

As part of the Provincial Government's Housing Action Plan and new legislation (s. 464 of the Local Government Act, effective November 30, 2023), the City is prohibited from holding a Public Hearing for Zoning Amendment Bylaws that facilitate residential development and are consistent with the Official Community Plan. As such, there is no opportunity to speak to Council in person.

A new residential development is being proposed in your neighbourhood:

Properties:

2210 Main Street

Lot C District Lot 251 Similkameen Division Yale
District Plan KAP80315

98 Warren Ave E

Lot 1 District Lot 251 Similkameen Division Yale
District Plan EPP84085



Proposal:

The applicant is proposing to construct an apartment building in the future on the subject properties. The C4 (General Commercial) Zone restricts dwelling units to the second storey or higher and limits the height to 13m.

In order to facilitate the proposed apartment building, the applicant has applied for a site specific zoning amendment to permit dwelling units on the first storey and a maximum height of 20m.



Figure 1 – Conceptual Rendering (Northwest Corner of 2210 Main St.)

Information:

You can find the staff report and Zoning Amendment Bylaw No. 2024-27 on the City's website at www.penticton.ca/publicnotice or scan the QR code to the right.



Questions?

Please contact **Audrey Tanguay** at 250-490-2572 or audrey.tanguay@penticton.ca with any questions.

Council Consideration:

Council will consider giving first reading to Zoning Amendment Bylaw No. 2024-27 at its Regular Council meeting scheduled for **1:00 pm, Tuesday, August 6, 2024** in Council Chambers, Penticton City Hall, 171 Main St.

All meetings are live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Written Submissions:

All submitted comments will be distributed to Council and must be received by mail or email no later than 9:30 am, Tuesday, August 6, 2024, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, BC V2A 5A9

Email: corpadmin@penticton.ca

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay

Planning & Licencing Manager

Date: August 6, 2024
To: Anthony Haddad, City Manager
From: Audrey Tanguay, Planning Manager
Address: 2210 Main Street

File No: RMS/2210 Main St

Subject: Zoning Amendment Bylaw No. 2024-27

Staff Recommendation

THAT Council give first, second, third reading to "Zoning Amendment Bylaw No. 2024-27", a bylaw to add the site-specific provisions, within the C4 (General Commercial) zone, as follows:

1. "Section 11.4.4.3, In the case of Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315, located at 2210 Main Street, and Lot 1 District lot 251 Similkameen Division Yale District Plan EPP84085, located at 98 Warren Ave E, dwelling units on the first storey shall be permitted.";
2. "Section 11.4.4.4, In the case of Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315, located at 2210 Main Street, and Lot1 District lot 251 Similkameen Division Yale District Plan EPP84085, located at 98 Warren Ave E, a maximum height of 20 m shall be permitted.";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-27".

Strategic Priority Objective

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



Figure 1 – Conceptual Rendering

Proposal

The applicant is proposing to add site-specific zoning on the subject properties to allow for an apartment building to be constructed in the future (Figure 1). The applicant has applied for two site-specific amendments which include:

1. To permit dwelling units on the first storey. The current C4 (General Commercial) zoning restricts dwelling units to the second storey or higher.
2. To permit a maximum height of 20 m. The maximum permitted in the C4 (General Commercial) zoning is 13 m.

The plans show a conceptual design on the northwest corner of the subject property.

Background

The subject properties are located on the east side of Main St between McDougall Ave and Dawson Ave and extend to Warren Avenue E. It is also across Main St from Cherry Lane Mall (Figure 2). The total area for both properties is 14.7 acres. The subject properties currently contain several commercial buildings including Superstore, Sleep Country, TD Bank, Winners, PetSmart, Staples and other commercial businesses.

The properties are zoned 'C4 (General Commercial)' by the Zoning Bylaw No. 2024-22 and are designated 'Mixed Use' by the Official Community Plan.

No Public Hearing

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

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development would have to meet the following aspects of the CCAP as part of any future development permit(s):

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit.
 - o A transit route runs along Main St and Dawson Ave with transit stops along Dawson Ave and on the west side of Main St.
 - o The development is located within walking distance of transit Route 5, which is identified in the City's Transit Network Restructure Plan to be a frequent transit route (15 min service).
 - o A cycling route runs along Dawson Ave, a short distance away from the property, connecting to the Lake to Lake bike route.



Figure 2 – Location of Subject Properties

- o Bicycle parking: 0.5 class 1, and 0.1 class 2 per dwelling unit is required for the proposed dwelling units which will be required at the future Development Permit stage.
- o The CCAP aims to eliminate approximately a quarter of the kilometers travelled through land use planning – this development is well suited to support this.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
- **Electrify Passenger Transport:** Level 2 EV Charging spaces are required at 1 per dwelling unit, which will be required at the future Development Permit stage.

Financial Implication

The applicant is responsible for all development costs, including any service upgrades. Development Cost Charges (DCC's) will be taken at the time of building permit, once a development permit is issued, to help offset the added demand on City services from the proposed development.

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Future comments related to the development permit and building permit requirements have been forwarded to the applicant in order to help expedite the future approvals process, should this site-specific rezoning ultimately be approved by Council.

Development Statistics

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

	C4 Zone Requirement	Provided on Conceptual Plans
Minimum Lot Width*:	18.0 m	100.3 m
Minimum Lot Area*:	1000 m ²	59,691 m ²
Maximum Lot Coverage:	50%	23%
Maximum Density:	1.0 Floor Area Ratio (FAR) 1.75- Transit Oriented	1.75 FAR – Transit Oriented
Vehicle Parking**:	No vehicle parking spaces required for dwelling units in the Transit Oriented Area	80 spaces for residential units only. Does not include existing commercial buildings.
Bicycle Parking**:	Total Class 1 Required: 0.5 per unit Total Class 2: 0.1 per unit	Total Class 1 Provided: 37 spaces Total Class 2 Provided: 7 spaces
Required Setbacks		
Front Yard (Main St):	3.0 m	6.0 m
Side Yard (north):	4.5 m	4.84 m
Side Yard (Dawson Ave):	4.5 m	> 10.0 m

	C4 Zone Requirement	Provided on Conceptual Plans
Rear Yard:	6.0 m	> 10.0 m
Maximum Building Height	13 m	20 m – site specific proposed
Dwelling Units	Restricted to second or higher storeys	Dwelling units on first storey – site specific proposed
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. **Will be calculated at Development Permit stage.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Commercial', which supports areas with a wide range of commercial uses including office, retail, goods and services (Figure 3). Commercial (retail/office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above) are expected under this land use designation.

The applicant is proposing to construct an apartment building with site-specific zoning to allow dwelling units on the first storey and increase the maximum height from 13 m to 20 m. The proposed site-specific zoning amendments would allow the construction of a residential building on the subject property in the future.

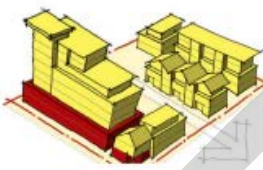
Land Use	Description	Building Type(s)	Uses	Height / Density
 Mixed Use	Higher-density mixed-use areas allowing for intensive development with residential and/or commercial uses	- Higher-density apartments - Mixed-use buildings - Commercial buildings	- Commercial (retail, service, office) - Residential	Generally greater than 3 storeys

Figure 3 – Excerpt from OCP

The subject properties are location in a core area of the City of Penticton, with accessible access to a wide range of employment, amenities, transit, commercial and retail businesses. The conceptual location of the proposed residential building is in a location of the subject property that is currently used as a large parking lot. The proposed residential development would add a building to an underutilized part of the subject property, while also supporting the existing commercial businesses in the area. It would create dwelling units that are within walking distance of grocery stores and employment for residents.

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.3.1	Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.1.4.1	Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
OCP Policy 4.1.5.1	Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
OCP Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed site-specific zoning to allow an apartment with dwelling units on the first storey and maximum height of 20 m is consistent with the increased density and building forms envisioned by the ‘Mixed Use’ designation. The OCP envisions the subject property to have a mix of commercial and residential units.

Alternate Recommendations

Council may consider that the proposed site specific rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP policies by increasing density in a high-amenity area of the City.

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2024-27”.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D - Letter of Intent

Attachment E – Draft Plans

Attachment F – Zoning Amendment Bylaw No. 2024-27

Respectfully submitted,

Audrey Tanguay
Planning and Licensing Manager

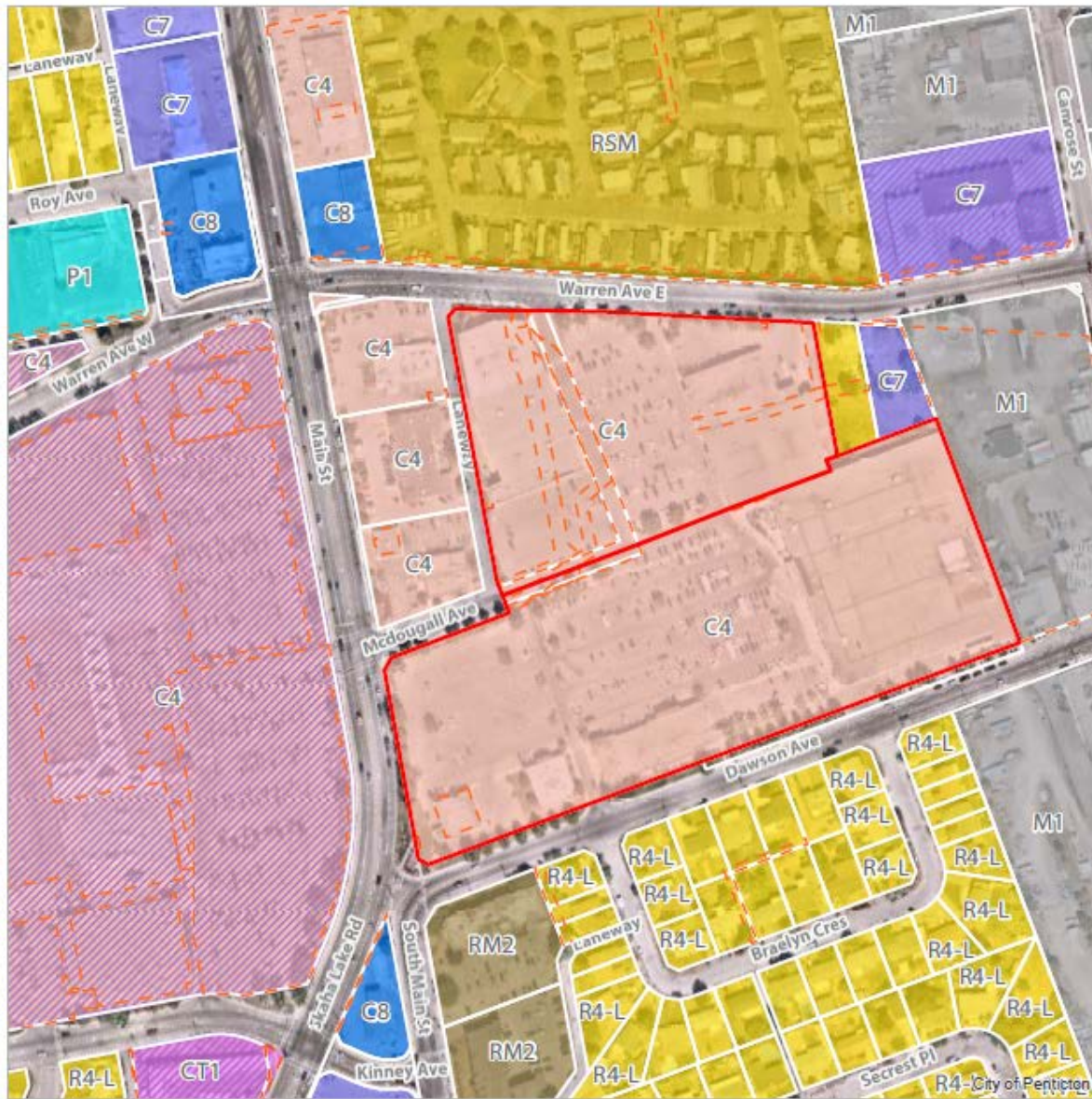
Concurrence

Director of Development Services	GM of Infrastructure	City Manager
	<i>KD</i>	

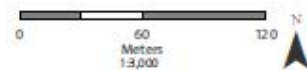


2210 Main St & 98 Warren Ave E

Zoning Bylaw Map



- | | |
|--|---|
| Subject Parcel | C4 - General Commercial |
| Site Specific Zoning | C7 - Service Commercial |
| Zoning Bylaw No. 2024-22 | C8 - Vehicle Service Station |
| R4-L - Small-Scale Multi-Unit Residential - Large Lot | CT1 - Tourist Commercial |
| RSM - Mobile Home Park Housing | M1 - General Industrial |
| RM2 - Low Density Multiple Housing | P1 - Public Assembly |



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Date: 1/22/2024

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2210 Main St & 98 Warren Ave E

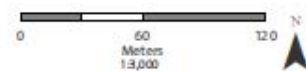
Official Community Plan Map



 Subject Parcel Official Community Plan - Future Land Use

- Commercial
- High Density Residential
- Industrial
- Institutional and Civic
- Low Density Residential

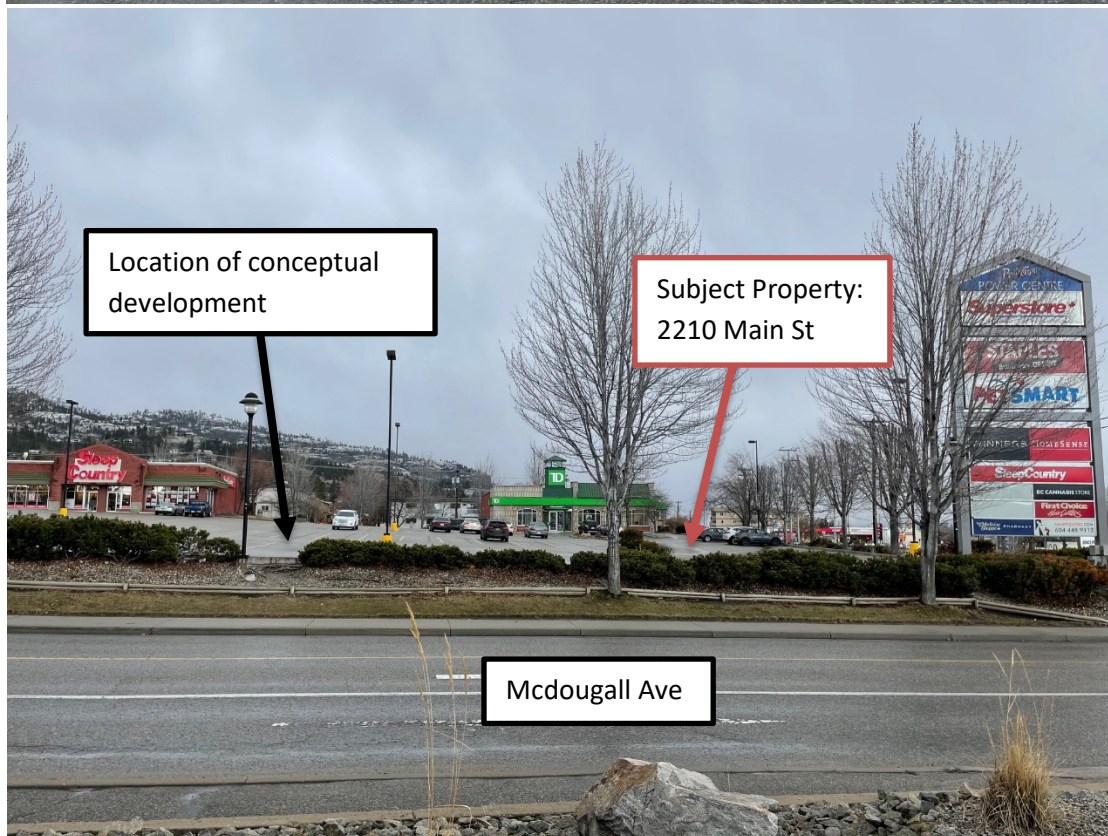
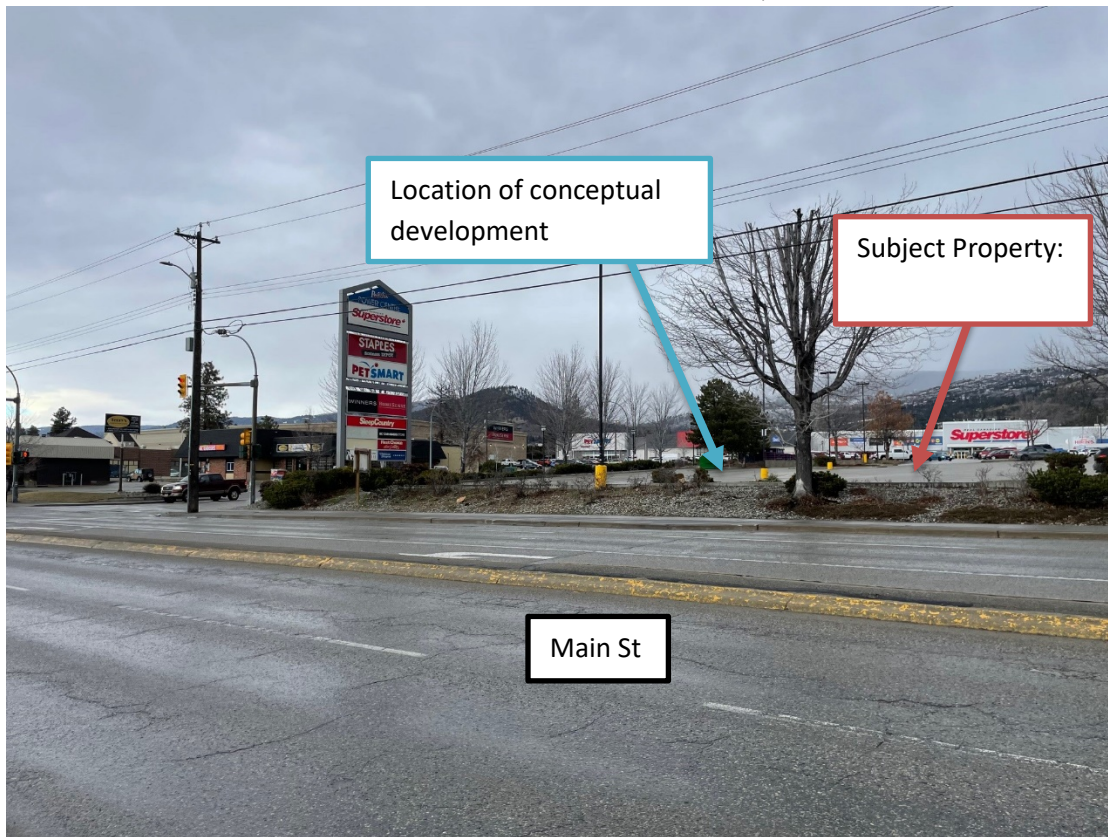
Mixed Use



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Attachment C – Photos of Property





Attachment D - Letter of Intent



201 - 11120 HORSESHOE WAY • RICHMOND, BC • V7A 5H7
T 604 448 9112 • F 604 448 8114

July 23, 2024

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

Attn: Audrey Tanguay, Planning and Licensing Manager

RE: Rezoning application - Site Specific Provisions for property located at 2210 Main Street and 98 Warren Avenue, Penticton, BC

On behalf of Penticton Power Centre Properties LTD., please find enclosed revised and additional documents listed below as part of a Rezoning application – Site Specific Provisions requesting relaxation of the following:

- residential use to be permitted on the main floor
- relaxation of maximum height to 20 meters

More specifically, please find enclosed the following additional information:

- Revised Site Plan and Detailed Plan showing setbacks, type of units, parking calculations
- Landscape Plan showing compliance to zoning bylaw regarding separation of uses

Background:

The sites are zoned "C-4 General Commercial", currently improved with six buildings, totalling approximately 217,000 SF of tenants operating service / retail businesses on a total of 14.74 acres of land.

The current zoning permits the development of "dwelling units".

Proposal:

SmartCentres is proposing to rezone the properties under the Site Specific Provisions, to permit the development of residential use on the main floor, and maximum height to increase from 13 meters to 20 meters. The site specific provisions would permit SmartCentres to improve the properties with mid-rise residential building in the future.

In addition to zoning regulations, the existing long term standing tenancies carry additional restrictions on how the property can be developed and improved. SmartCentres would work closely with the existing tenants on a intensification of the site with a residential building, once the zoning regulations are in place.

Relaxation request table:

	Permitted Under Existing Bylaw	Proposed Rezoning (Site Specification Provision)
Use	Permitted, restricted to second or higher storeys	Permitted, with use permitted on the main floor
Maximum Height	13 meters	20 meters

SmartCentres firmly believes in being an integral member of the community and the proposed rezoning would allow SmartCentres to further intensify this property with a future residential building providing rental apartments and or condominiums.

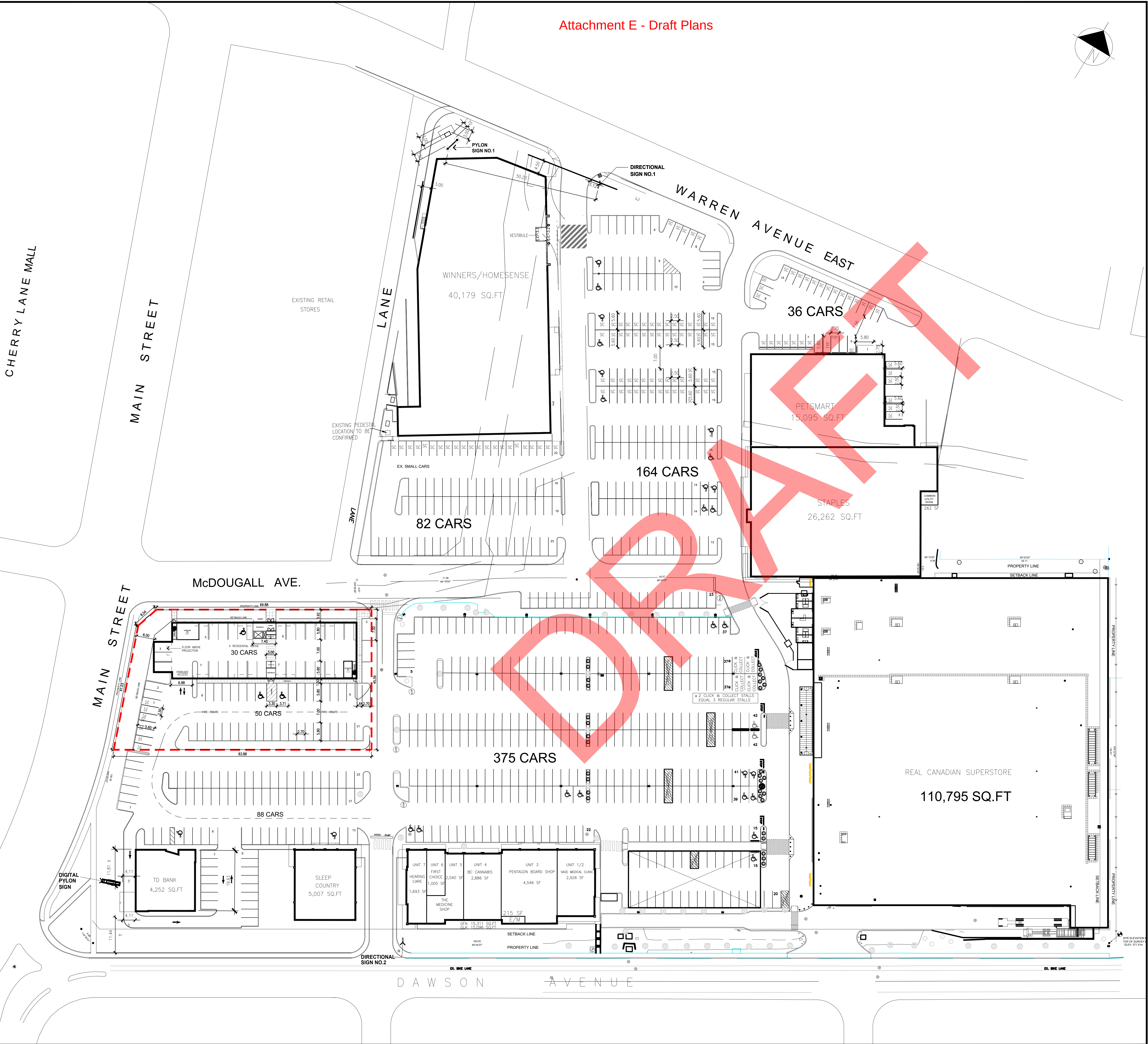
Thank you,

A handwritten signature in blue ink, appearing to read 'Cristiana Valero', is written over a blue circular stamp.

Cristiana Valero
Development Manager, Western



Attachment E - Draft Plans



CONCEPTUAL RENDERING

SITE STATISTICS

TOTAL SITE AREA: 59,665.4 SM = 642,254 SF = 14.740 ACRES

COMMERCIAL / RETAIL

PROPOSED COMMERCIAL PARCEL: 56,081.0 SM = 603,670.2 SF = 13.854 ACRES

TOTAL BUILDING FOOTPRINT: 20,150.8 SM = 216,901.00 SF
TOTAL BUILDING AREA (GFA): 20,150.8 SM = 216,901.00 SF
TOTAL BUILDING AREA (GLA): 20,130.8 SM = 216,686.00 SF

LOT COVERAGE: 35.93%
FAR: 0.359

TOTAL PARKING PROVIDED: 745 CARS

MUNICIPAL PARKING REQUIRED: 554 CARS

SMALL CAR STALLS: 90 CARS (12% SMALL CAR STALLS)
(including 7 cart corrals, 90 small car stalls and 28 accessible stalls)

RESIDENTIAL

PROPOSED RESIDENTIAL PARCEL: 3,584.4 SM = 38,584 SF = 0.886 ACRES

TOTAL BUILDING FOOTPRINT: 1,063.6 SM = 11,448.60 SF
TOTAL BUILDING AREA (GFA): 5,318.0 SM = 57,243.00 SF
TOTAL BUILDING AREA (GLA): 4,361.0 SM = 46,941.40 SF

LOT COVERAGE: 29.67%
FAR: 1.484

TOTAL PARKING PROVIDED: 80 CARS
(including 7 small car stalls and 3 accessible stalls)

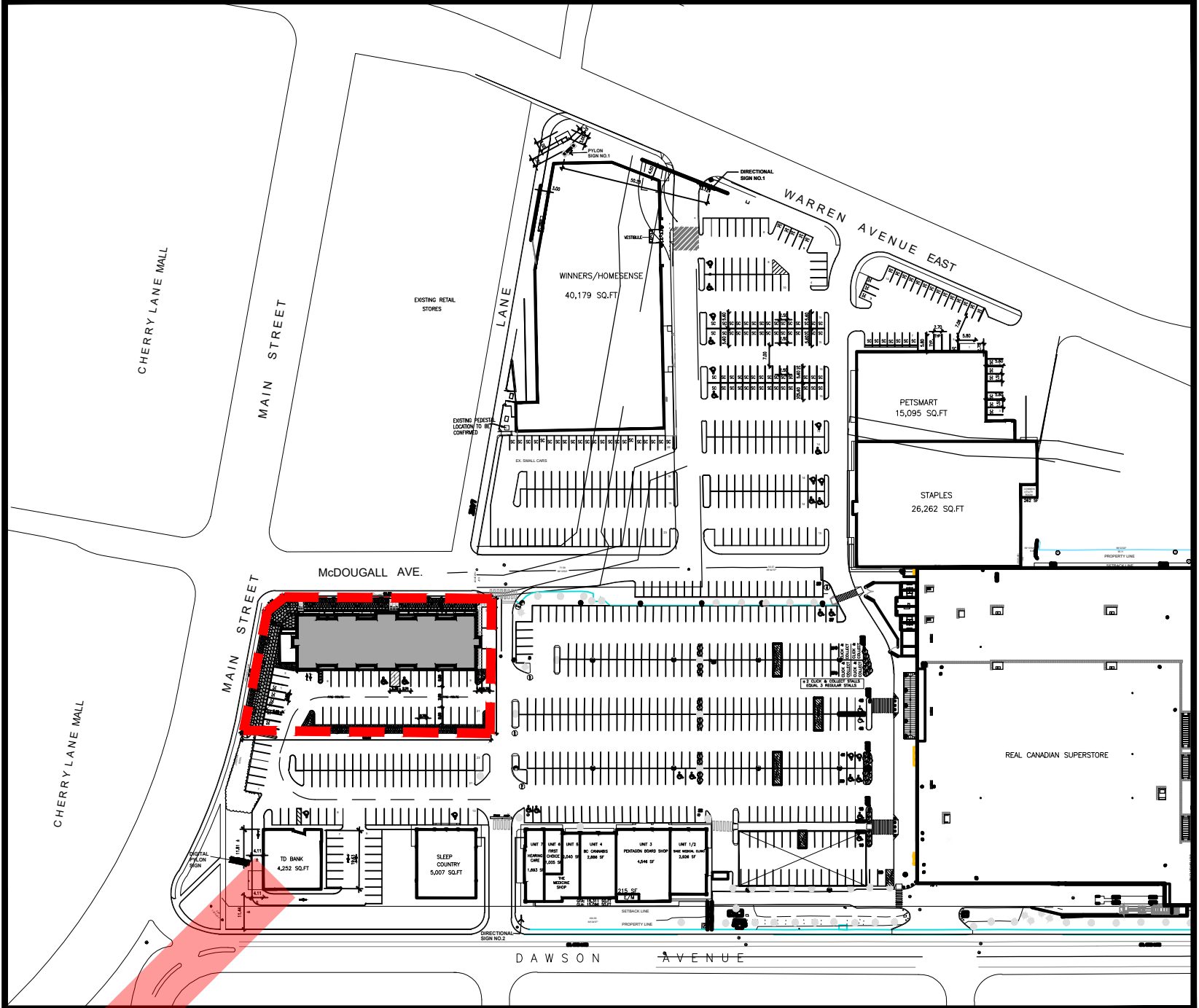
*MUNICIPAL PARKING REQUIRED: 74 CARS (1 PER UNIT) PLUS
19 CARS (0.25 PER UNIT FOR VISITORS)
93 CARS (1.25 TOTAL PER UNIT)

SMALL CAR STALLS: 7 CARS (9% SMALL CAR STALLS)

*BYLAW NO. 2019.24 PERMITS CASH-IN-LIEU



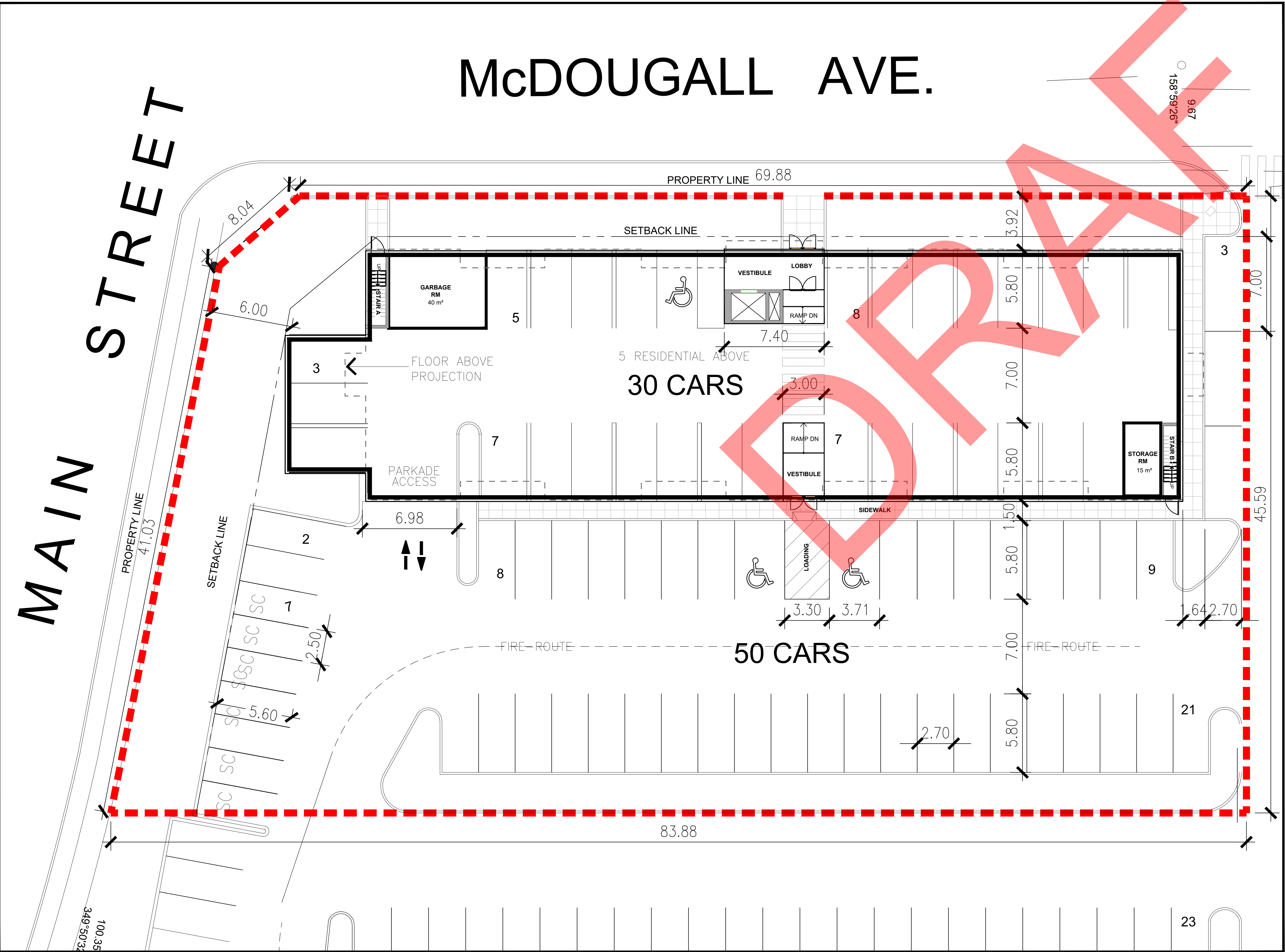
CONCEPTUAL RENDERING



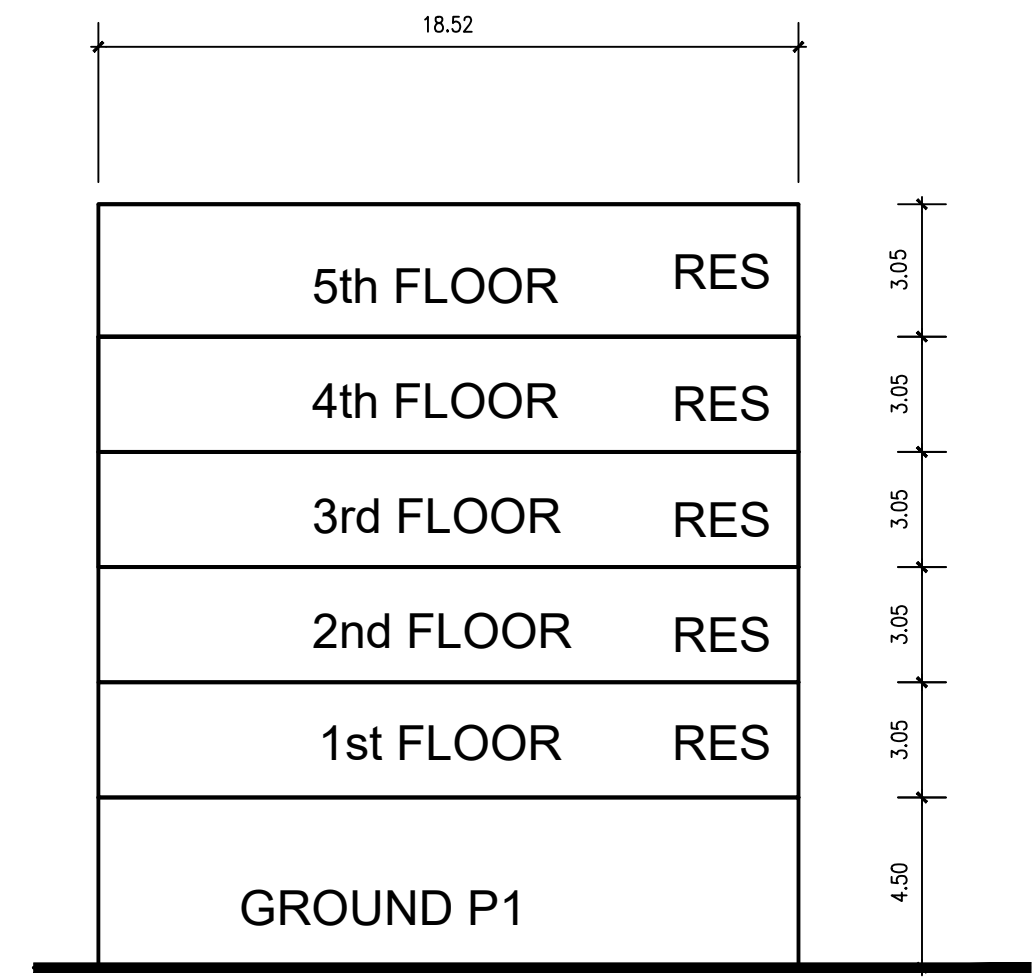
1 KEY PLAN
Scale: 1:200

ZONING COMPLIANCE TABLE - C4 (GENERAL COMMERCIAL) RESIDENTIAL PARCEL			
REGULATION	CURRENT	PROPOSED	AMENDMENT REQUIRED
OCF	COMMERCIAL	COMMERCIAL	NO
ZONING	C4	C4 - site specific provisions	YES
LOT AREA	1,000 SM	3,585 SM	NO
MAXIMUM LOT COVERAGE	50%	30%	NO
MAXIMUM DENSITY	1.00 FAR	up to 1.75 FAR	YES
MAXIMUM HEIGHT	13 METERS	20 METERS	YES
MINIMUM FRONT YARD	3.0 METERS	5.35 METERS	NO
MINIMUM INTERIOR SIDE YARD	0 AND 4.5 METERS	4.72 METERS	NO
MINIMUM EXTERIOR SIDE YARD	4.5 METERS	6.0 METERS	NO
MINIMUM REAR YARD	3.0 TO 6.0 METERS	N/A	NO
PARKING SPACES*	1 STALL / DWELLING UNIT (71 STALLS) PLUS 0.25 STALL FOR VISITOR (18 STALLS)	1 STALL / DWELLING UNIT (74 STALLS) PLUS 0.08 STALL FOR VISITOR (6 STALLS)	NO
BICYCLE PARKING	Class I: 0.5 PER UNIT Class II: 1.0 PER UNIT	Class I: 0.5 PER UNIT Class II: 1.0 PER UNIT	NO
AMENITY AREA	5 SM / DWELLING UNIT	5 SM / DWELLING UNIT	NO

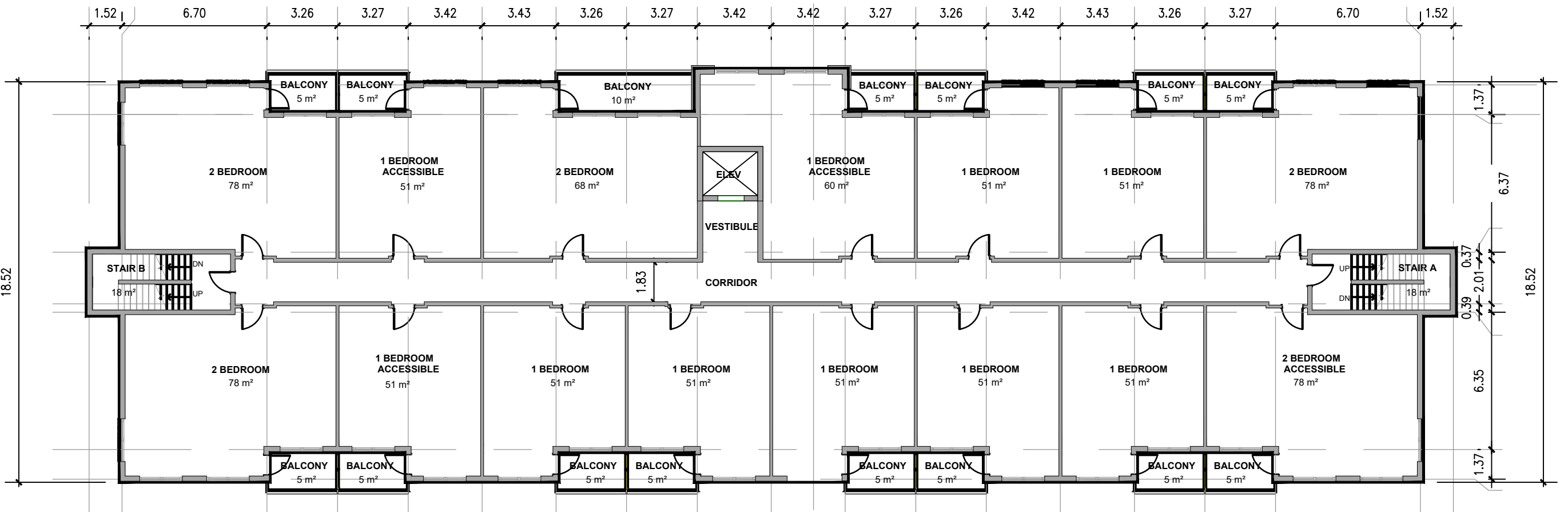
*BYLAW NO. 2019-24 PERMITS CASH-IN-LIEU



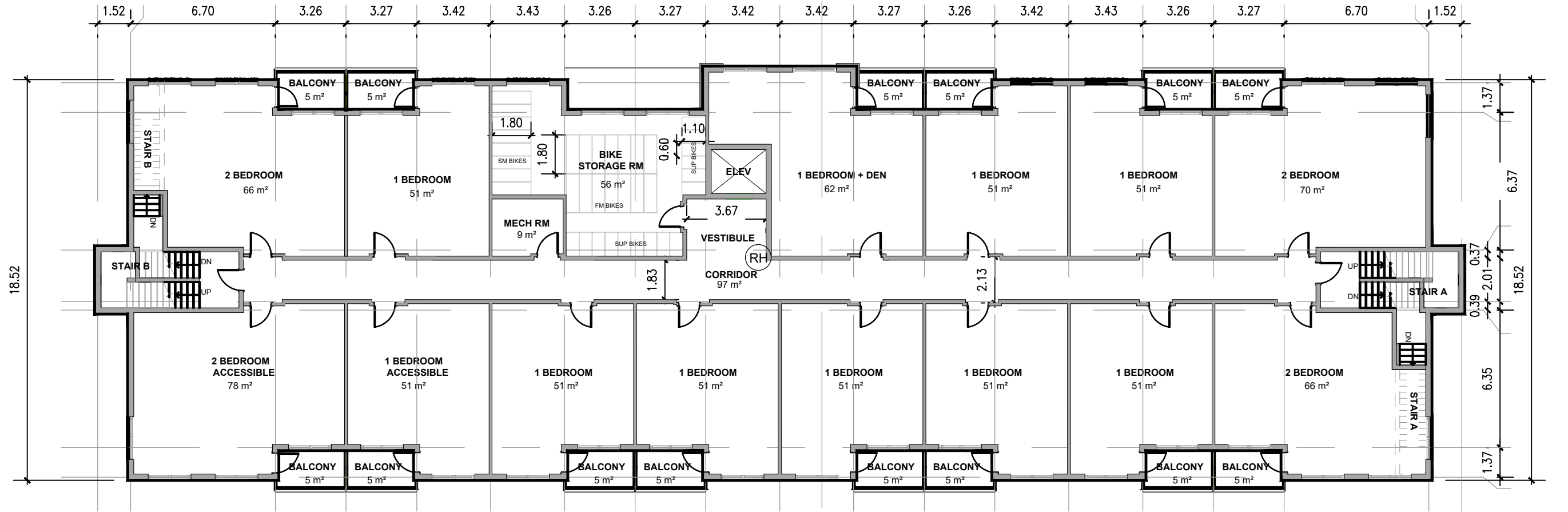
2 GROUND FLOOR PLAN
Scale: 1:150



5 SECTION CONCEPT
Scale: 1:200



4 2nd-5th FLOOR LEVEL PLAN TYP.
Scale: 1:200



3 1st FLOOR LEVEL PLAN
Scale: 1:200

McDOUGALL AVE.

MAIN STREET

4.0 meters

3.0 meters

6.0 meters

SCHEMATIC PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS	SOIL VOLUME
TREE				
25	FAGUS SYLVATICA 'DAWYCK'	FASTIGIATE OR DAWYCK BEECH	6CM CAL; B&B	10 CU.M PER TREE
SHRUB				
	RHODODENDRON 'ANAH KRUSCHKE'	RHODODENDRON; BLUE	#3 POT; 50CM	.25 CU. M
	ROSA 'NOARE'	CARPET ROSE; RED	#2 POT; 40CM	.25 CU. M
GRASS				
	FESTUCA CINEREA 'ELIJAH BLUE'	FESTUCA	#1 POT	.03 CU.M.



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-27

Date: _____

Corporate Officer: _____