following applications are required:

1. Rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), with the provision that an apartment building is not permitted to be consistent with the OCP,
2. Vary several sections of the Zoning Bylaw as follows:
 - a. Increase lot coverage from 50% to 56.5%,
 - b. Reduce the minimum interior side yard from 4.5 to 2.1m,
 - c. Reduce the minimum rear yard from 6.0m to 1.5m, and
 - d. Waive the requirement for landscaping buffers along the east and west property lines
3. Development Permit for the form and character of the development.

At this time, staff are supportive of the request to amend the zoning on the properties, as this amendment is aligned with the OCP vision for the property. However, staff are not supportive of the development as proposed, as there are a significant number of variances needed, which staff do not consider are justified in this instance. The option staff is recommending would allow the zoning on the properties to be amended, but require that the applicant continue to work with staff to develop a proposal that is more aligned with the OCP guidelines and the Zoning Bylaw regulations.

Background

The subject properties (951 and 963 Dynes Avenue) are located within the northern end of Penticton (Figure 2). This area of the City is known for its local amenities, including Lakawanna Park, Okanagan Lake, the Channel (Okanagan River) Riverside Plaza, the South Okanagan Events Centre (SOEC), Community Centre, and Cleland Theatre, among others. The properties are along the north side of Dynes Avenue, and are outside of the boundary of the North Gateway plan area.

The subject properties are currently zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as 'Ground Oriented Residential' (Figure 4). Each lot is approximately 723.4 m² in size, and once consolidated they will be 0.35 acres (1,446 m²).

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
 - Class 1 and Class 2 bicycle parking spaces provided, meeting the Zoning Bylaw requirements.
 - Transit nearby – bus routes exist along Churchill Ave to the north of the properties.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
 - The two proposed buildings will be required to meet Step Code 3 as a minimum standard of energy efficiency.

Technical Review

The application package has been reviewed by the Technical Planning Committee, a group of internal staff who review development applications. A number of comments were provided by various departments relating to the current proposal, and future requirements for subsequent applications if the planning applications were successful.

Staff have worked for several months with the applicant to resolve many design concerns that were present in the original submission. While some were able to be resolved, related to parking, hard surfacing, balcony projections, floor projections, etc. many concerns were not able to be resolved. There were several plan iterations that were submitted and reviewed by many City staff in an attempt to progress the application.



Figure 2 - Property Location Map

Infrastructure - Water

Most significantly, it was identified that there is infrastructure in this area of the City that will need to be upgraded to allow for multifamily developments and increased density. In order to obtain the required fire flow from the hydrant for the development as proposed, the applicant would be required to upgrade the 100mm water main from Sydney Avenue to the eastern edge of the property (Figure 2).



Figure 3 - Location of Water Main Requiring Upgrade

Infrastructure – Storm Water

The other significant item identified was regarding storm water management. In the City of Penticton, it is a requirement for storm water to be managed and disposed of on-site. Due to the high water table in this area of the City, on-site disposal of storm water is challenging, although it is possible for most multi-family developments. For the proposed development the high lot coverage and development design leave only a small amount of space available for on-site disposal. The developer is proposing to dispose of their storm water off-site and as they not be able to design a system to accommodate storm water on-site. This would require the applicant to extend storm water infrastructure from Power St, approximately 200m to the property (Figure 3). This would be a significant cost, in excess of \$250,000. It will be the applicant's responsibility to determine if this is required at future building permit stages. If extension of the storm water system is required, it will be solely at the applicant's expense.



Figure 4 - Location of Storm Water Extension, if required

Infrastructure - Electrical

Additionally, as proposed, the design requires the removal and relocation of a power pole. The way that the applicant has designed the front of the property and the interface with the City boulevard, they will be required to move the existing power pole to make room for the required sidewalk. This will require review and likely relocation of many other power poles along this block of Dyne Avenue. The applicant has discussed this with the electrical department, and is aware of this additional cost and has chosen to proceed with the design as is.

Cash-in-lieu Parking

Zoning Bylaw 2023-08 (Section 6.1.2.2) includes a provision that allows applicants to pay cash-in-lieu of providing vehicle parking spaces for specified zones. For the proposed development, the RM3 (Medium Density Multiple Housing) zone allows cash-in-lieu, but it shall not be used to lower the total number of parking spaces to below one parking space per dwelling unit. The current rate is \$13,000.00 per space and the applicant is proposing to utilize this for one visitor parking space. These funds will be deposited into the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off-Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve. The applicant is proposing to use cash-in-lieu for one parking space not provided on site.

Development Statistics

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

	RM3 Zone Requirement	Provided on Plans
Minimum Lot Width*:	25 m	36.58 m
Minimum Lot Area*:	1,400 m ²	1,447 m ²
Maximum Lot Coverage:	50%	56.5% * Variance Requested
Maximum Hard Surfacing	60%	56.5%
Maximum Density:	1.6 Floor Area Ratio (FAR)	1.3 Floor Area Ratio (FAR)
Vehicle Parking:	1 space per unit resident	Total provided

	0.25 space per unit visitor Total required: 13 resident 3 visitor	13 resident 2 visitor** ** 1 visitor space not provided (cash in lieu)
Bicycle Parking	Class 1 required 0.5 per unit (7 required) Class 2 required 0.1 per unit (2 required)	Class 1 provided: 13 spaces Class 2 provided: 4 spaces
Required Setbacks Front Yard (Dynes Ave): Side Yard (east): Side Yard (west): Rear Yard (lane):	3.0 m 4.5 m 4.5 m 6.0 m	4.29 m 2.1 m * Variance Requested 2.1 m 1.5 m * Variance Requested
Amenity Space	20m ² per dwelling unit 25% must be provided at grade Total amenity required = 260m ² with 65 m ² at grade	Total amenity space provided = 728.9 m ² , which includes each unit having a private rooftop patio ranging in size from 44.5 m ² to 57 m ² . 113.8 m ² provided at grade
Landscaping Buffer	Required along south, east and west property lines	Provided along south property line only * Variance Requested
Maximum Building Height	24 m	12.35 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. ** Zoning Bylaw Section 6.1.2.2 allows cash-in-lieu at the rate of \$13,000.00 per parking space not provided. The applicant plans to use this for one parking space.	

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, or bareland stratas (Figure 4). Townhouses, duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct two rows of townhouse units (total 13 dwelling units) on the property. In order to comply with the OCP designation, staff are proposing a site-specific provision for the subject properties that would not allow an apartment to be constructed, as this type of building is usually permitted by the RM3 zone but is not supported through the 'Ground Oriented Residential' designation. Amending the zoning to RM3, with a site specific statement will align the properties with the vision of properties designated within the 'Ground Oriented Residential' designation, and avoids the potential for a new plan to come in for an apartment building after the property is rezoned which is not the intent of the 'Ground Oriented Residential' designation.

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

Figure 5 - OCP Land Use 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 4.1.3.6 Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.

The proposed rezoning to RM3 to allow a townhouse development, while prohibiting apartments, is consistent with the increased density and building forms envisioned by the ‘Ground Oriented Residential’ designation and supported by OCP housing policies.

Given that there is policy through the OCP to support the proposed zoning amendment, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2023-19”, and forward the bylaw to the June 20, 2023 Public Hearing to gather comments and feedback from the public.

Deny Development Variance Permit

While staff are supportive of the zoning amendment request to allow a townhouse development, staff have concerns with the current development plans. Staff and the applicant have worked diligently over several months to try to address the technical concerns and reduce the number and significance of the variances being requested. However, the applicant was unable to present a development proposal that has staff support at this time.

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed development requires four variances in order to fit 13 townhouse units on the subject property. A summary of the variances and staff’s analysis is provided below.

- Staff requested that the applicant provide further justification and explanation as to how their development was designed in such a way as to reduce the impact of the requested variances to the surrounding properties and area. However, this has not been completed.
- Staff requested that the applicant reach out to neighbouring property owners to share the development plans ahead of the Council process and inquire about the potential impacts that the requested variances may have. However, this has not been completed.
- Generally, staff do not feel that the variances have been justified, and the applicant has not demonstrated how the proposed design could mitigate the impact on neighbouring properties.
- The number of variances, and the significance of them when considered collectively, is a concern to staff. Staff do not feel that the intent of the RM3 zone is being followed, and do not support the variances.

1. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m and

2. Section 5.2, Table 5.1 to not require landscaping buffers along the east and west property line.

- Note: staff's comments for the interior side yard reduction and landscaping buffer variances are related and have been noted together below:
- Staff have supported setback reductions for interior side yards in the RM3 zone from 4.5m to 3.0m for several developments over the years. These were often for townhouse developments, or for developments that do not reach the maximum height allowed under the RM3 zone (24m or 6 storeys). Typically taller buildings should have larger setbacks, to help reduce overlook and shadowing on neighbouring properties. In this instance, staff cautioned the applicant early on that a 2.1m interior side yard was a significant request, and without design considerations, staff were unlikely to support. Design considerations that could be demonstrated may include limited windows, or opaque windows to reduce overlook to neighbouring properties; demonstrating shadowing impacts; contacting neighbours to discuss their concerns; utilizing building materials and stepbacks to minimize the massing.
- Typically, staff do not support a setback reduction of less than 3.0m, as this is also the desired width to ensure the required landscaping buffers are provided. In this instance, the applicant is requesting to reduce the side yard setback, and also eliminate the landscaping buffers along either side of the property, as there is not enough room to provide trees and shrubs on the side yards due to how close the proposed buildings are to the lot lines.
- There is an array of benefits that landscaping such as trees and shrubs, bring to a development, as well as to the City itself. Landscaping buffers help to create delineation between properties, streets, and different densities of development, help to beautify the area, reduce the heat island effect, assist with rainwater management, among many other benefits. Eliminating landscaping buffers on both the east and west sides of the property is not supported.
- The landscaping buffer would require the installation of 3 trees and 39 shrubs along both the east and west property lines (6 total between the two sides).
- Each unit has been provided with a private roof top patio, which are desirable and provide outdoor amenity space. However, the roof top patios on the end units nearest to the east and west property lines may impose on the privacy of the neighbouring properties. Having the interior side yard reduced to 2.1m will increase the impact that this could have.

3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and

- The setback reduction of the rear yard from 6.0m to 1.5m is a significant reduction, which locates the lane-facing row of 7 townhouse units, which is 12.35m in height, only 1.5m from the rear property line.
- There are no residential zones in the City that allow a structure of this height to be in such close proximity to the rear property line.
- In this instance there is a laneway to the rear, however the 6.0m rear yard setback is required to ensure appropriate separation from other properties. Proper separation helps to maintain privacy, allows sunlight and solar access to other properties and avoids a valley of tall buildings directly adjacent to a laneway.
- Each unit has been provided with a private roof top patio, which are desirable and provide outdoor amenity space for the residents of those units. However, the roof top patios on the rear row of townhouse units nearest to the north property line, along the laneway, may impose on the privacy of the neighbouring properties. Having the rear side yard reduced to 1.5m will increase the impact that this could have.

4. Section 10.10.2.3: to increase maximum lot coverage from 50% to 56.5%;

- Staff consider that this variance could likely be eliminated or reduced if the applicant was to redesign the proposal to better align with the RM3 regulations. The significant interior side and rear yard setback reductions which are also requested allow more buildable area, which may be accountable for the increased lot coverage.
- Staff would likely not have concerns with the lot coverage variance if it was the only variance required.
- However, the impact of the number of variances when reviewed collectively are substantial, and as such, staff are not supportive of the variance requests.

Given the reasons above, staff do not recommend support for the four variances being requested. Staff do not feel that the variances have been adequately justified by the applicant within their letter of intent (Attachment 'D') and are not warranted in this instance. There may be impacts to the directly adjacent properties, and a precedence set if the variances proposed were to be supported.

Staff recommend that Council does not support Development Variance Permit PL2022-9370.

Deny 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.

Staff are not recommending support for the Development Permit application. Given that staff are not supportive of the variance requests, staff are not able to provide support for the associated Development Permit, which would approve the form and character of the development based on the requested variances being approved. Further, staff consider that the development directly contradicts with many of the OCP goals, policies and guidelines that should be adhered to including:

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
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OCP Policy 4.1.5.3 with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City’s approval processes, the character and feel of residential neighbourhoods, as well as to guide water and energy conservation

Development Permit Guidelines

Guideline G2	<i>Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.</i>
Staff comment	<ul style="list-style-type: none"> While the applicant has provided a site plan, they do not consider or provide a neighbourhood character analysis nor have they demonstrated that the development is sensitive to and integrated within its context; especially with the variances that have been requested.
Guidelines G34 and 35	Enhance the Urban Forest: Urban forests are recognized for the economic, social and environmental benefits they provide. In addition to considerations for form and character, enhancement of Penticton’s urban forest will support health and well-being for all
Staff comment	<ul style="list-style-type: none"> The applicant has provided 6 trees between the two buildings, located within private backyard amenity area of some of the units, however they are requesting to eliminate the landscaping buffers required on both the east and west sides of the development, which means fewer trees will be planted than if they were able to meet the Zoning Bylaw requirements for landscape buffers.
Guideline G38	Screening and Buffering Buffer design should complement neighbourhood character and landscape setting.
Staff comment	<ul style="list-style-type: none"> Landscaping buffers are not provided along the east and west side yards. A landscaping buffer is provided along the south property line (Dynes Avenue).

As such, staff recommend that Council does not support Development Permit PL2022-9369.

Alternate Recommendations

Council may consider that the development proposed has merit, and that the variances may be warranted. The development as proposed would introduce 13 residential units to a desirable area of the City. Although there are concerns from staff with neighbourhood character and fit, in addition to the number of variances required to meet the RM3 zone, Council may feel that the addition of 13 residential units to the subject properties provides a greater benefit to the City. If this is the case, Council may wish to proceed to public hearing for the zoning amendment, and after adoption of the bylaw, may choose to support the requested variances and development permit as proposed.

If this is the case, Council may chose Alternate Recommendation #1, as follows:

Zoning Amendment

THAT Council give first reading to “Zoning Amendment Bylaw No. 2023-19”, for Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue and

Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue, a bylaw to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), with the following site specific provision:

1. Apartments shall not be a permitted building type or use.

AND THAT Council forward "Zoning Amendment Bylaw. No. 2023-19" to the June 20, 2023 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-19" consider "Development Variance Permit PL2022-9370", a permit to vary the following sections of Zoning Bylaw No. 2023-08:

1. Section 10.10.2.3: to increase maximum lot coverage from 50% to 56.5%;
2. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m;
3. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and
4. Section 5.2, Table 5.1 to not require landscaping buffers along the east and west property line.

Development Variance Permit and Development Permit

AND THAT Council, subject to approval of "Development Variance Permit PL2022-9370", approve "Development Permit PL2022-9369", a permit for the construction of 13 residential units in the form of two rows of townhouses.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9370" and "Development Permit PL2022-9369" subject to consolidation of the two subject properties into one lot.

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services:

- Upgrade of the existing 100mm water main from the development to Sydney Street.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent (applicant)
- Attachment E – Development Permit Analysis (applicant)
- Attachment F – Draft Development Variance Permit PL2022-9370
- Attachment G – Draft Development Permit PL2022-9369
- Attachment H – Zoning Amendment Bylaw No. 2023-19

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

Director of Development Services <i>BL</i>	General Manager of Infrastructure <i>KD</i>	A/Chief Administrative Officer <i>KD</i>
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Attachment A – Zoning Map



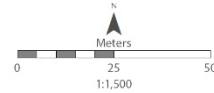
951 & 963 Dynes Avenue

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- RM3 - Medium Density Multiple Housing
- R2 - Small Lot Residential
- RM4 - High Density Multiple Housing
- RSM - Mobile Home Park Housing
- C7 - Service Commercial
- RD2 - Duplex Housing: Lane
- CT1 - Tourist Commercial
- RM1 - Bareland Strata Housing
- P2 - Parks and Recreation
- RM2 - Low Density Multiple Housing
- CD6 - Comprehensive Development (962 Churchill Avenue)



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Attachment B – Official Community Plan Map



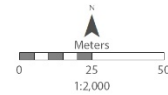
951 & 963 Dynes Avenue

Official Community Plan Map



Legend

- Subject Parcel
- Future Land Use
- Ground Oriented Residential
- Tourist Commercial
- Urban Residential
- Parks



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May 26, 2023 9:26:32 AM

penticton.ca

Attachment C – Photos of Property



Looking towards 963 Dynes Avenue from Dynes Avenue



Looking towards 951 Dynes Avenue from Dynes Avenue

City of Penticton
Planning Department
171 Main Street
Penticton BC
V2A 5A9

Attention: Ms. Nicole Capewell (Planner II)

Re: 951 & 963 Dynes Ave.

Letter of Intent; Application for Rezoning and Development Permit

Dear Jordan,

This application proposes a change of zoning from R2 to RM3 with 4 variances, following with Development Permit for 13 units townhomes in 2 buildings.

This address is a total of approximately 15,580 sf parcel that currently has two single family homes.

The proposed application is for construction of two, three story townhome buildings consisting of a six-plex and seven-plex units.

There will be a total of 11 two-bedroom units & 2 three-bedroom units. The two-bedroom units will be approximately 164.7 to 172.8 m² +/- in size and three-bedroom units will be 190.5 m² in size (Including garage at ground floor level)

Background, goals

Penticton unique setting, in a valley & bounded by two lakes, Provides both challenges and opportunities from a housing perspective. The opportunities come from a willingness to intensify the existing land base through infill and densification, in a smart and sensitive manner to allow the community to grow sustainably.

Changing housing needs and preferences in addition to affordability challenges that put single detached house out of reach for many households. Row housing or townhouses enhances affordability.

In terms of needs by housing type, the greatest demand will be for duplexes and infill (rowhouses, townhouses, etc.). Development of multifamily and infill housing meet the housing needs of the population and make the most efficient use of the limited land base and valuable infrastructure while is more affordable than single detached house.

Density, Rezoning, Active Street

The Developer recognizes the impact that a new development such as this could have on its neighbors & is proposing a density that is in line with the context of the neighborhood regarding site coverage, height, and building type.

Site coverage will be increased from 40% for existing R2 zoning to 50% for RM3 zoning. Height will be a moderate increase from the allowable in R2 rezoning of 10.5m, and Style of building is townhouse which is ground oriented and is in line with single families.

This strategy mitigates any concerns about over shadowing of neighboring properties. In addition to the rear lane on the north side, there is a public pathway on the east of the property that separates this parcel from the neighboring parcel.

Townhomes fronting Dynes Ave will provide active frontage that engage with the public sidewalk that will be constructed.

Approved OCP

The current proposal is inline with the approved OCP and extensive design iteration and work has gone into developing a grade-oriented design to meet objective of approved OCP.

Rezoning application

In conjunction with the OCP amendment, Tecai Custom Homes is proposing to rezone the subject parcel from R2-Small Lot Residential to RM3 Medium Density Multiple Housing. The purpose of RM3 zoning is to provide zoning for Medium Density Multiple Housing accommodating townhome development intended for this parcel.

The site has convenient walking, cycling, and vehicle access to daily necessities such as grocery, shopping, school, parks, and employment areas. The proximity of site to amenities such as food markets, IGA, real Canadian Superstore, as well as playground, Lakawana Water Park, a few Gymnasiums, and many restaurants nearby, make it ideal for both rental and ownership community. The mixture of land uses and transportation options in the neighborhood support the development of a pedestrian oriented site and presents an opportunity to capitalize on existing infrastructure.

Below is a summary of the requested zoning requirements and proposed.

RM3- Low Density Multiple Housing	Required	Proposed
Max Lot Coverage (building footprint)	50%	49.9%
Density	Max. 1.6 FAR	1.4 FAR
Height	Max. 24m	12.4m
Front Yard Setback	Min. 3.0m	3m

Rear Yard Setback	Min. 6.0m	1.5m	(Variance requested)
Side Yard Setback, Interior	Min. 4.5m	2.1m	(Variance requested)
Amenity space-20m ² per DU	20 m ²	50 m ² +/-	
Parking-1 Stall per DU	13	13	
Visitor Parking- 0.25 stalls per DU	3	2	(Variance requested)
Bike Parking- Class I	0	0	
Bike Parking- Class II	2	4	
Width of landscape buffer	Min. 3.0m	2.1m	(Variance requested)

Please don't hesitate to call our office at 403-608-0646, Should you have any questions or concerns.

Yours Truly,

Development Permit Analysis

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

The site is considered flat and landscape plan is incorporated the Dynes Avenue.

G2. Considering adjacent context for building and landscape architectural design and neighbourhood character. Demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

The proposed development with its articulations, projections and setbacks is sensitive in scale and character to the existing developments, neighborhood, and their articulations.

3. Private and semi-private open spaces should be designed to optimize solar access.

The proposed project provided more than 11m deep courtyard between two building to optimize solar access specially to the building located on the North of the site.

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

The proposed design has provided unobstructed view to the lake and/or mountains by providing ample amenity roof decks with trellis for all units.

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

6-unit building (south building), facing Dynes Ave is set back 3.3 m from property line while its second floor is cantilevered 6'-0" (1.8 m) towards the Avenue.

G6. Building placement and orientation should respect significant public water, mountain and ridgeline views.

The Proposed buildings placement, their height and designing roof deck encourage view to the lake and mountains.

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 design suggested outdoor downward lights on façade and in the landscape areas, providing green spaces with trees, bushes and benches to maximize the enjoyment of the provided amenities

G8. Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards

The 11 m deep interior courtyard, provide comfortable and social, semi-public and semi-private space.

G9. Pedestrian connectivity to adjacent properties is encouraged.

The private sidewalks are connected to front and back of the subject property to enhance pedestrian connectivity.

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

Min. 1200mm wide pedestrian walkways from proposed 1500mm municipal sidewalk, parking, garbage and amenity areas to every entrance of the south and north building is provided.

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

All proposed walkways are connected and finished by Paving material (surface material is indicated on landscape plan).

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 proposed dwelling unit entrances is 8" (200mm) above the grade of adjacent public sidewalks and walkways.

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a "front stair" pedestrian connection shall be provided

The proposed outdoor spaces are flat and connected by sidewalks

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent

The there are no fence in front or back of the proposed development.

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

Along the Dynes Avenue 1.5m city sidewalk is proposed and 2 proposed walkways at East and West side of buildings are proposed to connect to the lane where north building is located.

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

In building 1, driveways from Dynes Avenue are provided to access to garages, and garages in building 2 are accessed through the rear lane. Proposed public and private sidewalks provide safe, accessible, and comfortable pedestrian connections to the entrances.

G18. Attached parking structures, their access, and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.

The proposed attached parking is integrated into the main floor, and it is set back about 6'-0" from 2nd floor.

G19. All multifamily developments should accommodate sustainable modes of transportation through

Attached garages on all units provide storage for bikes or mobility scooters for residence and additional bike racks are provided on the site to accommodate bike parking. Necessary infrastructure for electric vehicle charging station will also be provided.

G20. Designs should respond to Penticton's setting and climate

The building's long axis is positioned toward solar south, which will maximize solar gain during winter months and will limit western exposure in the summer. This will also maximize the amount and frequency of the natural light to the interior spaces.

Choosing energy efficient windows and arranging them with consideration to minimize summer heat gain and maximize winter heat gain. Eaves and overhangs to permit low winter sun into building and keep high summer sun out.

Continuous insulation layer, with thickness appropriate to climate, surrounding the entire conditioned space of the building, and continuous air-barrier surrounding the entire building envelope, in contact with the insulation layer, minimizes heat loss during winter and heat gain in summer.

Carefully planned landscaping and planting aids in maximizing performance of Passive Solar Design and assist with imperfect situations and site problems. Provision of white or light-coloured single ply Vinyl roofing membranes minimize heat load and increase reflectivity.

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).

All front doors of proposed units are ground oriented and face Dynes Avenue and the lane.

G22. Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm.

The proposed design is composed of multiple volumes in different levels dimensions. They are broken down both horizontally and vertically by means of projections, recesses, balconies, and decks.

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

Suggested balconies and roof decks is breaking up the massing while they provide viewing as well as weather protection for front entrances.

G24. Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

The proposed design offers different layers of elements for articulation, including projections, horizontal setbacks, balconies, canopies, porches, and patios to create transitions between the public, semi public, semi-private, and private areas.

G27. Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street-level.

The Proposed development shares amenity spaces in front and in the courtyard between the 2 buildings which are connected to the proposed city sidewalk.

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

The Proposed main entrances are identified by having different materials as well as by providing porches and canopies and different articulation in facade which emphasize their visibility.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas

The proposed development has balconies and porches towards public realm and canopies towards semi-private amenity space. Roof decks also provide views of the Lake, Mountains, and Ridgelines.

G30. Extensive blank walls (over 5m in length and including retaining walls) along the street should be avoided.

The proposed development does not have any fence along the streets and is only separated by means of sidewalk and landscaping.

G31. Provide screening (e.g., varied materials/textures, murals, green walls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).

Using of different material and colour on the facade and green privacy walls between the units on balconies and walls not only provide inviting feel with visual benefits, but also outdoor green walls and facades have been found to be energy cost effective. Plants also reduce the overall temperatures of buildings when exposed to the sun. They reduce the amount of heat escaping during wintertime and they increase humidity in surrounding area. In addition, the transpiration process of plants can slightly reduce temperatures indoors, thus working as an energy cost effective solution. Having enough plants can also help reduce noise levels.

G32. Stream and Riparian Protection

N/A The site does not lie within a riparian area and is not close to any streams or bodies of water.

G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching

The site has been designed in such a way that there are no areas of Sod. The entire of the soft landscape areas will be planted with decorative grasses and shrubs. The vast majority of the soft landscape areas will have fine shredded bark mulch in order to retain as much water as possible for the shrubs, and portions adjacent to the central pathway will include decorative

rock mulch to allow for more permeability and to highlight the decorative plant material in contrasting colours.

Given the size of the parcel and extents of the plant material, we are proposing that the site be hand watered by the maintenance and property management to further minimize the water use by closely monitoring the actual conditions and moisture levels of each shrub bed.

G34. Tree retention

The existing trees on the site will be removed and replaced.

Along Dynes Avenue we propose columnar species in order to increase visibility and safety along the driveways and sidewalks so that no tree branches impede views and cause a potential safety issue.

Within the central courtyard we propose flowering Lilac trees that will provide shade in Summer and allow more light through the winter.

G35. Tree planting

We have proposed columnar tree planting along Dynes Avenue in order to enhance safety. Specifically, the vehicular pedestrian interactions along the driveways and sidewalk. The proposed trees have a ± 8 m spacing. As well, the boulevard area will include decorative grasses that will grow to approximately 4ft in height to enhance the pedestrian realm while maintaining adequate visibility.

G36. Habitat: designs should provide for and/or enhance habitat value (e.g., birds, pollinators, etc.) through the use of selected plant material (food & nutrients) and/or structural/grading improvements (e.g., hibernacula, pools, etc.).

The plant material has been selected to include a variety of species that will provide texture, colour and height variations. There are also flowering shrub and trees species that will attract birds and pollinators to the site.

G37. Stormwater management: mitigate impacts of runoff by diverting stormwater to infiltration galleries or other appropriate green infrastructure.

All the soft landscape areas within the central courtyard include bark mulch and areas of rock mulch to both retain water for the plant material and to provide adequate drainage from storm water runoff.

The permeable areas within the courtyard and surrounding the buildings (only areas behind the Property line) total 198.6 sq.m. for water infiltration.

The water from roof drainage will also be used to water the landscaping, particularly in the courtyard.

G38. Screening & Buffering

The proposed columnar trees along Dynes Avenue, in conjunction with the tall grasses between the driveways, will minimize the visual impact and vertical presence of the buildings.

Both side setbacks will include wood screen fencing to provide privacy towards the adjacent lots. Note that on the west side, the adjacent property contains a row of existing tall cedars that will provide extra privacy to that lot.

G39. Defining the Public- and Private Realms

The public and private realms are defined by the use of plant material, both towards the street as well as between the private amenity spaces within the central courtyard

G40. Energy

Deciduous trees planted along Dynes Avenue, along the South facing facade, will provide partial shade during the summer months and allow for additional heat gain through winter. The central courtyard provides a similar concept within the restricted space.

G41. Softscapes

All plant material has been selected based on availability of local nurseries and from species known to thrive in Penticton. They provide a variety of texture, colour and height variation as well as flowering characteristics.

Coniferous under-stories for the deciduous trees have been provided to maintain winter interest.

The central courtyard provides a height gradient to provide private amenity spaces with privacy with 4-5 ft high shrubs while maintaining an open sensation along the pathway will lower plant material

G42. Hardscape

We have proposed concrete pathways in a light colour. The private amenity spaces will be constructed with feature paving in light albedo colour as well (stamped concrete, precast concrete pavers, or similar)

All hardscape areas will drain into the softscape.

G48. Lighting shall be provided for all building entrances, walkways, driveways, parking areas and loading areas and should be sufficient to provide clear orientation, personal safety and site security, including allowing for overlook from adjacent buildings

Suggested to have exterior warm (<4000K) downward light at façade, especially entrances and landscape areas around driveways.

G49. Minimize light pollution through the use of full cut-off lighting, avoiding light reflectance, and directing lighting downwards. Exceptions may be made for signage and architectural lighting (e.g., enhancing special features or aesthetic qualities).

Downwards Lighting is suggested for the proposed project.

G50. Avoid lighting that illuminates streams, wetlands, lakes and other natural areas

The proposed area is not located in Streams Wetlands, lakes or natural Areas

G51. Avoid negative light impacts on neighbours.

The proposed development suggested warm downward light. It will not direct light to any neighbour other than ground brightness.

G53. All signage shall comply to the City of Penticton's Sign Bylaw.

The proposed design suggested and will follow the bylaw requirement for the number, size, type, form and location of unit numbers based on bylaw requirements.

G54. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.

The design has suggested mechanical room at enclosed area at roof top which reduces sound pollution, simpler maintenance, safe for vandalism and accidents. This also helps optimize the space that is better used for landscaping and public semi-private amenity space at ground level.

G56. Units shall not obstruct private views onto public space that might otherwise provide safety through passive surveillance.

As it mentioned above the design has suggested mechanical room at enclosed area at roof top, so it will not obstruct views.

G57. Units shall not be installed in riparian setbacks (SPEA) and Environmental Protection areas

Not applicable to the proposed development, the site is not located at riparian area.

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 bins will be in the garages, and rolled out at the pickup times.

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

Garbage bins will be stored in the garages.

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

The proposed design suggested Individual Garbage, recycle, compost to be stored at Garage and to be collected at Dynes Avenue and back lane.

G61. Fencing located along a street edge should be low and/or not create a solid barrier

There will be no fencing along Dynes Avenue and the lane at the back

G62. Fencing along the street edge should be supplemented with low profile landscape plantings

The proposed design shows low Profile landscape plantings and incorporates with Dynes Avenue and city landscape.

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 required 260sm of amenity space. The proposed design provided 975sm amenity space that give residents opportunity for recreation and about 280sm of this amenity space located at the ground that provide opportunity for play, social gathering or interacts with neighbors

MF2. To promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from groundoriented ground floor units.

The proposed development provides 11.00m deep courtyard at ground level.

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 proposed design provides vegetation area for each unit and amenity spaces for kids play areas.

MF6. Entrances to apartment lobbies should be connected to adjacent sidewalks and provide seating, as well as clear pedestrian-oriented signage. Public art is also encouraged

The proposed dwelling unit entrances are 8" (200mm) above the grade of adjacent walkway. The design invites residents to promenade to their entrances. All walkways on the site are connected to each other and to proposed city sidewalk.

Development Permit

Permit Number: DP PL2022-9369

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: Legal Description to be updated with consolidated lot information
 - Civic: Civic Address to be updated with consolidated lot information
 - PID: PID to be updated with consolidated lot information
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two rows of townhouse units, totalling 13 dwelling units as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

General Conditions

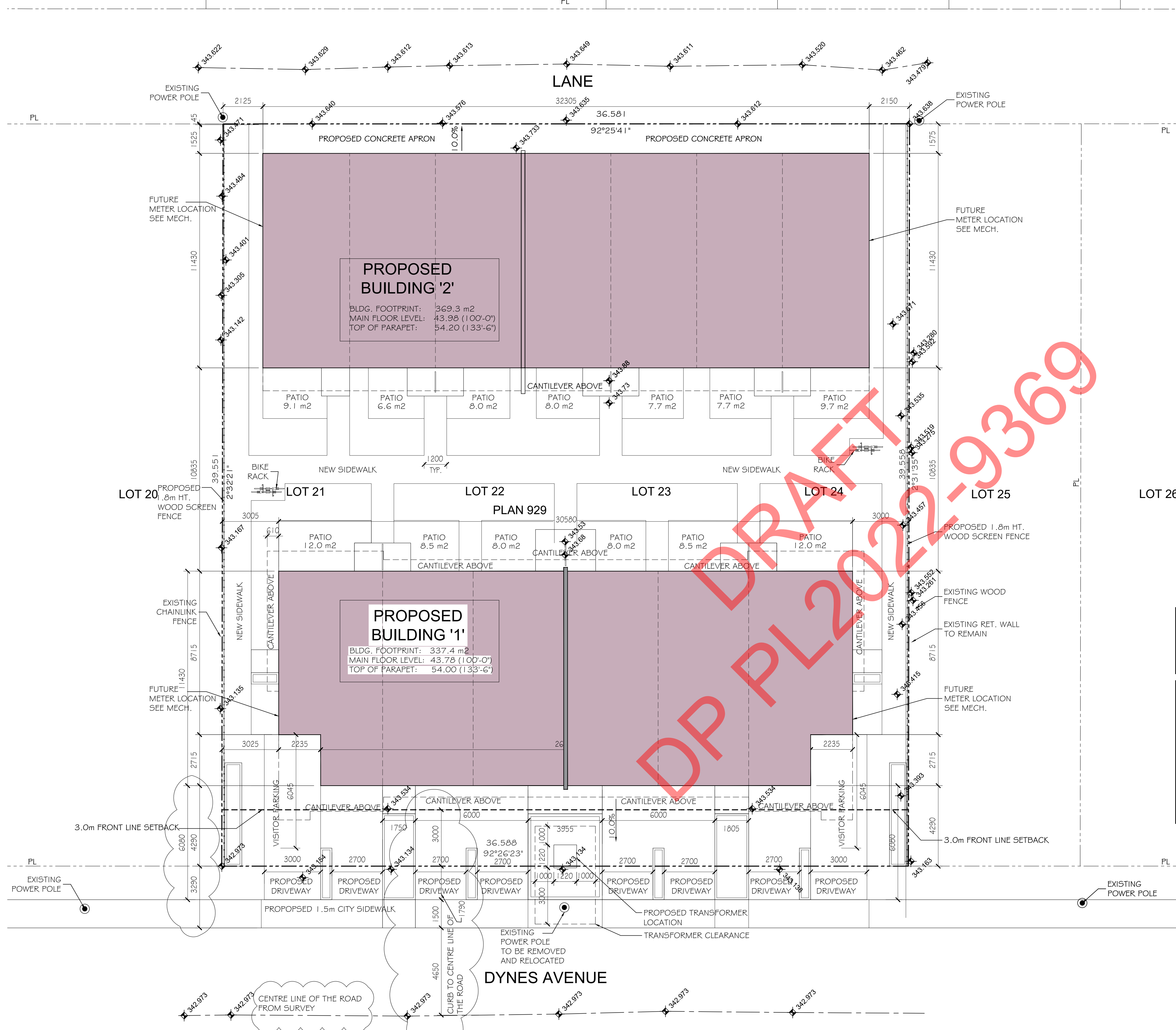
7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not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

Authorized by City Council, the _____ day of _____, 2023.

Issued this _____ day of _____, 2023.

Angela Collison
Corporate Officer

DRAFT
DP PL 2022-958



PROPOSED BUILDING '2'
 BLDG. FOOTPRINT: 369.3 m²
 MAIN FLOOR LEVEL: 43.98 (100'-0")
 TOP OF PARAPET: 54.20 (133'-6")

PROPOSED BUILDING '1'
 BLDG. FOOTPRINT: 337.4 m²
 MAIN FLOOR LEVEL: 43.78 (100'-0")
 TOP OF PARAPET: 54.00 (133'-6")

LAND USE BYLAW SUMMARY
 (PENTICTON ZONING BYLAW No. 2021-01)

R2 - SMALL LOT RESIDENTIAL TO RM3 - MEDIUM DENSITY MULTIPLE HOUSING

PERMITTED USE:
 TO: 1 (7) - TOWNHOUSE

DENSITY:
 TO: 10.2 (5) - MAXIMUM PERMITTED DENSITY: 1.6 FAR DENSITY PROVIDED: 1.31 FAR

PARCEL COVERAGE:
 TO: 10.2 (3) - MAXIMUM COVERAGE PERMITTED = 50.0% TOTAL LOT COVERAGE PROVIDED = 55.0%

MIN LOT WIDTH:
 TO: 10.2 (1) - MINIMUM LOT WIDTH PERMITTED = 25M LOT WIDTH = 36.568m

MIN LOT AREA:
 TO: 10.2 (2) - MINIMUM LOT AREA PERMITTED = 1400m² LOT AREA PROVIDED = 1,447.04m²

BUILDING SETBACKS:
 TO: 10.2 (4) - FRONT = 3.0m VARIANCE REQUESTED = 2.10m
 TO: 10.2 (7A) - SIDE = 4.5m VARIANCE REQUESTED = 1.50m
 TO: 10.2 (9) - REAR = 6.0m VARIANCE REQUESTED = 1.50m

BUILDING HEIGHT:
 TO: 10.2 (5.3) - MAXIMUM 24m
 PROVIDED HEIGHT: MAXIMUM 12.35m

OUTDOOR AMENITY SPACE:
 TO: 10.3 REQUIRED: 20 M² DWELLING UNIT = 260M²
 MIN. 25% OF REQUIRED AMENITY SPACE AT GROUND LEVEL: 260X.25 = 65 M²

PROVIDED:
 PATIO AT GROUND: 113.8 m²
 BALONEYS / TERRACES: 11.5 m²
 ROOF TOP PATIOS: 605.0 m²
 TOTAL AMENITY SPACE PROVIDED: 729.8 m²

YARD PROJECTIONS:
 4.9.1 TABLE 4.1 - PERMITTED PROJECTIONS

LANDSCAPING AND SCREENING:
 5.1.1 ALL AREAS WITHOUT BUILDINGS, STRUCTURES, DRIVEWAYS, APPROVED PARKING OR GARBAGE AND RECYCLING COLLECTION AREAS OR NATURAL AREAS, SHALL BE DEEMED TO BE LANDSCAPE AREAS.
 5.1.3 LANDSCAPE AREAS FOR ALL NEW CONSTRUCTION IN DUPLEX, MULTIPLE HOUSING AND COMMERCIAL ZONED PROPERTIES ARE REQUIRED TO BE APPROPRIATELY IRRIGATED, WITH A FULLY AUTOMATED UNDERGROUND IRRIGATION SYSTEM.
 5.2.3 TABLE 5.1 - REQUIRED LANDSCAPE BUFFERS: MINIMUM 5m OF LANDSCAPE BUFFER ADJUTING A RESIDENTIAL ZONE IS REQUIRED. IF SET BACK IS LESS THAN THE REQUIRED BUFFER THE BUFFER MAY REDUCE TO SETBACK.

BICYCLE PARKING:
 6.4.1 BASED ON TABLE 6.4-BICYCLE PARKING REQUIREMENTS 0.5 PER UNIT CLASS 1 & 0.1 PER UNIT CLASS 2 REQUIRED
 6.4.3 (5) FOR MULTIPLE HOUSING DEVELOPMENTS, WHERE A DWELLING UNIT IS DESIGNED WITH AND HAS ACCESS TO ITS OWN GARAGE SPACE, NO CLASS 1 BICYCLE PARKING SHALL BE REQUIRED FOR THAT DWELLING UNIT.
 REQUIRED CLASS 2 BICYCLE PARKING: 1 (1.7)
 PROVIDED CLASS 2 BICYCLE PARKING: 2

MOTOR VEHICLE PARKING:
 6.5 TABLE 6.6 - PARKING REQUIREMENTS:
 - 1 PER DWELLING UNIT + 0.25 UNIT FOR VISITORS
 - NO LOADING SPACE REQUIRED
 - REQUIRED RESIDENTIAL STALLS: (1.3X1 = 13)
 - REQUIRED VISITOR STALL: (1.3X0.25 = 3.25 = 3)
 - PROVIDED PARKING SPACE: 13 RESIDENTIAL STALLS 2 VISITOR STALLS
 - TOTAL STALLS PROVIDED: 15 STALLS

ACCESSIBLE PARKING REQUIREMENTS:
 6.6 TABLE 6.7 THE ACCESSIBLE PARKING IS NOT REQUIRED.

NOT WITHIN YZF VICINITY

BUILDING CODE ANALYSIS:
 NBC (AB) 2019
 PART 9 - TYPE C - RESIDENTIAL OCCUPANCY
 MAX AREA 600 m² - MAX BLDG HEIGHT 3 STOREYS
 9.10.9.14. (3) FIRE SEPARATION BETWEEN DWELLING UNITS - 1 HR
 9.10.11 (1) FIREWALL SEPARATION BETWEEN DWELLING UNITS - 1 HR
 9.13.4.3. RADON MITIGATION REQUIRED.

NOTE:
 FOR LANDSCAPING REFER TO LANDSCAPE DRAWINGS: L-0, L-1, L-2, L-3

UNIT BREAKDOWNS

UNIT	TOTAL NET AREA	AREAS					
		STAIR WELL	GARAGE	MAIN FLOOR	2nd FLOOR	3rd FLOOR	MECH.(4th FL)
A	165.9 m ²	10.8 m ² (116 sq.ft.)	26.8 m ² (289 sq.ft.)	30.4 m ² (327 sq.ft.)	72.1 m ² (776 sq.ft.)	74.2 m ² (799 sq.ft.)	17.2 m ² (185 sq.ft.)
B	147.8 m ²	9.7 m ² (104 sq.ft.)	21.0 m ² (226 sq.ft.)	34.1 m ² (368 sq.ft.)	61.7 m ² (664 sq.ft.)	61.7 m ² (664 sq.ft.)	14.8 m ² (159 sq.ft.)
C	139.4 m ²	8.9 m ² (96 sq.ft.)	19.7 m ² (212 sq.ft.)	32.5 m ² (350 sq.ft.)	57.9 m ² (623 sq.ft.)	57.9 m ² (623 sq.ft.)	13.9 m ² (150 sq.ft.)
C(END)	140.7 m ²	8.9 m ² (96 sq.ft.)	20.0 m ² (215 sq.ft.)	32.8 m ² (353 sq.ft.)	58.4 m ² (629 sq.ft.)	58.4 m ² (629 sq.ft.)	13.9 m ² (150 sq.ft.)

BUILDING 1 NET FLOOR AREA 923.0 m²
BUILDING 2 NET FLOOR AREA 978.4 m²
TOTAL NET FLOOR AREA 1901.4 m²

SITE GFA, FAR & DENSITY

LOT WIDTH: 36.568 m
 TOTAL LOT AREA: 1,447.04 m² (15,576 ft²)
 BUILDING FOOT PRINT: 337.4m² (6 UNIT BUILDING FOOT PRINT/MAIN FLOOR AREA) + 369.3 m² (7 UNIT BUILDING FOOT PRINT/MAIN FLOOR AREA) = 706.7 m²
 TOTAL ABOVE FLOOR PROJECTION AREA: 115.9 m²
 PROJECTION AREA INTO FRONT YARD AFTER PERMITTED 0.6m BALCONY PROJECTION INTO FRONT YARD (PERMITTED-TABLE 4.1): 6.9 m²
 LOT COVERAGE INCLUDING PROJECTION INTO YARD (PERMITTED BY TABLE 4.1): 408.6 + 399.4 = 808: 1447.04 = 55.0%
 PROPOSED FLOOR AREA RATIO (FAR) (TOTAL NET FLOOR AREA/ TOTAL LOT AREA): 1901.4 / 1,447.04 M² = 1.31
 PROPOSED FRONT YARD: 3.00m
 PROPOSED MIN. INTERIOR SIDE YARD: 2.12 m
 PROPOSED MIN. REAR YARD: 1.57 m
 PROPOSED AMENITY SPACE AT GROUND: 113.8 m²

MT-Arch
 Max Tayeff Architect Inc.

PERMIT/ SEAL

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ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
2	2022/04/13	M.T.	REZONING

PROJECT:
 13 UNIT TOWNHOUSE
 951 & 963 DYNES AVE.
 PENTICTON, BRITISH COLUMBIA
 LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
 SITE PLAN
 SITE INFO.

DATE: 2022.03.29
ISSUED FOR: DP-REZONING
DRAWN BY: CH
SCALE: AS SHOWN
PROJECT NO. 0 21 12 31

DP10-01

LOT 2 PLAN 24763 LOT 1 PLAN 24763 PLAN 929 LOT 10 PLAN 929 LOT 9 PLAN 929 LOT 8 PLAN 929

MT-Arch
Max Tayeff Architect Inc.

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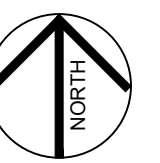
MAIN FLOOR AREA/
BUILDING FOOT PRINT

PROJECTION AREA

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ISSUES/ REVISIONS

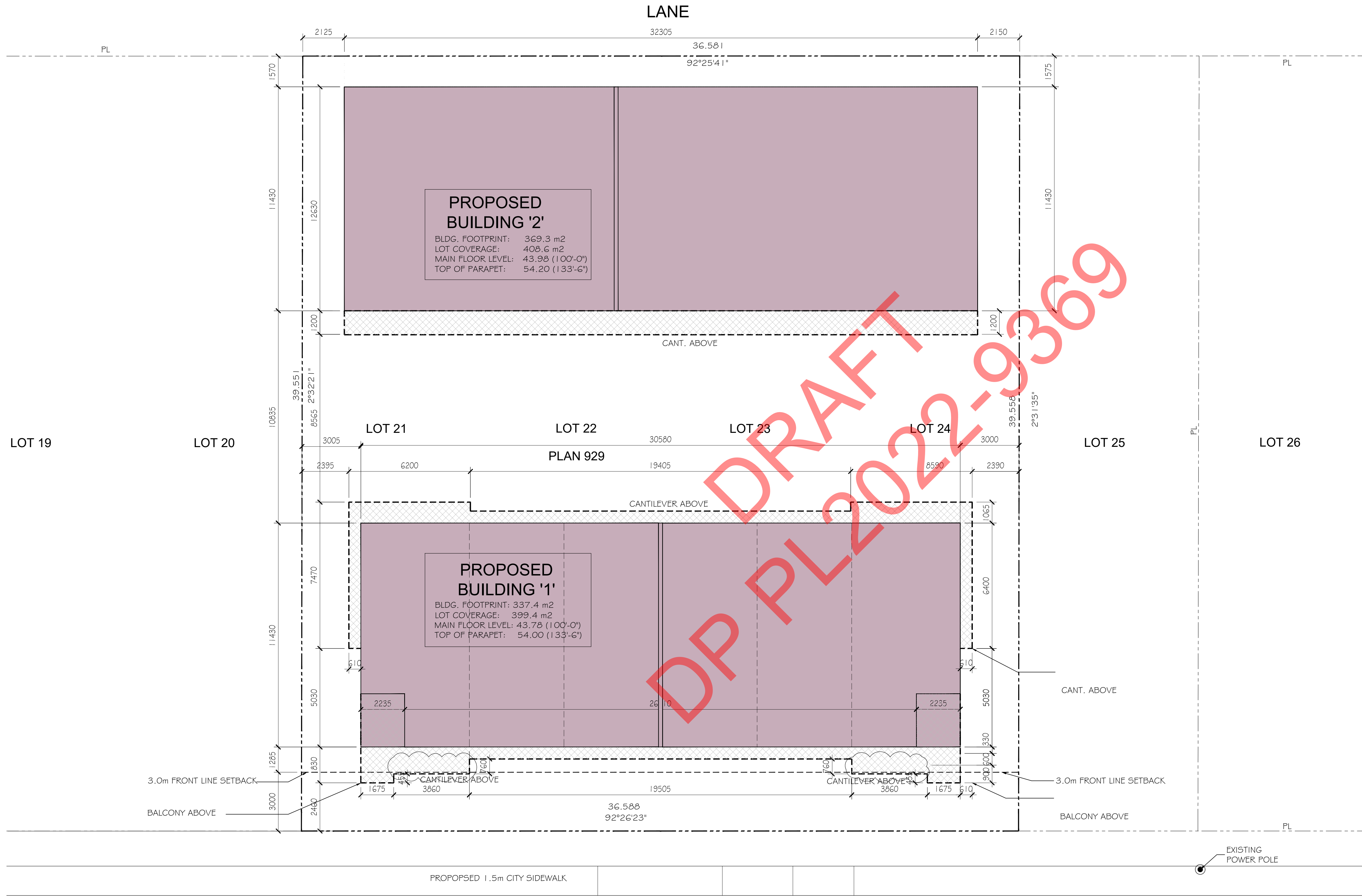
NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-DP
0	2022/04/13	M.T.	REZONING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
**SITE PLAN/
PROJECTION ABOVE**

DATE: 2022.03.29 **ISSUED FOR:** DP-REZONING
DRAWN BY: CH **SCALE:** AS SHOWN
PROJECT NO. 0 21 12 31

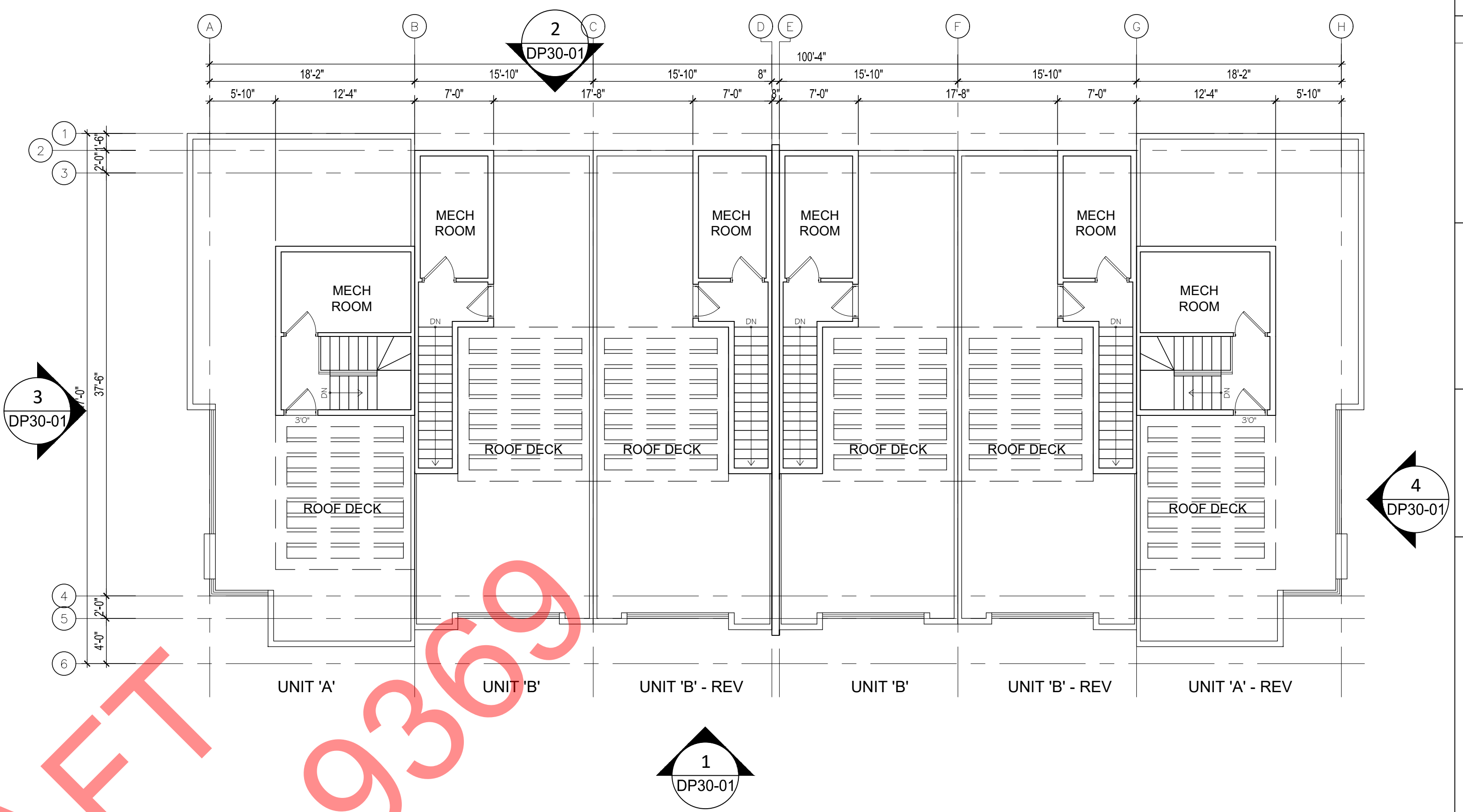
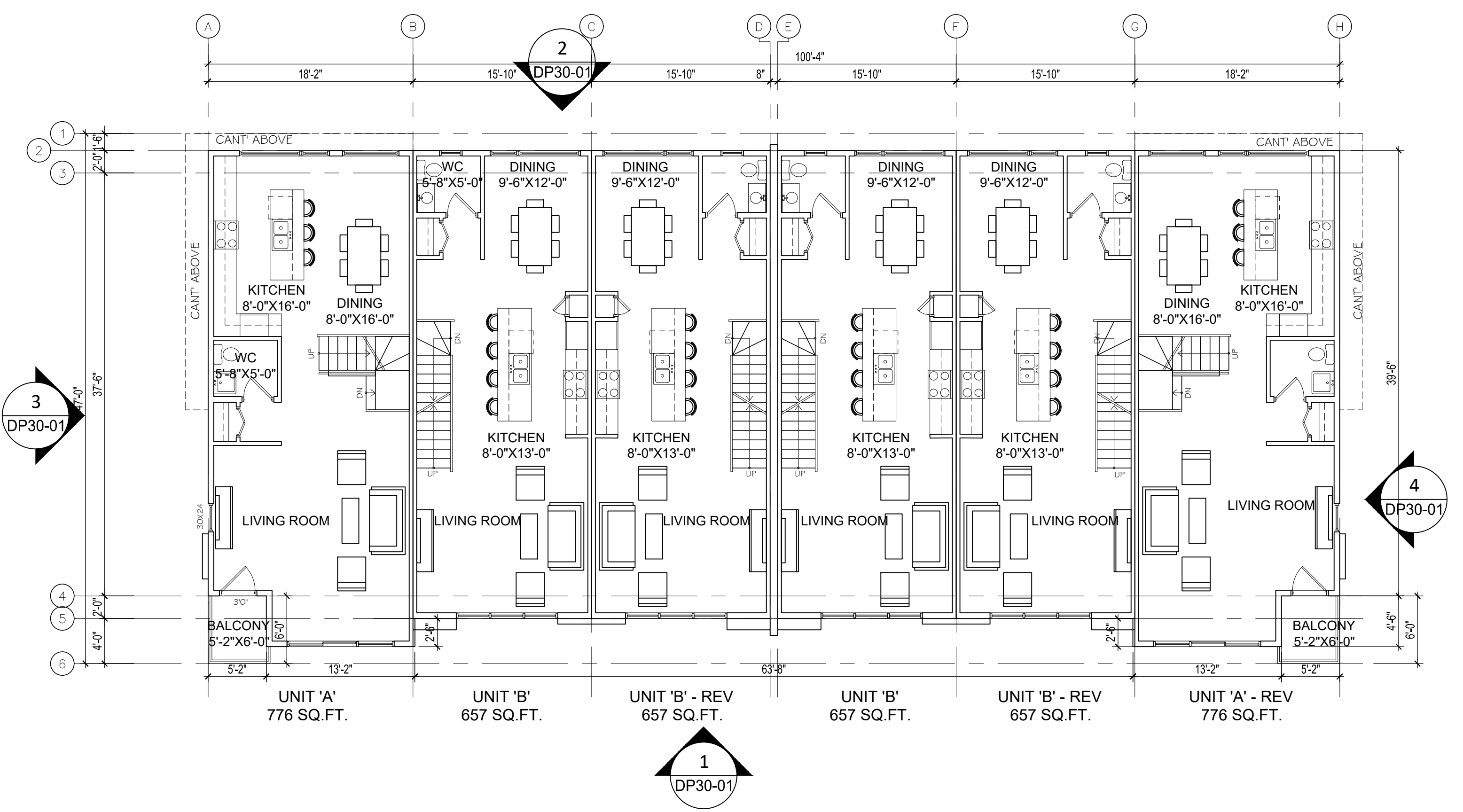
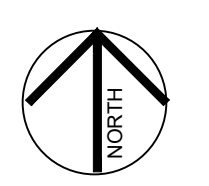
DP10-01a



1 PROPOSED PROJECTIONS AT SITE PLAN
DP10-01 SCALE: 1:100

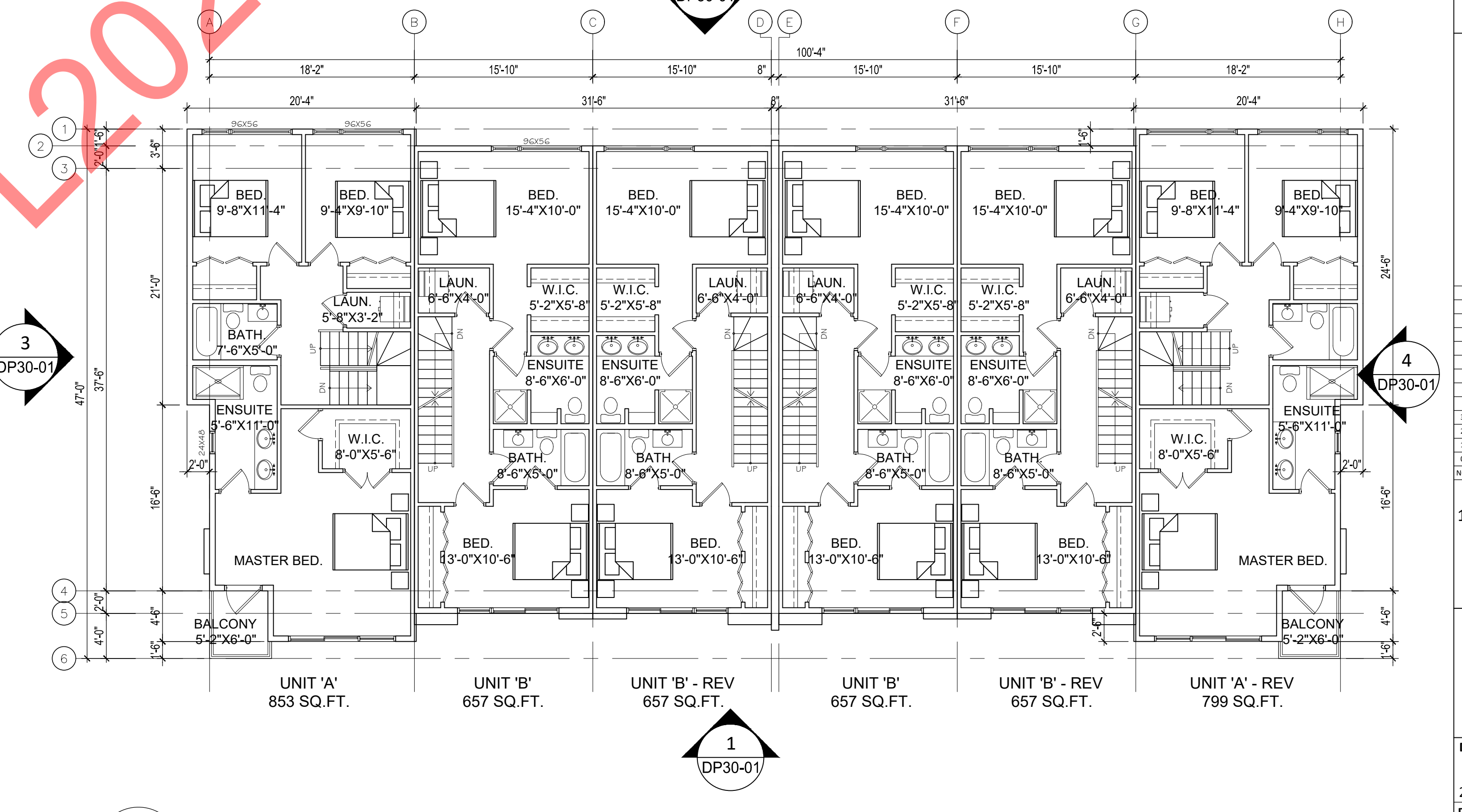
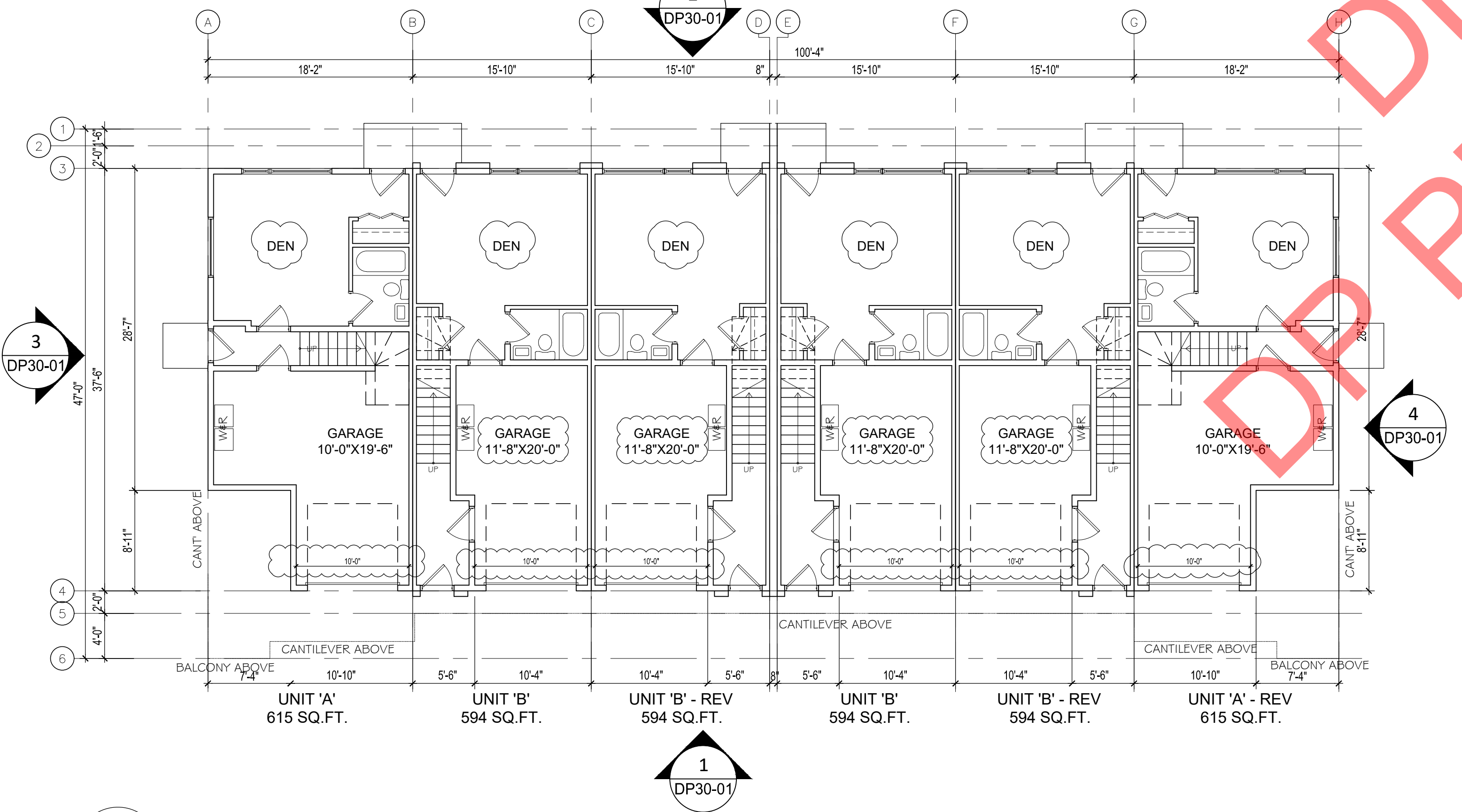
DYNES AVENUE

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2 SECOND FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"

4 ROOF PLAN
DP20-01 SCALE: 1/8"=1'-0"



1 MAIN FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"

3 THIRD FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

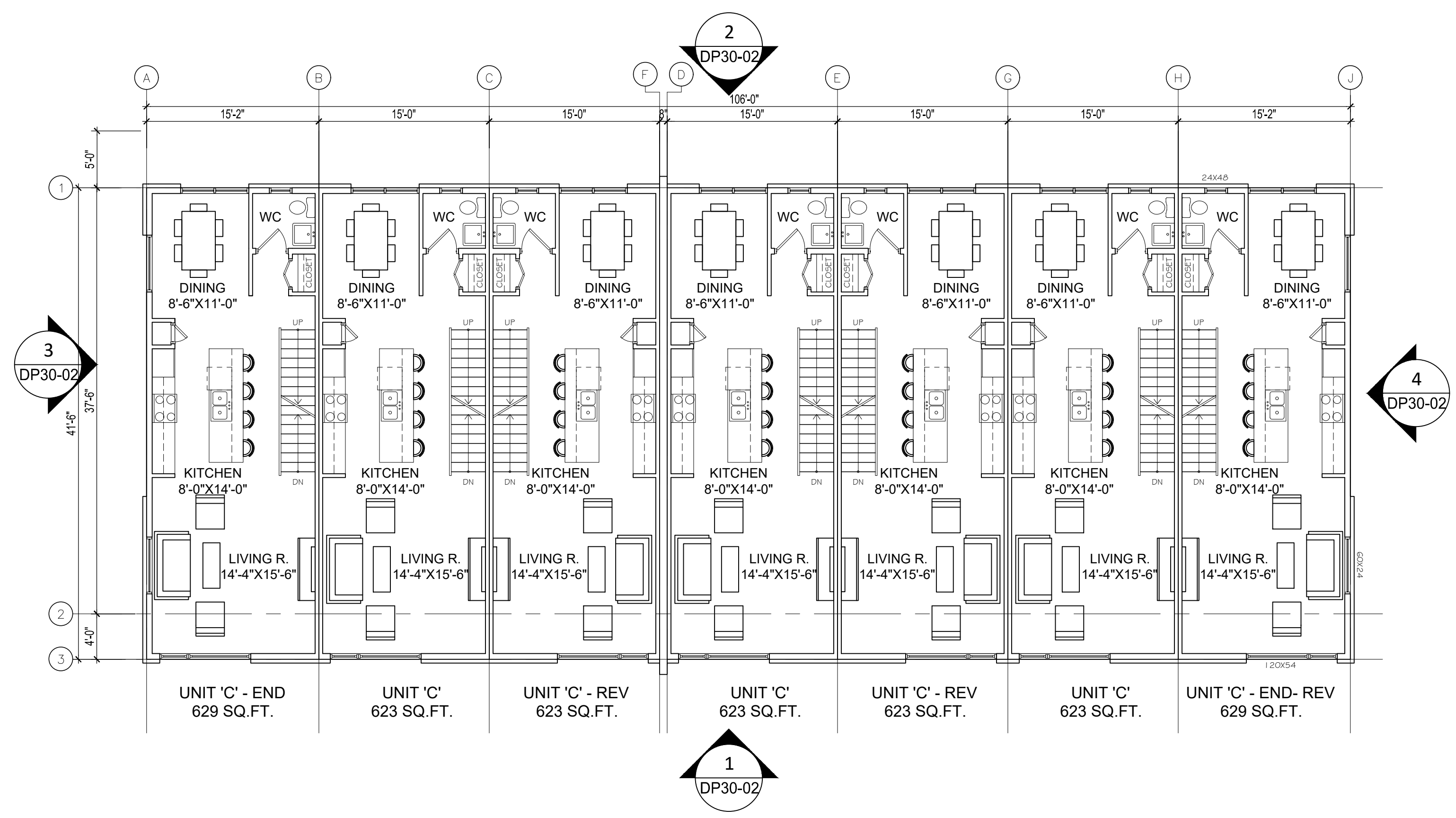
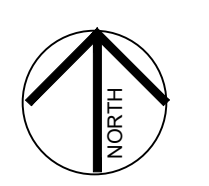
NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
2	2022/04/23	M.T.	REZONING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

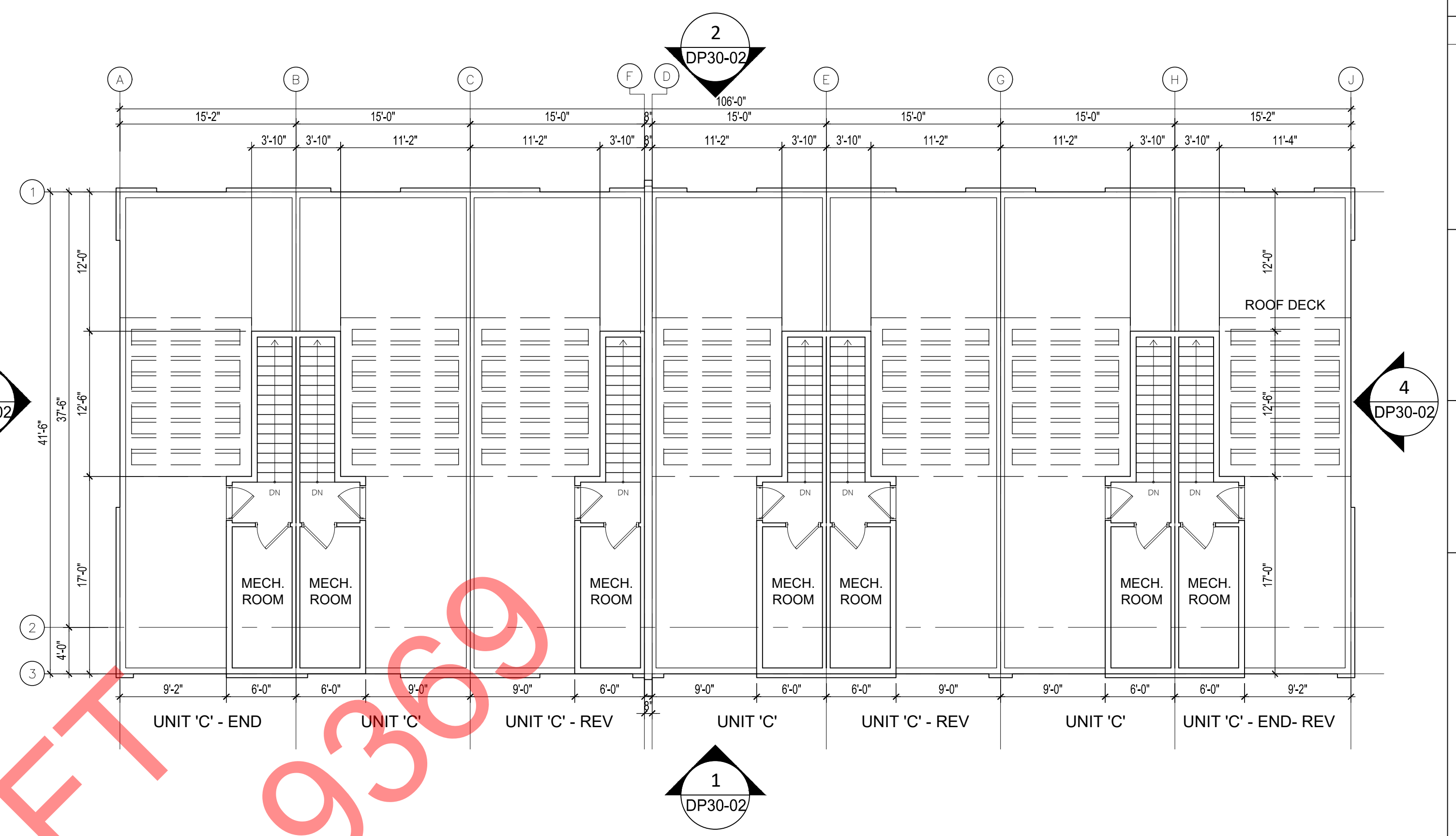
DRAWING:
FLOOR PLANS
BUILDING 1
(6 UNITS)

DATE:	ISSUED FOR:
2022.05.19	DP-REZONNING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	

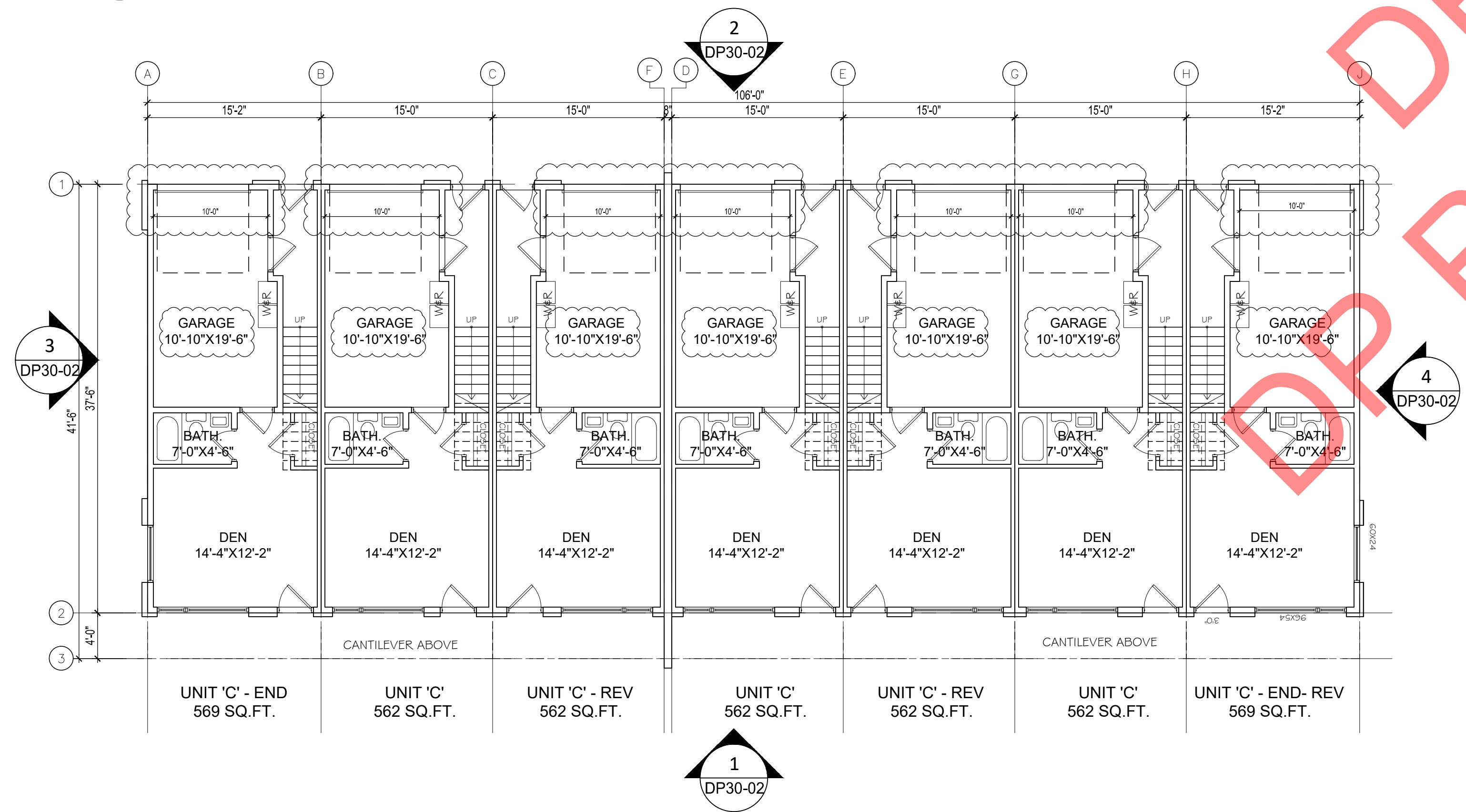
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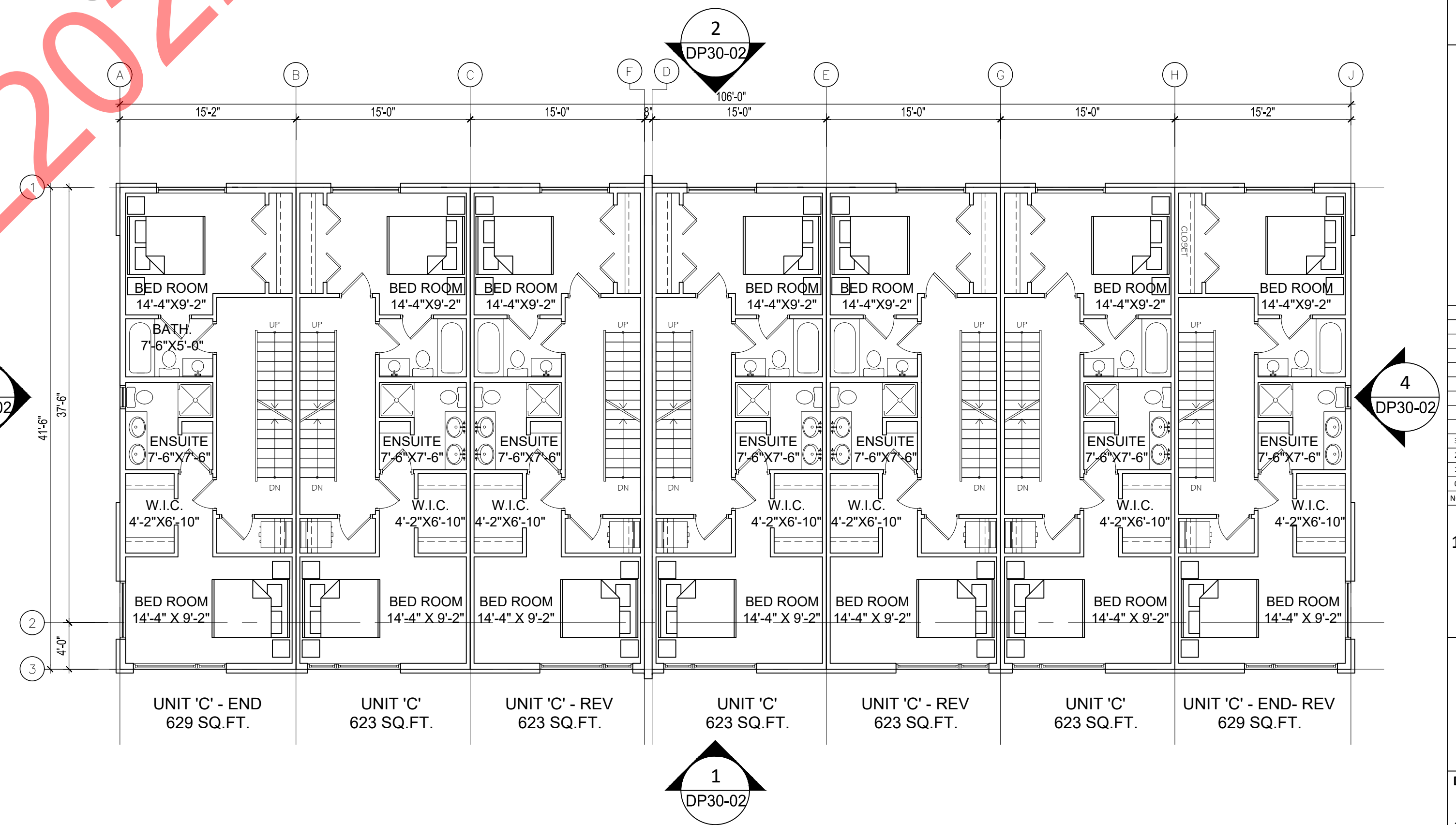
2 SECOND FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"



4 ROOF PLAN
DP20-02 SCALE: 1/8"=1'-0"



1 MAIN FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"



3 THIRD FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
2	2022/04/13	M.T.	REZONING

PROJECT:

13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

FLOOR PLANS
BUILDING 2
(7 UNITS)

DATE:

2022.05.19

DRAWN BY:

CH

PROJECT NO. 0 21 12 31

ISSUED FOR:

DP-REZONING

SCALE:

1/8" = 1'-0"

DP20-02

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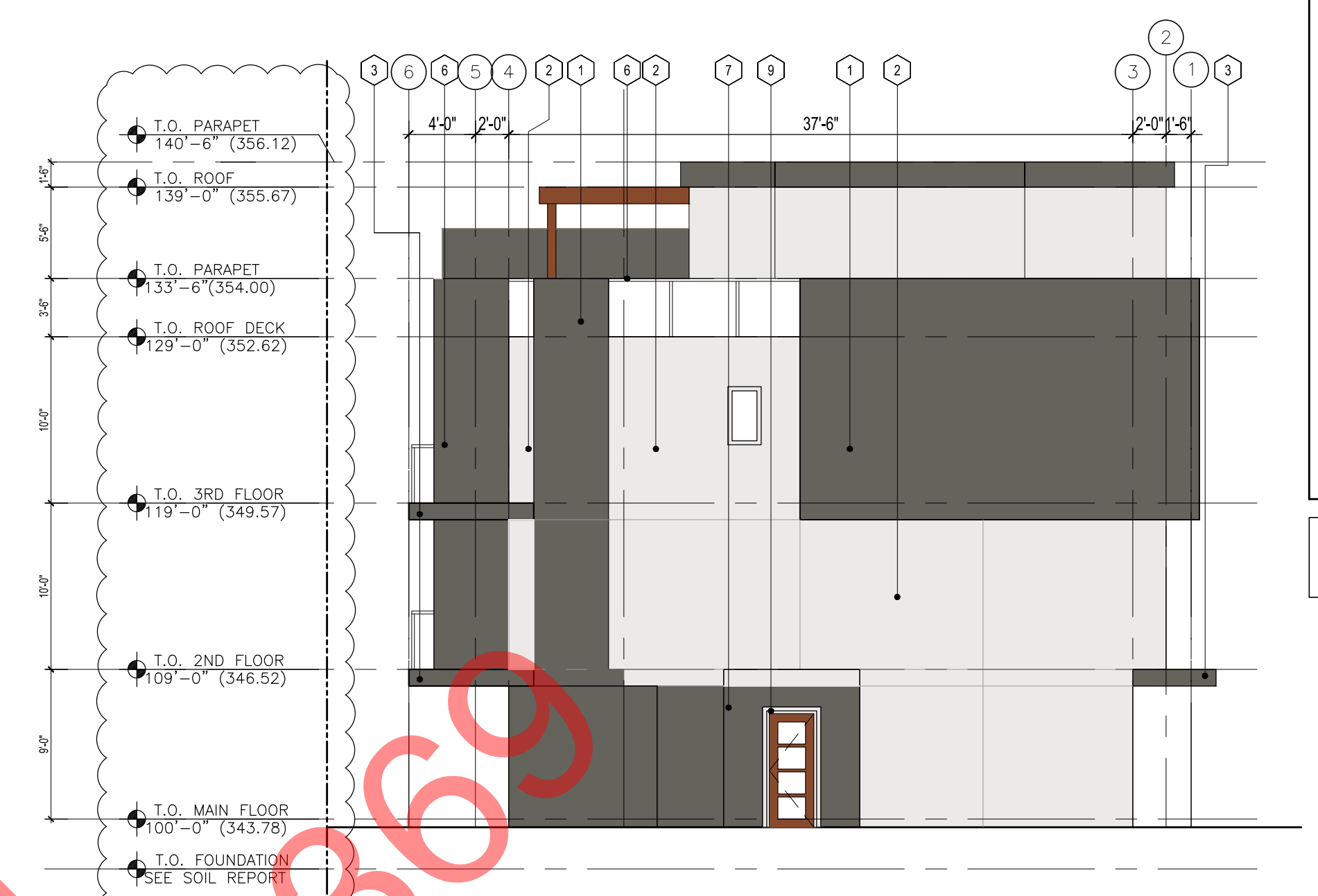
EXTERIOR MATERIALS LEGEND

- 1 FIBRE CEMENT PANEL
COLOUR: DARK GREY
- 2 FIBRE CEMENT PANEL
COLOUR: WHITE
- 3 PRE-FINISHED METAL FASCIA FLASHING
COLOUR: DARK GREY
- 4 PRE-FINISHED ALUMINUM TRELLISES
COLOUR: BROWN WOOD GRAIN (POWDER COATED)
- 5 C.I.P. CONCRETE STEPS
- 6 42" HIGH BALCONY CLEAR GLASS RAILING
C/W ALUMINUM POSTS / FRAME
COLOUR: POWDER COATED BLACK
- 7 BRICK VENEER
COLOUR: MEDIUM GREY
- 8 PVC WINDOWS/BALCONY DOORS
COLOUR: WHITE
- 9 PVC ENTRANCE DOORS-WOOD COLOUR
C/W FROSTED GLASS

NOTE: EXTERIOR MATERIALS TYPICAL TO ALL ELEVATIONS



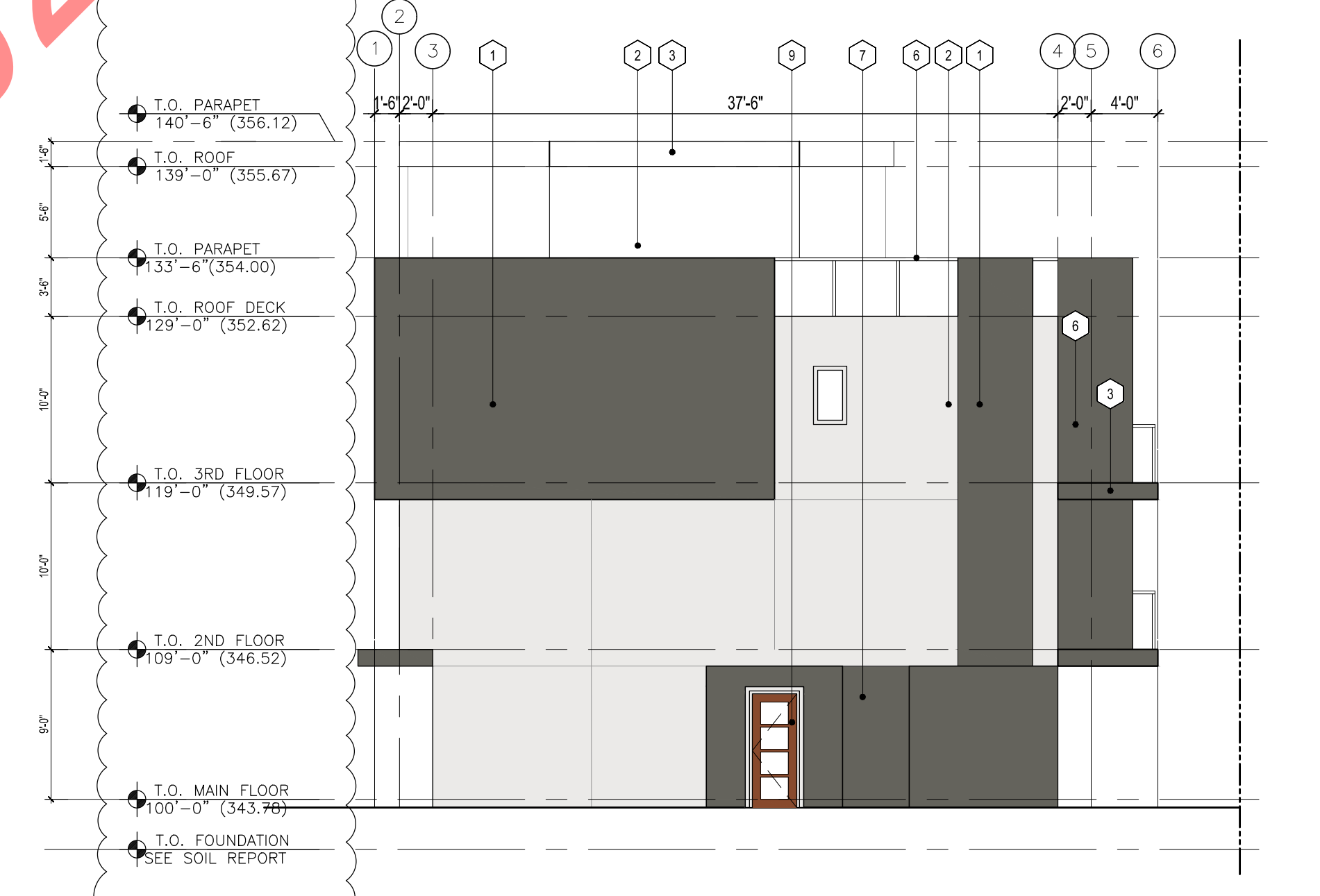
2 NORTH ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



4 EAST ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



3 WEST ELEVATION
DP30-01 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
0	2022/04/13	M.T.	REZONING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

BUILDING 1 ELEVATIONS (6 UNITS)

DATE:	ISSUED FOR:
2022.05.19	DP-REZONNING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	

DP30-01

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ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONNING-OP
2	2022/04/23	M.T.	REZONNING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

BUILDING 2 ELEVATIONS (7 UNITS)

DATE:

ISSUED FOR:

2022.05.19 DP-REZONNING

DRAWN BY: CH

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

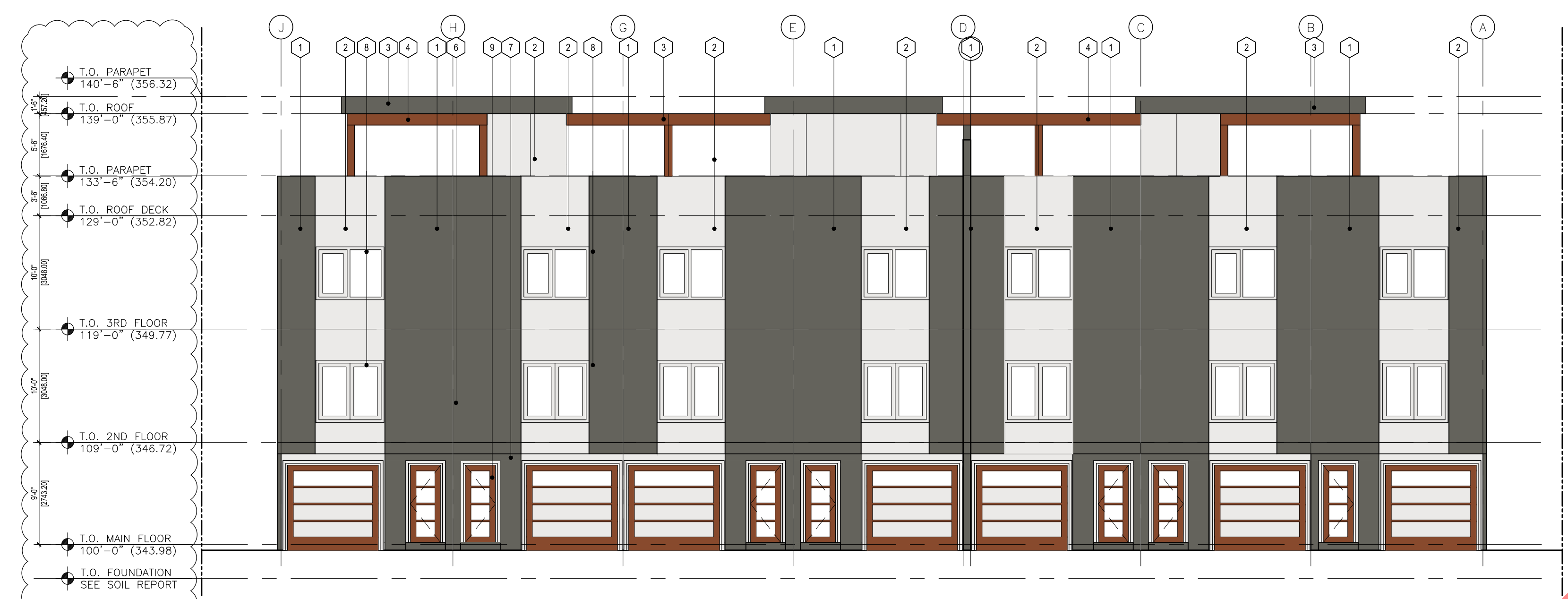
PROJECT NO. 0 21 12 31

DP30-02

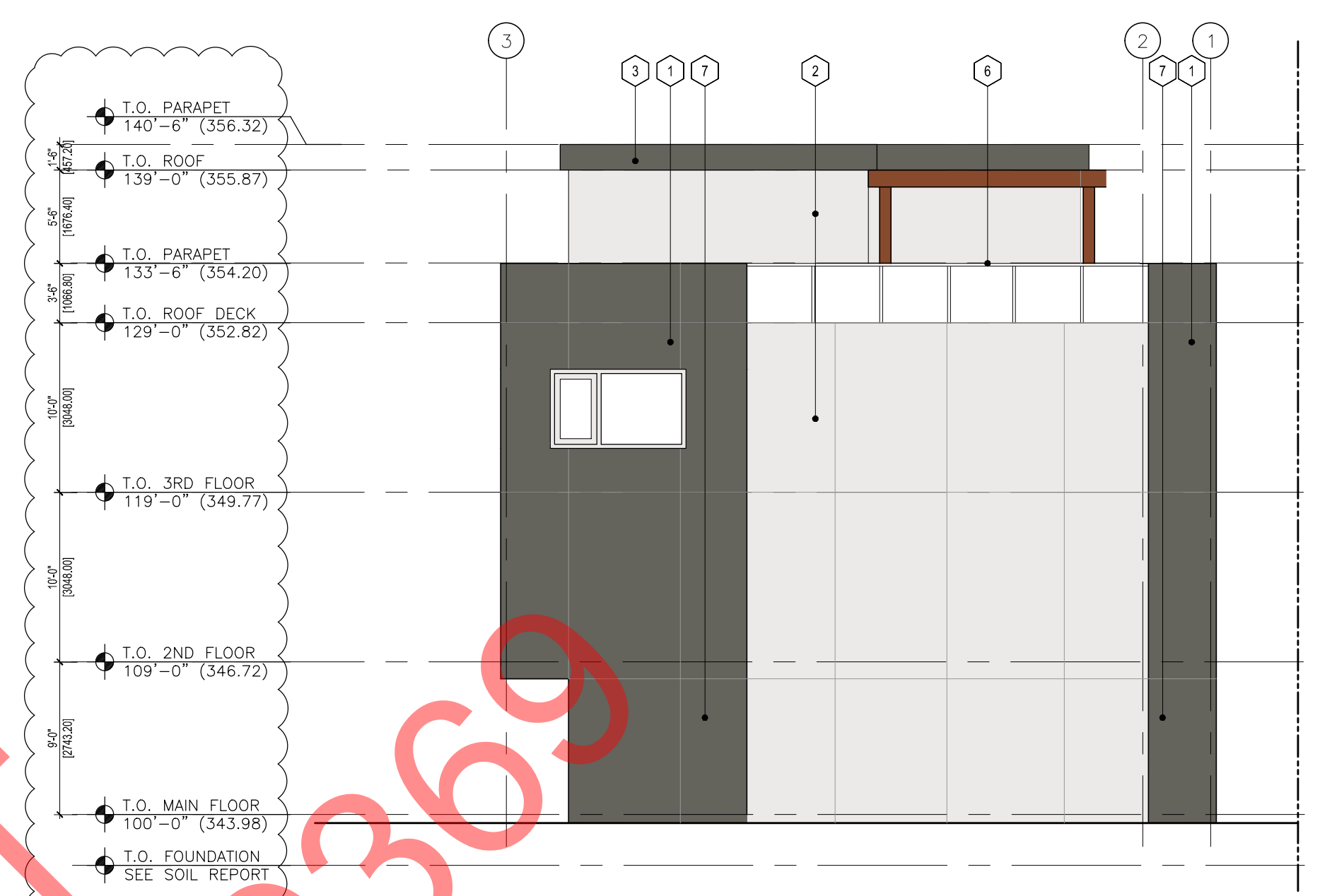
EXTERIOR MATERIALS LEGEND

- 1 FIBRE CEMENT PANEL
COLOUR: DARK GREY
- 2 FIBRE CEMENT PANEL
COLOUR: WHITE
- 3 PRE-FINISHED METAL FASCIA/ FLASHING
COLOUR: DARK GREY
- 4 PRE-FINISHED ALUMINUM TRELLISSES
COLOUR: BROWN WOOD GRAIN (POWDER COATED)
- 5 C.I.P. CONCRETE STEPS
- 6 42" HIGH BALCONY CLEAR GLASS RAILING
CW ALUMINUM POSTS / FRAME
COLOUR: POWDER COATED BLACK
- 7 BRICK VENEER
COLOUR: MEDIUM GREY
- 8 PVC WINDOWS/BALCONY DOORS
COLOUR: WHITE
- 9 PVC ENTRANCE DOORS-WOOD COLOUR
CW FROSTED GLASS

NOTE: EXTERIOR MATERIALS TYPICAL TO ALL ELEVATIONS



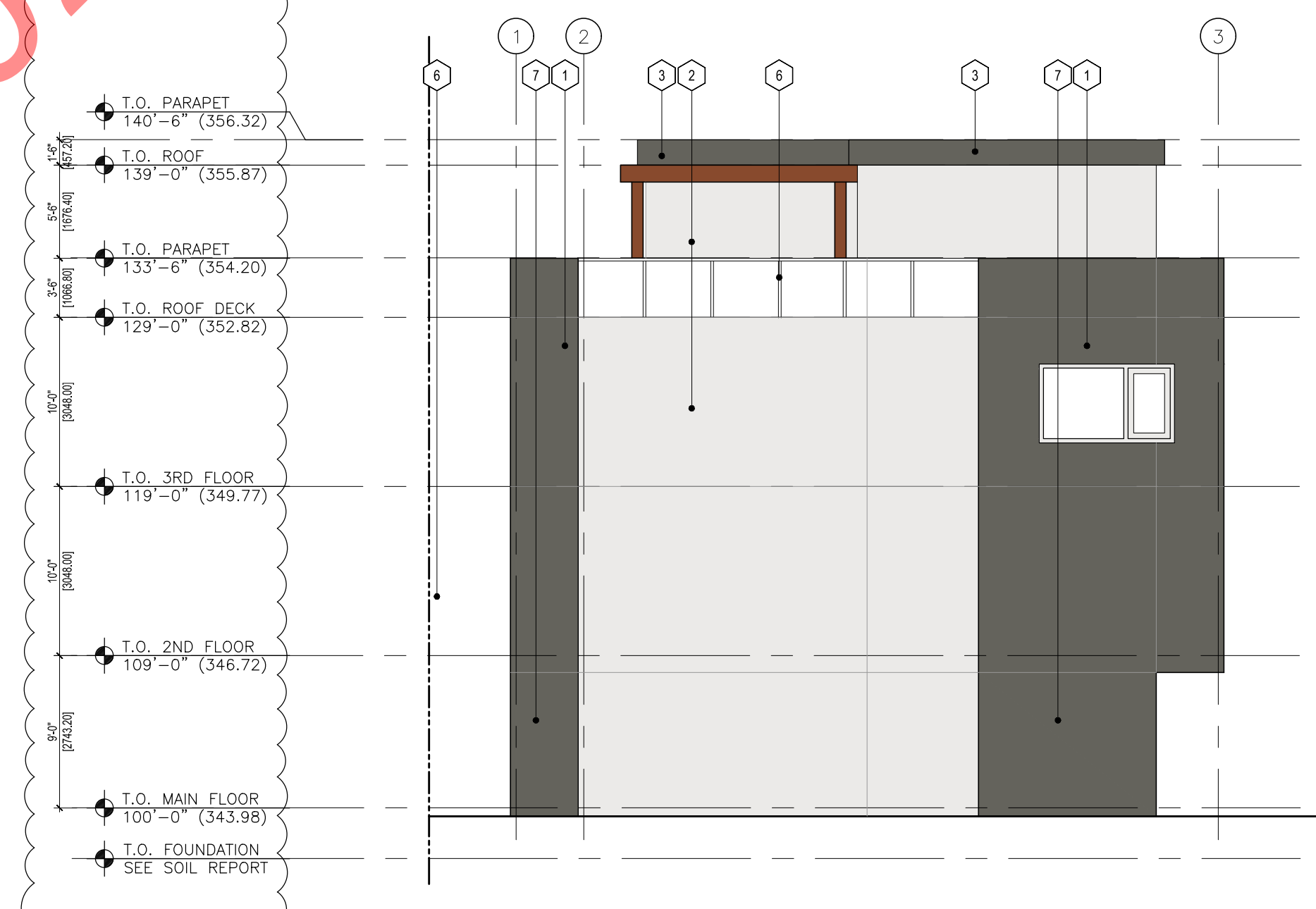
2 NORTH ELEVATION
DP30-02 SCALE: 1/8"=1'-0"



4 EAST ELEVATION
DP30-02 SCALE: 1/8"=1'-0"



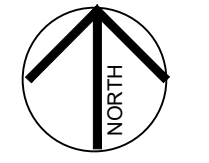
1 SOUTH ELEVATION
DP30-02 SCALE: 1/8"=1'-0"



3 WEST ELEVATION
DP30-02 SCALE: 1/8"=1'-0"

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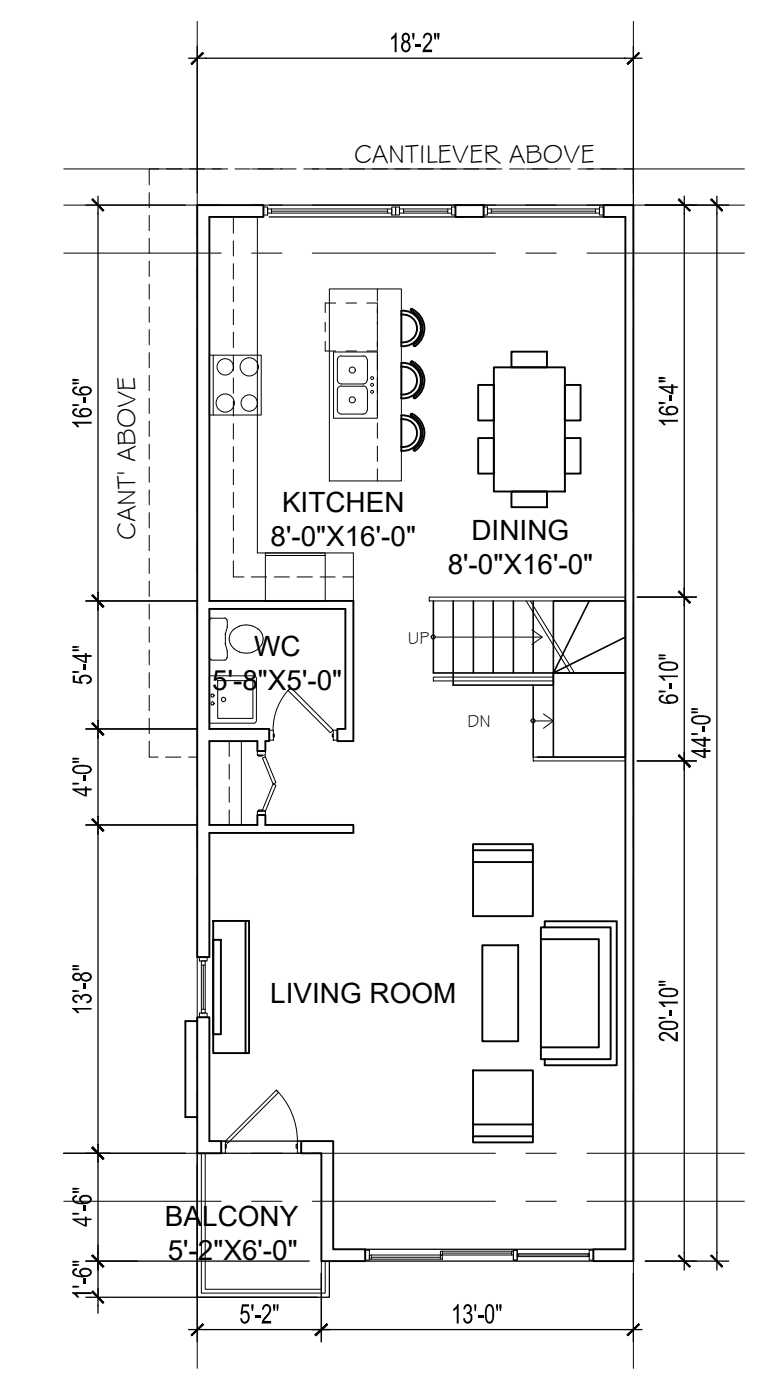
ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
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2	2022/04/23	M.T.	RE-ZONNING

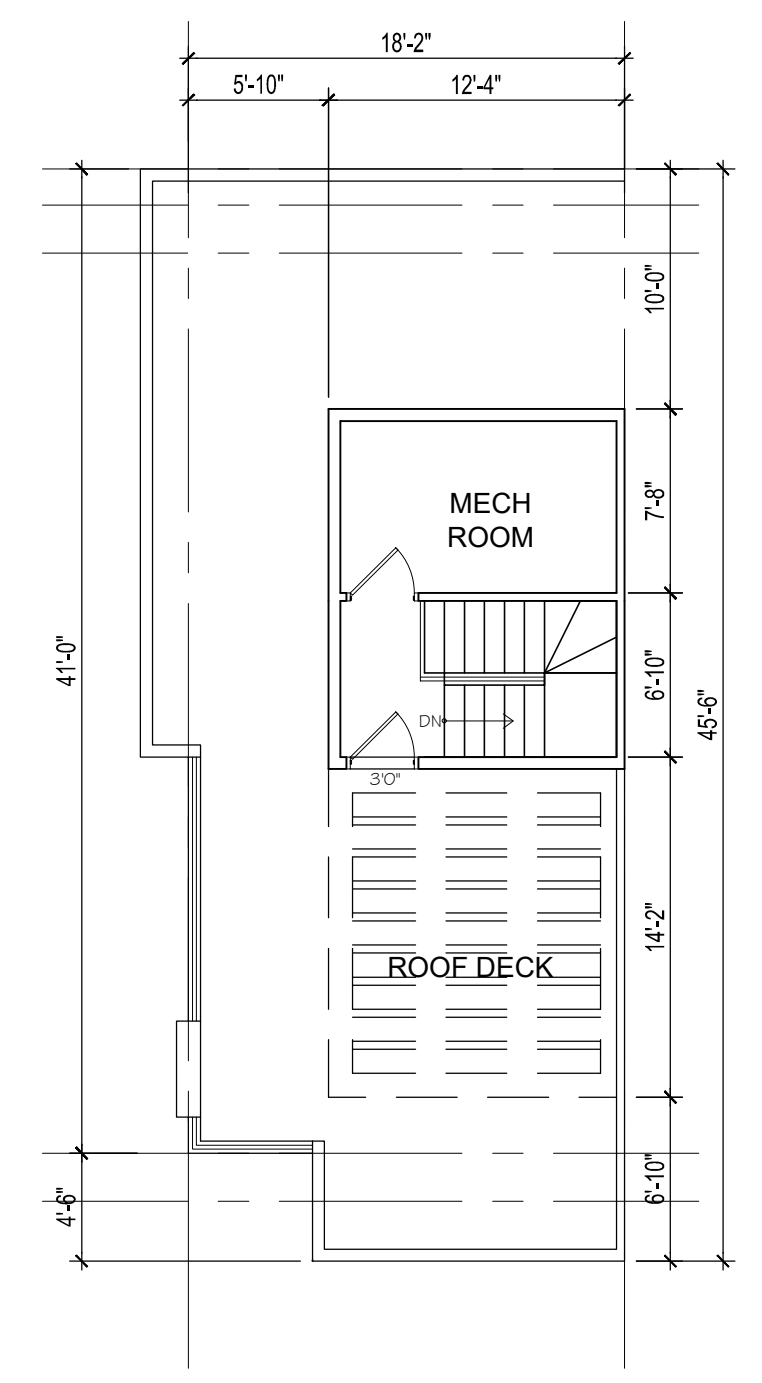
PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
UNIT PLANS
6 UNIT BUILDING

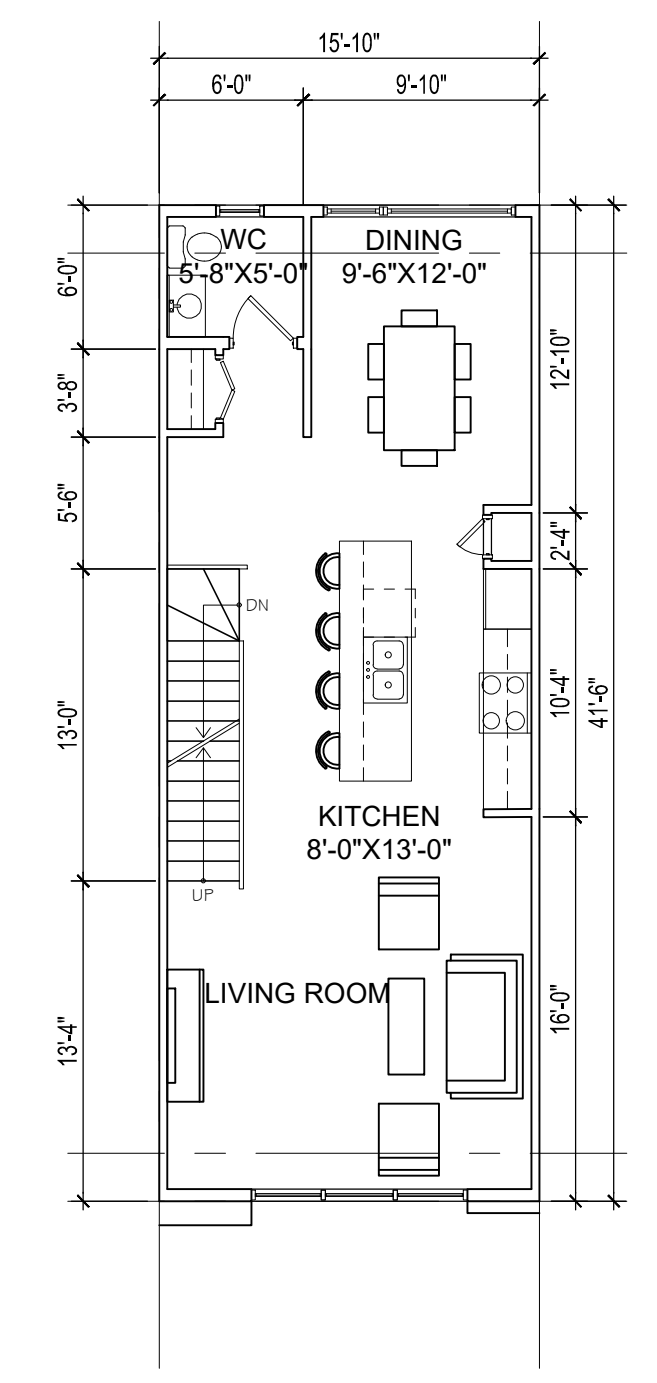
DATE:	ISSUED FOR:
2022.05.19	DP-REZONNING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	



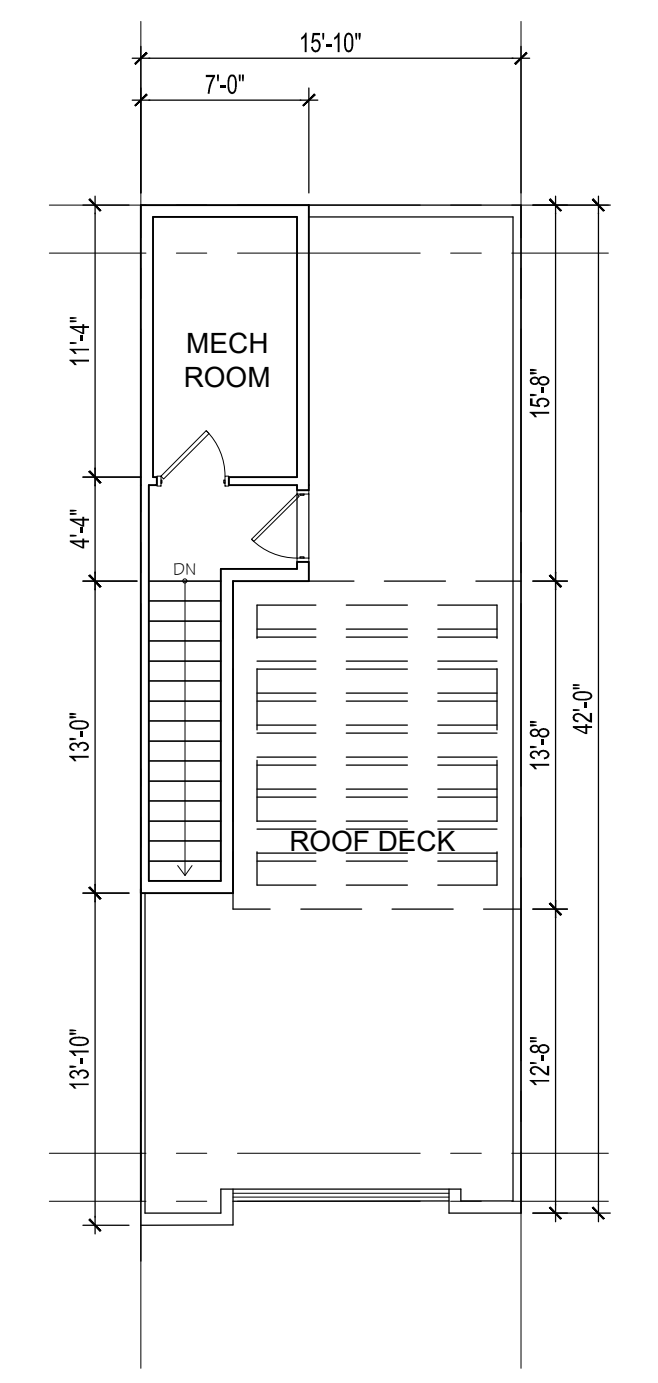
UNIT 'A' SECOND FLOOR
776 SQ.FT.



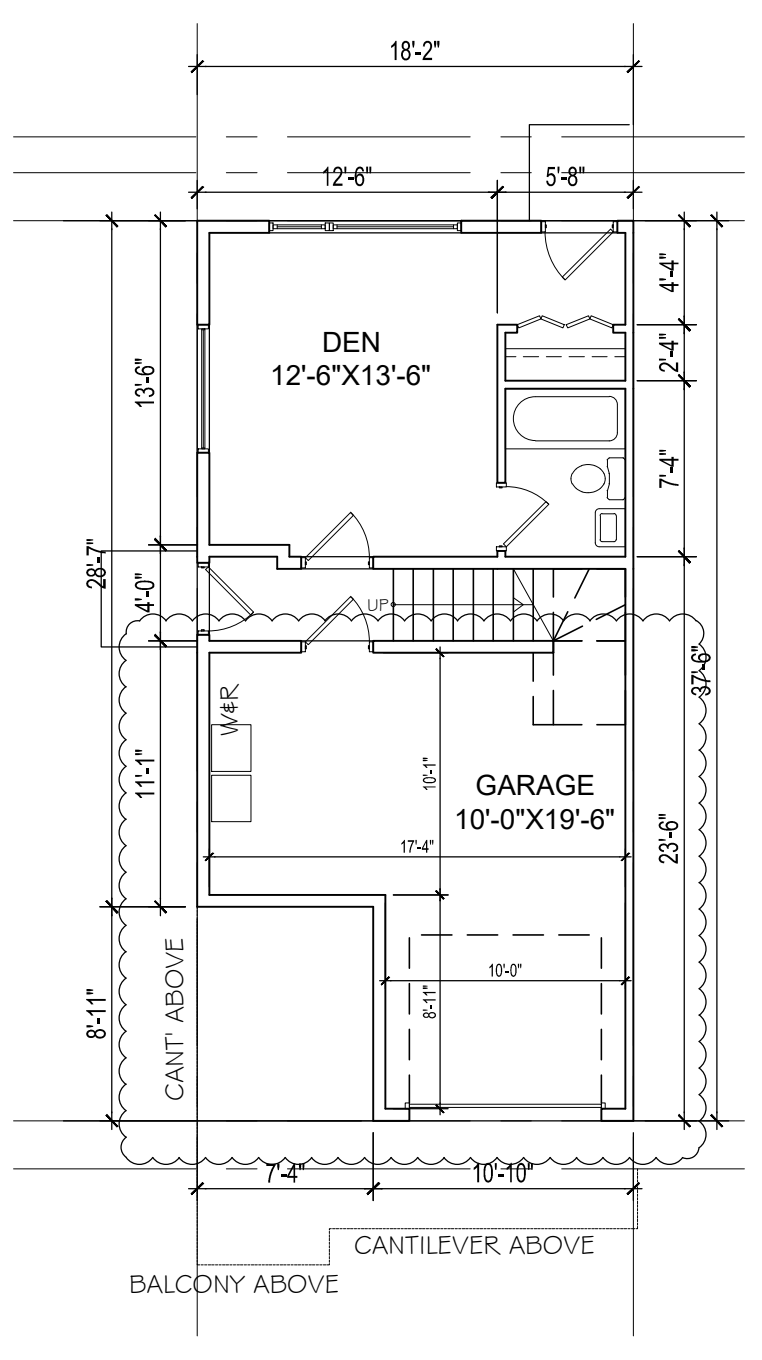
UNIT 'A' ROOF



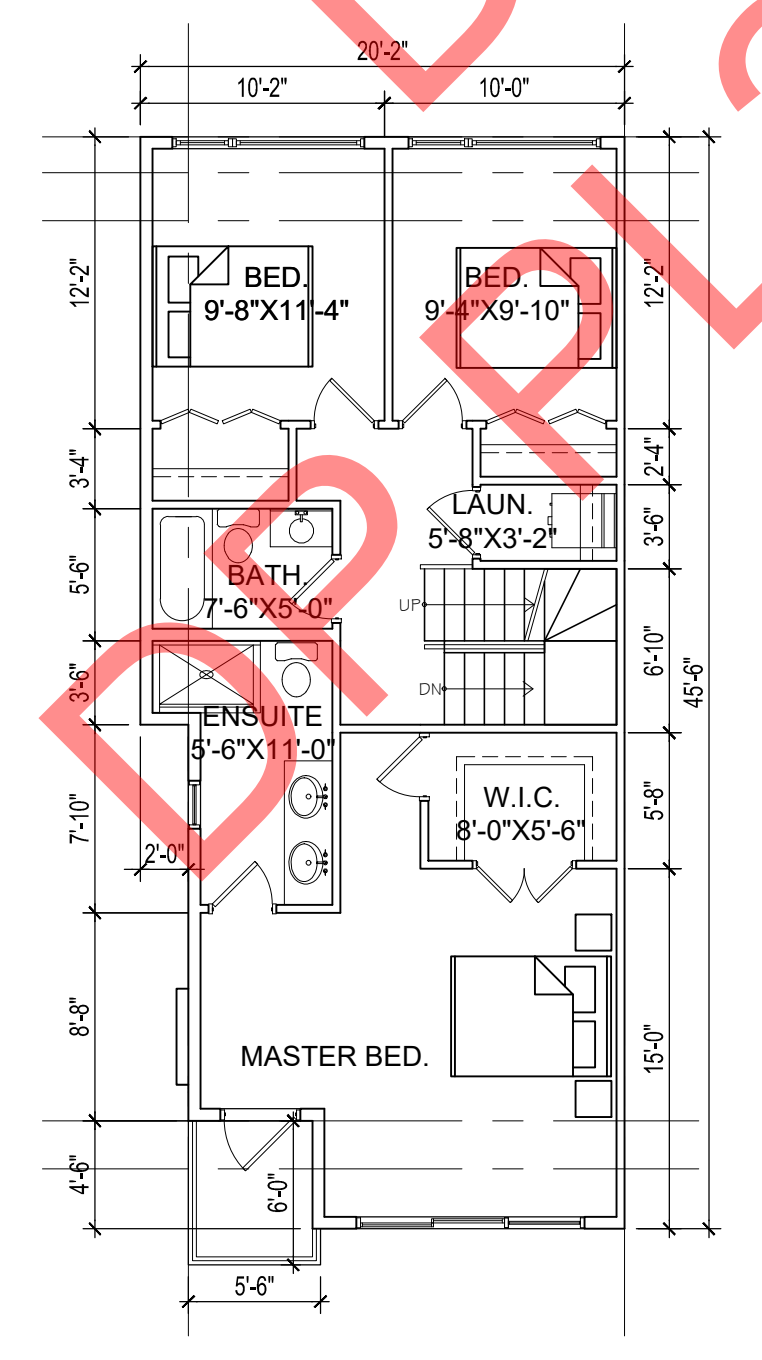
UNIT 'B' SECOND FLOOR
657 SQ.FT.



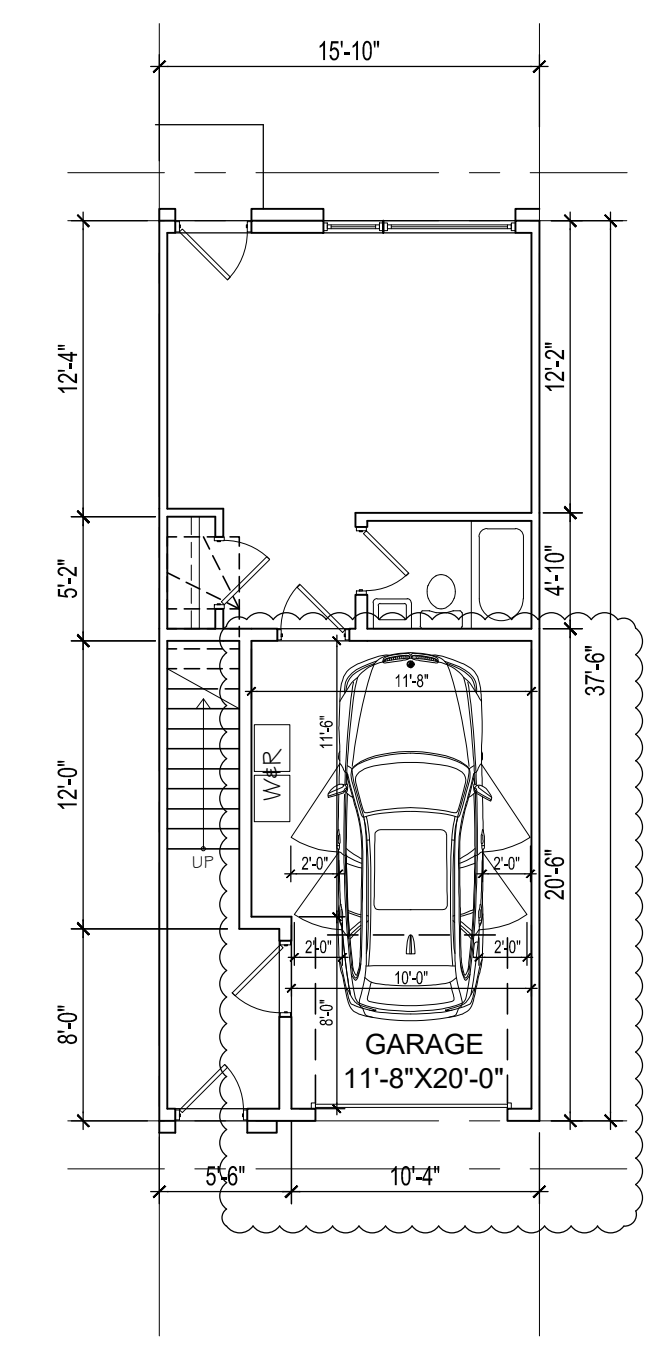
UNIT 'B' ROOF



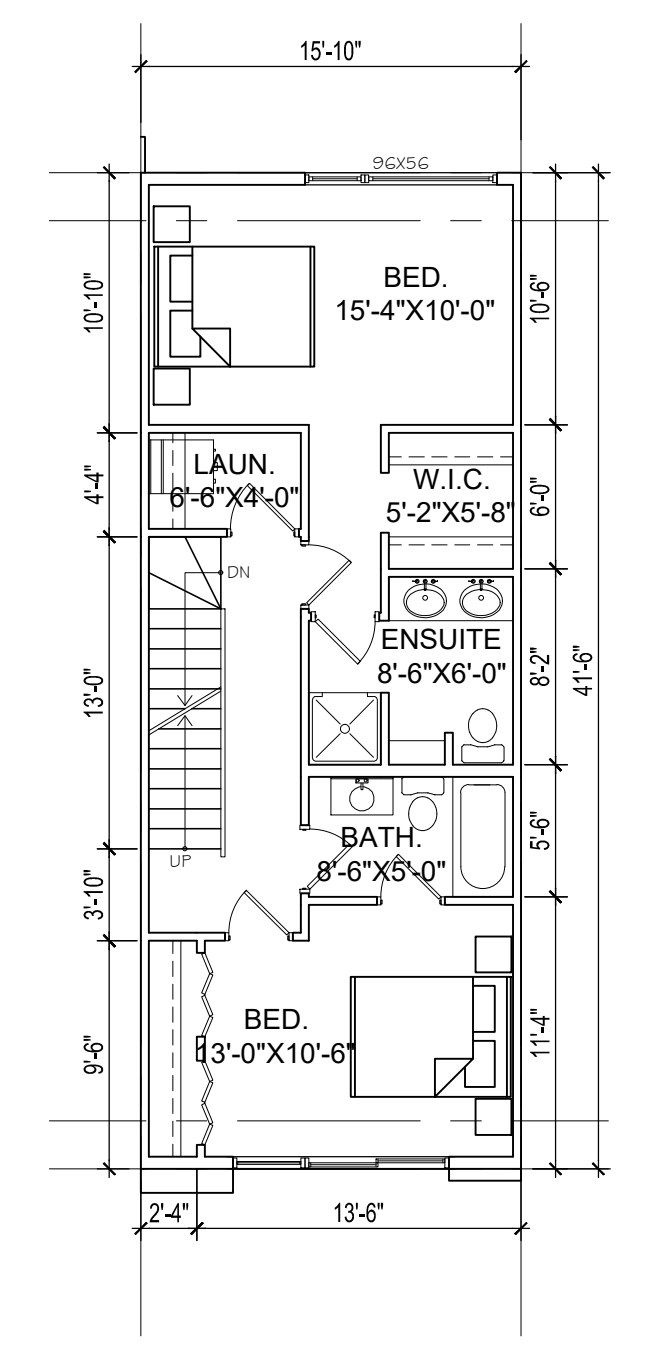
UNIT 'A' MAIN FLOOR
615 SQ.FT.



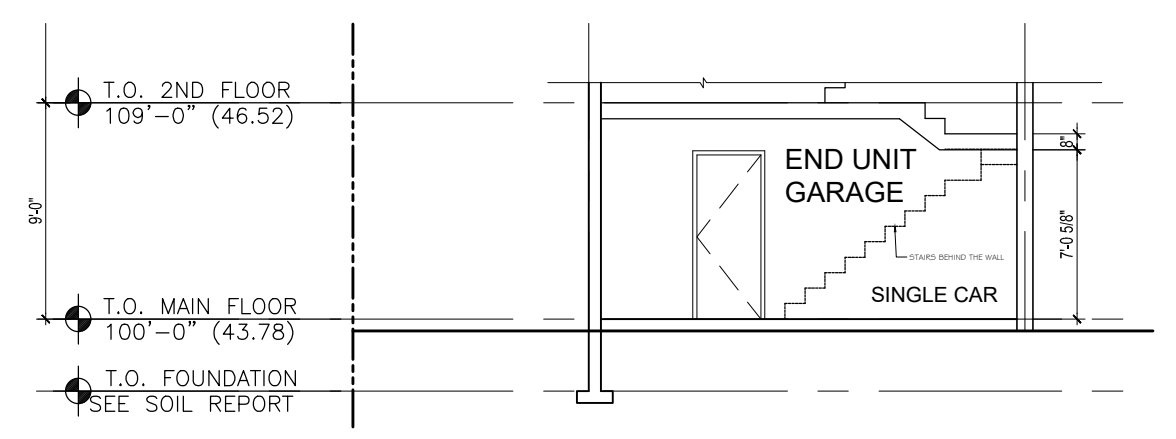
UNIT 'A' 3RD FLOOR
853 SQ.FT.



UNIT 'B' MAIN FLOOR
594 SQ.FT.



UNIT 'B' THIRD FLOOR
657 SQ.FT.



1 UNIT 'A' - FLOOR PLANS
DP50-01 SCALE: 1/8"=1'-0"

2 UNIT 'B' - FLOOR PLANS
DP50-01 SCALE: 1/8"=1'-0"

PERMIT/ SEAL

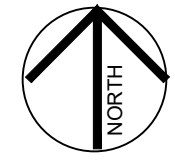
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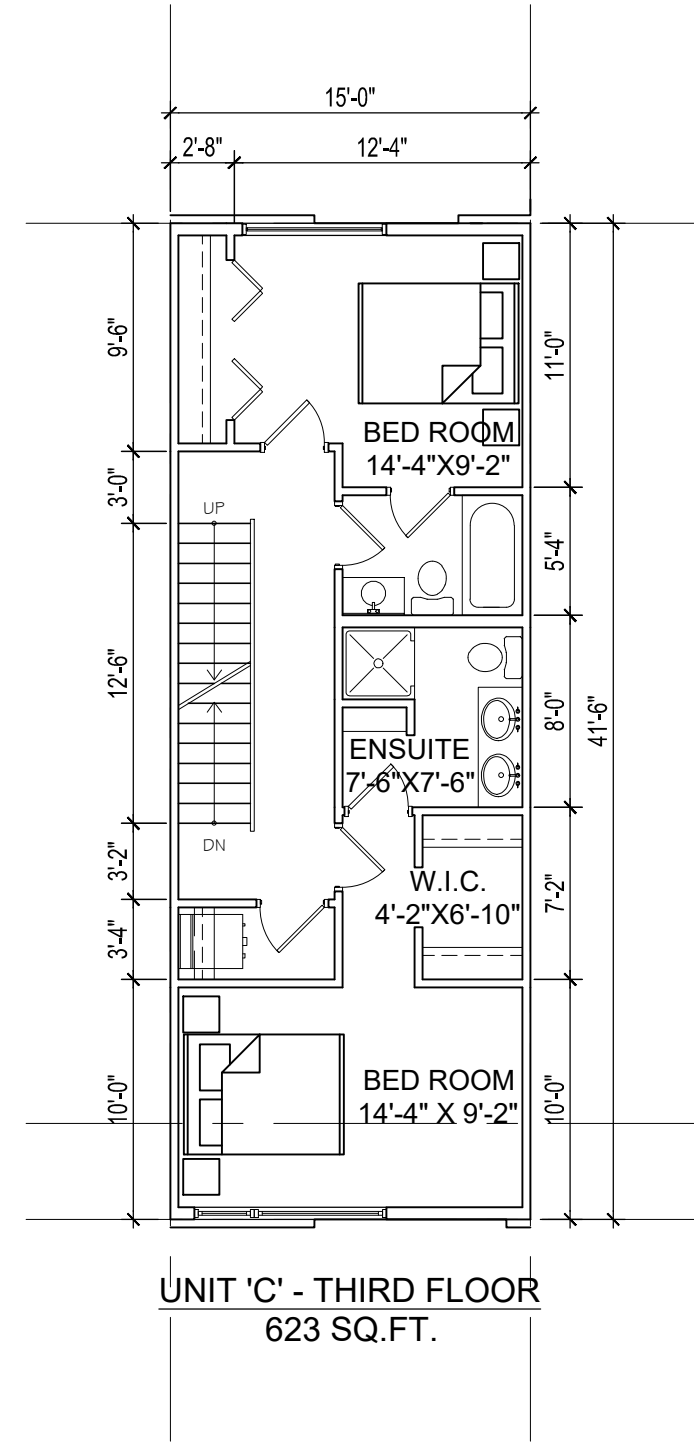
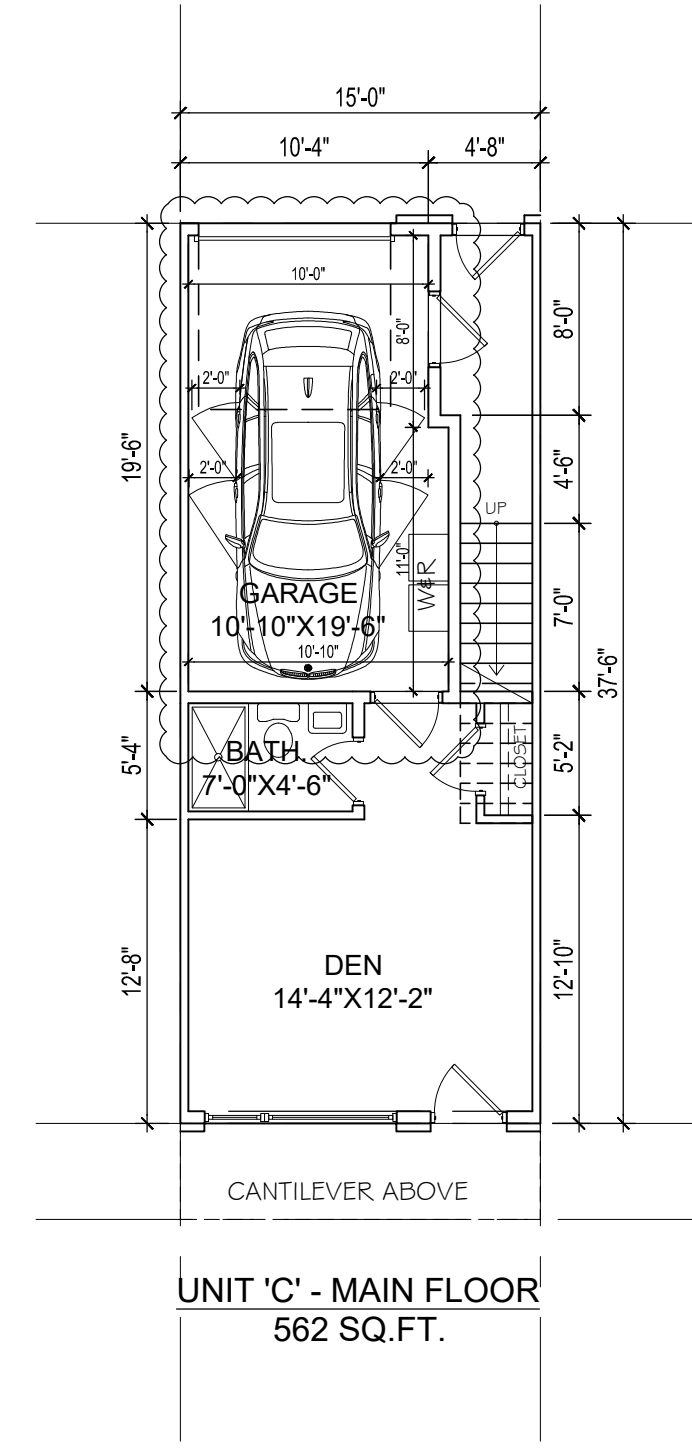
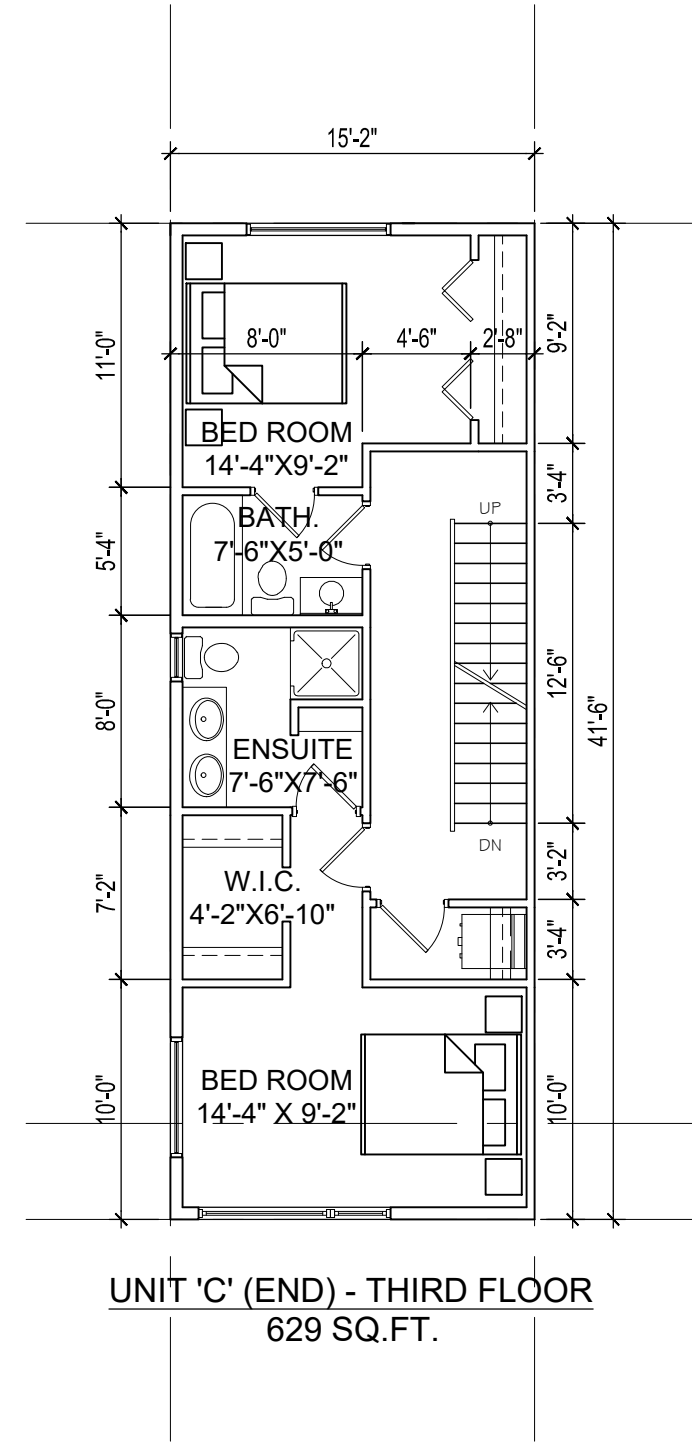
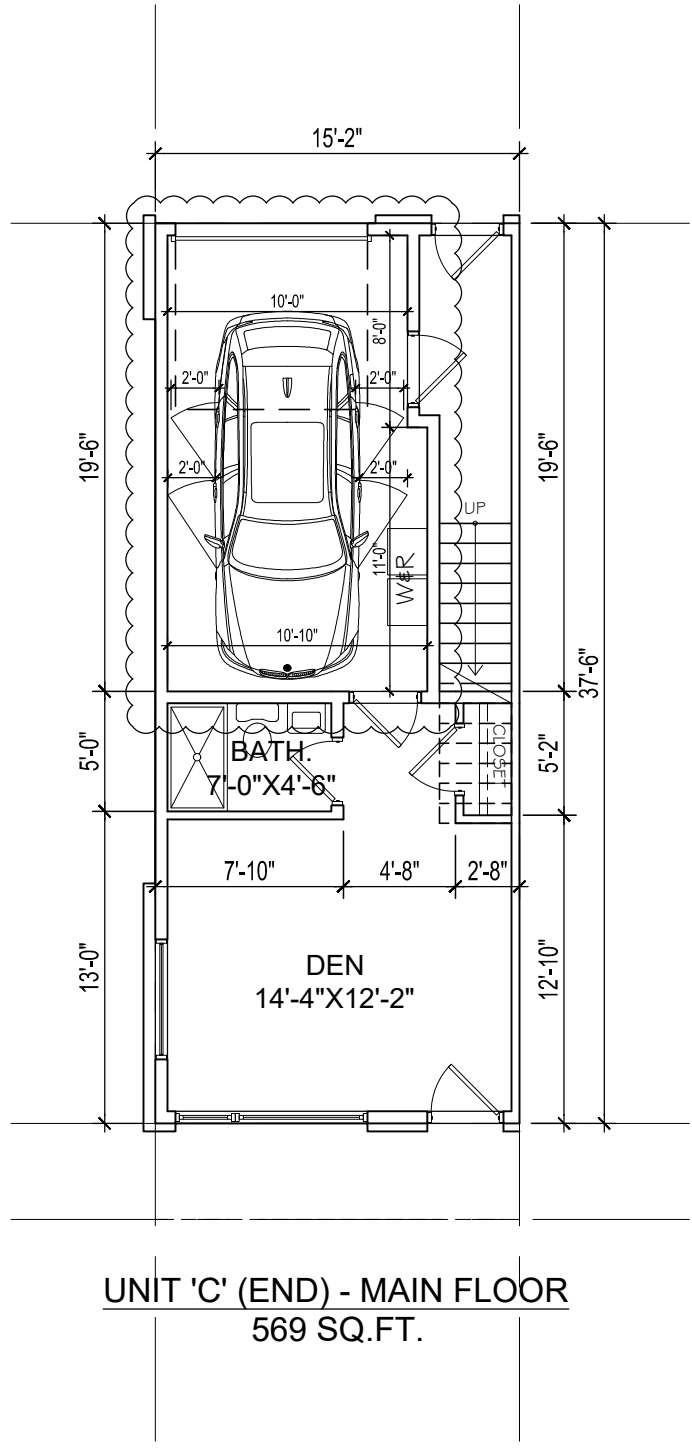
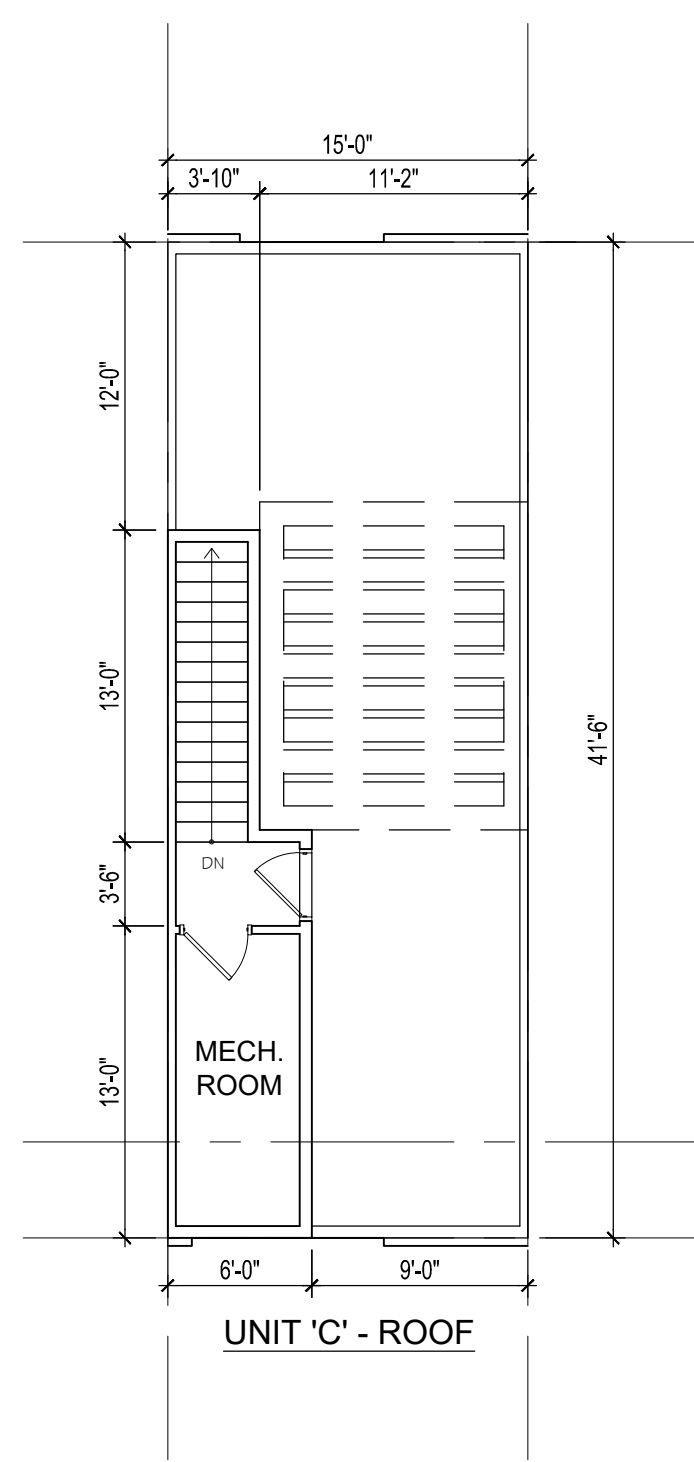
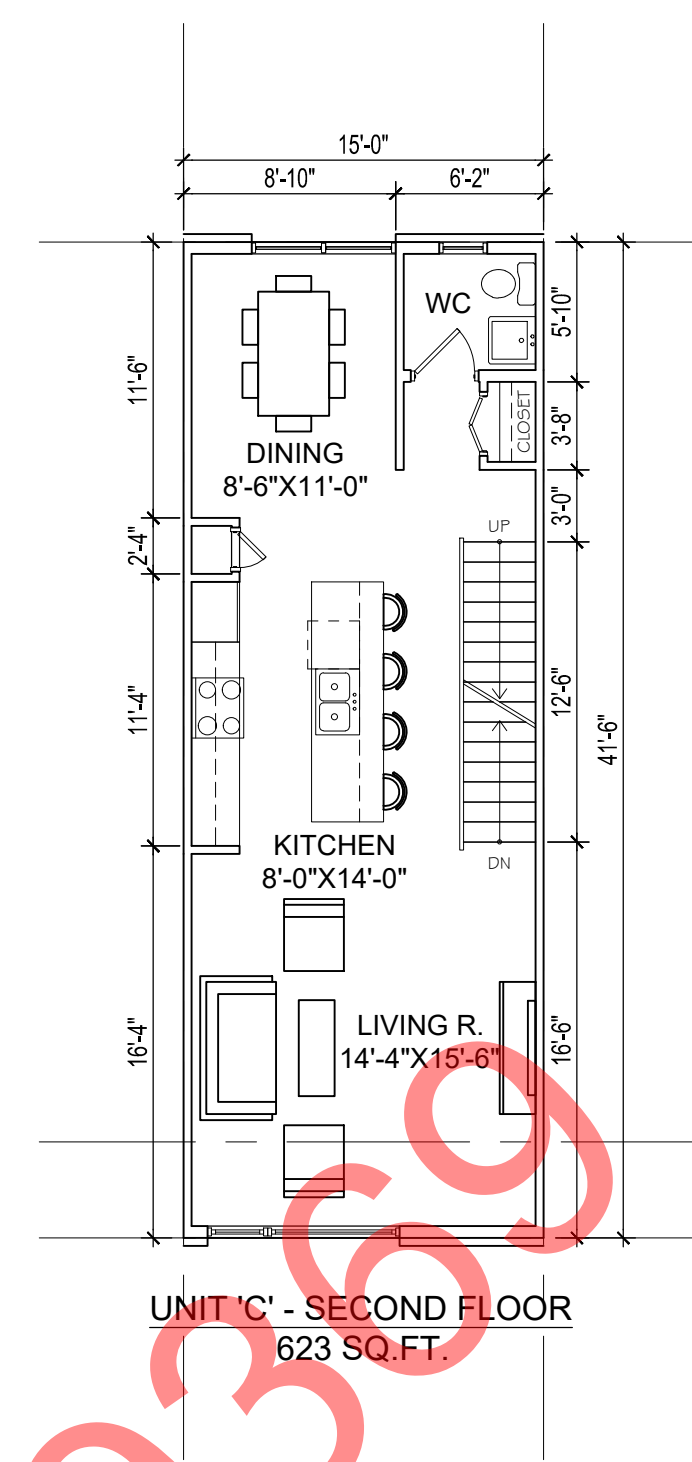
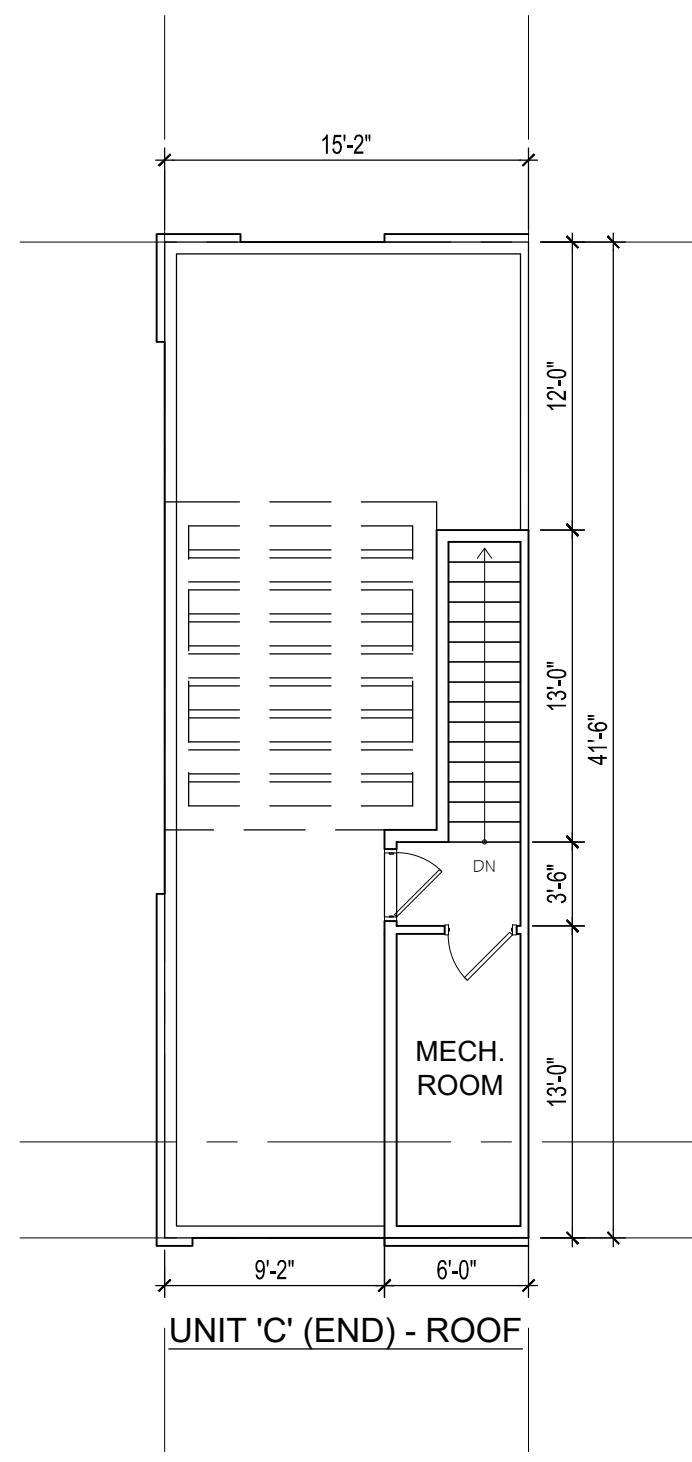
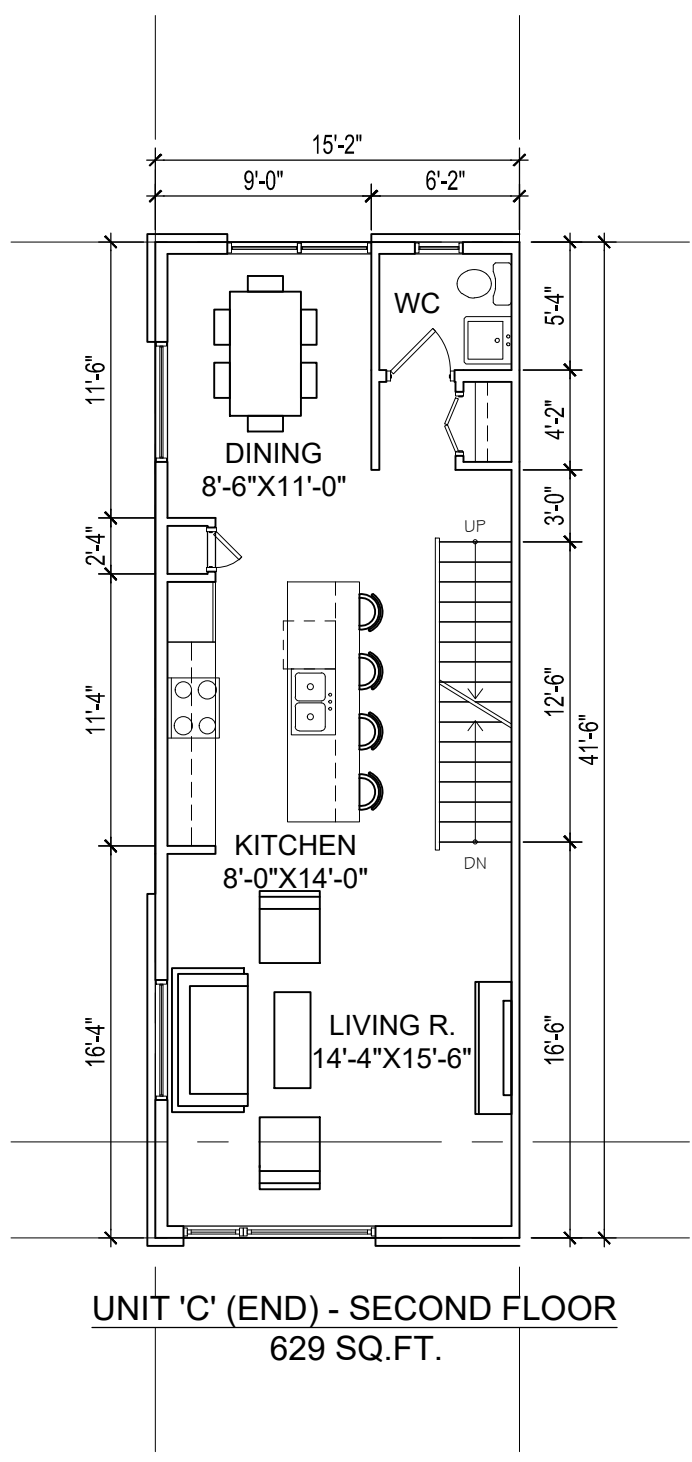
NO.	DATE	BY	DESCRIPTION
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20			

PROJECT:
 13 UNIT TOWNHOUSE
 951 & 963 DYNES AVE.
 PENTICTON, BRITISH COLUMBIA
 LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
 UNIT PLANS
 (7 UNIT BUILDING)

DATE:	ISSUED FOR:
2022.05.19	DP-REZONNING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	

DP50-02



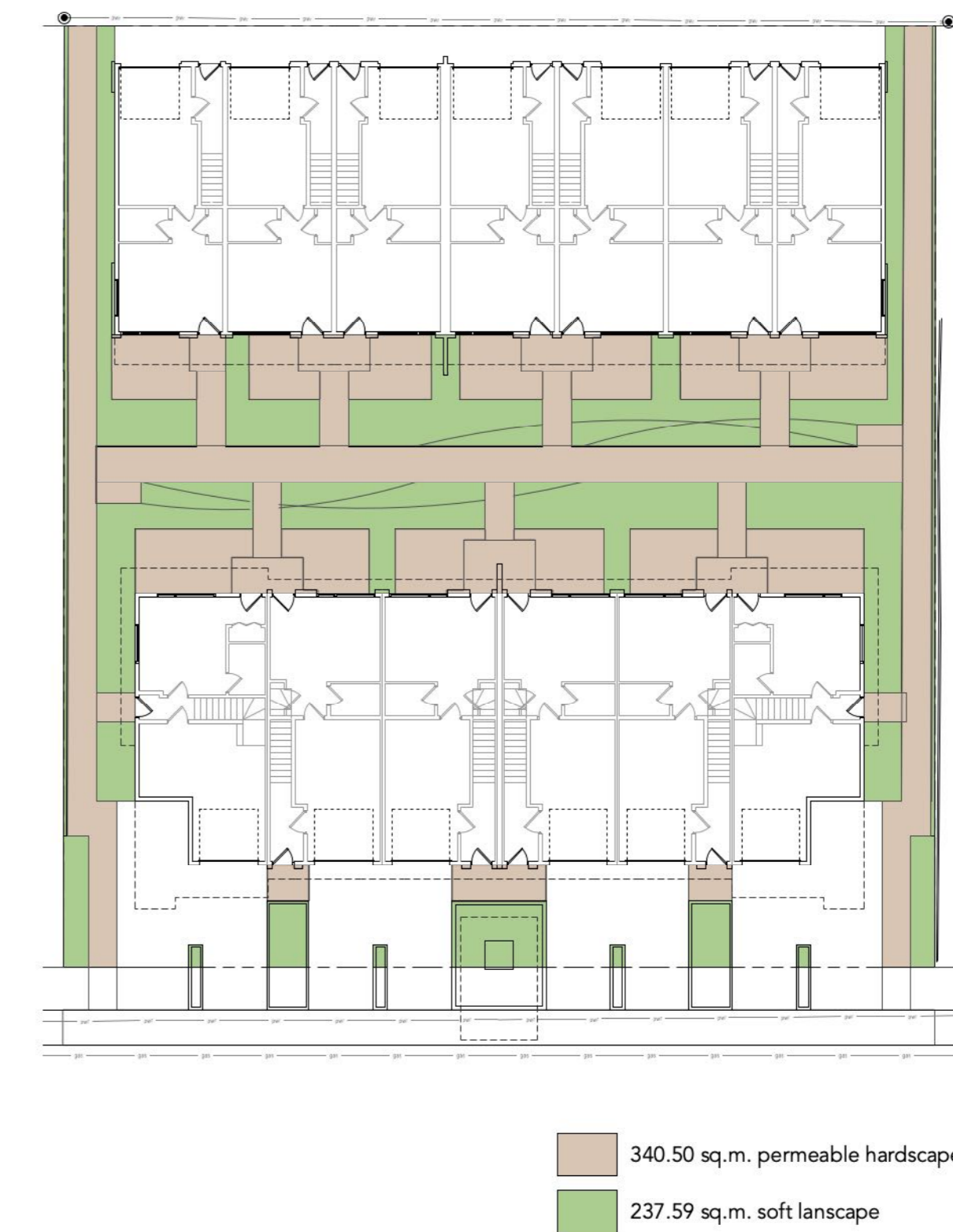
DRAFT
 DP PL 2022-9389

1 UNIT 'C' END FLOOR PLANS
 DP50-02 SCALE: 1/8"=1'-0"

2 UNIT 'C' FLOOR PLANS
 DP50-02 SCALE: 1/8"=1'-0"



1 Overall Plan
Scale: 1:200



2 landscape areas
Scale: 1:250

Site Information

Address: 951-963 Dynes Ave
Penticton, B.C.

City of Penticton Zoning: RM-3
Medium Density Multiple Housing

Site Area: 1,447.04 sq m

Bicycle parking spaces required: provided 4 spaces (2 bicycle racks)

Landscape Statistics

Landscape area provided	578.09 sq m	39.95 % of site
soft landscape area	237.59	41.10%
permeable hard landscape area	340.50	58.90%

Trees	required	provided
min 1 tree per 10 m of required buffer	8	12
Deciduous Trees	12.00	12
60mm cal		
Coniferous Trees	0.00	
Shrubs	required	provided
min 1 shrub per 1 m of required buffer	80	137
Deciduous	89.00	
Coniferous	48.00	

- trees**
- dakota pinnacle birch min 60 mm cal
 - japanese tree lilac min 60 mm cal
 - columnnar swedish aspen min 60 mm cal
- shrubs**
- blue carpet juniper
 - globe spruce
 - amber jubilee ninebark
 - red twig dogwood
 - oso easy rose
- groundcovers**
- avalanche reed grass
 - flame grass
 - northern lights hair grass
 - prairie fire red switch grass
 - purple emperor cornflower
 - variegated moor grass
 - wood mulch
 - rock mulch
 - permeable paving Ozinga Filcrete or similar

Plant List

Qty	Common Name	Botanical Name
Ornamental Grasses and Groundcovers		
Shrubs		
44	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'
4	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'
Deciduous		
19	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'
14	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'
56	Oso Easy Paprika Rose	Rosa sp 'Oso Paprika'
Trees		
Deciduous		
4	Columnnar Swedish Aspen	Populus tremula 'Erecta'
2	Dakota Pinnacle Birch	Betula platyphylla 'Fargo'
6	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'



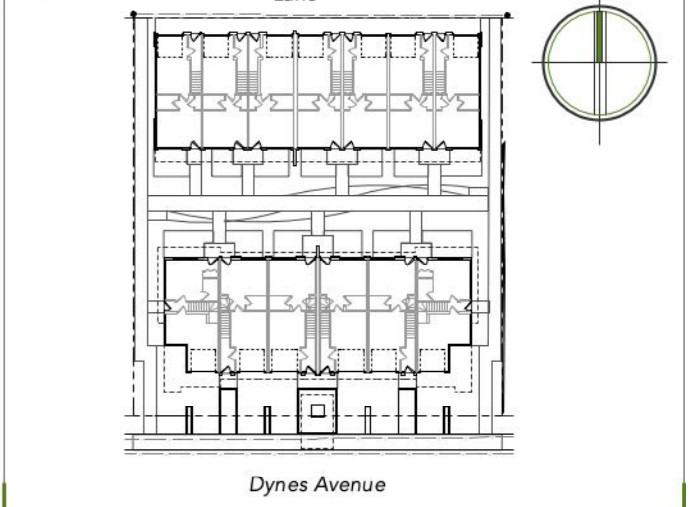
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- Any variations and design changes to the information shown on these drawings must not be carried out without written authorization from Arquecos Group Ltd. the Project Owner or the Owner's Representative.
- Any references made to the location of all existing and proposed utilities, including URW must be verified on site prior to commencing work. Report any and all conflicts identified immediately.
- Contractor must adhere to municipal, provincial and federal regulations, guidelines and by-laws including but not limited to the most recent versions of the Canadian Standards for Nursery Stock as well as municipal Landscape and Roads Construction Standards. Any discrepancies between municipal standards and details presented in these drawings must be reported immediately. Municipal Construction standards rule over these drawings.

Irrigation Notes

- All landscape areas shall be watered by a low water use automatic underground irrigation system as per municipal standards. Irrigation and maintenance to extend beyond property line and include boulevard areas.

Key Plan



10	development permit TPC response	23.04.11
9	review and coordination	23.03.30
8	development permit TPC response	23.01.24
7	development permit TPC response draft	23.01.09
6	development permit TPC response	22.08.15
Issued for:		Date: (yy.mm.dd)

Project No. 27-001
Project Title: Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title: Overall Plan

Drawn by: cmp
Checked by: jj / cmp
Drawing No. L-0





legend

trees	groundcovers
dakota pinnacle birch min 60 mm cal	avalanche reed grass
japanese tree lilac min 60 mm cal	flame grass
columnar swedish aspen min 60 mm cal	northern lights hair grass
	prairie fire red switch grass
	purple emperor coneflower
	variegated moor grass
	wood mulch
	rock mulch
	permeable paving Ozinga Filcrete or similar

Proposed Site furnishings

Wishbone Furnishings Tenaj Bike rack
 Surface mount
 Silver Powder coat

Plant List

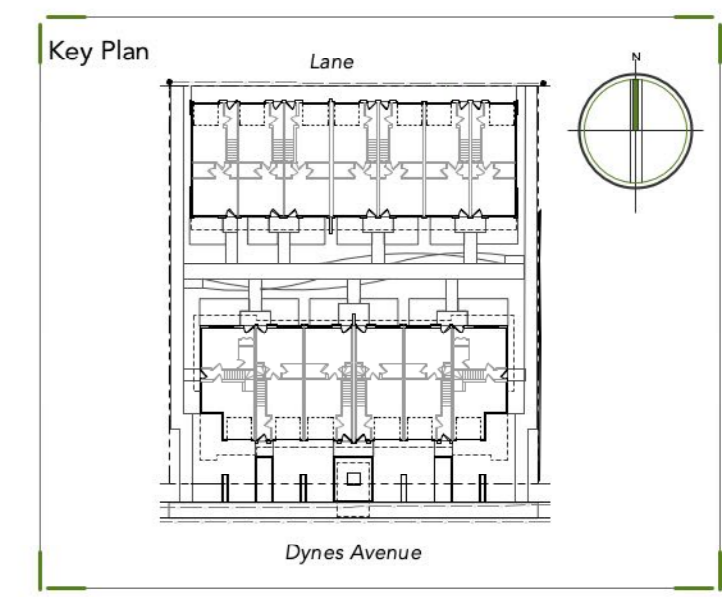
Qty	Common Name	Botanical Name	Size
Ornamental Grasses and Groundcovers			
38	Avalanche Reed Grass	Calamagrostis x acutiflora 'Avalanche'	2 gallon pot
8	Flame Grass	Miscanthus sinensis 'Purpurascens'	5 gallon pot
129	Northern Lights Tufted Hair Grass	Deschampsia cespitosa 'Northern Lights'	2 gallon pot
16	Prairie Fire Red Switch Grass	Panicum virgatum 'Prairie Fire'	2 gallon pot
44	Purple Emperor Coneflower	Echinacea purpurea 'Purple Emperor'	2 gallon pot
26	Variegated Moor Grass	Molinia caerulea 'Variegata'	2 gallon pot
Shrubs			
Coniferous			
44	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'	5 gallon pot
4	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'	5 gallon pot
Deciduous			
19	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'	5 gallon pot
14	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'	5 gallon pot
56	Oso Easy Paprika Rose	Rosa sp 'Oso Paprika'	5 gallon pot
Trees			
Coniferous			
Deciduous			
4	Columnar Swedish Aspen	Populus tremula 'Erecta'	60mm cal
2	Dakota Pinnacle Birch	Betula platyphylla 'Fargo'	60mm cal
6	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	60mm cal

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Irrigation Notes

- All landscape areas shall be watered by a low water use automatic underground irrigation system as per municipal standards. Irrigation and maintenance to extend beyond property line and include boulevard areas.



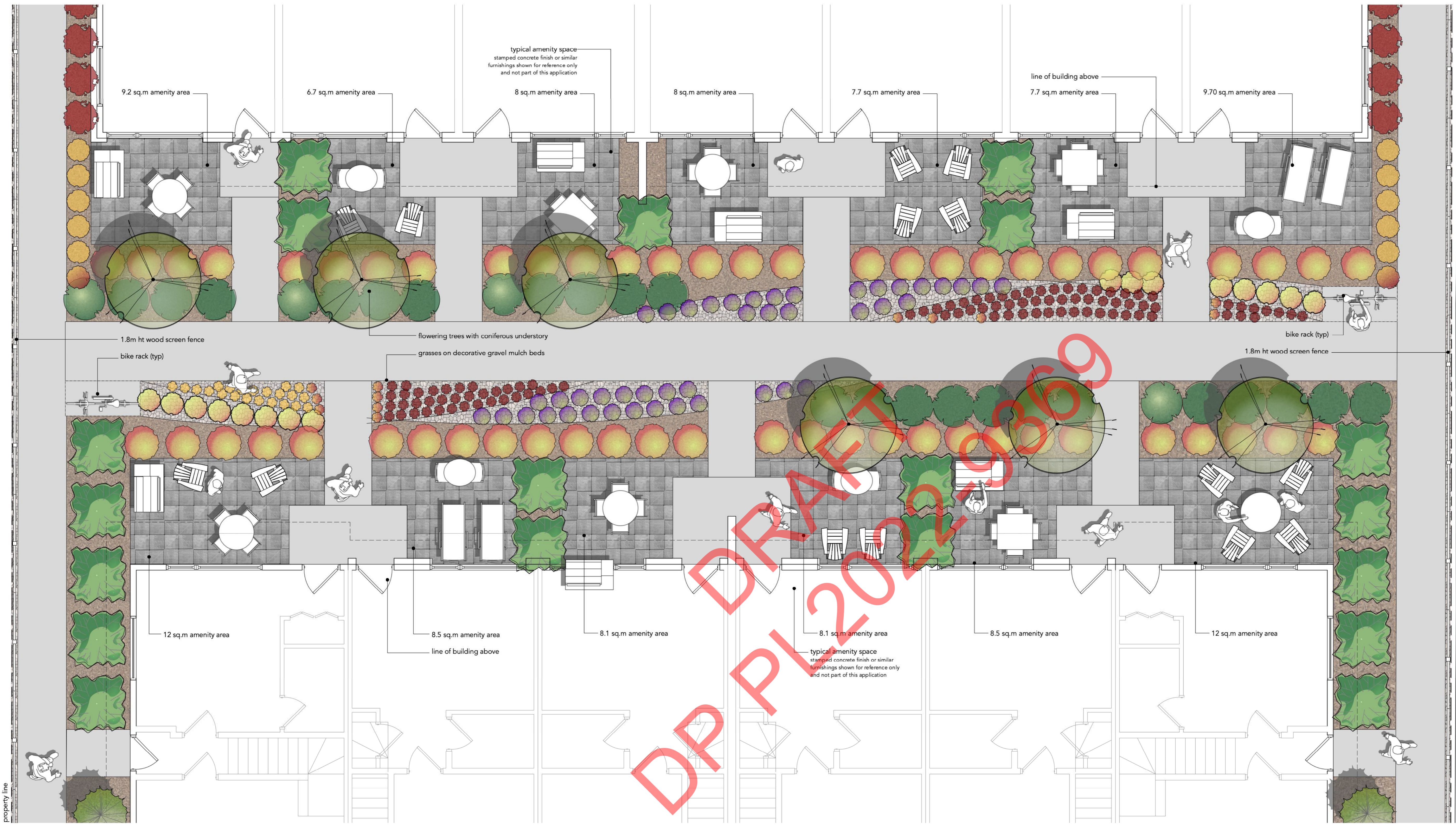
10	development permit TPC response	23.04.11
9	review and coordination	23.03.30
8	development permit TPC response	23.01.24
7	development permit TPC response draft	23.01.09
6	development permit TPC response	22.08.15
Issued for:		Date: (yy.mm.dd)

Project No. 27-001
 Project Title:
Dynes Avenue Townhomes
 951 - 963 Dynes Avenue
 Penticton, B.C.

Drawing Title:
Overall Landscape Plan

Drawn by: cmp
 Drawing No. **L-1**
 Checked by: jj / cmp
 Scale: 1:100

1 Overall Plan
 Scale: 1:100

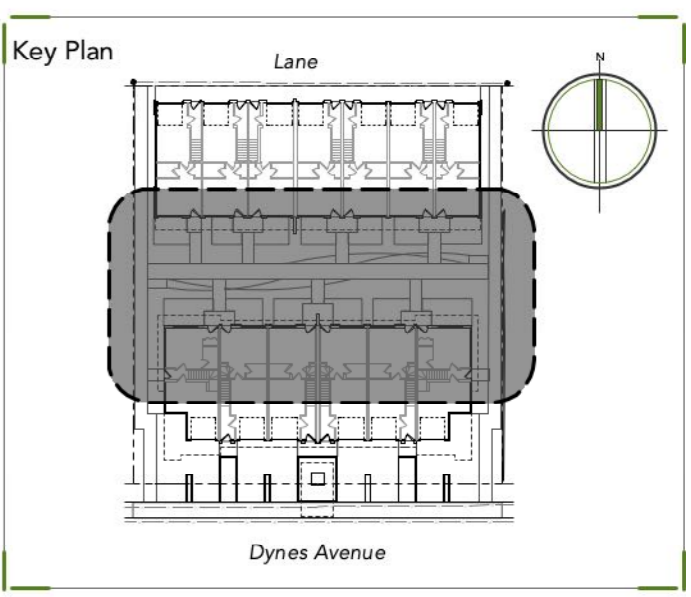


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Issued for:		Date: (yy.mm.dd)

Project No. 27-001
 Project Title:

Dynes Avenue Townhomes

951 - 963 Dynes Avenue
 Penticton, B.C.

Drawing Title:
Central Courtyard Plan

Drawn by: cmp
 Checked by: jj / cmp
 Drawing No. **L-2**

Scale: 1:50

1 Overall Plan
 Scale: 1:50

Legend

trees	shrubs	groundcovers	
dakota pinnacle birch min 60 mm cal	blue carpet juniper	avalanche reed grass	variegated moor grass
japanese tree lilac min 60 mm cal	globe spruce	flame grass	wood mulch
sutherland caragana min 60 mm cal	amber jubilee ninebark	northern lights hair grass	rock mulch
	red twig dogwood	prairie fire red switch grass	permeable paving Oxings Filcrete or similar
	oso easy rose	purple emperor cornflower	

Preliminary estimate of probable costs

No	Item	Qty	Unit	Unit Cost	Comments	Total
1.0 Softscape and Plant Material						
1.1	Deciduous Trees	12	each	\$900	Supply and Install, Includes Topsoil, bark mulch and 2 year warranty.	\$ 10,800
1.3	Deciduous Shrubs	89	each	\$65	Supply and Install, Includes Topsoil, bark mulch and 2 year warranty.	\$ 5,785
1.4	Coniferous Shrubs	44	each	\$65	Supply and Install, Includes Topsoil, bark mulch and 2 year warranty.	\$ 2,860
1.5	Ornamental Grasses	261	each	\$45	Supply and Install, Includes Topsoil, bark mulch and 2 year warranty.	\$ 11,745
Subtotal						\$ 31,190
2.0 Hardscape						
2.1	Concrete paving	229	sq.m.	\$180	125mm thick permeable concrete paving with rebar or wire mesh. Broom finish with sawcut control joints at 1.5-2.0m O.C.	\$ 41,214
2.2	Patio Paving	114	sq.m.	\$180	125mm thick concrete paving with rebar or wire mesh. Stamped or coloured finish	\$ 20,523
Subtotal						\$ 61,737
3.0 Site Furnishings						
3.1	Bike racks	2	each	\$1,000	bike racks as per drawings	\$ 2,000
3.2	Wood Screen fence	79	l. m.	\$150	Wood Screen fence as per contract documents 1.80m (6') height.	\$ 11,866
3.3	Irrigation	1	allowance	\$15,000	underground irrigation system as per municipal standards	\$ 15,000
Subtotal						\$ 28,866
Estimated Total Cost						\$ 121,793

Notes.

1. This is a preliminary opinion of probable costs based on development permit design plans, not a guaranteed cost figure.
2. Contractors are responsible for accurate quantity calculations and field measurements.
3. Cost estimate does not include; haulage, maintenance, unforeseen site conditions, and other costs associated with construction phasing and staging.
4. All costs include supply and installation unless otherwise noted.
5. All costs are exclusive of GST.

DRAFT
DP PL2022-9369

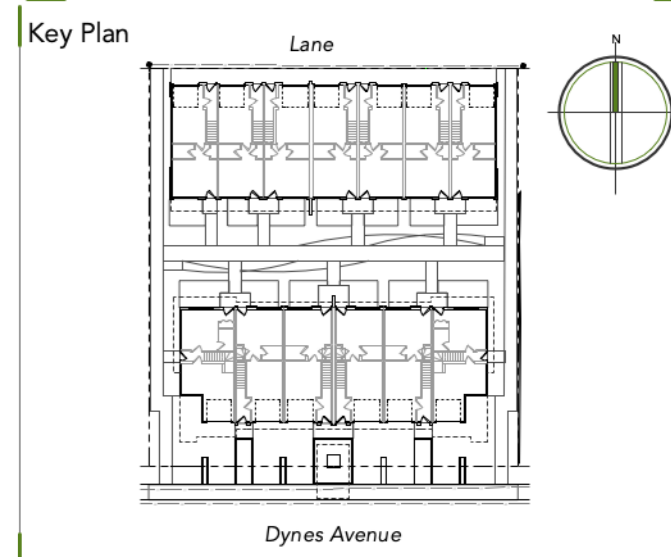


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Issued for:		Date: (yy.mm.dd)

Project No. 27-001
Project Title.
Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title:
Cost Estimate

Drawn by: cmp Drawing No. L-3
Checked by: cmp
Scale: As Noted

Development Variance Permit

Permit Number: DVP PL2022-9370

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: Legal Description to be updated with consolidated lot information
 - Civic: Civic Address to be updated with consolidated lot information
 - PID: PID to be updated with consolidated lot information
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of two rows of townhouse units, totalling 13 dwelling units, as shown in the plans attached in Schedule 'A':
 - a. Section 10.10.2.3: to increase maximum lot coverage from 50% to 56.5%;
 - b. Section 10.10.2.7: to reduce the minimum interior side yard from 4.5 to 2.1m;
 - c. Section 10.10.2.9: to reduce the minimum rear yard from 6.0m to 1.5m; and
 - d. Section 5.2, Table 5.1 to waive the requirement for landscaping buffers along the east and west property line.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

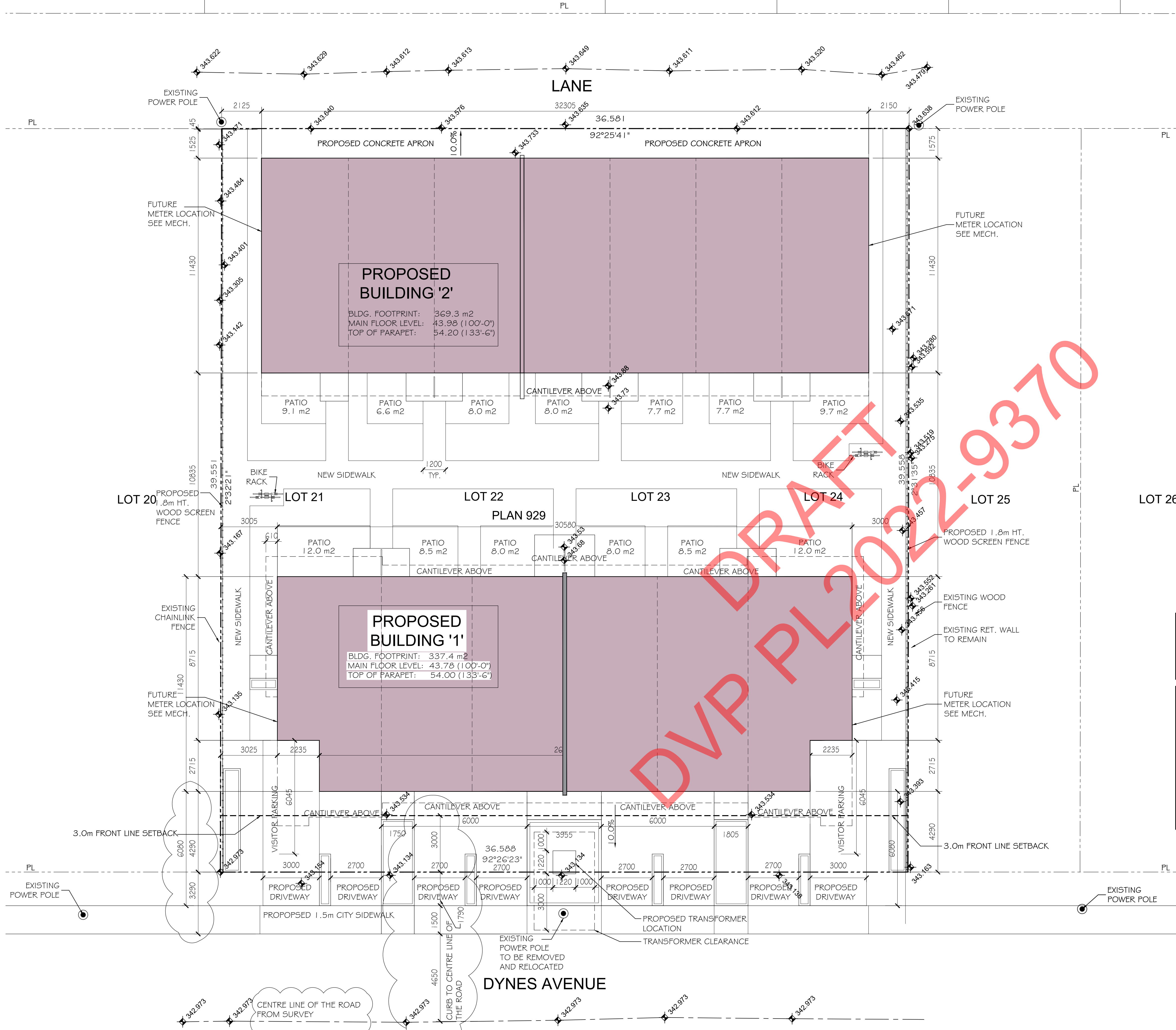
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2023.

