



Council Report

penticton.ca

Date: February 17, 2026 File No: RMS/251 Comox Street
To: Anthony Haddad, City Manager
From: Audrey Tanguay, Planning and Licensing Manager
Address: 251 Comox Street, 1013 Westminster Ave W, 997 Westminster Ave W, and 998 Burnaby Avenue

Subject: Zoning Amendment Bylaw No. 2026-16, Development Permit PL2025-10060, and Development Variance Permit PL2025-10059

Staff Recommendation

THAT Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2026-16", for:

- Lot 2 District Lot 336 Similkameen Division Yale District Plan 7531 (251 Comox Street);
- A portion of Parcel A (DD 169427F and Plan B7293) of Lot 242 District Lot 366 Similkameen Division Yale District Plan 1248 Except Plan 7286 (1013 Westminster Avenue W);
- Lot 2 District Lot 366 Similkameen Division Yale District Plan 7247 (997 Westminster Avenue W); and
- Lot 1 District Lot 366 Similkameen Division Yale District Plan 7247 (998 Burnaby Avenue).

A bylaw to rezone the subject properties from C7 (Service Commercial) to RM3 (Medium Density Multiple Housing) and add the site-specific provision within the RM3 – Medium Density Multiple Housing zone as follows: "Section 10.5.5.7 In the case of Lot 2 District Lot 336 Similkameen Division Yale District Plan 7531, located at 251 Comox Street, the maximum density shall be 1.7 FAR. In the case of Lot 2 District Lot 366 Similkameen Division Yale District Plan 7247, located at 997 Westminister Avenue W, and Lot 1 District Lot 366 Similkameen Division Yale District Plan 7247, located at 998 Burnaby Avenue, a private parking lot shall be permitted".

AND THAT Council, as a condition of adoption of "Zoning Amendment Bylaw No. 2026-16" require a 1.8 m road dedication along the Burnaby Avenue frontage, and 5mx5m corner cuts at Burnaby Avenue and Westminister Avenue W, be completed prior to the issuance of the Occupancy Permit.

AND THAT adoption of "Zoning Amendment Bylaw No. 2026-16" be subject to the following conditions:

- Signing of the Bylaw by the Ministry of Transportation and Transit; and
- The required contaminated site notice received from the Ministry of Environment and Parks.

Excess and Extended Service

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

- To extend the off-site work from the development at 251 Comox Street to bring curb and sidewalk to Westminster Ave W.

Development Variance Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2026-16", approve "Development Variance Permit PL2025-10059 for:

- Lot 2 District Lot 336 Similkameen Division Yale District Plan 7531 (251 Comox Street);
- Lot 2 District Lot 366 Similkameen Division Yale District Plan 7247 (997 Westminster Avenue W); and
- Lot 1 District Lot 366 Similkameen Division Yale District Plan 7247 (998 Burnaby Avenue).

A permit to vary the following sections of Zoning Bylaw No. 2024-22:

- Section 6.5 to reduce the parking requirements from 1 space/unit for residents and 0.2/unit for visitors to 0.87 spaces/unit for residents and 0.06/unit for visitors;
- Section 6.6 to reduce the electric vehicle (EV) ready charging requirements;
- Section 10.5.2.8 to reduce the minimum exterior side yard setback from 4.5 m to 0.4 m; and
- Section 10.5.3.1 to reduce amenity space from a rate of 20m²/dwelling unit to 17m²/dwelling unit.

And a permit to vary the following sections of Subdivision and Development Bylaw No. 2004-81:

- Section 9.3.1 to not require frontage improvements, including asphalt, curb, gutter or sidewalk along the Burnaby Avenue frontage of 998 Burnaby Avenue.

Development Permit

THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2026-16”, approve “Development Permit PL2025-10060”, for:

- Lot 2 District Lot 336 Similkameen Division Yale District Plan 7531 (251 Comox Street);
- Lot 2 District Lot 366 Similkameen Division Yale District Plan 7247 (997 Westminster Avenue W); and
- Lot 1 District Lot 366 Similkameen Division Yale District Plan 7247 (998 Burnaby Avenue).

A permit to approve the form and character of the proposed development and vary the following sections of Zoning Bylaw No. 2024-22:

- Section 4.9 to permit a non-cantilevered architectural projection to extend 0.6 m into the front yard setback;
- Section 5.2 to reduce the width of landscape buffers along Burnaby Avenue to 1.2 m on property; and
- Section 10.5.4.1 to increase the maximum hard surfacing from 60% to 84% (251 Comox Street) and from 60% to 74% (997 Westminster Avenue W and 998 Burnaby Avenue).



Figure 1 - Subject Property Location

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

This application consists of multiple sites. The applicant is proposing to construct an apartment building on the west site (251 Comox Street and a portion of 1013 Westminster Avenue W). The building is 6 storeys and includes 147 apartment units, ranging from studio to 3 bedrooms. Amenities include outdoor amenity space, a bike wash and repair station, a pet wash station, a lounge area in the lobby, a gym, a parcel room, an amenity room on the 6th floor, and private balconies/patios for residents. A surface parking lot for residents is offered at the rear of the building. A pedestrian entrance is provided to the main apartment lobby from the Comox Street sidewalk, and there are additional private entrances to the ground floor units. The apartment building is proposed as a purpose-built rental.

On the east site (997 Westminster Avenue W and 998 Burnaby Avenue) additional resident parking is proposed. The applicant has indicated they plan to redevelop this east lot for additional development in the future.

Background

The properties are located on the north side of Westminster Avenue W, total approx. 2.0 acres in size, and are intersected by Comox Street. The west site (251 Comox Street and a portion of 1013 Westminster Avenue W) is currently vacant except for a small accessory building. The east site (997 Westminster Avenue W and 998 Burnaby Avenue) is occupied by a vacant vehicle repair shop (Murray Car Care Centre). The properties are zoned C7 – Service Commercial but are designated for High Density Residential by the Official Community Plan (OCP), and identified for multi-family residential development in the City’s North Gateway Plan. The surrounding area consists of a Co-op Gas Station to the east, the South Okanagan Women in Need Society (SOWINS) and a townhouse development to the west, a manufactured home park to the north, and Murray Buick GMC Penticton, Green House Cannabis Boutique, and Hotel Penticton to the south.

Financial implication

The applicant is responsible for all development costs, including any service upgrades and the payment of Development Cost Charges (DCC’s) to help offset the added demand on City services from the proposed development.



Figure 2 - Rendering of Proposed Development

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development is consistent with the following aspects of the CCAP:

- **Shift Beyond the Car:** enable walking, cycling and other forms of zero emission mobility
 - The proposal includes both long-term and short-term bicycle parking and direct pedestrian connections from the lobby and ground floor apartment units to the public sidewalk.
 - The site is along BC Transit Route 1, which services the hospital, Cherry Lane Shopping Centre and the Peachtree Square Commercial Plaza.
 - The site is within a 20 minute walk of amenities including the Riverside Village Commercial Plaza, Okanagan Lake and Lakawanna Park, Penticton Community Centre, and Queen’s Park Elementary School.
- **Electrify Passenger Transport:** Enable charging at home and work
 - The proposal includes EV ready stalls on the west site.

Technical Review

The application was reviewed by the City's Technical Planning Committee (TPC). Requirements for building permit and the payment of Development Cost Charges (DCC's) were identified and communicated to the applicant. The applicants are requesting variances to some of the infrastructure requirements along the Burnaby Avenue frontage of the east site (parking area). This variance is supported by Engineering staff and spoken about below.

Development Statistics

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

| | Zone Requirement (RM3 – Medium Density Multiple Housing) | Provided on Plans |
|--|--|--|
| Minimum Lot Width*: | 25 m | 62 m |
| Minimum Lot Area*: | 1400 m ² | 5,325 m ² |
| Maximum Lot Coverage: | 50% | 38% |
| Maximum Density: | 1.6 Floor Area Ratio (FAR) | 1.7 FAR <i>site-specific zoning requested</i> |
| Maximum Height: | 24 m | 23 m |
| Vehicle Parking: | Total Vehicle Spaces Required: 1 per unit (147 spaces) plus 0.2/unit for visitors (29 spaces) Total: 176 spaces | Total Vehicle Spaces Provided: 0.87 per unit (127 spaces), plus 0.06/unit for visitors (8 spaces) Total: 135 spaces <i>variance requested</i> |
| Level 2 Electric Vehicle (EV) Ready Stalls: | Total EV Ready Required: 1 per dwelling unit (147 EV ready total) | Total EV Ready Provided: 64 EV ready spaces, with EV Chargers servicing 10 stalls at occupancy (West Site) No EV ready spaces (East Site) <i>variance requested</i> |
| Bicycle Parking: | Total Bicycle Parking Required: Class 1 (secure): 0.5/unit (74 spaces) Class 2: 0.1/unit (15 spaces) | Total Bicycle Parking Provided: Class 1 (secure): 74 spaces Class 2: 16 spaces |

| | | |
|--|--|---|
| Required Setbacks: Front Yard: Interior Side Yard: Exterior Side Yard: Rear Yard: | 3.0 m 4.5 m 4.5 m 6.0 m | 3.0 m 4.5 m 0.4 m variance requested 6.0 m |
| Amenity Space: | 20m ² /unit | 17m ² /unit variances requested |
| Hard Surfacing: | Maximum 60% of the lot | Maximum 84% (West Site) Maximum 74% (East Site) variance requested |
| Projections: | Cantilevered architectural projections may project 0.6 m into front yard | <i>Non</i> -cantilevered architectural projection 0.6 m in front yard variance requested |
| Landscape Buffers: | 3.0 m landscape buffer along streets | 1.2 m landscape buffer along Burnaby Ave variance requested |
| Off-Site Works: | Curb, gutter, sidewalks, and repaving of road to centerline | All required improvements (West Site) No asphalt, curb, gutter or sidewalk on Burnaby Avenue frontage (East Site) variance requested |
| Other Information: | *Lot width and lot area are only applicable at the time of subdivision. | |

Analysis

Zoning Bylaw Amendment

Official Community Plan

The properties are designated "High Density Residential" within the Official Community Plan (OCP) Future Land Use Map:

| Land Use | Description | Building Type(s) | Uses | Height / Density |
|--|---|--|---|---|
| High Density Residential  | Higher-density multifamily residential neighbourhoods consisting of townhouses and apartments in higher-amenity areas | <ul style="list-style-type: none"> Cluster housing Townhouses Low-rise and mid-rise apartment buildings Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare) | <ul style="list-style-type: none"> Residential Limited retail/service | <ul style="list-style-type: none"> Up to 6 storeys |
| Site-Specific High Density Residential Policy Statement: 556 to 736 Lakeshore Drive West: Development up to a maximum of four storeys can be considered subject to assessment of urban design impacts on Lakeshore Drive and the waterfront, Lakawanna Park and neighbouring properties on Churchill Avenue. | | | | |

The OCP land use designation permits residential development up to 6 storeys. The proposed RM3 – Medium Density Multiple Housing zone with a site specific to allow an increased density to 1.7 FAR and a private parking lot, would allow for residential development.

Zoning Bylaw

The properties are currently zoned C7 – Service Commercial. The C7 zone allows for auto-oriented commercial uses. The applicant has requested a zoning bylaw amendment to the RM3 – Medium Density Multiple Housing zone with a site-specific amendment to allow an increased FAR of 1.7 on the west site (251 Comox Street) to construct a 6 storey apartment building. The applicant has also requested a site specific amendment to permit a private parking lot on the east site (997 Westminster Avenue W and 998 Burnaby Avenue) to allow additional resident parking off-site.

Lot Line Adjustment

The proposed RM3 – Medium Density Multiple Housing zone will extend to a portion of 1013 Westminster Avenue W. This is to align with a lot line adjustment (subdivision) application that will expand the size of 251 Comox Street to accommodate the proposal, refer to the draft development permit (Attachment G) for more details. The lot line adjustment will occur once rezoning is complete.

Support Zoning Bylaw Amendment

The proposed RM3 – Medium Density Multiple Housing zone with a site specific to allow increased FAR, and the site specific to allow a private parking lot, will allow for a 6-storey residential apartment building which aligns with the High Density Residential Land Use Designation.

Development Variance Permit

The applicant has requested a Development Variance Permit for variances to Zoning Bylaw No. 2024-22. The applicant has provided a rationale for the requested variances (Attachment F). Staff recommend support for the following variances:

1. Reduce Number of Parking Spaces

As per s.6.5 of the Zoning Bylaw, apartment buildings require 1 parking space per dwelling unit (147) plus 0.2/unit for visitors (29), for a total of 176 spaces. This development proposes a 41-space reduction, with 0.87 spaces per dwelling unit (127) plus 0.06/unit for visitors (8). With the new Transit Oriented Development Areas and the elimination of the downtown parking requirement, most high-density multi-family areas no longer have the parking requirement. Although parking requirements still apply to this particular site, the location is seen as compatible with reduced reliance on vehicle travel. The site is within a 20-minute walk of amenities (Riverside Plaza, public park space (Okanagan Lake, Lakawanna Park, Riverside March, Penticton Skate Park etc.), downtown, community centre, and an elementary school). Additionally, Route 1 bus provides direct connections to areas of the City beyond walking distance such as Cherry Lane Mall. Furthermore, the recommendations from the OCP Housing Task Force were to move away from parking regulations and move more towards market-based approaches. The applicants consider the parking supply to be appropriate for the project's intended form and anticipated demand.

2. Reduction in EV Ready Requirements

As per s.6.6 of the Zoning Bylaw, energized outlets are to be provided at a rate of 1 per dwelling unit for multiple housing uses. In the case of the proposed development, the west site (apartment building) is proposed to exceed the City's EV ready requirements with EV ready stalls as well as EV chargers servicing 10 parking stalls at time of occupancy. However, on the east site (parking lot/future development site) no EV ready parking is proposed. The applicant has stated that meeting the City's EV requirements on the east lot impacts project feasibility, and has provided a rationale for the requested variance (Attachment D). Staff are generally in support of the plan as proposed.

3. Reduce Exterior Side Yard Setback (251 Comox Street)

The RM3 – Medium Density Multiple Housing Zone requires a 4.5 m exterior side yard setback (adjacent to Burnaby Avenue). To accommodate a 1.8 m road widening and 5mx5m corner cut requested by Engineering along Burnaby Avenue, the proposed setback is 0.4 m. The building meets the 4.5 m setback without the requested dedication but further adjusting it to be setback from the road widening and corner cut would significantly impact the design. The apartment building setback is reduced to 1.2 m along Burnaby Avenue and 0.4 m at the corner of Burnaby and Comox.

4. Reduce Amenity Space

The RM3 – Medium Density Multiple Housing Zone requires amenity space to be provided at a rate of 20m² per dwelling unit. For the proposed 147 units development, this results in a total requirement of 2,940 m²/0.7 acres of amenity space. This development proposes 17m²/unit (2,499 m²/0.6 acres). The amenity space requirement of 20m²/unit is consistent across the City's low-density zones (R4-L and R4-S). While such a requirement can typically be accommodated in lower density developments with private yards, as density increases on a site, accommodating amenity space at this rate becomes more

difficult. Despite the reduction, a wide variety of amenities are offered for future tenants including outdoor amenity space, a bike wash and repair station, a pet wash station, a lounge area in the lobby, a gym, a parcel room, and an amenity room on the 6th floor. Each unit also has a private outdoor balcony/patio space, and the site is within walking distance of public amenities such as Okanagan Lake and Lakawanna Park. As such, the variance aligns with policies and development permit guidelines in the OCP encouraging amenity space in multi-family developments and meets the intent of the amenity space requirement in the Zoning Bylaw.

5. Removal of Off-site Works Requirements along the east side of Burnaby Avenue

As per s.9.3.1 of the Subdivision and Development Bylaw No. 2004-81 developers are required to complete all frontage improvements to the standards of the bylaw at time of building permit. In the case of this proposed development, the required work includes curb, gutter, and sidewalk, and repaving the road to centerline along the full frontage of the properties. The applicant is requesting a variance to frontage improvements along Burnaby Avenue on the east site (998 Burnaby Avenue). This would include waiving the requirement for asphalt, curb, gutter and sidewalk along this 40m stretch of road. The applicants have sited the extensive amount of off-site works as a financial barrier to the project. Staff are generally supportive of this request as this section of Burnaby Avenue is identified in the City's North Gateway Plan for potential conversion into a greenway and therefore road improvements are not a priority at this time. The applicants are installing curb gutter and sidewalk along all other frontages of the street, including connecting curb, gutter and sidewalk beyond the frontage on Comox Street connecting up to Westminster Avenue.

Development Permit

The property is located within the General and the Multifamily Residential Development Permit Areas in the Official Community Plan. Staff have completed a development permit checklist (Attachment E). The proposed development meets all applicable development permit guidelines except for the following:

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

There is no barrier-free pedestrian walkway from the primary building entrance to the garbage area (located in the parking lot behind the building). All other amenities have connections.

- Where landscaped island area is required in the Zoning Bylaw it should be installed with the following considerations (see Figure 5-7):
 - Planting between internal collectors (not used for direct access to parking stalls) and aisles that provide direct access to parking stalls;
 - Planting at the end of aisles;
 - Planting between blocks of parking spaces; and,
 - Planting around utility kiosks and waste/recycling areas.

Planting between blocks of parking spaces and around the waste/recycling area is not provided. Given the proposed site layout, if additional plantings were to be provided parking spaces would need to be reduced.

- In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from units (see Figure 5-11).

A courtyard design is not proposed. However, patios and entries to ground floor units around the building help to provide opportunities for resident interaction.

- Entrances to apartment lobbies should provide seating.

There is no seating at the entrance to the apartment lobby along Comox Street. However, seating is provided at the rear entrance to the lobby accessed from the parking area behind the building.

- Public art at entrances to apartment lobbies is encouraged.

No public art is proposed at the entrance to the apartment lobby. However, the proposed wood framed architectural feature that runs from the first to sixth story on each side of the entrance helps to provide visual interest.

The following variances are also requested as part of the development permit, which staff recommend approval of:

1. Architectural Projection in Front Yard Setback

As per s.4.9 of the Zoning Bylaw, any cantilevered architectural projection that constitutes less than 25% of the wall face to which the projection is attached may project a maximum of 0.6 m into any required setback. The proposed apartment building includes a non-cantilevered architectural projection that projects 0.6 m into the required front yard setback (along Comox Street frontage). Given the non-cantilevered nature of the projection, a variance is required.

As per the OCP, minor variances to setbacks may be considered to accommodate desirable architectural criteria, such as porches, balconies, projecting design features, awnings, and canopies, provided that the building face still meets required setbacks. The proposed projection is a portion of the front entry wood feature that runs from the first to sixth floor. The architectural piece adds visual interest and articulation to the building aligning with Development Permit guidelines. The apartment building face still meets the required 3.0 m front yard setback.

2. Reduce Landscape Buffer Width

As per s.5.2 of the Zoning Bylaw, a 3.0 m landscape buffer consisting of shrubs and trees is required along the adjacent streets and between the proposed apartment building and the townhouse

development to the west. The landscape buffer requirement is to mask or separate uses, especially different uses or those of varying densities. A variance is requested to reduce the width of the landscape buffers along Burnaby Avenue from 3.0 m to 1.2 m.

As per the OCP, minor variances to landscape buffer requirements may be considered in cases where the proposed building locations make establishment of a buffer difficult or impossible or where trees will not thrive. In cases where the buffer is reduced, compensatory planting elsewhere on site or in the adjacent public realm is required. In the case of the subject properties, the 1.8 m road dedication on Burnaby Avenue reduces the buffer width on site to 1.2 m. That said, the applicant has proposed the continuation of the buffer into the boulevard which creates the full 3.0 m buffer width and acts as compensatory planting in the public realm.

3. Increase Hard Surfacing

A maximum of 60% hard surfacing is permitted in the RM3 Zone. The development proposes 84% hard surfacing on the west site (Apartment Building) and 74% hard surfacing on the east site (Parking Lot/Future Development Site). As per the OCP, minor variances to impermeable surface requirements may be considered provided other means of managing stormwater are incorporated into the design. The applicant has provided an acceptable stormwater management plan prepared by a professional engineer as part of their application.

The development has been designed to meet the majority of design guidelines given its architectural features, use of drought tolerant landscaping, and pedestrian connections to the lobby and ground floor units from the public sidewalk. The variances proposed as part of the development permit are aligned with policies in the OCP. Staff recommend Council approve the Development Permit.

Summary

In summary staff consider this project to be aligned with City Bylaws and the vision of the North Gateway plan. Staff are recommending Council support readings of the bylaw and support for the associated permits.

Alternate recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2026-16".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent (Applicant)

Attachment E – Development Permit Checklist (Staff)

Attachment F – Draft Development Variance Permit PL2025-10059

Attachment G – Draft Development Permit PL2025-10060

Attachment H – Zoning Amendment Bylaw No. 2026-16

Respectfully submitted,

Audrey Tanguay

Planning and Licensing Manager

Concurrence

| | | |
|--|---------------------------------------|-------------------------------|
| GM Development Services <i>BL</i> | GM of Infrastructure <i>KD</i> | City Manager <i>SH</i> |
|--|---------------------------------------|-------------------------------|