Public Hearing

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Public Hearing
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, April 7, 2015
at 6:00 p.m.

1. Mayor	Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2015-02"**	1-57
CO	Reads Opening Statement and Introduction of Bylaw	
	"Zoning Amendment Bylaw No. 2015-02" (96 Yorkton Avenue)	
	Purpose: To amend Zoning Bylaw No. 2011-23 as follows:	
	Add section 10.1.3 Site Specific Provisions; .5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted.	
	The applicant is intending to operate a licensed child care facility.	
	Notice: The Public Hearing was advertised in the Penticton Newspapers on March 27, March 29, April 1, and April 3, 2015 (pursuant to the *Local Government Act*).	
CO	Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, April 1, 2015)	
Mayor	Requests the Planning Manager describe the proposed amendments	
Mayor	Invitation to applicant for comment or elaboration on the application	
Mayor	Invites those in attendance to present their views	
Mayor	Invites Council members to ask questions	
Mayor	Invites applicants to respond to questions and those in attendance may provide new additional information	

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2015-02" is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **"Official Community Plan Amendment Bylaw No. 2015-16" and "Zoning Amendment Bylaw No. 2015-17"** 75-93

CO Reads Opening Statement and Introduction of both Bylaws

"Official Community Plan Amendment Bylaw No. 2015-16" (270, 274, 280, 282, 286, 292 & 298 South Beach Drive & 300 Sudbury Avenue) and
"Zoning Amendment Bylaw No. 2015-17" (298 South Beach Drive & 300 Sudbury Ave.)

Purpose: To amend OCP Bylaw No. 2002-20 as follows:

- Change Schedule 'B' future land use designation for Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Dr.); Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Dr.); Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Dr.); Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Dr.); Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Dr.); Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Dr.); Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Dr.); Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Dr.); and Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Ave.) from PR (Parks & Recreation) to MR (Medium Density Residential)

- Change Schedule 'H' to include Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Dr.); Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Dr.); Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Dr.); Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Dr.); Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Dr.); Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Dr.); Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Dr.); Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive); and Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Ave.)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

- To rezone Lot 1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Dr. and 300 Sudbury Ave., from P2 (Parks & Recreation) to RM2 (Low Density Multiple Housing).

Notice: The Public Hearing was advertised in the Penticton Newspapers on March 27, March 29, April 1, and April 3, 2015 (pursuant to the *Local Government Act*).

CO Correspondence received regarding the OCP and Zoning Amendments attached (as of noon Wednesday, April 1, 2015)

Mayor Requests the Planning Manager describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application (Applicant is the City)

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Official Community Plan Amendment Bylaw No. 2015-16" and "Zoning Amendment Bylaw No. 2015-17" is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2015-18"** 75-93

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2015-18"

Purpose: A number of housekeeping amendments are being proposed to Zoning Bylaw 2011-23.

Notice: The Public Hearing was advertised in the Penticton Newspapers on March 27, March 29, April 1, and April 3, 2015 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, April 1, 2015)

Mayor Requests the Planning Manager describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2015-18" is terminated and no new information can be received on this matter.

Regular Council Meeting

held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, February 2, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

7.2 Zoning Amendment Bylaw No. 2015-02
Re: 96 Yorkton Avenue

112/2015 **It was MOVED and SECONDED**
THAT Council postpone reading Zoning Amendment Bylaw No. 2015-02 up to 60 days to allow the proponent of 96 Yorkton Avenue an opportunity to consult with the neighbourhood.

CARRIED
Councillors Martin and Konanz, Opposed

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

Monday, January 12, 2015
at 6:00 p.m.

Resolutions

8.2 Zoning Amendment Bylaw No. 2015-02
Re: 96 Yorkton Avenue

85/2015 **It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2015-02" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.5 "In the case of Lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted", be introduced, read a first time and forwarded to the February 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

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Date: January 12, 2015 File No: RZ PL2014-087
To: Annette Antoniak, City Manager
From: Audrey Tanguay, Senior Planner
Address: 96 Yorkton Avenue

Subject: **Zoning Amendment Bylaw No. 2015-02**

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2015-02" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.5 " In the case of lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton), Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted", be introduced, read a first time and be forwarded to the February 2, 2015 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is designated as LR (Low Density Residential) by the city's Official Community Plan and is zoned R1 (Large Lot Residential) by Zoning Bylaw 2011-23. The property is 971 m^2 (0.24 acre) and currently features a single detached dwelling. It is the applicant's intention to renovate the existing house for the operation of a daycare for up to 20 children. There is no intention to maintain the residential use of the house. Under provincial regulation, day care centres for up to 8 children can be operated despite any zoning restrictions to the contrary. The day care operator does, however, have to meet provincial regulations pertaining to minimum play areas and health and safety standards. In the case of a day care for more than 8 children (or dependent adults) - zoning does apply. Penticton's zoning bylaw allows for both a day care 'minor' use for up to 16 children and a day care 'major' use for greater than 16 children and provides certain zones for each use. The R1 zone, to which the subject property is zoned, does not allow for either a day care minor or a day care major. As such, the property owner (applicant) is required to obtain an amendment to the zoning bylaw to allow for the use.

Rather than re-zoning to a commercial or institutional use (which have day care centre, major listed as a permitted use), the applicant is requesting that a site specific amendment be adopted allowing for the day care use and that the existing R1 zoning remain, as that is more reflective of other zones in the immediate area.

Proposal

The applicant is proposing to add the following section to the zoning bylaw:

> **Add:** Section 10.1.3.5. In the case of lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton), Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted,

Development Engineering Review

The Development Engineering department have reviewed the proposed development and has not identified any significant concerns or conditions prior to zoning approval.

Financial Implication

N/A

Analysis

Support zoning amendment

The subject property is designated for Low Density Residential Development under OCP Bylaw 2002-20. The OCP has criteria for staff and Council to consider when reviewing applications in this area. The LR (Low Density Residential) OCP designation allows for small scale neighbourhood commercial uses such as convenience stores and small scale institutional uses and provides a number of guidelines for consideration of rezoning applications. The guidelines and staff's comments are as follows:

- *Maximum commercial lot area of 2000m²:* The subject property is 971m² and is under the maximum size permitted for a commercial property in the LR (Low Density Residential) designation of the OCP.
- *Commercial use is located on a collector road and on an intersection:* The property is located at the intersection of Yorkton Avenue and Cypress Street. Yorkton Avenue is a minor collector road therefore the intent of this guideline is met.
- *Provides screening along a property line that abuts residentially zoned areas:* The site plan submitted in support of the rezoning application shows screen fencing adjacent to the residential property on Yorkton Avenue. Staff feel that the installation of fencing will help diminish any undesirable externalities from the institutional use of the property and provide safety for the children.
- *The size, scale and scope of the proposed use are compatible with the character of the area:* Recreations facilities and community services such as daycare helps create neighborhoods that have a feeling of "community" and support the OCP residential policies.
- *The proposed use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on the adjacent residential uses:* Staff do not feel that any negative externalities will impact any neighbouring residences, given that the proposed use of the property is a daycare. Daycare's usually have daytime hours Monday to Friday.

The plans submitted in support of the rezoning application show that the proposed development meets the guidelines for small scale institutional uses in the LR (Low Density Residential) designation as outlined in the OCP. As such, staff recommend that Council support the application to rezone the property and refer the application to the February 2, 2015 Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the zoning amendment does not go forward, the property will be restricted to the single family use. Alternatively, Council may refer the application back to staff with further instructions.

Alternate recommendations

Zoning Amendment

1. That Council deny first reading of Zoning Amendment Bylaw No. 2015-02.

2. That Zoning Amendment Bylaw No. 2015-02 be referred back to staff for further research.

Attachments

Attachment A:	Subject Property Location Map
Attachment B	OCP Map
Attachment C	Zoning Map
Attachment D:	Images of Subject Property
Attachment E:	Site Plan
Attachment G:	Zoning Amendment Bylaw No. 2015-02

Respectfully submitted,

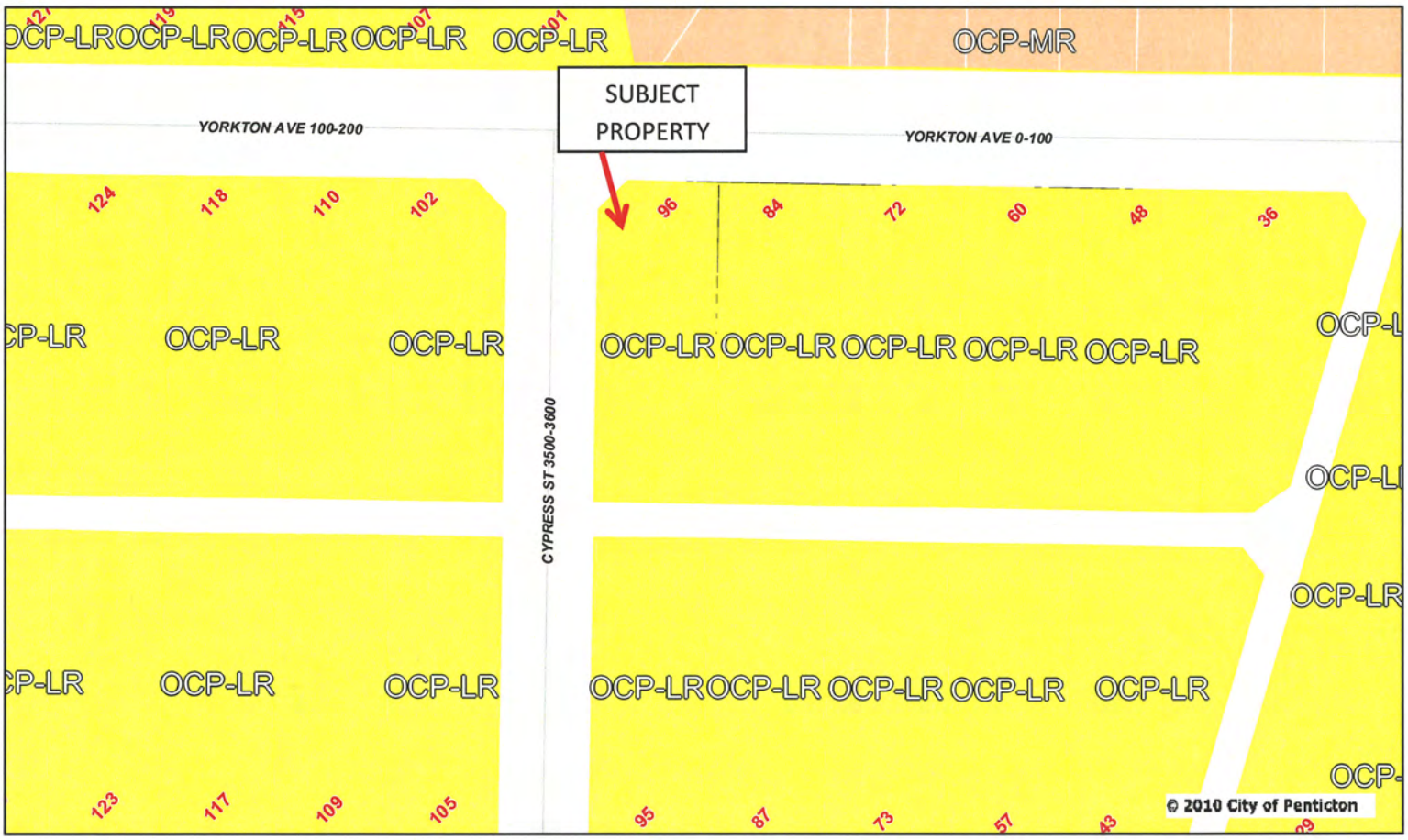
Audrey Tanguay, MCIP
Senior Planner

Approvals

Planning Manager	City Manager

Attachment A - Subject Property

Attachment B - OCP Map



Attachment C - Zoning Map

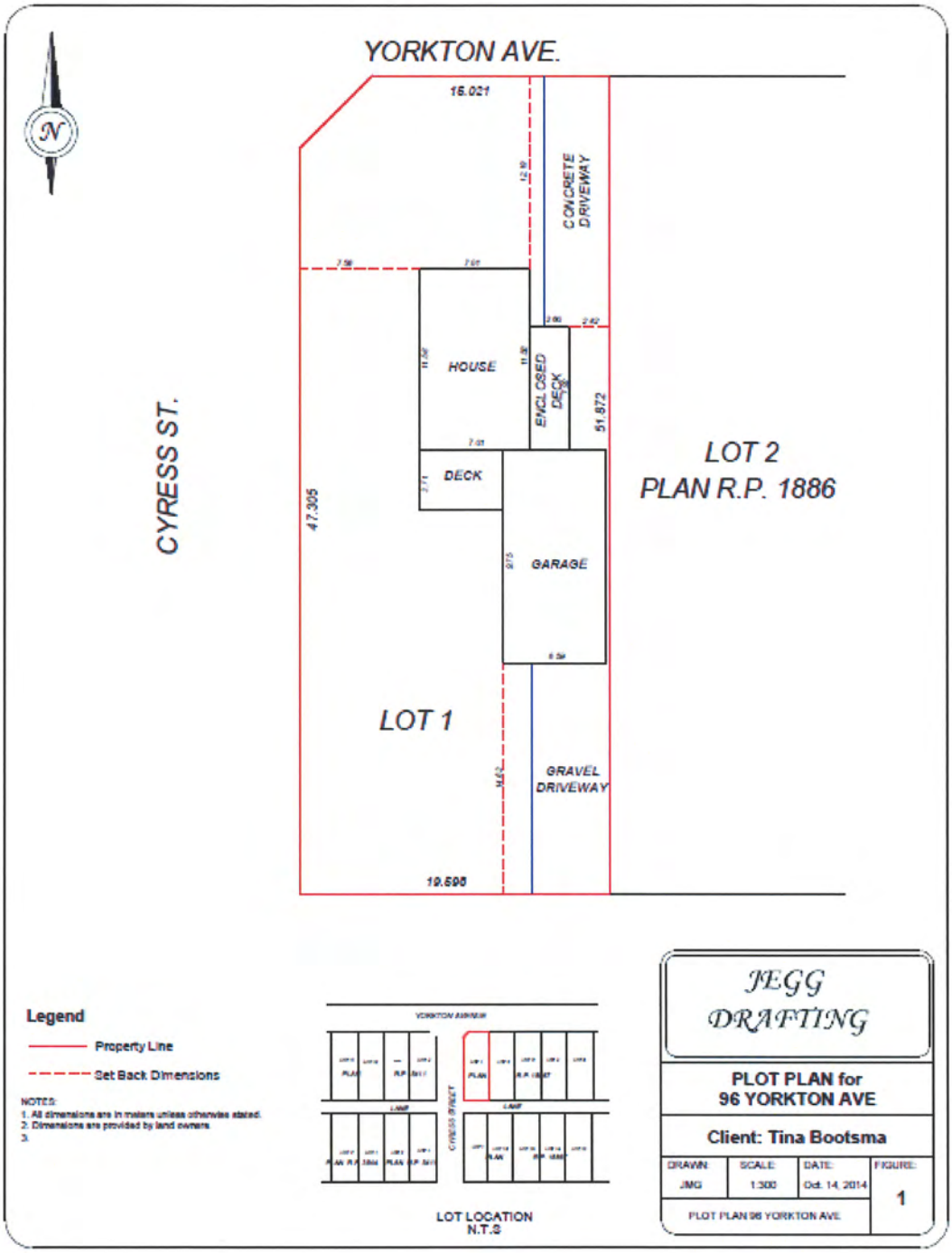
Attachment D - Images of the Subject Property

View from Yorkton Avenue

View on Cypress Street

View at the intersection of Yorkton Avenue and Cypress Street

Attachment "E" –
Site Plan and Access




Parent Parking
6.468
15.021
96
Driveway - For parent drop off
Cedar Hedge
Sound Barrier
Parking
Daycare House
Lot 1
47.305
Canopy Carport
51.872
Walkway
Lower + Upper (Garage)
Outside Entrance
Sound Barrier
Play Area
R.
P
Neighbor Garage (sound barrier)
Parent Parking
Staff parking
Becomes Part of Play Area.
19.593
Lane Access

The Corporation of the City of Penticton

Bylaw No. 2015-02

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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. 2015-02."

2. **Amendment:**

Zoning Bylaw 2011-23 is hereby amended as follows:

2.1 Add section 10.1.3 Site Specific Provisions

.5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted.

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

READ A FIRST time this	12	day of	January, 2015
A PUBLIC HEARING was held this	2	day of	February, 2015
A SECOND PUBLIC HEARING was held this	7	day of	April, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

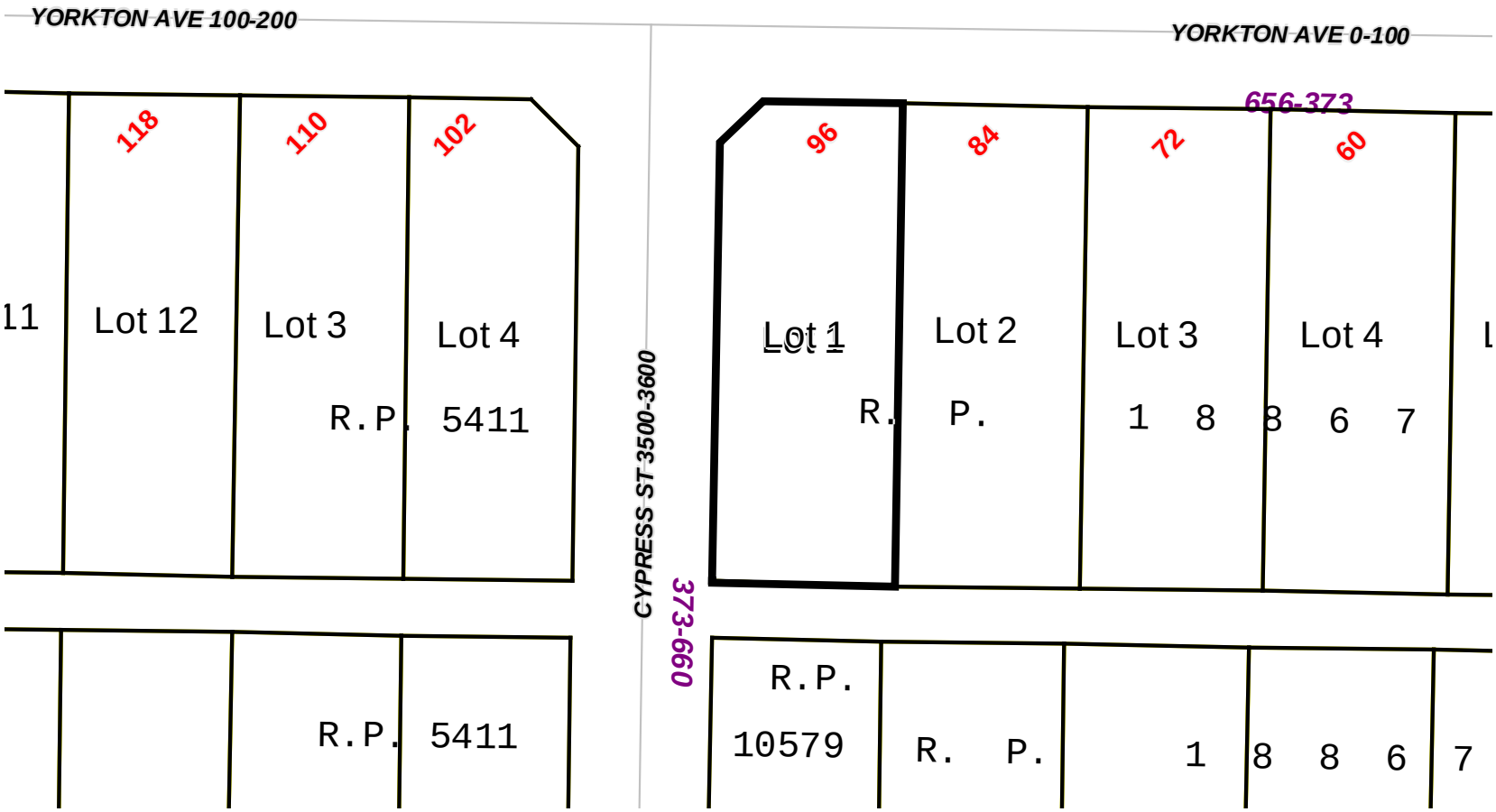
Notice of intention to proceed with this bylaw was published on the 23rd and 28th day of January, 2015, the 27th and 29th of March, 2015 and the 1st and 3rd of April, 2015 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

96 Yorkton Avenue

Site specific rezoning to add **Day Care Centre** as a permitted use



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-02

Date: _____ **Corporate Officer:** _____

January 29, 2015

Dear Tina Bootsma, Manager/Director at Kid's Connection Penticton

Please accept this letter as support of your new daycare center at 96 Yorkton Avenue, Penticton, BC.

We offer our support both as homeowners on Yorkton Avenue, and as a current parent of one of your daycare children. Our youngest child has been attending Kid's Connection at Wiltse since September 2014.

As parents of young children, it has been very difficult to find QUALITY and AFFORDABLE daycare openings in Penticton. We were thrilled when we received a spot at Kid's Connection, as we had been on a waitlist. Our experience with Kid's Connection Daycare has been very positive and professional. We would recommend this day care to anyone looking for a caring environment for their child.

As homeowners on Yorkton Avenue near the proposed center, we feel that it would not have a negative impact to our property. We trust that Kid's Connection will enforce proper parking policies and ensure safety of their daycare children. We also trust that the City of Penticton will ensure proper bylaws are met.

This is a positive change to our neighbourhood, which only makes living in this area even better!

Best Regards,
Wes and Kathy Bird
115 Yorkton Avenue
Penticton, BC V2A 3V3

From:
Sent: February-04-15 7:35 AM
To:
Subject: Penticton Website - Staff Directory - Proposed Daycare

You have received an email from Alicia Matyas via the City of Penticton website:

Name: Alicia Matyas
Topic: Proposed Daycare
Message:
Dear Mayor and Council,

I am writing you to show my support for children's education and working parents in the community. In other words, the proposed daycare on Cypress St.

I watched the council meeting and both sides of the issue out of fairness and I find the residents' complaints to be unfounded. I will address each of these concerns in point form, however before I do so I would like to inform you of the following.

Early childhood education is essential to a healthy community and its future. A licensed daycare is not simply babysitting. Social skills, education basics, and other key aspects of development are nurtured there providing children with a strong start to enter school and be successful. Young families in Penticton do not have it easy. I have seen pregnant women attempt to go on wait lists to get a spot for their unborn, and many parents lose employment because they do not have access to childcare. BC has the highest child poverty rate. Let's support families in being able to feed themselves and prepare their children for a successful future. As someone who is planning on having children I am terrified as I have no family locally to care for them, and can foresee myself being 9 months pregnant and hoping to get on to a list so I can keep working after my maternity leave ends.

I would like to now address the resident's concerns:

1. Parking.

I have never seen a day care where parents park there all day. They are in a rush to get to work in the morning, and in a rush to get home and make dinner. Also, the daycare is only running during the day. In addition, they are making more parking space for staff on their own property out of consideration. This is a non issue.

2. Loss of "Green Space."

An elderly fellow complained about their wanting to create parking spots to accommodate the neighbour's concerns and how it would be a "blighted property." This is absurd. What someone does to their backyard is not up to a neighbour unless they are doing something extreme like operating a chop shop, hoarding, or running a pitbull fighting ring as examples. What we are looking at here is a daycare making parking spaces. This is none of that neighbour's concern and is, once again, a non issue.

3. Noise

They operate during the day, not on stats, and not on weekends. When the majority of people are home, they

are not in operation. I also have never seen a daycare where children are outside all day. I've seen outdoor playtime happen for short periods of time. Also, in the letter many self-professed snowbirds were upset. This is odd considering they don't live here six months of the year and spend their money in another community.

4. Other "Clientele"

They are not running a halfway house, a detox centre, or a prison release program. It's a group of small children. This is a non issue.

5. Property Values

When I have finally saved enough for a down payment I would gladly buy a home near a daycare like any other working family would. This is an incentive that would be a big draw for many. It would also be convenient and a nice reassurance that I'm not in proximity to a poorly maintained rental or a tear down.

In closing, support children's education and working families and see the benefit to the community as a whole.

Sincerely,
Alicia Matyas

A Penticton resident who believes in a community working together for a better future.

Sent from my iPad
Date: February-04-15 7:34:29 AM

From:
Sent:
To:
Subject: FW: Penticton Website - Staff Directory - rezoning

From:
Sent: February-16-15 11:59 PM
To:
Subject: Penticton Website - Staff Directory - rezoning

You have received an email from Tina Zumpano via the City of Penticton website:

Name: Tina Zumpano
Topic: rezoning
Message:
To Mayor Jakubeit in regards to Zoning Amendment Bylaw No. 2015-02 ;

I received an email from my daughter's junior kindergarten program. Due to enlarging enrollment, after many years the Uplands Elementary program will no longer have their classroom. This will leave 25 plus children without a preschool/junior kindergarten/daycare.

The owner, Tina Bootsma, is a fellow Early Childhood Educator, as is her daughter Tasha McKinnon who manages this program. They employ at least 3 other staff plus various support workers. Tina has been in the child care field for numerous years and has a great reputation in the child care community.

Tina purchased a house this summer located at 96 Yorkton Ave in hopes that this would be a third location for the waitlisted junior kindergarten program. Upon the news from the school district, the hope began of offering current Uplands Kids Connection families their child a space in either her Wiltse school program or at the new Yorkton location. Unfortunately this is where there have been concerns regarding rezoning and many residents of that area being opposed to it.

I have been an Early Childhood/Infant Toddler Educator for over 10 years now. I was lucky enough to obtain a job right out of university and worked in group daycares until I went on maternity leave. After maternity leave, I opted to open a licensed family child care in my home on Fairway Ave. I am licensed for up to 7 children including my own. I currently have 3 fulltime children and 1 part-time child as well as my preschool aged daughter and newborn baby. Being a licensed family daycare, I am restricted to specific numbers of specific age groups and now having a newborn, I am even more restricted. I receive 1 or 2 phone calls of parents looking for child care every month and even more calls in the summertime. When I worked in 2 major daycares, each centre had a minimum of a two year waitlist. The one centre had people calling when pregnant and they still not receiving a space by the time the child was going to kindergarten. Most clients will obtain a child care spot in an infant toddler program and stay with the centre until they age out in kindergarten or later. Needless to say, that leaves daycare spaces very limited and hard to come by unless families move out of Penticton or care is no longer needed, commonly due to lack of employment or needing to earn a living wage.

Many Penticton residents were calling for a change in the last elections. Residents are looking for sustainable employment. In order to obtain employment, most people aged 20-40 would likely have children needing care. I feel having a child care facility with at least 20 spaces will give some families the ability to stay in Penticton.

After watching the council meeting from February 2nd, 2015, I realized many things. The majority of the opposed are retired snowbirds. That alone seems to make many of the opposing concerns less powerful in my opinion. I don't think it's fair to refuse the rezoning if the opposing residents in that area are not even residing in their homes for 6 months of the year. These residents also typically raised families in the days when only one parent needed to work, thus they may not recognize or respect the concept and need for daycare. The reality is this town needs younger families and younger families need child care. This could also open up a few job positions for early childhood educated people.

Next, there is the concern regarding traffic. 20 children and maybe 4 staff will create possibly 24 cars arriving in the morning and leaving in the late afternoon. I drove past this house 4 times a day when I lived in the area a few years back. The odd car here and there will not have a significant impact on traffic in the area. The house is located on the corner of a main road in the south end of town. It is on a bus route and is a minute away from a major children's playground, waterpark, baseball field and the beach. It is a busy area from spring through fall. Miss Bootsma has already addressed where staff will park and pointed out that clients are truly only there for minutes a day. Most children are dropped off at daycare between 7:30am & 8:30am, which means only a few cars at a time for a few minutes at a time twice a day. I wouldn't find that much of a disturbance.

Another concern is hours of operation, client base and noise. The daycares I have worked at open at 7:30am and close at 5:30pm. No evenings. No weekends. This is the typical schedule of a licensed group centre in this town. It is written in the handbook given to parents and approved by Interior Health licensing. Miss Bootsma also said she's estimating her clientele to all be ages 5 and under. The group daycare I have been a part of never had extended hours or days due to financial hardship. As a business person and an ECE, I don't see how it would be financially beneficial to be open 7 days a week or extra hours. I also feel the noise concern is a bit absurd considering the location is directly in line with the playground and surrounding amenities. Furthermore, the children may be outside only 2 or 3 times a day in short intervals. Staff is out there with the children and in my experience will not allow the children to be screaming like banshees. In my family daycare I am in adjoined townhouses and I remind my children of the neighbors and they are all capable of keeping the noise level manageable. A resident's visiting grandchildren may also be exuberant children and their whining and crying could very well disturb the quiet oasis of residents anywhere in any city. When I worked in group child care, we frequented the park and water park, walking with anywhere from 8-24 children and 2-5 staff. We never once littered or disrupted the peace of the area. It is a beautiful area and as educators, we are teaching the children how to respect the environment and people and the best way to learn this is through experience.

Interior Health licensing regulations also cover many concerns brought up. Children are in need of quality care in this town. The inside and outside space must meet all regulations. These include many health and safety rules. These cover any concern around any undesirable appearances to the grounds, the safety of children coming and going into the centre, hours, etc. Anyone who purchased this house was capable of adding a playground for their children whether it was for their children or a daycare. Licensing also has regulations regarding heights and resilient surfacing and maintaining the space so it will not be an unreasonable or undesirable appearance.

A daycare in a home creates neighborhoods and promotes family within child care. It is very beneficial for children in all areas of their development, particularly for their social and emotional development. It promotes safe and quality care in a home environment. As was said, Dunstan House never had any complaints lodged against it due to noise. I have many of the seniors on my street walk up my way to see the children playing and laughing. The children love talking to them or waving, which gives them a family and neighborhood feel. Pardon my ignorance, but how can a commercial daycare hidden in a home devalue an area? Does a bed and breakfast or vacation rental devalue an area? There is definitely less control over clientele in those cases, which could cause many more problems. Exactly how many vacation rentals are in the Skaha area? Ultimately, I would love to open a group centre in a home when I am capable of purchasing a larger home.

In conclusion, this town needs more quality child care spaces and with the school district needing their space

back, close to 30 families will soon be scrambling for child care. Tina Bootsma has been successful as a child care centre owner and operator and the people of this town would be lucky to have her open up a new facility and perhaps expand further.

Thank you for your time,
Tina Zumpano
Early Childhood & Infant Toddler Educator and single mother of two
Owner/Operator of Baby Steps and Beyond Family Child Care
Date: February-16-15 11:58:49 PM

March 8, 2015

Honourable Mayor Andrew Jakubeit and Penticton City Council Members

Re: Proposed Zoning Change to 96 Yorkton Ave.

This has been an emotionally charged, difficult time for the people in our neighbourhood. The issue has led to some incorrect assumptions about ourselves & the people in our neighbourhood. We are being looked upon as people who hate children and families and this could not be farther from the truth. We all support families & children. Many of us have raised, worked with children and enjoy grandchildren immensely. This issue has nothing to do with that. It is about us lobbying to preserve the current zoning in our neighbourhood and protect it from being eroded by allowing a commercial business to be established in the center of it.

The reason we purchased a home in the Yorkton Avenue neighbourhood is the low density residential zoning fits with our family and the lifestyle that we wanted for now and our future retirement years. We avoided buying in commercial, higher density areas as this wasn't the type of area we wanted for our home so we chose 'low density residential' intentionally & appropriately for us. We bought in good faith that the zoning in place would remain. We purchased in the middle of an area zoned R1 as we did not want to live beside a commercial anything, daycare or otherwise.

Tina Bootsma purchased the home right next door to ours. When she purchased it she was aware of the R1 -low density zoning and that it would need to be changed in order to operate a commercial, for profit, institutional sized MAJOR group daycare. She took that risk, seemingly without care or thought to the opinion of the neighbourhood, but also with no guarantee we know of, that the zoning would change.
When Ms Bootsma was asked at February's public hearing about her back up plan if the zoning change was not approved she responded that she did not have one and that it would be really sad to tell the 30 families on her wait list they had no spot. I recently called the local Child Care Resource & Referral program, I asked if there were any group daycares with spaces in Penticton. They told me there were 5 programs that were full but another 5 programs with spaces. When I asked further about the need for daycare in Penticton I was told there is a need for infant toddler daycare(children under 3 years) & after school care but not 3 to 5 year old care. That there are 3 to 5 centres in the area that can't fill all of their spaces. Luckily for Tina Bootsma this is a very desirable neighbourhood and homes appear to sell quite quickly. When she purchased 96 Yorkton it had only been on the market for 3 weeks. For a backup plan she could easily sell this Yorkton home and purchase a home in an area zoned appropriately for her commercial daycare business.

Issues with having a MAJOR DAYCARE right next door:

- The precedence of a zoning change for a commercial sized business in the middle of an R1 zoned residential area where the residence in the area are not in favour. Penticton already has areas with houses zoned appropriately for 'daycare major' or evidently judging from some public comments, other neighbourhoods that would welcome such a business. There is no need to force a zoning change on a neighbourhood that is not in favour of it.
- The early morning start 52 weeks / year. Our spring, summer & winter holiday times when we might like to sleep in past 7:30am but instead, hearing the repeated opening & closing of car

doors and I'm sure some tearful goodbyes from 20 children or more with our bedroom right next to the proposed daycare entrance.

- The garbage... How this will be handled ? Twenty children, many in diapers & daycare staff will generate much more waste than a normal family household. There is a 1x per week garbage pick up, garbage will pile up and in the summer heat, I don't relish the thought of the smell...
- Parking, there will be heavy need daily at drop off and pick up time, much more than current single family use. I just recently spoke to a person who lives right next to Edmonton Ave daycare. She says parking is horrible, her driveway is often blocked & when she mentions it to the parents doing this she has been yelled at & told they will only be a minute but that is often not the case. It is the reason she considers moving from the area.
- The unfair advantage - I do feel commercial daycares should all be working from an even playing field. It is unfair to other daycare owners if taxes & other fees are less due to being in a residential area.
- Neighbourhood safety - neighbours take care of each other, watch out for each other. A commercial operation doesn't have that. Once gone for the day no one is watching... Who keeps an eye out for the neighbours, who shovels the walk in winter to keep it safe in the evening or over the weekend?
- Our property value - If a major commercial daycare is right next door it will make our property much less desirable for resale. We would not have bought a home right next to a commercial daycare nor would any of our neighbours. If we were to sell with one next door we would not be getting top dollar that is for sure. At the last hearing Ms Bootsma said she left the Dunstan House daycare location because it became "too costly for upkeep, it was an old house". I do know that the couple who sold the 96 Yorkton home did so because it needed upgrading and modernizing - 96 Yorkton will soon be a 40 year old home. Will the upkeep be done to this home to stay fitting with the neighbourhood or will that also become too costly.
- Tina Bootsma intends to retire in 5 years. What happens then? I do not believe that if this property's zoning changes it will ever be a residential home again.
- Having a major daycare in a house is not a home daycare it is still a commercial, institutional setting, the high number of children make it so. A home daycare is a setting in a home with maximum 8 children and this would be allowed with current zoning so let's not confuse the two.

In closing we wish to be clear and state that we do not support the proposed zoning change to the property 96 Yorkton to add 'Daycare Center Major' and hope the council listens to the neighbourhood people directly affected by this change and do not approve this rezoning application.

Sincerely,
Keith & Ginnie Weston
84 Yorkton Avenue

From: Cannery Trade Centre
Sent: March-12-15 12:29 PM
To: Public Hearings
Subject: Rezone PL2014-087

To Whom It May Concern:

Re: Rezone PL2014-087 Application to add "Day Care Centre, Major" as a permitted use at 96 Yorkton Avenue

My name is Jill Bateman and I am the building manager at the Cannery Trade Centre at 1475 Fairview Road, where we offer commercial lease property. I attended the Council Meeting on February 2 when there was a public hearing on this matter.

I have absolutely no problem with the subject property being rezoned to accommodate a new daycare. I am a parent and have struggled over the years to find care for my son, so I know that additional daycare space in Penticton is a necessity.

As I understand it, the proposal is that the residential zoning for 96 Yorkton Avenue remain in place with a site specific exemption applied to allow for the daycare. Will this model allow the daycare business owner to pay residential property tax, electrical, gas, etc. rates? If so, this gives an unfair advantage to this particular business owner over several other daycare owners who are operating in commercially zoned locations around the City.

Commercial zoning exists specifically so that the City can differentiate it from residential and apply different regulations. In fairness to other businesses operating in commercially zoned areas, this site should also be zoned commercial so that the same standards and rates apply.

Thank you,

Jill Bateman
The Cannery Trade Centre
Factory 78 Holdings Inc.

Hanna Taylor
110 Yorkton Avenue
Penticton, B.C. V2A 3V2
Phone:

March 12, 2015

Mayor and Council, City of Penticton

Re: Daycare Proposal for Yorkton Avenue

I am a homeowner near this proposed "Major Institution" Daycare. I have the right to question the size of this daycare and the manner in which the City is pushing this ahead, without being subjected to sarcasm and disrespect. The poll conducted by the media is not fair as it oversimplifies the question and does not consider the facts in this case. My comments are:

Did Ms. Bootsma check with our Economic Development Officer for appropriate business space before purchasing this residential home for her business? Her proposal is to gut the house to accommodate her business - it will never be a residential home again.

I support neighbourhood daycare - 6 to 8 children in a home daycare as allowed under our residential zoning. It does not have to be a large institution to provide quality daycare.

At the Public Hearing a speaker pointed out to Council that daycares are a lucrative and competitive business ($700/month per child) and that Council would be approving an unfair business advantage. His estimate was that Ms. Bootsma would save over $7,000/year in property taxes. But his comments seem to have been ignored - as was our petition signed by over 30 neighbours.

Our neighbourhood has legitimate concerns which are not being addressed. Warning - this can happen in your neighbourhood too. With 10 days' notice the zoning can be changed to accommodate whatever proposal Council supports.

H Taylor

Hanna Taylor

CC: Letter to the Editor, Penticton Herald
Letter to the Editor, Western News Advertiser

Encl. (letter just received from Ms. Bootsma which speaks for itself)

From: Bernhard & Jan
Sent: March-13-15 12:38 PM
To: Public Hearings
Subject: Neighbourhood Rezoning - Proposed Daycare, 96 Yorkton Ave

Attention: Corporate Officer

Dear Mayor and Council members,

I am writing to express our opposition to the proposed neighbourhood daycare on Yorkton Ave. While it is a noble idea, and we certainly need more daycare centres, it does not belong in a residential neighbourhood.

Residential neighbourhoods are just that, residential. Anytime you allow one or more commercial businesses into a residential neighbourhood it starts to erode what it was meant be, and what it is zoned for. A playground and a beach two blocks away with appropriate parking and facilities is NOT a good enough reason.

There is already enough traffic on both of these roads with the beach access and the bus route. Adding another 25 cars twice a day, or maybe more if kids are dropped off for half days is not acceptable in a residential neighbourhood.

As an example, there is a cellphone repair business out of a rented home in the neighbourhood which I assume has a business licence. Cars are coming and going all day long including weekends. To add another commercial business literally a few homes across the street simply does not belong in a residentially zoned neighbourhood. The property in question is also a corner lot, with not only potential for poor parking options for drop off and pickup, but also potential for obstructing clear sight lines in order to turn either to the beach or onto Yorkton Ave.

Kids do belong in a neighbourhood as part of living there. Commercial businesses do not. Especially with potential safety issues during times when traffic is already heaviest in the morning and at night.

We expect Mayor and Council will make decisions based on bylaws and current zoning regulations, including feedback from the residents of this neighbourhood who will be directly affected, and keep Penticton neighbourhoods appropriate to its intended use.

Respectfully,

Bernhard and Jan Schneider
127 Yorkton Avenue

From: Derek & Tracy Bews
Sent: March-21-15 12:07 PM
To: Public Hearings
Subject: 96 Yorkton Avenue Rezoning

Dear Mayor Jakubeit and Penticton City Council members.

I ask that you listen to the residents whose homes surround 96 Yorkton Avenue and vote no to the rezoning to day care center, major.

As our elected officials please here us as we say that this is not what is needed or wanted in our residential neighborhood. All of the homes that directly surround the property and most others whom live in the area do not want a business in our residential area. I feel that the people that live in the neighborhood need to be listened to and the fact that daycare is needed in Penticton should not be the deciding factor in your votes.

Skaha park can be utilized by any daycare / childcare group and they do not need to have their base of operation within walking distance. I also feel that the daycares use of a park for a limited time daily, weather permitting , and for maybe 7 months of the year is not a good enough argument to why there should be a day care center, major at this location.

Furthermore, I am also concerned what added traffic will do to an already busy residential neighborhood.

Sincerely,

Derek and Tracy Bews
72 Yorkton Avenue
Penticton, BC

March 23, 2015

City of Penticton
185 Main Street
Penticton, BC

Attention: Mayor Andrew Jakubeit and Penticton City Councilors

I am writing this letter in regards to the recent application that Tina Bootsma has made to the City of Penticton to permit a daycare to operate from the Yorkton Avenue location.

I am the mother of two young children, ages 3 and 5. Our daughter has been attending the licensed daycare that Tina Bootmsa operates from Uplands School since September 2013. I can attest that she operates the best run daycare facility in Penticton. She is a responsible manager and has a staff of caring early childhood educators.

My husband and I are full time working parents, with no family living in the area and we rely on daycare facilities. Our children spend 8 hours a day, 5 days a week at daycare and the struggle to find a "good" daycare centre in this town is unbelievable.

This is a struggle that I was unaware of until I had children of my own and was faced with the incredible challenge of finding a place that I felt comfortable leaving my children. I put my name on a daycare waitlist when I was 6 months pregnant and did not get a call for an available space in that facility until my daughter was 3 years old. Throughout the past 4 years my children have attended 2 home based daycare centers and 5 licensed daycare facilities; in addition I have interviewed a myriad of other providers. However when I met Tina and saw the facilities that she operates my search was over and I knew that I found the perfect place for us. I was able to secure a spot for my oldest daughter; however, my youngest has been on their waiting list for the past 1.5 years.

Last summer we were so pleased to hear about the new home based centre that Tina was planning to open. It sounded ideal for my youngest daughter. A licensed centre that would operate from a home; it would offer the best of both worlds - the stability of a licensed daycare centre and still allow my little girl (she's only 3) to spend her days in a home – not a school, or a portable trailer, or a commercialized building, but a home. Unfortunately, Tina has not been able to call to say that she has a spot available for my little one.

As my elected City Council, I ask you to find a solution to the challenge that working parents face in finding suitable daycare for our children. It is evident that The City of Penticton has a daycare shortage. People should not have to be placed on waiting lists for years to get into one of the "good" facilities in town. We need to support operators like Tina and do whatever we can to help her create new daycare spaces. This new home based centre is an amazing idea. This location will allow my daughter the ability to walk to one of the best parks in town; and it will allow these very young children (3 to 5 years old) be able to spend their days in a home.

For my children, daycare is truly their second home and I ask you to please allow 96 Yorkton Avenue to be my daughter's second home.

Sincerely,

Tara and Rob Vanden Pol, of 166 Acacia Crescent, Penticton BC

Re: Bylaw Change for 96 Yorkton Avenue, Penticton

March 30, 3015

Mayor Jakubeit and Council,

We live at 105 Lee Avenue and abut 96 Yorkton on the back corner. We remain completely opposed to the proposed changes to the zoning and commercialization of said property.

Thank you for allowing a second hearing on this matter. It has given all of the neighbourhood time to reflect.

It was stated by council at the February public hearing that a delayed decision might allow for a compromise. Indeed we have taken this time to further review the issues. We attended Ms. Bootsma's information meeting.

WE ARE NOT REASSURED!

1: THE UANACCEPTABLE SIGHTLINEs noted in the city planner's initial assessment remain a huge problem. These will not be properly mitigated by a "code breaking" high fence. The noise of the occupants and their comings and goings will not be reduced by any type of barrier.

2: THE DEGREDATION IN THE PROPERTY VALUES adjacent to this property is also a problem to which there is no solution. We have not spoken to anyone who would choose to pay full value for a property next to a commercial institution in an R1 neighbourhood. Indeed a best guess by a realtor suggests a 10% decline in value of the next door homes and a 5% drop in those across the street. (Remembering that the lost value is on the equity portion of the ownership, not necessarily the whole value). This drop in value for contiguous property can only get worse with time.

3: THE BLIGHTED PROPERTY issue remains a big concern. We have visited several COMMERCIAL DAYCARES. Most are in commercial neighbourhoods. Enclosed is a photo of a COMMERCIAL VENTURE IN A RESIDENTIAL NEIGHBOURHOOD. It is a blight on the area. The homes opposite have, over time, been reduced to "low rent dwellings". We do not want this for our neighbourhood.

4: Ms. Bootsma IS NOT AN 'INVESTOR". Repeatedly stated is her plan NOT TO UPGRADE OR ENHANCE the property. She has stated that she moved out of an older property rather than renovate because of the costs involved. She stated at her forum that she did not want to rent or lease a commercial property near her current place of business again stating the higher cost. Indeed she will likely INVEST NOTHING in the property, rather extracting as much profit as possible before discarding it like the previous one. There is enough cash flow to treat this property as do the "grow op" owners who discard their properties as the cost of doing business. Not to necessarily be faulted for aiming for maximum profit but not a good fit for a neighbourhood in which we are, as homeowners, investing heavily. One only needs to look at the many new builds and major upgrades being done here. This is not a neighbourhood in need of "redevelopment". We need HOMEOWNERS and NOT COMMERCIAL VENTURES!

5: ON TAXES, Ms. Bootsma would have you believe that she was "simply naïve" in the hidden tax benefits of setting up in a residential neighbourhood. As was pointed out by a fellow daycare operator at the February public hearing, her so called lack of knowledge is not credible. I believe that this will be

her 3rd commercial daycare each of which could gross $1/4 million. Her "oh shucks" persona simply does not wash.

6: LONG TERM COMMERCIAL USE OF THE PROPERTY IS LIKELY as her 5yr time horizon is overshadowed by her stated plan to have her daughter "inherit" the property/business. We as neighbours will be stuck with this problem until the" dynasty" decides to discard the property

7: A NEIGHBOURHOOD PLAN IS LACKING to make this change. This is SIMPLE OPPORTUNISM. It is simply a business venture. The city planner Mr. Laven has gone way beyond his mandate in supporting this proposition. Indeed his chairing of MS. Bootsma's PRIVATE informational forum left us feeling that he has a VERY INAPPROPRIATE CIVIC RELATIONSHIP with the applicant. His views on the matter should be wholly discounted.

8: A PETITION circulated and previously submitted shows the neighbours in virtually unanimous opposition to the proposed bylaw changes. Such a change WILL PUT THE FINANCIAL GOALS OF A SINGLE BUSINESS PERSON ABOVE THOSE OF A DOZEN TAXPAYERS.

Please do not threaten the BYLAWS THAT PROTECT OUR NEIGHBOURHOOD, its ambiance, its value and its future certainty. We have had time to reflect and discuss this and we are FULLY OPPOSED to a commercial institution in the midst of or R1 neighbourhood.

Please continue to encourage us to keep investing in the renovation and renewal of our homes with the certainty of the future. This is where we have chosen to bring our life savings- to this City and to this neighbourhood. By investing here – right here with legal protection, we will continue to support local trades and businesses.

Thank you for your time in hearing us out on a very important issue.

Yours truly

Chris and Laurie Stabler (105 Lee Avenue, Penticton)


KAMLOOPS
ACUPUNCTURE CLINIC

From: Lenora Robson
Sent: March-30-15 10:24 AM
To: Public Hearings
Subject: Letter for April 7th.

March 29, 2015

Mayor Jakubeit and City Councilors,
Attention; Corporate Officer

This letter is in regards to the zoning change applied by Ms. Bootsma and endorsed by city planner Blake Laven, as we the neighbors see it. Ms. Bootsma is continually changing her proposal. The number of children has varied from 19 - 25 children. The only thing we know for sure is she doesn't want to abide by the residential zoning in place currently allowing a family daycare with up to 8 children. She said herself that she needs numbers to make it financially successful. She also says even if she had an 8 child daycare, the neighbors still wouldn't be happy. Time after time we have stated that a home daycare with up to 8 children is acceptable in a R1- low density zoning as our neighborhood presently has.

Every tax payer in Penticton should be damned concerned about the signing of plans for zoning to be changed. Keep neighborhoods as such, do not allow changes to zoning for the sake of convenience. In this case convenience and financial gain for one person. What is our city planner doing encouraging and then siding with one group over another? Conflict of interest comes to mind. We are all tax payers and should not have deals taking place behind our backs. This was very much a deal made and thought that it could be slipped through without the knowledge or objection from us, the neighbors. Surely Council can't give this nod to just one person. And so it starts! Make her and city planner Blake Laven abide by the rules that are already in place.

We understand that this issue is not as important to all the residence in the city as it is to us. This maybe so but we are entitled to question the way that this issue was brought about and to write letters to the paper without a back lash of insults. We have been called gripers, complainers, child haters, old farts, NIMBYs, and

snowbirds that are never home as well as told to move to gated communities if we don't like the proposed changes. NO, we are simply trying to have a neighborhood without commercial businesses that require zoning changes. We have been purposely misquoted, our words adjusted and taken out of context by the reporter from The Western and our letters have been changed before printing. Okay, we get it, you are in favor of the proposed Major Daycare at 96 Yorkton Ave. Never the less, I do believe it is the job of a reporter to write a fair and impartial report.

Please realize how a change like this would impact us and the future for all of Penticton. Surly the plan is not to minimize and destroy neighborhoods in our much loved city.

Thanks for your time and consideration,

Lenora and Don Robson
135 Yorkton Ave,
Penticton, B.C.

From: Louella Sloboda
Sent: April-01-15 10:11 AM
To: Public Hearings
Subject: 96 Yorkton Rezoning for Major Daycare

Honourable Mayor Andrew Jakubeit and Penticton City Council Members

We reside at 143 Yorkton Avenue Penticton

This email is in regards to rezoning 96 Yorkton Ave to operate as a commercial, for profit, Major Daycare under ownership of Ms Tina Bootsma.
We are against rezoning 96 Yorkton Avenue in a R1-low density zoning to include a Major Daycare at this home.

Ms Bootsma bought this home knowing it was in a low density zoned area, and collaborated with Blake Laven to meet guidelines and to plan her Daycare Centre, Major of 19-25 children aged 1-3 years.
The number and age of the children was discussed at the first reading of the rezoning. There was noted an apparent need for daycare for children aged 1-3 years. Ms Bootsma stated she was going to have children age 1-3 years at her Major Daycare at 96 Yorkton Avenue.
Now Ms Bootsma informed us at our meeting with her that she will be having children age 3-5 years. So now there is a change of plan. I guess we can toss out the idea of dealing with the shortage for daycare space for children age 1-3 yrs.

Mr Laven informed the neighborhood meeting that close proximity neighbors are normally informed of a change to zoning.
ABSOLUTLEY NO NEIGHBORS WERE NOTIFIED. How did they find out? Castenet.....One next door neighbor said...where is 96 Yorkton Avenue? He walked outside and directly next door was where the proposed Major Daycare was to go.
A petition was started by the neighborhood then. Something isn't right in city hall when rezoning applications are not followed as per protocol.
THEN, THE SIGN WENT UP about one week later regarding the proposed rezoning to accommodate this "for profit" commercial business in a low density residential area.

I have been in contact with a council member who directed my concerns to Chuck Loewen with the City about property taxes on this property as Ms Bootsma applied for specific zoning rather than changing it to commercial.

Mr Loewen advised me that if no one was living at the home that BC Assessment would assess it as commercial. At the neighborhood meeting I asked Ms Bootsma if anyone was going to be living at this house?
Ms Bootsma said that she is thinking of moving into the basement! How to beat the taxman!

Ok so now we have a main floor that is 949 sq feet and a basement that is 1000 sq ft. So if Ms Bootsma is moving to the basement that leaves 949 sq ft on the main floor for 19-25 children to be cared for in this Daycare Centre, Major.
And so now we have children age 3-5 years instead of 1-3 years and they are going to be cared for in the top half of the house and the bottom could be a residence. Continual change of plans. Whats next?

What a windfall! Being able to turn a residential home into a commercial establishment, keeping taxes at a residential rate and playing on the sympathy of young families in need to daycare. How profitable considering there are daycare centres in this city that pay commercial taxes and are zoned commercial.

We are not child haters, or gripers, or old NIMBYs and we are definitely not all snowbird. We purchased our homes in a R1- low density area for a reason. Who would purchase a home next to a Major Daycare commercial enterprise? Those homes in close proximity will depreciate while the Major Daycare thrives. And seriously once the business is successful and profitable , who in their right mind would turn it back into a residence. All this is playing on the sympathy of all the young families in our city in need of daycare, to gain a "for profit" commercial business. Who cares what long time residents think! Who cares that these residents bought their homes in what is zoned R1-low density.

A home daycare with a maximum of 8 children in our R1-low density zoning is acceptable. Granting Ms Bootsma specific zoning in this home to run a commercial profitable business "Daycare Centre, Major" of 19-25 children is not acceptable.

Tony and Lou Sloboda
143 Yorkton Ave
Penticton

34-3333 S. Main St.
Penticton B.C.
V8a 8j8

April 1, 2015

Re: Subject property 96 Yorkton Ave. Penticton B.C.

The writer lives at Sandbridge a quiet senior complex, this is why we moved here.

I do not agree that a Day Care Centre should be in this area. For two reasons Yorkton is a busy street, bus route, trucks, trailers, boats.

The noise from children will be irritating across the street from where our Retirement home is.

Council hopefully has looked at the driveway where staff will be parking, they will have too back out on a busy street Yorkton Ave.

Yours truly

Mrs. B. Smith

Re: We Need Your Support!!!

People

Louise Kozier
me

Hi Tina,

Hope the below helps. It will be outrageous if this is not approved. I wish you the best of luck and please let me know if I can be of further assistance.

To whom it may concern,

As a resident and tax payer of Penticton and Mother to two young children, I ask that City Council consider not only Kids Connections excellent track record in running high quality childcare programs with consideration for neighbours and the surrounding community, but also the big picture for Penticton. If the City is to encourage growth it must support the needs of young families. Finding high quality childcare, especially for infants, is a challenge that has knock on economic and social impacts for our community. Please focus your efforts on making it possible for the team at Kid's Connection to proceed with this new initiative that will benefit many families in town and the community as a whole and be sure to consider the big picture for Penticton's future.

Regards,
Louise Kozier

9:03am

January 28, 2015

RE: 96 Yorkton Ave Rezoning Application

I am writing this letter in support of above and to address concerns about noise and parking.

Kids Connection has been around for awhile and currently operates out of Uplands Elementary and Wiltse Elementary. Kids Connection causes no disruption to other classrooms in these schools as far as noise is concerned so I believe it unlikely they would be disrupting to neighbours of 96 Yorkton Ave.

Also, parents that pick up and drop off children at Kids Connection do so at various times of the day and it is a quick process which I do not believe would affect parking near and around 96 Yorkton Ave in a negative way.

Kids Connection is very well organized and gives excellent care.

The Penticton community would benefit greatly from more Kids Connection Centers.

Sincerely,

Jennifer Stewart
Parent of Wiltse Kids Connection Student
751 Balsam Ave.
Penticton, B.C.
V2A 7A8

January 28, 2015

To Whom It May Concern:

Re: Kids Connection Daycare Centre – Yorkton Avenue

We are writing this letter in support of Kids Connection Daycare Centre's proposal to open a home based daycare centre on Yorkton Avenue.

For the past two and a half years, our children have attended the Kids Connection program at Wiltse School. Tina and her staff have provided a safe and nurturing environment for our children to learn, play and grow. Kids Connection is a very structured day program that combines fun learning for children and always has lots of staff to assist children and is very responsible with daycare field trips to the park and other locations.

As parents of three children, we have had a lot of experience with daycare settings. We consider Kids Connection to be the best all-around experience and we welcome the idea of Kids Connection opening a day home so that younger children are able to experience the values and educational benefits in a home-based environment that Kids Connection provides. We believe that a home based care centre is in dire need in our community and a model such as Kids Connection would be a valuable asset to our community and it would coincide very nicely in a setting so close to local parks.

Sincerely,

Andy and Jena Kilduff

/jk

Petition: In agreement with the rezoning of 96 Yorkton Ave to a daycare center major

City Council of Penticton

9:03am JL

To Whom It May Concern,

Firstly, I would like to take this opportunity to tell you a little more about my childcare philosophy and myself.

I have been offering childcare to families since my children were born. I have two daughters, one that is 28 years old and one that is 36. My husband and myself have six grandchildren and I am an auntie to 20 children and great auntie to 10 more! I will be 60 this year and look forward to completely retiring in 5 years.

I began looking after children in my home when my children were young. I owned and operated a licensed family daycare for 7 children in my home first in Vancouver and then in Naramata when I moved to the Okanagan. I am a firm believer that children should be cared for in a home environment. As my experience continued to grow I was given the opportunity to purchase an at home childcare center on Winnipeg Street which was called Dunstan House. Dunstan House was licensed for 25 children from 3 to 12 years of age. I realized that better care and supervision could be offered to the children when more staff were involved making us all accountable to each other for proper care of the children rather than one person having full responsibility the entire day when caring for children alone in their home.

I operated Dunstan House from 1990 to 2002 when we sadly had to close the doors due to the high expense of maintaining a house close to 70 years old. We then moved our center to Uplands School, which had plenty of space because of the school revamping of the school structures and the middle schools that were then built in Penticton. As we became known in the area our center grew to a point where many people were coming from all over town to us. At that point with a large wait list we moved half of our kids to a new center, which we now operate out of Wiltse School. The school district has been good to us and we have immensely enjoyed our time at both Uplands and Wiltse Schools, but we found that our program seemed to consistently become a "Junior Kindergarten", to say, a class just below the kindergarten program offered at the schools.

We once again felt that we were not helping as many families in the community as we could. Infants, toddlers and early 3 year olds could not be comfortably cared for in a school surrounding. So we looked at commercial sites. Extreme high costs of rentals and lack of outdoor play space put this out of our realm. Hence, we thought why not another home setting like, Dunstan House? So the search began...The first thing I did was to contact the city planning department and met with Blake Laven who immediately encouraged me to pursue finding a house for a childcare center as his department felt that there was an extreme lack of child care facilities in Penticton. The main parameters mentioned to me were being in an area where parking was not an issue and where there was a buffer for noise from the children playing outside.

I looked at many choices and then found 96 Yorkton. We were so excited; it had everything we were looking for! Two corners for parking as well as a large driveway for parent parking when dropping off and picking up children, a large RV and boat pad off the lane behind the property as well as a covered parking spot on the side of the house for staff parking! The house was only adjacent to one property, which was separated with our garage at one end of the back yard and their garage at the other as well as a large hedge running down the front of the yard for a sound barrier as well.

Inside the house we found a huge solarium enclosed porch which we thought would be perfect for a cloakroom, and an open living, dining room design allowing space for the kids to play with proper supervision as well as a large playroom and two bedrooms downstairs for naptime. PERFECT!!! But even better, it was one block to the beach, playground, Water Park, adventure park, hockey and volleyball courts. What better location! We thought surely this was a family neighborhood and we got the thumbs up from the planning department. We only applied to have the childcare site specific zoning rather than changing to commercial zoning because we didn't want the house to be used for anything but a childcare center and then eventually it would be returned to a residential house again. We had no plans on putting any type of commercial business there.

Our plans are to look after children in a place where they should be cared for in a lovely home in a beautiful neighborhood offering them opportunities to walk daily to the park and enjoy all it has to offer. We DO NOT plan on having children playing in the back yard for all hours of the day. The center will be open from 7:30am to 5:30pm with the majority of the children being picked up and dropped off around 8:30am and 4:30pm. When weather is good we will spend the afternoons at the park so the parents will just pick them up there. We will not be open on the weekends or in the evening. We will be offering a structured play time and rest time within the house with 3 qualified staff looking after the children so there will not be any more noise coming from inside the house than if there was a large family living there. As far as traffic noise, one

reason we picked Yorkton Avenue was because it already was a fairly busy street and we thought we wouldn't make much difference as far as traffic from parents is concerned. We understood that many events happened in the evenings and on weekends at this location and felt the neighbors must be used to people coming and going along this street.

Please realize that it is not our intent to change anything regarding the outer appearance of the house except to upgrade it over the years and put a pretty fence around it. We hope that you will welcome us to your neighborhood, as we are so happy to become a part of it!

Yours respectfully,

Tina Bootsma, all the staff and children from KIDS CONNECTION PENTICTON

	Name	From	Comments
1.	JAMES KULAK	penticton, Canada	
2.	Cali Kulak	Penticton, Canada	
3.	Rachel Fosty	crescent, Canada	
4.	Tracy Van Raes	Penticton, Canada	HAPPILY signed! I have watched the council meeting, read the petition against this daycare, read the application for re-zone, read all of the letters and can say that this is the most RIDICULOUS and embarrassing protest by some area residents. I would be happy for this daycare to come to my neighborhood! TIME FOR CHANGE... let's get with the times. We are trying to attract young families. Not scare them away.
5.	Dannielle Hyde	penticton, Canada	
6.	Kim Franson	Penticton, Canada	

	Name	From	Comments
7.	Aerin McIvor	Penticton, Canada	I am 100% in favour of this !
8.	Jamie Pigeon	Penticton, Canada	
9.	tina zumpano	penticton, Canada	
10.	Alicia Matyas	Penticton, Canada	
11.	Jim Pearmain	Penticton, Canada	NIMBY has no place in a civilized world.
12.	kathy giguere	Penticton, Canada	
13.	Cindy Maynard	Okanagan Falls, Canada	
14.	Melissa Jones	Penticton, Canada	
15.	Megan Long	Penticton, Canada	
16.	Alex MacRae	Penticton, Canada	We need daycare space in Penticton. Young families won't stay here if they dont have daycare
17.	Bob Richards	Penticton, Canada	
18.	Kathryn Smith	Penticton, Canada	we need this daycare for our young families!
19.	Timm Vanderveen	Naramata, Canada	The future are our children.
20.	Niki Kennedy	North Vancouver, Canada	
21.	Robyn Hebert	Penticton, Canada	If we want the economy in our town to continue to grow and follow the times, we need families with children to want to be here. If we want to encourage more families to move/stay in town, we need to be accommodating of their needs, including a means of childcare, so they are able to work! A daycare facility is not an unreasonable request, and certainly is not a nuisance factor in any way for any neighborhood. Any which way to you slice it, children ARE our future. Let's make room for them.
22.	kim Mayo	Penticton, Canada	
23.	Alexis Thuillier	Penticton, Canada	
24.	Vicki Cathcart	Maple Ridge, Canada	No matter where you are, child care needs to be provided so that the parents can work in order to support them. Also, child care is also a good job for those needing a job as well.
25.	Gail Thomas	Penticton, Canada	I fully support daycares in neighbourhoods. Children deserve to be in a pleasant atmosphere as homelike as possible. Too many children spend their time in "institutions" away from an integrated neighbourhood. Everyone benefits from the integration of the generations. This is a perfect spot for a daycare!
26.	Erin Kemp	penticton, Canada	
27.	nicole pacheco	penticton, Canada	Yes of course...daycare all the way!!
28.	Lisa Henderson	Penticton, Canada	

	Name	From	Comments
29.	Jennifer Worth	Penticton, Canada	We have enough daycare center's for the elderly here, I fully support a daycare center for little's who are Penticton's future!
30.	James Palanio	Penticton, Canada	
31.	simon smith	penticton, Canada	I can't believe how anyone could be so self centered that they think protecting our children is in any way a nuisance
32.	Samantha Hebert	Pentiction, Canada	
33.	Kim Guenther	Penticton, Canada	This should be a non issue. The area in question is close to a park/beach/water park for outings and would be a wonderful location for children.
34.	Tasha MacKinnon	2504882227, Canada	
35.	Brian Cutler	Penticton, Canada	
36.	Jennifer Neufield	Penticton, Canada	We need more child care, this is a block from one of the largest playgrounds in the community, it shouldn't need to be an issue!
37.	Heather Gibson	Penticton, Canada	
38.	Lori Michaud	Penticton, Canada	
39.	chery polchenko	penticton, Canada	
40.	Chris Stewart	Penticton, Canada	What a better place for kids, in a neighborhood.
41.	Alena Zamorano	Penticton, Canada	
42.	Carol Jones	Penticton, Canada	I know many children who have gone to Kids Connection at Uplands School. It is a wonderful program with great teachers who provide care and support for the children. Penticton is in need of more daycares where parents can leave their children in a safe, structured and trusting environment. If I lived on Yorkton Ave. I would have no problem welcoming Kids Connection to the neighbourhood knowing how they operate. It's a great location for the daycare and if Penticton wants(and it needs to) attract more young families to our city then this is the kind of change we need to see.
43.	Betty-Ann Xenis	Summerland, Canada	
44.	Darren Regnier	penticton, Canada	
45.	shannon haeberle	Penticton, Canada	
46.	Trudy Frowen	Thunder Bay, Canada	My nephew (living in Penticton) would use this and it's close to his children's grandmother who babysits when parents not available to pick them up after work.
47.	Dennis O'Donnell	Penticton, Canada	daycare centres need to be in residential areas for the good of the kids not commercial or industrial sites. I will be 2 blocks from the proposed site and look forward to it.
48.	ann howells	penticton, Canada	
49.	Tyson Reilly	PENTICTON, Canada	

	Name	From	Comments
50.	Cara Borley	Penticton, Canada	
51.	Jesica Francis	Penticton, Canada	
52.	Shannon Pearce	Penticton, Canada	This is something every neighbourhood would welcome this. This is needed by our community and the location is ideal for it
53.	Steve Robinson	Penticton, Canada	Most of the opponents to this are snowbirds who only live here half of the year. Besides that, council repeatedly say in the media that they want our town to be attractive to young families.....banning daycare centers is a great way to show how "family friendly" this town is.
54.	Ann Hurst	Penticton, Canada	We need more quality care for our future generations, and how wonderful that is near a beautiful park, beach and playground for the children to enjoy!
55.	Coral Hayward	Penticton, Canada	
56.	Shannon Hesla	penticton, Canada	
57.	Nicole Hutchison	Okanagan Falls, Canada	
58.	Alicia Selock	Penticton, Canada	As an educator myself, I see first hand, the need for quality childcare centres. I am in full support of the re-zoning for a daycare centre! Good Luck!
59.	Margo Boult	Penticton, Canada	
60.	Chelsea Piper	Penticton, Canada	Absolutely! That is the PERFECT spot for a daycare!!! We need more quality care for working parents like myself!
61.	Shelly Hebert	Penticton, Canada	Daycares belong in neighbourhoods, not in commercial areas. It is the perfect spot for a daycare home so close to so many amenities to get kids outside and active. I'm for quality childcare for working families in Penticton!
62.	Megan Praught	Summerland, Canada	
63.	Marilyn Borley	Penticton, Canada	We need to encourage young families to feel a part of our community. I am disappointed to learn that this is even an issue.
64.	Laura Carleton	2504903425, Canada	
65.	Jennifer Stewart	penticton, Canada	
66.	kathryn Alexander	Penticton, Canada	
67.	Lori cole	penticton, Canada	
68.	Hilma LaBelle	Penticton, Canada	Intergenerational mixes are best for both children and seniors
69.	Nadine Remington	penticton, Canada	
70.	Kyla Murray	PENTICTON, Canada	
71.	Patricia murray	penticton, Canada	

	Name	From	Comments
72.	Barbara johnson	Penticton, Canada	
73.	Richard Warren	Penticton, Canada	Our little ones need to be in a safe and care environment that they will get from being with the wonderful staff at Kids Connection.
74.	Samantha mikitka	Penticton, Canada	
75.	Paige Mullins	Kelowna, Canada	
76.	Kerry Raitt	Penticton, Canada	very much needed in our growing community
77.	Kellie Wesley	PENTICTON, Canada	Yes! We have many senior centres in the area now. I think this is a refreshing venue that is so close to the park, beach and playground. We need to keep young families here in Penticton and provide these services to them. I live in this neighborhood, am in my mid 50's and WELCOME this new daycare to our neighborhood.
78.	Anissa Mah	Penticton, Canada	This is the perfect place for a daycare. Close to a beautiful park and safe walking paths to the park.
79.	Vanessa Bremner	Penticton, Canada	
80.	Miranda Tumbach	penticton, Canada	
81.	Michelle Allin	Penticton, Canada	
82.	sheena ross	penticton, Canada	My son goes to the upland program and has for a few year. I was upset to hear that they will be moving locations as it's so nice to see all the little people.
83.	Lorraine Rousselle	Penticton, Canada	Children need a safe place to grow and learn...
84.	ashley hunter	penticton, Canada	
85.	samantha laven	kelowna, Canada	
86.	Laurie MacKenzie	Penticton, Canada	
87.	Jill pritchard	Peachland, Canada	
88.	Kathryn Irby	GULFPORT, MS	
89.	Sarah Porcellato	penticton, Canada	
90.	K Beck	penticton, Canada	
91.	claudete papp	Penticton, Canada	
92.	Bradley Cooper	Penticton, Canada	A safe location that is integrated with the community at large is important. Children should remember being part of the fabric of society and not a nuisance to be dealt with by removing them from residential areas.
93.	Renee laverdure	Penticton, Canada	
94.	Kim Wall	penticton, Canada	
95.	Ann Sasko	FORT WAYNE, IN	
96.	Robert Topor	Gorlice, Poland	
97.	Summer Zawacky	Penticton, Canada	
98.	Carol Hunt	Penticton, Canada	

	Name	From	Comments
99.	jennifer greenfield penticton bc	2504884361, Canada	
100.	Colleen Boring	Penticton, Canada	
101.	Jenn Clayton	Penticton, Canada	Penticton has MANY facilities for seniors and not nearly enough for children! How is this even an issue with the parks, water park and beach so close by? Everyone says we need more to keep young families in Penticton...this is one way to help do that. Quality child care is hard to find!
102.	Crystal Olson	Penticton, Canada	
103.	Michele Montgomery	Penticton, Canada	A daycare is essential for a residential area. It creates jobs and offers a caring environment for children to be taken while parents work to provide them and be a community member. Penticton has a shortage of good affordable daycares and this rezoning is a need of the many not the few!
104.	Heather Bifford	Penticton, Canada	
105.	Rob Meyer	Maastricht, Netherlands	
106.	Serdar Murat	Vienna, Austria	
107.	Barbara Hewitt	Oliver, Canada	
108.	Sara Belohorec	Penticton, Canada	
109.	Launa Maundrell	Penticton, Canada	
110.	Cheryl Wark	Penticton, Canada	
111.	Brenda Betz	Penticton, Canada	
112.	Linda Campbell	Penticton, Canada	
113.	Chantal Unrau	Penticton, Canada	
114.	Jennifer waterman	penticton, Canada	
115.	Sandy Berry	Summerland, Canada	
116.	Rita Terriff	Naramata, Canada	What better sound than the laughter of children.
117.	Rose-Marie Edvinsson	Naramata, Canada	
118.	Albertina Bootsma	Penticton, Canada	
119.	Paula Dane	Penticton, Canada	
120.	Gregg Seib	Penticton, Canada	
121.	Lori lawrie	penticton, Canada	
122.	karen king	penticton, Canada	
123.	clifford king	Penticton, Canada	perfect spot close to beach, park and playground
124.	amanda macdonald	okanagan falls, Canada	as a parent of 2 young children I feel that this daycare is an essential addition to Penticton.
125.	Gina Hopkins	Penticton, Canada	

	Name	From	Comments
126.	Meghan Thompson	Penticton, Canada	
127.	Morgan Rowe	Penticton, Canada	
128.	gina hennessy	BURNABY, Canada	daycare is so important for young families. make it convenient , this is an ideal situation..
129.	Lindsey Nichol	Penticton, Canada	
130.	Angie Milne	Penticton, Canada	
131.	Stephanie lawrence	Penticton, Canada	
132.	Shawna Marte	Penticton, Canada	
133.	Celiegh reichelt	Penticton, Canada	
134.	Christy bevington	penticton, Canada	
135.	Shani Laver	Penticton, Canada	
136.	brent eisen	penticton, Canada	
137.	Lindsay Christian	Penticton, Canada	
138.	Tera Ricci	penticton, Canada	
139.	Cecile MacLean	Penticton, Canada	
140.	Danielle Bos	Penticton, Canada	
141.	Jennifer Fox	Penticton, Canada	
142.	D Newman	PENTICTON, Canada	I would think this is good for the area
143.	Trisha wilsner	summerland, Canada	
144.	Erin Laverdure	Penticton, Canada	
145.	Amber Fradin	Penticton, Canada	
146.	Sharon O connor	penticton, Canada	
147.	lindsey french	penticton, Canada	
148.	Tracy Dodd	Penticton, Canada	
149.	Carla seddon	penticton, Canada	
150.	Tania Lillie	penticton, Canada	
151.	erica neufeld	penticton, Canada	
152.	Kyle Doiron	Penticton, Canada	As a young couple looking to start a family we shouldn't have to fight for these type of projects.
153.	kelsey dobie	penticton, Canada	
154.	Leigh Follestad	Penticton, Canada	
155.	michelle jones	penticton, Canada	
156.	Alyson Skinner	Penticton, Canada	
157.	Deborah Buck	Penticton, Canada	
158.	Lindsey schoenne	penticton, Canada	

	Name	From	Comments
159.	joey robertson	penticton, Canada	
160.	Catherine Danbrook	Oliver, Canada	
161.	Letitia Whitaker	Summerland, Canada	
162.	Chantel hazzard	Penticton, Canada	
163.	Becky Gorrod	penticton, Canada	
164.	Melissa Nickerson	Summerland, Canada	
165.	Nicole Huey	Penticton, Canada	
166.	Lisa Doucette	Penticton, Canada	
167.	Shannon weir	Penticton, Canada	
168.	Debbie Van Steinburg	.Penticton, Canada	
169.	gen peters	penticton, Canada	
170.	Nadine Allander	Naramata, Canada	
171.	krista johnson	summerland, Canada	
172.	Tara lockerby	osoyoos, Canada	
173.	Trisha Mayer	Penticton, Canada	
174.	Kasey paul	penticton, Canada	
175.	Sarah walker	penticton, Canada	
176.	Alisha-Ann Fraser	Penticton, Canada	
177.	Maiya Robbie	Penticton, Canada	
178.	Jenine Nicholas	Penticton, Canada	
179.	Christine rutherford	Penticton, Canada	
180.	Cheralyn Forseth	Penticton, Canada	
181.	Lana boyd	penticton, Canada	
182.	Karen Gonzalez	Penticton, Canada	
183.	Chantel Reems	Penticton, Canada	
184.	Susan Yaniw	Penticton, Canada	
185.	Kate Trahan	Kaleden, Canada	
186.	Melissa Martins	Oliver, Canada	
187.	Erica McVicar	Penticton, Canada	
188.	Sasha Hopp	Oliver, Canada	
189.	Anne Williamson	penticton, Canada	
190.	Kori Binnie	Penticton, Canada	
191.	Zoe moore	penticton, Canada	
192.	Britt Udala	Penticton, Canada	

	Name	From	Comments
193.	Verity Pink	Burnley, United Kingdom	
194.	kathleen dahlquist-gray	merritt, Canada	
195.	Melanie zinger	westbank, Canada	
196.	Nicole Carleton	New Westminster, Canada	
197.	Natalie Johnston	penticton, Canada	
198.	Sharon Sadler	Penticton, Canada	I totally support this new day care center. It is very much needed in our city.
199.	Trudy Carisse	penticton, Canada	
200.	Sarah Larsen	Penticton, Canada	
201.	Wayne Fakiner	Summerland, Canada	
202.	Martyn Lewis	penticton, Canada	
203.	Tara Peel	Penticton, Canada	
204.	Kelsey Kotzian	Penticton, Canada	
205.	Helen Goodwin	Penticton, Canada	
206.	Brenda Blanchard	Penticton, Canada	I absolutely support this rezoning for a new daycare center. We shouldn't need to be doing this extreme. This should be a close case.
207.	Alicia Mclauchlan	penticton, Canada	
208.	Shelley Hunt	Okanagan Falls, Canada	This is not just wanted - it is needed. There are not enough options for childcare in the Penticton Area.
209.	Ryan Allsbrook	Penticton, Canada	Nobody should ever be offended by the sound of children enjoying life and playing.
210.	Jeanette Vaillancourt	Penticton, Canada	Can't even believe we have to sign a petition to get a daycare in this area! 100% in support and wishing them all the best.
211.	Penelope Roche	penticton, Canada	
212.	Leann Pitman	Penticton, Canada	
213.	Blake Wesley	Penticton, Canada	
214.	Sandra lawrence	Penticton, Canada	
215.	Tina Graf	Penticton, Canada	
216.	Sheri Bublitz	Penticton, Canada	
217.	Tammy Belcher	Myrtle Point, OR	
218.	Danny Hatch	Penticton, Canada	
219.	Misty Tait	Penticton, Canada	
220.	Anna Dixon	Penticton, Canada	
221.	christy admussen	penticton, Canada	
222.	Megan Biagioni	penticton, Canada	

	Name	From	Comments
223.	Nadia Berg	Penticton, Canada	
224.	Meghan Edwards	Castlegar, Canada	I think this is a great idea! When I was planning to move back to Penticton a couple of years ago (I grew up there), one major roadblock to my decision was the lack of childcare for my then-3 year old daughter. If you want Penticton to be a vital and vibrant city, there needs to be more services geared towards younger adults and families with children.
225.	samantha mcinnes	penticton, Canada	
226.	yvette Trombley	summerland, Canada	
227.	Leanne McDougall	penticton, Canada	
228.	Jennifer hanson	summerland, Canada	
229.	audrey bartkowicz	penticton, Canada	
230.	Heather Whitney	Summerland, Canada	
231.	Vanessa devlin	Penticton, Canada	
232.	Janine Turgeon	Penticton, Canada	
233.	Kylie Primatesta	Penticton, Canada	
234.	Christy Reidie	Penticton, Canada	
235.	Saadya Waheed	Trois-Rivieres, Canada	
236.	Emily-Rose Bonthoux	Penticton, Canada	
237.	Laura grainger	penticton, Canada	
238.	William Stewart	Summerland, Canada	
239.	Jodi Bird	Penticton, Canada	
240.	Scott Campbell	Penticton, Canada	
241.	Cathy Davison	Penticton, Canada	
242.	Vanessa Dumont	port coquitlam, Canada	
243.	Sarah Johnston	Penticton, Canada	
244.	Elizabeth Stonehill	Penticton, Canada	
245.	Victoria Holbrook	Penticton, Canada	There is a shortage of quality childcare in Penticton it really should not matter if a daycare is located in a residential neighbourhood or not.
246.	Vanessa Ash	Penticton, Canada	
247.	Janie Gingell	Naramata, Canada	The Yorkton Ave area is already under massive redevelopment: this will help residents and fit discretely into the environs

	Name	From	Comments
248.	Tara Vanden Pol	Penticton, Canada	
249.	Tamatha Seeley	penticton, Canada	
250.	Tammy Lagrange	Penticton, Canada	
251.	Cory Nelmes	Penticton, Canada	I hope this day care is approved, I don't even have children yet and I see the importance. If i did have kids I would want them cared for in this wonderful neighborhood such as this.
252.	Eriika Rowe	Eckville, Canada	
253.	Kelly Holzhaus	Penticton, Canada	
254.	Kristy Sutherland	Penticton, Canada	
255.	Scott Trudeau	Penticton, Canada	
256.	Kandace sztepanacz	penticton, Canada	
257.	Pamela webster	NAramata, Canada	
258.	Marian tutuarima	penticton, Canada	
259.	Rachel McWhirter	Penticton, Canada	Since when has the sound of children's laughter, play and exuberance become too much for the community to hear? We NEED qualified daycare providers like Tina to provide for our children and families in the community. That neighbourhood is always full of families and children enjoying all that it has to offer - the lake, the playground, etc., so I am dumfounded that these "neighbours" are so determined to stop the addition of such a wonderful, much needed facility. Best of luck, Tina!
260.	Sharon LeComte	Fruitvale, Canada	
261.	Rheanne Kroschinksy	Penticton, Canada	
262.	Terry McWhirter	Penticton, Canada	There is a shortage of qualified, licensed day care in Penticton, particularly in a neighbourhood setting. Best of luck with getting this approved.
263.	Lisa Hale	Penticton, Canada	
264.	mike Ouellette	Penticton, Canada	
265.	elfi metz	NES, Germany	
266.	Rebecca Sumka	Penticton, Canada	More childcare is definitely NEEDED!!!!
267.	Kristin Maier	Penticton, Canada	
268.	Shandel Larsson	Summerland, Canada	
269.	bryon kennedy	north vancouver, Canada	
270.	Laura hopkins	Penticton, Canada	
271.	Julie thompson	penticton, Canada	
272.	jill enslow	penticton, Canada	
273.	Amelia Devlin	Penticton, Canada	

Are you in agreement with the rezoning of 96 Yorkton Ave to a daycare center major ?
(PL2014-087) If so, please sign below:

	Name:	Address:	Signature:	Date:
1	Belinda Scott	96 Yorkton Ave	B. Scott	March 17/15
2	Margi Wray	150 Wiltse Pl		March 30
3	Andy Kilduff	124 Adamson Pl		Mar 30/15
4	Leona Tank	277 Yorkton Ave	L Tank	Mar 30/15
5	Leslie Cyrynowski	2655 Evergreen dr		Mar 30/15
6	M Schneider	3851 Valleyview	M Schneider	Mar/15
7	J Mackoney	2130 Lawrence	J Mackoney	"
8	S. McLaren	1422 Columbia St.		Mar 31/15
9	Andrea Messing	302 Greenwood Dr	Andrea Mg	Mar 31/15
10	Lindsay Bell	126 St. Mary		Mar 31/15
11	Nicole Fonk	167 Stachscrest	Nicole M.	" "
12	Tamra Drewsett	2376 Wiltse Dr.		March 31/15
13	ROBE Josh Cyrynowski	2655 EVERGREEN DR.		APR 1/15
14	Shannon Wright	196 Bighorn trail		April 1/15
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Are you in agreement with the rezoning of 96 Yorkton Ave to a daycare center major (PL2014-087)? If so, please sign below:

	Name:	Address:	Signature:	Date:
1	Peter [illegible] Adams	#2605 Portsmouth Dr.	[signature]	March 18/2015.
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Are you in agreement with the rezoning of 96 Yorkton Ave to a daycare center major (PL2014-087)

	Name:	Address:	Signature:	Date:
1	Veis Pahlavan	1043 Dynes Ave	Veis Pahlavan	March 13-15
2	Jenn Greenfield	971 Creston Ave		March 13/15
3	Julia Gonod	2478 Evergreen Drive	J Gonod	march 13/15
4	Jaime Case	839 BARRINGTON AVE	JCase	MAR 13/15
5	Christina Yamada	3935 Valleyview Rd	CYamada	March 13/15
6	Becky Gonod	101-48 Galt Ave Penticton	BGonod	march 13/15
7	Meghan Thompson	21 Upperbench Rd.		March 13 2015
8	Robyn Tarrant	365 Townley St	RTarrant	March 13/15
9	Lee Smith	800 Johnson Rd		Mar 13 15
10	Melissa Mitchell	290 Farrell St		MAR 16/15
11	Lesa Wambold	166 Berkview Rd	Lesa Wambold	Mar 16/15
12	Paula Rodriguez de la Vega	1580 McDonald Place		Mar. 16/15
13	Tina Zumpano	719 Fairway Ave		Mar 16/15
14	Sarah Porcellato	984 Killarney St	SPorcellato	March 17/15
15	DANNY D'ANGELO	3201 JUNIPER DR NARAMATA		MAR 17/15
16	Kimberley Wish	[illegible]		Mar 18/15
17	JOSH SEDDON	PENTICTON		MARCH. 19
18	Kyla murray	308 Lakeshore Dr.	Kyla Murray	March, 19
19	Dana McGregor	398 Upper Bench Rd		20 Mar 2015
20	Tammy Crawford	666 Nanaimo Ave E		March 23/15

Are you in agreement with the rezoning of 96 Yorkton Ave to a daycare center major (PL2014-087)

	Name:	Address:	Signature:	Date:
1	Kevin Smith	1300 Johnson Road Penticton		March 25
2	Erin Yockey	971 Creston Ave		March 25
3	Tara VanderPol	1166 Acacia Cres		March 25
4	Lee Smith	1300 Johnson Rd.		Mar 27/15
5	Jenette Lengel	104-242 Nanaimo St.		March 30/15
6	Shawna Reid	202 Killarney St.		March 30/15
7	Samantha Mikita	158 Grandview St		March 30/15
8	~~[illegible]~~		~~[illegible]~~	~~March 30~~
9	Carmen Werrun	125 Walden Cres		Mar 30
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Total: 325

Dear Mayor Jakubeit and Penticton Council Members;

Re: rezone PL2014-087 application to add "Day Care Centre, Major" as a permitted use at 96 Yorkton Avenue.

My name is Marlene Barnes and I live at 107 Yorkton Avenue. My husband and I moved to Penticton from the Lower Mainland almost 6 years ago so we could be near my Mother. Prior to buying 107 Yorkton we looked for 3 years before a property in our favored residential area came up for sale.

We sent an email before the last council meeting pointing out our concerns about the traffic. There is a great deal of traffic past our home located at Yorkton and Cypress. Since there is no crosswalk across Yorkton at Cypress we watch people trying to navigate across the street without getting run over by one of the many commercial trucks racing down Yorkton. Once a person does manage to cross Yorkton they continue to walk down Cypress to Skaha Lake Park. Along the way they have to cross at Cypress and Lee and again no crosswalk- a stop sign yes which amazingly cars do a rolling stop through. I've heard tell if the Major daycare is approved then we would warrant safety traffic calming measures implemented. At Yorkton and Wilson there is an assisted living complex and a 50 townhouse complex being built. I can guarantee the pedestrian traffic past my home will not decrease so the safety measures are warranted now.

We have enjoyed living in Penticton. Our neighbors are wonderful. Next door to us is a young family with children and their children have become great friends with our grandchildren and can often be found playing together in our backyard pool. We have no problem with a daycare allowable under a R1 Residential Zoning. Our concern with the Major Daycare rezoning has everything to do with the rezoning. This just opens up a can of worms- you approve this rezoning and how can you decline the next rezoning request.

And contrary to the Editorial in March 25th Western we are community minded. The organizations we have joined and volunteer and fundraise for since moving to Penticton are strong supporters of many worthwhile organizations supporting children and families. OSNS SOWINS and Moog house just to mention a few.

Put simply we just want our neighborhood to stay R1 Residential.

Thank-you.

Tom & Marlene Barnes

107 Yorkton Avenue

Phone – Email-

Resolutions

8.11 OCP Amendment Bylaw No. 2015-16 and Zoning Amendment Bylaw No. 2015-17
Re: South Beach Drive and Sudbury Avenue

180/2015 **It was MOVED and SECONDED**

THAT "OCP Amendment Bylaw No. 2014-16", being a bylaw to amend OCP Bylaw 2002-20, changing the land use designation of the following properties:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

from PR (Parks and Recreation) to MR (Medium Density Residential), be given first reading and forwarded to the April 7, 2015, Public Hearing;
AND THAT Schedule H of the OCP be amended to include the subject lands in the General Multiple Family Development Permit Area.
AND THAT prior to consideration of the bylaw and in accordance with section 879 of the *Local Government Act*, that Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with:

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

AND THAT it is determined that the Public Hearing is sufficient consultation.

THAT "Zoning Amendment Bylaw No. 2015-17", being a bylaw to amend Zoning Bylaw 2011-23, rezoning Lot1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 7, 2015, Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: March 16th, 2015 **File No:** MP PL2012-1121
To: Chuck Loewen, Interim City Manager
From: Blake Laven, Planning Manager
Address: 270, 274, 278, 280, 282, 286, 292 and 298 South Beach Drive and 300 Sudbury Avenue

Subject: **"OCP Amendment Bylaw 2015-16" and "Zoning Amendment Bylaw No. 2015-17"**

Staff Recommendation

#1 OCP Amendment

AND THAT "OCP Amendment Bylaw No. 2014-16", being a bylaw to amend OCP Bylaw 2002-20, changing the land use designation of the following properties:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

from PR (Parks and Recreation) to MR (Medium Density Residential), be given first reading and forwarded to the April 7th, 2015, Public Hearing.

AND THAT Schedule H of the OCP be amended to include the subject lands in the General Multiple Family Development Permit Area.

AND THAT prior to consideration of the bylaw and in accordance with section 879 of the Local Government Act, that Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with:

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

AND THAT it is determined that the Public Hearing is sufficient consultation.

#2 Zoning Amendment

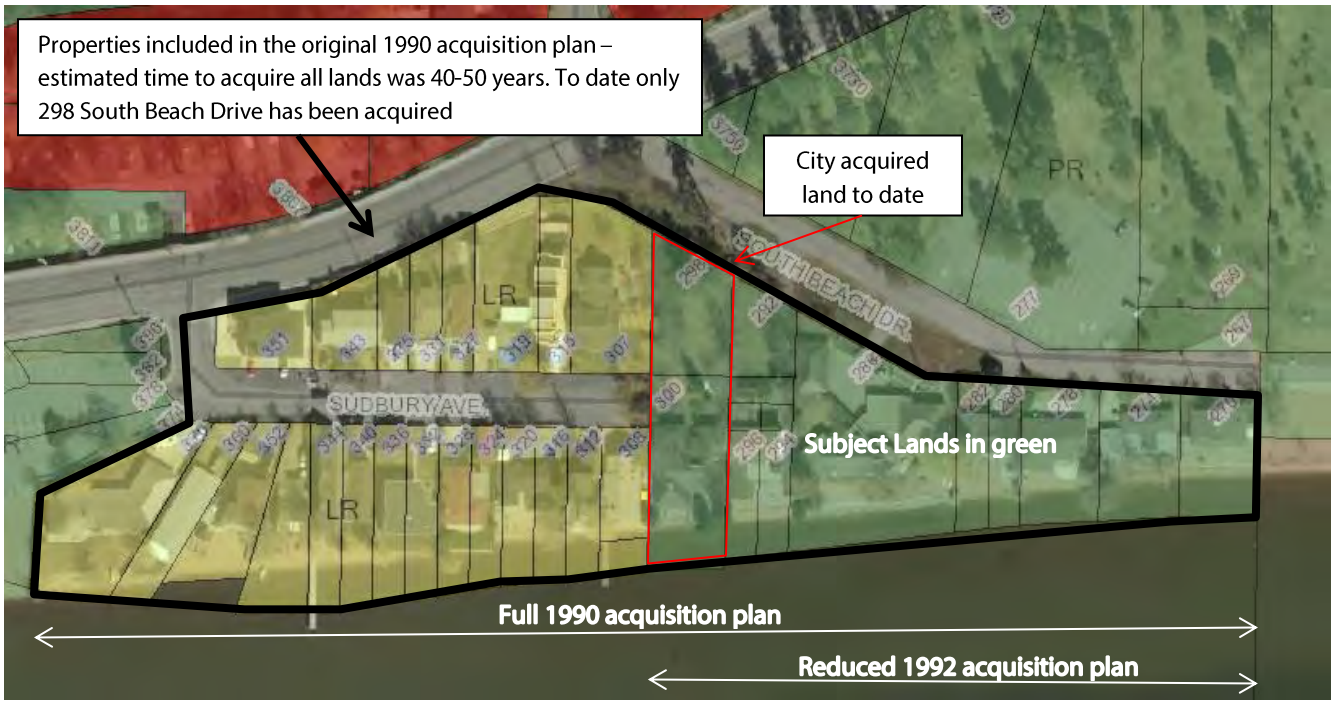
THAT "Zoning Amendment Bylaw No. 2015-17", being a bylaw to amend Zoning Bylaw 2011-23, rezoning Lot1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 7th, 2015, Public Hearing.

Strategic Priority Objectives

N/A

Background

The subject properties (Attachment 'A') are all located along South Beach Drive and all front Skaha Lake. These properties were all at one time designated for Low Density Residential development and were all developed into single family housing, which is reflective of what exists today. The OCP intention for these properties changed from their residential designation to PR (Parks and Recreation) when the OCP was updated in 1993 and are still designated as PR today. This change in designation came about from work done by the "Beautification Technical Committee" in 1990, which among other recommendations urged Council to purchase all of the residences along Skaha Lake east of Sudbury Beach. Council supported the recommendation endorsing an acquisition plan for the lands. The acquisition plan was anticipated to take between 40-50 years to complete. To date only one property has been purchased.



In 1992, 298 South Beach Drive was purchased by the City and then leased back to the original owners, Patrick and Dolores Coburn, who have leased the property since that time. Shortly after the purchase, the property went through an OCP amendment and was rezoned from residential to park. At that time Council

also reduced the scope of the acquisition plan to only include those properties to the east of 298 South Beach Drive. This eliminated 15 properties from the plan and left the subject seven civic properties at issue today. With the adoption of the 1993 Official Community Plan, the six remaining properties were changed from residential to park. This was done without direct consultation with the property owners and against the wishes of some of the owners.

Shortly after the 1993 Official Community Plan was adopted, the City adopted a new Parks Master Plan, which gave advice on property acquisition. The Plan still recommended acquisition of the subject properties, but put them at a lower priority than properties on Elm Avenue by Skaha Park West, which were not waterfront lots and thus more practical for the City to purchase. This represented a shift in focus which has seen almost all but one of the residential properties adjacent to the park on Elm Avenue purchased by the City and no other properties along South Beach Drive purchased. In 1997 staff recommended Council sell the Coburn property, but Council determined that the market conditions were not ideal and the issue was postponed.

The future of this area was again discussed during the 2002 OCP review at which time it was thought that a pocket park could be created until such time that the other properties could be purchased. In August of 2003, a Council resolution was given to vacate the tenants of the house and create a pocket park. This was later rescinded over budget and practicality concerns, shortly thereafter. The pocket park was never created.

During the 2010 Parks Plan review (which was never officially adopted by Council), these properties were taken out of the acquisition plan. The draft plan states:

> P – 11A Park Acquisition and Sale Recommendations:
>
> Skaha Park
> - Complete the purchase of the Elm Street Properties
> - Abandon the expansion to the west and change the OCP from parkland to Single Family Residential and sell City property at the end of Sudbury

It was determined that the purchase of the remaining properties would be in excess of 25 million dollars. Those involved in the Parks plan review thought those resources would be better utilized elsewhere in the City. Following on this discussion, in 2012, Council was presented with an option to sell the lands at 298 South Beach Drive. Council passed the following resolution:

> 607/2012 It was MOVED and SECONDED
>
> THAT Council direct staff to prepare a Rezoning and OCP Amendment application for Lot 2 (298 Sudbury Ave.) – "the lakefront property" and Lot 1 (298 South Beach Drive) – "the vacant property" for the purposes of rezoning both properties from P1 (Park) to RS1 (single family residential);
>
> AND THAT Council direct staff to retain the walking path and obtain a survey to have an easement registered over the walking path;
>
> AND THAT Mayor and Corporate Officer be authorized to sign the required documentation;

AND THAT Council offer Lot 2 (298 Sudbury Ave.) – "the lakefront property" and Lot 1 (298 South Beach Drive) – "the vacant property" for sale once the rezoning process has been completed and direct staff to explore options for selling the property;

AND FURTHER THAT the funds resulting from the sale of the properties be dedicated to the purchase of other park land. CARRIED UNANIMOUSLY

Acting on this resolution, staff had the easement surveyed and registered and began the process of neighbourhood consultation. During that consultation, neighbouring residents expressed a desire to have their lands reverted back to a residential designation as well. The thinking was that if the City was disposing of the land that they were *in effect* abandoning the acquisition program. And if that was the case, it didn't make sense that the remaining properties would have to retain their Park designation, which has a negative effect on housing value.

With this in mind, staff analyzed what the appropriate use of this land should be. Given the location close to the water, neighbouring higher density residential uses and available utility infrastructure for higher density residential uses, staff have determined that the most appropriate land use designation for the property would be for low density multiple family residential development. As such, the following proposal proposes to change the land use designation of all of the subject properties from their current Parks designation to a medium density designation. In line with the medium density designation, staff are also proposing to rezone the City owned property from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing). Changing the zoning will assist in the sale of the property.

Proposal

Change the OCP designation of 270, 274, 278, 280, 282, 286, 292 and 298 South Beach Drive and 300 Sudbury Avenue from PR (Parks and Recreation) to MR (Medium Density Residential).

Change the zoning of 298 South Beach Drive and 300 Sudbury Avenue from P2 (Parks and Recreation) to RM2 (Low Density Multiple Family).

Summary of Events

The following table provides a summary of events as described in the Background section:

Year	Event
1990	Beautification Technical Committee recommends an ambitious parks acquisition program, which is endorsed by Council
1992	City purchases the Coburn property at 298 South Beach Drive
	City changes the OCP designation and zoning of 298 South Beach Drive to Parks and Recreation
	City changes the parks acquisition policy to only include those properties to the east of 298 South Beach Drive (7 civic properties)
1993	OCP is adopted which redesignates the 7 civic properties from residential to park
	Parks Master Plan is adopted and sets acquisition of South Beach properties as a lower priority than other acquisitions (Elm Avenue for example)
1997	City tries to divest in 298 South Beach Drive, but determines that the economics of the day were not ideal
2002	OCP was reviewed and a determination was made that a pocket park could be created with 298 South Beach Drive
	Council passed a resolution to create a public pocket park, and vacate the premise
	Council rescinded the resolution to create the park for financial and practical reasons
2010	New Parks Maser Plan drafted that excluded the subject lands from the acquisition program (the plan though was never formally adopted by Council)
2012	Council directs staff to proceed with the divestment of 298 South Beach Drive as well as registering an easement guaranteeing access from South Beach Drive to Sudbury Avenue
	Easement is registered
	Public meeting to determine the wishes of other properties in the area shows a strong desire to remove the parks dedication on all the properties along the south side of South Beach Drive
	Current residents of the house at 298 South Beach Drive request an additional 2 year lease. This is granted by Council.
2014/ 2015	Lease on 298 South Beach Drive has expired
	Staff reviewed the most appropriate use of the property and determined that multiple family development would be appropriate for these lands. Medium Density rather than Low Density
	Letters sent notifying all affected properties of intent to change designation from PR to MR (no comments received to date)

Financial Implications

As this is a staff initiated application, the City will incur all costs associated with the application, including staff time and advertising.

Analysis

Support Official Community Plan change

The subject properties were designated as Park in-line with the 1990 Beautification Committee's recommendation on park acquisition. The 1993 Parks Master Plan suggested that these lands should still be included in an acquisition plan, but stressed they were a lower priority than other more 'attainable' park land in Skaha Lake Park East. Since that time, property values have significantly escalated, to the point where purchase of the properties would require an unpractical investment.

While City policy still technically includes the subject lands in the acquisition program, the program has not been seriously looked at in some time. And when it was last looked at in 2010, the subject lands were removed from the acquisition program (although the Plan was never officially adopted). Previous Councils and parks planners have determined that City resources could be more efficiently realized in other areas of the City. 298 South Beach Drive is a significant asset that will add considerable funds to the City's park acquisition account.

All of the properties are affected by the Riparian Assessment Area (Attachment B). This 30m assessment area ensures that any development that eventually happens on these lands will take into account the environmental health of the lake. If the OCP amendment is successful, all of the properties will also be included in the General Multiple Family Development Permit Area, which will require adherence to the City's Design Guidelines for multiple family development.

The proposal meets the following OCP policies:

- Encourage an intensification of land use where existing infrastructure can support higher densities.
- Encourage a diversified range of housing, including triplex, fourplex, townhomes and apartments and other innovative forms of housing.
- Consider redesignating areas to Medium Density Residential on parcels where development will be compatible to existing development in the area and areas near parks or public institutional uses and on sites that afford direct and convenient vehicular access.

Staff are often reluctant to remove park designations, especially in areas with waterfront access. In this case however, for the reasons listed above, staff are recommending that Council support the bylaw by giving the bylaw first reading and forwarding it to the April 7th, 2015 Public Hearing for comment from the public.

Deny / refer OCP change

Council may feel that these properties should remain designated for Park development at least until a new Parks Plan is developed. If that is the case, Council should not vote in favour of the proposal. Alternatively,

Council may wish to change the OCP designation back to Low Density Residential, which is what the original designation was prior to the park acquisition plan. The LR designation is reflective of what currently exists on the property. Staff do note, however, that this will create a unique situation being the only multi-family designated properties with lake access in the City.

Support zoning amendment

If Council were to support the OCP change, it stands to reason to support the zoning change as well. The zone being proposed by staff will allow for the development of multiple housing in-line with the OCP designation for Medium Density Residential development.

Deny / refer zoning amendment

Council may wish to leave the existing park zoning on the property and allow a future property owner go through a zoning amendment when an actual building plan is created. If that is the case, Council could support the OCP amendment but not support the zoning amendment.

Alternate Recommendations

1. THAT Council deny first reading of "OCP Amendment Bylaw 2015-16" and "Zoning Amendment Bylaw 2015-17".

2. THAT Council refer the bylaws back to staff with conditions that Council feels are warranted.

Attachments

Attachment A:	Subject property location map
Attachment B:	Riparian Assessment Area Map
Attachment D:	OCP Amendment Bylaw No. 2015-16
Attachment E:	Zoning Amendment Bylaw No. 2015-17

Respectfully submitted,

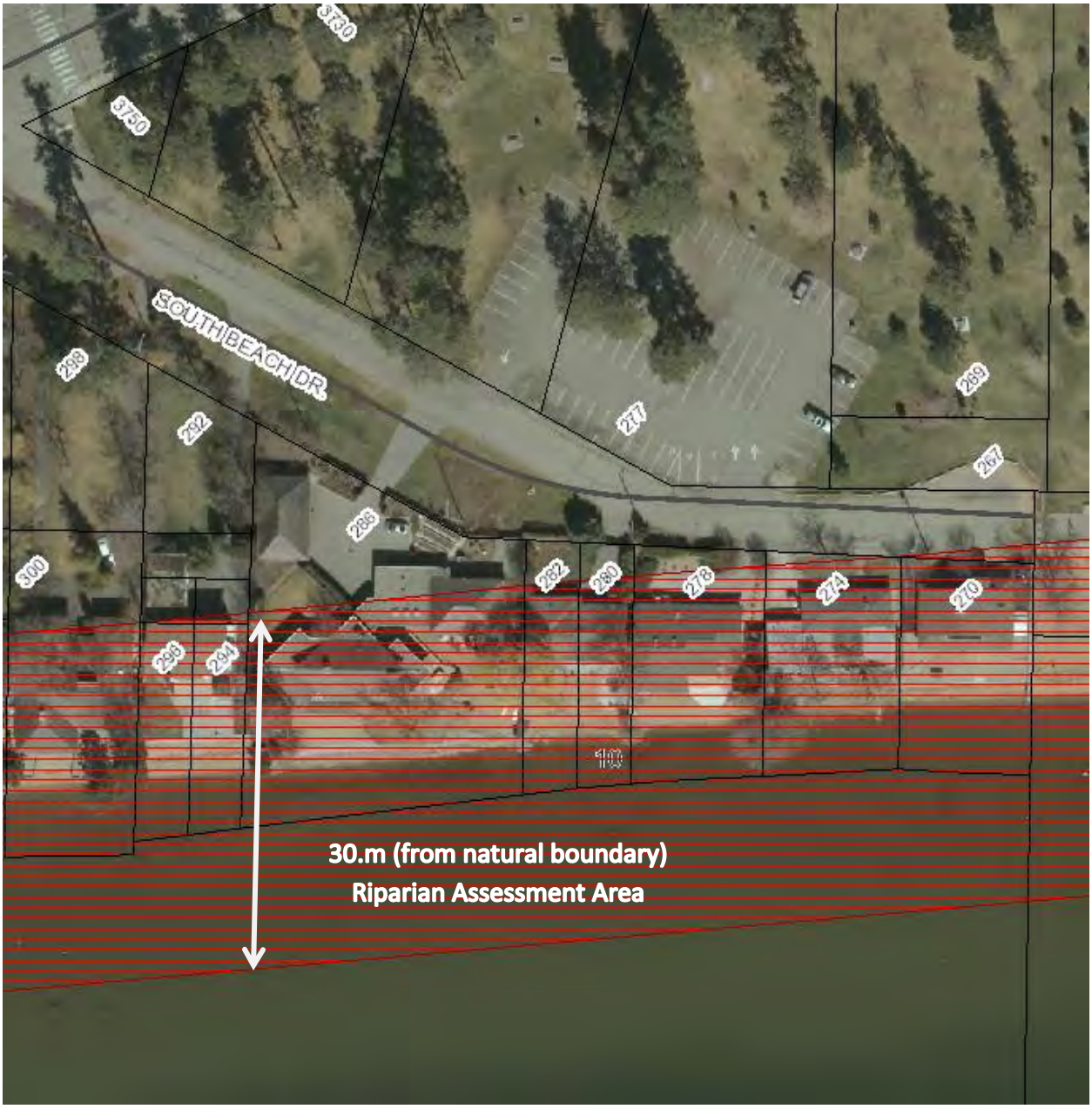
Blake Laven, RPP, MCIP
Planning Manager

Approvals

Land Administrator	Acting City Manager
PW	CAL

Attachment 'A'
Subject Property Location Map

Attachment B
Riparian Assessment Area Map



The Corporation of the City of Penticton

Bylaw No. 2015-16

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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 "Official Community Plan Amendment Bylaw No. 2015 -16."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

2.1 Change Schedule 'B' future land use designation for the following properties from PR (Parks and Recreation) to MR (Medium Density Residential):

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

2.2 Change Schedule 'H' to include the following lands in the General Multiple Family Development Permit Area:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

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

READ A FIRST time this	16	day of	March, 2015
A PUBLIC HEARING was held this	7	day of	April, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

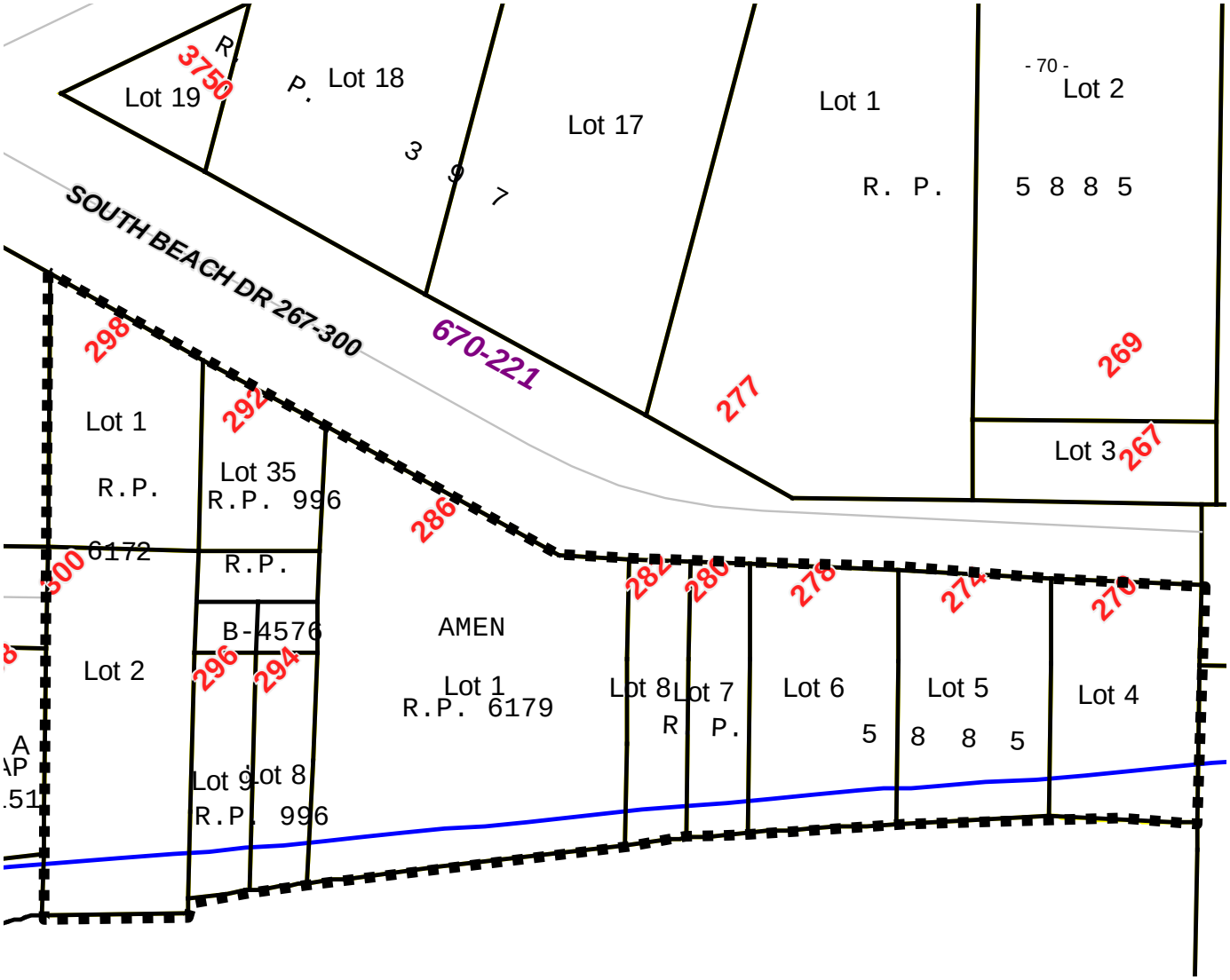
Notice of intention to proceed with this bylaw was published on the 27th and 29th of March, 2015 and the 1st and 3rd of April, 2015 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

To Amend the OCP Designation from PR (Parks & Recreation) to MR (Medium Density Residential) and amend Schedule H to include the following properties in the General Multiple Family DP Area:

- 270 South Beach Dr.
- 274 South Beach Dr.
- 278 South Beach Dr.
- 280 South Beach Dr.
- 282 South Beach Dr.
- 286 South Beach Dr.
- 292, 296 & 294 South Beach Dr.
- 298 South Beach Dr.
- 300 Sudbury Ave.



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2015-16

Date: _____ **Corporate Officer:** _____

The Corporation of the City of Penticton

Bylaw No. 2015-17

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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 2015-17".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing).

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

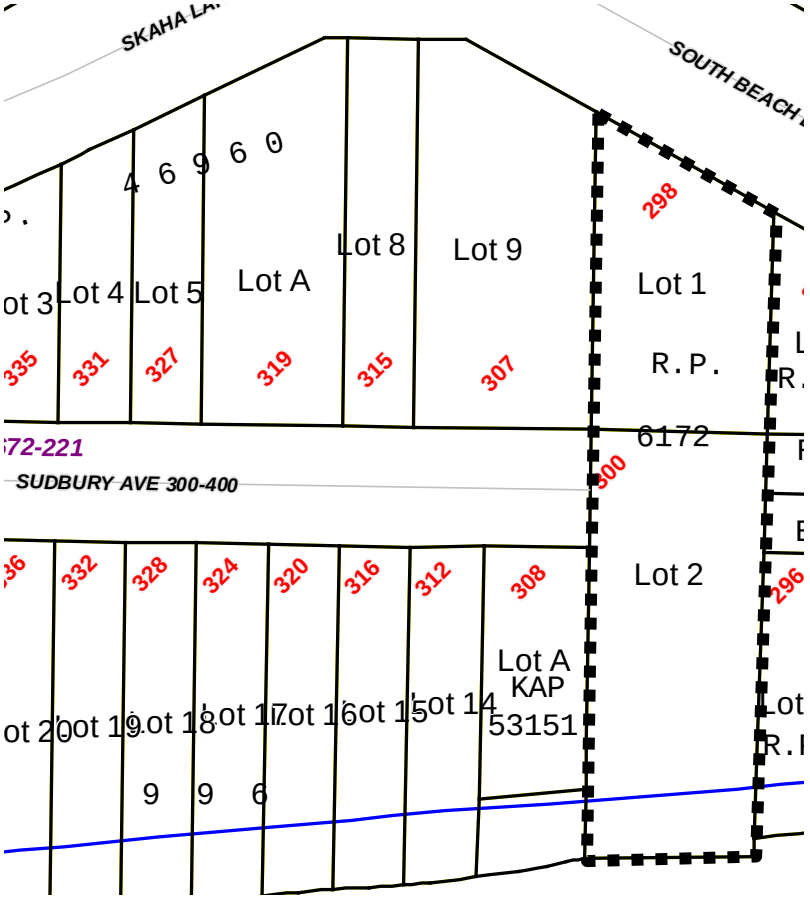
READ A FIRST time this	16	day of	March, 2015
A PUBLIC HEARING was held this	7	day of	April, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
APPROVAL from Ministry of Transportation		day of	, 2015
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 27th and 29th of March, 2015 and the 1st and 3rd of April, 2015 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

To Rezone 298 South Beach Drive & 300 Sudbury Avenue From P2 (Parks & Recreation) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-17

Date: _____ **Corporate Officer:** _____

March 16, 2015

City Of Penticton

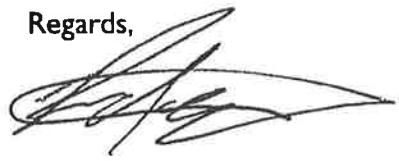
171 Main St., Penticton BC V2A5A9

Attn: Blake Laven 250-490-2528

RE: Official Community plan Amendment

Please find enclosed our response to your letter dated February 10, 2015 regarding the proposed rezoning of South Beach Drive from Parks and Recreation to MDR. We are the property owners of 292, 294, and 296 South Beach Drive, and are pleased with the proposed rezoning from Parks and Recreation, however we would respectfully request it not to be zoned to Multi-family residential but to low density residential and from P2 to R1.

Regards,



From:
Sent: April-01-15 8:00 AM
To:
Subject: Fwd: April 7th Council Meeting

Sent from my iPhone

Begin forwarded message:

From: David Perry
Date: April 1, 2015 at 7:32:25 AM PDT
To: Dana Schmidt
Subject: April 7th Council Meeting

Dana: could you please include this in the April 7th Council package. Thank you.

To Mayor and Council:

I am writing this letter in regards to the proposal brought forward by staff for Council's consideration, to re-designate the properties along South Beach Drive to Medium Density Residential.

I believe the Council of 1990 made a unique decision to look into the future and realized that Skaha Beach would one day not be big enough for all our residents and tourists alike. They provided a long term solution with the designation of these properties as Parks and Recreation.

If the Council's of the 1970's did not have similar foresight with respect to the Elm Ave Park, today it would be still full of houses or perhaps if staff had their way, medium density condos and triplexes! Yet people from all over love this part of the Park and use it daily for walking, respite, volleyball, picnics recreational events etc.

Why then should we not have the same long term vision for Skaha Park and the beach front properties on South Beach Drive? Keep the OCP designation of Parks and Recreation.

Here is a chance to stand up and be counted as a new and energetic Council! Take a stand that you will always be remembered for.

Respectfully submitted,

David Perry
315 Sudbury Ave.
Penticton

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

Monday, March 16, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

8.12 Zoning Amendment Bylaw No. 2015-18
Re: Housekeeping

181/2015 **It was MOVED and SECONDED**
THAT Council give first reading to "Zoning Amendment Bylaw 2015-18", a housekeeping bylaw to amend Zoning Bylaw 2011-23; AND THAT Council forward the bylaw to the April 7, 2015 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: March 16, 2015 File No: RMS 3360-01
To: Chuck Loewen, Acting City Manager
From: Lindsey Fraser, Planner

Subject: **Zoning Amendment Bylaw 2015-18**

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw 2015-18", a housekeeping bylaw to amend Zoning Bylaw 2011-23;

AND THAT Council forward the bylaw to the April 7, 2015 Public Hearing.

Background

Since the adoption of Zoning Bylaw 2011-23, in September 2011, staff have brought forward a number of housekeeping amendments to ensure the City's Zoning Bylaw is as efficient, accurate and simple to understand as possible. This process has provided direct benefit to the process of land development in Penticton. The proposed changes contained herein are a continuation of that process.

Proposal

The current housekeeping amendments propose a number of changes to Zoning bylaw 2011-23 as outlined in Attachment 'A'. The changes include the following:

- Amend the definition of "daycare, major" and "daycare, minor": The current definition refers to a legislative document that has been repealed (*Community Care Facilities Act*) and refers to classes of care from that legislation. The proposed change simplifies the definition to establish a number of children for each use: for minor day care (8-16 children), and for major day care (over 16 children). The change also limits the use to *child* care, rather than day care.

- Amend the definition of "floor area, gross": The current definition of "floor area, gross" has caused confusion with our design community. The intent of the changes proposed will be to simplify the definition and clarify the way in which "floor area, gross" is defined in contrast to "floor area, net".

- Amend the definition of "floor area, net": The current definition for NFA also creates some confusion with our design community. The changes significantly simplify what is included in the definition.

- Amend the definition of "lot line, front": The current definition of "lot line, front" contradicts the definition of "double-fronting". The proposed change includes a statement regarding the possibility that a lot may have two fronts.
- Amend the definition of "storey": Currently, a "storey" is defined as the habitable volume between the floors of a building or between its floor and roof. In keeping with the BC Building Code, and in an effort to bring more clarity to this definition, the proposal incorporates a statement regarding that the minimum height of the storey should be 1.8 meters. This will also help delineate a "crawl space" and a "habitable" storey.
- Add the definition "urban agriculture": With an increasing appetite for local food, local economic opportunities and concerns regarding food security, the Planning Department is recommending the addition of the term "urban agriculture" and the addition of a section (discussed later) that permits urban agricultural activities to take place in all zones, subject to some minor qualifiers.
- Amend the definition of "vacation rental": The current definition of "vacation rental" does not define an actual length of time that a visitor may stay in a vacation rental. Traditionally, any stay over 1 month is not considered a vacation rental, so the proposal adds language to that effect.
- Amend 'accessory building' information: In order for the Zoning Bylaw to align better with the BC Building Code, a small change is needed in this section, increasing a shed size (which does not require a building permit) from 9.5 m2 to 10 m2. Additionally, in this section, subsection 5.2.8, speaking to setback distances of accessory buildings in Agricultural zones should be re-located to Section 9.2 – Agriculture. It is confusing placement of a highly referenced bit of information.
- Amend the wording under 'flood control requirement': The word "design" is missing in Section 5.4.1.D (as a side note, the letter 'D' should also be replaced with the number'4'; this is an administrative task). Adding this word will create a more coherent sentence and relate the quoted measurements to the Flood Plain Map.
- Add a section under yards and projections: Staff are recommending a provision be added that allows the buffer area/front yard setbacks in tourist commercial areas to be occupied by patio seating.
- Correct wording for 'drive-through facilities': There is a mistake in the way this section is worded, it seems to be a typo, but creates confusion in the interpretation of this provision.
- Replace an incorrect word in 'landscape buffers': Currently, this section states that one shrub is needed for every linear meter of required "boulevard" area. However, it should read "buffer" area.
- Amend the way maximum height of fences on top of retaining walls is calculated: Currently, the wording in Section 6.5.1.4 states the measurement of a fence atop a retaining wall shall not exceed 2 m and that it is measured from the "side of the fence or retaining wall with the highest elevation". In fact, it should be measured from the lower elevation as shown in Figure 6.1 on the following page.
- Clarify wording in "landscaping and screening': A word is missing in the section; currently, it refers to the prohibition of fencing, but it should, specifically, refer to the prohibition of 'electric fencing'. Additionally, staff are recommending that 'A' (Agriculture) Zones be added to the section; barbed wire and electric fencing should be at the discretion of property owners in agricultural zones.

- Amend 'off-street bicycle parking': This section (7.4) refers to the wrong table regarding "developments that require bicycle parking". The change will point to the correct table. Additionally, some changes to the number of parking spaces required for new developments will be changed to more accurately reflect the need for bicycle parking in various zones.
- Amend 'rural home occupation': The section on rural home occupations does not currently specify the number of people that can be accessing a business at any given time. Prior to the zoning bylaw change in 2011, the number of people was limited to six (6). Staff would like to carry this maximum forward to the new bylaw to ensure continuity to provincial guidelines and past practice in Penticton.
- Amend the development regulations for secondary suites: In order to clarify the maximum floor area of secondary suites, and to use language from the BC Building Code, staff recommend changing the term "net floor area" to "habitable floor area" in this section.
- Remove the ownership requirement for carriage houses: Section 8.8.1 stipulates that in order for a carriage house to be rented, the owner of the property must reside in the principal dwelling. This was supposed to be removed when the owner/occupancy rule was changed for secondary suites and was overlooked.
- Remove the 'maximum gross floor area' provision for carriage houses: The GFA provision is redundant and that carriage house size can be controlled effectively by a building footprint provision, combined with a maximum height provision.
- Change the height requirement for carriage houses: Section 8.8.4.4 stipulates that carriage houses can be a maximum of 7.5 meters or the height of the principle dwelling, whichever is less. The idea behind this provision was to help curb visual dominance of carriage houses from the street by ensuring that carriage houses could not be seen, or seen minimally. However, the planning department has received a number of variance applications to vary this section of the bylaw as people's desired carriage house design (often with suite above a garage) surpasses the height of their home. It is common in Penticton for homes to be one storey and, as such, it is difficult to comply with the current height allowance. Staff are proposing that, in order to encourage the building of more carriage homes, the height restriction be reduced slightly to 7.0 meters, but that the statement regarding "or the height of the principal dwelling, whichever is less" be removed. After observing several carriage homes that have been built and are taller than the principal dwelling, staff do not feel that having a taller building to the back of the principal dwelling has a deleterious effect on the frontage or 'curb appeal' of homes.
- Add new requirement regarding access to carriage homes: Coming out of a discussion with our Technical Planning Committee, it was pointed out to the Planning Department that the Fire Dept. had concerns regarding the locating of, and access to, carriage houses. The Fire Dept. had concerns that this could make responding to emergency situations, including fire suppression difficult. As such, staff recommend adding a provision that speaks directly to unobstructed and maintained access to the carriage house from the front of the property.
- Amend the wording in "other regulations" under the 'A' (Agriculture) zone: In order to make our zoning bylaw more accurately reflect specific ALR policies, this section needs to be reworded to state

that when a subdivision is approved in the ALR, creating no more than one additional lot in the ALR, *both parcels* are exempt from the minimum lot area requirement.

- Add a word in 'Agricultural' zone: The section states that "Agricultural farm help is limited to one (1) unit per 2 ha". It should refer specifically to *necessary* farm help *dwellings*.
- Amend the wording of a "carriage house" use in the R1, R2, and R3 (single family zones) to direct individuals to the specific use regulations for carriage houses: In an effort to clear up some ambiguity around the allowance of carriage houses in single family residential zones, staff would like to add a bracketed note beside "carriage house" in the permitted use list that states the following: "(subject to specific use regulation 8.8)".
- Amend RD1 and RD2 (duplex) zones to require access to back units from the front: The fire department has also recently raised concerns regarding clear and unobstructed access to the back unit in a front-to-back duplex. Thus, staff are recommending an additional provision in duplex zones that requires clear and unobstructed access to the back unit with a path width of 1.5 meters minimum.
- Amend the RM4 (High Density Multiple Housing) zone: This zone contains a site-specific zoning amendment for the 'Alysen Place' development, located at 3301 Skaha Lake Road. This amendment granted three different heights for three different building. Additionally, it specified a number of other development regulations that were specific to the site. Since the amendments were made, ownership of land has changed hands and, in the end, only one of three buildings related to the amendment was constructed. Staff are recommending that the site-specific provision be removed from the zoning bylaw in order to keep it orderly and because the site-specific zoning was done looking at the development as a whole, rather than in piecemeal stages. In order for the one building that was constructed to conform to the RM4 zone (without site-specific provision needed), staff also recommend that the maximum height of the RM4 zone increase to 27 m from 24 m. It is believed this small increase will also give building designs more flexibility going forward and allow for a slight increase in density, which staff views as positive for this zone.
- Clarify the wording in the RM5 (Urban Residential) zone: The Urban Residential zone allows a use called "flex-units", which is a space in a residential building that can be used and/or rented for a commercial or residential use, or be incorporated in the larger residential dwelling. In Section 10.11.1, it states the "following uses are only permitted in a flex-unit" and goes on to list "artisan craft", "office", and "personal service establishment". This statement seems contradictory to the intent of flex-units as a residential use is not specified. In order to make this more clear, staff recommend adding the word "commercial": "Only the following *commercial* uses are permitted in a flex-unit".
- Amend the parking requirement for the C6 (Mixed Use Commercial) zone: There is currently a parking provision in this zone that waves any parking requirement for commercial developments that front onto Westminster Avenue West and Estabrook Avenue in the downtown. Staff are recommending that this be expanded to include Westminster Avenue East in order to bring more continuity to this section.

Financial Implication

N/A

Analysis

Support

These minor amendments to the zoning bylaw are intended to make the bylaw as easy to understand and efficient as possible. For the reasons listed above staff recommend that Council give first reading to the bylaw and forward it to the April 7th, 2015 Public Hearing for comment from the public.

Deny / refer

Council may feel that some or all of the proposed amendments are not in the public interest. If that is the case, Council may amend the bylaw prior to giving first reading or refer the bylaw back to staff for further research as directed by Council.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw 2015-18"
2. THAT Council support "Zoning Amendment Bylaw 2015-18" with conditions that Council feels are appropriate.

Attachments

Attachment A – Proposed Zoning Bylaw Amendments

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Planning Manager	Acting City Manager
	CAL

Attachment 'A'
Proposed Zoning Bylaw Amendments

Amend Section 4.2 Definitions

Delete existing:

DAYCARE CENTRE, MAJOR means the premise licensed as required under the *Community Care Facilities Act* intended to provide care to children, youth, or adults where not more than thirteen hours of care is provided per day. This use includes:

- Group day care limited for more than sixteen (16) children,
- Child minding for more than sixteen (16) children,
- Preschool for more than fifteen (15) children,
- Out of school care for more than twenty (20) children, and
- All other care provided under the *Community Care Facilities Act* for more than eight (8) people including but not limited to special needs day care, emergency child care and adult day care.

Replace with

DAYCARE, MAJOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than sixteen (16) children, for not more than thirteen (13) hours per day.

Delete existing:

DAYCARE CENTRE, MINOR means the premise licensed as required under the *Community Care Facilities Act* intended to provide care to children, youth, or adults where not more than thirteen hours of care is provided per day. This use includes:

- In home multi age care for up to eight (8) children,
- Group daycare limited for up to sixteen (16) children,
- Child minding for up to sixteen (16) children,
- Preschool for up to fifteen (15) children,
- Out of school care for up to twenty (20) children, and
- All other care provided under the *Community Care Facilities Act* for up to eight (8) people, including but not limited to special needs day care, emergency child care, and adult day care.

Replace with

DAYCARE, MINOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) but not more than sixteen (16) children, for not more than thirteen (13) hours per day.

Delete existing:

FLOOR AREA, GROSS (GFA) means the total floor area of all storeys of all ***buildings*** or ***structures*** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls or glazing line of windows. This does not include enclosed or open parking areas, unenclosed balconies and decks.

Replace with

FLOOR AREA, GROSS (GFA) means the total floor area of all storeys of all ***buildings*** or ***structures*** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include balconies, decks or patios.

Delete existing:

FLOOR AREA, NET (NFA) means the ***gross floor area*** of all buildings accessory buildings, but excluding:

(a) Areas used for ***parking spaces,*** driveways, aisles and ground surface ***parking spaces*** or ***parking lots***, garbage or loading rooms, floor area devoted exclusively to mechanical or electrical equipment, ***basements,*** lofts, ***carports,*** unenclosed ***balconies, decks*** and stairways.;
(b) Non-commercial social, recreational, and ***amenity*** area within a room, provided for the common use.

Replace with

FLOOR AREA, NET (NFA) means the total usable floor area in a building and accessory building, measured from the outside face of the exterior walls. NFA does not include the following sub-areas:

- ***Garages***, other enclosed or open parking areas
- ***balconies, decks*** and ***patios***
- Garbage or loading rooms
- Floor area devoted exclusively to mechanical or electrical equipment
- ***Basements***
- Lofts
- Stairwells and elevator shafts

Delete existing:

LOT LINE, FRONT means the ***street*** frontage onto which the primary façade or ***front yard*** of the ***building*** faces.

Replace with

LOT LINE, FRONT means the ***street*** frontage onto which the primary façade or ***front yard*** of the ***building*** faces. In the case of ***through lots***, or ***double-fronting lots***, two front lot lines are possible.

Delete existing:

STOREY means the habitable volume between the floors of a building or between its floor and roof.

Replace with

STOREY means the habitable volume between the floors of a building or between its floor and roof, that is 1.8m or greater.

Add

URBAN AGRICULTURE means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption. Cultivation can be done by the property owner or off-site resident, provided the owner has given her/his permission. Production activities should not be noxious or an unreasonable nuisance to surrounding properties.

Delete existing:

VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public.

Replace with

VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less.

Amend Section 5.2.2

From: Notwithstanding and ***yard*** requirements of this bylaw, and ***accessory building*** or ***structure*** with a ***building footprint*** of 9.5 m2 or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the ***principal building***.

To: Notwithstanding and ***yard*** requirements of this bylaw, and ***accessory building*** or ***structure*** with a ***building footprint*** of 10 m2 or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the ***principal building***.

Amend Section 5.2.8

From: An ***accessory building*** or ***structure*** in the A ***zone*** may be located within a required ***interior side yard setback*** or ***rear yard setback***, but it shall be a minimum of 4.5 m from ***rear yard*** and ***interior side yard*** lot lines.

(ADD AS SECTION 9.2.2.6 AND ADJUST SUBSEQUENT SECTIONS ACCORDINGLY)

To: ***Accessory building***

i. minimum ***front yard*** 9.0m
ii. minimum ***side yard***
    a. ***interior side yard*** 4.5m
    b. ***exterior side yard*** 9.0m
iii. minimum ***rear yard*** 4.5m

Amend Section 5.4.1.d

From: Within 30 m of the water level boundary of the Okanagan River channel nor lower than 1.5 m above the water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m.

To: Within 30 m of the design water level boundary of the Okanagan River channel nor lower than 1.5 m above the design water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m

Amend Section 5.11

Add: Section 5.11.4

Notwithstanding buffer or landscape requirements, patio seating for restaurants may encroach into any yard setbacks in the CT1 ('Tourist Commercial') zone.

Amend Section 5.14.2

From: The drive-through facilities shall not be visible from the ***street***. If the drive-through facilities shall not be visible from the ***street*** or neighbouring properties landscape ***screening*** or fencing a minimum of 1.2m in height shall be required.

To: The drive-through facilities shall not be visible from the street. If the drive-through facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required.

Add Section 5.18

Add: ***Urban Agriculture in all Zones***

Add: **5.18.1 Urban Agriculture** shall be a permitted use in all zones.

Amend Section 6.3.4.2

From: One (1) shrub for every linear meter of required boulevard area, including ***walkways*** and driveways. The shrubs shall be a minimum No.2 pot shrub.

To: One (1) shrub for every linear meter of required buffer area, including ***walkways*** and driveways. The shrubs shall be a minimum No.2 pot shrub.

Amend Section 6.5.1.4

From: In the case of a fence ***constructed*** on top of a ***retaining wall***, the combined height of the fence and the ***retaining wall*** at the ***property line*** or within 1.2 m of the ***property line*** shall not exceed 2.0 m, measured from ***natural grade*** on the side of the fence or ***retaining wall*** with the higher elevation.

To: In the case of a fence constructed on top of a ***retaining wall***, the combined height of the fence and the ***retaining wall*** at the property line or within 1.2 m of the ***property line*** shall not exceed 2.0 m, measured from ***natural grade*** on the side of the fence or ***retaining wall*** with the lower elevation.

Amend Section 6.5.1.5

From: Barbed wire and fencing is prohibited in all zones except for M2 and M3. Razor wire is prohibited in all zones.

To: Barbed wire and electric fencing is prohibited in all zones except for A, M2 and M3. Razor wire is prohibited in all zones.

Amend Section 7.4

From: Any developments that require bicycle parking, in accordance with Table 7.1, shall be subject to the following regulations:

To: Any developments that require bicycle parking, in accordance with Table 7.3, shall be subject to the following regulations:

Amend Section 7.4.3

From: **Table 7.3 Bicycle Parking Requirements**

Use	Class 1	Class 2
Commercial ***Uses***	1 per 125 m2 with a minimum of 4	1 per 200 m2 with a minimum of 4
Industrial ***Uses***	Minimum 6	N/A
Motor Vehicle ***Uses***	Minimum 4	Minimum of 2
Public Assembly and Organizations	Minimum 6	Minimum 4
Residential ***Uses***	0.5 per unit	0.1 per unit

To: **Table 7.3 Bicycle Parking Requirements**

Use	Class 1	Class 2
Commercial ***Uses***	Minimum of 2, plus one for every 125 m2 over 250 m2	Minimum of 2, plus one for every 125 m2 over 250 m2
Public Assembly and Organizations	Minimum 4	Minimum 4
Residential ***Uses*** (***Multiple Housing***)	0.5 per unit	0.1 per unit

Amend Section 8.6

Add: Section 8.6.4

A ***rural home occupation*** shall not generate more than six (6) client visits at any given time.

Amend Section 8.7.6.2

From: Maximum gross floor area: 90 m2 or 40% of the ***net floor area*** of the principal residence, whichever is less.

To: Maximum gross floor area: 90 m2 or 40% of the habitable floor area of the **building**, whichever is less.

Amend Section 8.8.

Section 8.8.1

Remove:

Section 8.8.1 Ownership:

.1 A ***carriage house*** must not be occupied as a residence except where the ***owner*** of the subject property resides in the ***carriage house*** or in the principal residence on the property.

.2 If the registered ***owner*** of the subject property ceases to reside in either the principal residence of the ***carriage house***, the ***carriage house*** must not be used as a separate dwelling unit.

Section 8.8.4.2

Remove:

Section 8.8.4.2 Maximum ***Gross Floor Area***:

FG, A, RC	150 m2 or 60% of the total ***gross floor area*** of the principal residence, whichever is less
R1, R2, R3	90 m2 or 60% of the total ***gross floor area*** of the principal residence, whichever is less

Section 8.8.4.4 Height

From: ***Height*** 7.5m or the height of the principal dwelling, whichever is less

To: Maximum ***height*** 7.0m

Section 8.8.6

Add: Section 8.8.6 Access: A ***carriage house*** must have clear, unobstructed and maintained access from the front of the property to the ***carriage house*** on a path at least 1.5 m in width.

Section 9.2.6.3

From: Where a ***lot*** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional ***lot*** in the ALR, the remainder of the parcel is exempt from the minimum ***lot area*** requirement.

To: Where a ***lot*** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional ***lot*** in the ALR, both parcels are exempt from the minimum ***lot area*** requirement.

Amend Section 9.2.6.4

From: ***Agricultural farm help*** is limited to one (1) unit per 2 ha

To: Necessary ***agricultural farm help dwellings*** are limited to one (1) unit on a property of at least 2 ha or more

Amend Section 10.1, 10.2 and 10.3

Add: "(subject to specific use regulation 8.8)" beside the word "carriage house" in the permitted uses list

Amend Section 10.5

Add: Section 10.5.3.3: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in width, must be provided.

Amend Section 10.6

Add: Section 10.6.3.4: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in wide, must be provided.

Amend Section 10.10.2.5

From: Maximum ***height*** :

i. ***Principal building*** 24m

To: Maximum ***height***:

i. ***Principal building*** 27m

Amend Section 10.10.5.2

Remove:

.2 In the case of *Lot* A, Plan KAP 80798, known as 3301 Skaha Lake Road, the following regulations apply:

SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum *lot area*:	11,589 m^2
.2	Maximum *density*:	2.0 *FAR,* Subject to section 10.10.5.2.8
.3	Maximum *height*:	
	i. *building* 1	26.3 m., 8 *Storeys* ,
	ii. *building* 2	35 m., 10 *Storeys*,
	iii. *building* 3	21 m., 6 *Storeys*,
	iv. *accessory building* or *structure*	5 m
.4	*Street Setbacks*:	
	principal building	
	i. Guelph Avenue	3.5 m
	ii. Hemlock *Street*	5.0 m
	accessory building	
	i. Guelph Avenue	34.0 m
	ii. Hemlock *Street*	34.0 m
.5	*Yard Setbacks*:	
	principal building	
	i. east *side yard*	2.4 m
	ii. south east *side yard*	6.0 m
	accessory building	
	i. east *side yard*	3.0 m
	ii. south east *side yard*	6.0 m
.6	Despite Chapter 7, Off-Street Parking requirements are as follows:	
	i. *bachelor dwelling*	1.0 per unit
	ii. 1 *bedroom dwelling*	1.5 per unit
	iii. 2 *bedroom dwelling*	1.5 per unit
	iv. 3 *bedroom dwelling* and greater	2.0 per unit
	v. up to 25% of total required *parking spaces* may be designated for small car *use*	

.7 An *accessory building* containing common facilities for private *use* by residents shall conform to the *setback* requirements for *permitted use*.

.8 Maximum *density* specified for this *zone* may be increased, to a maximum *FAR* of 2.1 based on the following table and provisions. The Area 1, 2, and 3 boundaries are shown on Figure 1 below. The *owner* may voluntarily provide cash payment of $15.00 for every 0.09$m^2$ (1 square foot) of *gross floor area* that exceeds the maximum *density* specified in this *zone* to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any *building* permit authorizing the construction of a *building* whose construction results in the *FAR* exceeding 2.0 by any amount, and to the extent that the *building* permit authorizes construction exceeding that *density*

Land Area	Base FAR	Bonus FAR
Total Land Area @11589 m^2	2.0	0.1
Land Area 1 @ 4024 m^2	2.0	0.0
Land Area 2 @ 4515 m^2	2.0	0.32
Land Area 3 @ 3049 m^2	2.0	0.0

Figure 10.1: land area breakdown for FAR calculation

Amend Section 10.11.1

From: **Following Uses are only permitted in a flex-unit:**

.8 artisan craft
.9 office
.10 personal service establishment

To: Only the following commercial ***uses*** are permitted in a ***flex-unit***:
.8 ***artisan craft***
.9 ***office***
.10 ***personal service establishment***

Amend Section 11.6.3.4

From: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West and Estabrook Avenue in the downtown.

To: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

The Corporation of the City of Penticton

Bylaw No. 2015-18

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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 2015-18".

Amendment:

2. Zoning Bylaw 2011-23 Section 4.2 Definitions is hereby amended as follows:

2.1 Delete definition for ***DAYCARE CENTRE, MAJOR*** and replace with: means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than sixteen (16) children, for not more than thirteen (13) hours per day.

2.2 Delete definition for ***DAYCARE, MINOR*** and replace with: means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) but not more than sixteen (16) children, for not more than thirteen (13) hours per day.

2.3 Delete definition for ***FLOOR AREA, GROSS (GFA)*** and replace with: means the total floor area of all storeys of all ***buildings*** or ***structures*** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include balconies, decks or patios.

2.4 Delete definition for **FLOOR AREA, NET (NFA)** and replace with: means the total usable floor area in a building and accessory building, measured from the outside face of the exterior walls. NFA does not include the following sub-areas:

- ***Garages***, other enclosed or open parking areas
- ***balconies***, ***decks*** and ***patios***
- Garbage or loading rooms
- Floor area devoted exclusively to mechanical or electrical equipment
- ***Basements***
- Lofts
- Stairwells and elevator shafts

2.5 Delete definition for ***LOT LINE, FRONT*** and replace with: means the ***street*** frontage onto which the primary façade or ***front yard*** of the ***building*** faces. In the case of ***through lots***, or ***double-fronting lots***, two front lot lines are possible.

2.6 Delete definition for ***STOREY*** and replace with: means the habitable volume between the floors of a building or between its floor and roof, that is 1.8m or greater.

2.7 Add definition ***URBAN AGRICULTURE*** means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption. Cultivation can be done by the property owner or off-site resident, provided the owner has given her/his permission. Production activities should not be noxious or an unreasonable nuisance to surrounding properties.

2.8 Delete definition for ***VACATION RENTAL*** and replace with: means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less.

3. Replace Section 5.2.2 with: Notwithstanding and ***yard*** requirements of this bylaw, and ***accessory building*** or ***structure*** with a ***building footprint*** of 10 m2 or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the ***principal building***.

4. Delete Section 5.2.8 in its entirety.

5. Replace Section 5.4.1.d with: Within 30 m of the design water level boundary of the Okanagan River channel nor lower than 1.5 m above the design water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m.

6. Add Section 5.11.4: Notwithstanding buffer or landscape requirements, patio seating for restaurants may encroach into any yard setbacks in the CT1 ('Tourist Commercial') zone.

7. Replace Section 5.14.2 with: The drive-through facilities shall not be visible from the street. If the drive-through facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required.

8. Add Section 5.18: ***Urban Agriculture in all Zones***
5.18.1 Urban Agriculture shall be a permitted use in all zones.

9. Replace Section 6.3.4.2 with: One (1) shrub for every linear meter of required buffer area, including ***walkways*** and driveways. The shrubs shall be a minimum No.2 pot shrub.

10. Replace Section 6.5.1.4 with: In the case of a fence constructed on top of a ***retaining wall***, the combined height of the fence and the ***retaining wall*** at the property line or within 1.2 m of the ***property line*** shall not exceed 2.0 m, measured from ***natural grade*** on the side of the fence or ***retaining wall*** with the lower elevation.

11. Replace Section 6.5.1.5 with: Barbed wire and electric fencing is prohibited in all zones except for A, M2 and M3. Razor wire is prohibited in all zones.

12. Replace Section 7.4 with: Any developments that require bicycle parking, in accordance with Table 7.3, shall be subject to the following regulations:

13. Replace Section 7.4.3 **Table 7.3 Bicycle Parking Requirements** with:

Use	Class 1	Class 2
Commercial ***Uses***	Minimum of 2, plus one for every 125 m2 over 250 m2	Minimum of 2, plus one for every 125 m2 over 250 m2
Public Assembly and Organizations	Minimum 4	Minimum 4
Residential ***Uses*** (***Multiple Housing***)	0.5 per unit	0.1 per unit

14. Add Section 8.6.4: A ***rural home occupation*** shall not generate more than six (6) client visits at any given time.

15. Replace Section 8.7.6.2 with: Maximum gross floor area: 90 m2 or 40% of the habitable floor area of the **building**, whichever is less.

16. Delete Section 8.8.1 in its entirety.

17. Delete Section 8.8.4.2 in its entirety.

18. Replace Section 8.8.4.4 **Height** with: Maximum ***height*** 7.0m.

19. Add Section 8.8.6 Access: A ***carriage house*** must have clear, unobstructed and maintained access from the front of the property to the ***carriage house*** on a path at least 1.5 m in width.

20. Add Section 9.2.2.8 ***Accessory building***
    - i. minimum ***front yard*** 9.0m
    - ii. minimum ***side yard***
      - a. ***interior side yard*** 4.5m
      - b. ***exterior side yard*** 9.0m
    - iii. minimum ***rear yard*** 4.5m

21. Replace Section 9.2.6.3 with: Where a ***lot*** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional ***lot*** in the ALR, both parcels are exempt from the minimum ***lot area*** requirement.

22. Replace Section 9.2.6.4 with: Necessary ***agricultural farm help dwellings*** are limited to one (1) unit on a property of at least 2 ha or more.

23. Amend Section 10.1 and 10.2 and add "subject to specific use regulation 8.8" beside the words "carriage house".

24. Add Section 10.5.3.3: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in width, must be provided.

25. Add Section 10.6.3.4: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in wide, must be provided.

26. Replace Section 10.10.2.5 with: Maximum ***height***t:
    i. ***Principal building*** 27m

27. Remove Section 10.10.5.2 in its entirety.

28. Replace Section 10.11.1 with: Only the following commercial ***uses*** are permitted in a ***flex-unit***:
    .8 ***artisan craft***
    .9 ***office***
    .10 ***personal service establishment***

29. Replace Section 11.6.3.4 with: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

READ A FIRST time this	16	day of	March, 2015
A PUBLIC HEARING was held this	7	day of	April, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 27th and 28th day of March, 2015 and the 1st and 3rd day of April, 2015 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer