



Council Report

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Date: October 5, 2021 **File No:** RMS/955 Timmins Street
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 955 Timmins Street
Subject: **Official Community Plan Amendment Bylaw No. 2021-35**
Zoning Amendment Bylaw No. 2021-36

Staff Recommendation

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2021-35", and in accordance with Section 475 of the *Local Government Act*, Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67;
5. The provincial or federal government and their agencies.

AND THAT it is determined that the community engagement period carried out from July 26, 2021 to August 29, 2021 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2021-35", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot 2 District Lots 1, 2 and 4 Group 7 Similkameen Division Yale (Yale-Lytton) District Plan 36021, located at 955 Timmins Street, from 'Industrial' and 'Urban Residential' to 'Urban Residential';

AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-36", for Lot 2 District Lots 1, 2 and 4 Group 7 Similkameen Division Yale (Yale-Lytton) District Plan 36021, located at 955 Timmins Street, a bylaw to rezone the subject property from 'M1 (General Industrial)' to 'RM3 (Medium Density Multiple Housing)';

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2021-36", require the developer to contribute \$110,000.00 for traffic calming and increased safety measures on Moosejaw Street and that these works be included into the 2022 Capital Works Plan;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-36", endorse the removal of 24 City trees, located along the boulevard area on the west side of Timmins Street as shown in the Arborist Report, at the time of Development Permit issuance, and require replacement of these trees at a 1:1 ratio;

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2021-35" and "Zoning Amendment Bylaw No. 2021-36" to the October 19, 2021 Public Hearing.

Strategic Priority Objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Executive Summary

The City has received an application package for a multi-family development at 955 Timmins Street (the "subject property"). The applicant intends to construct a mixture of townhouse and apartment units (total 219 units) over the property. The proposed development includes 71 townhouses that provide 3-bedroom units, and 2 apartment buildings that provide a mixture of studio, 1- and 2-bedroom units (Figure 1). The application package proposes to amend the Official Community Plan (OCP) Future Land Use Designations and zoning on the subject property in order to facilitate the proposed development.

Upon receiving the application package, staff prepared a report to Council recommending endorsement of the community engagement plan to be carried out in keeping with the Community Engagement Procedure for OCP Amendments. On July 20, 2021, Council endorsed the engagement plan, which took place between July 26, 2021 and August 29, 2021.



Figure 1 - Proposed Site Layout

This reports contains staff's analysis of the City's future land use policies relating to the proposed development. This report also provides a summary of the results from the community engagement period and discusses the amendments made to the proposal by the applicant as a result of the community engagement. Staff are recommending that Council give first reading to the OCP and Zoning Amendment Bylaws and forward them to the Public

Hearing on October 19, 2021, to give the public an opportunity to speak directly to Council on the proposed development.

Proposal

The applicants are proposing a multi-family development on the property located at 955 Timmins Street that features a mix of townhouse and apartment units (total 219 units). In order to facilitate the proposed development, the applicants are requesting the following:

1. To amend the Official Community Plan (OCP) future land use designation on the subject property from 'Industrial' and 'Urban Residential' to only 'Urban Residential', and
2. To amend the zoning on the property from M1 (General Industrial) to RM3 (Medium Density Multiple Housing).

This report will also present the engagement summary from the public engagement period that occurred between July 26, 2021 and August 29, 2021 to seek feedback from the community on the proposed development.



Figure 2 - Apartment on Lot 1



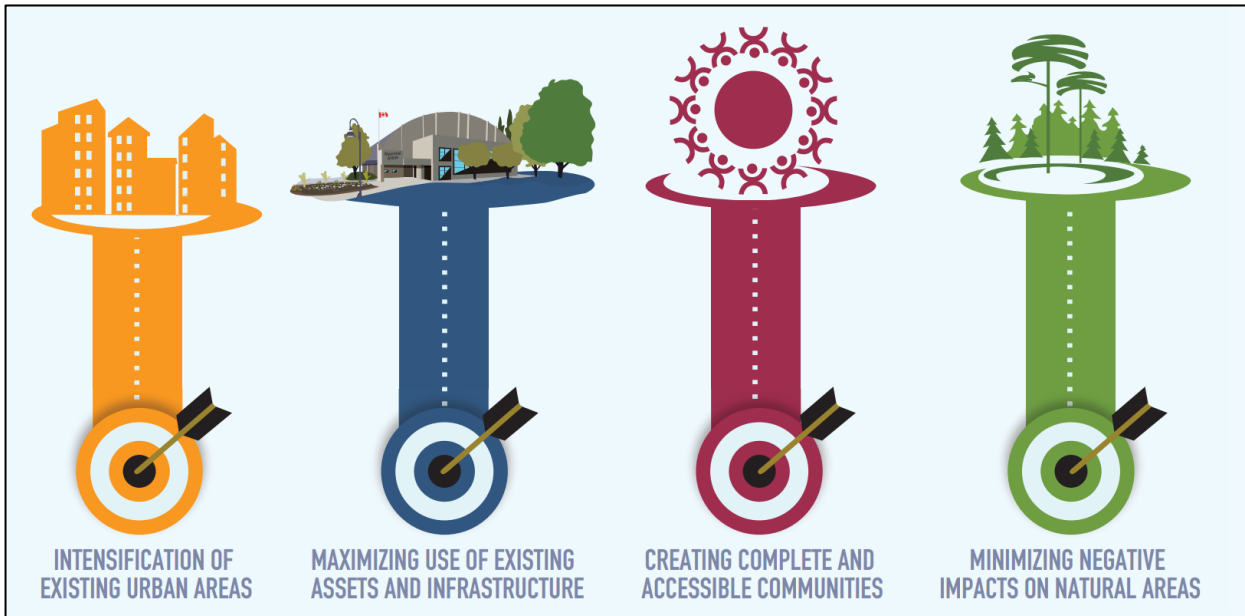
Figure 3 - Typical Townhouse

Background

Official Community Plan

The Official Community Plan Bylaw No. 2019-08 was adopted in August 2019, establishing a vision for Penticton's growth over the next 30 years and beyond. It provides strategic policies and direction for meeting that vision. The plan, however, is not meant to be a static document; it includes a process, through meaningful community consultation, where amendments to the plan may be considered as long as the vision and intent remains intact.

The OCP considers population growth and creates a growth plan for how the anticipated growth can be accommodated. Penticton's growth plan places great emphasis on strategic and sensitive use of our limited land base. It recognizes that we must make the most efficient use of the land and infrastructure we have available, and also protect the natural environment that many residents value.



The OCP identifies a growth rate of 0.65% per year up to 2045, however this growth may not occur as a steady increase each year. There may be times over the next 25 years where the City sees substantial development and growth, and perhaps other times where the growth and pace of development is slower.

Council recently adopted the *Community Engagement for OCP Amendments Procedure*, which outlines how public engagement for Official Community Plan amendments should occur. At the July 20, 2021 Council meeting, Council directed staff to begin engagement following this procedure. The purpose of the engagement was to share information and gather public feedback on the proposal. A summary of this engagement is included in this report.

Property Description

955 Timmins Street is located within the northwest area of the City (Figure 4) and is currently being utilized as an industrial property, under the current M1 (General Industrial) zoning. The property is currently the business location of the Radek Group, which is a home builder company based in Penticton.



Figure 4 - Property location map

In 2018, the City received development applications that, similar to the current proposal, proposed to amend the Official Community Plan designation from industrial to allow for multi-family residential. The proposal at the time proposed urban residential only at the southern portion of the property (Figure 5). Staff and the applicant worked through the applications at the time, however there were concerns with site contamination (Ministry of Environment), and Zoning Bylaw requirements including parking, amenity space and setbacks that could not be resolved. Due to these concerns, a significant period of inactivity on the proposal, and the adoption of a new Official Community Plan, the 2018 development applications were cancelled in late 2020/early 2021.

Since the cancellation of the previous applications, the applicant has completed the following adjustments to make the development proposal available for consideration by Council, staff and the community:

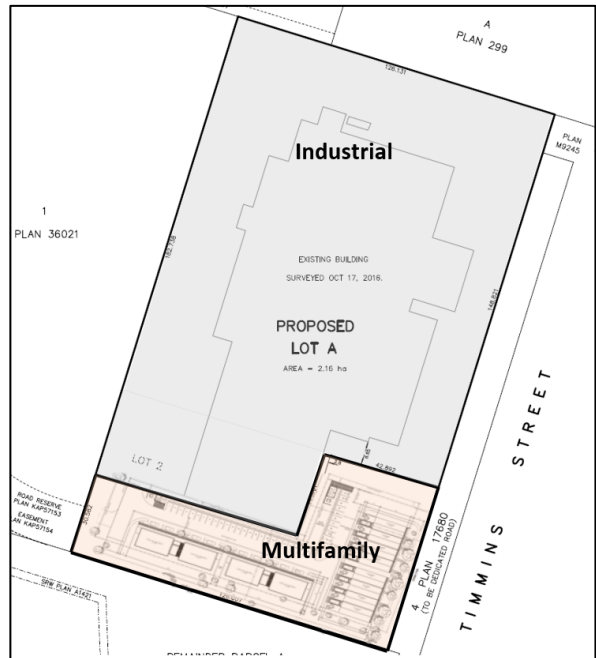


Figure 5 - 2018 Development Proposal Sketch

1. Received release letter providing support from the Ministry of Environment to proceed with subdivision and zoning applications. The Ministry of Environment will be consulted throughout subsequent steps of the proposed development, should it proceed.
2. Successfully meeting zoning bylaw requirements including parking, amenity space and setback requirements. Contrary to the previous development applications, the proposed development is being proposed without needing any variances at this time.

Subject Property Context:	
Current Use:	Industrial
Total Parcel Size:	2.68 hectares (6.644 acres)
Current Zoning:	M1 (General Industrial)
Current OCP Land Use Designation:	Industrial Urban Residential
Neighbouring Uses	
North:	Parks (King's Park)
East:	Single Family Residential (Timmins Street)
South:	Institutional (Okanagan College)
West:	Commercial (Canadian Tire)

Required Subsequent Applications upon Approval

The current proposal would change the use on the property and allow the lands to redevelop into multi-family residential, featuring a mix of townhouses and low rise apartments through a number of phases. The following table outlines the planning applications that would be required for the proposed development to proceed (prior to any building permits being issued):

Application Required	Description	Approval Authority
Official Community Plan Amendment Bylaw	To amend the future land use designation on the subject property from 'Industrial' and 'Urban Residential' to 'Urban Residential'.	Council with community engagement. Public Hearing required.
Zoning Amendment Bylaw	To amend the zoning on the subject property from M1 (General Industrial) to RM3 (Medium Density Multiple Housing).	Council Public Hearing required.
Development Permit	To approve the form and character of the multi-family residential development	Council
Subdivision and Phased Strata	To subdivide the property into two land parcels to allow for phasing of the development.	Approving Officer (City Staff)

Financial Implications

Engagement Procedure

In accordance with the Fees and Charges Bylaw, the applicant was required to pay a recently introduced fee (\$5,500.00) to account for the required engagement for OCP Amendments in the City. This fee accounts for the staff time and resources that it takes to prepare and operate the engagement period for the proposal. This fee is in addition to the standard applicable fees also required for Zoning Amendments.

Traffic-Calming Improvements

Through the engagement period, the largest concern that was raised from the community was regarding the increase of traffic as a result of the proposed development (see Engagement Summary section for full details). Upon the completion of the engagement period, staff and the applicant met several times to discuss ways to address this concern. As a result of the engagement feedback, the applicant's understanding of the current traffic concerns on Moosejaw St, and the applicant's desire to try to address these concerns, the applicant has agreed to provide the City with a \$110,000.00 contribution, to be used exclusively for traffic-calming measures on Moosejaw St (see Traffic Impact Assessment section for full details). These traffic calming measures would be included in the 2022 Capital works program.

Development Cost Charges

The applicant will be required to pay Development Cost Charges (DCCs) at the time of building permit issuance for the proposed development. DCC rates will be in accordance with the 2021 rates as per the Development Cost Charges Bylaw No. 2007-79, at \$6,671.50 per multi-family residential unit, totaling \$1,461,058.50 overall (219 units). DCCs are intended to help offset the added demand on municipal services from new development.

Technical Review

The application was reviewed by the City's Technical Planning Committee (TPC). The committee is made up of City staff in various departments who review development applications. As the current applications are for OCP and Zoning Amendments, comments at this time were high level. At the time that the applicant proceeds to subdivision and development permit applications, the proposal will be referred back to the TPC group to review more specific details and ensure the plans conform to all City standards and bylaws.

Site Identification (Contaminated Sites)

The site contamination process is a series of legal provisions in the *Environmental Management Act* (EMA) and Contaminated Sites Regulation (CSR) that work together with municipal legislations (such as the *Local Government Act*) to: 1) identify potentially contaminated sites; 2) ensure contaminated sites are cleaned up before they are redeveloped for a new use; and 3) provide basic site information to the public through the Site Registry. The City works with the Ministry of Environment to identify sites that have contamination. Properties with current, or a history of, specified industrial and commercial uses are required to submit a Site Disclosure Statement for rezoning, development permit, subdivision and building permit applications.

For the subject application, the applicants have provided City staff with a release notice from the Ministry of Environment that allows staff to proceed with the current OCP and Zoning amendment applications (Attachment 'H'). City staff will ensure that the Ministry of Environment is notified and informed of any subsequent applications for the subject property. The applicant will need to work with the Ministry prior to applications for development permits, subdivision and building permits.

Boulevard Trees

The applicant has provided a design that considers the existing boulevard trees along the Timmins Street boulevard area. Early in the application, staff identified the need for a tree assessment to be completed to assess the health and ownership of the existing trees. As such, the applicant contracted a professional arborist who reviewed all trees in the boulevard and private property area in front of the subject property on Timmins Street. The applicant also hired a BC Land Surveyor, who surveyed the property line between the subject property and the City boulevard to determine if the trees are private or City-owned.

The arborist report was prepared and reviewed with the Parks Department who are in agreement with the conclusions contained in the report. Generally, there are a number of mature trees that exist in this boulevard area, however there are also a number of trees that are in poor health, are invasive, or are too close to another tree in better health and the close proximity compromises the health of both trees. The arborist report and staff are recommending that 24 City owned boulevard trees be removed at the time of Development Permit issuance for the proposed development. This would ensure that the trees are not removed prior to the development proceeding. The applicant and Parks Department staff will continue to work closely throughout the removal process. The arborist report with its findings has been included as Attachment 'J' of this report.

Traffic Impact Assessment

Staff required the developer to undertake a Traffic Impact Assessment (TIA) as part of this development submission. Addoz Engineering Inc. was hired by the applicant to complete the TIA. The TIA examined the impact of the proposed development on Timmins St and Moosejaw St, and all intersections along Moosejaw

St between Eckhardt Ave E and Duncan Ave E. Pre-existing traffic count data collected by the City supplemented the traffic count data collected by Addoz Engineering. A copy of the final TIA is included in this report as Attachment 'I'.

The TIA concluded that the current road network operates well and the addition of the extra traffic generated from the proposed development does not significantly impact the operation of the existing traffic networks. Under the future conditions, there is no requirement to upgrade the functionality of any of the intersections.

This conclusion is in line with the pre-existing investigations carried out by the City. In studies undertaken by the City since 2018 and the recent 2020 Transportation Master Plan, no upgrades to the intersections along Moosejaw St were warranted.

Staff acknowledge that over the engagement period, the local community identified traffic as a top concern with the proposed development. As such, the local community completed their own traffic report. This report was not completed by a qualified professional, or following any recognized traffic impact assessment methodology. The community report did include an independent traffic count that supported the traffic counts within the Addoz Engineering report and according to the report, "the counts from the two studies are in good agreement". The community report questions the decision to carry out the traffic count during "COVID" and states that the conclusions of the Addoz Engineering report are "unsubstantiated" because the counts Addoz Engineering completed were during COVID (when less vehicles may be counted in comparison to pre- or post-COVID).

Addoz Engineering reviewed the traffic count data collected as part of their study in addition to the pre-existing traffic count data collected by the City (completed pre-COVID). Based on their professional opinion they did not believe that further modification of the collected traffic data was required; the justification for this is included within their report. In summary, Addoz Engineering felt that the peak traffic data collected and contained within their report is an accurate representation of the peak traffic data for the road network.

Through the engagement period, the local community raised a number of traffic concerns with the current road network. A comment that staff heard from many was, why the proposed development is being accessed from Timmins St and not through the adjacent Canadian Tire property to Highway 97.

The subject property does not have frontage onto Highway 97, and the land separating the subject property and Highway 97 is privately owned land. Further, standard to any zoning amendment application within proximity of a provincial highway, City staff sent a referral to the Ministry of Transportation and Infrastructure, notifying them of the proposed development. The Ministry of Transportation and Infrastructure provided staff with a Preliminary Approval Conditions Letter (Attachment 'G'), that specifically states "no direct access to Highway 97 via the adjacent Canadian Tire property. All access via the local street (Timmins Street)." The letter further states as a requirement, that there be "physical closure of the connection between the subject property and the adjacent Canadian Tire property, with a combination of hard and soft landscaping." With both of these significant considerations in mind, the applicant is utilizing the existing road networks from Timmins Street in their designs.

Other traffic concerns raised by the community addressed operational issues of the current road network and the potential impact that the development may have on these conditions. The main concerns raised by

the local residents include the following, which are concerns that currently exist, and residents are concerned will be worsened as a result of the increased traffic:

1. Excessive vehicle speeds along Moosejaw St,
2. Vehicles not stopping for people on the pedestrian crossing at Eckhardt Ave E and Moosejaw St,
3. Concerns for pedestrian safety when crossing at Moosejaw St and Scott Ave due to the lack of crossings and the speeds of vehicles travelling along Moosejaw St,
4. Concerns for pedestrians crossing at Conklin Ave and Scott Ave due to the lack of crossings and the speeds of vehicles travelling along Moosejaw St,
5. Excessive wait times for vehicles trying to enter onto Eckhardt Ave E from Moosejaw St,
6. Poor sightlines from Moosejaw St at the intersection with Eckhardt Ave E, and
7. Parking issues during large sporting events at Kings Park.

Through staff's review of these concerns, it was identified that "no parking" signs were not currently installed around the crosswalk on Eckhardt Ave E, at the Moosejaw St intersection. As such, City crews have already been tasked with installing this signage. The no parking areas on either side of the crosswalk will improve the sightlines at this intersection, making it easier for vehicles to safely enter onto Eckhardt Ave E, and to see pedestrians preparing to cross Eckhardt Ave E.

The current situation of vehicles speeding along Moosejaw St is not an issue caused by the proposed development. The City did complete a study of the vehicle speeds along Moosejaw St in 2017 and it concluded that the 85th percentile speed was 51 km/h. This investigation did not identify any significant speeding issue on the street. Separate to this development application, the City's Engineering Department will be installing the speed monitoring equipment back into Moosejaw St to review the speeds. This will not be occurring until later in the year, once the college is back with in-person classes.

Although concerns with vehicle speed and the safety of pedestrians crossing at Eckhardt Ave E are not caused by the proposed development, the applicant does believe that the local community will benefit by these concerns being addressed. Working together, Staff and the applicant have identified two projects that would improve the traffic impacts identified by the community.



Figure 6 - Proposed Concept at Moosejaw St and Scott Ave

The applicant has volunteered to provide funds to the City to allow for the construction of traffic calming measures at the intersection of Moosejaw St and Scott Ave. This will include the creation of “bulb-outs” on all four corners of the intersection to narrow the road. The concept design is shown in Figure 6.

The applicant has also volunteered to fund the installation of pedestrian activated flashing lights on the Eckhardt Ave E pedestrian crossing at Moosejaw St (Figure 7). This aim of this is to increase the visibility of pedestrians when crossing Eckhardt Ave E. This, combined with the additional “No Parking” signage area, will greatly increase the visibility of pedestrians.

Staff determined the estimated cost for the proposed installations, and the applicant has volunteered to pay the amount of \$110,000.00 for the construction of the traffic calming measures as discussed, on the condition that the City complete the works as part of their 2022 Capital Works Plan. The developer acknowledges that the final design may change, but the overall locations and impact will not be altered.



Figure 7 - Example of pedestrian lights to be installed

Community Engagement Summary

On July 20, 2021, Council endorsed the community engagement plan in accordance with the Community Engagement Procedure for OCP Amendments. Staff launched the engagement period on July 26, 2021, utilizing the Shape Your City Penticton webpage platform as the main tool for sharing information and gathering public feedback on the proposed development. An information booth was set up at City Hall as an alternative option of providing feedback for those who prefer paper or do not utilize the internet.

To advertise the engagement period, staff completed the following:

1. Mailed notices to property owners and tenants within 150m of the subject property,
2. Posted signs (2) on the subject property,
3. Reached out directly to stakeholder groups,
4. Issued a news release,
5. Placed advertisements in local newspapers, and
6. Conducted two information sessions; one online and one at the Farmers’ Market.

Approximately 30 people attended the online information session, and the Farmer’s Market was well attended, with interactions with 50 + people. The intent of both information sessions was to inform community members, share accurate information on the proposal and the process, and indicate how and where community members can share their comments, concerns and feedback on the proposal. All engagement sessions were hosted in accordance with Provincial Health Orders at the time. The engagement period closed on August 29, 2021.

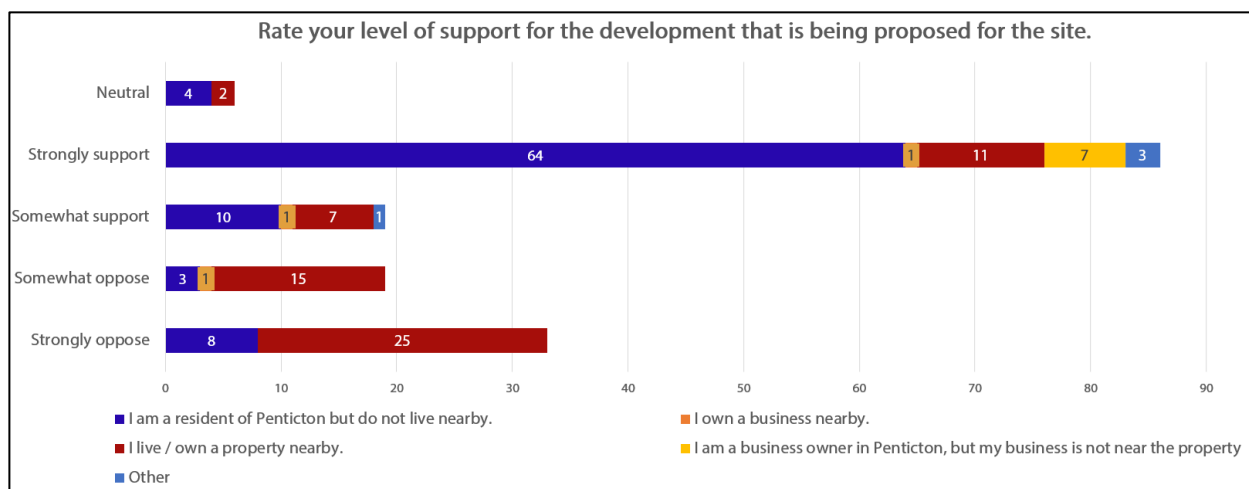
The community engagement for this proposal was completed prior to Council considering first reading of the OCP and Zoning Amendment Bylaws. The intent of the community engagement period was to gather comprehensive community feedback, and ensure an opportunity was provided for the applicant to consider the feedback and concerns of the community in their design proposal. This also helps to inform staff’s analysis and Council’s decision on the development proposal.

Staff reached out to stakeholder groups including the Regional District of Okanagan Similkameen, Penticton Indian Band, School District #67, Interior Health, Okanagan College and the Penticton Industrial Development Association. Letters were received from the Regional District of Okanagan Similkameen, Interior Health, and the Penticton Industrial Development Association.

The following is a summary of the key findings from the feedback forms collected during the engagement period:

1. 163 feedback forms were received in total, either through shapeyourcitypentiction.ca or paper copies submitted to staff.
2. 55% of respondents are residents of Penticton, but do not live near the subject property. 37% live or own a property near the subject property.
3. The majority of respondents either strongly support (53%) or somewhat support (12%) the development, while strongly oppose (20%) or somewhat opposed (12%).
4. The majority of respondents that strongly oppose the development live or own property nearby the subject property (25 of the 33 respondents who strongly oppose).
5. Although the majority of respondents were in support of the proposal, nearly half (47%) of respondents identified that they had concerns with the proposal, including:
 1. Increased traffic on surrounding residential streets and intersections,
 2. Existing traffic issues on Moosejaw St that need traffic calming,
 3. Special concern for children having to cross Eckhardt Ave W to go to Queen’s Park Elementary,
 4. Desire to see access to the development be from Highway 97 as a solution,
 5. Too much density for this area of the City,
 6. Adequate parking must be provided or it will overflow onto the residential streets,
 7. Loss of industrial land, and
 8. Mature trees along Timmins Street should be saved.

The following chart shows the feedback form results to the questions **“Rate your level of support for the development that is being proposed for this site”**, relative to the participant’s interest in completing the form:



Amendments Completed as a Result of Engagement

The engagement period was led by Planning Department staff with assistance from the Communications Department. Throughout the engagement period, the applicant continued to show progression on the application, working through items that came through as clear concerns early in the engagement period (including traffic increases and protection of boulevard trees). The applicants listened quietly through the engagement period, to ensure that they heard a fair representation of comments and concerns from the community and nearby neighbours. Once the engagement period closed, staff shared the results to the public (via Shape Your City) and the applicant.

Shortly after the closing of the engagement period, staff and the applicant met to discuss amendments to the proposal. The following items are amendments that the applicant has made to their plans to address the concerns raised by the public (see Letter of Intent (Attachment 'D') that indicates changes made):

1. Amended the site layout:
 1. Proposed Lot 1 now contains only an apartment building (townhouse units have been moved to Lot 2 only),
 2. Proposed Lot 1 boundary now aligns with the current Urban Residential OCP designation on the property,
2. Both driveway access points have been relocated, resulting in more trees being preserved:
 1. The north entrance now aligns with Scott Avenue, which is more desirable from an engineering perspective,
3. Reduced the overall unit count by 10 units. 10 townhouse units were removed, to assist with addressing density and parking concerns,
4. Adjust design to account for retaining healthy trees within the boulevard and private property areas along Timmins Street frontage,
5. Amended TIA to consider other intersections (Conklin Ave and Duncan Ave E), and
6. Applicant offered to contribute \$110,000.00 for traffic calming, even though this was not identified within Traffic Impact Assessment.

Development Statistics

The development plans are proposing 71 townhouse units and 148 apartment units (split between two apartment buildings) over 2 phases of development. The following table outlines how the proposed development meets the applicable Zoning Bylaw:

	RM3 Zone Requirement	Proposed Phase 1	Proposed Phase 2
Proposed Development		1 apartment building (70 units)	1 apartment building (78 units) 71 townhouse units
Total Units Proposed: 219 units		70 units	149 units
Lot Area:	1400 m ²	5,306.9 m ²	21,587.2 m ²
Maximum Density:	1.6 Floor Area Ratio (FAR)	0.77 Floor Area Ratio (FAR)	0.76 Floor Area Ratio (FAR)

	RM3 Zone Requirement	Proposed Phase 1	Proposed Phase 2
Maximum Lot Coverage:	50%	22%	35.2%
Vehicle Parking:	1 per unit + 0.25 visitor spaces	Required: 87 parking spaces Provided: 87 parking spaces	Apartment required: 97 parking spaces Provided: 157 parking spaces (1.61 per unit) Townhouse requires: 93 parking spaces Provided: 142 parking spaces (2 per unit)
Bicycle Parking:	Class 1: 0.5 spaces per dwelling unit	Required 35 spaces Provided: 36 spaces	Required: 39 spaces* Provided: 80 spaces
	Class 2: 0.1 spaces per dwelling unit	Required: 7 spaces Provided: 8 spaces	Required: 15 spaces Provided 16 spaces
Maximum Height Principal building:	24 m	Apartment: 14 m (4 storeys)	Apartment: 17.2 m (5 storeys) Townhouses: 8.4 m (2 storeys)
Minimum Amenity Space:	20m ² per dwelling unit. <ul style="list-style-type: none"> • Minimum 25% of required amount to be at ground level. • Maximum 20% may be indoors. 	Required: 1,400 m ² (350m ² required at ground level) Provided: 2,164 m ² 1,277 m ² provided at ground level.	<i>Apartment</i> Required: 1,560 m ² (390m ² required at ground level) Provided: 2,668 m ² 1,657 m ² provided at ground level. <i>Townhouse</i> Required: 1,420 m ² (355m ² required at ground level) Provided: 2,186 m ² provided at ground level.
Required Setbacks:			
Front Yard (Timmins St):	3.0 m	61.7 m	6.0 m
Interior Side Yard (north):	4.5 m	5.4 m	4.5 m
Interior Side Yard (south):	4.5 m	5.4 m	4.5 m
Rear Yard (west)	6.0 m	6.1 m	6.1 m
Other Comments:	* Zoning Bylaw Section 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.		

Analysis

Official Community Plan Amendment

Recognizing that the Official Community Plan (OCP) is a “living document”, amendments to the OCP are to be expected from time to time. While the OCP guides land use decisions up to 2045, it is likely that over that timeframe, changing trends or unexpected events will require the City and community to consider amendments to the plan. Proposals to amend the OCP that respect the overall vision and values of the OCP, but also allow for innovation and adaptation as new opportunities arise, are considered by City Council, with the following considerations:

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

The applicants are proposing to amend the Future Land Use designation on the subject property from ‘Industrial’ and ‘Urban Residential’, to only ‘Urban Residential’. Explanations on what each of these designations means and what land use each supports are provided below.

Industrial Land Use Designation

The subject property’s current OCP future land use designation is primarily ‘Industrial’, with a small piece of ‘Urban Residential’ at the southern end of the property (Attachment ‘B’). The portion of urban residential on the property was introduced through the development of the 2019 OCP. The industrial land use designation is described in the OCP as areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage. This designation supports a wide variety of industrial uses, including those currently permitted under the M1 (General Industrial) zone (i.e. cannabis production facility, manufacturing, towing compounds, motor vehicle body repair, paint shop, outdoor storage, self-storage, etc.).

The ‘Industrial’ land use designation supports the current M1 zoning, as well as M2 or M3 zoning, which are more intense industrial zones that allow for heavy industrial uses such as concrete mixing plants, foundry, or wrecking yard, among others (Figure 8).

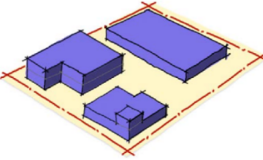
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Industrial 	Areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage.	<ul style="list-style-type: none"> Industrial buildings Structures and lands 	<ul style="list-style-type: 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

Figure 8 - Industrial Future Land Use Designation

Urban Residential Land Use Designation

The question for the community and Council to consider is whether the 'Urban Residential' land use designation represents what we want to see at this location in the future. This change in land use designation would allow for the rezoning of the lands in support of higher-density residential developments including townhouses, stacked townhouses, low-rise and mid-rise apartment and condo buildings, up to a maximum of 6 storeys in height (Figure 9).

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Urban Residential 	Higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame.	<ul style="list-style-type: none"> Townhouses and stacked townhouses Low-rise and mid-rise apartment/condo buildings 	<ul style="list-style-type: none"> Residential Limited Retail/Service 	<ul style="list-style-type: none"> Heights up to 6 storeys 	<ul style="list-style-type: none"> RM3

Figure 9 - Urban Residential Future Land Use Designation

Staff's Analysis

The subject lands are unique in that they are substantially sized, and located in a desirable area, near existing commercial, residential and institutional uses. While the lands have been envisioned for the long term as industrial and urban residential by the Official Community Plan, the community can now consider whether this is what we (the community) want to see at this location for the future. The change in land use from industrial to residential would allow for residential housing units on the property, and also create the opportunity to provide student housing in close proximity of Okanagan College.

The proposed future land use change at 955 Timmins Street is considered consistent with the City's OCP, which provides a community vision and growth plan. The subject property is within the existing urban areas of the City, maximizes existing assets and infrastructure, helps to create complete and accessible communities and minimizes negative impacts on natural areas.

Staff consider that there is sufficient policy in the Official Community Plan to support the requested land use change from industrial to residential on the subject property. The following summary identifies specific OCP policy intended to guide sustainable planning practices:

OCP Reference	Policy
OCP Goal 4.1.1	<p>Managing Growth Ensure that Penticton retains its compact “footprint” to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.</p>
Staff's Comments	<p>The subject property is located within the existing urban area of the City, and represents redevelopment of a brownfield site. Utilizing these existing sites within the City helps to ease pressure of development on greenfield sites on the outskirts of the City, allowing the City to grow up, rather than out.</p>
OCP Policy 4.1.1.1	<p>Focus new residential development in or adjacent to existing developed areas.</p>
Staff's Comments	<p>The subject property is located within an already developed area, and doesn't require the construction or extension of City services in order to proceed.</p>
OCP Goal 4.1.2	<p>Housing Affordability Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options.</p>
Staff's Comments	<p>The development proposes to include rental units available in one of the apartment buildings proposed. They have also expressed that they are working to provide some forms of affordability throughout the proposed development (see Letter of Intent as Attachment 'D' of this report).</p>
OCP Goal 4.1.3	<p>Housing Diversity Ensure a range of housing types, sizes, tenures and forms exist throughout the City to provide housing options for all ages, household types, and incomes.</p>
Staff's Comments	<p>The proposal includes a mixture of housing types, sizes, tenures and forms, including a mix of townhouse and apartment units. There is also a variety of sizes, from studio apartment units to 3-bedroom townhouse units.</p>
OCP Policy 4.1.3.1	<p>Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided from Development Permit Area Guidelines.</p>
Staff's Comments	<p>The subject property is located within an already developed area, near existing residential, institutional, commercial and public spaces. There is adequate opportunity for residents to access services and amenities near the proposed development due to its central location.</p>
OCP Policy 4.1.3.4	<p>Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or large, to accommodate families.</p>

OCP Reference	Policy
Staff Comments:	The proposal would introduce studio, 1-, 2- and 3-bedroom units to the area. These units are provided through townhouse and apartment units, allowing potential residents the opportunity to select their preferred housing type.
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 area compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
Staff Comments:	Staff acknowledge that the subject property is located in the area of an existing single-family neighbourhood. The proposal has been designed to provide the townhouse units closest to Timmins Street, which is adjacent to the existing single family area. This helps to keep similar building styles and heights near each other and transition to the proposed apartment buildings, which are located further from Timmins Street, to the rear of the subject property.
OCP Policy 4.1.5.4	Ensure that all new neighbourhood developments and redevelopments of existing large sites, including bareland stratas, are fully incorporated into the surrounding community through publically-accessible roads, sidewalks, trails and public parks lands.
Staff Comments:	The proposal represents redevelopment of a large site. The proposed plans include incorporation into the surrounding area, with pedestrian walkways connecting to the existing street networks, as well as to the Okanagan College property.
OCP Policy 4.1.6.1	Ensure all residential neighborhoods in Penticton provide a range of appropriately scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.
Staff Comments:	The requested zone permit the use of home based businesses, which provides home owners with the opportunity to work from home, following regulations specified in the Zoning Bylaw. The proposed development will have pedestrian connections throughout the subject property, by way of sidewalks. There is very close access to Kings Park, as the subject property is directly adjacent to the Park.
OCP Policy 4.1.6.3	Consult with Interior Health to assist with the preparation of long range plans and strategies (e.g. neighbourhood plans, and parks and transportation plans), as well as guide the review of development applications that have the potential to affect community health.
Staff Comments:	Interior Health has provided a letter of support (Attachment 'F') for the proposed development and indicated that it links good planning principles to positive health incomes.
OCP Policy 4.2.1.4	Reduce road widths in existing rights-of-way to create spaces that support walking, biking and transit, to increase adjacent green space and to reduce asset management costs.

OCP Reference	Policy
Staff Comments:	The applicant has offered to contribute \$110,000.00 to traffic calming on Moosejaw Street, which is anticipated to include 'bulb-outs' being installed at an intersection. Bulb-outs reduce the width of the roadway, reducing the distance that pedestrian take to cross the street. Bulb-outs also give the appearance of a narrower street, and naturally encourage drivers to slow down.
OCP Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
Staff Comments	The proposed development provides adequate bicycle parking, through Class 1 and Class 2 bicycle parking to account for both residents and visitors of the development.
OCP Policy 4.2.7.1	Design streets so as not to encourage speeds beyond the intended speed limit. Where speeding is an ongoing concern, consider reducing street widths, or employ other design approaches to lower speeds. Refer to and amend the City-s Transportation Safety Policy as needed.
OCP Policy 4.2.7.4	Continue to deploy traffic calming measures around parks, schools and other areas with reduced speed limits, and monitor outcomes to ensure the measures are successful.
Staff Comments:	The applicant has offered to contribute \$110,000.00 to traffic calming on Moosejaw Street, which is anticipated to include 'bulb-outs' being installed at an intersection. Bulb-outs reduce the width of the roadway, reducing the distance that pedestrian take to cross the street. Bulb-outs also give the appearance of a narrower street, and naturally encourage drivers to slow down.
OCP Policy 4.2.7.8	Ensure new residential developments provide an appropriate amount of parking for residents and their guests.
Staff Comments:	The proposed development has provided parking in excess of the required amount through the Zoning Bylaw.
OCP Policy 4.3.2.4	Discourage incompatible uses in and adjacent to industrial areas to ensure the integrity of a sound industrial land base.
Staff Comments:	The subject property is current designated in the OCP as Industrial and zoned M1 (General Industrial). The location is not ideal for industrial development, as it is immediately adjacent to existing single family residential and park areas, which can create land use conflicts (i.e. noise, smell, traffic, machinery, etc.). Ideally, industrial lands would be located in areas with adequate access to trucking routes, and not directly adjacent to sensitive land uses, such as residential, parks, or environmentally sensitive lands.
OCP Policy 4.3.4.3	Support and enhance existing partnerships with Okanagan College and UBC Okanagan in recognition of their contribution to the regional economy and as centres of innovation.

OCP Reference	Policy
Staff Comments:	The applicant and Okanagan College have been working collaboratively on the proposed development, with an effort to provide opportunities for student housing on the subject property. Due to the subject property's close proximity to the Okanagan College, this is an ideal location to offer student housing.
OCP Policy 4.3.6.3	Recognize that business growth is reliant on adequate housing availability, and work to develop policies that encourage housing development as outline in Section 4.1 [of the OCP].
Staff Comments:	Providing additional housing units throughout the City, with a variety of types, tenures and sizes helps to ensure housing is providing for working professionals.
OCP Policy 4.3.8.1	Support the operation, expansion and promotion of Okanagan College as a key component of Penticton's competitive advantage and as a centre of innovation.
Staff Comments:	The proposed development would provide housing directly adjacent to the Okanagan College location. The applicant intends to have housing provided for students and faculty of the Okanagan College campus. Ensuring housing close to the College helps to attract and retain both students and faculty staff that attend the College throughout the year.
OCP Policy 4.4.2.4	Recognize the value of urban trees to store carbon, reduce water run-off, buffer windstorms and mitigate summer hearing impacts.
Staff Comments:	The applicants have worked diligently with staff to assess, survey and review all trees located along the Timmins Street boulevard area. As there are trees with significant maturity and value, staff and the applicant realize the value that these trees hold. The applicant has proposed a plan that retains healthy, mature trees in the boulevard areas. The applicant has also proposed to retain several mature trees on private property. This required significant redesign of the site plan, including driveway access points and building locations.
OCP Policy 4.5.3.1	Review zoning and other relevant regulations and use existing land and infrastructure, where appropriate, to increase local food access and production.
Staff Comments:	The proposal includes an area for community gardens, which encourages and allows those living within the apartments the opportunity to grow food within close proximity of their home.

In addition to the policies provided above, which support the proposed development, staff also acknowledge that there are OCP policies which may contradict the proposal. The policy item referenced below may be considered when reviewing the proposed development:

OCP Reference	Policy
Industrial Land Use Targets (OCP Page 39)	<ul style="list-style-type: none"> • No net loss of land currently zoned for industrial uses. • 60 additional acres of industrial land in or near Penticton (note a portion of this will likely be accommodated outside of the City).
Staff Comments:	<p>The subject property is currently zoned M1 (General Industrial), and any change in zoning would result in a loss of industrial land in the City. Staff acknowledge the importance of industrial land within the City and the economic benefits that such lands provide to the community. Any loss in industrial land would likely not be gained elsewhere within the City limits, as the natural limitations of Penticton and the location of the current industrial area significantly limit adding new lands to the industrial land base.</p>

Zoning Bylaw Amendment

In addition to an OCP Amendment, the applicants have also applied for a zoning amendment. The current zoning on the property is M1 (General Industrial), as shown in Attachment 'A'. The applicants are proposing to rezone the subject property from M1 (General Industrial) to RM3 (Medium Density Multiple Housing). This change in zoning is not aligned with the current OCP designations on the property, which is why this proposal has come forward as an OCP and Zoning Amendment package.

Should Council consider that amending the OCP designation on the property is appropriate, they may also consider that the proposed RM3 (Medium Density Multiple Housing) zone is aligned with the requested OCP designation of 'Urban Residential'. The 'Urban Residential' designation is described as higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame. This designation supports the development of townhouses, stacked townhouses and low-rise and mid-rise apartment buildings, with heights up to 6 storeys.

The subject property is considered an appropriate location for increased density due to its proximity to amenities and services nearby, including Okanagan College, Kings Park, and Penticton Plaza (Safeway, Shoppers Drug Mart, BC Liquor Store). There are also adequate pedestrian and cycling connections for alternative modes of transportation, and bus routes located near the College campus. Further, the OCP policies that are referenced to support the OCP land use change, also support the proposal to rezone the property to RM3 (Medium Density Multiple Family).

Summary

The proposed development meets a number of goals and policies of the Official Community Plan (OCP). The development was designed in keeping with the OCP, and has had significant revisions made in response to the community engagement results, in an effort to address many of the concerns raised by the public. The community engagement period indicates that there is both support (65%) and opposition (32%) for this development proposal, based on the feedback form completed through the community engagement period.

Ultimately, staff consider that there is significant OCP policy to support the land use change, and the updates made to the applicant's design plan, in addition to their offer to contribute \$110,000.00 to support

traffic calming measures on Moosejaw Street have helped to make this a desirable project. Given the review of the proposal within this report, staff are recommending that Council give first reading to “Official Community Plan Amendment Bylaw No. 2021-35” and “Zoning Amendment Bylaw No. 2021-36”, and forward the bylaws to the October 19, 2021 public hearing. At this time, the community will have an opportunity to speak directly to Council to provide their comments, feedback and concerns on the proposal.

Alternate Recommendations

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should deny first reading of the Official Community Plan Amendment and Zoning Bylaw Amendment.

1. THAT Council deny first reading of “Official Community Plan Amendment Bylaw No. 2021-35” and “Zoning Amendment Bylaw No. 2021-36”.

Council may consider the proposed land use change appropriate, however, there may be concerns with the development plans submitted. If this is the case, Council may choose to give first reading to the Official Community Plan Amendment and not proceed with the Zoning Bylaw Amendment, and provide the applicant with specific direction to make revisions to the development plans prior to Council considering a zoning change. Staff are not recommending this option, as the development will be required to submit further applications including development permit plans, where further details will be provided.

1. THAT Council give first reading to “Official Community Plan Amendment Bylaw No. 2021-35” and deny “Zoning Amendment Bylaw No. 2021-36”.

Attachments

- Attachment A – Current Zoning Map
- Attachment B – Current Official Community Plan Map
- Attachment C – Photos of Subject Property
- Attachment D – Letter of Intent (applicant)
- Attachment E – Sample of Community Engagement Results
- Attachment F – Letters from Stakeholder Groups
- Attachment G – Ministry of Transportation and Infrastructure Conditions Letter
- Attachment H – Ministry of Environment Release Letter
- Attachment I – Traffic Impact Assessment
- Attachment J – Arborist Report
- Attachment K – Official Community Plan Amendment Bylaw No. 2021-35
- Attachment L – Zoning Amendment Bylaw No. 2021-36

Respectfully submitted,

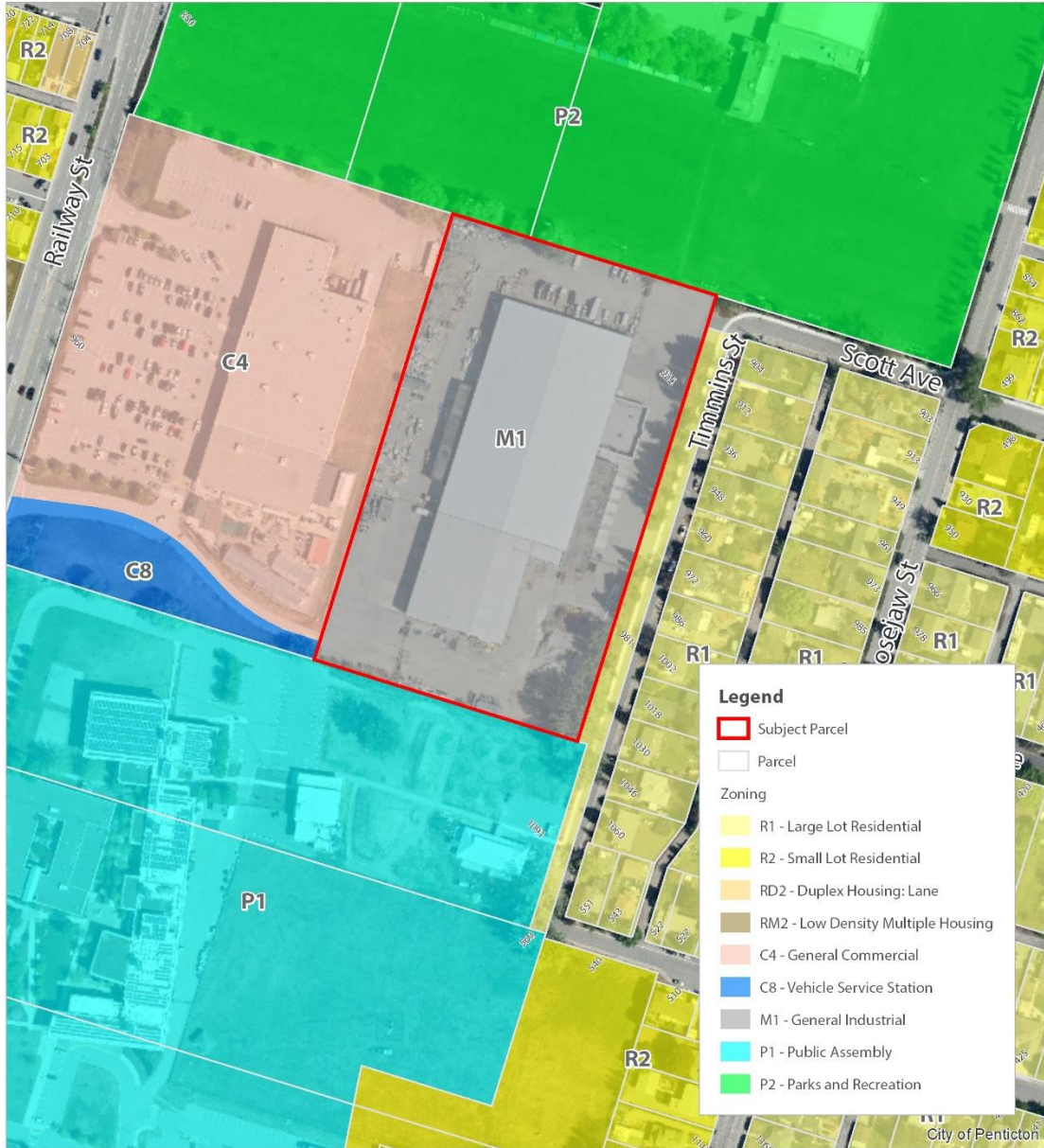
Nicole Capewell
Planner II

Director of Development Services <i>BL</i>	Chief Administrative Officer DyD
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955 Timmins Street

Zoning Map



Legend

- Subject Parcel
- Parcel

Zoning

- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- C4 - General Commercial
- C8 - Vehicle Service Station
- M1 - General Industrial
- P1 - Public Assembly
- P2 - Parks and Recreation

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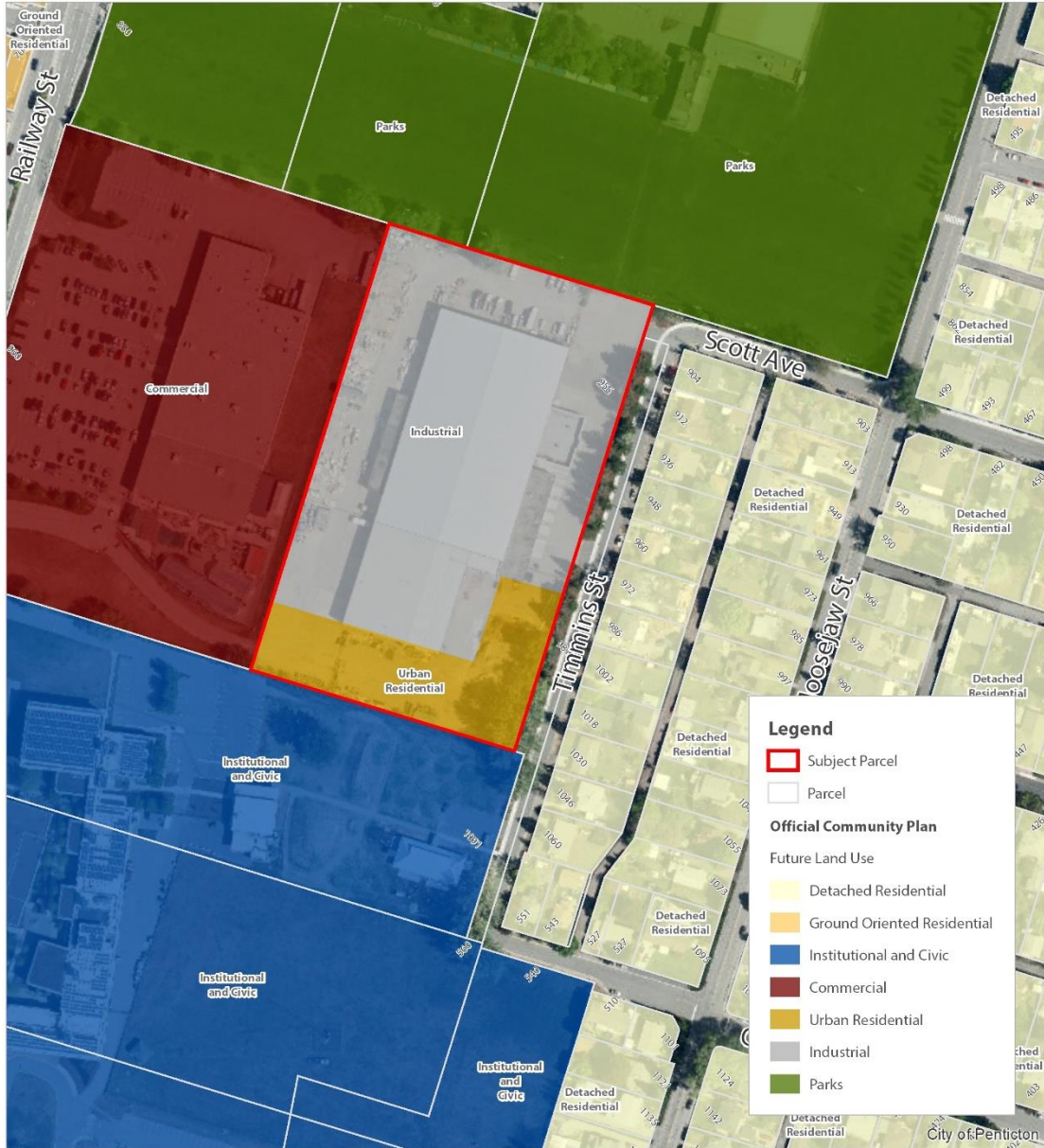


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955 Timmins Street

Official Community Plan Map



Legend

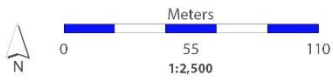
- Subject Parcel
- Parcel

Official Community Plan

Future Land Use

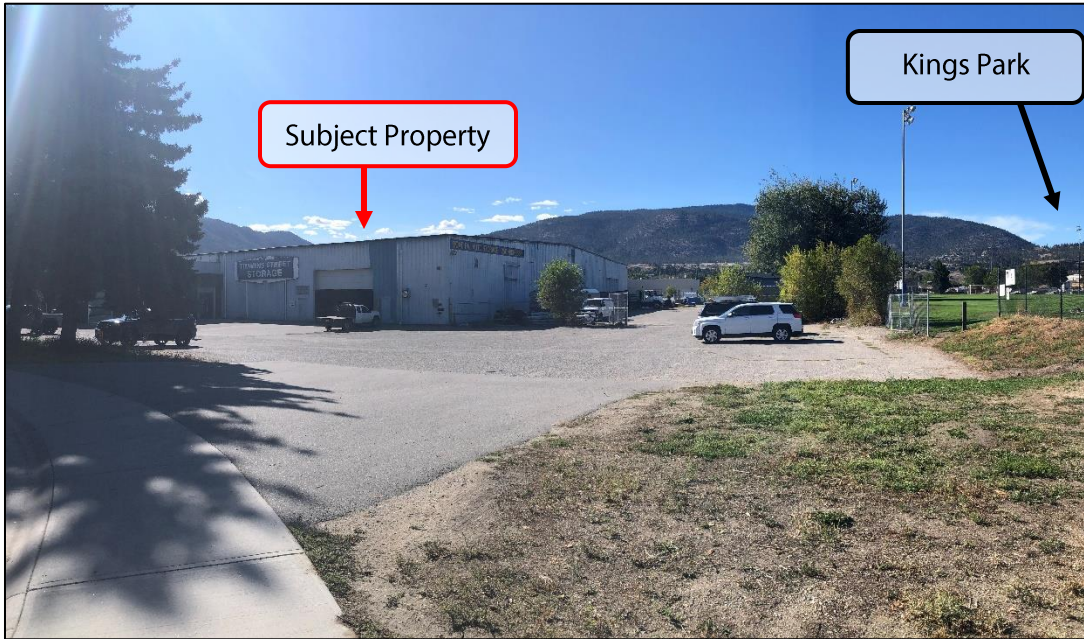
- Detached Residential
- Ground Oriented Residential
- Institutional and Civic
- Commercial
- Urban Residential
- Industrial
- Parks

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Attachment C – Photos of Subject Property



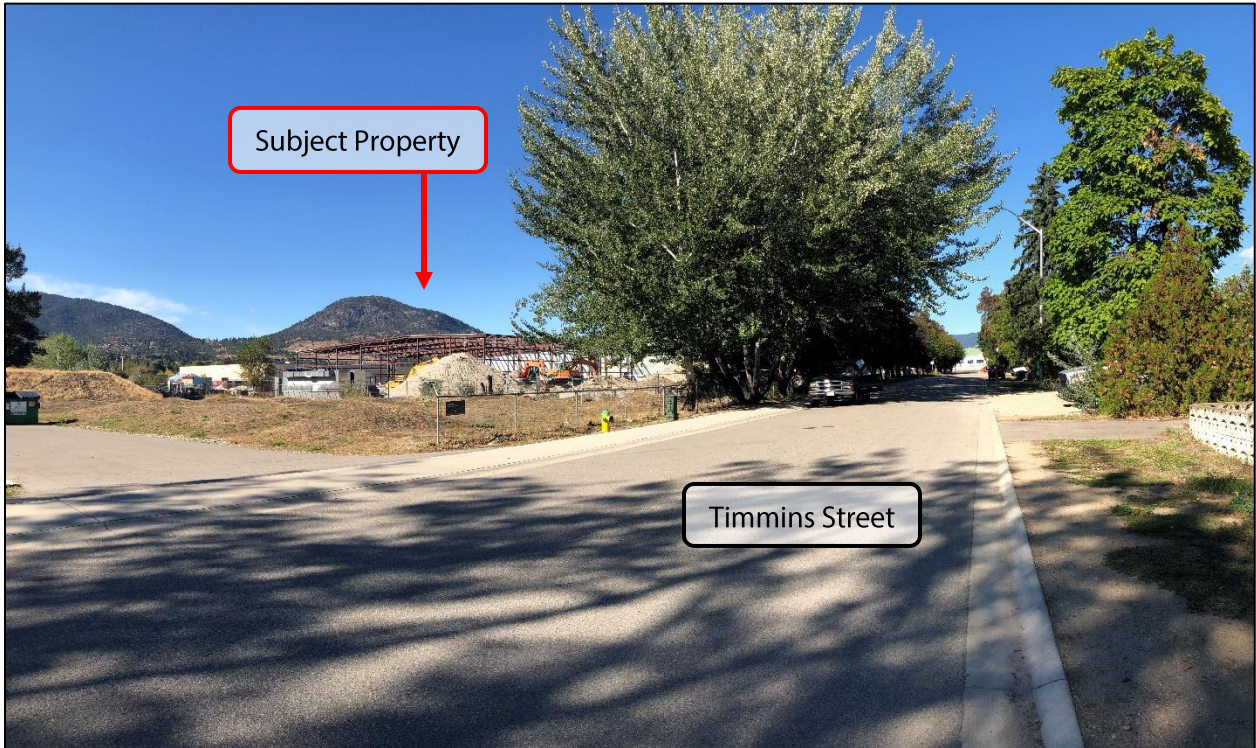
Looking at subject property from northeast corner of property



Looking south along Timmins Street from northeast corner of property



Looking at subject property from Timmins Street (approximately middle of property)



Looking at subject property from Timmins Street from southeast corner of property



Looking toward subject property from southwest corner