Issued this ____ day of _____, 2023.

Angela Collison
Corporate Officer

DRAFT
DVP PL2022-9370



PROPOSED BUILDING '2'
 BLDG. FOOTPRINT: 369.3 m²
 MAIN FLOOR LEVEL: 43.98 (100'-0")
 TOP OF PARAPET: 54.20 (133'-6")

PROPOSED BUILDING '1'
 BLDG. FOOTPRINT: 337.4 m²
 MAIN FLOOR LEVEL: 43.78 (100'-0")
 TOP OF PARAPET: 54.00 (133'-6")

NOTE:
 FOR LANDSCAPING REFER TO
 LANDSCAPE DRAWINGS:
 L-0, L-1, L-2, L-3

LAND USE BYLAW SUMMARY
 (PENTICTON ZONING BYLAW No. 2021-01)

R2 - SMALL LOT RESIDENTIAL TO
 RM3 - MEDIUM DENSITY MULTIPLE HOUSING

PERMITTED USE:
 TO: 1. (7) - TOWNHOUSE

DENSITY:
 TO: 10.2 (5) - MAXIMUM PERMITTED DENSITY: 1.6 FAR
 DENSITY PROVIDED: 1.31 FAR

PARCEL COVERAGE:
 TO: 10.2 (3) - MAXIMUM COVERAGE PERMITTED = 50.0%
 TOTAL LOT COVERAGE PROVIDED = 55.0%

MIN LOT WIDTH:
 TO: 10.2 (1) - MINIMUM LOT WIDTH PERMITTED = 25M
 LOT WIDTH = 36.568m

MIN LOT AREA:
 TO: 10.2 (2) - MINIMUM LOT AREA PERMITTED = 1400m²
 LOT AREA PROVIDED = 1,447.04m²

BUILDING SETBACKS:
 TO: 10.2 (4) - FRONT = 3.0m
 TO: 10.2 (7A) - SIDE = 4.5m VARIANCE REQUESTED = 2.10m
 TO: 10.2 (9) - REAR = 6.0m VARIANCE REQUESTED = 1.50m

BUILDING HEIGHT:
 TO: 10.2 (5.3) - MAXIMUM 24m
 PROVIDED HEIGHT: MAXIMUM 12.35m

OUTDOOR AMENITY SPACE:
 TO: 10.3 REQUIRED: 20 m² DWELLING UNIT = 260m²
 MIN. 25% OF REQUIRED AMENITY SPACE AT GROUND LEVEL:
 260x.25 = 65 m²

PROVIDED:
 PATIO AT GROUND: 113.8 m²
 BALCONIES / TERRACES: 11.5 m²
 ROOF TOP PATIOS: 605.0 m²
 TOTAL AMENITY SPACE PROVIDED: 729.8 m²

YARD PROJECTIONS:
 4.9.1 TABLE 4.1 - PERMITTED PROJECTIONS

LANDSCAPING AND SCREENING:
 5.1.1 ALL AREAS WITHOUT BUILDINGS, STRUCTURES, DRIVEWAYS, APPROVED PARKING OR GARBAGE AND RECYCLING COLLECTION AREAS OR NATURAL AREAS, SHALL BE DEEMED TO BE LANDSCAPE AREAS.
 5.1.3 LANDSCAPE AREAS FOR ALL NEW CONSTRUCTION IN DUPLEX, MULTIPLE HOUSING AND COMMERCIAL ZONED PROPERTIES ARE REQUIRED TO BE APPROPRIATELY IRRIGATED, WITH A FULLY AUTOMATED UNDERGROUND IRRIGATION SYSTEM.
 5.2.3 TABLE 5.1 - REQUIRED LANDSCAPE BUFFERS: MINIMUM 5m OF LANDSCAPE BUFFER ADJUTING A RESIDENTIAL ZONE IS REQUIRED. IF SET BACK IS LESS THAN THE REQUIRED BUFFER THE BUFFER MAY REDUCE TO SETBACK.

BICYCLE PARKING:
 6.4.1 BASED ON TABLE 6.4-BICYCLE PARKING REQUIREMENTS 0.5 PER UNIT CLASS 1 & 0.1 PER UNIT CLASS 2 REQUIRED
 6.4.3 (5) FOR MULTIPLE HOUSING DEVELOPMENTS, WHERE A DWELLING UNIT IS DESIGNED WITH AND HAS ACCESS TO ITS OWN GARAGE SPACE, NO CLASS 1 BICYCLE PARKING SHALL BE REQUIRED FOR THAT DWELLING UNIT.
 REQUIRED CLASS 2 BICYCLE PARKING: 1 (1.7)
 PROVIDED CLASS 2 BICYCLE PARKING: 2

MOTOR VEHICLE PARKING:
 6.5 TABLE 6.6 - PARKING REQUIREMENTS:
 - 1 PER DWELLING UNIT + 0.25 UNIT FOR VISITORS
 - NO LOADING SPACE REQUIRED
 - REQUIRED RESIDENTIAL STALLS: (13X1=13)
 - REQUIRED VISITOR STALLS: (13X0.25=3.25=3)
 - PROVIDED PARKING SPACE: 13 RESIDENTIAL STALLS
 2 VISITOR STALLS
 - TOTAL STALLS PROVIDED: 15 STALLS

ACCESSIBLE PARKING REQUIREMENTS:
 6.6 TABLE 6.7 THE ACCESSIBLE PARKING IS NOT REQUIRED.

NOT WITHIN YZF VICINITY

BUILDING CODE ANALYSIS:
 NBC (AB) 2019
 PART 9 - TYPE C - RESIDENTIAL OCCUPANCY
 MAX AREA 600 m² - MAX BLDG HEIGHT 3 STOREYS
 9.10.9.14. (3) FIRE SEPARATION BETWEEN DWELLING UNITS - 1 HR
 9.10.11 (1) FIREWALL SEPARATION BETWEEN DWELLING UNITS - 1 HR
 9.13.4.3. RADON MITIGATION REQUIRED.

UNIT BREAKDOWNS

UNIT	TOTAL NET AREA	AREAS					
		STAIR WELL	GARAGE	MAIN FLOOR	2nd FLOOR	3rd FLOOR	MECH.(4th FL)
A	165.9 m ²	10.8 m ² (116 sq.ft.)	26.8 m ² (289 sq.ft.)	30.4 m ² (327 sq.ft.)	72.1 m ² (776 sq.ft.)	74.2 m ² (799 sq.ft.)	17.2 m ² (185 sq.ft.)
B	147.8 m ²	9.7 m ² (104 sq.ft.)	21.0 m ² (226 sq.ft.)	34.1 m ² (368 sq.ft.)	61.7 m ² (664 sq.ft.)	61.7 m ² (664 sq.ft.)	14.8 m ² (159 sq.ft.)
C	139.4 m ²	8.9 m ² (96 sq.ft.)	19.7 m ² (212 sq.ft.)	32.5 m ² (350 sq.ft.)	57.9 m ² (623 sq.ft.)	57.9 m ² (623 sq.ft.)	13.9 m ² (150 sq.ft.)
C(END)	140.7 m ²	8.9 m ² (96 sq.ft.)	20.0 m ² (215 sq.ft.)	32.8 m ² (353 sq.ft.)	58.4 m ² (629 sq.ft.)	58.4 m ² (629 sq.ft.)	13.9 m ² (150 sq.ft.)

BUILDING 1 NET FLOOR AREA 923.0 m²
BUILDING 2 NET FLOOR AREA 978.4 m²
TOTAL NET FLOOR AREA 1901.4 m²

SITE GFA, FAR & DENSITY

LOT WIDTH: 36.568 m
 TOTAL LOT AREA: 1,447.04 m² (15,576 ft²)
 BUILDING FOOT PRINT: 337.4m² (6 UNIT BUILDING FOOT PRINT/MAIN FLOOR AREA) + 369.3 m² (7 UNIT BUILDING FOOT PRINT/MAIN FLOOR AREA) = 706.7 m²
 TOTAL ABOVE FLOOR PROJECTION AREA: 115.9 m²
 PROJECTION AREA INTO FRONT YARD AFTER PERMITTED 0.6m BALCONY PROJECTION INTO FRONT YARD (PERMITTED-TABLE 4.1): 6.9 m²
 LOT COVERAGE INCLUDING PROJECTION INTO YARD (PERMITTED BY TABLE 4.1): 408.6 + 399.4 = 808: 1447.04 = 55.0%
 PROPOSED FLOOR AREA RATIO (FAR) (TOTAL NET FLOOR AREA/ TOTAL LOT AREA): 1901.4 / 1,447.04 M² = 1.31
 PROPOSED FRONT YARD: 3.00m
 PROPOSED MIN. INTERIOR SIDE YARD: 2.12 m
 PROPOSED MIN. REAR YARD: 1.57 m
 PROPOSED AMENITY SPACE AT GROUND: 113.8 m²

MT-Arch
 Max Tayeff Architect Inc.

PERMIT/ SEAL

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ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
2	2022/04/13	M.T.	REZONING

PROJECT:
 13 UNIT TOWNHOUSE
 951 & 963 DYNES AVE.
 PENTICTON, BRITISH COLUMBIA
 LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
 SITE PLAN
 SITE INFO.

DATE: 2022.03.29
ISSUED FOR: DP-REZONING
DRAWN BY: CH
SCALE: AS SHOWN
PROJECT NO. 0 21 12 31

DP10-01

LOT 2
PLAN 24763

LOT 1
PLAN 24763

PLAN 929

LOT 10
PLAN 929

LOT 9
PLAN 929

LOT 8
PLAN 929

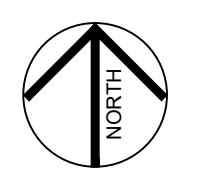
**MAIN FLOOR AREA/
BUILDING FOOT PRINT**

PROJECTION AREA



PERMIT/ SEAL

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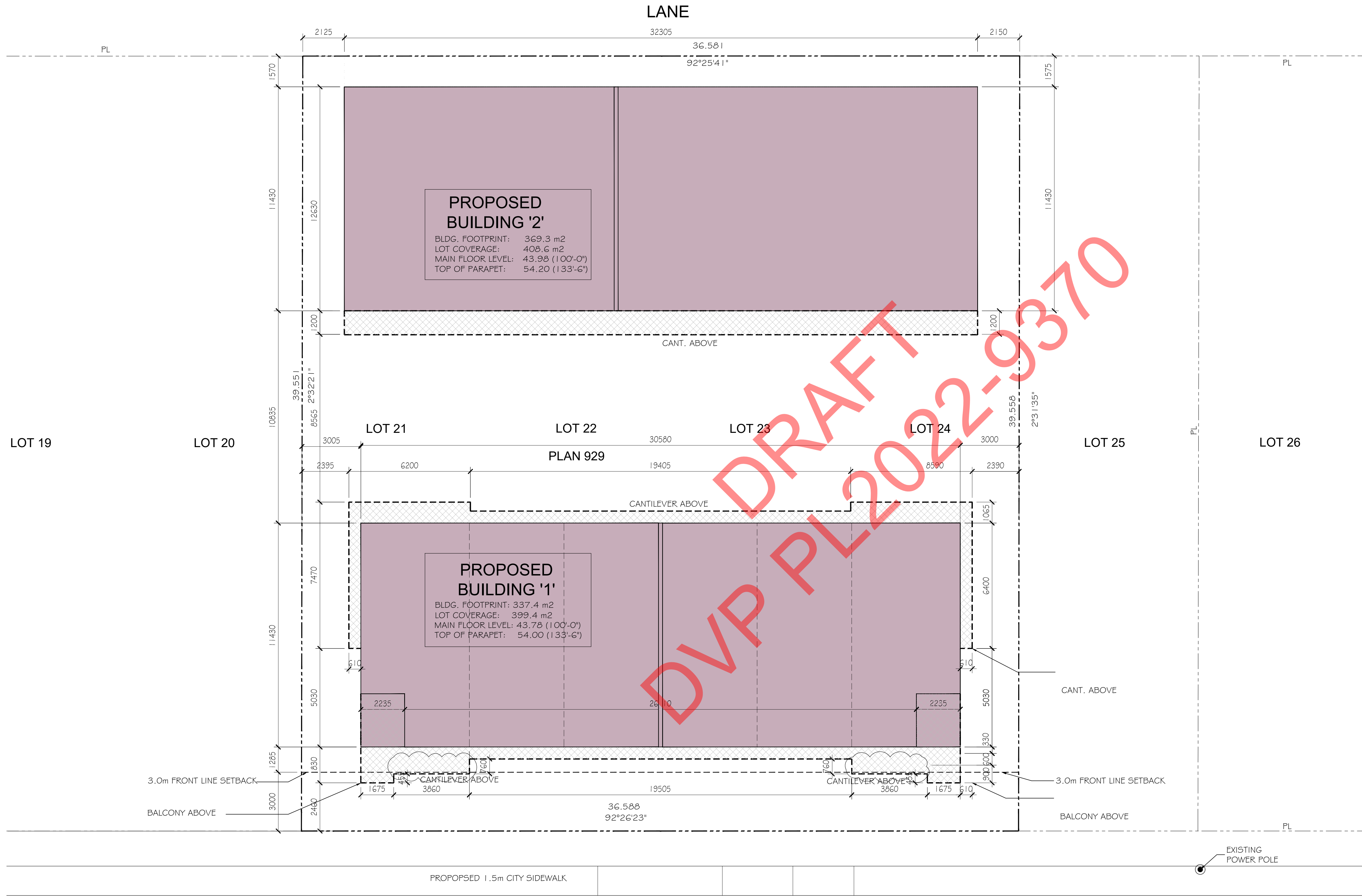
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0	2022/04/13	M.T.	REZONING

PROJECT:
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951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
**SITE PLAN/
PROJECTION ABOVE**

DATE: 2022.03.29
ISSUED FOR: DP-REZONING
DRAWN BY: CH
SCALE: AS SHOWN
PROJECT NO. 0 21 12 31

DP10-01a

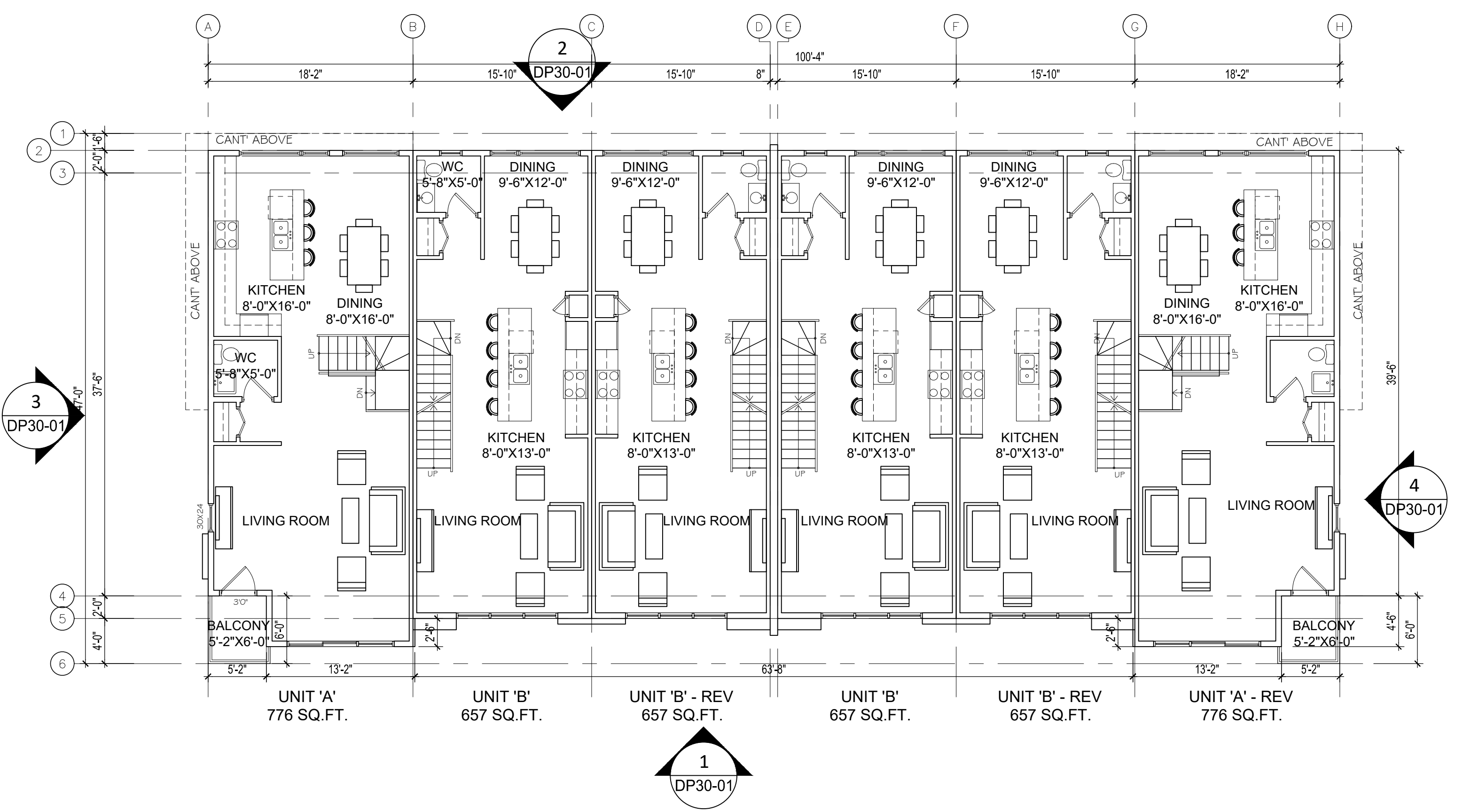
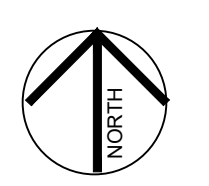


DVP DRAFT 2022-9370

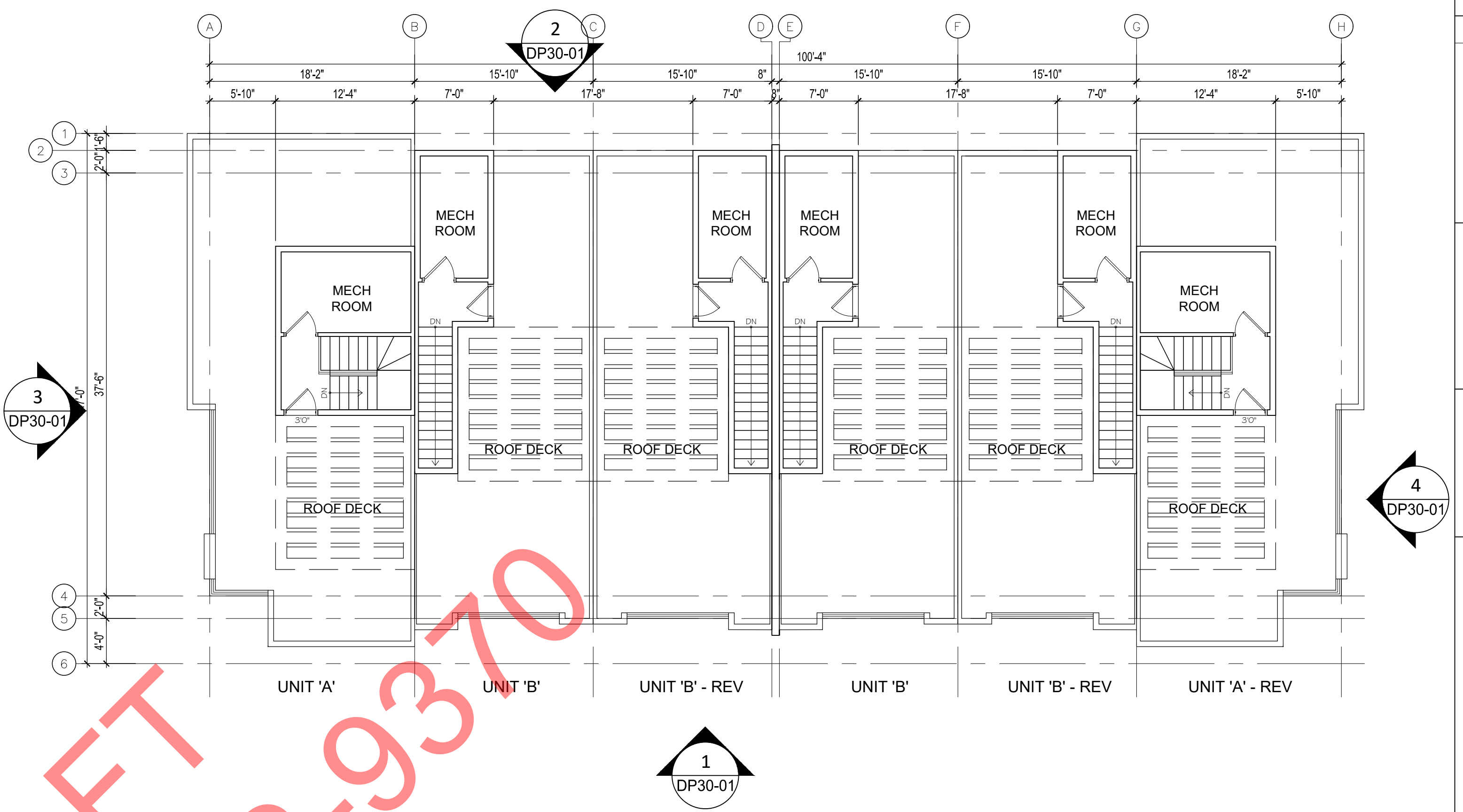
1 PROPOSED PROJECTIONS AT SITE PLAN
DP10-01 SCALE: 1:100

DYNES AVENUE

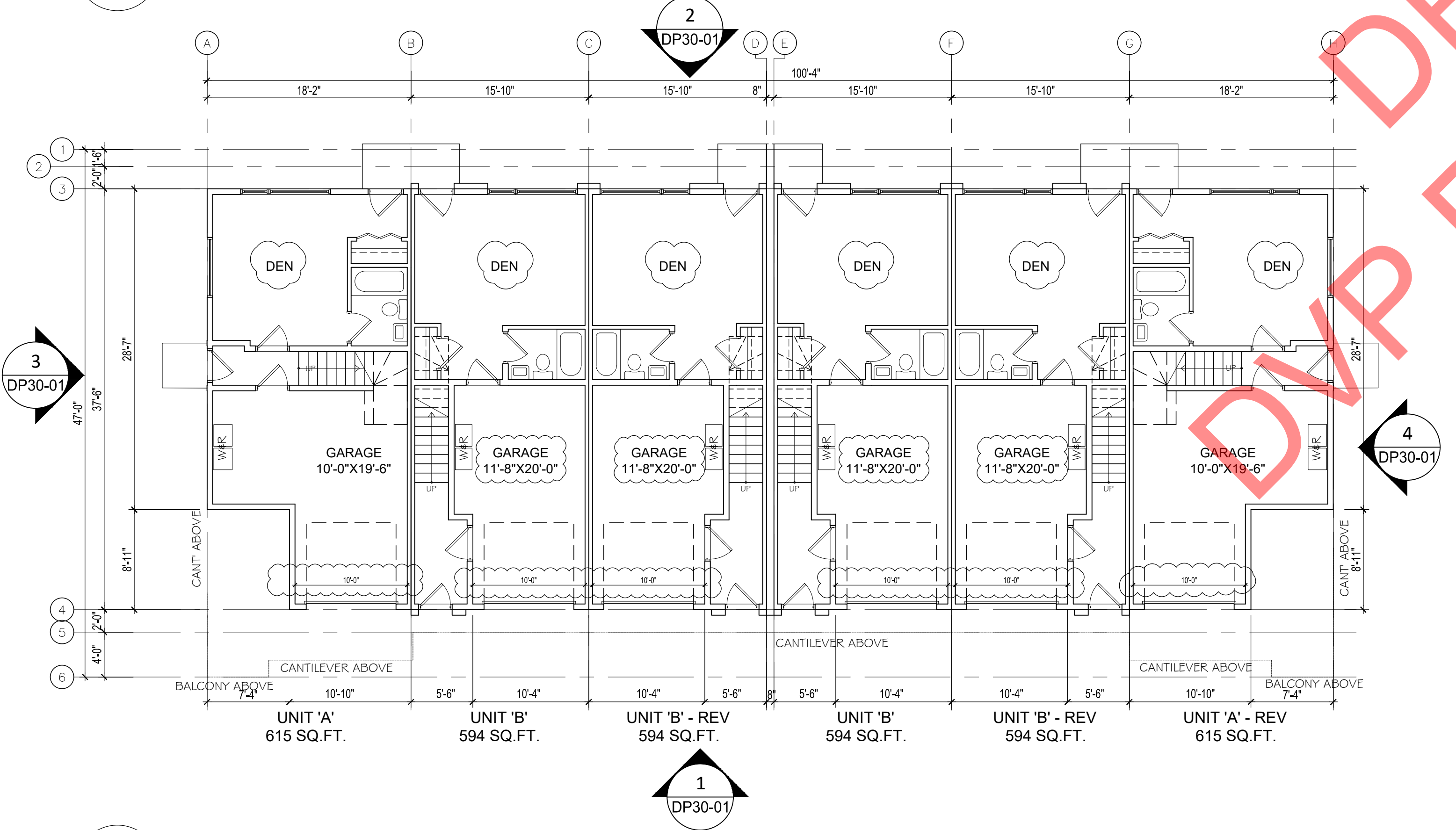
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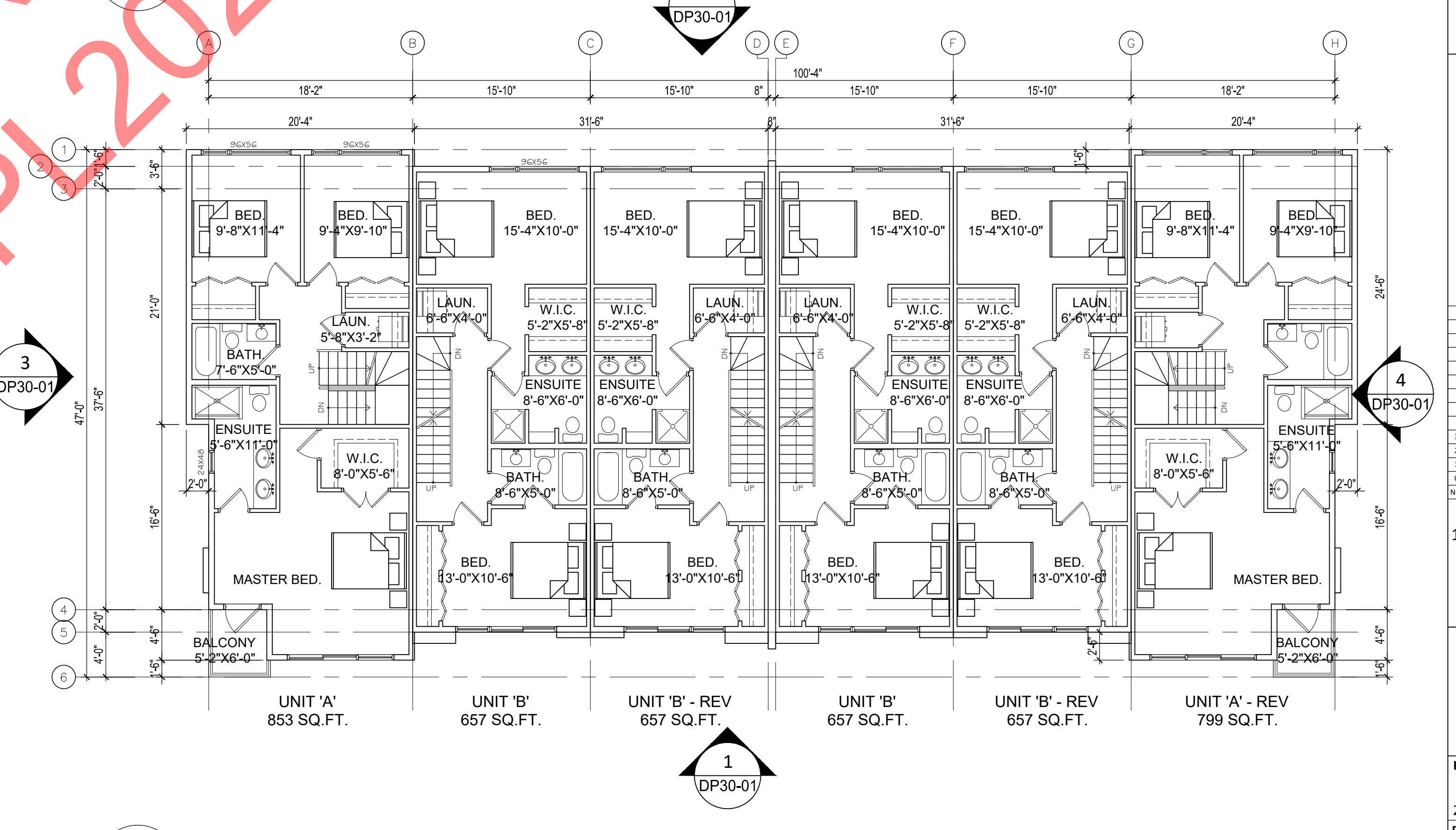
2 SECOND FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"



4 ROOF PLAN
DP20-01 SCALE: 1/8"=1'-0"



1 MAIN FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"



3 THIRD FLOOR PLAN
DP20-01 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
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2	2022/04/23	M.T.	REZONING

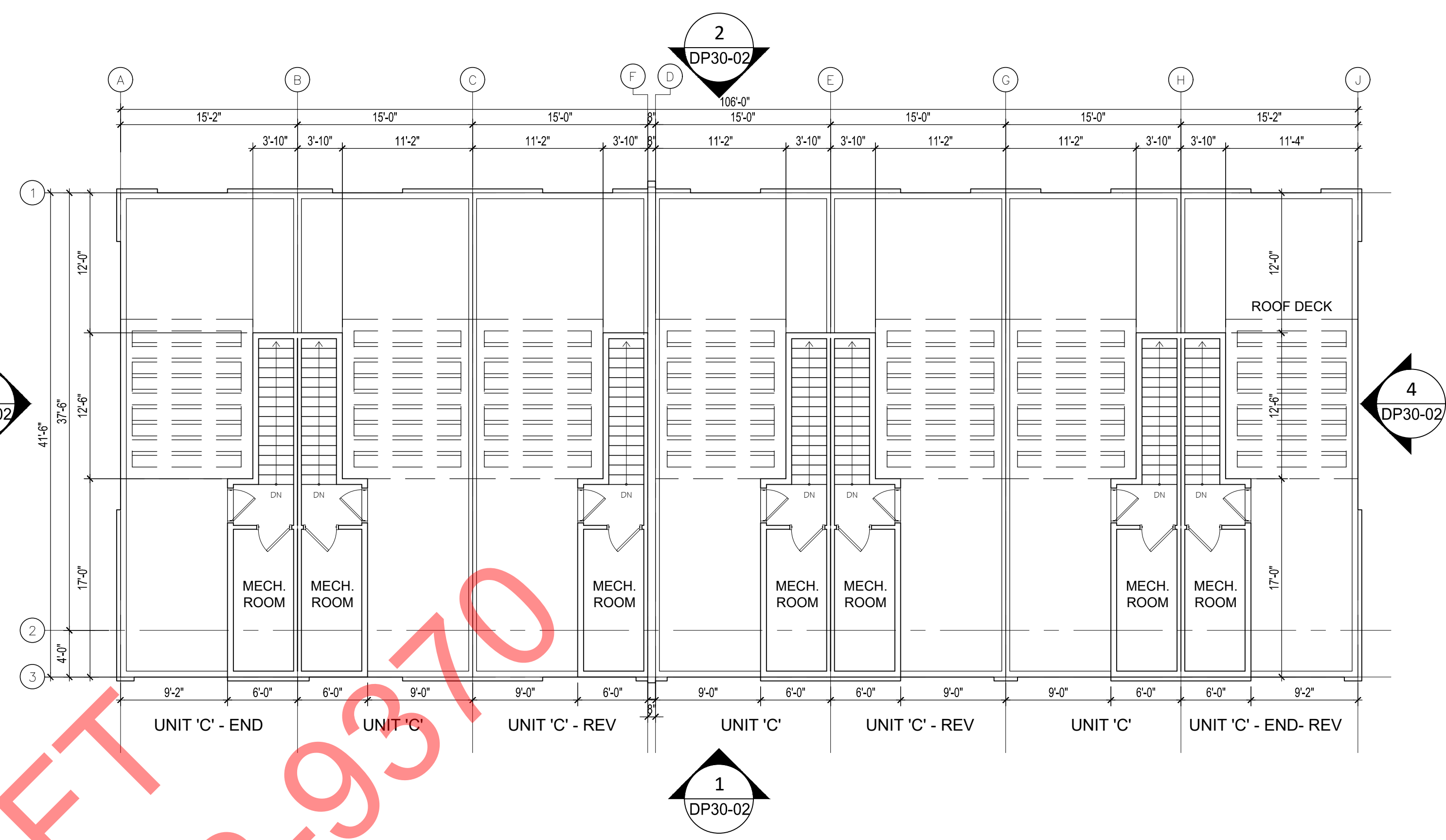
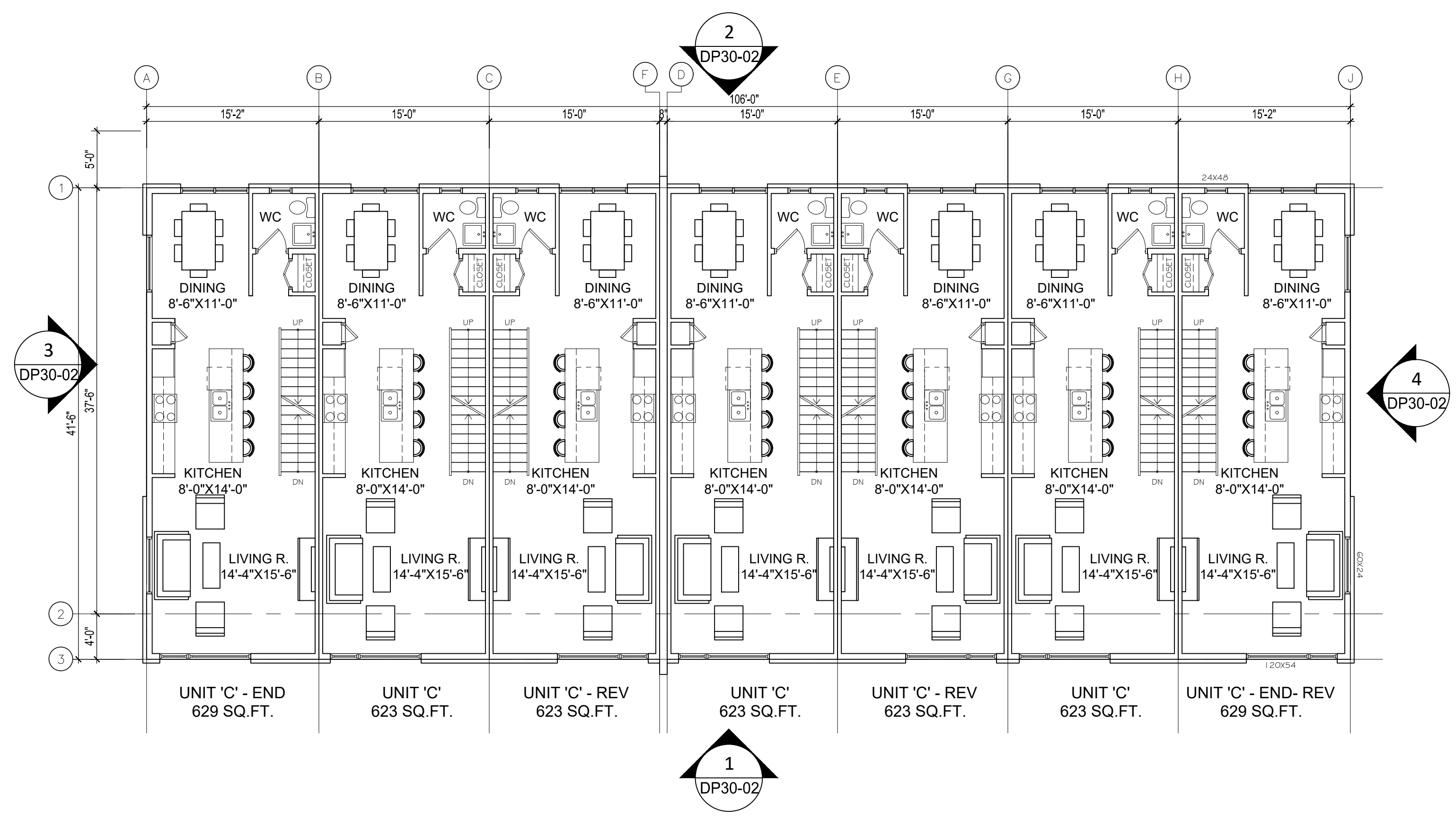
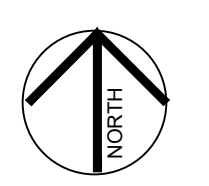
PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:
FLOOR PLANS
BUILDING 1
(6 UNITS)

DATE:	ISSUED FOR:
2022.05.19	DP-REZONING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	

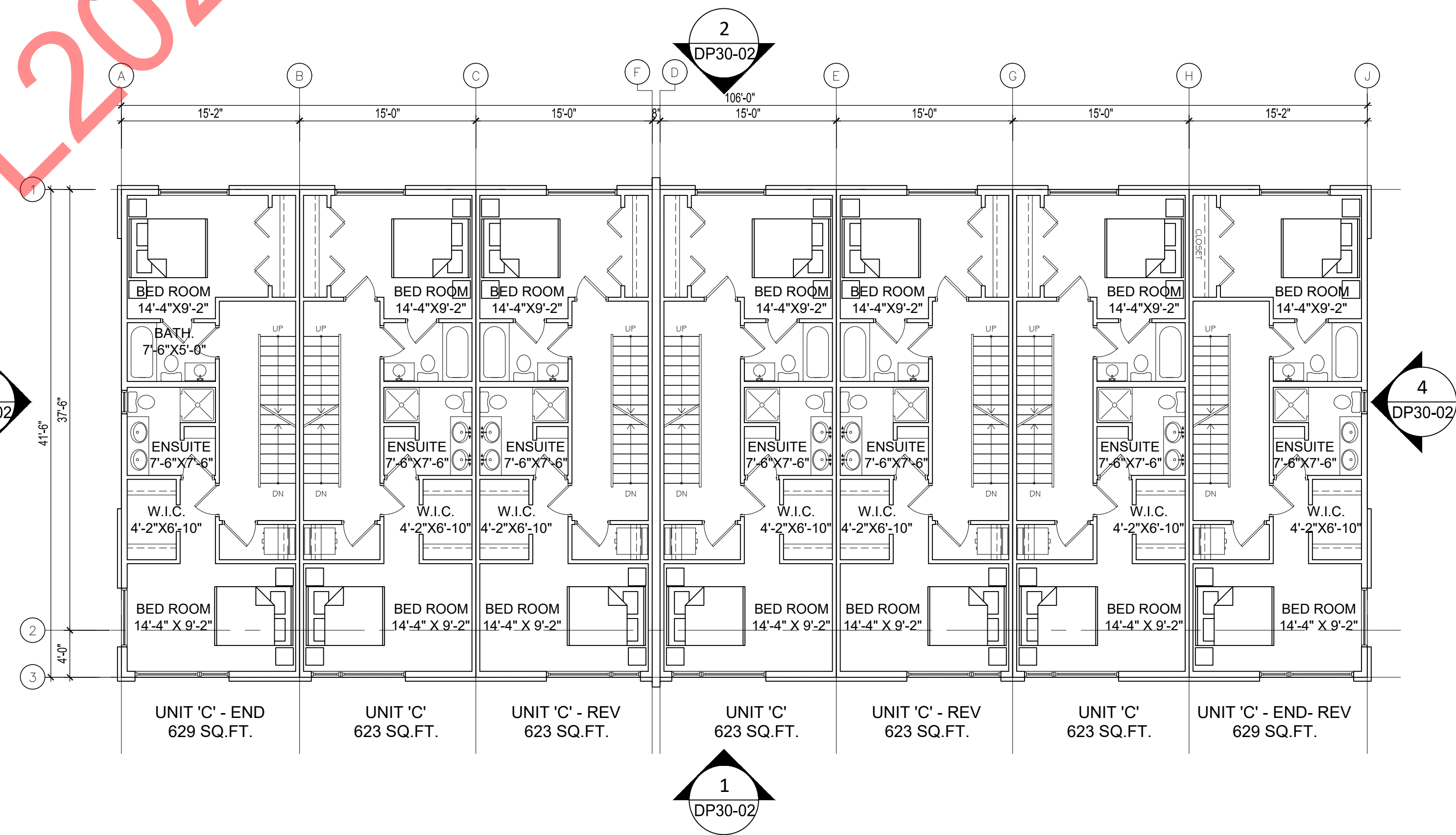
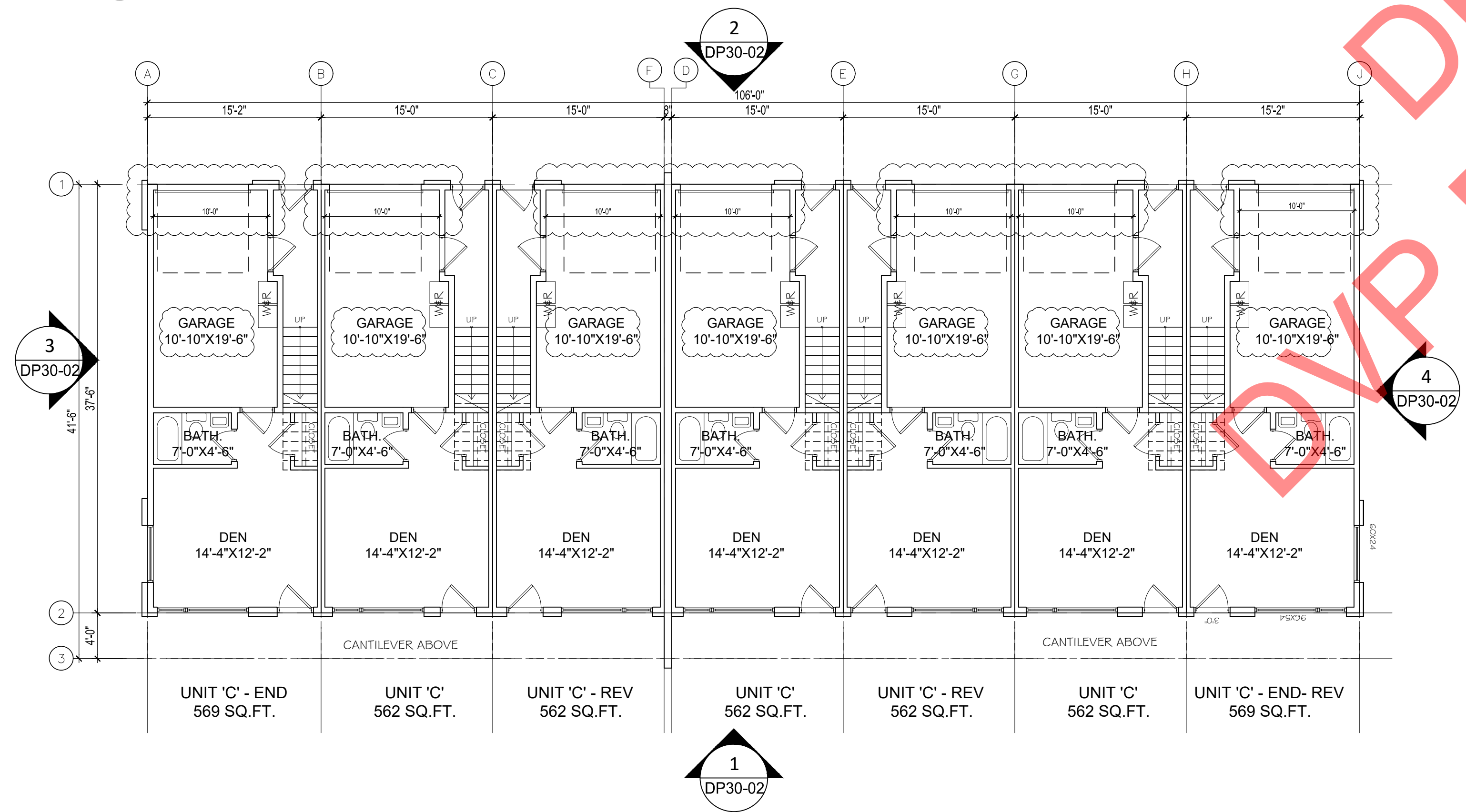
DP20-01

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2 SECOND FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"

4 ROOF PLAN
DP20-02 SCALE: 1/8"=1'-0"



1 MAIN FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"

3 THIRD FLOOR PLAN
DP20-02 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-0P
2	2022/04/23	M.T.	REZONING

PROJECT:

13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

FLOOR PLANS
BUILDING 2
(7 UNITS)

DATE: ISSUED FOR:

2022.05.19 DP-REZONNING

DRAWN BY: SCALE:

CH 1/8" = 1'-0"

PROJECT NO. 0 21 12 31

DP20-02

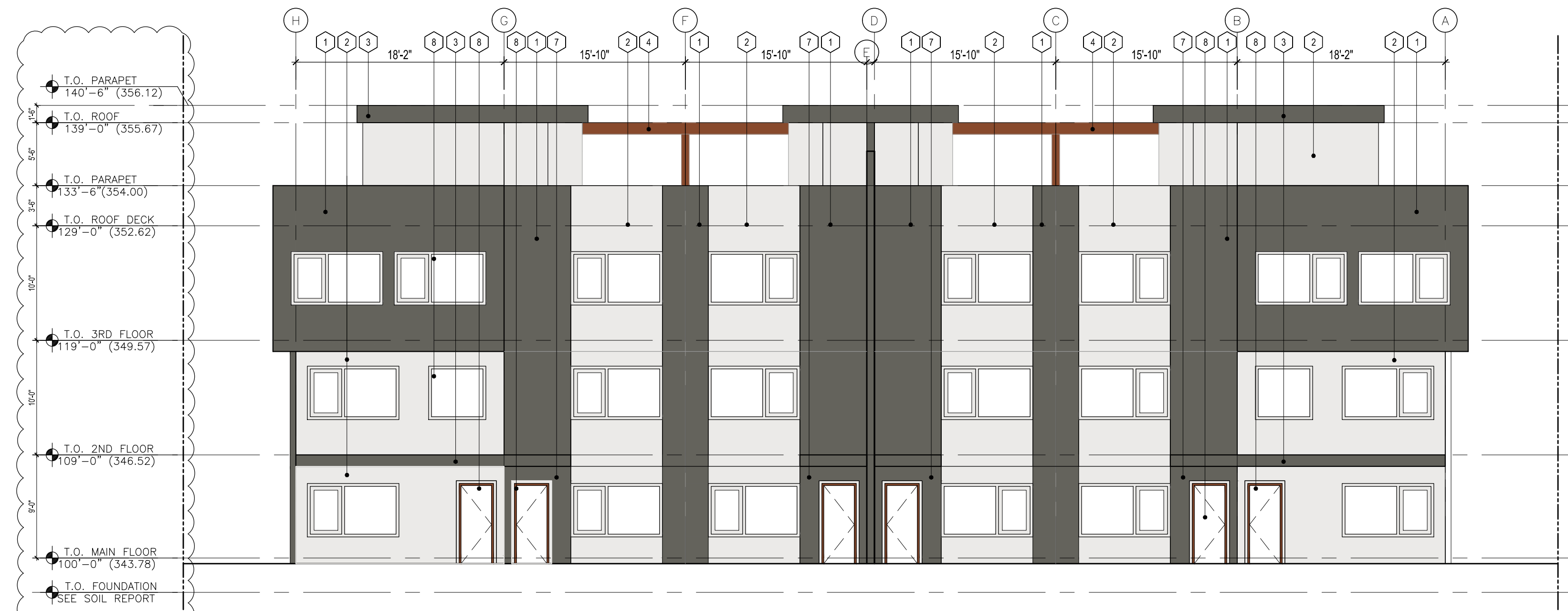
PERMIT/ SEAL

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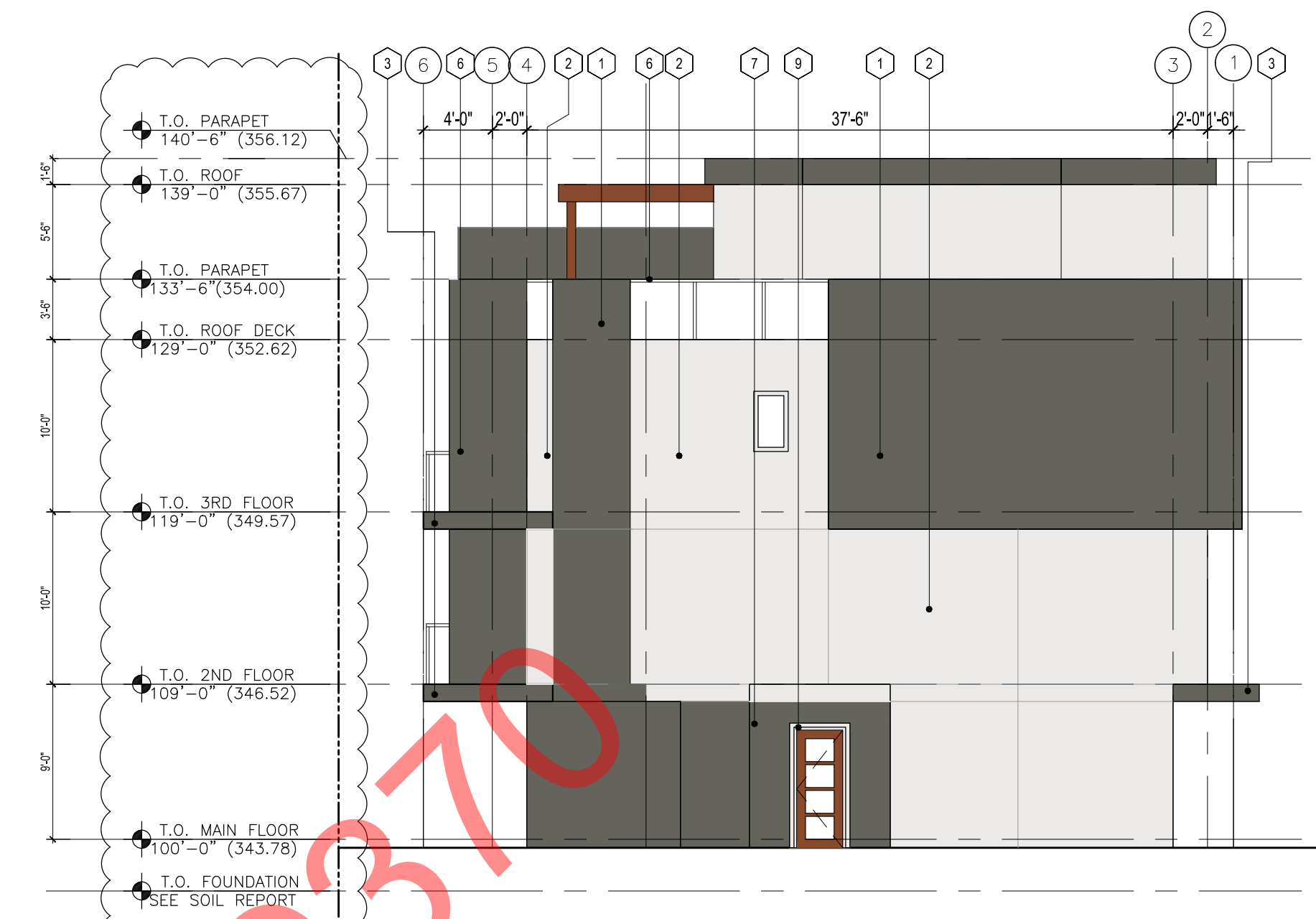
EXTERIOR MATERIALS LEGEND

- 1 FIBRE CEMENT PANEL
COLOUR: DARK GREY
- 2 FIBRE CEMENT PANEL.
COLOUR: WHITE
- 3 PRE-FINISHED METAL FASCIA FLASHING
COLOUR: DARK GREY
- 4 PRE-FINISHED ALUMINUM TRELLISES
COLOUR: BROWN WOOD GRAIN (POWDER COATED)
- 5 C.I.P. CONCRETE STEPS
- 6 42" HIGH BALCONY CLEAR GLASS RAILING
C/W ALUMINUM POSTS / FRAME
COLOUR: POWDER COATED BLACK
- 7 BRICK VENEER
COLOUR: MEDIUM GREY
- 8 PVC WINDOWS/BALCONY DOORS
COLOUR: WHITE
- 9 PVC ENTRANCE DOORS-WOOD COLOUR
C/W FROSTED GLASS

NOTE: EXTERIOR MATERIALS TYPICAL TO ALL ELEVATIONS



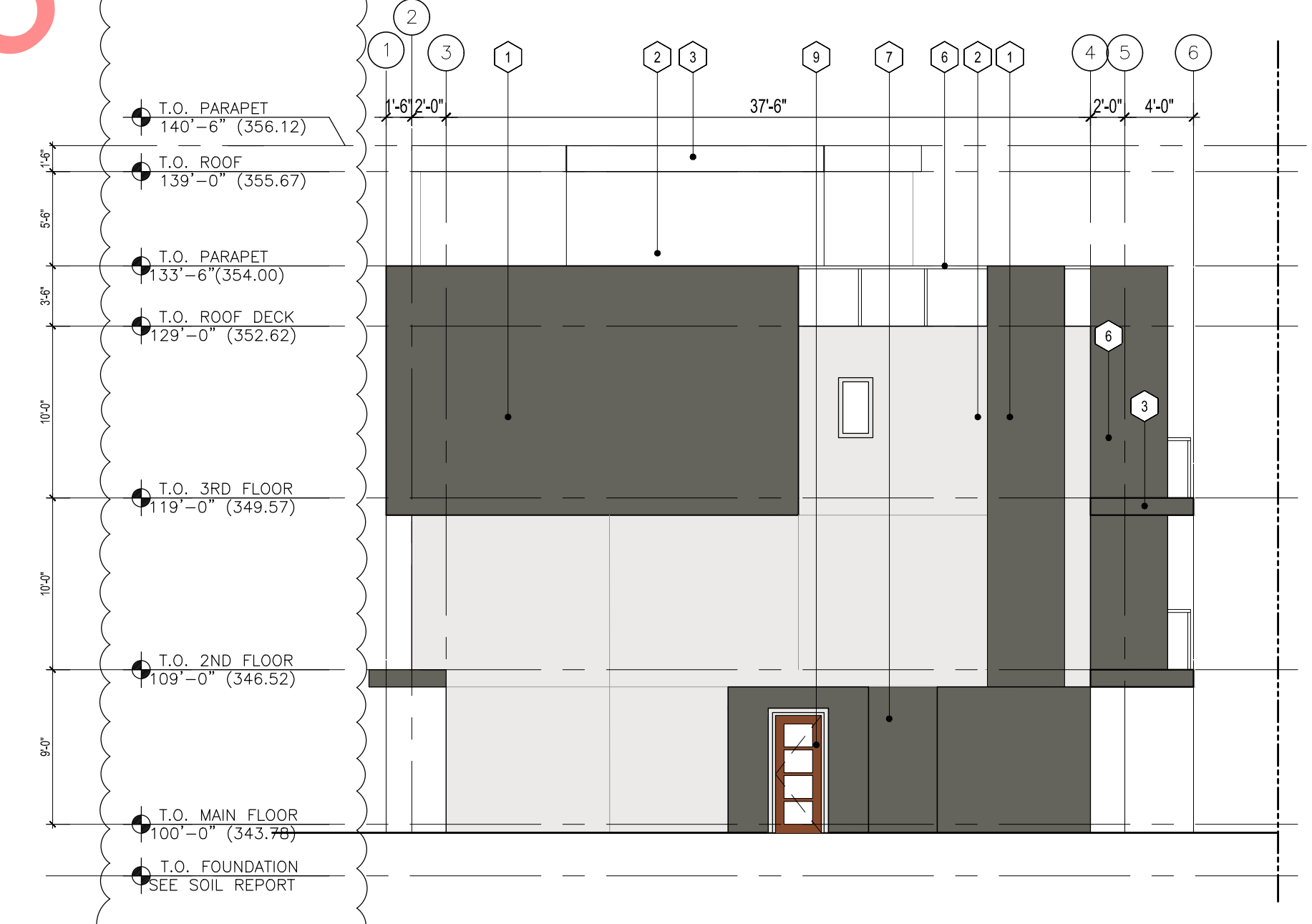
2 NORTH ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



4 EAST ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION
DP30-01 SCALE: 1/8"=1'-0"



3 WEST ELEVATION
DP30-01 SCALE: 1/8"=1'-0"

ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONING-OP
0	2022/04/13	M.T.	REZONING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

BUILDING 1 ELEVATIONS (6 UNITS)

DATE:	ISSUED FOR:
2022.05.19	DP-REZONNING
DRAWN BY:	SCALE:
CH	1/8" = 1'-0"
PROJECT NO. 0 21 12 31	

DP30-01

PERMIT/ SEAL

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ISSUES/ REVISIONS

NO.	DATE	BY	DESCRIPTION
1	2022/05/19	S.M.	REZONNING-OP
2	2022/04/23	M.T.	REZONNING

PROJECT:
13 UNIT TOWNHOUSE
951 & 963 DYNES AVE.
PENTICTON, BRITISH COLUMBIA
LOTS 21, 22, 23 & 24, PLAN 929

DRAWING:

BUILDING 2
ELEVATIONS
(7 UNITS)

DATE: 2022.05.19 ISSUED FOR: DP-REZONNING

DRAWN BY: CH SCALE: 1/8" = 1'-0"

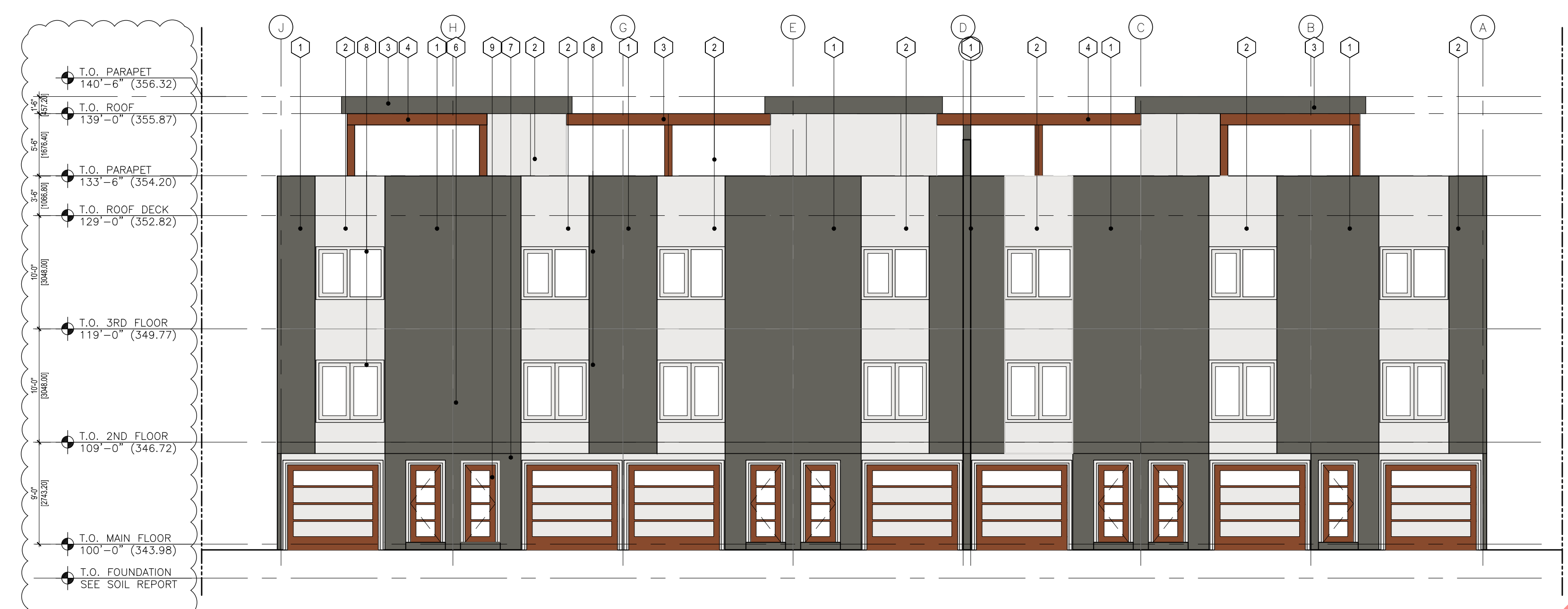
PROJECT NO. 0 21 12 31

DP30-02

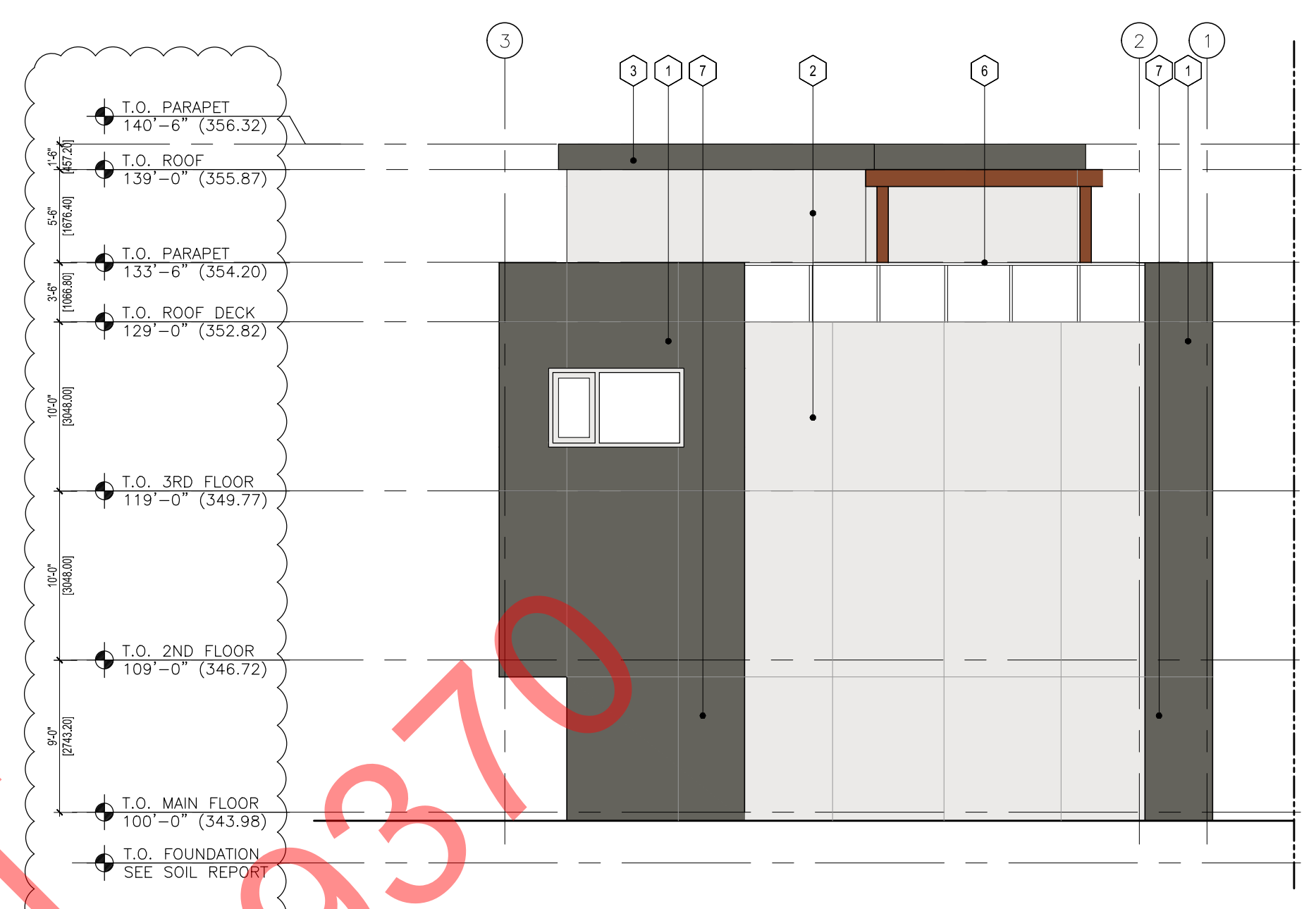
EXTERIOR MATERIALS LEGEND

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- 5 C.I.P. CONCRETE STEPS
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CW ALUMINUM POSTS / FRAME
COLOUR: POWDER COATED BLACK
- 7 BRICK VENEER
COLOUR: MEDIUM GREY
- 8 PVC WINDOWS/BALCONY DOORS
COLOUR: WHITE
- 9 PVC ENTRANCE DOORS-WOOD COLOUR
CW FROSTED GLASS

NOTE: EXTERIOR MATERIALS
TYPICAL TO ALL ELEVATIONS



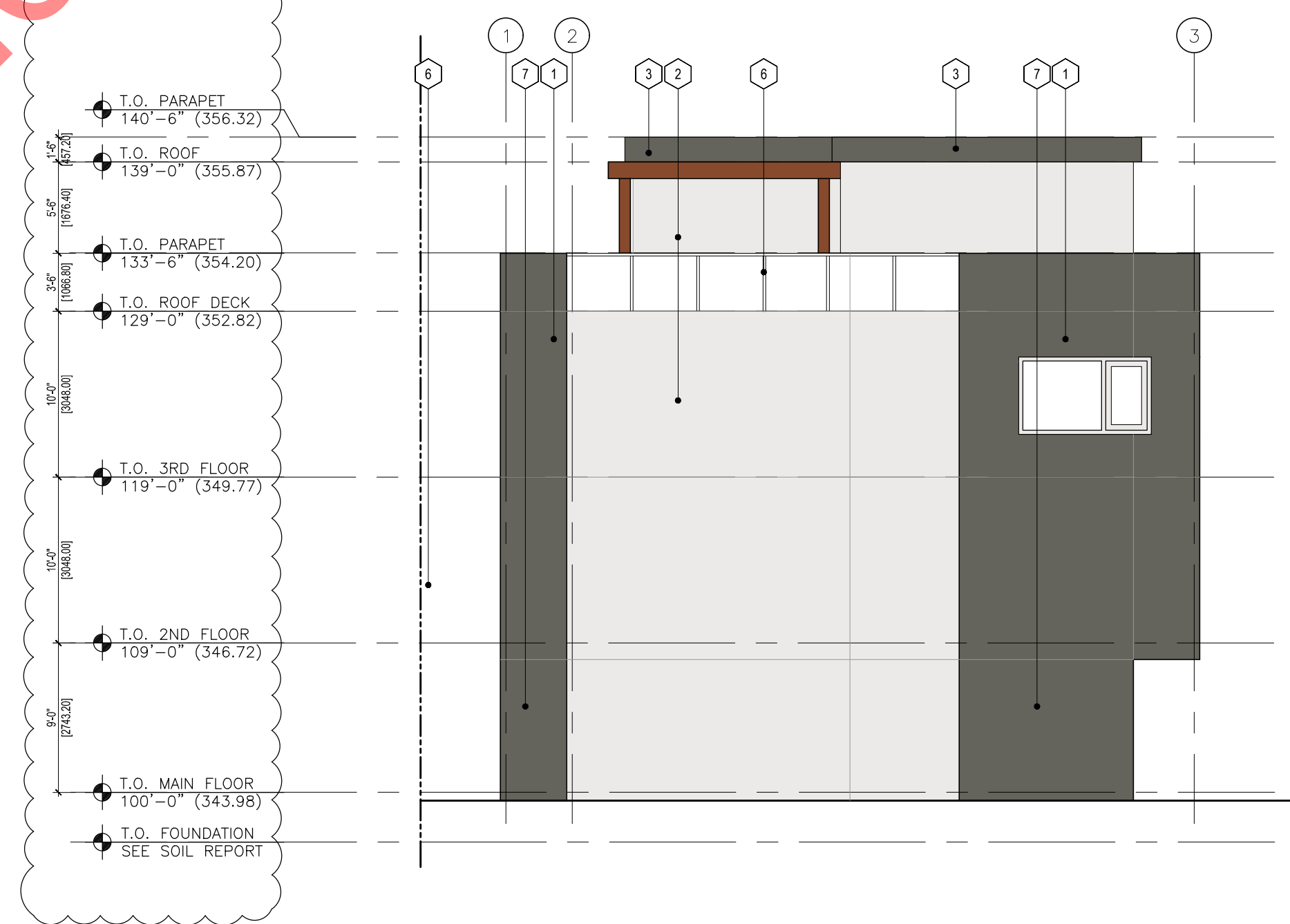
2 NORTH ELEVATION
DP30-02 SCALE: 1/8"=1'-0"



4 EAST ELEVATION
DP30-02 SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION
DP30-02 SCALE: 1/8"=1'-0"

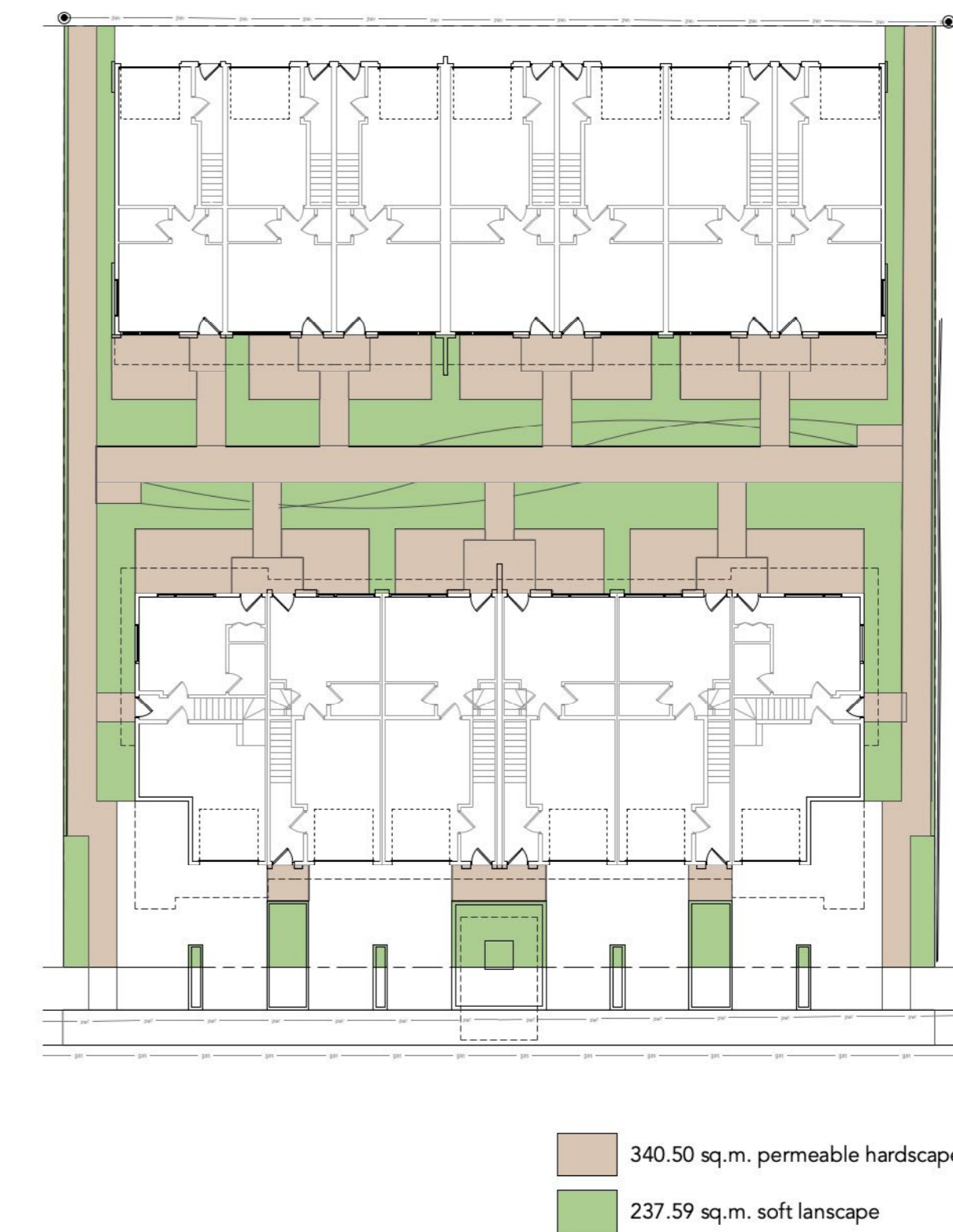


3 WEST ELEVATION
DP30-02 SCALE: 1/8"=1'-0"

DRAFT
DVP PL 2022-9370



1 Overall Plan
Scale: 1:200



2 landscape areas
Scale: 1:250

Site Information

Address: 951-963 Dynes Ave
Penticton, B.C.
City of Penticton Zoning: RM-3
Medium Density Multiple Housing
Site Area: 1,447.04 sq m
Bicycle parking spaces required: 4 spaces (2 bicycle racks)

Landscape Statistics

Landscape area provided	578.09 sq m	39.95 % of site
soft landscape area	237.59	41.10%
permeable hard landscape area	340.50	58.90%
Trees	required	provided
min 1 tree per 10 lm of required buffer	8	12
Deciduous Trees	12.00	12
60mm cal		
Coniferous Trees	0.00	
Shrubs	required	provided
min 1 shrub per 1 lm of required buffer	80	137
Deciduous	89.00	
Coniferous	48.00	

- trees**
- dakota pinnacle birch min 60 mm cal
 - japanese tree lilac min 60 mm cal
 - columnnar swedish aspen min 60 mm cal
- shrubs**
- blue carpet juniper
 - globe spruce
 - amber jubilee ninebark
 - red twig dogwood
 - oso easy rose
- groundcovers**
- avalanche reed grass
 - flame grass
 - northern lights hair grass
 - prairie fire red switch grass
 - purple emperor comflower
 - variegated moor grass
 - wood mulch
 - rock mulch
 - permeable paving Ozinga Ficecrete or similar

Plant List

Qty	Common Name	Botanical Name
Ornamental Grasses and Groundcovers		
Shrubs		
44	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'
4	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'
Deciduous		
19	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'
14	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'
56	Oso Easy Paprika Rose	Rosa sp 'Oso Paprika'
Trees		
Deciduous		
4	Columnnar Swedish Aspen	Populus tremula 'Erecta'
2	Dakota Pinnacle Birch	Betula platyphylla 'Fargo'
6	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'

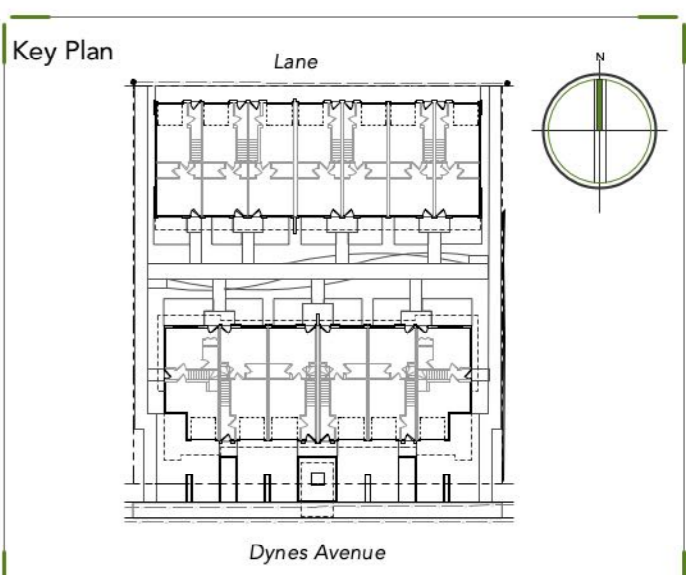


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Irrigation Notes

- All landscape areas shall be watered by a low water use automatic underground irrigation system as per municipal standards. Irrigation and maintenance to extend beyond property line and include boulevard areas.



10	development permit TPC response	23.04.11
9	review and coordination	23.03.30
8	development permit TPC response	23.01.24
7	development permit TPC response draft	23.01.09
6	development permit TPC response	22.08.15
Issued for:		Date: (yy.mm.dd)

Project No: 27-001
Project Title: Dynes Avenue Townhomes

951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title: Overall Plan

Drawn by: cmp
Checked by: jj / cmp
Drawing No. L-0

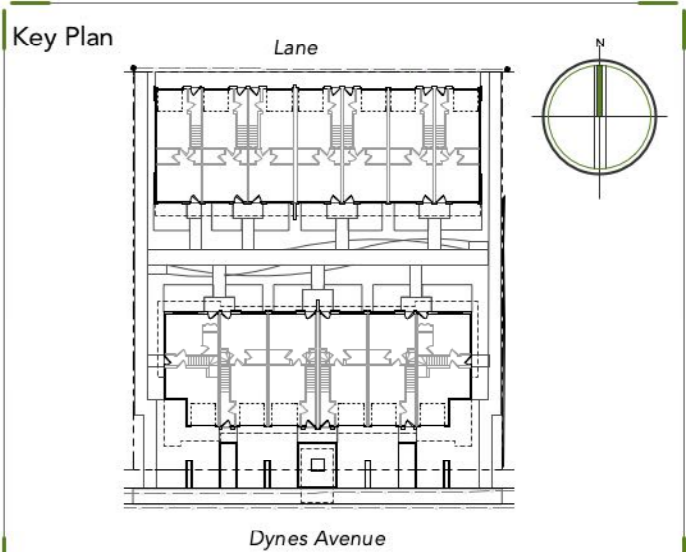


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Issued for:		Date: (yy.mm.dd)

Project No. 27-001
Project Title:
Dynes Avenue Townhomes
951 - 963 Dynes Avenue
Penticton, B.C.

Drawing Title:
Overall Landscape Plan

Drawn by: cmp
Checked by: jj / cmp
Scale: 1:100
Drawing No. **L-1**



legend

trees	groundcovers
dakota pinnacle birch min 60 mm cal	avalanche reed grass
japanese tree lilac min 60 mm cal	flame grass
columnar swedish aspen min 60 mm cal	northern lights hair grass
	prairie fire red switch grass
	purple emperor coneflower
	variegated moor grass
	wood mulch
	rock mulch
	permeable paving Ozinga Filcrete or similar

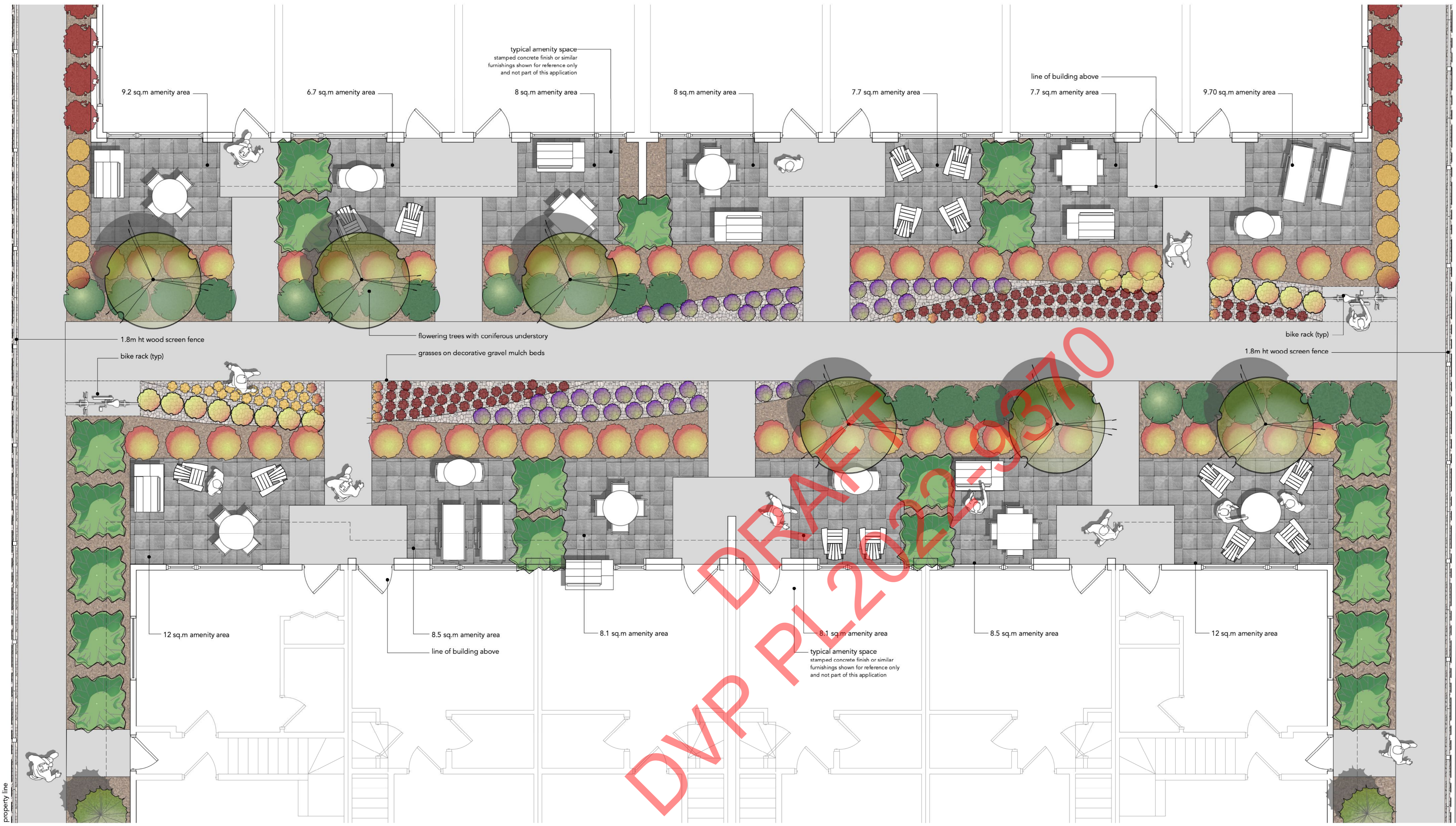
Proposed Site furnishings



Plant List

Qty	Common Name	Botanical Name	Size
Ornamental Grasses and Groundcovers			
38	Avalanche Reed Grass	Calamagrostis x acutiflora 'Avalanche'	2 gallon pot
8	Flame Grass	Miscanthus sinensis 'Purpurascens'	5 gallon pot
129	Northern Lights Tufted Hair Grass	Deschampsia cespitosa 'Northern Lights'	2 gallon pot
16	Prairie Fire Red Switch Grass	Panicum virgatum 'Prairie Fire'	2 gallon pot
44	Purple Emperor Coneflower	Echinacea purpurea 'Purple Emperor'	2 gallon pot
26	Variegated Moor Grass	Molinia caerulea 'Variegata'	2 gallon pot
Shrubs			
Coniferous			
44	Blue Carpet Juniper	Juniperus squamata 'Blue Carpet'	5 gallon pot
4	Globe Blue Spruce (tree form)	Picea pungens 'Globosa (tree form)'	5 gallon pot
Deciduous			
19	Amber Jubilee Ninebark	Physocarpus opulifolius 'Jefam'	5 gallon pot
14	Arctic Fire Red Twig Dogwood	Cornus sericea 'Farrow'	5 gallon pot
56	Oso Easy Paprika Rose	Rosa sp 'Oso Paprika'	5 gallon pot
Trees			
Coniferous			
Deciduous			
4	Columnar Swedish Aspen	Populus tremula 'Erecta'	60mm cal
2	Dakota Pinnacle Birch	Betula platyphylla 'Fargo'	60mm cal
6	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	60mm cal

1 Overall Plan
Scale: 1:100

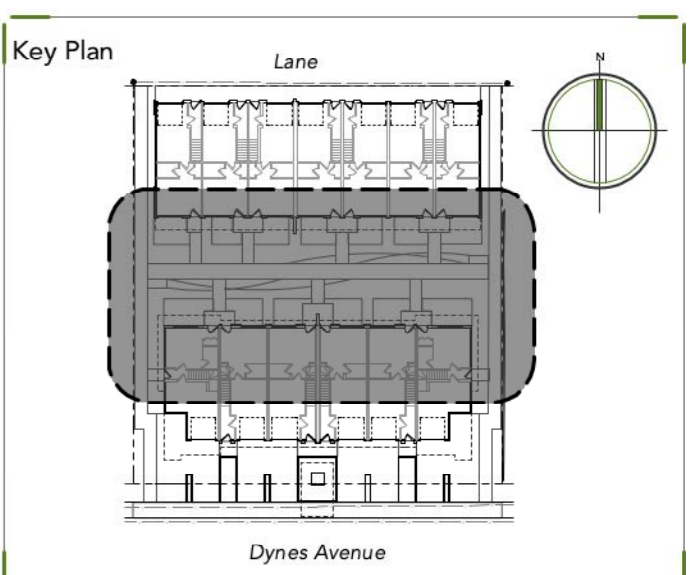


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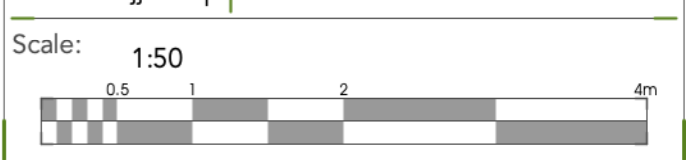
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Issued for:		Date: (yy.mm.dd)

Project No. 27-001
 Project Title: **Dynes Avenue Townhomes**

951 - 963 Dynes Avenue
 Penticton, B.C.

Drawing Title: **Central Courtyard Plan**

Drawn by: cmp
 Checked by: jj / cmp
 Drawing No. **L-2**



1 Overall Plan
 Scale: 1:50

legend

trees	shrubs	groundcovers	
dakota pinnacle birch min 60 mm cal	blue carpet juniper	avalanche reed grass	variegated moor grass
japanese tree lilac min 60 mm cal	globe spruce	flame grass	wood mulch
sutherland caragana min 60 mm cal	amber jubilee ninebark	northern lights hair grass	rock mulch
	red twig dogwood	prairie fire red switch grass	permeable paving Oxings Filcrete or similar
	oso easy rose	purple emperor cornflower	

The Corporation of the City of Penticton

Bylaw No. 2023-19

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. 2023-19".

2. Amendment:

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

2.1 Rezone Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue and Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) as shown on Schedule 'A'.

2.2 Add section 10.10.5.4: "In the case of Lot B District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 951 Dynes Avenue and Lot A District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP112534, located at 963 Dynes Avenue, apartments shall not be a permitted use."

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

READ A FIRST time this day of , 2023

A PUBLIC HEARING was held this day of , 2023

READ A SECOND time this day of , 2023

READ A THIRD time this day of , 2023

RECEIVED the approval of the day of , 2023 Ministry of Transportation on the

ADOPTED this day of , 2023

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2023 and the ___ day of ___, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act this ___ day of ___, 2023 for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-19

Date:

Corporate Officer:

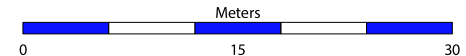


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1:528

May 29, 2023 2:49:00 PM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

City of Penticton

Date: June 6, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 140 – 3547 Skaha Lake Road

File No: RMS/3547 Skaha Lake Rd

Subject: Temporary Use Permit PL2023-9513

Staff Recommendation

THAT Council, after hearing from the applicant, deny “Temporary Use Permit PL2023-9513”, a permit to allow the use ‘Contractor Services, Limited’ and six (6) ‘metal storage containers’ on Lot 1 District Lot 189 Similkameen Division Yale District Plan 33200, located at 140 – 3547 Skaha Lake Road, for a twenty-one (21) month period.

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 currently operating their business at the subject property as “RPR Heating & Air Conditioning”. The applicant is presently using this space for internal storage, metal storage containers, and sheet metal fabrication. This use falls under the definition of “Contractor Services, Limited” as per Zoning Bylaw 2023-08. As the “Contractor Services, Limited” and “Metal Storage Containers” use is not permitted in the C3 (Mixed Use Commercial) zone on the property, the applicant has applied for a temporary use permit in order to allow the use and six (6) metal storage containers on the property for a period of twenty-one (21) months, ending in January 2025.



Figure 1 – Property Location Map

Background

The subject property is located on the west side of Skaha Lake Rd, and south side of Yorkton Ave (Figure 1). The property is 8,579.3 m² (2.12 acres) in area. The site is zoned C3 (Mixed Use Commercial) and is designated 'Mixed Use' by the Official Community Plan (OCP). The property currently contains a two-storey commercial building that was constructed in 1980 which contains multiple businesses such as real estate agents, forestry management, a learning center for children, and computer software business. The business is currently operating in the location formerly used by Interior Health for COVID-19 testing. The business covers approximately a floor area of 430 m² with six metals storage containers at the rear of the property.

In January 2023, the Penticton Fire Department attended the property as part of a routine fire inspection. Following the inspection, the Fire Department forwarded their results to the Building Department. The business owners were using the building under a different BC Building Code occupancy classification than what the building was constructed for.

Upon further review, staff found that the business owners also did not apply for a business license to operate at that location and no building permit was issued for the change of use. Additionally, the use was also discovered to not be permitted under the C3 (Mixed Use Commercial) zone in the City's Zoning Bylaw.

Upon being contacted about these issues, the business owners made the subject application for the Temporary Use Permit. Should the permit be successful, further permitting processes will be required ensuring the safe use of the space for the intended purposes.

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). The Building and Fire Departments identified a number of safety requirements that would be triggered at the building permit stage if the Temporary Use Permit is supported by Council.

Analysis

When considering an application for a temporary use permit, the Official Community Plan has established a set of guidelines for Council and staff to follow in reviewing an application. Temporary uses can be permitted for a maximum of three years with the possibility of one renewal of up to three additional years. The OCP contains the criteria to be considered when reviewing an application for a temporary use permit:

1. Compatibility with its Land Use Designation.
2. Minimizing conflict with adjacent land uses.
3. Avoiding impacts on environmentally-sensitive areas.

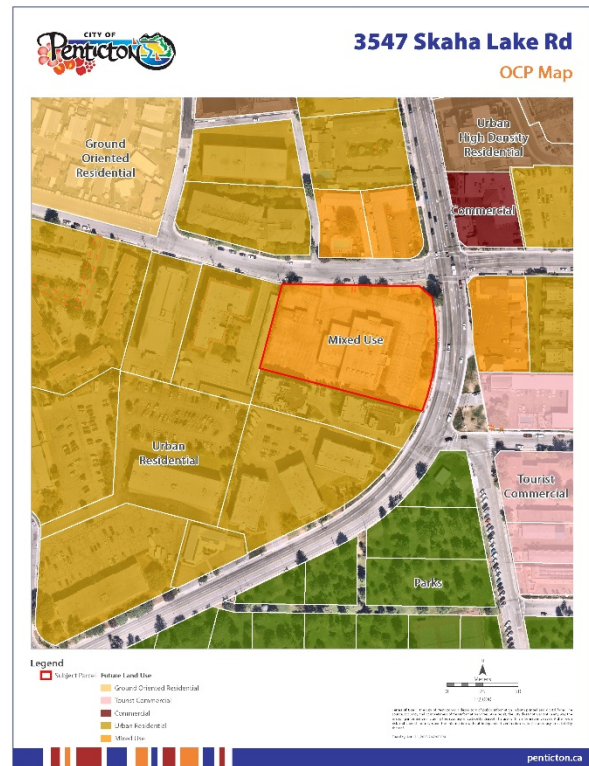


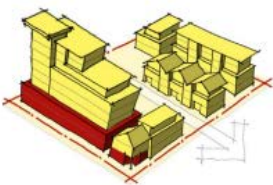
Figure 2 – OCP Map

4. Not creating significant increase in level of demand for services.
5. Not permanently altering the site where it is located.

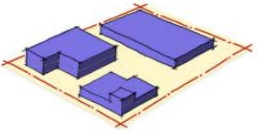
Staff have reviewed the subject application with these criteria in mind. Staff are not recommending support of the application based on the reasons below:

1. *Not compatible with its Land Use Designation*

The property is designated 'Mixed Use' (Figure 2) by the Official Community Plan Future Land Use Map. This designation allows for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or office uses. The uses that are supported by the 'Mixed Use' designation may be impacted by the nuisances typically associated with an industrial designated property (i.e. noise, smell, or traffic of industrial vehicles). These nuisances could be associated with the contractor use proposed/operating on the subject property.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Mixed Use</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.	<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

The requested use of 'contractor services, limited' and metal storage containers would be supported under the 'Industrial' designation of the Official Community Plan which allows for areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage. The M1 (General Industrial), M2 (Heavy Industrial), and M3 (Wrecking Yard) zones are all permitted in the 'Industrial' designation by the Official Community Plan. Additionally, the use of 'contractor services, limited' and metal storage containers would be supported under the 'Commercial' designation of the Official Community Plan. It allows for commercial and light industrial use and generally supports C6-Urban Periphery and C7 – Service Commercial zoning.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Industrial</p>	Areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage.	<ul style="list-style-type: none"> • Industrial buildings • Structures and lands 	<ul style="list-style-type: none"> • General Industrial • Heavy Industrial (M2 zone only) • Wholesale, Storage and Warehouse • Vehicle and Equipment Repair 	<ul style="list-style-type: none"> • Generally 1 or 2 storeys 	<ul style="list-style-type: none"> • M1 • M2 • M3

The property is zoned Commercial (C3), and the OCP land use designation "Mixed Use" supports commercial uses with residential. The applicants are proposing to use the property for an industrial

use (contractor services limited) in an area that does not allow such use, and does not support the introduction of industrial in the long term. As such, staff consider that this use is not compatible with the current Land Use Designation of Mixed-Use from the Official Community Plan.

2. *Conflict with adjacent land uses*

The surrounding land uses are mostly mixed uses, commercial, tourist commercial, urban residential, ground oriented residential, and parks and recreation. This uses proposed in the Temporary Use Permit application do conflict with adjacent land uses as the uses in the area include residential buildings, hotels and motels, parks, offices and restaurants.

Anticipated conflicts that could be associated with the proposed use:

- Noise due to the industrial nature of the use to neighbouring tenants within the existing building, and the apartments that are directly adjacent to the property.
- An increased amount of industrial vehicle traffic coming and going from the property, which is not typically seen in mixed-use zones. Metal storage containers are also not permitted in the C3 – Mixed Use Commercial zone. The use at the subject property as ‘industrial’ is not found in this area of the City, there are no other businesses in this area that offer this type of service.
- Aesthetic considerations with regard to the industrial nature of the business compared to the generally high level of landscaping, urban design and architecture of neighbouring uses.

3. *Avoiding impacts on environmentally-sensitive areas*

The property is not identified within an environmentally sensitive area. The lot is mostly hard surfaced with pavement, and no vegetation is required to be removed.

4. *Not creating significant increase in level of demand for services*

The use does not require any water or sanitary sewer service upgrades.

5. *Not permanently altering the site where it is located*

The proposed use is within an existing building, there are no permanent alterations expected aside from proper fire separation and building improvements for the use.

The metal storage containers on the site are easily moveable, and can be transported off the site if required.

In addition to the OCP temporary use permit criteria reviewed above, staff have reviewed the zoning of the surrounding properties. The subject property is zoned C3 (Mixed Use Commercial). Surrounding properties are zoned RM3 (Medium Density Multiple Housing), RM2 (Low Density Multiple Housing), RSM (Mobile Home Park), CT1 (Tourist Commercial), and C4 (General Commercial) and P2 (Parks and Recreation) (Attachment ‘A’). The surrounding zones also do not permit ‘contractor services, limited’ and ‘metal storage containers’. Under the City’s zoning bylaw, contractor services limited is permitted in the C6-Urban Periphery , C7 – Service Commercial zone , M1 (General Industrial zone), M2 (Heavy Industrial), and M3 (Wrecking Yard).

Upon review of the OCP policies for temporary use permits, staff are of the opinion that this application does not meet the intent of the OCP temporary use permit criteria, and that allowing 'contractor services, limited' and 'metal storage containers' as a temporary use is not appropriate in this instance. The use is not compatible with the land use designation and zoning, and the use poses potential conflicts to surrounding properties such as noise pollution, increased industrial traffic and aesthetic decline. Additionally, the OCP specifies that in the Skaha Lake Road area, development of a higher-density residential node in a high-amenity area shall be supported, to capitalize on existing investments in infrastructure, services and parks. Allowing the "contractor services" and metal storage containers use does not support that goal. Based on the reasons above, staff recommend that Council deny the issuance of the temporary use permit for a twenty-one (21) month period.

Alternate Recommendations

Alternate Recommendation #1

Council may consider a one (1) year time limit for the temporary use permit as a more appropriate timeline for the 'contractor services, limited' and 6 'metal storage container' use in order to allow the applicant time to find a different location that is permitted for their business. Allowing the temporary use permit for one year would allow the applicant to find a different location either in the industrial area or other commercial zone that allows for 'contractor services, limited' and 6 'metal storage container'.

If this is the case, Council may choose to approve the temporary use permit with an amended timeline of one (1) year with a maximum floor area of 430 m². The maximum size would limit the permit to the area that they are currently operating at and would not allow them to expand above.

1. THAT Council approve "Temporary Use Permit PL2023-9513", with a timeline of one (1) year, and a maximum floor area of 430 m².

Alternative Recommendation #2

Council may consider that the temporary use permit application as applied for with a timeline of twenty-one (21) months to permit the use of 'contractor services, limited' and 'metal storage container' on the subject property as appropriate. If this is the case, Council may choose to approve the permit with a timeline of twenty-one (21) months. Staff are recommending against this option, as the use is not aligned with the OCP criteria for a temporary use permit. If Council support this recommendation, staff are recommending setting a limit of a maximum floor area of 430 m² to prohibit expansion.

2. THAT Council approve "Temporary Use Permit PL2023-9513", with a timeline of twenty-one (21) months, and a maximum floor area of 430 m².

It is recommended that Council allow the applicant to speak on behalf of the proposed temporary use permit if Council is considering denying the application.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Site Plan and Interior Layout Plan

Attachment E – Letter of Intent

Attachment F – Draft Temporary Use Permit PL2023-9513

Respectfully submitted,

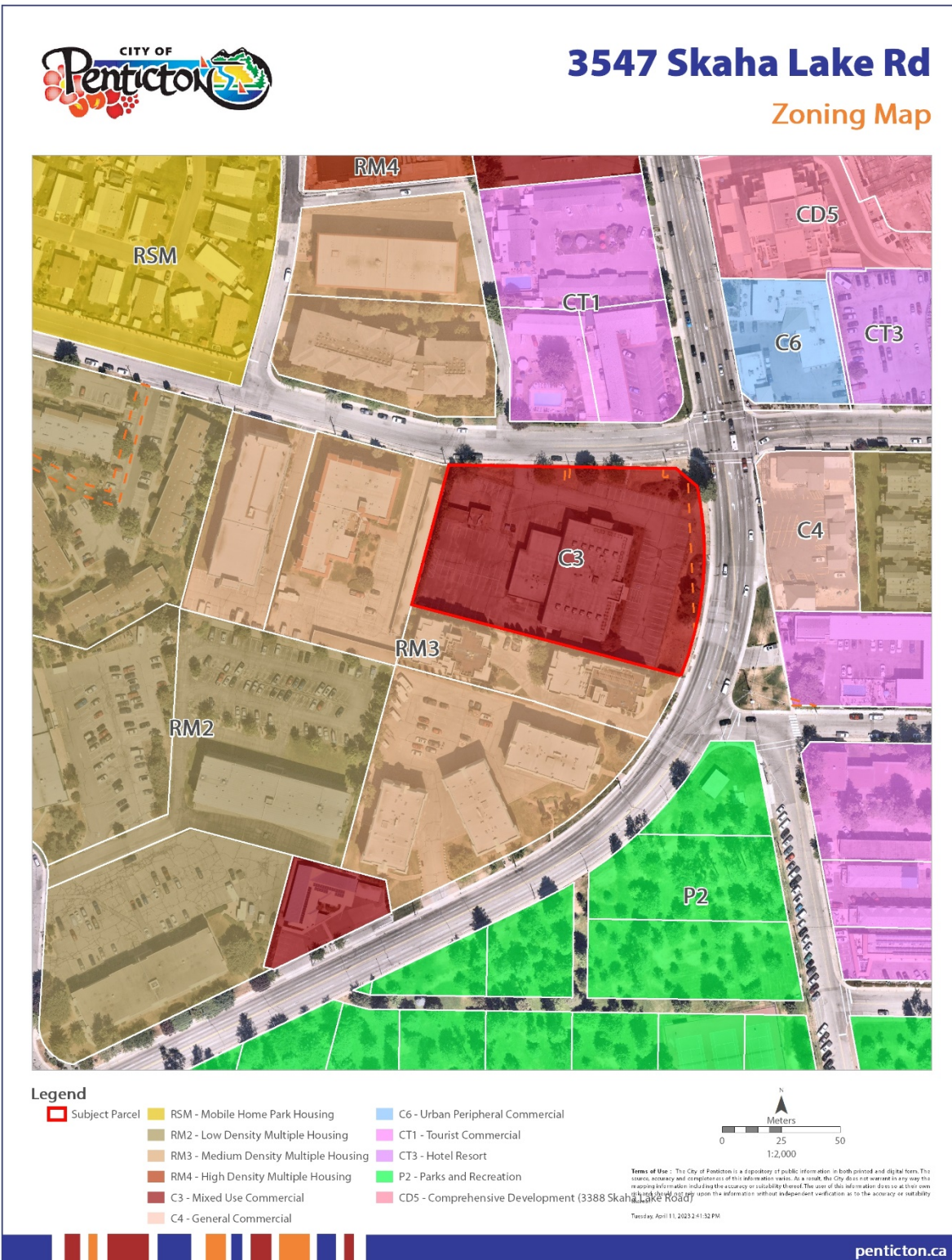
Jordan Hallam

Planner I

Concurrence

<p>Director of Development Services</p> <p><i>BL</i></p>	<p>Acting Chief Administrative Officer</p> <p><i>KD</i></p>
--	---

Attachment A – Zoning Map

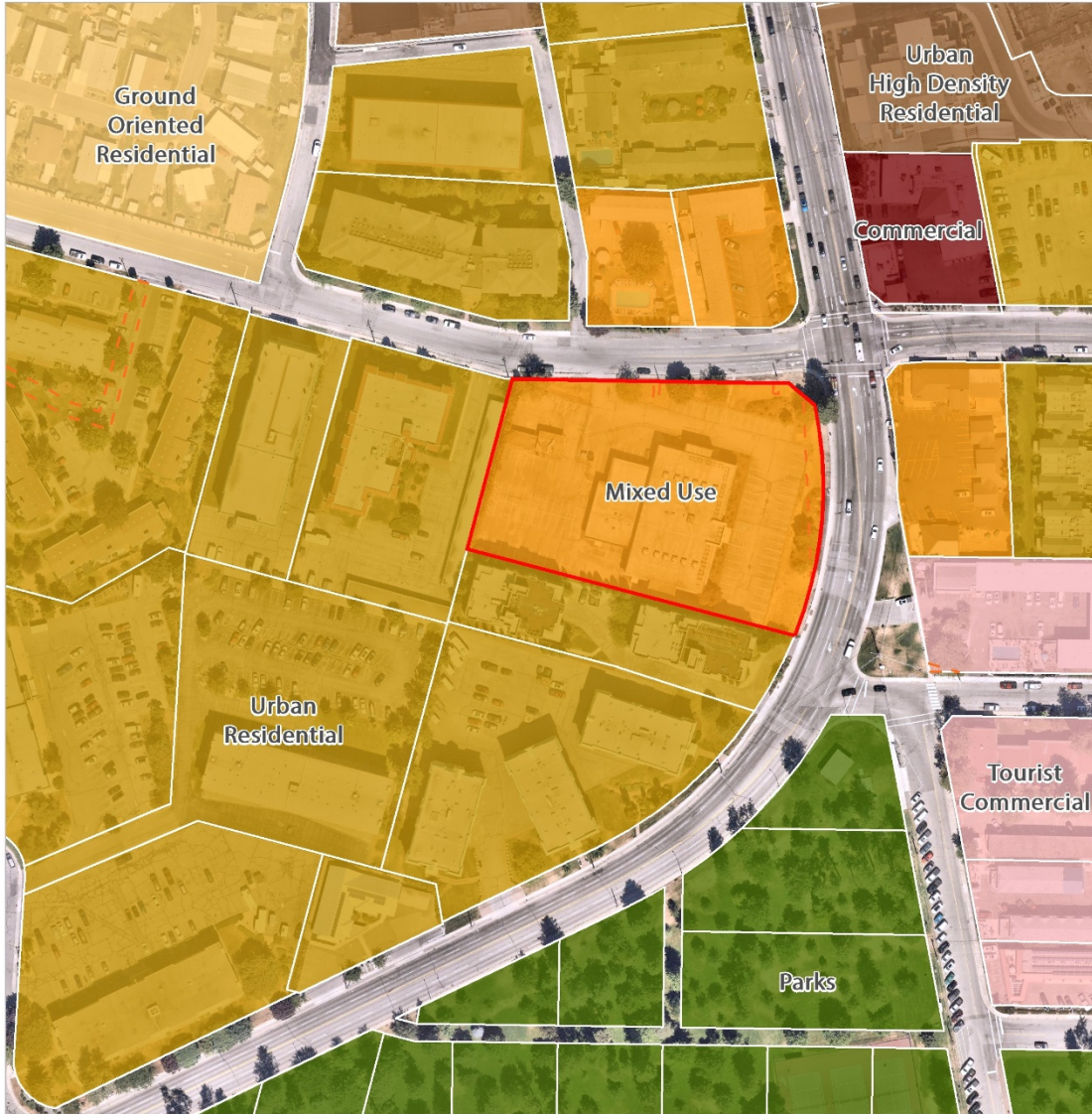


Attachment B – Official Community Plan Map



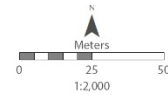
3547 Skaha Lake Rd

OCP Map



Legend

- Subject Parcel
- Future Land Use
- Ground Oriented Residential
- Tourist Commercial
- Commercial
- Urban Residential
- Mixed Use



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Tuesday, April 11, 2023 2:42:00 PM

penticton.ca

Attachment C – Photos of Property



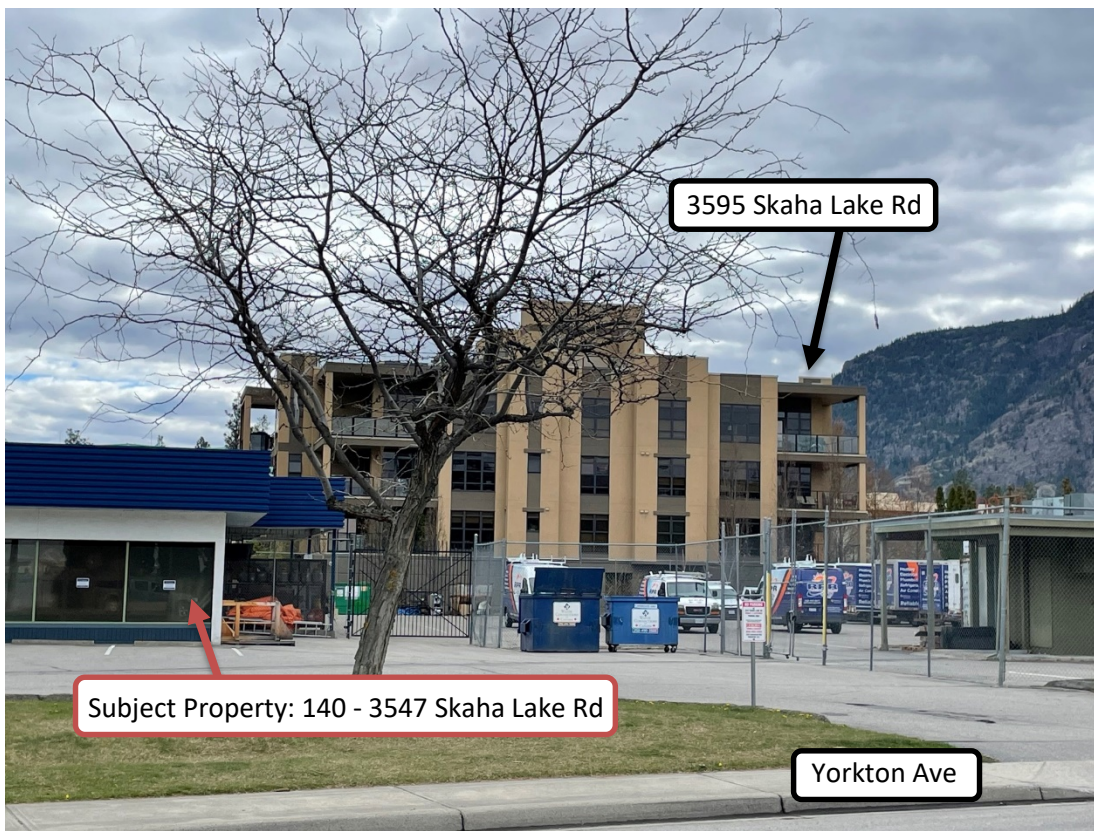
Looking west at the subject property from Skaha Lake Rd



Looking southwest at the subject property from Yorkton Ave



Looking west at the subject property from Yorkton Ave



Looking south at the subject property from Yorkton Ave



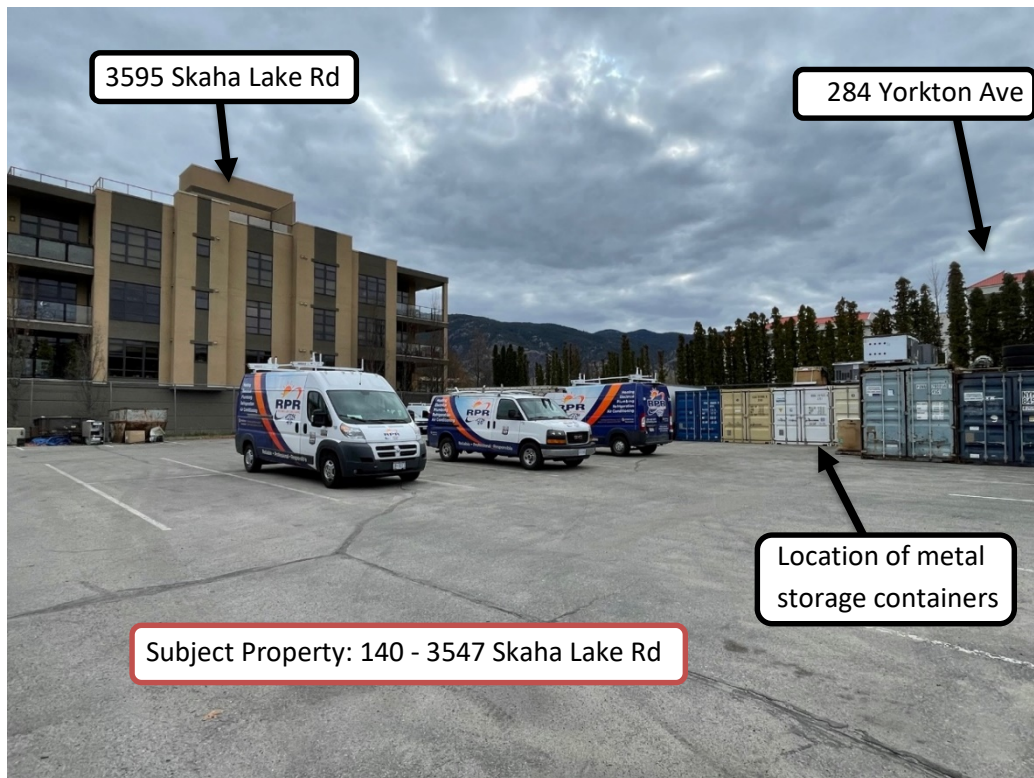
Looking south at the business from the subject property parking lot



Looking south at the business from the subject property parking lot



Looking west at the business from the subject property parking lot



Looking southwest at the business from the subject property parking lot



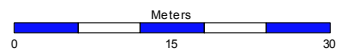
City of Penticton Web Map



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1:720
March 30, 2023
12:06:16 PM



First Floor Unit Number Scheme
(as illustrated)
#101, #108, #110, #120, #140

Second Floor:
#201





Letter of Intent

info@rprheating.com
www.rprheating.com
250-492-3677

To:
Penticton City Council
171 Main St
Penticton, BC

March 27, 2023

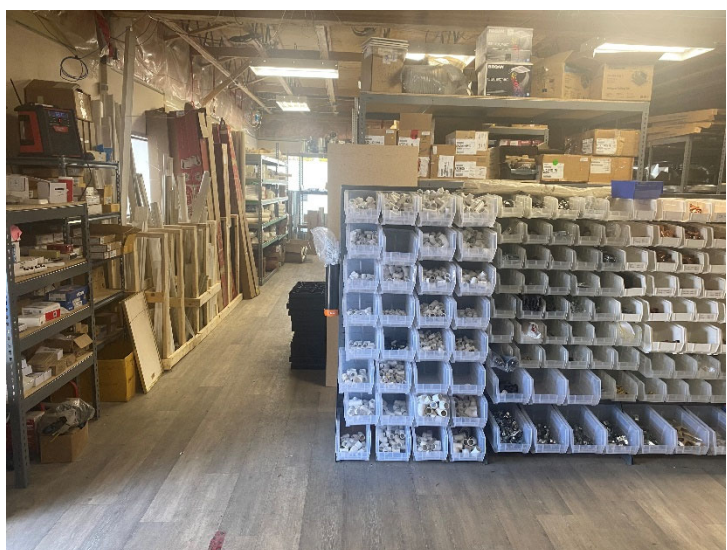
RE:
Temporary Use Permit
RPR Heating & Air Conditioning Ltd.
140-3547 Skaha Lake Rd
Penticton, BC

What this business is, and the work that will be happening at this location.

We are a full-service heating and air conditioning company, providing new installations, maintenance, and repairs to our service area of the South Okanagan. The activities at 140-3547 Skaha Lake Rd. can be broken down into internal storage, sea cans, and sheet metal fabrication.

Internal storage

Our total unit is comprised of 4,271 square feet, with 3,198 square feet of it being used for internal storage for components necessary for new installations. Examples here are thermostats, filters, condensate pumps, and misc. ductwork. We have a warehouse manager who operates out of this location as well who facilitates the flow of equipment that comes in, as well as ensures the unit and yard remains clean and organized.



Reliable Professional Responsible



Letter of Intent

info@rprheating.com
www.rprheating.com
250-492-3677

Sea cans

We have six sea cans on this property inside the locked yard. These sea cans act as storage for all our new equipment for new installations. All this equipment remains in its original boxes or packaging, and it is allocated to jobs as needed, and removed from the sea cans at that time. It is necessary for us to have these sea cans for three reasons. One, due to the shortage of equipment in the last two years, as soon as we receive notification that our suppliers have stock, we must act immediately to purchase this equipment so that we can fulfill new installations that we have quoted our customers. Two, this equipment is very expensive and is easily damaged in weather, which means it must be in a locked space. Three, we have no interior space left at either location for this equipment. The sea cans are WCB compliant, meaning they are vented and safe, and do not impede any other adjacent properties. See pictures below of sea cans. We previously had the sea cans stored at 154 Ellis St. which proved to be very dangerous as we were constantly having issues with homeless breaking into them, starting fires next to them, and leaving drug paraphernalia around and inside them.



Reliable Professional Responsible

Letter of Intent

Sheet metal fabrication

We have a sheet metal employee who fabricates all our custom fittings for new installations operating out of #140-3547 Skaha Lake Rd. To define “fabricates”, it can be elaborated that she uses specialized equipment to bend large pieces of sheet metal, into ductwork fittings that are used on job sites. Fittings are defined as transition pieces that connect actual equipment (eg. Furnace) to the ductwork that runs throughout the house.



There is a dedicated room for her to operate out of, which is approximately 750 square feet and is outfitted with insulation and proper venting to ensure it is safe for our staff as well as eliminates noise to our neighbors. There is also spot welding happening in this room, for our fabricator to weld two pieces of metal together. This room also has exhaust fans and the required fire extinguishers requested by the fire department.



Reliable Professional Responsible



Letter of Intent

info@rprheating.com
www.rprheating.com
250-492-3677

Why this location was chosen.

Our office staff and service technicians operate out of our main office at 154 Ellis Street, which is approximately 1,500 square feet with 14 parking spaces (in a separately leased lot). We have 30+ employees and 27 work vehicles, so space is our biggest limitation which is the reason we sourced the property at #140-3547 Skaha Lake Rd., to have a location dedicated to our installation team. We have been searching for over 3 years for a building that all our staff can operate out of. The shortage of commercial space in Penticton has created a hardship for us as we have spent time, energy, and money to pursue potential spaces, which has led to nothing but frustrations when they fall through. The reason the property at #140-3547 Skaha Lake Rd. was selected, was because it had enough room to store the parts that we need inside, with room for our sheet metal employee, and a locked yard with a large gate to ensure our vehicles and equipment could remain as safe as possible. The building is planned to be demolished in January 2025, which is why we are in a two-year lease. Having a deadline with our lease ending in 20 months is ideal for us as we will, hopefully, close our deal on the Penticton Indian Band lot by then with plenty of time to erect a building.

What makes the development a positive contribution to the community?

Our impact will be positive as we have outfitted our space with indoor and outdoor security systems to monitor the yard and surrounding property, making the community safer. Due to the imminent demolition of this building, we feel that we are providing a service by keeping the space occupied and monitored, as otherwise it may have been left vacant, inviting the possibility of unsavoury activity in this part of our community.

Because of the intense shortage of both commercial rentals and real estate available, we rely on this space to continue providing our services to the community. We consider ourselves an essential service, especially to the wellbeing of our customers during extreme hot and cold seasons. We have operated in the community for over 40 years providing reliable, professional, and responsible service and hope to continue doing so in this location for a short period. Thank you for your time and consideration.

Regards,

Steve Dahl, Terry Olfert, Leanne Diack, Heather Olfert
Owners, RPR Heating and Air Conditioning Ltd.

Reliable Professional Responsible

Temporary Use Permit

Permit Number: TUP PL PL2023-9513

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 1 District Lot 189 Similkameen Division Yale District Plan 33200
 - Civic: 3547 Skaha Lake Road
 - PID: 002-262-681
3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for the temporary use of the above noted lands for 'contractor services, limited' and six (6) 'metal storage containers' as shown in the plans attached in Schedule 'A'.

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 497 of the *Local Government Act*, this permit shall expire on **January 31, 2025**.
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.

Authorized by City Council, the 6th day of June, 2023.

Issued this ____ day of June, 2023.

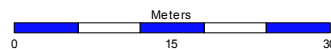
Angela Collison
Corporate Officer



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1:720
March 30, 2023
12:06:16 PM



First Floor Unit Number Scheme
(as illustrated)
#101, #108, #110, #120, #140

Second Floor:
#201



Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Jordan Hallam
Sent: Friday, June 2, 2023 10:43 AM
To: corpadmin
Cc: Audrey Tanguay
Subject: FW: TUP PL2023-9513

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

Please see the email correspondence below regarding the Temporary Use Permit that is scheduled for Council on June 6th.

Thanks,

Jordan Hallam, BA
Planner I

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

City Hall is open to the public from 9am to 4pm: however, arranging appointments with Development Services staff is highly recommended. For more information contact Development Services at 250 490 2501 or development@penticton.ca.



From: ELLEN NOTHSTEIN
Sent: Friday, June 2, 2023 9:04 AM
To: Jordan Hallam <Jordan.Hallam@penticton.ca>
Subject: TUP PL2023-9513

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Dear Sir,

I am a concerned neighbour of 3547 Skaha Road, and have been bothered by the noise coming from said property.

This should remain a quiet neighborhood where many seniors like myself live.

The noisy garbage bin loading and dumping is a severe hindrance to sleep!

Usually beginning before 7 a.m. and lasting most of the morning. BANG, BANG, BEEP, BEEP !!!

PLEASE, find RPR a new, more appropriate site.

Thank you for your consideration.

Ellen Nothstein
401-284 Yorkton Ave.
Penticton V2A3v5

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Carol Dingman
Sent: Monday, June 5, 2023 10:39 AM
To: corpadmin
Subject: TUP PL2023-9513

Follow Up Flag: Follow up
Flag Status: Flagged

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We are a senior couple who retired to Penticton. We bought our condo for the nice views of the hills to the east and west and for a nice quiet residential area.

We now have an industrial company with several 25 to 40 ft long rusted storage units; air conditioning and heating units scattered throughout the entire yard and on top of the storage units, and construction materials everywhere.

They have a large metal container about 5ft wide, 6ft high and 10ft long. Throughout the day from 7am and on, they throw used conditioners, various metal parts and pipes into this metal bin. All of this is directly below our bedroom, living room and balcony.

The noise is one thing, but the appearance that we have to look at each day is awful. What used to be a nice place with an enjoyable balcony for guests is now an embarrassment for us.

We hope that you will not approve the temporary use permit, 21 months is a lifetime to have to live with this as a next door neighbor.

Thank you for your consideration
John and Carol Dingman
#401, 3591 Skaha Lake Road
Penticton, BC V2A 7K2

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

Irwin McCaw
33-39233 Range Road 271
Red Deer County, AB
T4S 2M4

June 5, 2023

City of Penticton
Corporate Officer
171 Main Street
Penticton, B.C.
V2A 5A9

Subject: TUP PL2023-9513
Temporary Use Permit
#104-3547 Skaha Lake Road

Thank you for your letter of May 25, 2023 regarding an adjacent property's application for a temporary use permit.

I own the property #303, 3591 Skaha Road.

I have concerns with this temporary use permit:

- 1) The stated use is not a permitted use according to the Land Use Bylaw.
- 2) As it is presently;
 - a. It is not aesthetically pleasing to the area,
 - b. It is noisy,
 - c. Increase vehicle traffic.
- 3) Has a detrimental negative impact on the value of my property.

My request is that the Temporary Use Permit is denied.

Thank you.

Respectfully,


Irwin McCaw

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Tom Moran
Sent: Monday, June 5, 2023 12:33 PM
To: corpadmin
Cc: Fiona Larkin
Subject: TUP PL2023-9513

Follow Up Flag: Follow up
Flag Status: Flagged

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Attention: Corporate Officer, City of Penticton.
171 Main Street, Penticton B.C. V2A-5A9

My wife and I are the owners of unit #203-3591 Skaha Lake Road and we are both very much opposed to allowing a temporary use permit next to our building at #104-3547 Skaha Lake Road. Not only is it an eye sore with all the containers and the open dumpsters right against the fence that is beside our building but we are very concerned about the oil barrels and the propane tanks. This business should have never been allowed to locate in this location to start with. We hope that council will recognise this and rectify this issue.

Yours sincerely,
Tom Moran & Michelle Dalton

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Mac Manning
Sent: Monday, June 5, 2023 2:11 PM
To: corpadmin
Cc: Gail Manning
Subject: TUP PL2023-9513

Follow Up Flag: Follow up
Flag Status: Flagged

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Attention: Corporate Officer, City of Penticton
171 Main street, Penticton, B.C., V2A 5A9

I look at the lot of concern, (Lot 1, District Lot 189, Similkameen Division, Yale District, Plan 33200) and do not agree with extending the permit to RPR Heating and Air Conditioning. I would also like to point out that there is no indication the property is RPR's. There is just a mess of building material of all types, and yes a few containers for commercial garbage etc. but nothing looks like it belongs to RPR, there appears to be no internal storage of anything and there doesn't appear to be any sheet metal fabrication going on. I suggest that the basis for granting the usage permit is far from truthful.

I don't agree that I should continue to look at this mess for another 21 months. The permit extension request should be dismissed.

Thank You

J M Manning, BAsC
1204-3308 Skaha Lake Road,
Penticton, B.C.,
V2A 6G4

From: Mac Manning
Sent: Monday, June 5, 2023 2:30 PM
To: corpadmin
Cc: Gail Manning
Subject: TUP PL2023-9513

Follow Up Flag: Follow up
Flag Status: Flagged

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TUP PL2023-9513 My second E mail on this topic.

I look at the lot of concern, (Lot 1, District Lot 189, Similkameen Division, Yale District, Plan 33200) and do not agree with extending the permit to RPR Heating and Air Conditioning.

The property under question is also the planned secondary exit for the 150 plus residents that reside beside this property in the two buildings already finished. I suggest it is a safety issue now. The second exit, or entrance, needs to be completed as soon as possible. I don't think it is appropriate to wait another 21 months before the necessary 2nd access route is started.

The permit extension request should be denied.

Thank You

J M Manning, BAsC
1204-3308 Skaha Lake Road,
Penticton, B.C.,
V2A 6G4

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: janice lautard ·
Sent: Monday, June 5, 2023 3:31 PM
To: corpadmin
Subject: TUP PL20233-9513

Follow Up Flag: Follow up
Flag Status: Flagged

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Attention Corporate Officer, City of Penticton:

Re: RPR Heating and Plumbing

Our family bought a condo at 3591 Skaha Lake Road in 2022 excited to enjoy the lake lifestyle located across from Skaha Lake Road. We paid over 600,00 for this condo, feeling it was worth the investment in both the complex and the sought after location. We were under the understanding the use of the lot next door to our unit was used for the building business parking as well as children's after school activities.

Recently RPR Heating and Plumbing leased the lot and decided to turn it into a scrap and storage yard. My top corner unit patio literally looks over this yard and to say the least, we owners are extremely unhappy.

The yard consists of scrap metal bins, work vehicles, storage SeaCans, and industrial garbage. To date, I have seen countless scrap metal tossed on the grounds, old scrap industrial air conditioning units scattered, and old toilets thrown in the middle of the lot. These are a few examples. Not to mention, the placement of these garbage bins are terrible as they all line the fence of the one condo building that it would directly affect the most. With a big massive yard, they could at the very least move them to the area lined by trees and away from homes. I have attached photos taken today June 5 to demonstrate the layout. Photos are taken directly from my deck. As you will see, they have worked feverishly to clean this up today, the day before the meeting.

The amount of noise from equipment being used, and scrap metal being tossed around is unnerving. My dog now suffers from anxiety from these noises and she hides under our bed all day. They often start their days before 7 am and we are awoken by this. Again, we did not anticipate an industrial scrap yard to be allowed in a residential zone.

At night, we hear constant commotion of people trying to break in to steal the metal. To my knowledge, there is a market for scrap metal where people can make money. I had to call the police on one occasion after being woken up at 4 am to burglars next door. I can count at least four times of disturbances late night at the yard but calling the police is pointless due to response time.

I have complained to my strata council, so our manager chatted with the RPR manager who was nice enough to remove the toilets. This is pathetic to think we have to ask. It is not an industrial area! It's just not enough. We have to put blockers surrounding our decks and our window blinds are constantly closed so we don't have to look at this waste every day.

I am 100% confident this lot will affect home assessments and sales.

The area is full of condominiums, houses, hotels for families in the summer months, and retirement living. There is absolutely no reason and industrial yard of any kind should be in this area.

Please please do not permit this. It is truly unfair to the surrounding residents.

Janice Lautard
402 3591 Skaha Lake Road
Penticton BC
V2A 7K2



Sent from my iPhone

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Betty Galloway
Sent: Monday, June 5, 2023 7:29 PM
To: corpadmin
Subject: TUP PL2023-9513

RE:#104-3547 Skaha Lake Road

TUP PL2023-9513

We would like say we believe that the TUP should NOT be granted. As you know this is an area of mainly condo & apartment buildings, except for the businesses on Skaha Lake Road.

The industrial things that this company wants to store there, plus all their trucks coming and going are just inappropriate in this area.

Bill & Betty Galloway
304- 277 Yorkton Avenue
Penticton, B.C.
V2A3V4

Item 8.4
LATE SUBMISSION
TUP PL2023-9513 re 140-3547 Skaha Lake Road

From: Monique Gallez
Sent: Tuesday, June 6, 2023 8:05 AM
To: corpadmin
Subject: TUP PL2023-9513

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As a resident of the neighbouring condo, I object to the illegal activity of tenant at 104-3547 Skaha Lake Rd. They should never have been allowed in this space as the zoning does not permit their activity. They should be ousted asap and no consideration given to their illegal operations. To consider extending this dangerous and noisy business is ridiculous. Will it take the explosion of propane tanks stored there to prove the point? Please do your job and protect the town as per the bylaws!
Sincerely, Monique

From: Monique Gallez
Sent: Tuesday, June 6, 2023 8:23 AM
To: corpadmin
Subject: TUP PL2023-9513

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I sent a previous email but neglected to include my name and address. It is Monique Gallez at 403-3591 Skaha Lake Rd.

Council Report

penticton.ca

Date: June 6, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Senior Planner
Address: 1042, 1050 and 1060 Government Street

File No: RMS/1042 Government St

Subject: **Development Variance Permit PL2022-9481**
Development Permit PL2022-9421

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9481" for Lot 1 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68129, Lot 2 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68130, and Lot 1 District Lot 250 Similkameen Division Yale District Plan 7798 Except Plan KAP68055, located at 1042, 1050 and 1060 Government Street, a permit to vary the following sections of Zoning Bylaw No. 2023-08 in order to facilitate the development of a five-storey, 35 unit apartment building:

1. Table 5.1: to waive the requirement for a landscape buffer (north).
2. Section 6.1.5.4: to increase the maximum percentage of off-street small car parking spaces from 25% to 41%.

AND THAT Council, subject to approval of "Development Variance Permit PL2022-9481", approve "Development Permit PL2022-9421", for Lot 1 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68129, Lot 2 District Lot 249 Similkameen Division Yale District Plan 3556 Except Plan KAP68130, and Lot 1 District Lot 250 Similkameen Division Yale District Plan 7798 Except Plan KAP68055, located at 1042, 1050 and 1060 Government Street, a permit to approve the form and character of a five-storey, 35-unit apartment building;

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9481" and "Development Permit PL2022-9421" subject to consolidation of the three subject properties into one lot.

Strategic Priority Objective

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

Proposal

The applicant is proposing to construct a five-storey, 35 unit, purpose-built rental apartment building on what is currently three separate properties (Figure 1). The building would face onto King Street, with vehicle access from King Street leading to a parking lot partially underneath the first level of the building. There will be no vehicle access from Government Street. Most units have been designed with their own private balcony, while some units share an oversize deck above the parking area. A shared community garden is provided on the Government Street side of the property. The plans show 39 vehicle parking spaces and 23 secure bicycle parking spaces.



Figure 1 - Rendering of proposed apartment development (view from King St)

The properties are currently zoned RM3 (Medium Density Multiple Housing), which allows an apartment as a permitted use. To facilitate the proposed development, the applicant is requesting two variances to the Zoning Bylaw. The first is to waive the requirement for a landscape buffer (north). The second is to increase the maximum share of off-street small car parking spaces from 25% to 41%.

The applicant has also submitted a Development Permit application, for Council's consideration of the form and character of this proposed rental apartment building. Both of the requested variances and the development permit are included in this report package.

Background

Property Information

The subject properties are located between Government Street and King Street, north of Nelson Avenue (Figure 2). The three lots are proposed to be consolidated into one parcel. Each of the three properties currently contain a single detached dwelling with existing vehicle access from King Street. Neighbouring uses include a 4-storey apartment building to the north, and two single detached homes to the south. There are two townhouse developments on the opposite side of King Street from the proposed development. The property is within walking distance of shops and services along Government Street, KVR Middle School, Penticton Secondary School, the KVR trail and the Penticton Creek pathway.

In 1994, Council rezoned the three subject properties from single family zoning to multiple family zoning, to allow for higher density residential development on the site. The properties are currently zoned 'RM3 (Medium Density Multiple Housing)' by the Zoning Bylaw and are designated 'Urban Residential' by the Official Community Plan (OCP). The current proposal aims to develop what is envisioned by both the Zoning Bylaw and Official Community Plan for this site.



Figure 2 - Property location map

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
 - The development provides 23 Class I (secure) and 4 Class II (rack) bicycle parking spaces onsite, meeting the Zoning Bylaw requirements.
 - The proposal provides additional density on Government Street, which has painted bike lanes and multiple transit routes. Several bus stops are located near the subject property on both sides of Government Street.
 - More housing at this location supports active transportation (i.e. walking, cycling) and transit for some trips, rather than residents having to rely on cars for all trips.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
 - The apartment building will be required to meet Step 2 of the BC Energy Step Code as a minimum standard of energy efficiency, and will receive incentives if a higher level is achieved.

Technical Review

This development proposal was reviewed by the Technical Planning Committee, a group of internal city staff from various departments who review planning applications. Staff worked with the applicant to address the technical comments which arose. Staff confirmed this site is not impacted by the federal Penticton Airport Zoning regulations, and is not within the Penticton Regional Hospital helipad approach path.

Staff also reviewed civic addressing and emergency response to the site. Once the lots are consolidated, the property will be assigned a King Street address because the main lobby entrance and driveway are accessed from King Street, not Government Street. There will be an on-site pedestrian path connecting the apartment to Government Street as a second means of access to the property.

The committee also outlined comments related to the future building permit stage, which have been provided to the applicant.

Development Statistics

The following table outlines how the proposed development meets the applicable zoning regulations:

	RM3 Zone Requirement	Provided on Plans
Minimum Lot Width*:	25 m	46 m
Minimum Lot Area*:	1,400 m ²	2,282 m ²
Maximum Lot Coverage:	50%	45%
Maximum Hard Surfacing:	60%	57%
Maximum Density:	1.6 Floor Area Ratio (FAR)	1.5 FAR
Resident Vehicle Parking:	35 resident vehicle parking spaces required	35 resident vehicle parking spaces provided
Visitor Vehicle Parking:	8 visitor parking spaces required	4 visitor parking spaces provided**
Accessible Vehicle Parking:	2 accessible parking spaces required	2 accessible parking spaces provided
Small Car Vehicle Parking:	Maximum 25% of all vehicle parking spaces can be small car (10 spaces)	41% of all vehicle parking spaces are small car (16 spaces) – Variance Requested
Bicycle Parking:	0.5 Class I (secure) bicycle spaces per dwelling unit 18 Class I spaces required 0.1 Class II (rack) bicycle spaces per dwelling unit 4 Class II spaces required	23 Class I spaces** 4 Class II spaces
Required Setbacks		
Front Yard (King St):	3.0 m	3.1 m
Side Yard (north):	4.5 m	6.4 m
Side Yard (south):	4.5 m	4.6 m
Front Yard (Government St):	3.0 m	16.2 m
Landscape Buffers	3.0 m wide landscape buffers on all sides	3.0 m wide landscape buffer on west, east and south sides

		0.0 m wide landscape buffer on north side - Variance Requested
Maximum Building Height:	24 m	19.2 m
Minimum Amenity Space:	20 m ² per dwelling unit (700 m ²) 25% of required amount must be at ground floor level (175 m ²)	746 m ² 28% provided at ground floor level (194 m ²)
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. ** 5 additional Class I bicycle parking spaces are provided in lieu of one (1) vehicle parking space, and three (3) vehicle parking spaces are provided with cash-in-lieu at the rate of \$13,000 per space not provided; as permitted through Sections 6.1.2.1 and 6.1.2.2 of the Zoning Bylaw	

Analysis

Development Variance Permit

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

The proposed 35-unit purpose-built rental development is aligned with Penticton’s Growth Plan (Figure 3). The development of new rental units at this location intensifies a key corridor in Penticton, near a grocery store, shops, and services. New apartments at this built-up, central location maximizes the use of existing infrastructure. The site is located along bus routes, bike routes, and is within walking distance of many amenities.

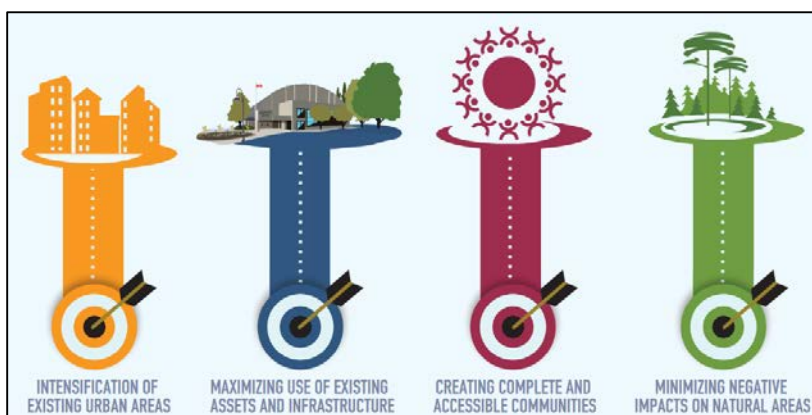


Figure 3 - Penticton's Growth Plan (OCP)

Building more homes in this area of the city supports the use of active transportation for some trips and helps avoid negative impacts on natural areas elsewhere.

Staff have reviewed the requested variances and are recommending support for the following reasons:

Table 5.1: to waive the requirement for a landscape buffer (north).

- The north landscape buffer is requested to be waived as it is reduced in width from 3.0m to 0.0m to allow room for the driveway leading from King Street to the parking lot.

- A fence will still be provided along the north property line as a visual screen from the adjacent apartment development to the north. The development design provides a community garden amenity space at the south side of the property and planters around an upper level patio to accommodate shrubs.
- The impact is mitigated as the apartment property to the north has its driveway, a retaining wall, and parking immediately against this shared property line (Figure 4).
- The required landscape buffer along the south property line is provided and helps buffer the proposed apartment from existing lower-density single detached homes, which is an important density transition for proper landscaping to be in place (Figure 5).
- The applicant would have to redesign their development if required to meet the required 3.0m wide landscape buffer width along the north property line. This would likely reduce the size of the building and number of units because all vehicle access must be from King Street and the grade of the property necessitates a ramp down to the parking lot.



Figure 4 - Driveway of neighbouring apartment next to proposed driveway for the new apartment

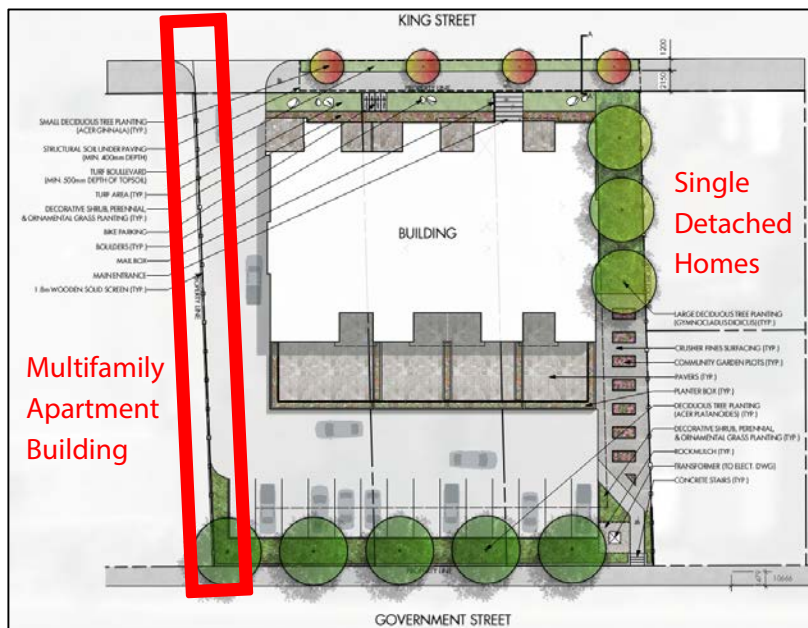


Figure 5 - North landscape buffer proposed to be reduced to 0.0m (outlined in red)

Section 6.1.5.4: to increase the maximum percentage of off-street small car parking spaces from 25% to 41%.

- The Zoning Bylaw allows a maximum of 25% of all off-street parking spaces to be ‘small car’ size,
- The applicant is not able to meet the minimum Zoning Bylaw parking requirement of 43 spaces. They have provided 39 spaces, and are providing 5 additional bicycle spaces in-lieu of 1 required space, and will provide cash in-lieu at the rate of \$13,000.00 for 3 required spaces,
- The plans show 39 total parking spaces and 16 of them are ‘small car’ size, which is 0.2m (8 inches) narrower and 0.2m (8 inches) shorter than the ‘standard’ parking space dimensions,
- More small car spaces have been provided in an attempt to get closer to meeting the minimum number of required parking spaces,
- Staff consider that allowing more small car spaces is a more suitable alternative compared to further reducing parking spaces with in-lieu options,
- By providing more small car spaces, each unit is able to have one designated parking stall and there are 4 visitor spaces provided on the property.

The applicant submitted a letter of intent, which includes their justification for the requested variances (Attachment ‘D’). The applicant states in their letter that Penticton’s small car parking space dimensions should accommodate most vehicles, and are comparable to other cities’ standard parking space dimensions.

Given the reasons above, staff support the requested variances to reduce the required landscape buffer (north) from 3.0m to 0.0m and to increase the maximum percentage of off-street small car parking spaces from 25% to 41% to facilitate the construction of a five-storey, 35 unit rental apartment building.

Development Permit

The proposed development is included in the Multifamily Residential Development Permit Area (DPA) outlined by the OCP. The objectives of the Multifamily Residential DPA are to:

- Ensure social spaces and support for active living through provision of amenity spaces and indoor-outdoor relationships;
- Avoid shadow/shading impacts to public parks and priority pedestrian realm; and
- Encourage high quality materials and design.

The applicant has submitted a development permit analysis with their submission which outlines conformance with OCP design guidelines (Attachment 'D'). Staff have also completed a development permit analysis (Attachment 'E').

Staff consider that the proposed development has been designed with the OCP policies and design guidelines in mind. The proposed development would result in 35 new rental apartment units in a compatible built form with existing developments along the Government Street corridor. The RM3 (Medium Density Multiple Housing) zoning already on the subject properties allows an apartment development. The requested variances to accommodate the rental apartment development on this site are considered appropriate in this instance. As such, staff recommend that Council, subject to approval of "Development Variance Permit PL2022-9481", approve "Development Permit PL2022-9421", and direct staff to issue both permits subject to consolidation of the three properties into one lot.

Alternate Recommendations

Council may consider the requested variances for the reduced landscape buffer (north) and the increased share of off-street small car parking spaces to be undesirable in this instance and that the development should meet the applicable Zoning Bylaw regulations. If this is the case, Council should give the applicant an opportunity to speak to their request prior to making a decision on the variance. If the Development Variance Permit were denied, the Development Permit may remain open allowing the applicant to update their design to meet the RM3 zone regulations.

1. THAT Council, after hearing from the applicant, deny "Development Variance Permit PL2022-9481".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

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

Attachment E – Development Permit Analysis (staff)

Attachment F – Draft Development Variance Permit PL2022-9481

Attachment G – Draft Development Permit PL2022-9421

Respectfully submitted,

Steven Collyer, RPP, MCIP
Senior Planner

Concurrence

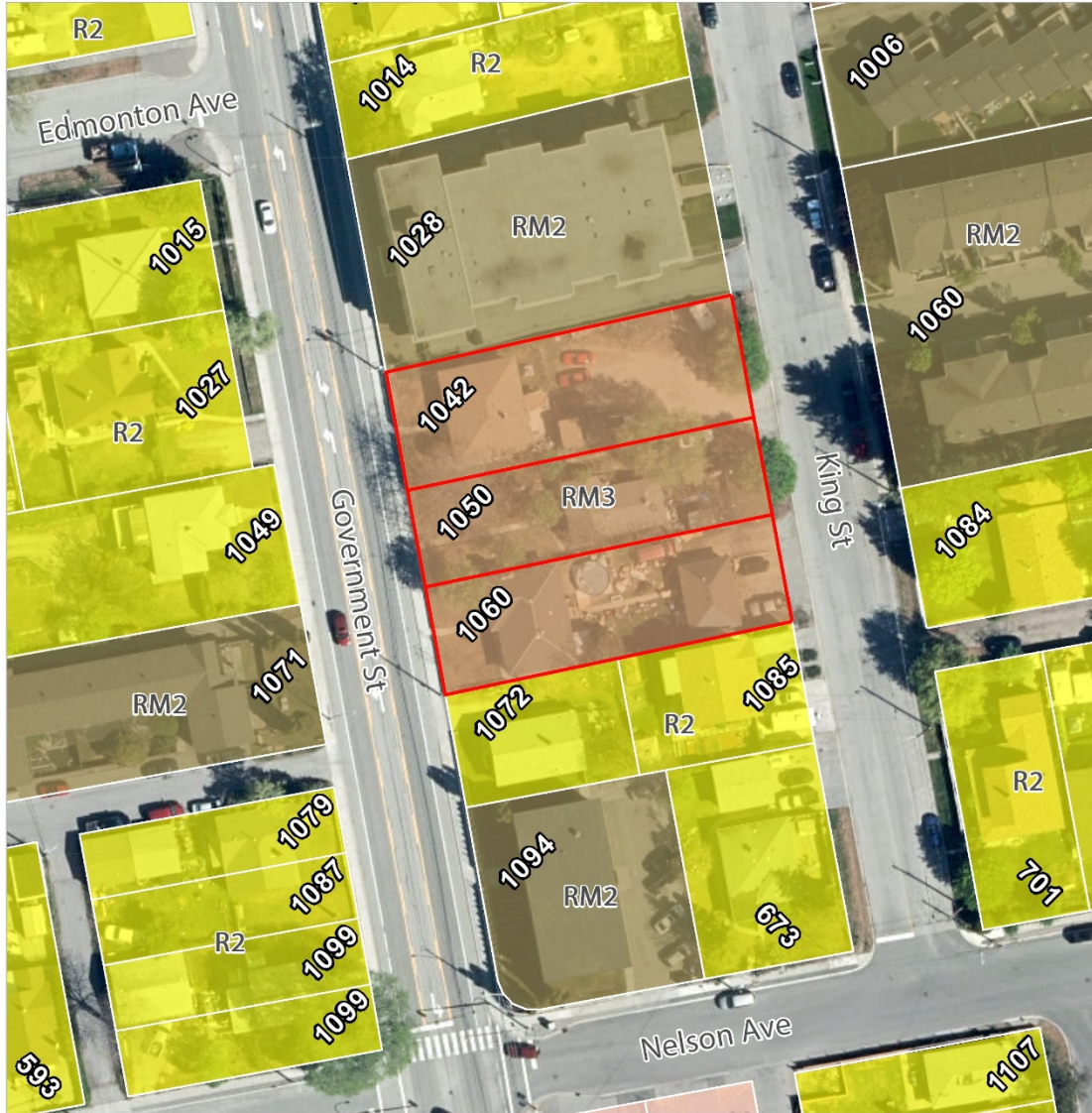
Director of Development Services <i>BL</i>	General Manager Infrastructure <i>KD</i>	Acting Chief Administrative Officer <i>KD</i>
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Attachment A – Zoning Map



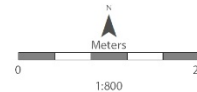
1042, 1050 & 1060 Government St

Zoning Map



Legend

- Subject Parcel
- R2 - Small Lot Residential
- RM3 - Medium Density Multiple Housing
- RM2 - Low Density Multiple Housing
- C4 - General Commercial



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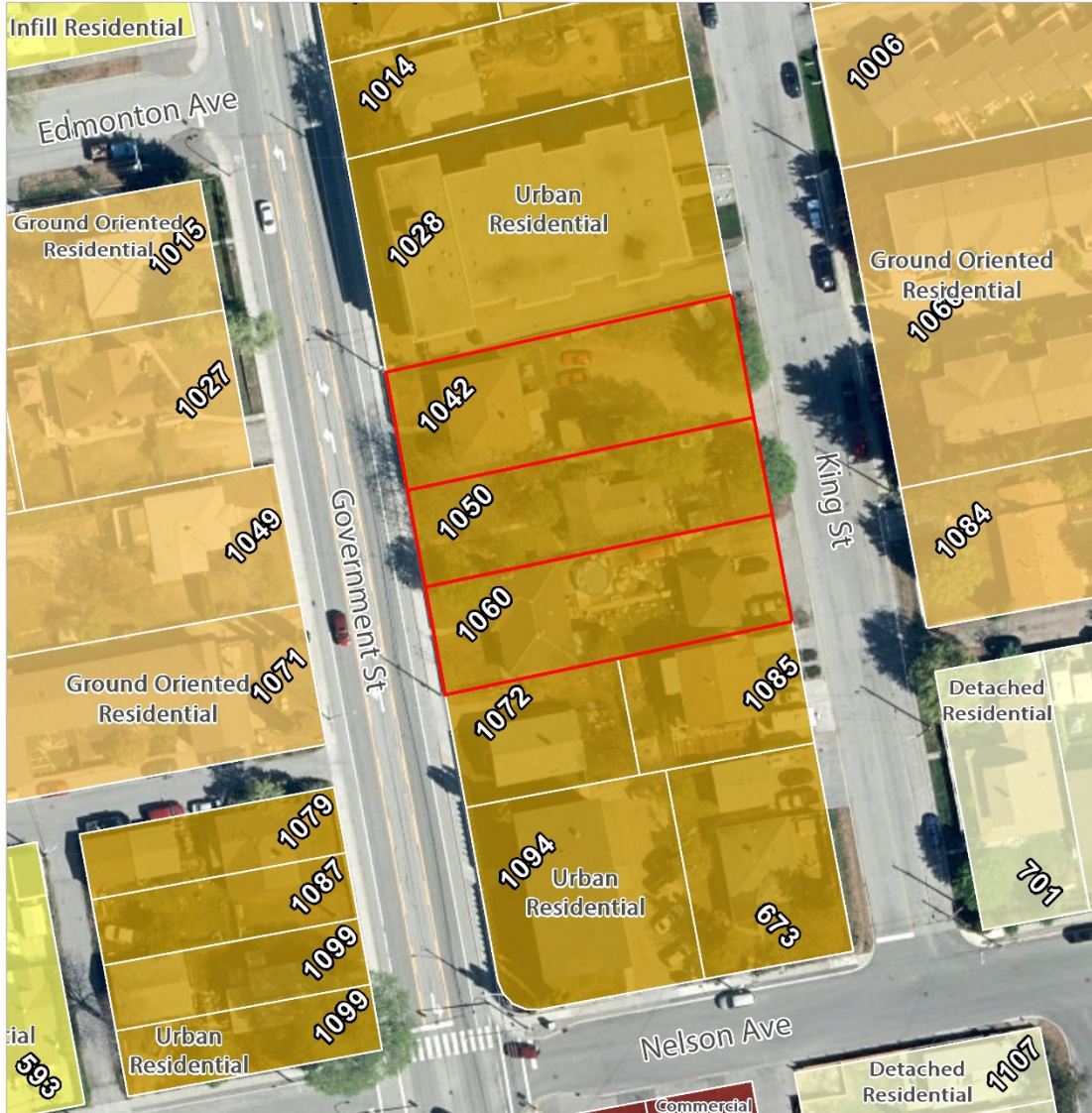
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Attachment B – Official Community Plan Map



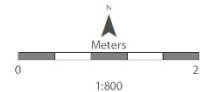
1042, 1050 & 1060 Government St

Official Community Plan Map



Legend

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

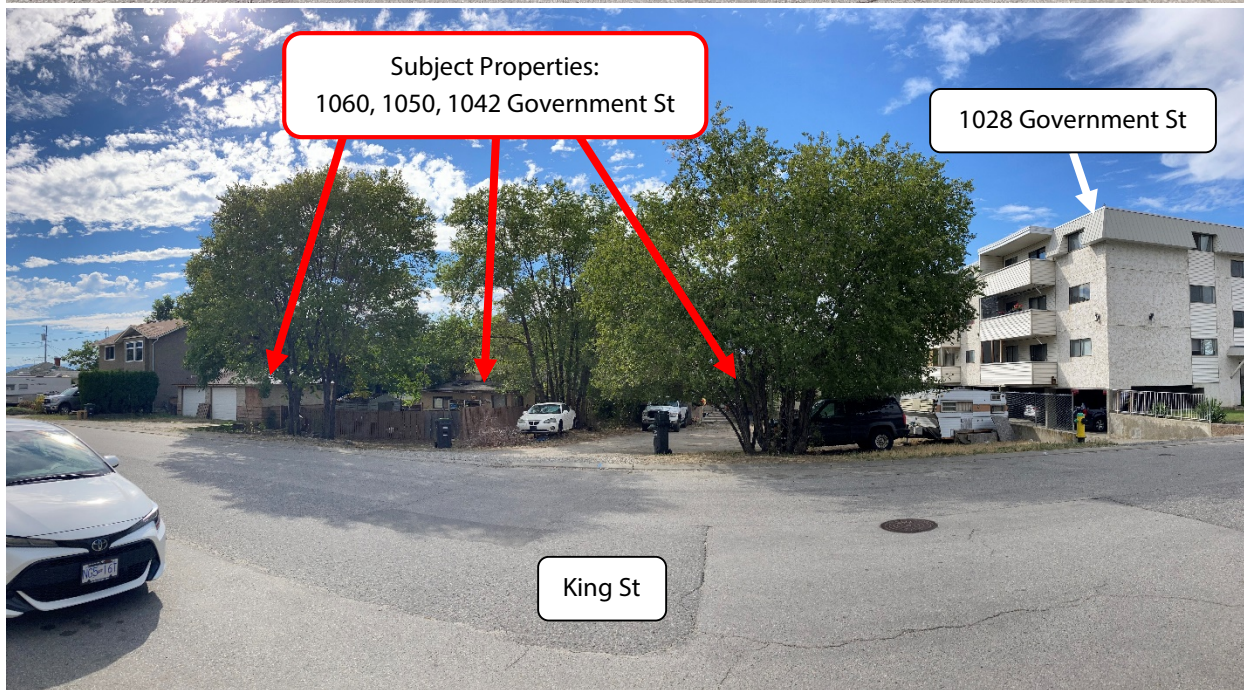


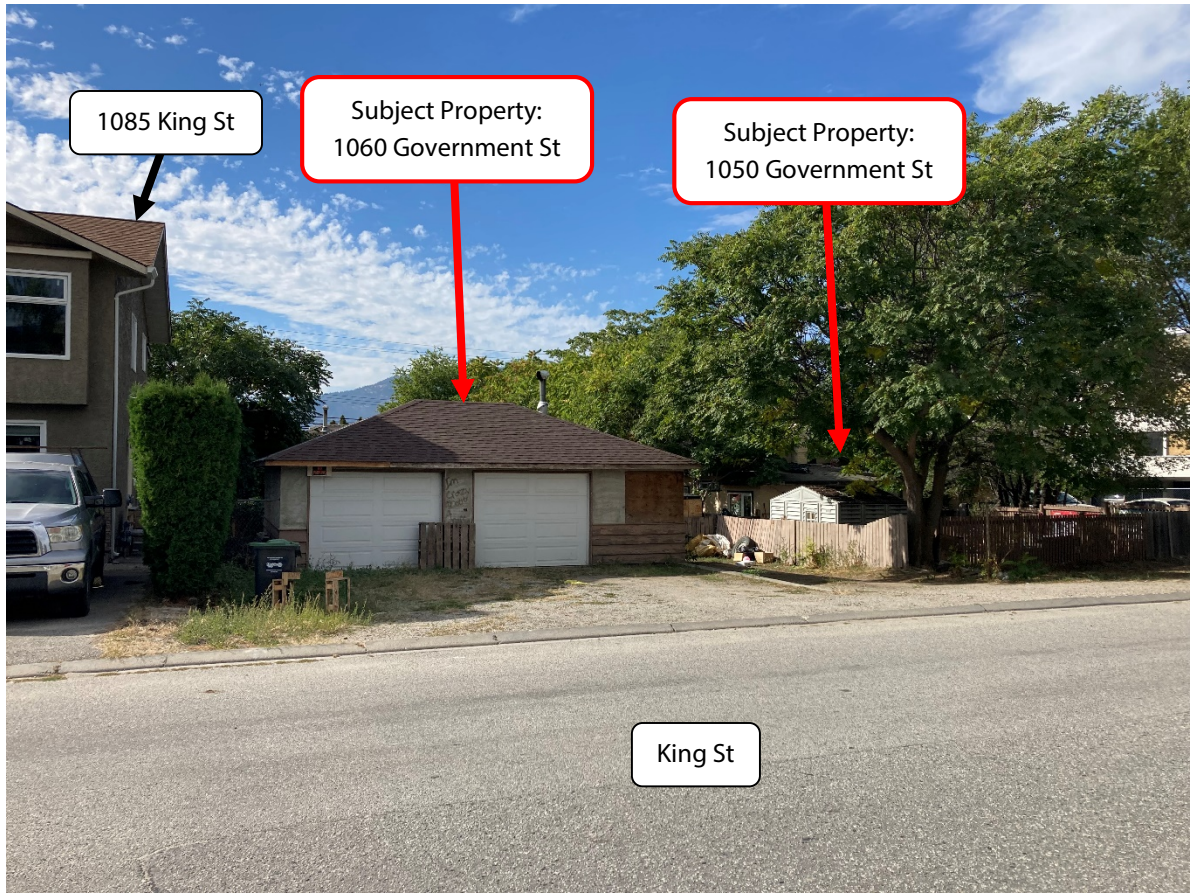
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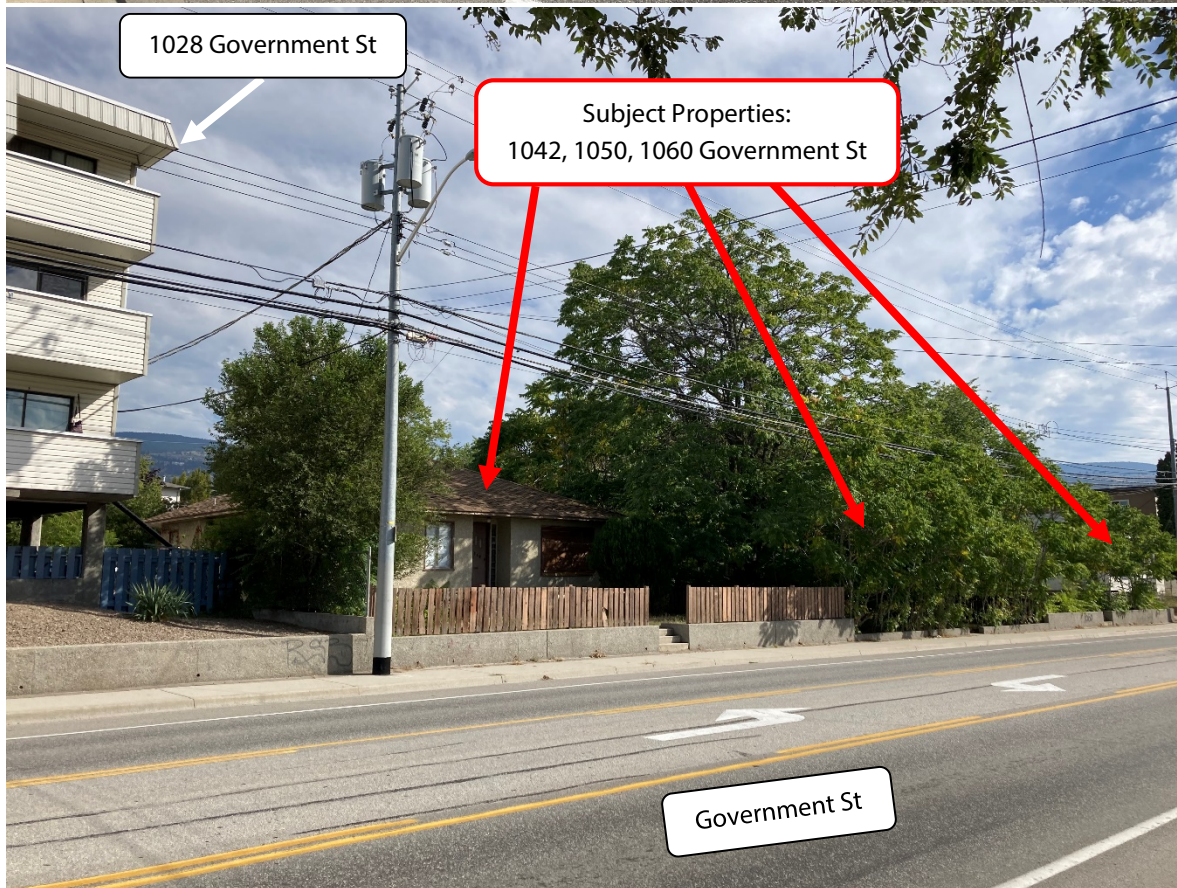
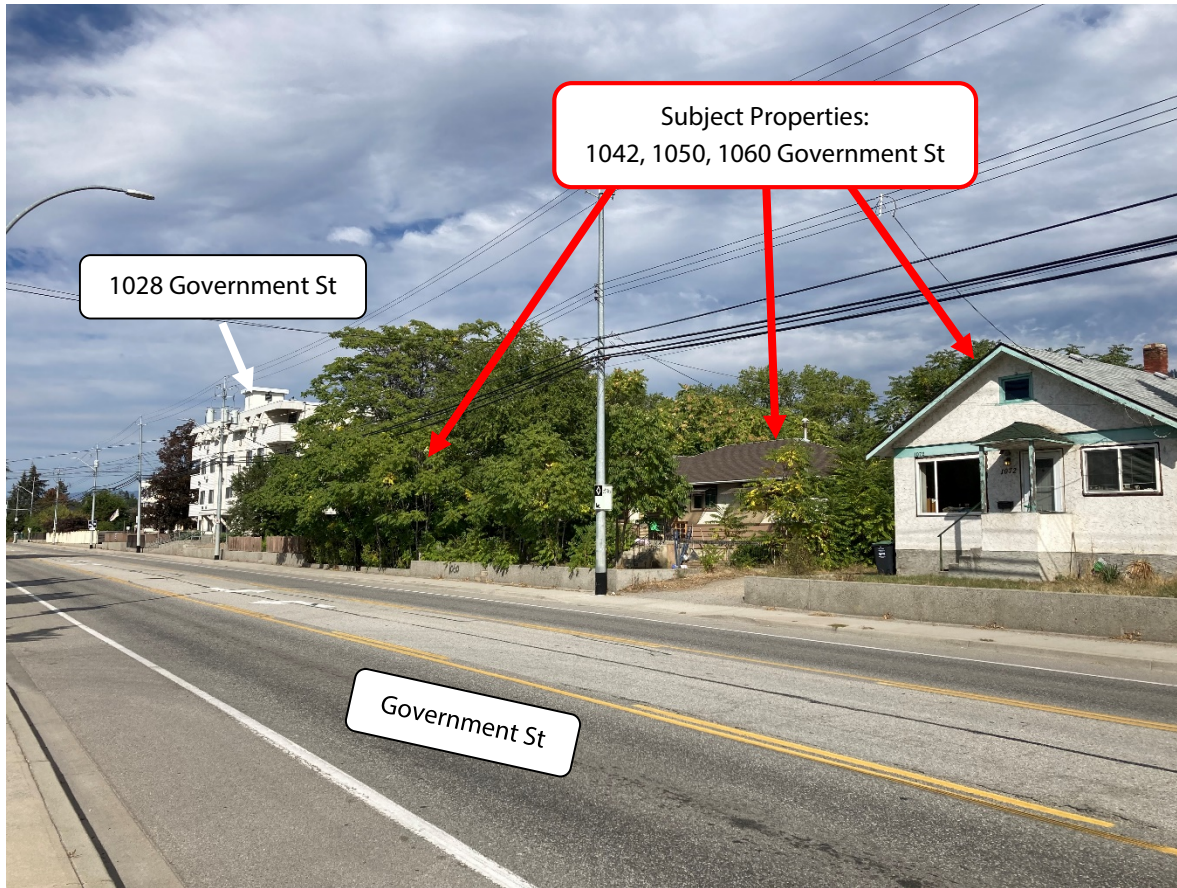
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Attachment C – Photos of Property









May 10, 2023,

Our File: 3400

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

Attention: Development Services Division

Re: Application for Development Permit -Multifamily Rental Project located on consolidated lots 1042,1050,1060 Government Street, Penticton

Project Description

This proposal is for a five story 35-unit purpose built rental building to be built on consolidated lots 1042,1050 and 1060 Government Street, Penticton B.C

The site is currently zone RM3 Multi Family Housing, and the project will conform to these zoning provisions (Please, refer to the enclosed statistics).

The lots front both King Street and Government Street and the building will be oriented on an east west axis. King Street will serve as the front of the project with the main entry and access to the parking off King Street

G16-G19:

Government Street will serve as the rear of the project and will provide the location for the parking. The surface parking and the access to the under-building parking garage along an access lane facing Government Street. There will be no vehicle access from Government Street. The parking will be a combination of surface parking and under the building parking which will include a covered garage attached to the rear with its roof serving as an amenity deck for the first-floor units facing government Street.

All garage and recycling will be contained at the rear of the building in a screened enclosure and will be handled by way of a third-party waste management company.

Variances

Reduction of Landscape Buffer on North side

Given the need to access all the parking from King Street we needed to place a two-way access ramp along the side of the lot to maximize the development potential of the property.

Since we wanted to keep the access away from the existing residential along the south We chose to place it along the north side where there is an existing access ramp for the adjacent apartment.

Given the required width for a two-way ramp (20') and to provide a sidewalk along the side of the building to access the exit and water meter there was little room left for any landscaping. We feel this is an acceptable compromise since it allows for a better landscaping buffer to the south where it is needed the most.

2) Increasing the number of small cars from 25% to 41%

We believe that having as many stalls is more important than the number of full sizes. The Penticton small car's definition, and Kelowna for that matter, would be considered full size stalls in any other more urban municipality and the dimensions of the small car stall will accommodate any type of car or SUV comfortably, except for perhaps a full-size Ford 150 pickup truck which is the exception to the rule for most parking lots.

Design Analysis

Smart urban growth entails higher residential density within appropriate areas (e.g. those that can provide the necessary amenities for people to live, work and play in an area with reduced private vehicle transportation needs). Looking forward, this project begins to fulfill the City's projected higher densification of this area to include a mixed-use, multi-family residential development.

G20 -G24:

The architectural design concept for the building is contemporary and is strongly articulated by massing and the use of a variety of materials such as brick, cementitious board and siding. The use of a variety of colours further enhances the articulation of the massing and further provide visual interest for the elevation facing King as well as Government

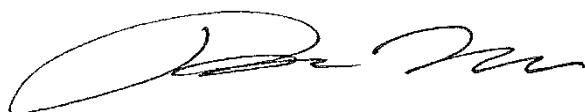
G21 to 23:

The first story facing King will have ground related units each having private patios. The first story units facing Government will also have private patios over the covered parking garage. The next four stories units will have large private balconies further articulating the facade and providing visual interest for both King Street and Government street

I trust that you will find our application in good order. For complete building statistics, please refer to the cover page of the drawings (A0.00).

Please contact our office if you require any further information.

Sincerely,



Patrick McCusker, Architect, AIBC, RAIC,

Encl.

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* *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*
- The proposed development spans what is currently three properties, to be consolidated into one parcel.
 - The driveway access and main lobby entrance are located on the King Street side, given that street is less busy than Government Street. A secondary pedestrian access onto Government Street is provided.
 - The grade change on the site is slight, and has been incorporated into the design with the parkade and tuck-under parking beneath the building.
- Guideline G3* *Private and semi-private open spaces should be designed to optimize solar access.*
- The apartment units have windows and balconies facing east and west, allowing each unit to have solar access into the units at different times of the day.
- Guideline G5* *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The building is situated close to King Street, with a 3.1m setback. There is a direct pedestrian connection from the King Street sidewalk to the apartment building lobby entrance.
 - This setback is similar to the existing apartment building to the north, which has a 4m to 5m setback from the King Street side.
- 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 parkade provides a secure area for vehicles, bicycles, garbage/recycling and storage.
 - Fencing is provided around three sides of the property, with a gate on the secondary pedestrian access from Government Street.
 - Ground-level units facing King St have street-facing patios and units above have balconies facing out towards the public realm.
- Guideline G11* *Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- A barrier-free walkway is provided from the King Street sidewalk to the apartment building lobby entrance.

- A pedestrian pathway is provided from Government Street, however that path features steps.

Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.

- The apartment building lobby entrances and street-facing patios match the grade of the adjacent public sidewalk along King Street.

Guideline G14 The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a "front stair" pedestrian connection shall be provided.

- Three units are located on the ground floor. All these units have street-level patios facing towards the street. These patios are visible from the street, and are delineated by low decorative fencing to provide separation between these amenity spaces and the public realm

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

- Pedestrian and vehicle conflicts are mitigated by providing dedicated pedestrian access paths from Government Street and King Street, while the only vehicle access into the parking lot is from King Street at the north side of the building. Having one driveway access limits the number of vehicle crossings along public sidewalks and enhances the pedestrian experience.

Guideline G18 Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.

- A portion of the parking area is architecturally-designed to be tucked under the proposed building and a shared patio. The parkade is not visible from the primary King Street frontage of the development.

Guideline G19 All multifamily development should accommodate sustainable modes of transportation through: provision of bike parking and/or safe storage of alternative transportation/mobility equipment; provision of electric vehicle charging stations; internal circulation and/or upgrades to adjacent rights-of-way to accommodate alternative transportation.

- 23 secure bicycle parking lockers are provided in the parkade level of the building, in a secured room.
- Bike racks are provided on the King Street side of the building near the apartment building lobby entrance, for visitor use.

Guideline G24 Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

- Three main floor units have street-facing patios, physically separated from the public street by landscaping and delineated by decorative fencing, which helps delineate the transition from public (street) to private (unit) space. These patios and landscaping also add visual interest to the street façades.
- A variety of finish types (siding, panels, stucco, stone and concrete) and colours (dark blue, grays, browns, and white) are proposed on the street-facing building facades to contribute to visual appeal of the development.

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

- The building maintains privacy to the neighbouring apartment and single detached homes by placing balconies to overlook facing east and west, where there are streets and no immediate neighbours
- Smaller windows are provided on each floor of the building facing north and south, however these are much smaller and fewer than windows on either street-facing façade, to help assist with maintain neighbours' privacy.

Guideline G27/28 Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street level. Entries should be visible and clearly identifiable from the fronting public street.

- The development places three unit patios at-grade facing out towards King St. This provides outdoor, active amenity spaces at street-level.
- The main lobby entrance is clearly visible from King St.

Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.

- The development plans show the main lobby entrance, ground floor patios, and upper level windows and balconies facing east towards King St
- Unit windows and balconies, as well as the larger shared patio, face west towards the parking area and Government St

Guideline G35 Tree planting...

- The development plans show 12 new trees to be planted on the subject property.
- Of these new trees, 5 will be planted along the west side of the building to provide a landscape buffer between the proposed development and Government Street to the west.
- 3 new trees will be planted along the southern property line to provide a buffer from existing homes to the south.
- 4 new boulevard trees are proposed along King St
- Landscaped area will be watered through drip irrigation to minimize water loss.

Guideline G39 Defining the Public and Private Realms: clearly signaled transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkways, ramp, stair), semi-private (e.g., stoop, balcony) and private (e.g. entry) realms shall be clearly defined to enhance both the privacy of residences and the pedestrian experience...

- The plans show the building is within 0.5m of the grade of King St. This provides a positive street connection while the vertical and horizontal separation delineate the private amenity patios of the three ground floor units on the street side of the building.
- Barrier-free access into the building lobby from King Street will be provided.
- Plantings along the public sidewalk help buffer the development and improve its visual appeal, in addition to the four new boulevard trees along King St.

*Guidelines
G54/G55*

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.

- A transformer is proposed at the southwest corner of the property, adjacent to the Government Street pedestrian access point. The transformer is shown to be buffered by landscaping, helping to reduce its visual impact from the street.
- The building design shows utility meters inside the building so they will not be visible from the public realm.

*Guideline
G58/G59*

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 bins should be contained within screened enclosures that are coordinated with the overall design.

- The garbage/recycling bins are stored in an enclosed room underneath the amenity deck, adjacent to the parking lot. Collection will be along King St.

*Guideline
G61/G62*

Fencing located along a street edge should be low and/or not create a solid barrier (i.e. it should be visually transparent). Fencing along the street edge should be supplemented with low profile landscape plantings.

- No fencing is proposed along the King St frontage, other than fencing delineating the private patios.
- Any fences installed shall meet the Zoning Bylaw requirements and visually-transparent to keep sightlines between the development and street.

Guideline MF1

All multifamily development 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.

- A large patio is shared by four units above the parking area. This patio space provides larger amenity space for some of the units.
- A community garden at grade in the southwest corner of the property provided programmed amenity space for residents.
- In addition to these shared spaces, each unit has its own balcony or terrace.
- The total amenity space provided meets the Zoning Bylaw requirement of 20m² per unit.

- Guideline MF3* Amenity spaces should incorporate vegetation for the purpose of active and passive recreation and/or visual interest, and incorporate safe play areas in interior courtyards.
- The ground-level unit patios facing King St are delineated by landscaping.
 - The shared amenity patio on level 1 is lined with planters and is hard-surfaced for a variety of amenity uses.
 - The shared community garden space provides programmed outdoor amenity space for use by residents.
- Guideline MF4* Visitor parking should be in public view, easily accessible near the main entry to the site, and clearly indicated by pavement markings and/or signs.
- 4 visitor parking spaces are proposed within the parking lot, clearly indicated at the end of the access driveway near the main entrance to the site.
 - Visitor spaces shall be clearly marked for visitor parking only, as required by the Zoning Bylaw.
- Guideline MF6* Entrances to apartment lobbies should be connected to adjacent sidewalks and provide seating, as well as clear pedestrian-oriented signage. Public art is also encouraged.
- The apartment lobby is connected directly to the King Street sidewalk, with clear building signage adjacent to the entry doors.

Development Variance Permit

Permit Number: DVP PL2022-9481

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: Legal to be updated after lot consolidation
 - Civic: Civic address to be updated after lot consolidation (currently 1042, 1050, and 1060 Government Street)
 - PID: PID to be updated after lot consolidation
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 five storey, 35 unit apartment building, as shown in the plans attached in Schedule 'A':
 - a. Table 5.1: to waive the requirement for a landscape buffer (north).
 - b. Section 6.1.5.4: to increase the maximum percentage of small car parking spaces from 25% to 41%.

General Conditions

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

please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2023.

Issued this ____ day of _____, 2023.

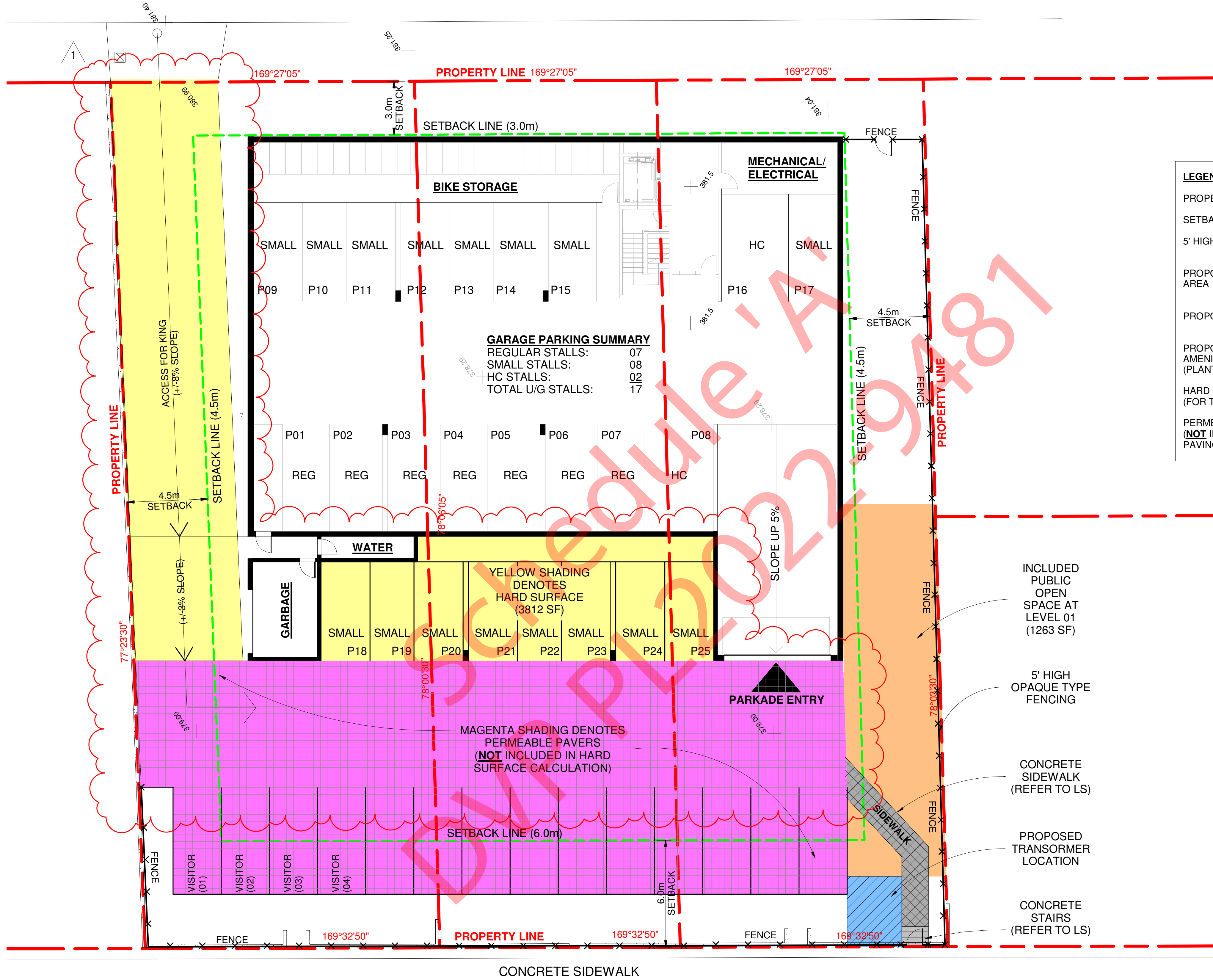
Angela Collison
Corporate Officer

DRAFT

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 This drawing must not be scaled.
 Contractors shall verify all dimensions prior to commencement of work.
 Any omissions or discrepancies shall be reported to the architect.
 Seal

1 2023.05.01
 AREA RECALCULATIONS PER CITY COMMENTS

KING STREET



No.	Date	Description
6	20230501	RE-IFDP (PER CITY REMARKS)
5	20230222	RE-IFDP
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM A

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project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

drawing title
SITE PLAN AT PARKING LEVEL

designer Designer scale 3/32" = 1'-0"

drawn Author

checked Checker

drawing no.

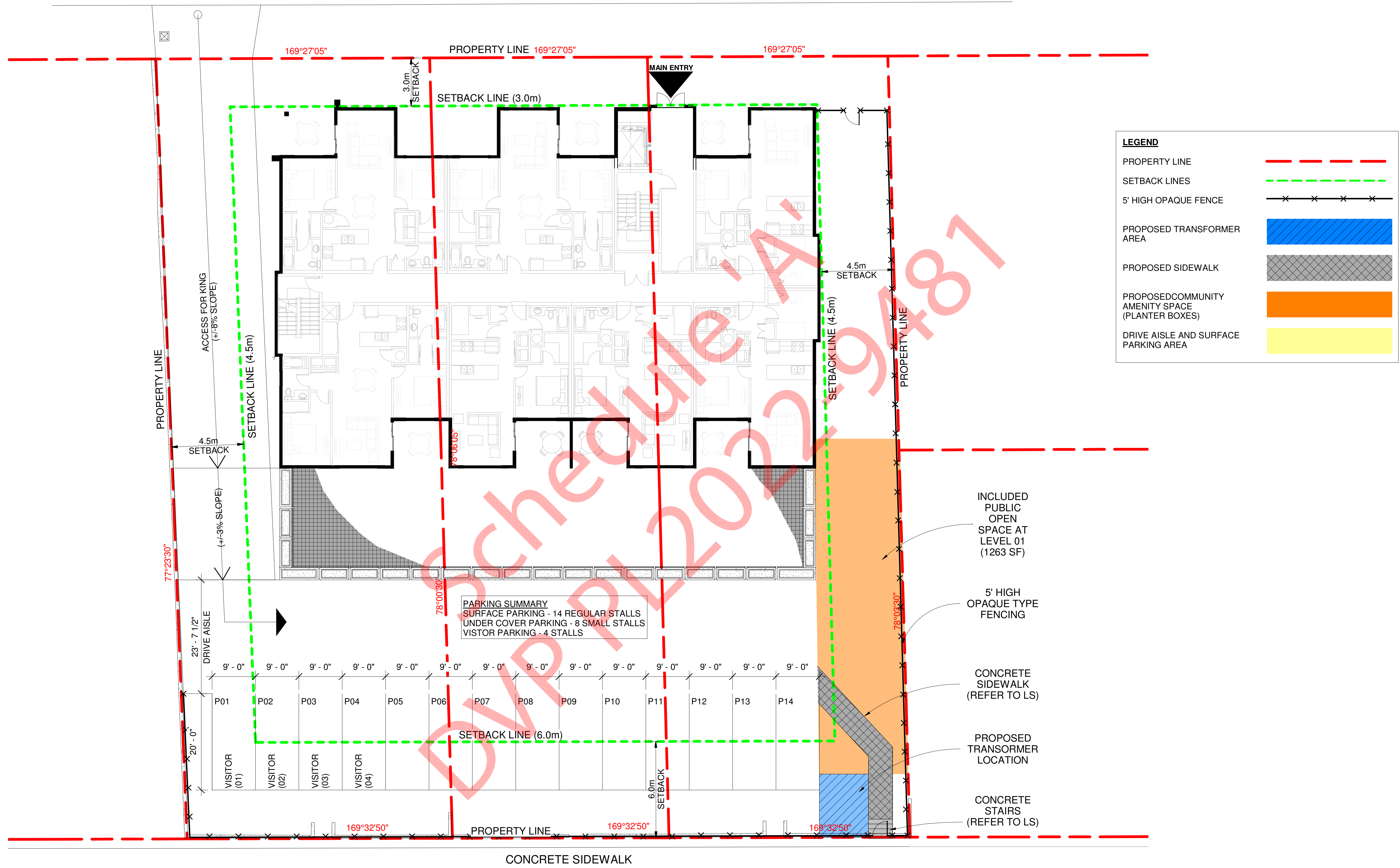
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GOVERNMENT STREET

SITE PLAN AT PARKING LEVEL

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 Seal

KING STREET



GOVERNMENT STREET

SITE PLAN AT LEVEL 01

No.	Date	Description
5	20230222	RE-IFDP
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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project no. 3400

drawing title
SITE PLAN AT LEVEL 01

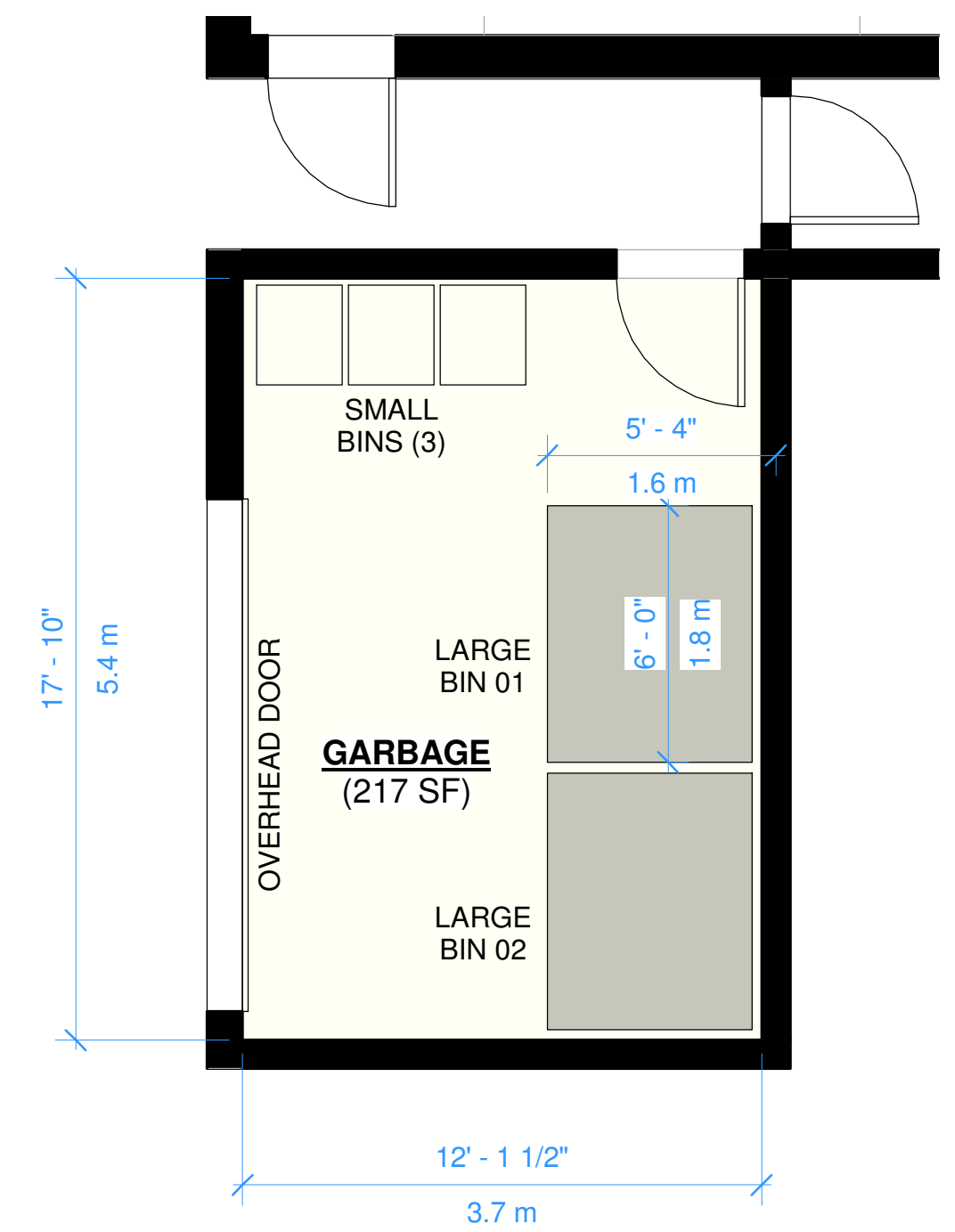
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drawn	JB		
checked	PMC		
drawing no.			

A1.02

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 Seal



PLAN - PARKING LEVEL
 AREA: 8968 SF



ENLARGED PLAN - GARAGE ROOM

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title
PLAN - PARKING LEVEL

designed	PM	scale	As indicated
drawn	JB		
checked	PMC		
drawing no.			

A2.00

Development Permit

Permit Number: DP PL2022-9421

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: Legal description to be updated after lot consolidation
 - Civic: Civic address to be updated after lot consolidation (currently 1042, 1050, and 1060 Government Street)
 - PID: PID to be updated after lot consolidation
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a five storey, 35 unit apartment building as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees

and Charges Bylaw (as amended from time to time).

General Conditions

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

Authorized by City Council, the ____ day of _____, 2023.

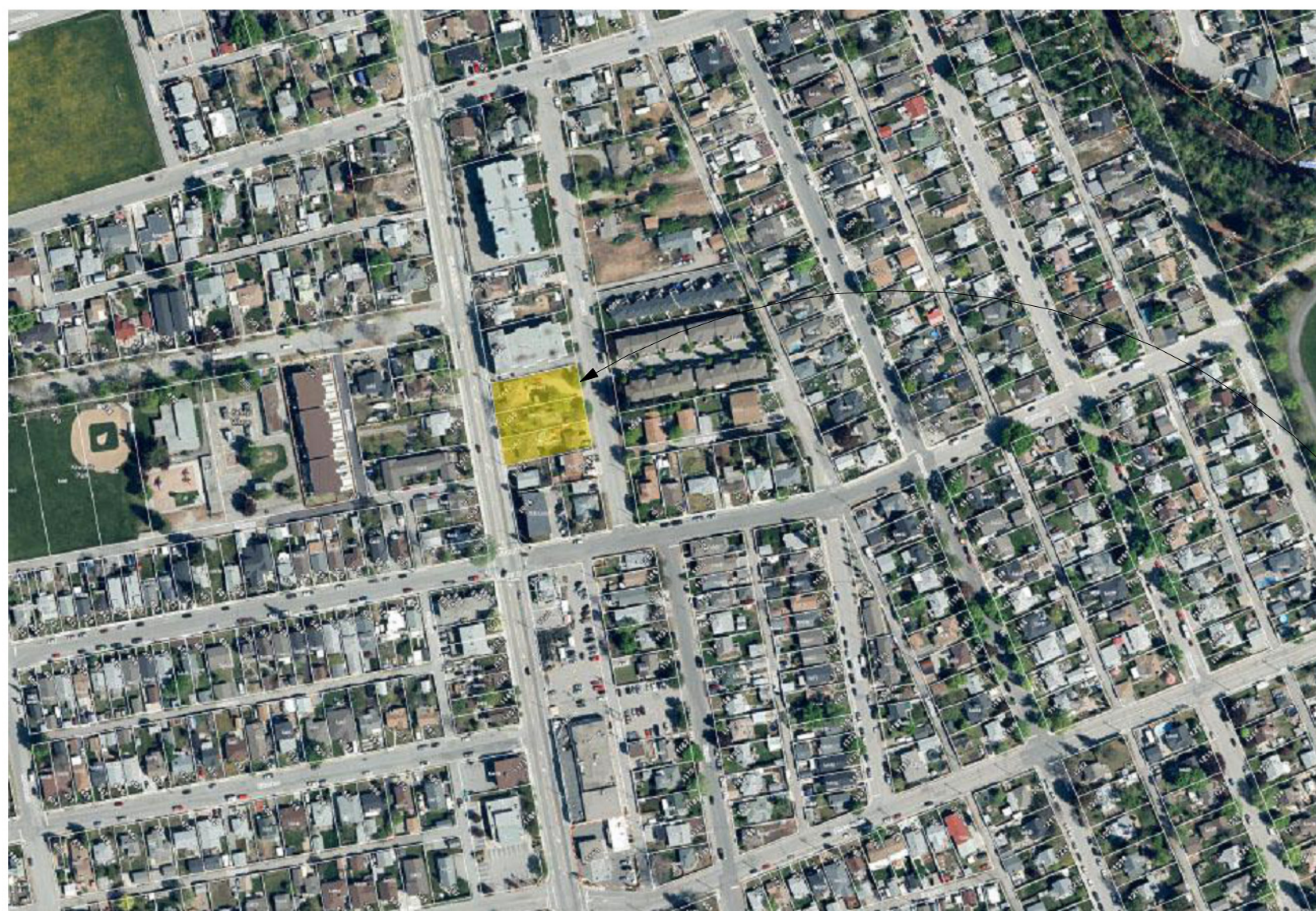
Issued this ____ day of _____, 2023.

Angela Collison
Corporate Officer

AERIAL CONTEXT MAPS



AERIAL VIEW



AERIAL VIEW

CONSULTANTS

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SURVEY
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 300-4503 BRISEBOIS DRIVE NW
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 CALGARY, AB T2L 2G3
 TEL: 403.648.2772
 e-mail: steven.buzikievich@coregeomatics.com

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- SITE PLAN AT PARKING LEVEL
- SITE PLAN AT LEVEL 01
- PLAN - PARKING LEVEL
- PLAN - LEVEL 1
- PLAN - LEVEL 2 TO 4
- PLAN - LEVEL 5
- PLAN - ROOF
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- EAST ELEVATION - COLOURED
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- SOUTH ELEVATION - COLOURED
- WEST ELEVATION (LINEWORK)
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- FLOOR AREA RATIO ANALYSIS
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STREET ELEVATION:



VIEW FROM GOVERNMENT STREET

PROJECT STATISTICS:

Address:	1042,1050,1060 Government Street, Penticton		
Legal:	Lot 1, Plan 3556 KAP68129 DL 249, SDYD , Lot 2, Plan 3556 KAP68130 DL 249, SDYD		
Zoning:	RM3, Medium Density Housing		
Permitted Use:	Multi Family Housing		
Site Area:	2,272.3	sq.m.	
	24,460	sq.ft.	
	0.2272	Ha	
Min Lot Width	30.0	m	46.3 m
Min Lot Depth	30.0	m	49.4 m
Setbacks	ALLOWED	PROPOSED	
Front yard	3.0 m	6.0 m	ok
Side yard	4.5 m/7.0m	4.5/7.0 m	ok
Rear yard	6.0 m	6.0 m	ok
Flanking street	N/APP	N/APP m	ok
LANDSCAPE BUFFER	REQUIREMENT	PROPOSED	
Front	3.00 m	3.00 m	ok
	9.84 ft	9.84 ft	
Side (North)	3.00 m	0.00 m	ok
	9.84 ft	0.00 ft	
Side (South)	3.00 m	3.00 m	ok
	9.84 ft	9.84 ft	
Rear	3.00 m	3.00 m	ok
	9.84 ft	9.84 ft	
Building Area Analysis	Building Level	Unit Count	Gross Area (sq ft)
	Level 01	7	7375
	Level 02	7	7375
	Level 03	7	7375
	Level 04	7	7375
	Level 05	7	7375
	TOTAL	35	36875 sq.ft

		ALLOWED	PROPOSED	
Site Coverage	Maximum 50% (Building Footprint)	1,136 sq.m. 12,230 sq.ft.	963 sq.m. 10,364 sq.ft.	ok from A8.01
Total Coverage	Maximum 60% (Building + Driveway + Parking)	1,363 sq.m. 14,676 sq.ft.	1,317 sq.m. 14,176 sq.ft.	ok 10364+3812=14176
Floor Area Ratio	(Maximum 1.6) Proposed 1.5	3,636 sq.m. 39,136 sq.ft.	3,426 sq.m. 36,875 sq.ft.	ok
Height	Principal buildings allowed 24 m max or 6 stories	24.0 m 78.7 ft	20.0 m 65.6 ft	ok
Public Open Space Area	Req'd (Min.) 20 sq.m/dwelling unit = 700 sqm + 25% @ Ground floor = 175 sqm	700 sq.m. 7534.8 sq.ft.	746 sq.m. 8,030 sq.ft.	ok
Parking	Required		44 spaces	
	1 stalls per 1 dwelling x 35 = 35			
	plus 25 visitor stalls per 1 dwelling x 35 = 09 (visitor)			
	Total required=		44	
	Provided	39 spaces	5 short	
	Covered	25 spaces		
	On Grade (full size)	14 spaces	including 4 visitor	
Bicycle	Class I - 0.5 stalls per unit	Required	18.0 spaces	
	Class II - 0.1 stalls per unit		4.0 spaces	
	Total Required		22 spaces	
	Total Proposed		26 spaces	ok

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 Seal

1 2023.05.01 AREA RECALCULATIONS PER CITY COMMENTS

No.	Date	Description
6	20230501	RE-IFDP (PER CITY REMARKS)
5	20230222	RE-IFDP
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

No.	Date	Description
		Revisions

PM

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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

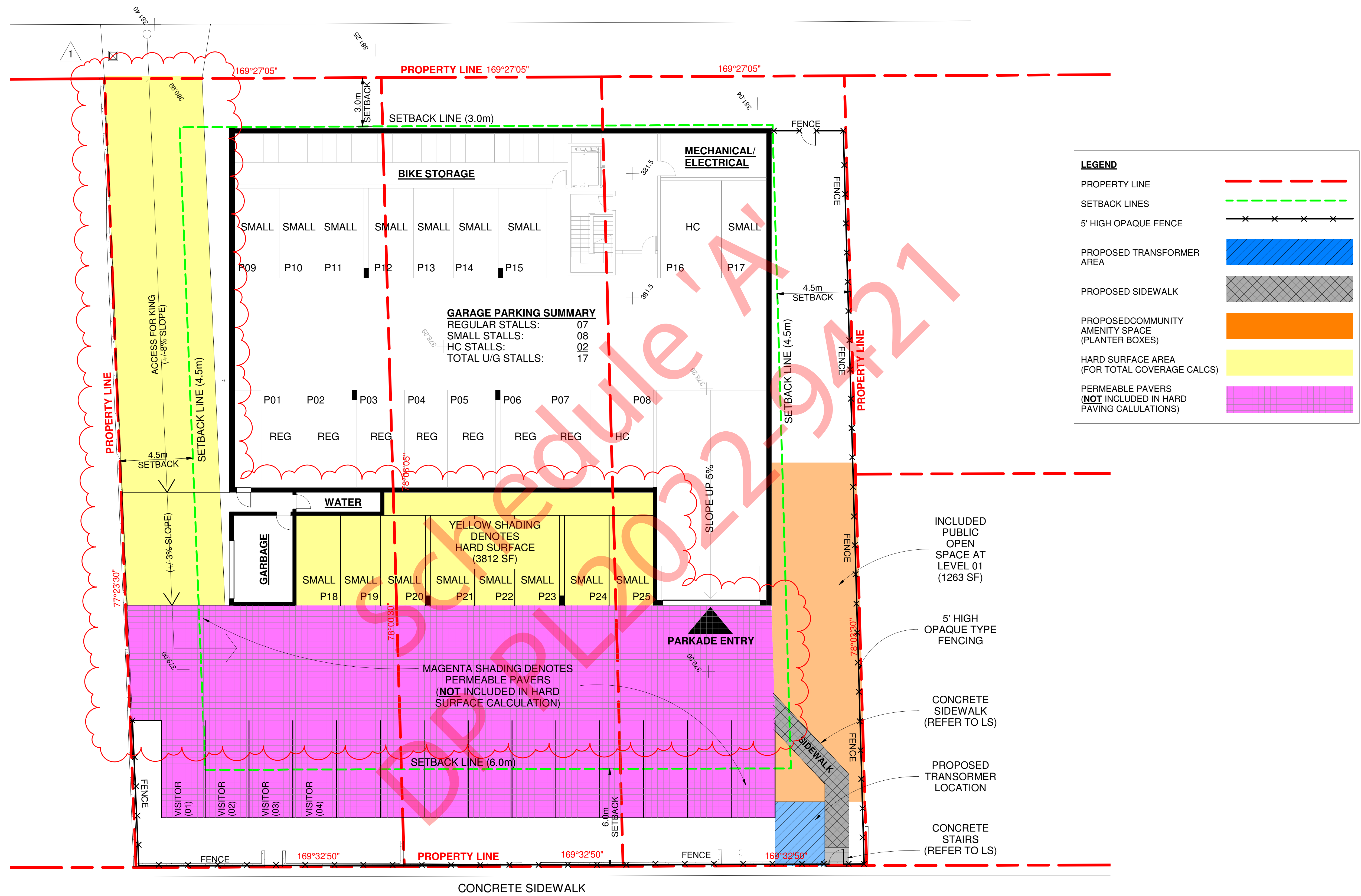
drawing title
COVER
 designed by PMC scale 1/4" = 1'-0"
 drawn by JB
 checked by PMC
 drawing no.

A0.01

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 AREA RECALCULATIONS PER CITY COMMENTS

KING STREET



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PM A

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 pat@pmccarch.com
 www.pmccarch.com

project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

drawing title
SITE PLAN AT PARKING LEVEL

designer Designer scale 3/32" = 1'-0"

drawn Author

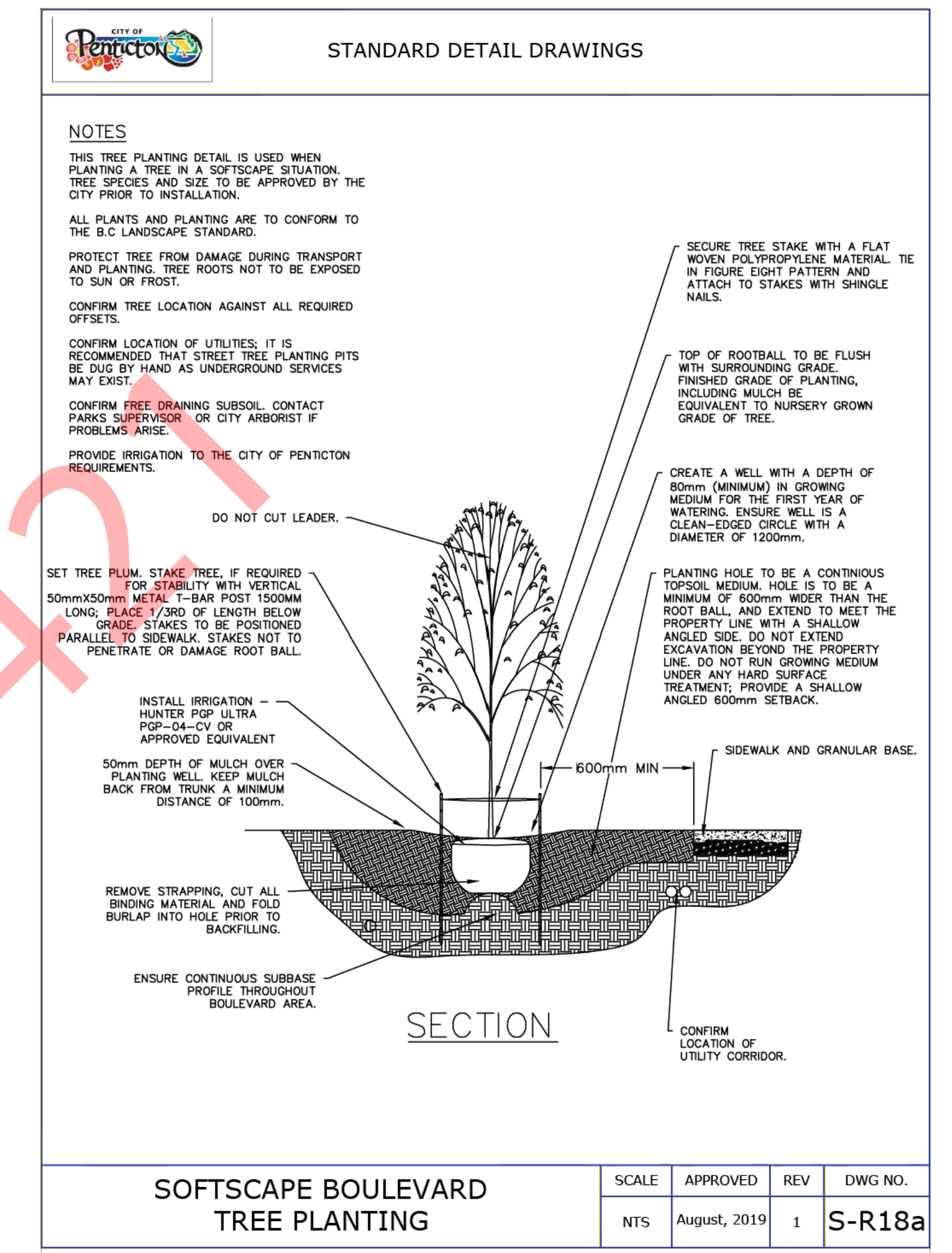
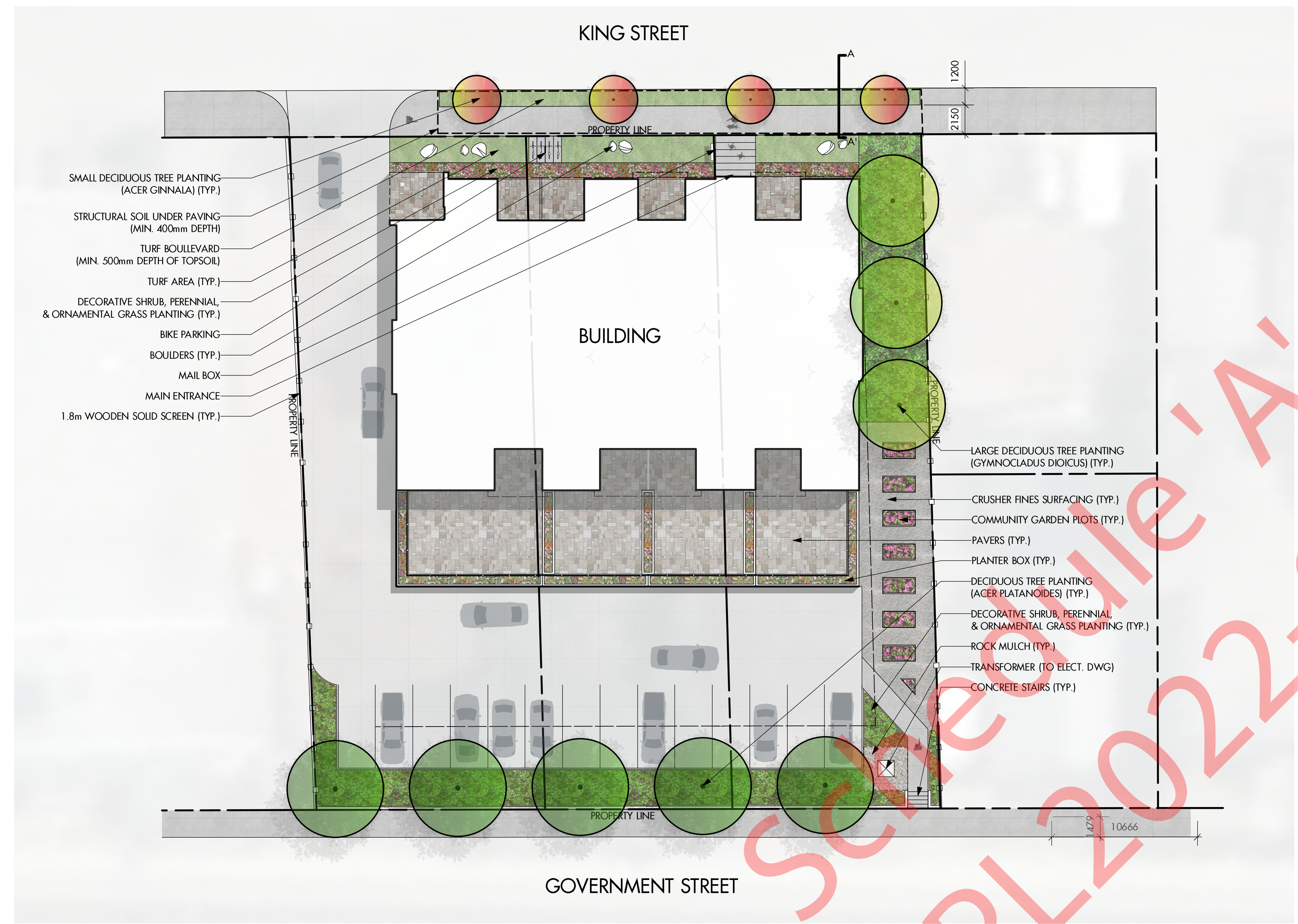
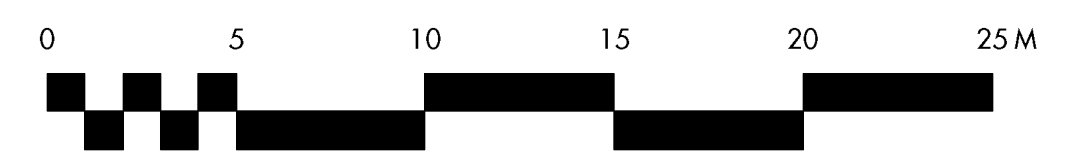
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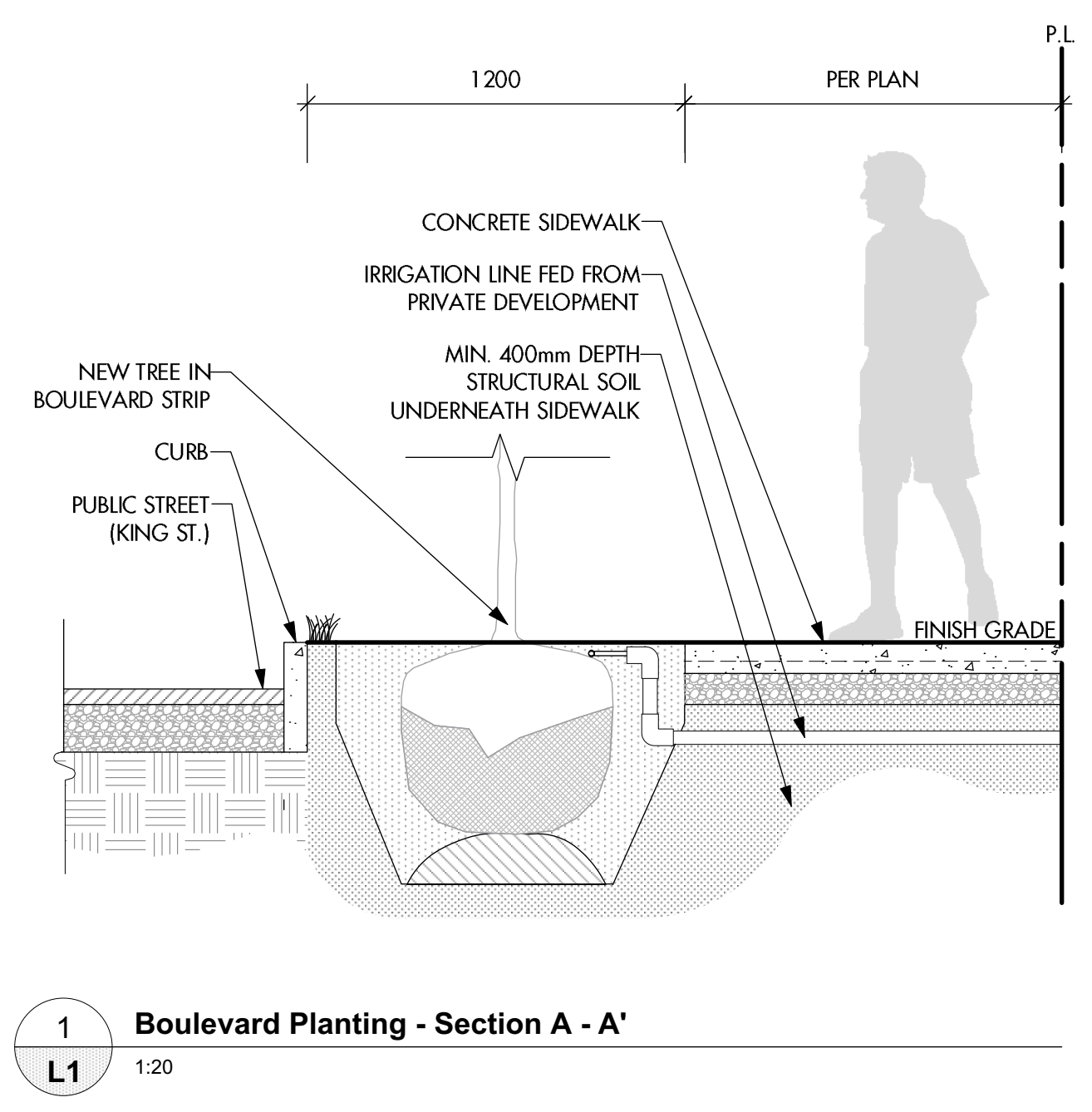
GOVERNMENT STREET

SITE PLAN AT PARKING LEVEL



BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER GINNALA	AMUR MAPLE	4	6m CAL
ACER PLATANOIDES	NORWAY MAPLE	5	6m CAL
GYMNOCLADUS DIOICUS	KENTUCKY COFFEE TREE	3	6m CAL
SHRUBS			
BERBERIS THUNBERGII 'MONRY'	SUNSHATION JAPANESE BARBERRY	32	#01 CONT. /1.2M O.C. SPACING
CORNUS ALBA 'SIBIRICA VARIEGATA'	SIBERIAN VARIEGATED DOGWOOD	7	#01 CONT. /2.5M O.C. SPACING
EUONYMUS ALATUS 'COMPACTA'	DWARF BURNING BUSH	7	#01 CONT. /2.5M O.C. SPACING
HYDRANGEA MACROPHYLLA 'BAILMER'	ENDLESS SUMMER HYDRANGEA	12	#01 CONT. /2.0M O.C. SPACING
PERENNIALS & GRASSES			
ACHILLEA FILIPENDULINA 'MOONSHINE'	MOONSHINE YARROW	25	#01 CONT. /0.9M O.C. SPACING
ASTILBE JAPONICA 'PEACH BLOSSOM'	PEACH BLOSSOM ASTILBE	25	#01 CONT. /0.9M O.C. SPACING
CALAMAGROSIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	14	#01 CONT. /1.2M O.C. SPACING
HEMEROCALLIS 'RUBY STELLA'	RUBY STELLA DAYLILY	25	#01 CONT. /0.9M O.C. SPACING
MISCANTHUS SINENSIS 'GRACILLUMUS'	GRACILLUMUS MAIDEN GRASS	9	#01 CONT. /1.5M O.C. SPACING
NEPETA X FAASSENII 'WALKER'S LOW'	WALKER'S LOW CATMINT	21	#01 CONT. /1.0M O.C. SPACING

- NOTES**
- PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CANADIAN LANDSCAPE STANDARDS.
 - ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 - TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm NATURAL WOOD MULCH WITH WEED BARRIER FABRIC.
 - TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
 - TURF BOULEVARD TO HAVE A MINIMUM OF 500mm DEPTH GROWING MEDIUM, PER CITY OF PENICTON REQUIREMENTS.
 - A MINIMUM OF 400mm DEPTH STRUCTURAL SOIL WILL BE PROVIDED BENEATH THE SIDEWALK ON KING STREET, AS SHOWN ON PLANS, PER CITY OF PENICTON REQUIREMENTS.
 - SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.



PROJECT TITLE
1042, 1052, 1060 GOVERNMENT STREET
 Penicton, BC

DRAWING TITLE
CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR / REVISION	DATE	REVISION
1	22.08.05	Review
2	22.11.04	Review
3	22.12.20	Review
4	23.02.03	Review
5		

PROJECT NO: 22-0679
 DESIGN BY: GC
 DRAWN BY: FH
 CHECKED BY: FB
 DATE: FEB. 3, 2023
 SCALE: 1:200
 PAGE SIZE: 24x36"

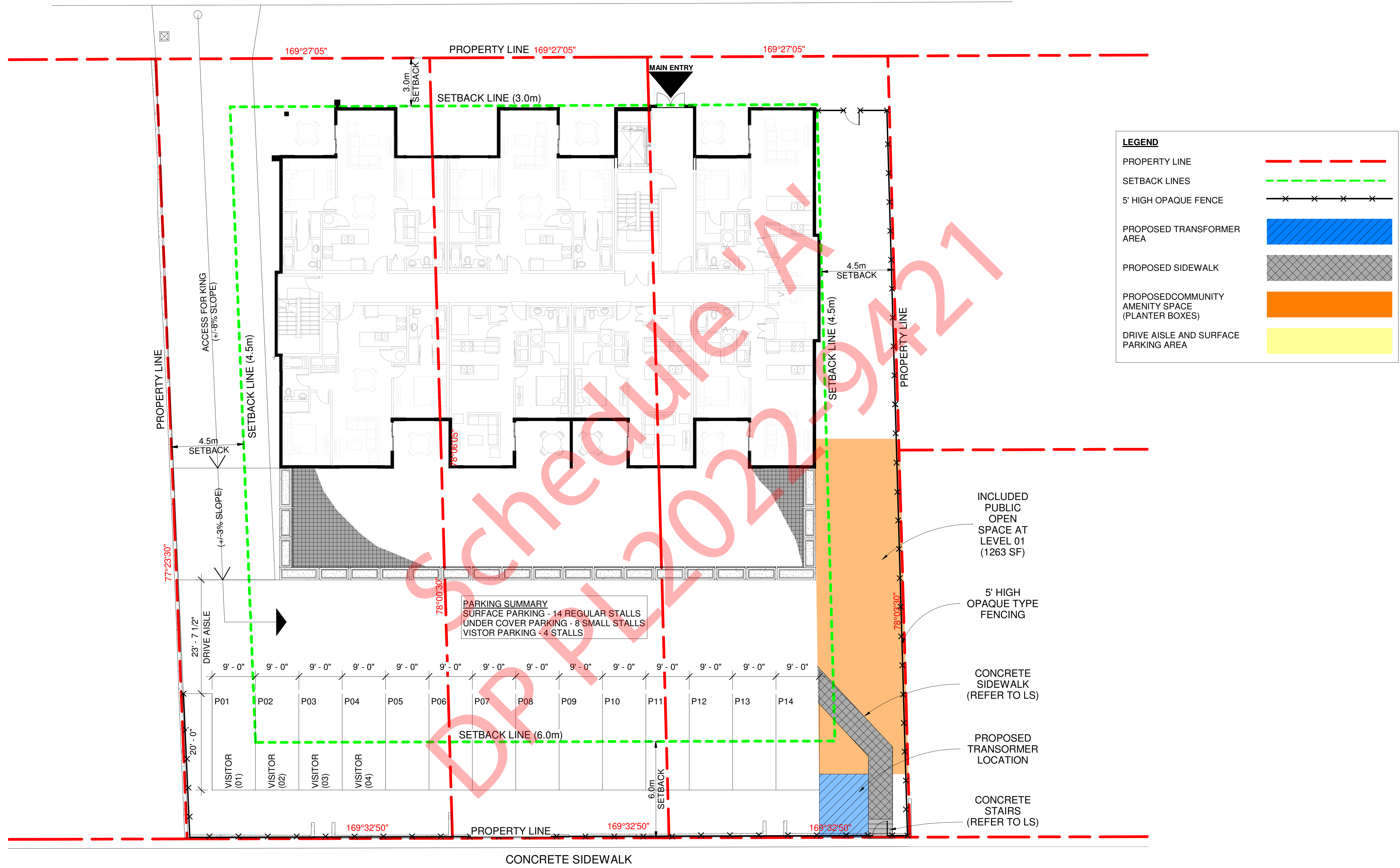


DRAWING NUMBER
L1/1

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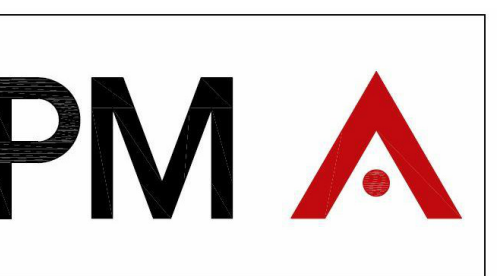
KING STREET



GOVERNMENT STREET

SITE PLAN AT LEVEL 01

No.	Date	Description
5	20230222	RE-IFDP
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 Phone: 778-484-0223
 pat@pmccarch.com
 www.pmccarch.com

project title
GOVERNMENT STREET
 RENTALS UNIT
 PENTICTON, BC
 project no. 3400

drawing title
SITE PLAN AT LEVEL 01

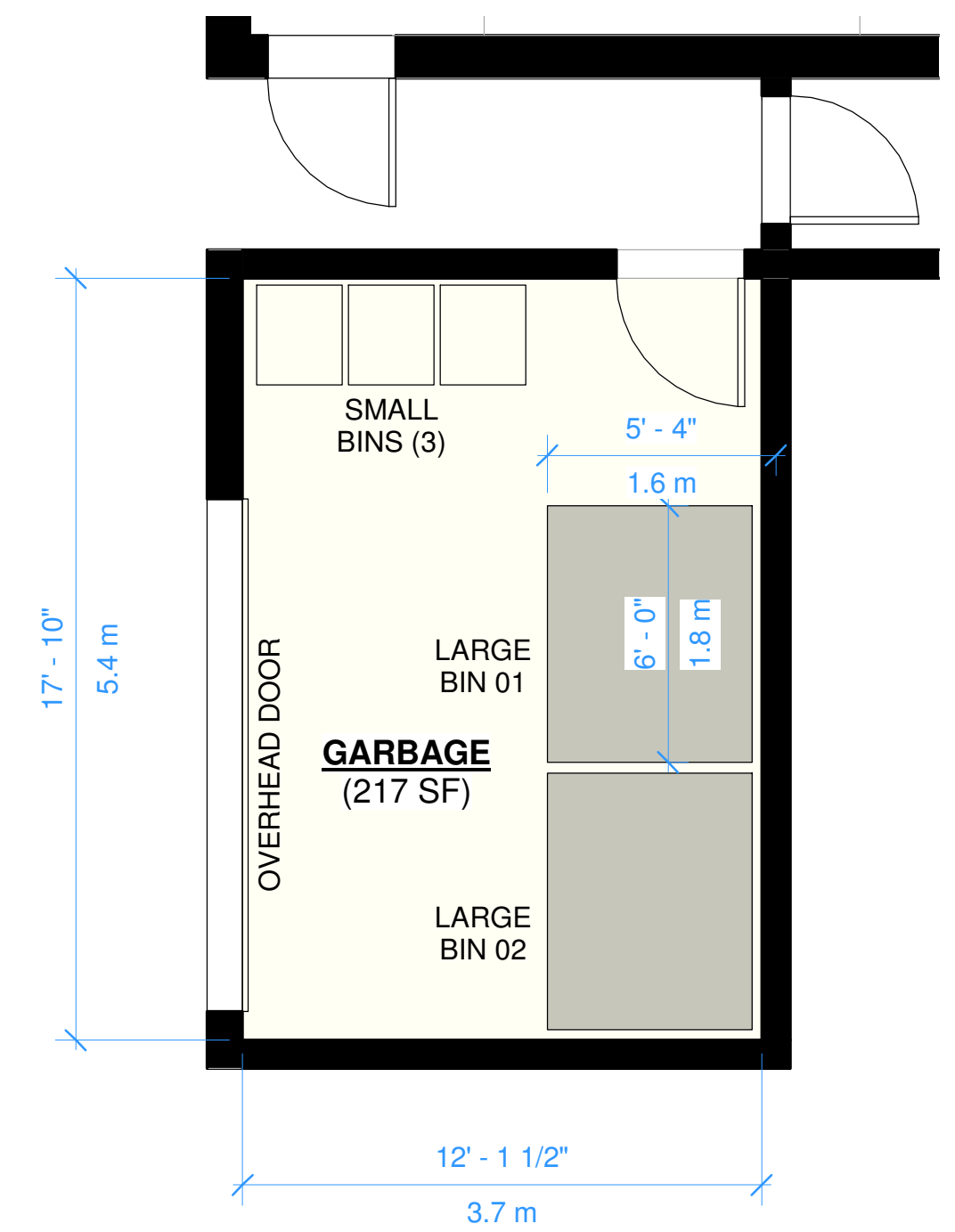
designed	PMC	scale	3/32" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A1.02

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 Seal



PLAN - PARKING LEVEL
 AREA: 8968 SF



ENLARGED PLAN - GARAGE ROOM

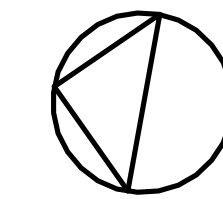
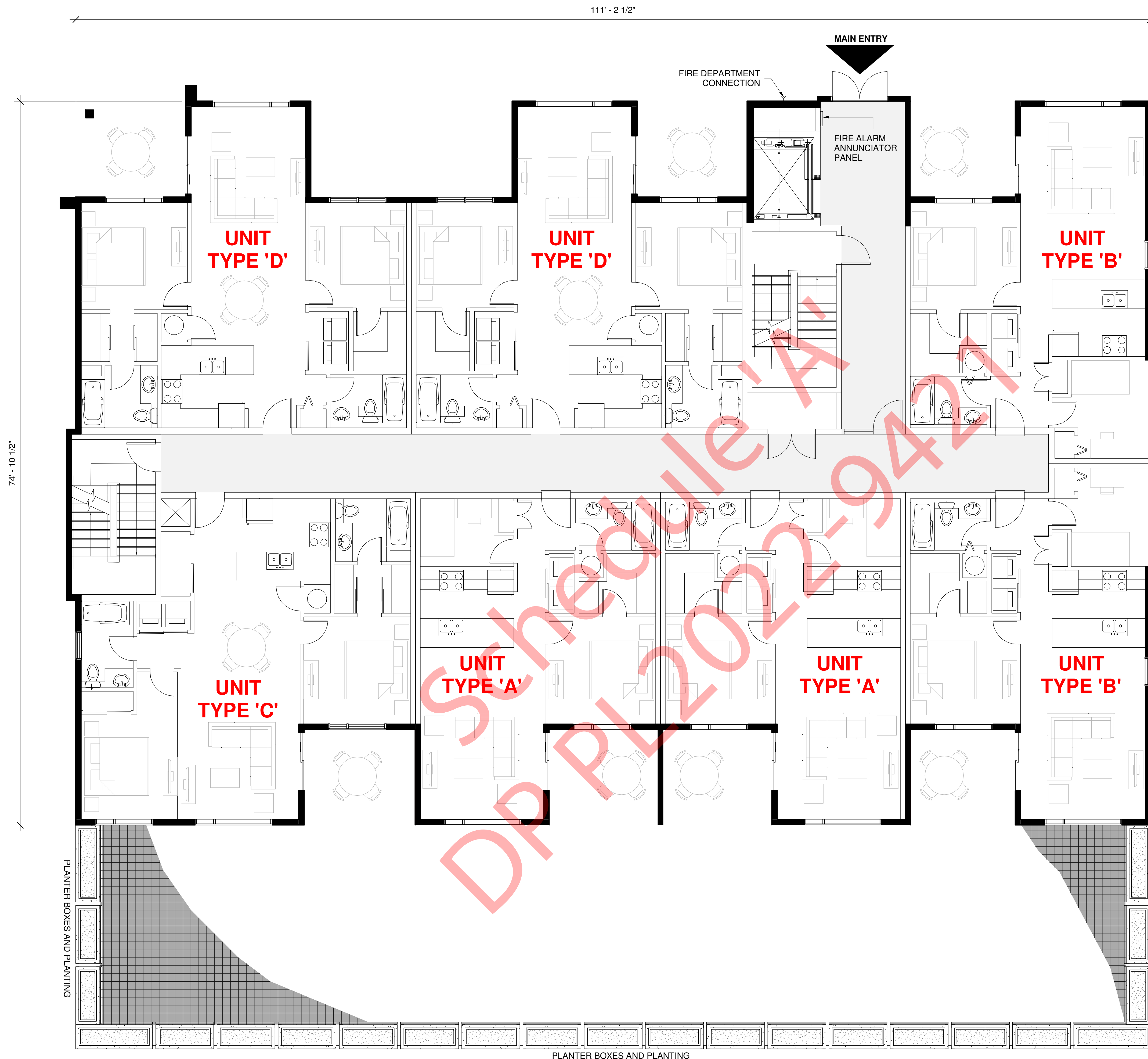
No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP



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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title	designed	drawn	checked	drawing no.
PLAN - PARKING LEVEL	PMC	JB	PMC	A2.00



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 Seal

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400
 drawing title
PLAN - LEVEL 1

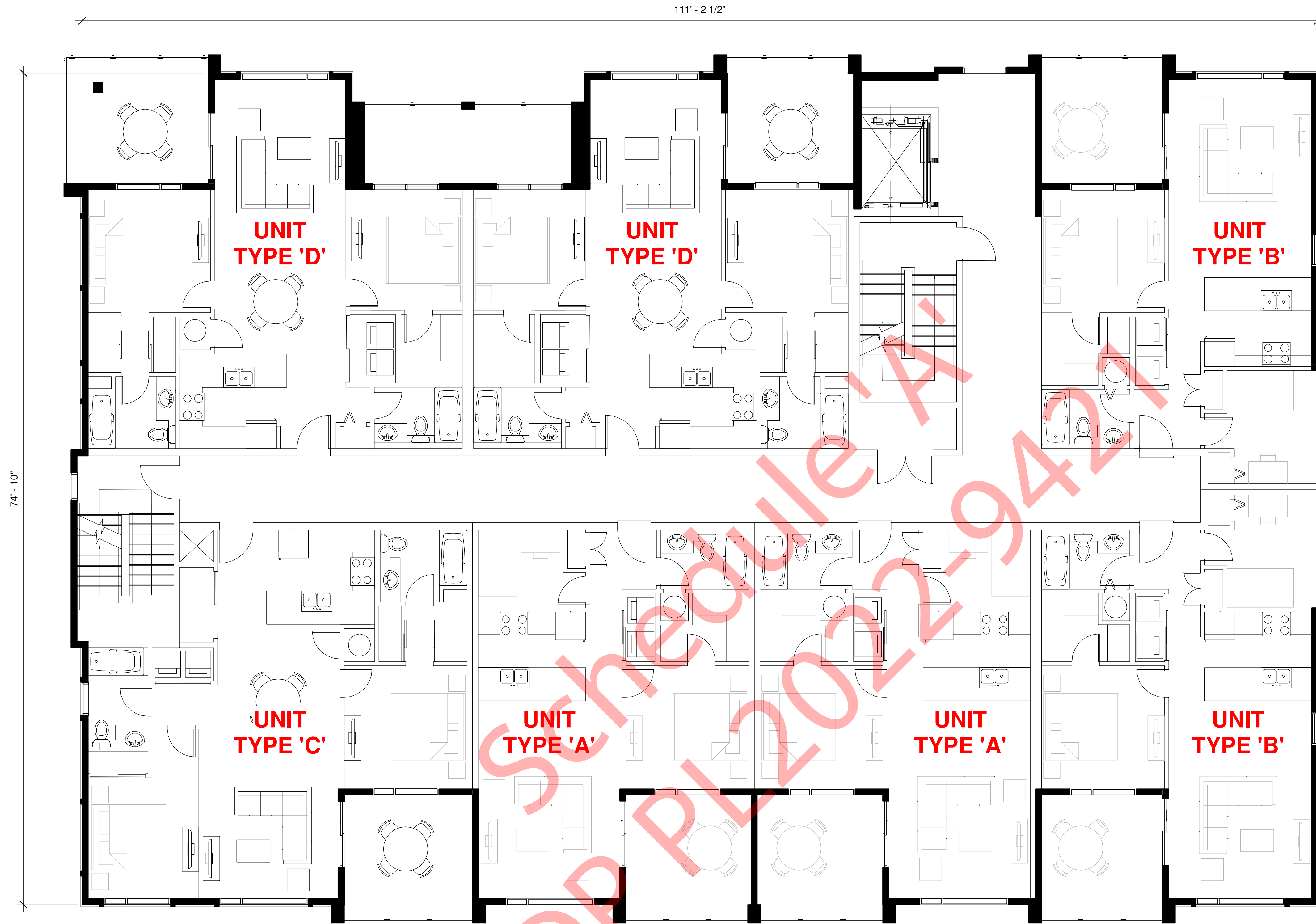
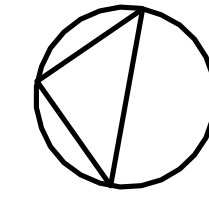
designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A2.01

PLAN - LEVEL 1

AREA: 7375 SF
 CORRIDOR AREA: 805 SF

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 Seal



PLAN - TYPICAL LEVEL 2 TO 4
 AREA: 7375 SF

4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

No.	Date	Description
Revisions		



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project title
GOVERNMENT STREET

RENTAL UNITS

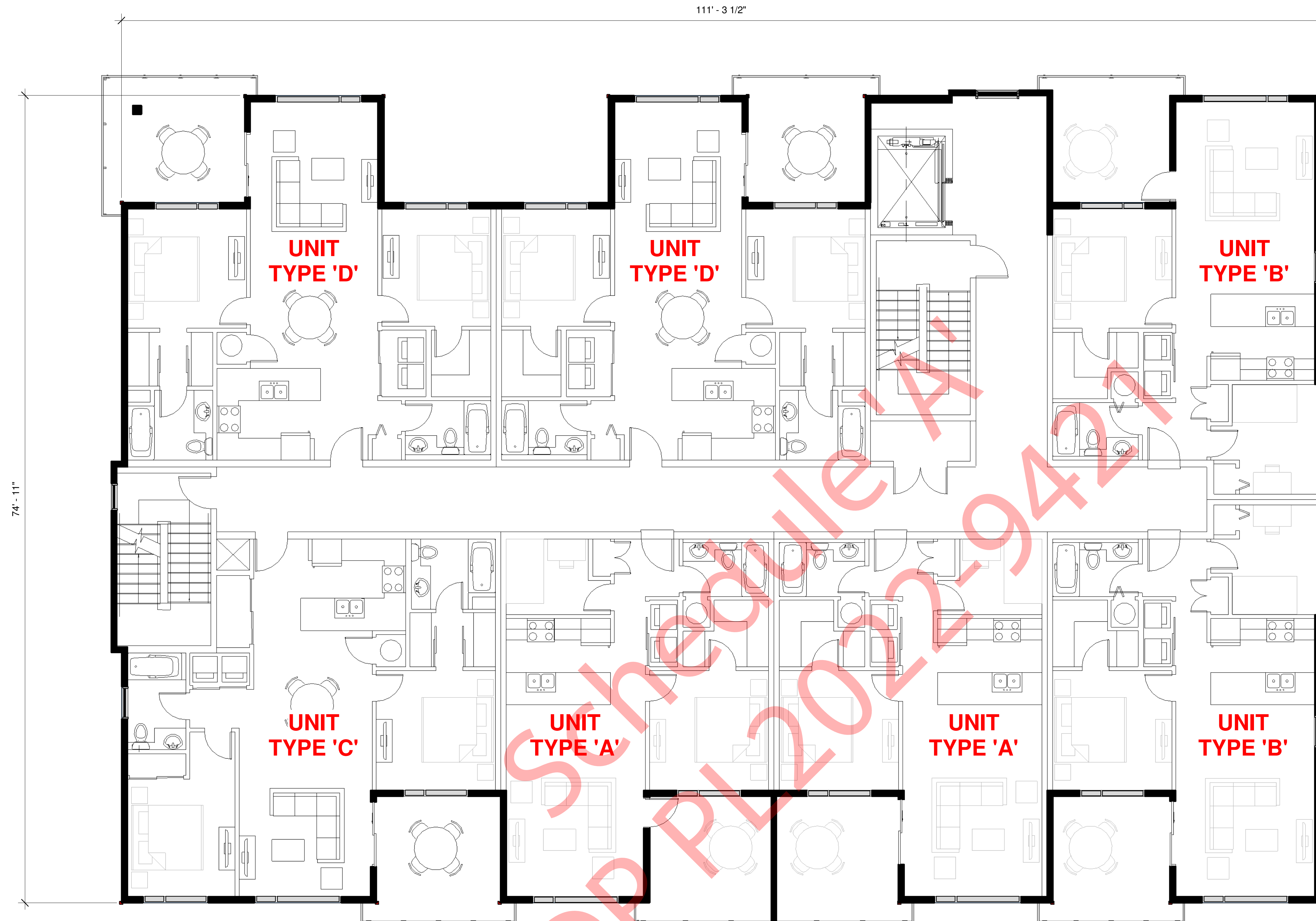
PENTICTON, BC

project no. 3400

drawing title
PLAN - LEVEL 2 TO 4

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

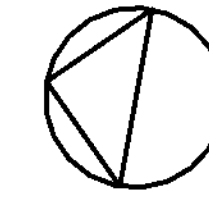
A2.02



PLAN - LEVEL 5

AREA: 7375 SF

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 Any omissions or discrepancies shall be reported to the architect.
 Seal



Draft
 2022-09-21
 9421

4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

No.	Date	Description
Revisions		



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project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

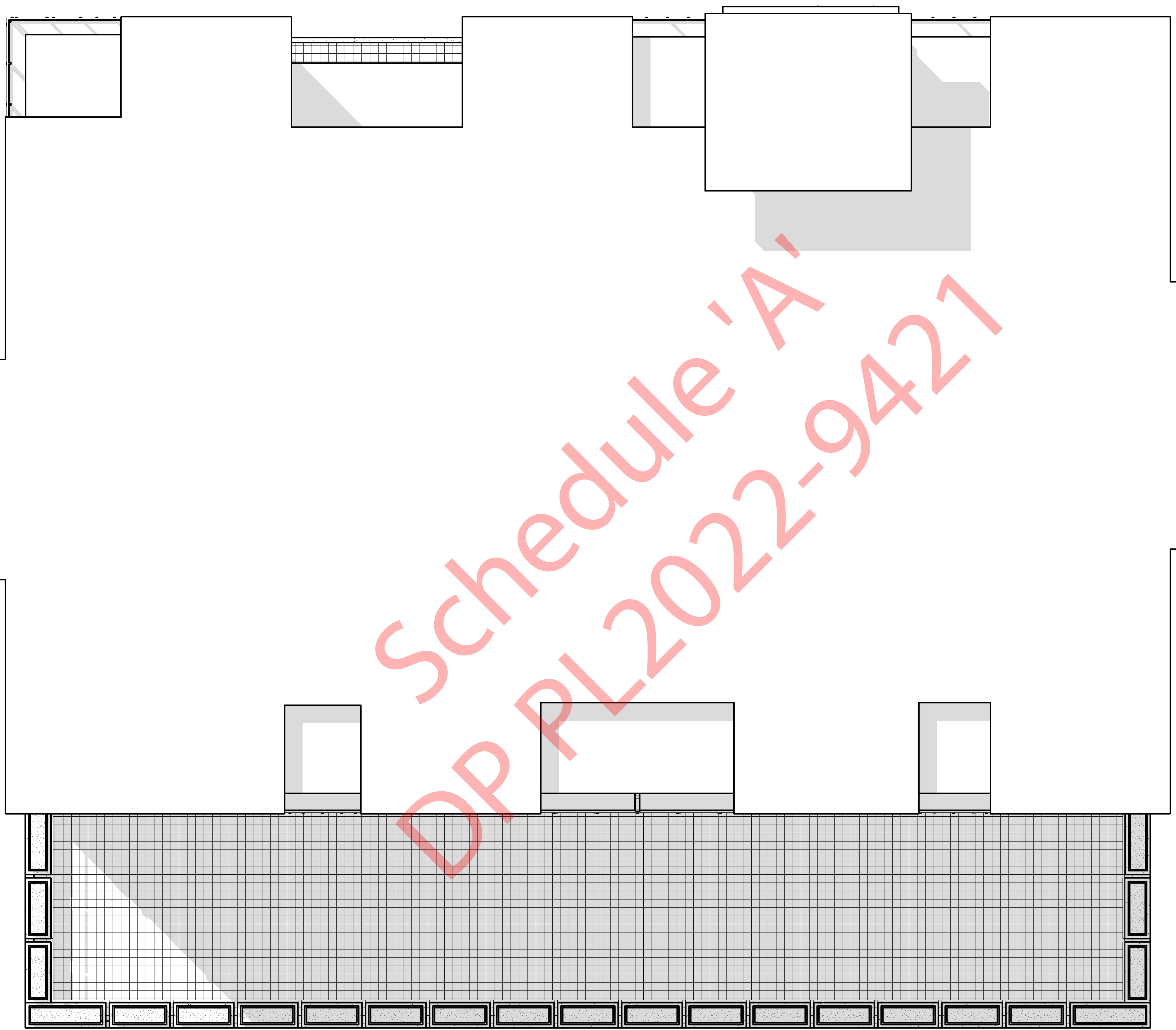
project no. 3400

drawing title
PLAN - LEVEL 5

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A2.03

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 Contractors shall verify all dimensions prior to commencement of work.
 Any omissions or discrepancies shall be reported to the architect.
 Seal



PLAN - ROOF

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP



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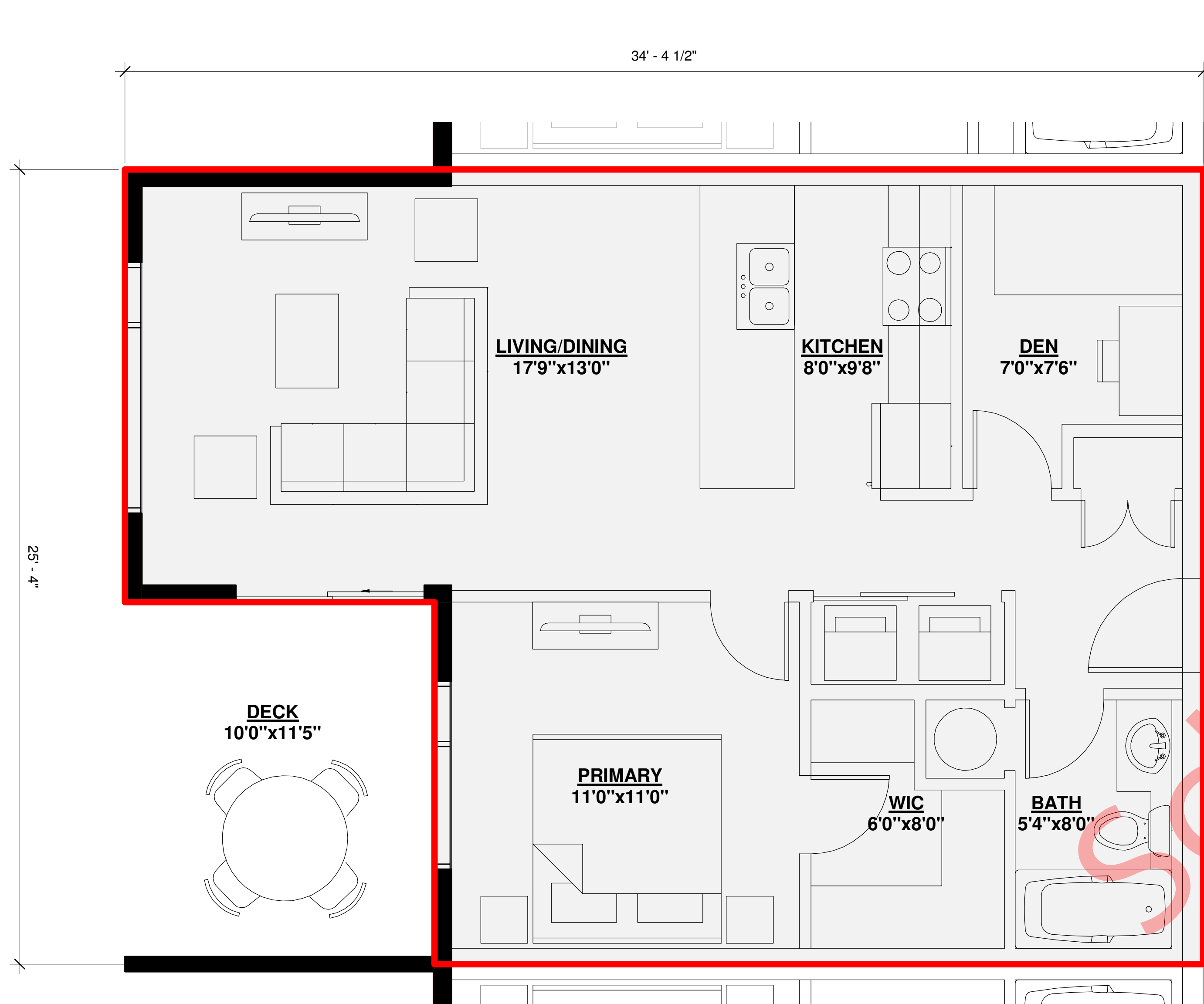
project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title
PLAN - ROOF

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A2.04

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 Seal



1 UNIT A (ONE BEDROOM) 756 SF
 3/8" = 1'-0"



2 UNIT B (ONE BEDROOM + DEN) 803 SF
 3/8" = 1'-0"

DP PL2022-9421
 Scheduled
 2022-9421

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

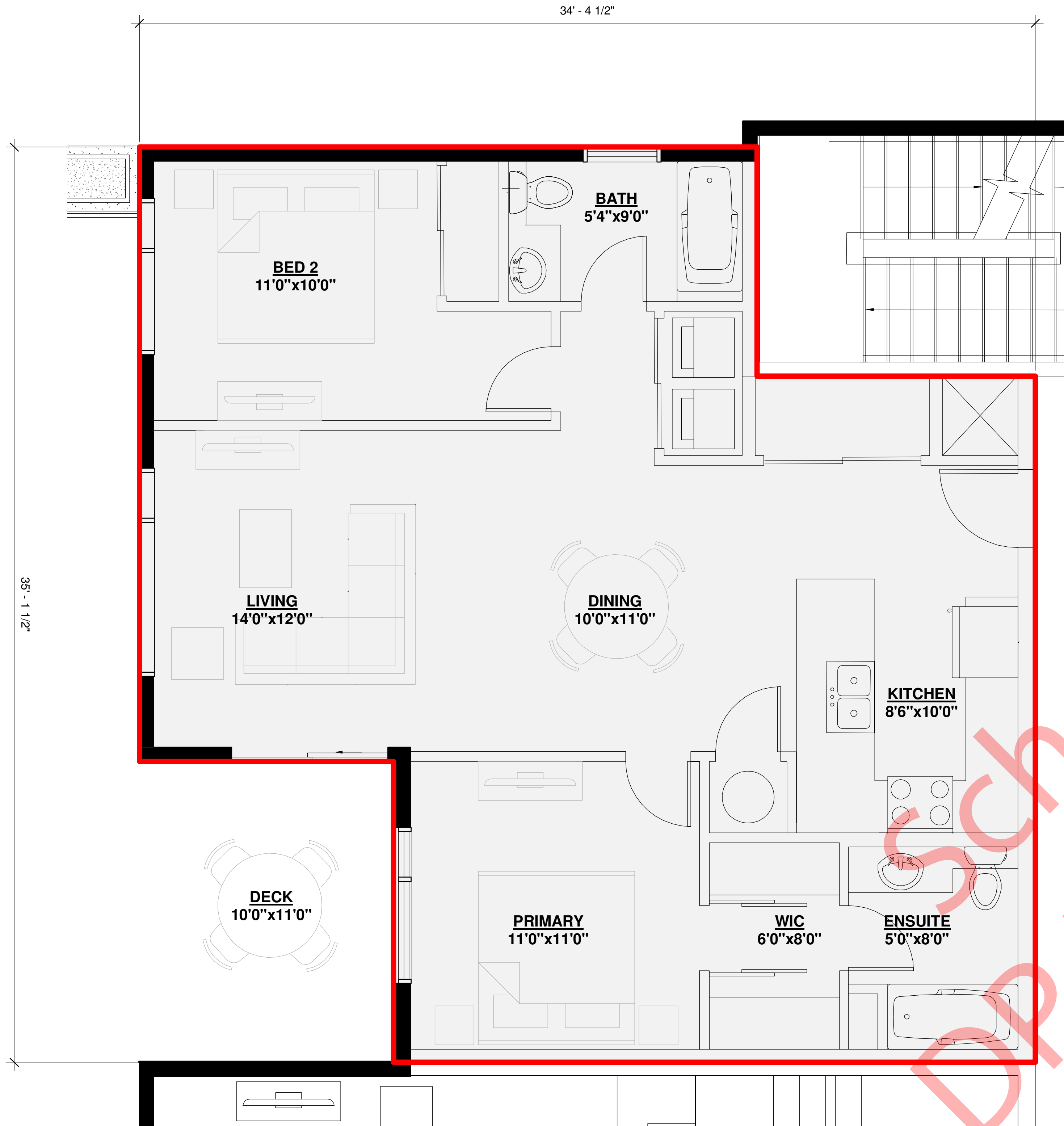
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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400
 drawing title
UNITS

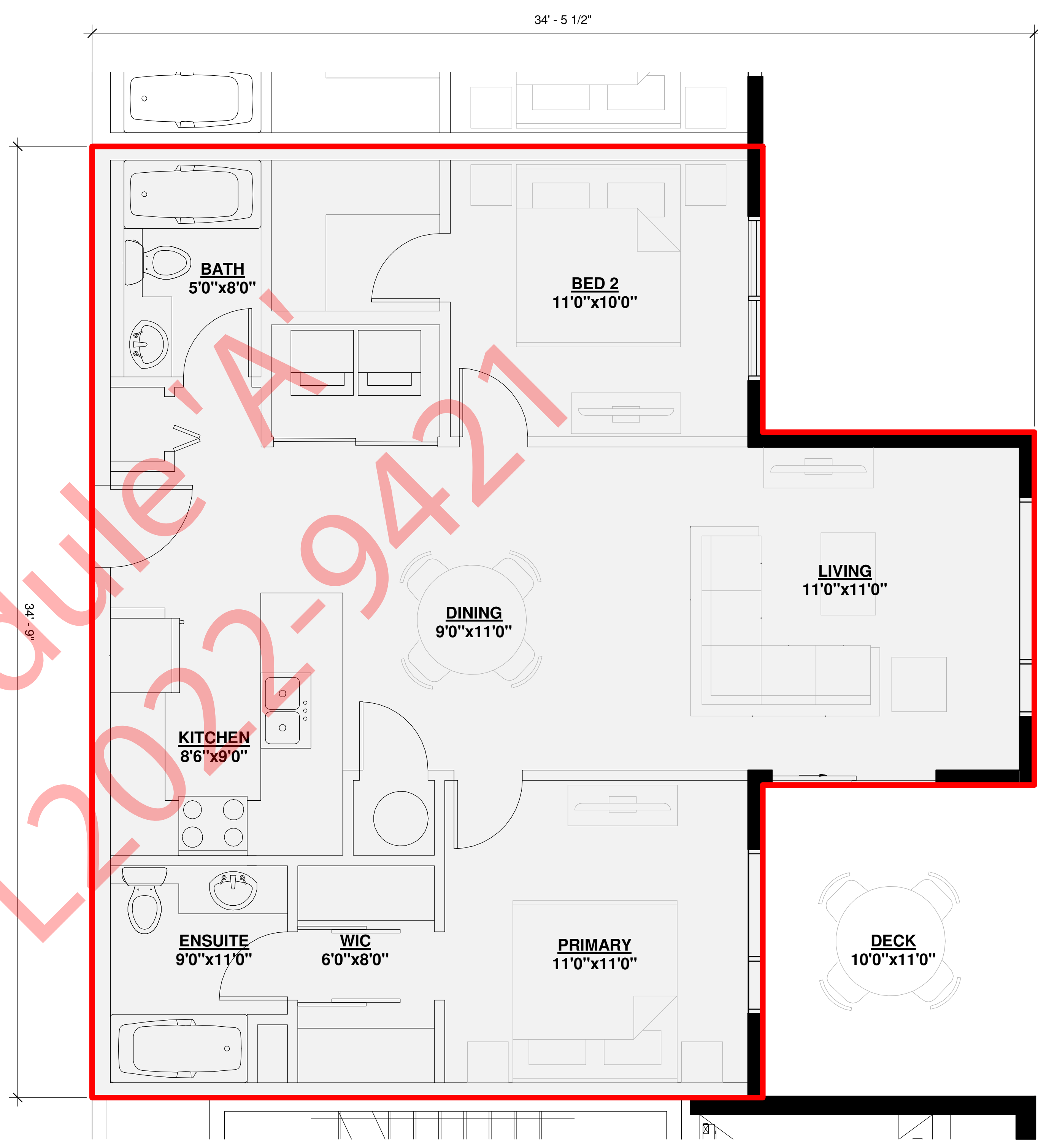
designed	scale
PMC	3/8" = 1'-0"
drawn	JB
checked	PMC
drawing no.	

A2.10

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 Contractors shall verify all dimensions prior to commencement of work.
 Any omissions or discrepancies shall be reported to the architect.
 Seal



01 UNIT C (TWO BEDROOM) 1002 SF
 3/8" = 1'-0"



02 UNIT D (TWO BEDROOM) 979 SF
 3/8" = 1'-0"

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

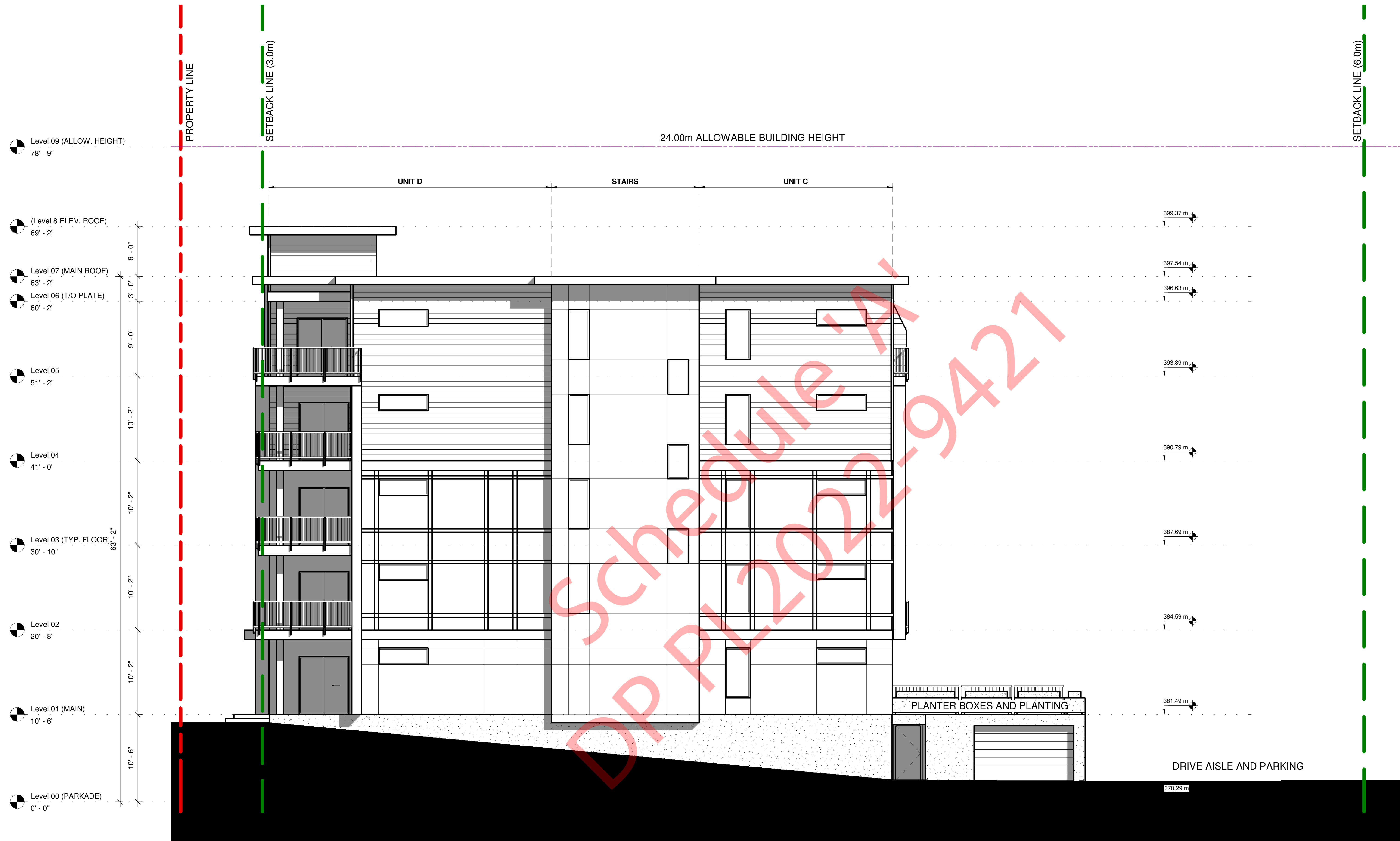
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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400
 drawing title
UNITS

designed	scale
PMC	3/8" = 1'-0"
drawn	JB
checked	PMC
drawing no.	

A2.11

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 Any omissions or discrepancies shall be reported to the architect.
 Seal



No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

drawing title
NORTH ELEVATION (LINEWORK)

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		

drawing no.
A3.00a

plotted 2022-11-25 10:47:12 AM
 Page 14 of 25

1 NORTH ELEVATION (ACCESS ROAD)
 3/16" = 1'-0"

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 Seal

- (Level 8 ELEV. ROOF)
69' - 2"
- Level 07 (MAIN ROOF)
63' - 2"
- Level 06 (T/O PLATE)
60' - 2"
- Level 05
51' - 2"
- Level 04
41' - 0"
- Level 03 (TYP. FLOOR)
30' - 10"
- Level 02
20' - 8"
- Level 01 (MAIN)
10' - 6"
- Level 00 (PARKADE)
0' - 0"



1 NORTH ELEVATION (ACCESS ROAD)
 3/16" = 1'-0"

No.	Date	Description
4	20221225	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM 

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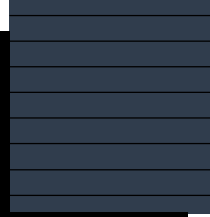
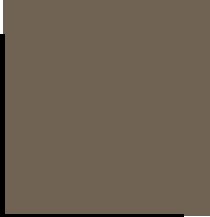

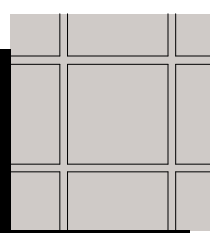

project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

MATERIAL LEGEND

	HARDIEPLANK LAP SIDING SHERWIN WILLIAMS 6244		ACRYLIC STUCCO SHERWIN WILLIAMS 6001		MANUFACTURED STONE
	HARDIE® PANELS AND TRIM SHERWIN WILLIAMS 6001		HARDIE® PANELS WHITE		

drawing title
NORTH ELEVATION - COLOURED

designed	PMC	scale	As indicated
drawn	JB		
checked	PMC		
drawing no.	A3.00b		
plotted	2022-11-25 10:50:46 AM		
	Page 15 of 25		

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 Seal



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

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM 

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project title
GOVERNMENT STREET

RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title
**EAST ELEVATION
 (LINEWORK)**

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		

drawing no.
A3.01a
 plotted 2022-11-25 10:50:57 AM
 Page 16 of 25

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 Seal

- (Level 8 ELEV. ROOF)
69' - 2"
- Level 07 (MAIN ROOF)
63' - 2"
- Level 06 (T/O PLATE)
60' - 2"
- Level 05
51' - 2"
- Level 04
41' - 0"
- Level 03 (TYP. FLOOR)
30' - 10"
- Level 02
20' - 8"
- Level 01 (MAIN)
10' - 6"



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

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM 

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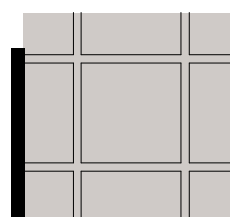

project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

MATERIAL LEGEND

	HARDIEPLANK LAP SIDING SHERWIN WILLIAMS 6244		ACRYLIC STUCCO SHERWIN WILLIAMS 6001		MANUFACTURED STONE
	HARDIE® PANELS AND TRIM SHERWIN WILLIAMS 6001		HARDIE® PANELS WHITE		

drawing title
EAST ELEVATION - COLOURED

designed	PMC	scale	As indicated
drawn	JB		
checked	PMC		
drawing no.	A3.01b		

plotted 2022-11-25 10:51:16 AM
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 Seal



1 SOUTH ELEVATION (KING STREET)
 3/16" = 1'-0"

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title
SOUTH ELEVATION (LINEWORK)

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A3.02a

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 Seal

- (Level 8 ELEV. ROOF)
69' - 2"
- Level 07 (MAIN ROOF)
63' - 2"
- Level 06 (T/O PLATE)
60' - 2"
- Level 05
51' - 2"
- Level 04
41' - 0"
- Level 03 (TYP. FLOOR)
30' - 10"
- Level 02
20' - 8"
- Level 01 (MAIN)
10' - 6"
- Level 00 (PARKADE)
0' - 0"



1 SOUTH ELEVATION (KING STREET)
3/16" = 1'-0"

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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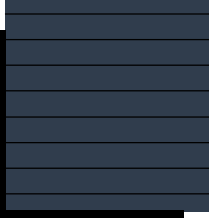
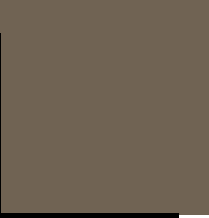

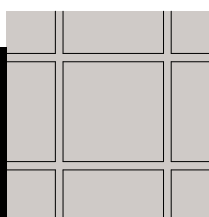

project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

MATERIAL LEGEND

	HARDIEPLANK LAP SIDING SHERWIN WILLIAMS 6244		ACRYLIC STUCCO SHERWIN WILLIAMS 6001		MANUFACTURED STONE
	HARDIE® PANELS AND TRIM SHERWIN WILLIAMS 6001		HARDIE® PANELS WHITE		

drawing title
SOUTH ELEVATION - COLOURED

designed	PMC	scale	As indicated
drawn	JB		
checked	PMC		
drawing no.	A3.02b		
plotted	2022-11-25 11:30:47 AM		
	Page 19 of 25		

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 Seal



- 399.37 m
- 397.54 m
- 396.63 m
- 393.89 m
- 390.79 m
- 387.69 m
- 384.59 m
- 381.49 m
- 378.29 m

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM 

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 www.pmccarch.com

project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

1 WEST ELEVATION (GOVERNMENT STREET)
 3/16" = 1'-0"

designed	PMC	scale	3/16" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.	A3.03a		

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 Any omissions or discrepancies shall be reported to the architect.
 Seal

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP



PATRICK MCGUSKER ARCHITECTURE INC.
 AAA MAIBC MRAIC
 3430 BENOULIN ROAD
 KELOWNA BC V1W 4M6
 Phone: 778-484-0223
 pat@pmcarch.com
 www.pmcarch.com

project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

designed	PMC	scale	As indicated
drawn	JB		
checked	PMC		
drawing no.	A3.03b		

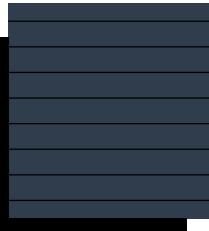
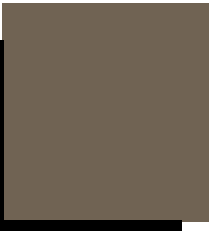

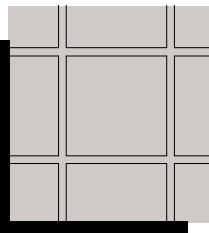
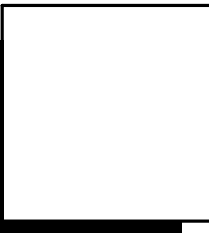
plotted 2022-11-25 11:31:46 AM
 Page 21 of 25



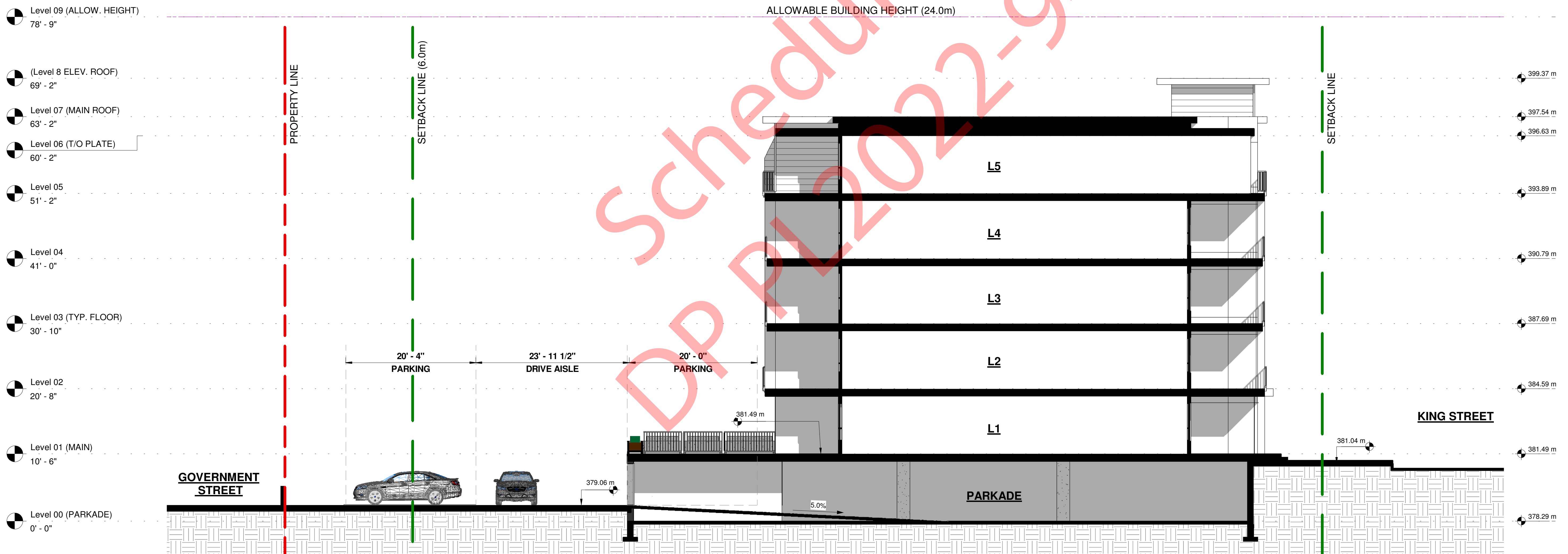
- (Level 8 ELEV. ROOF)
69' - 2"
- Level 07 (MAIN ROOF)
63' - 2"
- Level 06 (T/O PLATE)
60' - 2"
- Level 05
51' - 2"
- Level 04
41' - 0"
- Level 03 (TYP. FLOOR)
30' - 10"
- Level 02
20' - 8"
- Level 01 (MAIN)
10' - 6"
- Level 00 (PARKADE)
0' - 0"

1 WEST ELEVATION (GOVERNMENT STREET)
 3/16" = 1'-0"

MATERIAL LEGEND

	HARDIEPLANK LAP SIDING SHERWIN WILLIAMS 6244		ACRYLIC STUCCO SHERWIN WILLIAMS 6001		MANUFACTURED STONE
	HARDIE® PANELS AND TRIM SHERWIN WILLIAMS 6001		HARDIE® PANELS WHITE		

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 Seal



1 SITE SECTION
 1/8" = 1'-0"

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

PM

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project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

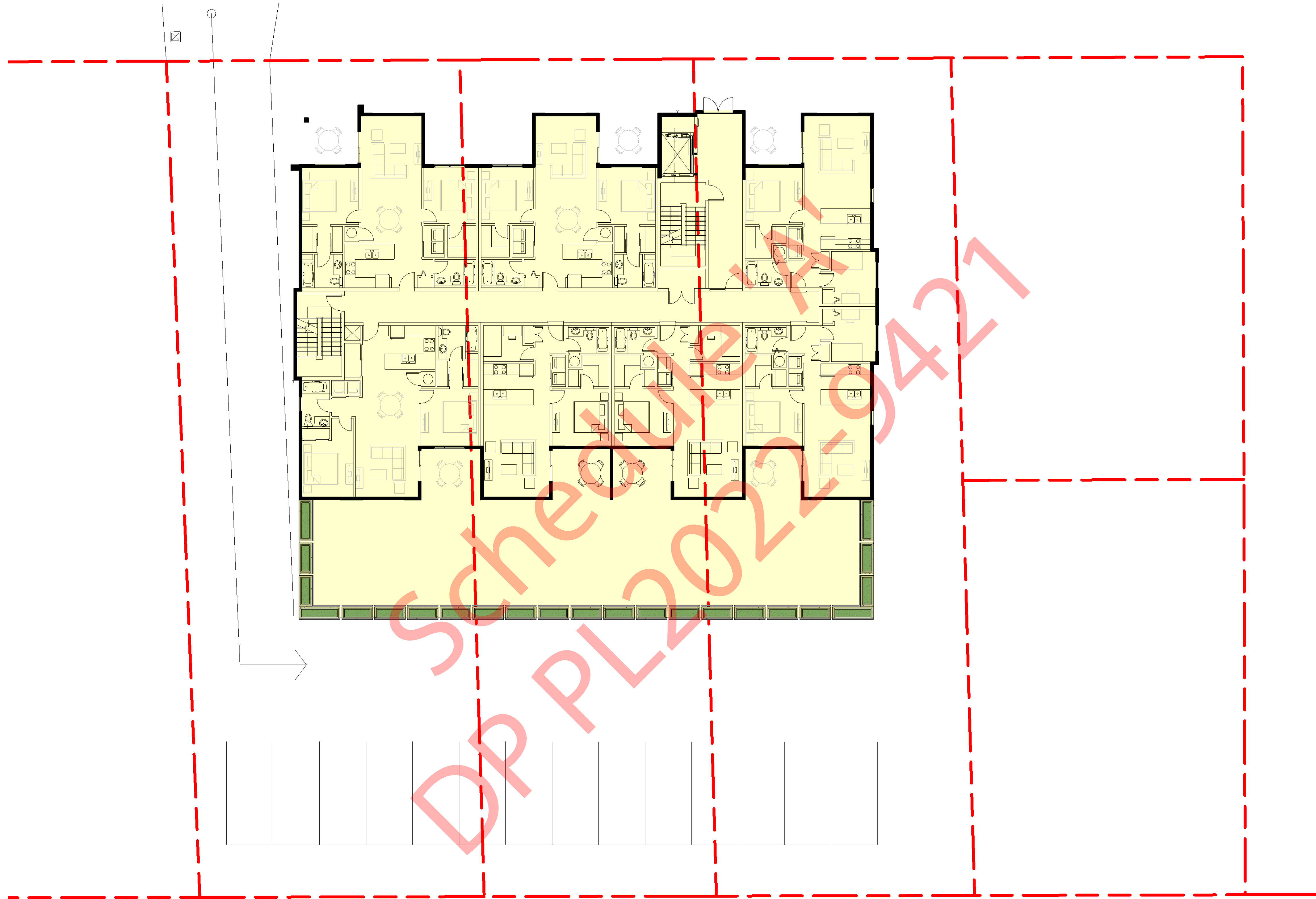
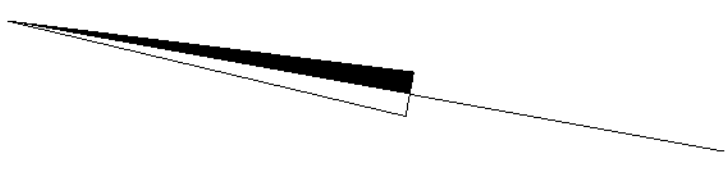
project no. 3400

drawing title
SITE SECTION

designed	PMC	scale	1/8" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A4.01

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 Seal

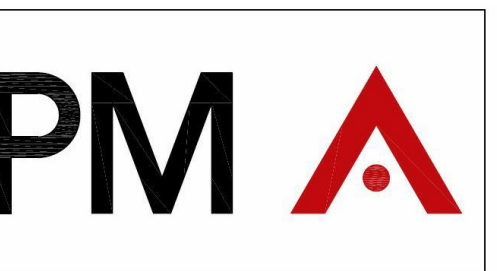


BUILDING FOOTPRINT AREA ANALYSIS

SITE AREA:	24460 SF
BUILDING AREA AT LEVEL 01:	10364 SF
ALLOWABLE COVERAGE:	50%
PROPOSED COVERAGE	43% (ok)

4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

No.	Date	Description
Revisions		



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project title
GOVERNMENT STREET

RENTAL UNITS

PENTICTON, BC

project no. 3400

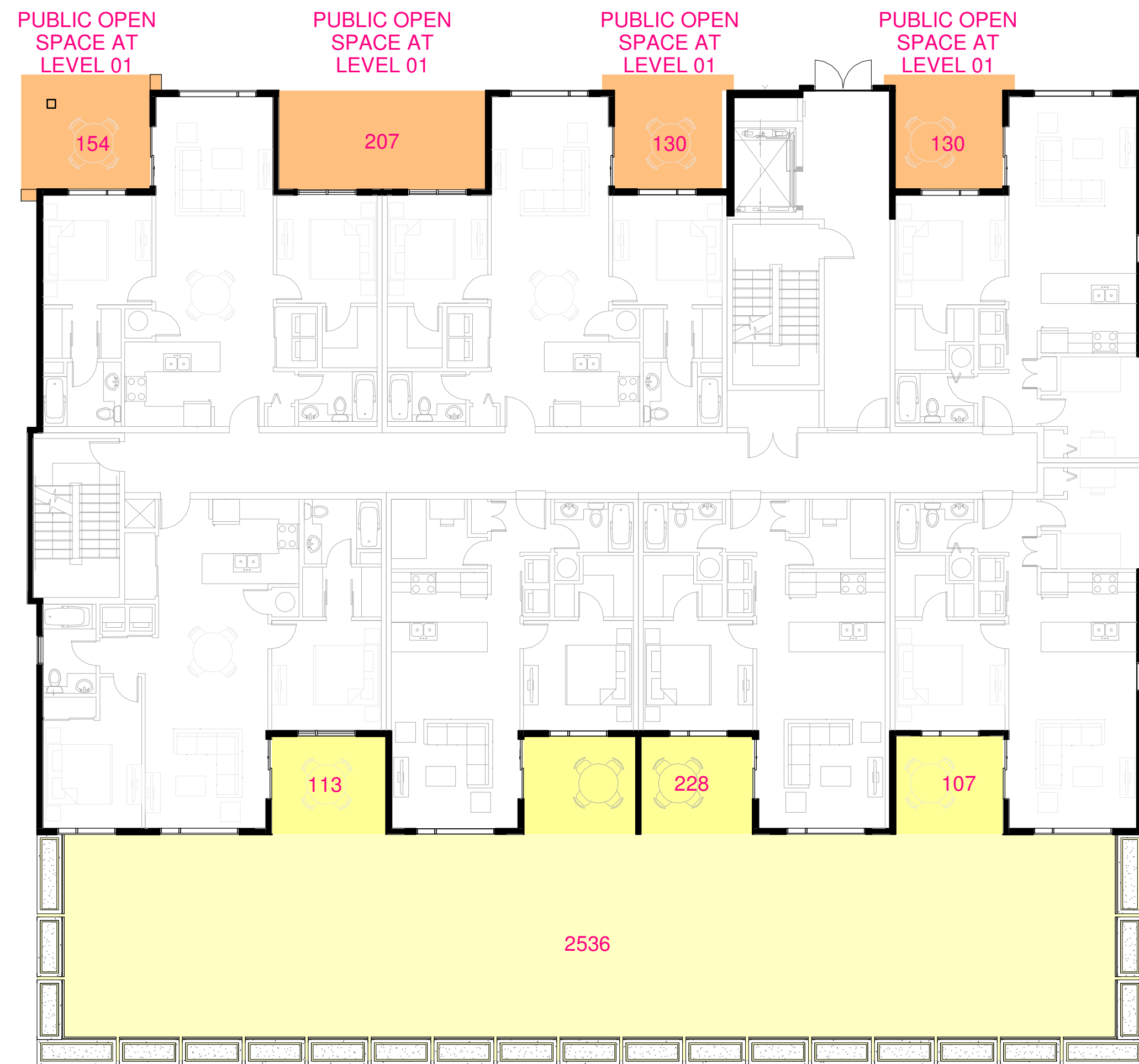
drawing title
**BUILDING FOOTPRINT
 AREA ANALYSIS**

designed	PMC	scale	3/32" = 1'-0"
drawn	JB		
checked	PMC		

drawing no.

A8.01

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 Seal



**LEVEL 01
CALCULATIONS**

154
207
130
130 >>> 621 SF (Subtotal at Level 01)
113
228
107
2536
TOTAL PRIVATE OPEN SPACE LEVEL 01 (SF) 3605 SF

POS - LEVEL 01



**LEVEL 2-4
CALCULATIONS**

154
207
130
130
130
270
137
TOTAL PRIVATE OPEN SPACE LEVEL 02 (SF) 1158 SF
TOTAL PRIVATE OPEN SPACE LEVEL 03 (SF) 1158 SF
TOTAL PRIVATE OPEN SPACE LEVEL 04 (SF) 1158 SF

POS - TYPICAL LEVEL (2-4)



**LEVEL 5
CALCULATIONS**

154
130
130
130
270
137
TOTAL PRIVATE OPEN SPACE LEVEL 05 (SF) 951 SF

POS - LEVEL 05

GRAND TOTAL PRIVATE OPEN SPACE (SF) 8030 SF
--

PUBLIC OPEN SPACE ANALYSIS

4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP

No.	Date	Description
Revisions		

PATRICK MCGUSKER ARCHITECTURE INC.
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project title
GOVERNMENT STREET

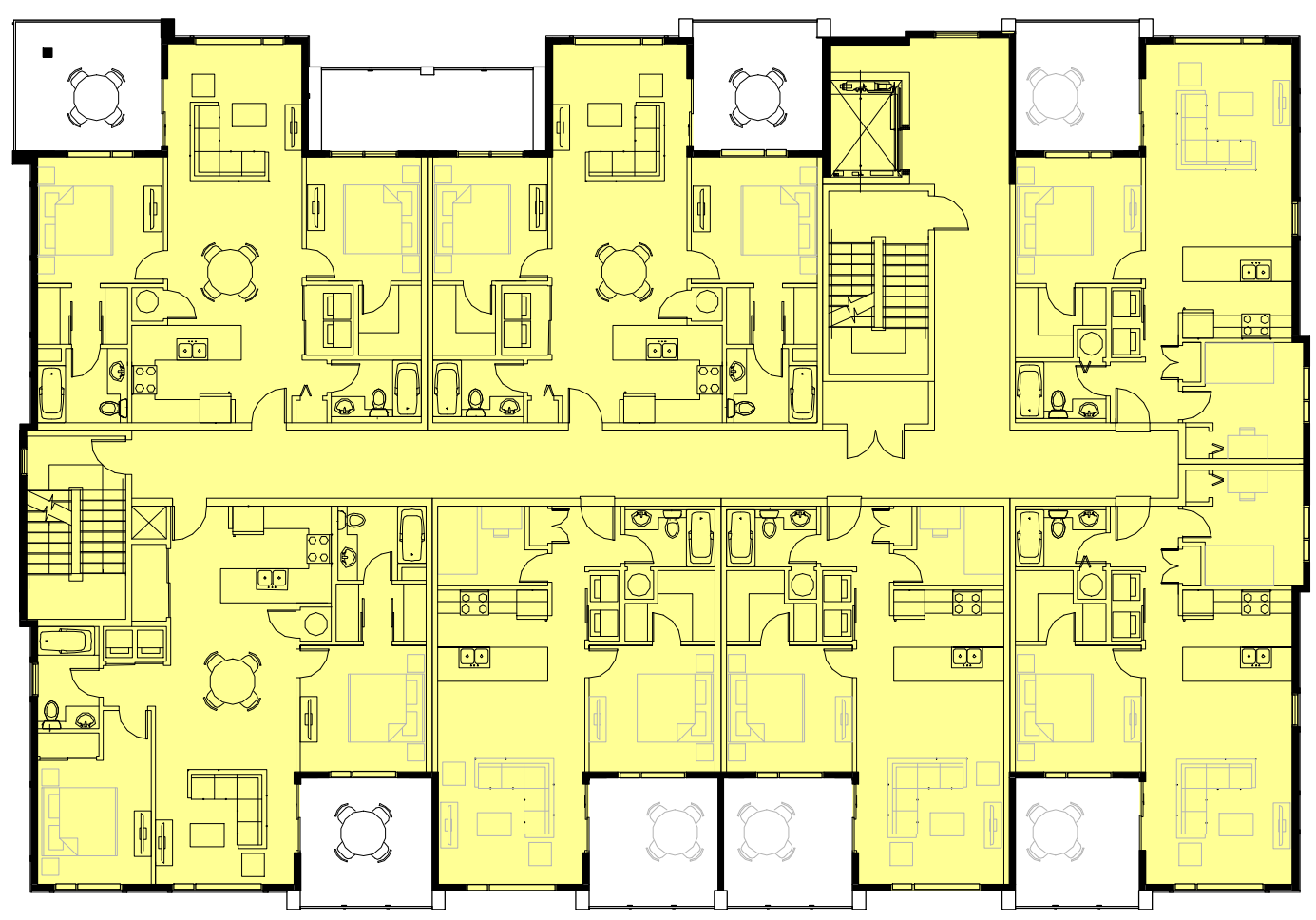
RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title
PUBLIC OPEN SPACE ANALYSIS

designed	PMC	scale	3/32" = 1'-0"
drawn	JB		
checked	PMC		
drawing no.			

A8.04

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 Seal



LEVEL 04 FAR ANALYSIS
 AREA: 7375 SF



LEVEL 05 FAR ANALYSIS
 AREA: 7375 SF



LEVEL 01 FAR ANALYSIS
 AREA: 7375 SF



LEVEL 02 FAR ANALYSIS
 AREA: 7375 SF



LEVEL 03 FAR ANALYSIS
 AREA: 7375 SF

FLOOR AREA RATION ANALYSIS

CALCULATIONS:

FAR RATIO ANALYSIS	
SITE AREA:	24460 SF
TOTAL FLOOR AREA SUM:	36875 SF
ALLOWABLE RATIO:	1.6
PROPOSED RATIO:	1.5 (ok)

Draft Module A
 22-9421

No.	Date	Description
4	20221125	RE-IFDP
3	20221014	RE-IFDP
2	20220922	RE-IFDP
1	20220812	IFDP



PATRICK MCGUSKER ARCHITECTURE INC.
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 pat@pmccarch.com
 www.pmccarch.com

project title
GOVERNMENT STREET
 RENTAL UNITS
 PENTICTON, BC
 project no. 3400

drawing title	
FLOOR AREA RATIO ANALYSIS	
designed	PMC scale 1/16" = 1'-0"
drawn	JB
checked	PMC
drawing no.	

A8.05

From: [Sandra Hamilton](#)
To: [corpadmin](#)
Subject: DVP PL2022-9481
Date: Wednesday, May 31, 2023 1:57:36 PM

Caution! This message was sent from outside your organization.

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

Attn: Corporate Officer

I received the Public Notice regarding the above subject request to "waive the requirement for a landscape buffer".

I am concerned as I live on the south side, 3rd floor, of the adjacent building at 1028 Government St. I object to the proposed 0.0m wide landscape buffer between the properties. All my apartment windows, except one, face south and that would be unacceptable too close even with the width of a driveway included. I feel that I would lose my privates'. Also the proposed building is for 5 floors which would totally block any view and airflow for the entire south side of the apartment building.

Sandra Hamilton
308-1028 Government St.
Penticton, BC



REPLY TO: Chloe Sauder
E-MAIL: chloe@haddock-co.ca
OUR FILE: 1129-001
DATE: June 5, 2023

VIA EMAIL corpadmin@penticton.ca

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

Attention: Corporate Officer, City of Penticton

To Whom It May Concern:

Re: DVP PL2022-9481 (the "Development Variance Permit")

We are the lawyers for Ronald Erickson, owner and landlord of Capital Manor apartments at 1028 Government Street, Penticton, BC V2A 4T7 ("Capitol Manor").

I am advised Mr. Erickson received the Public Notice dated May 25, 2023, concerning the above noted Development Variance Permit on May 31, 2023.

Mr. Erickson opposes the Development Variance Permit for the following reasons:

1. The late receipt of the Public Notice left Mr. Erickson with insufficient time to review and consider the Development Variance Permit's implications on Capital Manor and prepare detailed submissions in time for Council's June 6, 2023 meeting;
2. The applicant has provided insufficient information about the Development Variance Permit;
3. Waiver of a landscape buffer will negatively impact Capitol Manor's value and desirability as a rental residential property that will be next door to the applicant's propose five-storey, 35 unit, purpose built rental apartment building (the "Building");
4. We are advised by Mr. Erickson that surface parking on Government Street is an antiquated practice from the 1950s and 1970s. Mr. Erickson submits that parking for the Building should be undergrown so as to preserve the

greenery of the neighbourhood and to protect the vehicles from the elements.

Thank you for your consideration.

Yours truly,

HADDOCK & COMPANY

Per: 

Chloe Sauder

CS:

Item 8.5
LATE SUBMISSION
DVP PL2022-9481 re 1042, 1050 and 1060 Government Street

From: HAZEL KELLER
Sent: Monday, June 5, 2023 4:13 PM
To: corpadmin
Subject: Proposed 5 storey building on king street

I am very much opposed to this building as it would greatly affect my property values and increased traffic in the area. There is already very little parking on king street Sent from my iPhone

Item 8.5
LATE SUBMISSION
DVP PL2022-9481 re 1042, 1050 and 1060 Government Street

From: HAZEL KELLER
Sent: Tuesday, June 6, 2023 7:16 AM
To: corpadmin
Subject: Fwd: DVP PL 2022-9481

Caution! This message was sent from outside your organization.

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

Sent from my iPhone

Begin forwarded message:

From:
Date: June 6, 2023 at 4:59:43 AM PDT
To:
Subject: Fwd: DVP PL 2022-9481

Would not send maybe you can try

Sent from my iPhone

Begin forwarded message:

From:
Date: June 5, 2023 at 7:24:59 PM PDT
To: corpadmin@pentiton.ca
Subject: DVP PL 2022-9481

I am writing to express my disapproval of this 35 unit apartment
This development will profoundly affect our neighborhood and lifestyle. The
developer doesn't have enough parking for potential tenants let alone any visitors
on site and spill over means we will be fighting for parking on our street we
already have parking issues with the townhouses next door parking in front of our
house

The solution is to scale back on the units so the developers can provide enough
parking

Your Truly

RA Keller

2084 King St

Penticton. V2A4S6

Sent from my iPhone

The Corporation of the City of Penticton

Safe Public Places Bylaw No. 2023 - 06

A bylaw to support a safe, secure and healthy community.

WHEREAS the purposes of a municipality include providing for good government of its community; providing for services, laws and other matters for community benefit; providing for stewardship of the public assets of its community, and fostering the economic, social and environmental well-being of its community;

AND WHEREAS the Council of the City of Penticton wishes to promote well being, quality of life, and community safety for its residents and visitors;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to: persons, property, things and activities that are in, on or near public places; nuisances, disturbances and other objectionable situations;

AND WHEREAS except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place;

AND WHEREAS the *Community Charter* authorizes Council to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place;

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

Citation

1. This bylaw may be cited for all purposes as the "Safe Public Places Bylaw No. 2023-06."

Severability

2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Definitions

3. In this bylaw:

AUTOMATED BANK TELLER MACHINE means a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, withdrawals, deposits, balance inquiries, and mortgage and loan payments, but does not include a personal electronic device;

BUS STOP means a section of a street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

BYLAW ENFORCEMENT OFFICER means every person employed by the City of Penticton for the purpose of enforcement of the City's bylaws and includes members of the RCMP;

CITY means the Corporation of the City of Penticton;

COUNCIL means the Council of the City of Penticton;

CONTROLLED SUBSTANCE means any controlled substance as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act*, 1996 chapter 19, as amended from time to time;

DISORDERLY CONDUCT means causing a public disturbance and, without limiting the generality of the foregoing, includes: engaging in riotous, violent, threatening or illegal conduct; yelling, screaming, shouting; indecency and profane or grossly insulting language; the carrying on of a noxious or offensive business activity; and any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

DRUG PARAPHERNALIA means equipment, product or accessories intended or modified for using a **controlled substance**;

FINANCIAL INSTITUTION includes a bank, credit union, cheque cashing business and trust company;

HARASS means to engage in verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, in person or by any other means of communication;

LOITER means to use or occupy a space other than for its intended purpose or to occupy a space such that it is not usable by others;

PUBLIC PLACE means any place within the City of Penticton to which the public has either express or implied access;

SOLICIT means to ask for money, donations, goods or other things of value whether by spoken, written or printed word, or bodily gesture;

SPIT means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth.

Applicability

4.1 Subject to section 4.2, this bylaw applies to all **public places** in the City of Penticton.

4.2 Section 6.2(d) and s. 6.2(e) do not apply to supervised consumption or overdose prevention facilities operated by or on behalf of Interior Health or BC Housing or personnel operating for or on behalf of Interior Health or BC Housing.

Solicitation

5.1 No person may **solicit** in a manner that causes an obstruction.

5.2 For the purposes of section 5.1 “cause an obstruction” includes:

- (a) to sit or lie on a street or sidewalk in a manner which obstructs or impedes the convenient passage of any pedestrian or vehicular traffic;
- (b) to continue to **solicit** from or impede or otherwise **harass** a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal;

(c) to physically approach and **solicit** from a pedestrian as a member of a group of three or more persons.

5.3 No person shall **solicit** within 10 metres of:

(a) an entrance to a **financial institution**;

(b) an **automated teller machine**;

(c) a **bus stop**;

(d) a daycare centre, schools, or seniors residences;

(e) the entrance to a retail store, without express permission from the retailer;

(f) 200 or 300 block Main Street Breezeways; or

(g) an entrance to City Hall, South Okanagan Event Centre, Penticton Trade and Convention Centre, Community Centre, Cleland Theatre, Memorial Arena, McLaren Arena, Library/Museum, Seniors Drop in Centre, Art Gallery, Japanese Gardens, Gyro Park Bandshell, Kiwanis Walking Pier, Skaha Pavilion.

5.4 No person shall **solicit** from a driver or passenger of a motor vehicle:

(a) while the motor vehicle is parked;

(b) while the motor vehicle is stopped at a traffic control device;

(c) while the driver or passenger is at a gas station and in the act of filling the motor vehicle with fuel; or

(d) in a manner which obstructs or impedes the convenient passage of any vehicular traffic on a street.

5.5 No person shall **solicit** prior to sunrise or after sunset on any given day.

Safe Use of Public Places and Public Nuisances

6.1 While in or on a **public place** or in public view on any private property, a person must not:

(a) participate or engage in **disorderly conduct**;

(b) urinate or defecate other than in a facility designated for this purpose;

(c) undress except in places specifically provided for such purposes;

(d) be nude or clad in an indecent manner;

(e) engage in an indecent act, including masturbation;

(f) carry on or permit an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure;

(g) endanger life, safety, health, property or public peace.

- 6.2 While in or on a **public place**, a person must not:
- (a) **spit**;
 - (b) **spit** on a person;
 - (c) consume or possess an open alcoholic beverage; unless that person complies with the *Liquor Control and Licensing Act*, R.S.B.C., c. 267, has been issued a permit, or is in a designated area that permits the consumption of alcohol;
 - (d) display or use **drug paraphernalia**, except in areas designated as per section 4.2;
 - (e) display or use a **controlled substance**, except in areas designated as per section 4.2;
 - (f) be intoxicated by alcohol or other substance so as to be unresponsive to verbal communication or unable to care for them self;
 - (g) **loiter** and thereby obstruct any other person, including occupying of a portion or feature of a **public place** so as to interfere with its use by others;
 - (h) remain in or refuse to leave a **public place** after it is closed or when ordered to leave by a Bylaw Enforcement Officer, City employee or property owner;
 - (i) **loiter** in any **public place** washroom or change-room or behave in such a manner as to be objectionable to another person using, or in the vicinity of, the washroom or change-room;
 - (j) enter or occupy a place to which the admission of the public is prohibited, unless permission has been granted by an authorized person;
 - (k) climb a building, structure or equipment unless it is designed and intended or provided for climbing;
 - (l) abandon or discard items, including but not limited to litter, other than in a receptacle designated for this purpose;
 - (m) abandon or discard items or property which may inhibit other's ability to safely use or enjoy the **public place**.
- 6.3 Unless expressly authorized, a person must not deface, cut, remove, destroy or damage a tree, shrub, structure, building, traffic control device or other thing or any real or personal property in a **public place**.
- 6.4 No person shall vandalize property by: removing, destroying, damaging, rendering inoperable; causing damage to or altering the appearance, characteristics, or feature; tampering with, mutilating, defacing; or climbing on any building, structure, fixture, chattel, monument, art, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage or ornament.

- 6.5 Section 6.4 shall not apply to any person climbing on a structure, wall or piece of equipment expressly designed for that purpose, including playground equipment or similar recreational equipment.
- 6.6 No person shall occupy or lie horizontally across a bench located at a **bus stop** so as to interfere with the ability of another person to use the bench.

Seizure of Thing Unlawfully Occupying Public Place

- 7.1 A **bylaw enforcement officer** may seize a thing unlawfully occupying a portion of a highway or **public place**, and without limiting the generality of the foregoing, may seize a thing unlawfully in a **public place** contrary to this bylaw.

Obstruction of Bylaw Enforcement Officer

- 8.1 Every person who interferes with, hinders or obstructs a municipal officer or employee in the exercise or performance of their powers, duties or functions, including by:
- (a) refusing to provide identification (name, address if applicable and date of birth) to a Bylaw Enforcement Officer investigating a violation of this bylaw;
 - (b) interfering with, or attempting to obstruct a Bylaw Enforcement Officer who is conducting enforcement action in relation to this bylaw;
 - (c) providing false or misleading information to a Bylaw Enforcement Officer; or
 - (d) failing to cease any activity or conduct that is in contravention of this Bylaw when directed to do so by a Bylaw Enforcement Officer;

is guilty of an offence.

Offence, Penalties and Enforcement

- 9.1 Every person who:
- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
 - (b) fails to comply with any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required under this bylaw; or
 - (d) who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw; is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to the maximum penalties as specified in section 263(1)(b) of the *Community Charter*.
- 9.2 For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

READ A FIRST time this	21	day of	March, 2023
READ A SECOND time this	16	day of	May, 2023
READ A THIRD time this	16	day of	May, 2023
ADOPTED this		day of	, 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2023-16

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. 2023-16".

2. Amendment:

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


Rezone Lot 9 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3348, located at 517 Alexander Avenue, from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill).

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

READ A FIRST time this	2	day of	May, 2023
A PUBLIC HEARING was held this	16	day of	May, 2023
READ A SECOND time this	16	day of	May, 2023
READ A THIRD time this	16	day of	May, 2023
RECEIVED the approval of the	23	day of	May, 2023
Ministry of Transportation on the			
ADOPTED this		day of	, 2023

Notice of intention to proceed with this bylaw was published on the 5th day of May, 2023 and the 10th day of May, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
 this 23rd day of May, 2023



for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

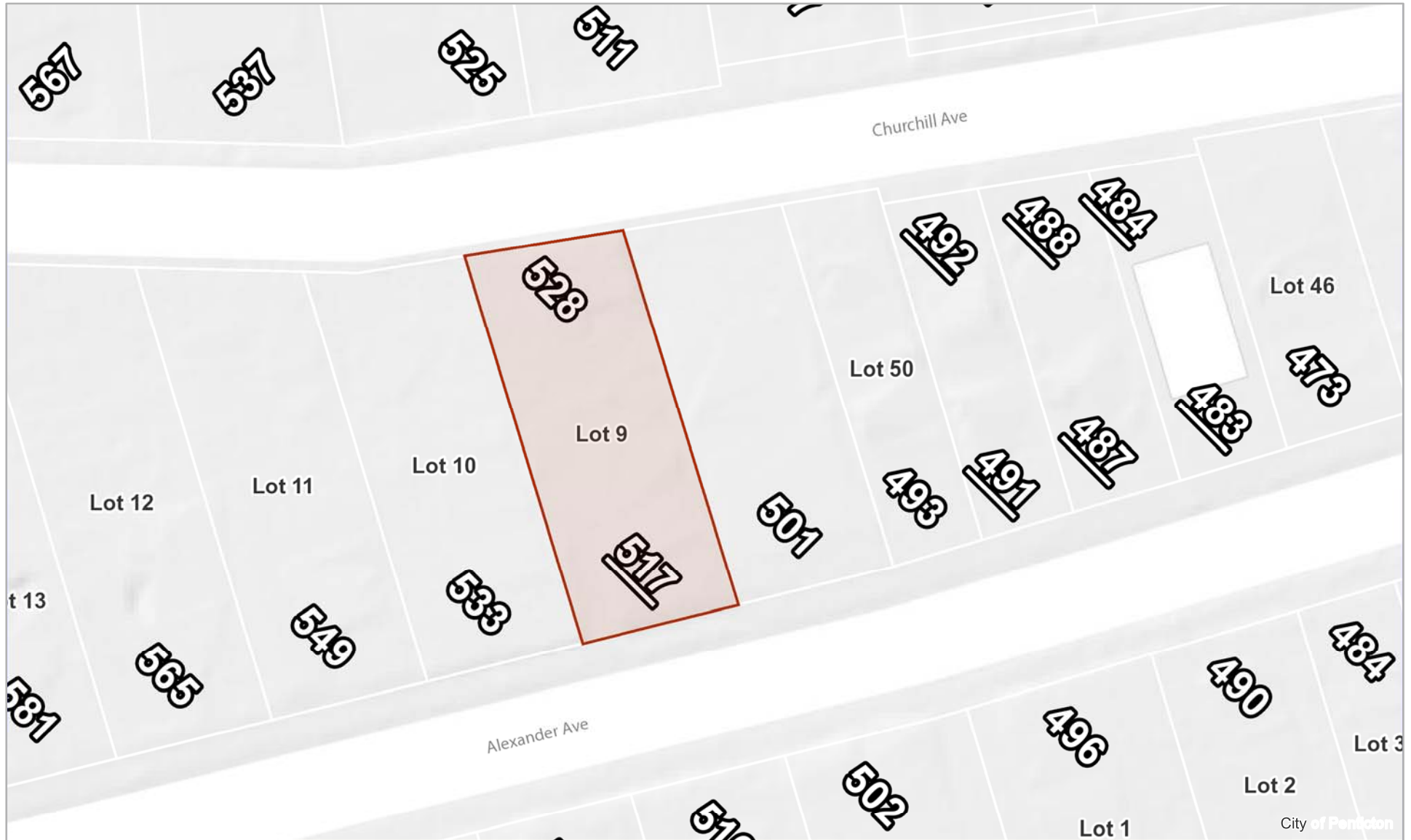
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-16

Date:

Corporate Officer:

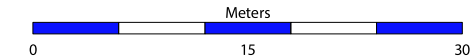


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Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2023-17

A Bylaw to Establish a Growing Communities Reserve Fund

WHEREAS the Province of British Columbia has provided one-time funding from the Growing Communities Fund to address the increasing need for infrastructure and amenities to serve population growth in a way that reflects each unique community;

AND WHEREAS Section 188 of the Community Charter authorizes Council to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund;

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 "Growing Communities Reserve Fund Bylaw No. 2023-17".

2. Purpose:

- 2.1 The "Growing Communities Reserve Fund" is hereby established for the purpose of expenditures for or in respect to capital infrastructure.
2.2 Monies from the Government of BC Growing Communities Fund will be directed to the "Growing Communities Reserve Fund".
2.3 Any and all amounts in the "Growing Communities Reserve Fund", including any interest earned or accrued, must be used only for eligible capital and planning purpose expenditures as defined by the Province of British Columbia's Growing Communities Fund program.
2.4 If any section, subsection, paragraph, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST time this 16 day of May, 2023
READ A SECOND time this 16 day of May, 2023
READ A THIRD time this 16 day of May, 2023
ADOPTED this day of , 2023

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer