

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:

**Property:**

2210 Main Street

*Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315*

**Proposal:**

The applicant is proposing to construct an apartment building (Figure 1) on the northwest corner of 2210 Main Street and has applied for the following site specific amendments to the C4 (General Commercial) Zone:



- To allow dwelling units on the first storey. (The current C4 zoning restricts dwelling units to the second storey or higher.)
- Increased density with a maximum 1.75 FAR (Floor Area Ratio). (The maximum FAR permitted in the current C4 zone is 1.0 FAR.)
- To allow a maximum height of 20 m. (The maximum height permitted in the current C4 zone is 13 m.)



*Figure 1 – Conceptual Rendering*

**Information:**

You can find the staff report and Zoning Amendment Bylaw No. 2024-11 on the City's website at [www.penticton.ca/publicnotice](http://www.penticton.ca/publicnotice) or scan the QR code to the right.



## Questions?

Please contact **Jordan Hallam** at 250-490-2429 or [jordan.hallam@penticton.ca](mailto:jordan.hallam@penticton.ca) with any questions.

## Council Consideration:

Council will consider giving first reading to Zoning Amendment Bylaw No. 2024-11 at its Regular Council meeting scheduled for **1:00 pm, Tuesday, April 2, 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](http://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, April 2, 2024, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, BC V2A 5A9

Email: [corpadmin@penticton.ca](mailto: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:** April 2, 2024  
**To:** Anthony Haddad, City Manager  
**From:** Jordan Hallam, Planner II  
**Address:** 2210 Main Street

File No: RMS/2210 Main St

**Subject:** Zoning Amendment Bylaw No. 2024-11

## Staff Recommendation

THAT Council give first, second, third reading to "Zoning Amendment Bylaw No. 2024-11", for Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315, located at 2210 Main Street, 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, 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, a maximum density of 1.75 FAR shall be permitted.";
3. "Section 11.4.4.5, In the case of Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315, located at 2210 Main Street, the maximum height of 20 m shall be permitted.";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-11";

AND THAT Council require that a 0.5 m road dedication along Main Street be completed prior to the issuance of the Occupancy Permit;

AND THAT Council require that a 1.2 m road dedication along Dawson Avenue be completed prior to the issuance of the Occupancy Permit;

AND THAT Council require that a 1.0 m road dedication along Mcdougall Avenue be completed prior to the issuance of the Occupancy Permit;

AND THAT Council require that a 5.0 m x 5.0 m corner cut at the corner of Main Street and Mcdougall Avenue be completed prior to the issuance of the Occupancy Permit.

## 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 property to allow for an apartment building to be constructed in the future (Figure 1). The applicant has applied for three site-specific requests which include:

1. To allow dwelling units on the first storey. The current C4 (General Commercial) zoning restricts dwelling units to the second storey or higher.
2. Increased density with a maximum 1.75 FAR (Floor Area Ratio). The maximum permitted in the current C4 (General Commercial) zoning is 1.0 FAR.
3. To allow a maximum height of 20 m. The maximum permitted in the C4 (General Commercial) zoning is 13 m.

The applicant intends to build the proposed apartment building on the northwest corner of the subject property.

## Background

The subject property is located on the east side of Main St between McDougall Ave and Dawson Ave, and is across Main St from Cherrylane Mall (Figure 2). The property is 14.7 acres in size. The subject property currently contains several commercial buildings including Superstore, Sleep Country, TD Bank, and other commercial businesses.

The property is zoned 'C4 (General Commercial)' by the Zoning Bylaw No. 2023-08 and is designated 'Commercial' by the Official Community Plan.

### *No Public Hearing*

The proposed rezoning aligns with the underlying OCP designation of the City's OCP,



Figure 2 – Location of Subject Property

therefore the City is prohibited from holding a public hearing as per the *Local Government Act*.

Due to the recent changes, the Zoning Bylaw Amendment may have first, second, third reading and be adopted in one meeting as there are no additional conditions of rezoning.

### 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. Staff have indicated three different road dedications required at time of rezoning for future road widening around the property. Additional items were addressed after the Committee reviewed the development proposal. Future comments related to the building permit requirements have been forwarded to the applicant in order to help expedite that future approvals process, should this site-specific rezoning ultimately be approved by Council.

#### Road Dedication

Three road dedications and one corner cut is required at time of occupancy permit. A 0.5 m road dedication is required along Main St, a 1.2 m road dedication is required along Dawson Ave, and a 1.0 m road dedication is required along Mcdougall Ave. As well, a 5.0 m x 5.0 m corner cut is required at the corner of Main St and Mcdougall Ave.

Local roads should be at minimum 20 m wide, therefore each side of the street needs to dedicate one-half to meet the desired width. The corner cut is required to meet engineering standards for future road upgrades along Main St and Mcdougall Ave. Staff are proposing to take the road dedication at occupancy permit, once substantial completion of any future development occurs on the subject property.

### Development Statistics

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

	C4 Zone Requirement	Provided on Plans
<b>Minimum Lot Width*:</b>	18.0 m	100.3 m
<b>Minimum Lot Area*:</b>	1000 m <sup>2</sup>	59,691 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	50%	23%
<b>Maximum Density:</b>	1.0 Floor Area Ratio (FAR)	1.75 FAR – site specific proposed
<b>Vehicle Parking**:</b>	1 per dwelling unit plus 0.25 spaces/unit for visitors	80 spaces for residential units only. Does not include existing commercial buildings.
<b>Required Setbacks</b>		
Front Yard (Main St):	3.0 m	6.0 m
Side Yard (north):	4.5 m	4.84 m

	C4 Zone Requirement	Provided on Plans
Side Yard (Dawson Ave):	4.5 m	> 10.0 m
Rear Yard:	6.0 m	> 10.0 m
<b>Maximum Building Height</b>	13 m	20 m – site specific proposed
<b>Dwelling Units</b>	Restricted to second or higher storeys	Dwelling units on first storey – site specific proposed
<b>Other Information:</b>	*Lot width and lot area are only applicable at the time of subdivision. **Will be calculated at Development Permit stage.	

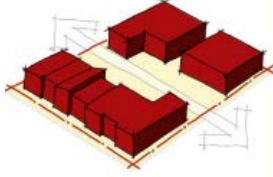
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Commercial 	Areas with a wide range of commercial uses including office, retail, goods and services.	<ul style="list-style-type: none"> <li>Commercial (retail/office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above)</li> </ul>	<ul style="list-style-type: none"> <li>Retail, Service</li> <li>Office</li> <li>Restaurant</li> <li>Grocery Store</li> <li>Residential (in specific zones)</li> </ul>	• varies by zone	<ul style="list-style-type: none"> <li>C1</li> <li>C3</li> <li>C4</li> <li>C7</li> <li>C8</li> </ul>

Figure 3 – Excerpt from Land Use Designation Table (OCP)

## 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, increased density of 1.75 FAR, and increased 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. The subject property is in a core area of the City of Penticton, with very accessible access to a wide range of employment, amenities, transit, and Main St. The 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.

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.
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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 a suitably 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, maximum density of 1.75 FAR, and maximum height of 20 m is consistent with the increased density and building forms envisioned by the ‘Commercial’ designation. The OCP envisions the subject property to have a mix of commercial and residential units in the ‘Commercial’ designation.

Additionally, as part of the recent provincial changes, staff are currently conducting public engagement to amend the Zoning Bylaw and OCP. As part of that change, the subject property has been identified to change to the ‘Mixed Use’ designation. This designation supports higher-density apartments, mixed-use buildings, and commercial buildings generally greater than 3 storeys in height, which this proposal would be in line with if the proposed new OCP is adopted by Council at the end of June.

### 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. 2024-11”.

### 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. 2024-11

Respectfully submitted,

Jordan Hallam  
Planner II

Concurrence

Director of Development Services	GM of Infrastructure	City Manager
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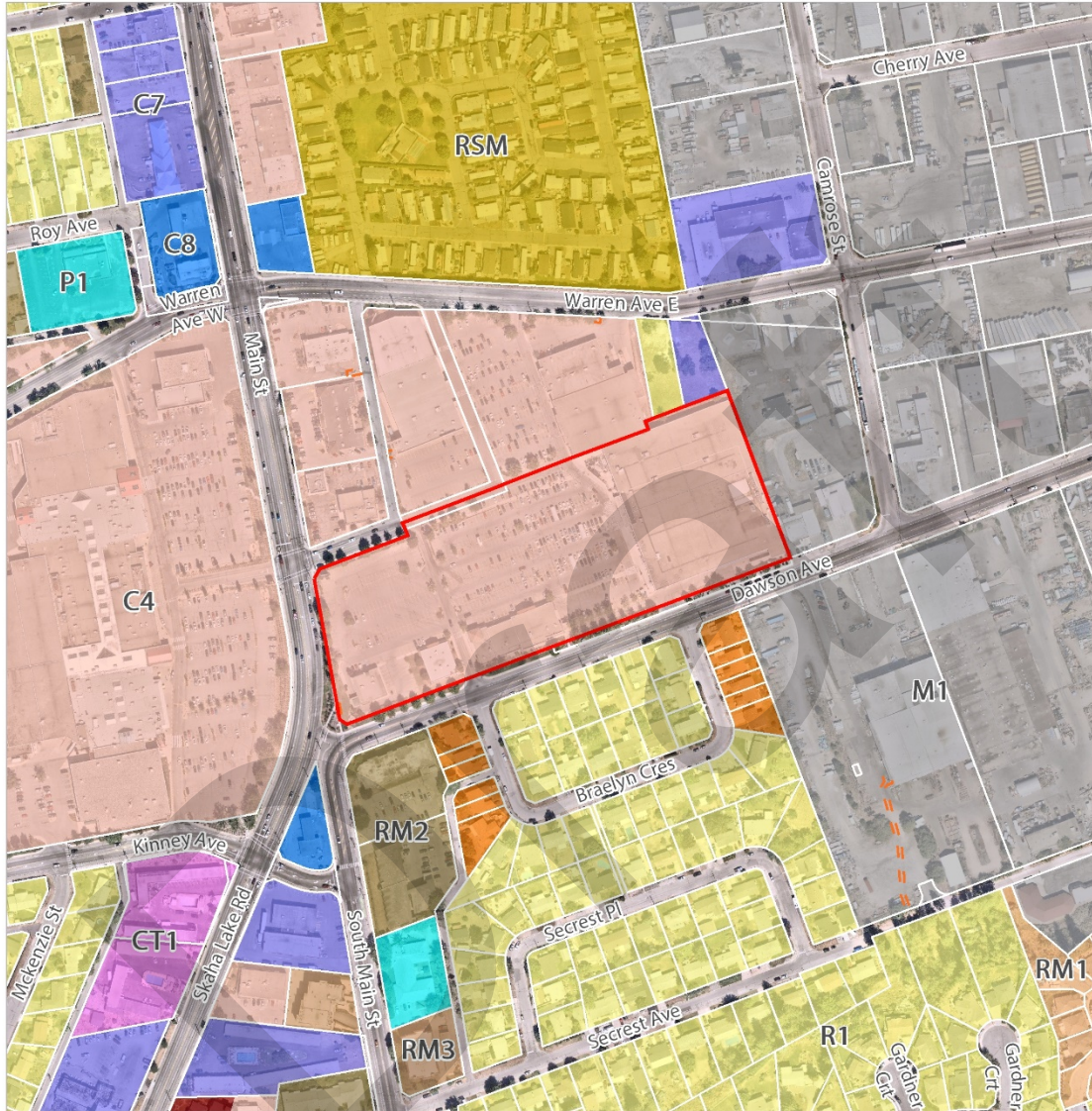
Draft



Attachment A – Zoning Map

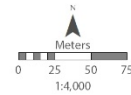


**2210 Main St**  
Zoning Map



**Legend**

- Subject Parcel
- R1 - Large Lot Residential
- RSM - Mobile Home Park Housing
- C4 - General Commercial
- C7 - Service Commercial
- RD1 - Duplex Housing
- C8 - Vehicle Service Station
- RM1 - Bareland Strata Housing
- CT1 - Tourist Commercial
- RM2 - Low Density Multiple Housing
- M1 - General Industrial
- RM3 - Medium Density Multiple Housing
- P1 - Public Assembly



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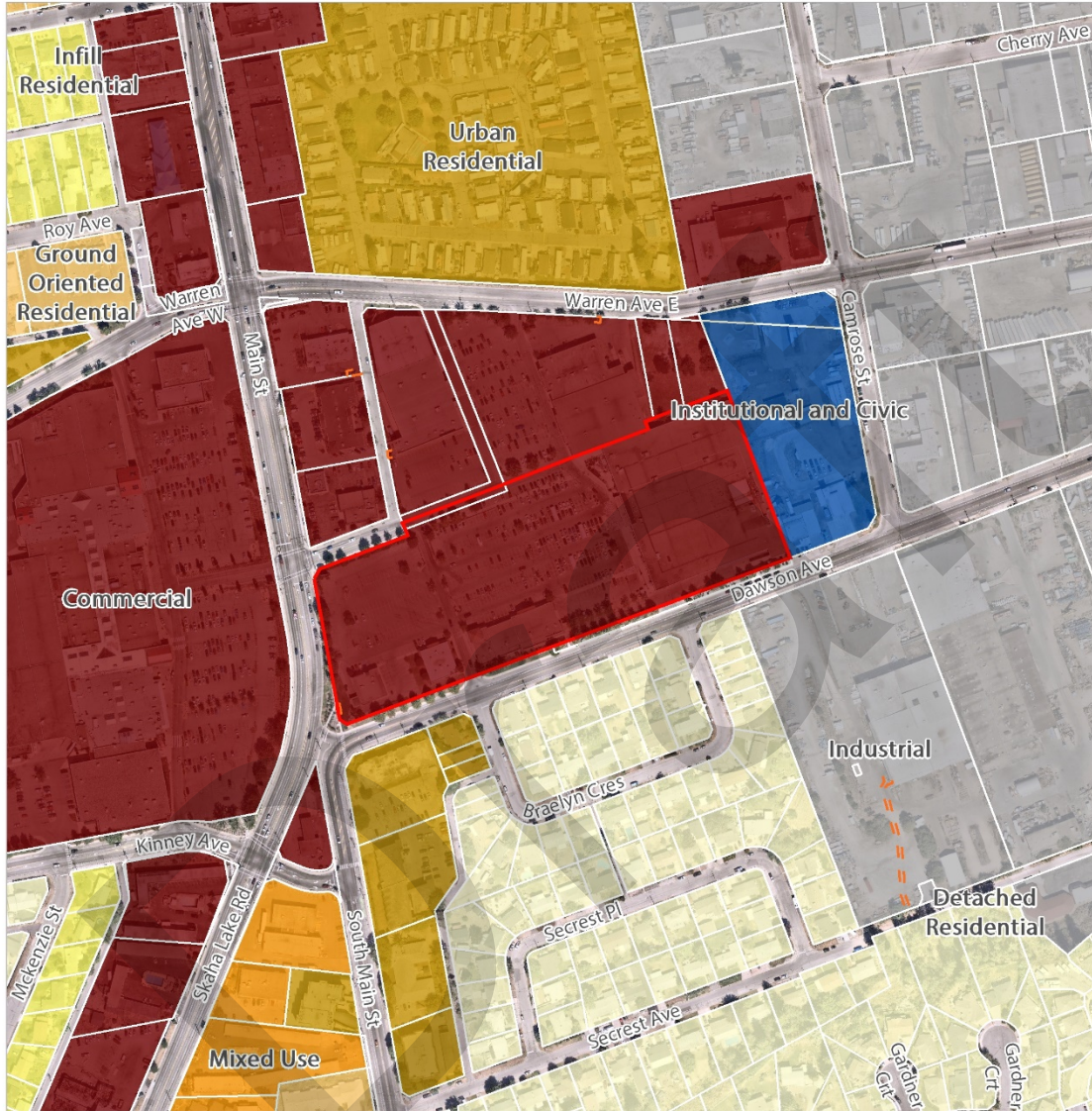
Friday, July 21, 2023 9:45:29 AM

[penticton.ca](http://penticton.ca)



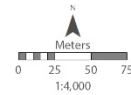
# 2210 Main St

## OCP Map



**Legend**

- Subject Parcel
- Future Land Use**
- Detached Residential
- Ground Oriented Residential
- Institutional and Civic
- Commercial
- Urban Residential
- Infill Residential



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Friday, July 21, 2023 9:45:48 AM

Attachment C – Photos of Property





Attachment D - Letter of Intent



**SMARTCENTRES**  
REAL ESTATE INVESTMENT TRUST

201 - 1120 HORSESHOE WAY • RICHMOND, BC • V7A 5H7  
T 604 448 0112 • F 604 448 0114

November 29, 2023

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

Attn: Jordan Hallan, Planner

**RE: Rezoning application - Site Specific Provisions for property located at 2210 Main Street, 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 density to 1.75 FAR
- 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 site is 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 property under the Site Specific Provisions, to permit the development of residential use on the main floor, maximum FAR increase from 1.0 to 1.75 and maximum height to increase from 13 meters to 20 meters. The site specific provisions would permit SmartCentres to improve the property with a 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 Density	1.0 FAR	1.75 FAR
Maximum Height	13 meters	20 meters

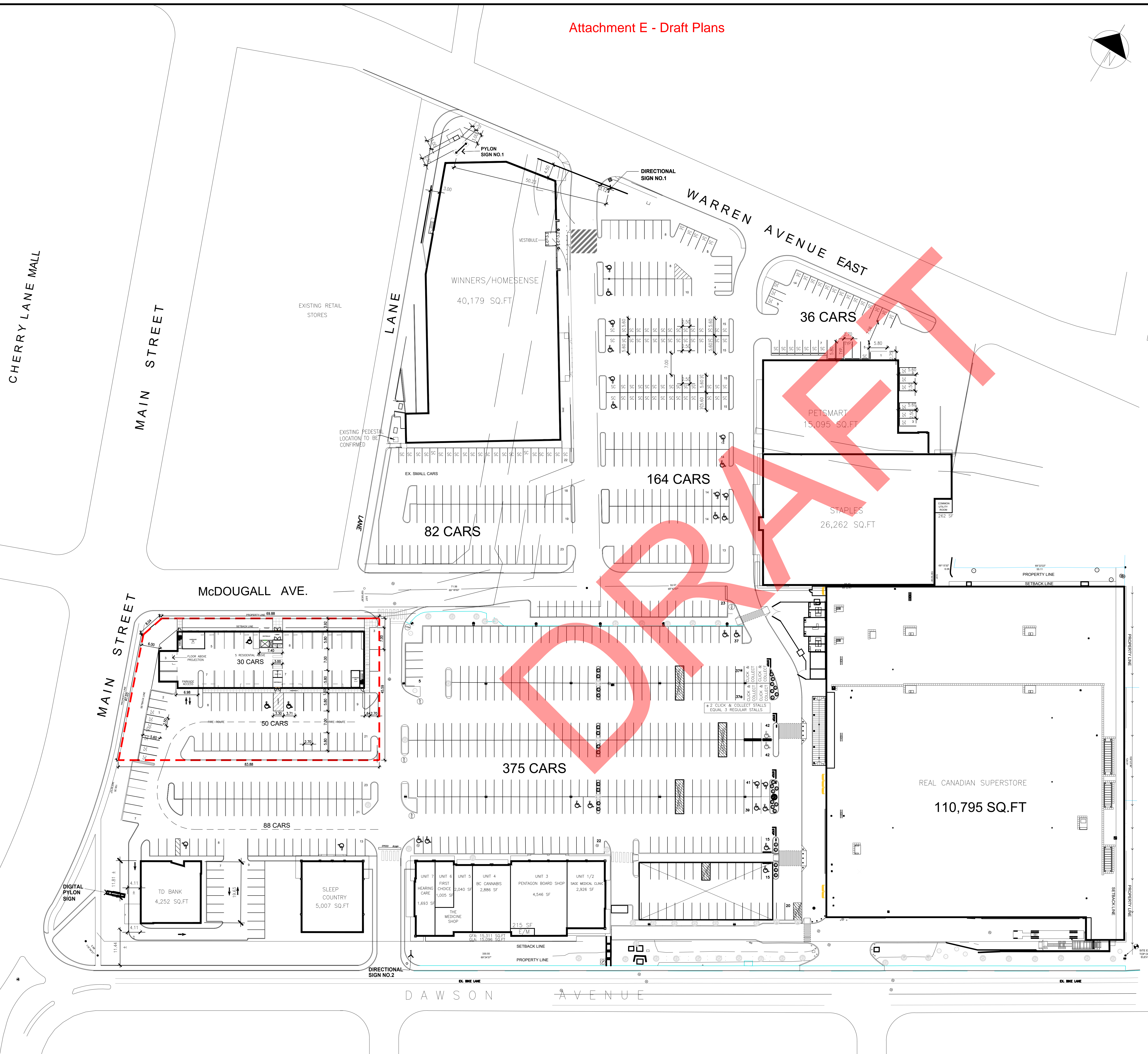
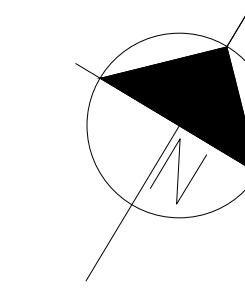
SmartCentres firmly believes in being an integral member of the community and the proposed rezoning would allow SmartCentres to further intensify this property with a future residential building providing rental apartments and or condominiums.

Thank you,

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)

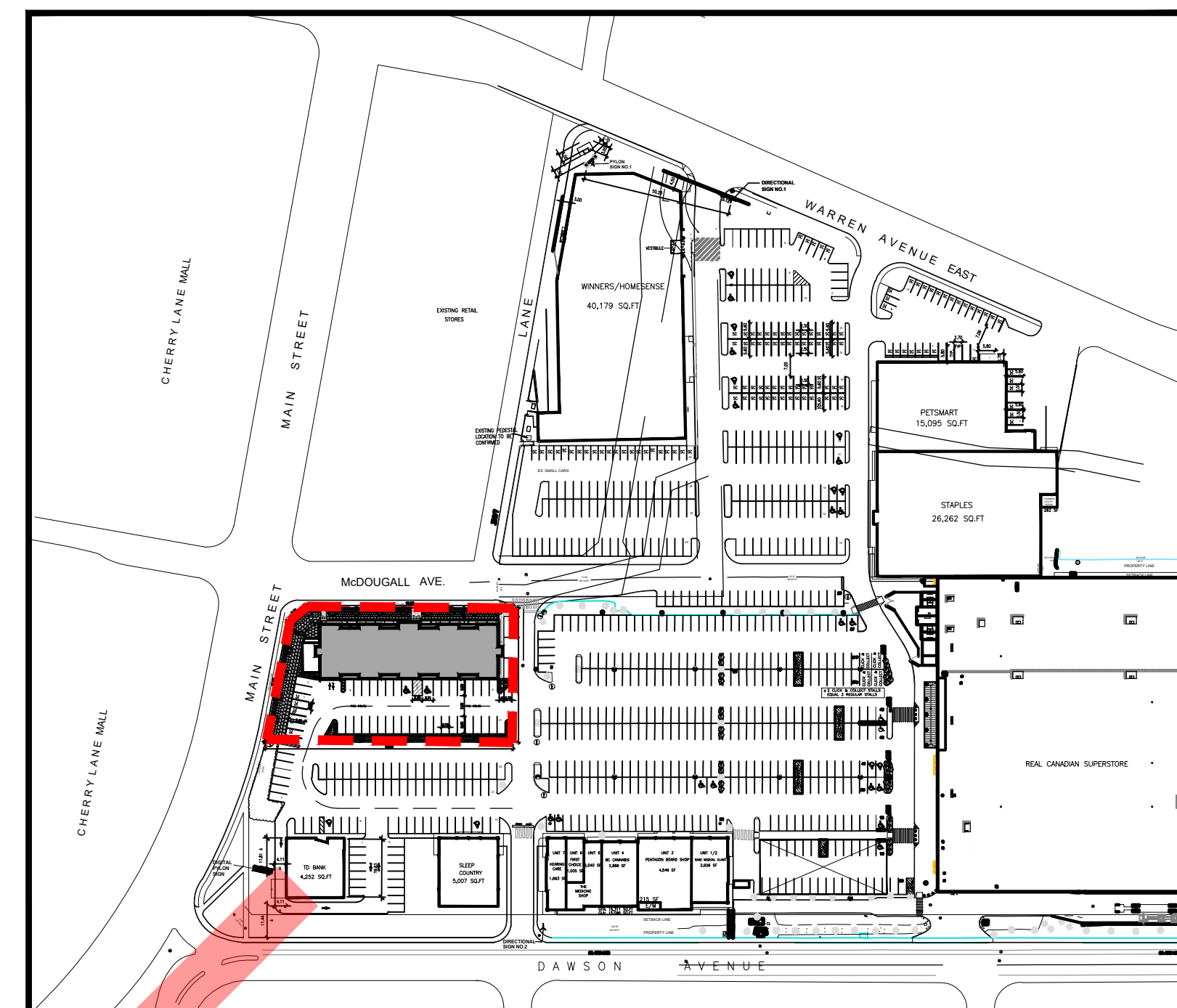
\*MUNICIPAL PARKING REQUIRED: 74 CARS (1 PER UNIT) PLUS  
 19 CARS (0.25 PER UNIT FOR VISITORS)  
 93 CARS (1.25 TOTAL PER UNIT)

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

\*BYLAW NO. 2019.24 PERMITS CASH-IN-LIEU



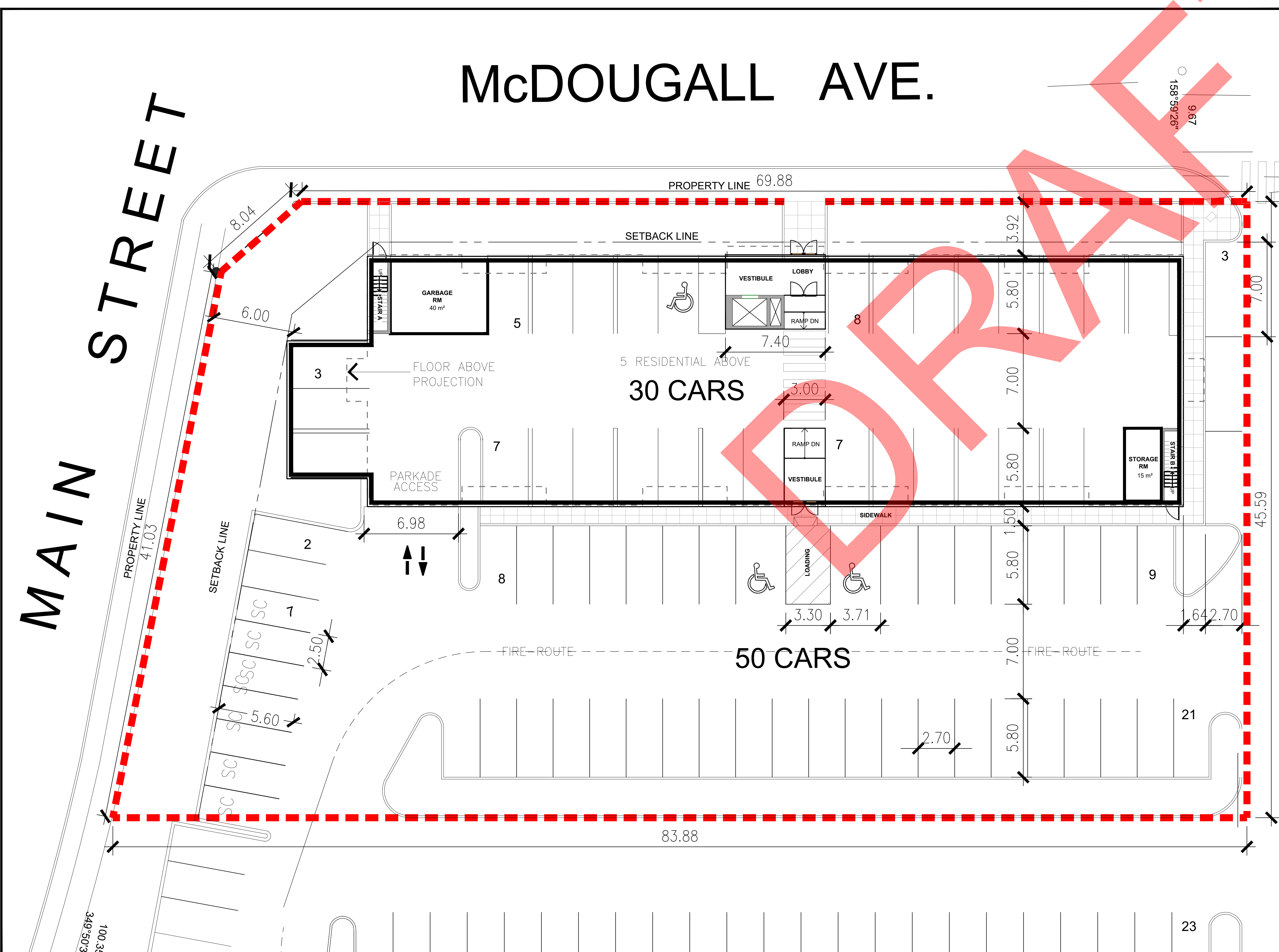
CONCEPTUAL RENDERING



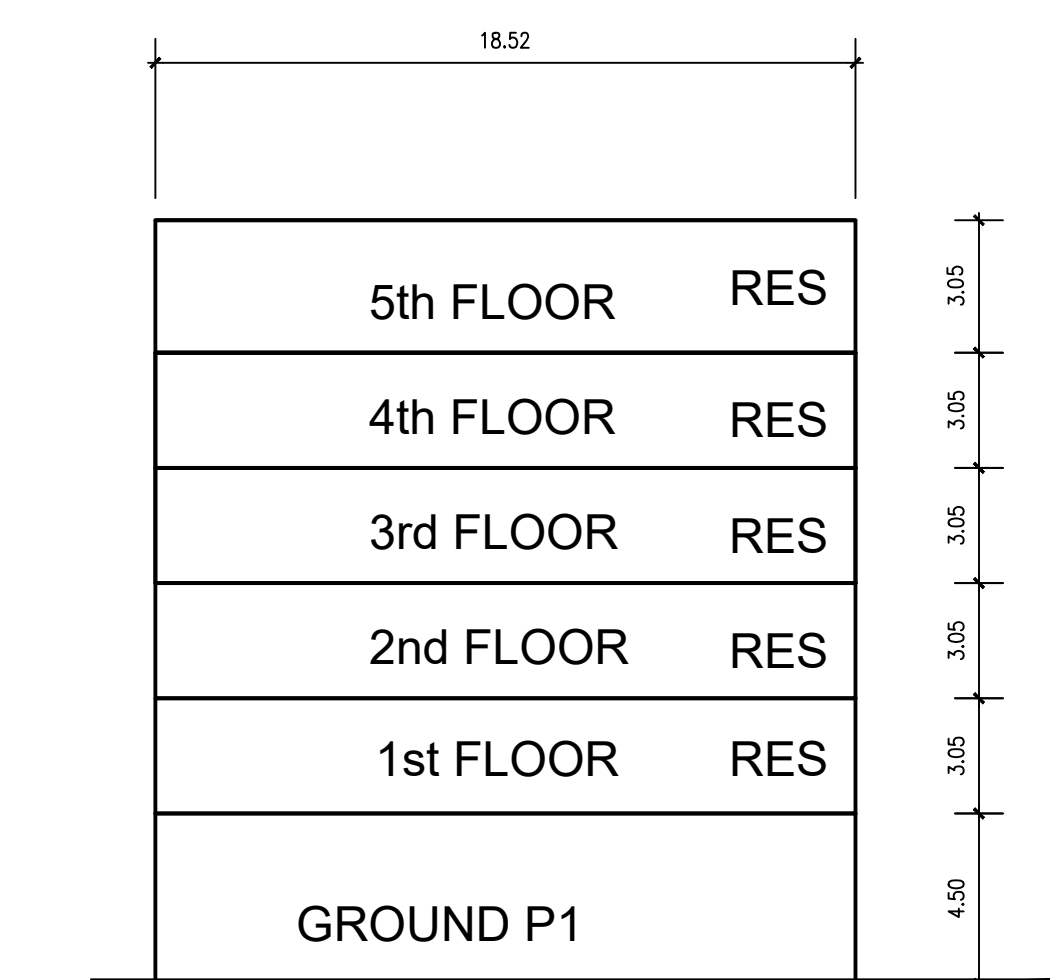
**1** KEY PLAN  
Scale: 1:200

ZONING COMPLIANCE TABLE - C4 (GENERAL COMMERCIAL) RESIDENTIAL PARCEL			
REGULATION	CURRENT	PROPOSED	AMENDMENT REQUIRED
OCB	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

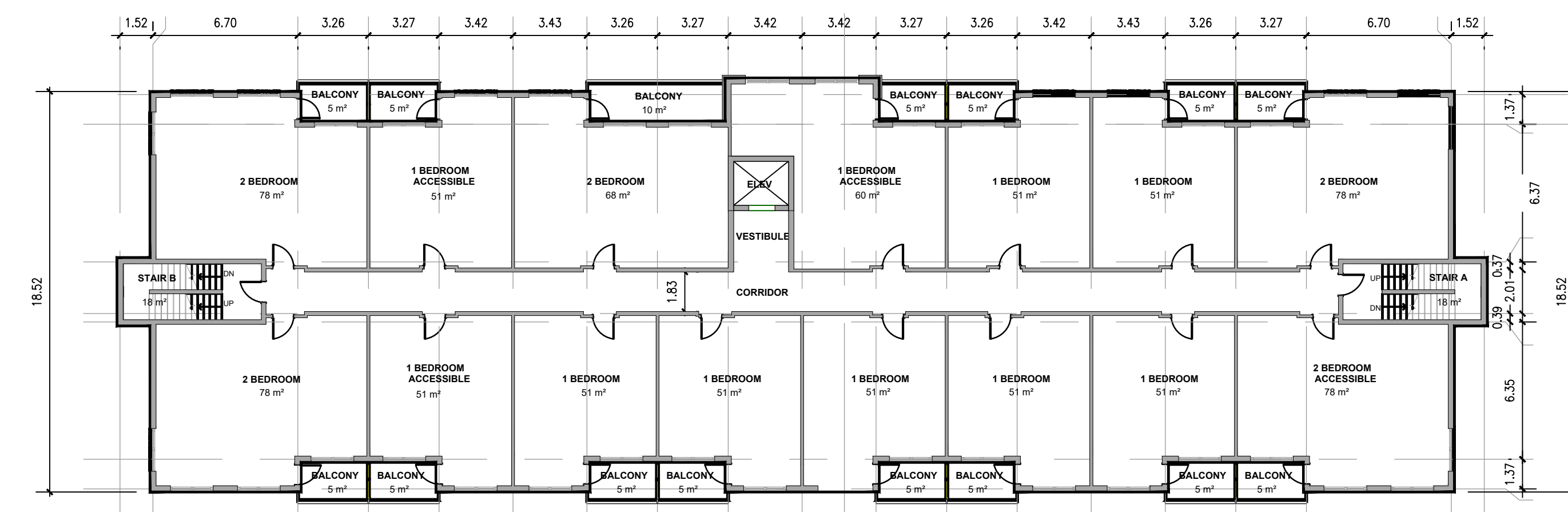
\*BYLAW NO. 2019.24 PERMITS CASH-IN-LIEU



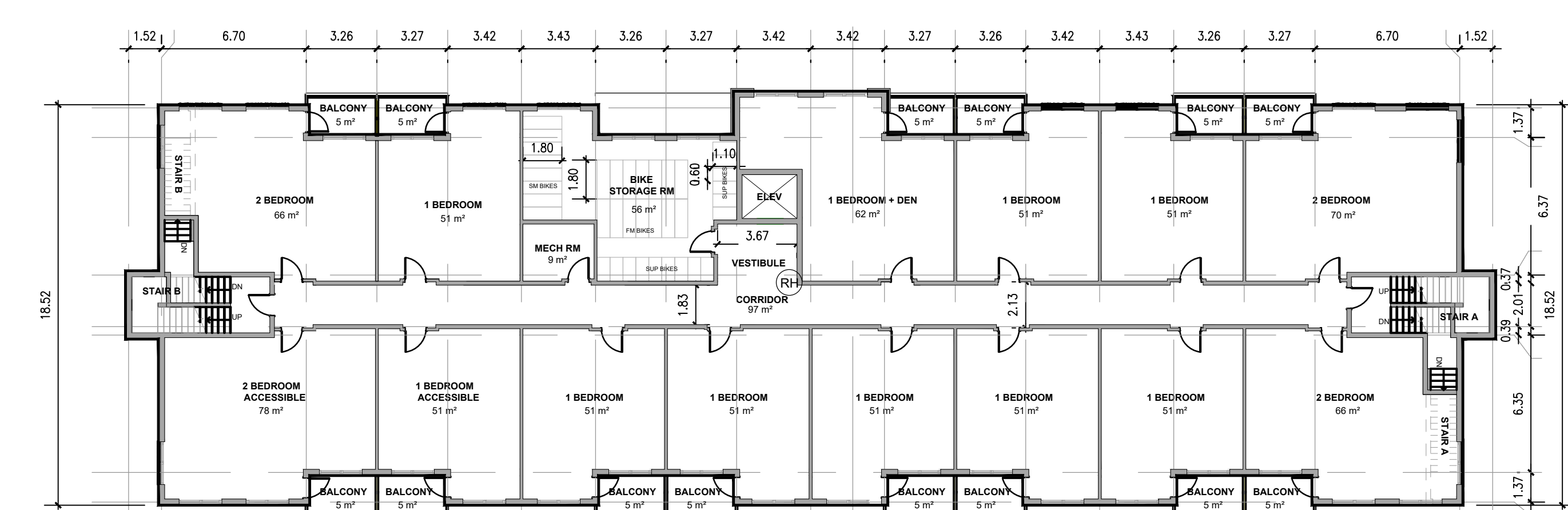
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**5** SECTION CONCEPT  
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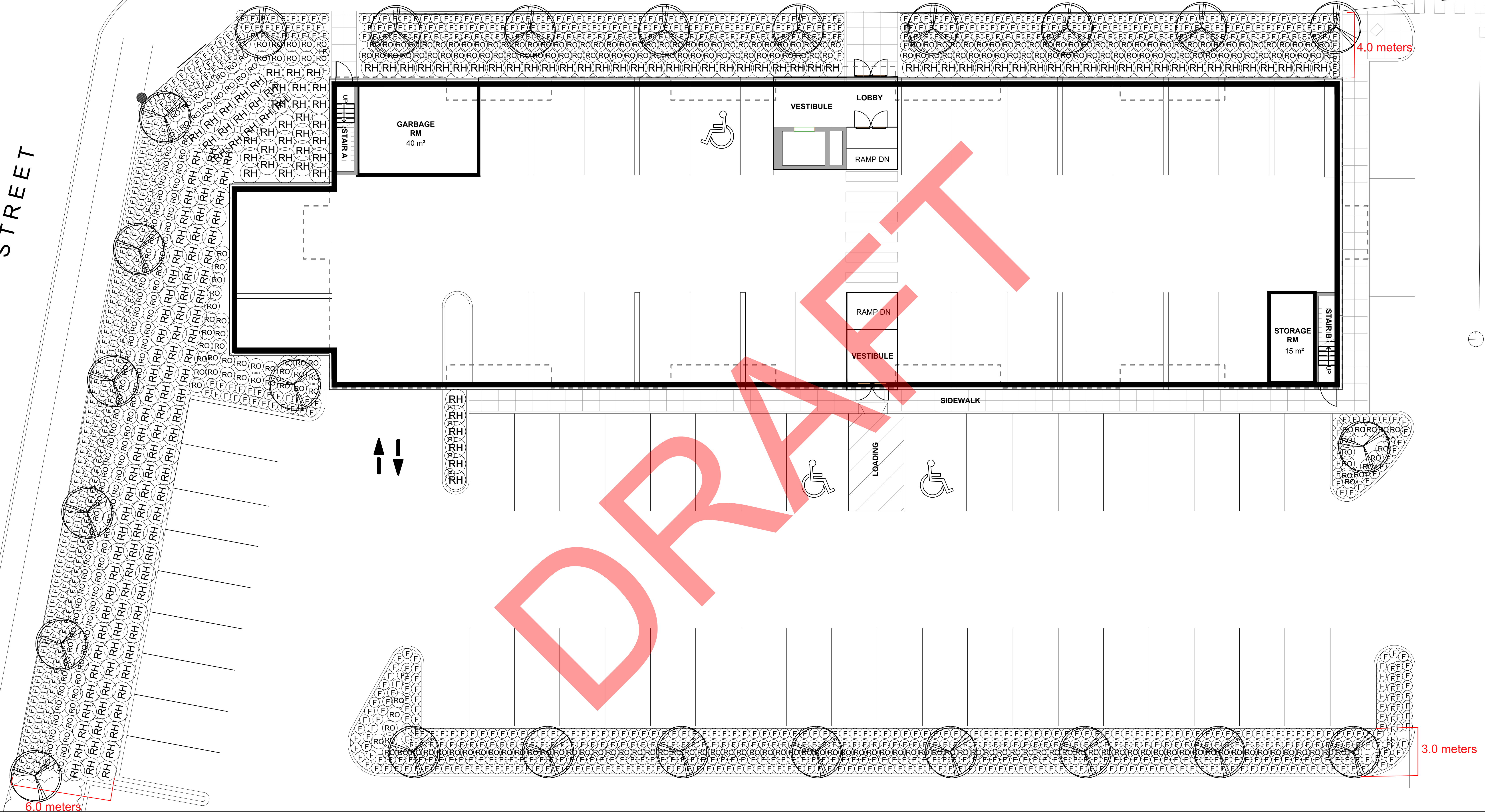
**4** 2nd-5th FLOOR LEVEL PLAN TYP.  
Scale: 1:200



**3** 1st FLOOR LEVEL PLAN  
Scale: 1:200

McDOUGALL AVE.

MAIN STREET



**1 SCHEMATIC LANDSCAPE PLAN**  
Scale: 1:500

**SCHEMATIC PLANT SCHEDULE**

KEY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS	SOIL VOLUME
TREE	25	FAGUS SYLVATICA 'DAWYCK'	FASTIGIATE OR DAWYCK BEECH	10 CU.M PER TREE
SHRUB	(R)	RHODODENDRON 'ANAH KRUSCHKE'	RHODODENDRON; BLUE	.25 CU. M
	(RO)	ROSA 'NOARE'	CARPET ROSE; RED	.25 CU. M
GRASS	(F)	FESTUCA CINEREA 'ELIJAH BLUE'	FESTUCA	.03 CU.M.



The Corporation of the City of Penticton

Bylaw No. 2024-11

A Bylaw to Amend Zoning Bylaw 2023-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2024-11".

2. **Amendment:**

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

- 2.1 Add 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, dwelling units on the first storey shall be permitted."
- 2.2 Add 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, a maximum density of 1.75 FAR shall be permitted."
- 2.3 Add Section 11.4.4.5: "In the case of Lot C District Lot 251 Similkameen Division Yale District Plan KAP80315, located at 2210 Main Street, the maximum height of 20 m shall be permitted."
- 2.4 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this                                 day of                                 , 2024  
READ A SECOND time this                                 day of                                 , 2024  
READ A THIRD time this                                 day of                                 , 2024  
ADOPTED this   day of                                 , 2024

Notice of intention to proceed with this bylaw was published on the 22 day of March, 2024 and the 27 day of March, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

---

Julius Bloomfield, Mayor

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Angie Collison, Corporate Officer



**City of Penticton – Schedule 'A'**

**Zoning Amendment Bylaw No. 2024-11**

**Date:** \_\_\_\_\_

**Corporate Officer:** \_\_\_\_\_