

E. LAND USE MATTERS

E.1 Rezoning Application No. 00653 for 205 Simcoe Street (James Bay)

Committee received a report dated November 2, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an application to allow for a preschool daycare.

Committee discussed:

- *Accessibility of the site and the potential for a land lift analysis.*

Moved By Councillor Isitt

Seconded By Councillor Potts

That the rules be suspended to allow Council to receive information from the applicant Marley Cummings.

CARRIED UNANIMOUSLY

Committee discussed:

- *The proposed lease arrangements with the daycare provider.*
- *Options to provide affordable childcare to families.*

Moved By Councillor Isitt

Seconded By Councillor Alto

That the item be referred to the November 22, 2018, Committee of the Whole Meeting to report back on options for increasing affordability of the proposed child care spaces in return for the City's agreement to relax the covenant.

CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of November 15, 2018

To: Committee of the Whole **Date:** November 2, 2018

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00653 for 205 Simcoe Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00653 for 205 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set subject to an amendment of the existing restrictive covenant to add daycare as one of the permitted uses on the property, executed by the applicant to the satisfaction of City staff.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures; the density of the use of the land, building and other structures; the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 205 Simcoe Street. The proposal is to rezone from the C1-C Zone, Club District, to a new zone to allow for a preschool daycare.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*. The proposed use represents a "community service" use which is considered an appropriate use in all Urban Place Designations
- the proposal is generally consistent with the *James Bay Neighbourhood Plan, 1993*, which identifies as a goal the creation of easily accessible community-oriented services for residents.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for a 16-child preschool childcare program on the main storey of an existing athletic club building. The applicant intends to use the nearby playground at Ernest Todd Park as a play area. There would be no changes to the exterior of the building and the basement would continue to be used as an athletic club.

In addition to the zoning that applies to this site, there is also a restrictive covenant registered on title which limits the uses on the property to an athletic club or a dwelling unit with an accessory building. As part of this proposal, this restrictive covenant would need to be amended to add daycare as a permitted use. This would include any childcare permitted under the *Provincial Community Care and Assisted Living Act*, including a preschool.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The application site is flanked on the south-east and west by McDonald Park and community garden plots. Across the street are single-family houses and duplexes, with several multi-family apartments further along Simcoe Street. Also nearby are James Bay Community School along Oswego Street and a purpose built daycare along Montreal Street.

Existing Site Development and Development Potential

The site is presently an athletic club, owned and operated by the James Bay Athletic Association. Under the current C1-C Zone, Club District, the property is limited to the existing athletic club use.

Relevant History

In 1966, the City of Victoria sold the subject property to the James Bay Athletic Association (JBAA) for use as an athletic club. As a part of this, the property was rezoned to a commercial zone, which allowed for a 'club' use. The restrictive covenant was added to ensure that other commercial uses inappropriate for the area would not be permitted should the land be sold.

In 1985, the JBAA applied to Council to expand the building. As a part of this application, the property was rezoned to limit the uses on the property. As a result, both the covenant and the zone must be changed to allow for a use to that is not permitted in both documents.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on June 13, 2018. A letter dated October 23, 2018 is attached to this report.

ANALYSIS

Official Community Plan

The proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012* (OCP), and the proposed use represents a “community service” use which is considered an appropriate use in all Urban Place Designations. The OCP further encourages multigenerational neighbourhoods and the creation of “quality, accessible and affordable daycare” spaces in order to foster community wellbeing.

Local Area Plans

The proposal is generally consistent with the *James Bay Neighbourhood Plan, 1993*, which supports the creation of community-oriented services, including childcare services, that are accessible to residents of the community.

The neighbourhood plan also identifies James Bay Community School and the McDonald Park site as a major service node in James Bay, contemplating the opportunity for integrated childcare services on these sites. As the proposal is located directly adjacent to these sites, it is consistent with supporting this area as a community service node.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this proposal.

Other Considerations

As outlined in the Relevant History of this report, in addition to the Rezoning, an amendment of the restrictive covenant is required. The proposed amendment would add daycare as a permitted use, which encompasses all childcare activities falling under the *Community Care and Assistance Act*.

The City’s intention in the original sale of the property and the associated covenant was to help secure a community service by way of an athletic club. Amending the covenant to allow for daycare use without removing the existing restrictions keeps within the spirit of the property acting as a community service, while adapting to the changing needs of the community. Therefore, rather than removing the covenant from the title, an amendment to the covenant is recommended.

CONCLUSIONS

The proposed application to add a daycare use within the existing athletic club building is consistent with City policies. The proposal to amend the restrictive covenant on title to allow for daycare use would facilitate the use of the space as a community service, and meets the needs of the community without removing past restrictions on the property that were originally imposed

through the City sale of the land. Staff recommend that Council consider approving this application

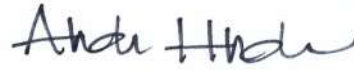
ALTERNATE MOTION

That Council decline Rezoning Application No. 00653 for the property located at 205 Simcoe Street.

Respectfully submitted,



Chloe Tunis
Planning Analyst
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

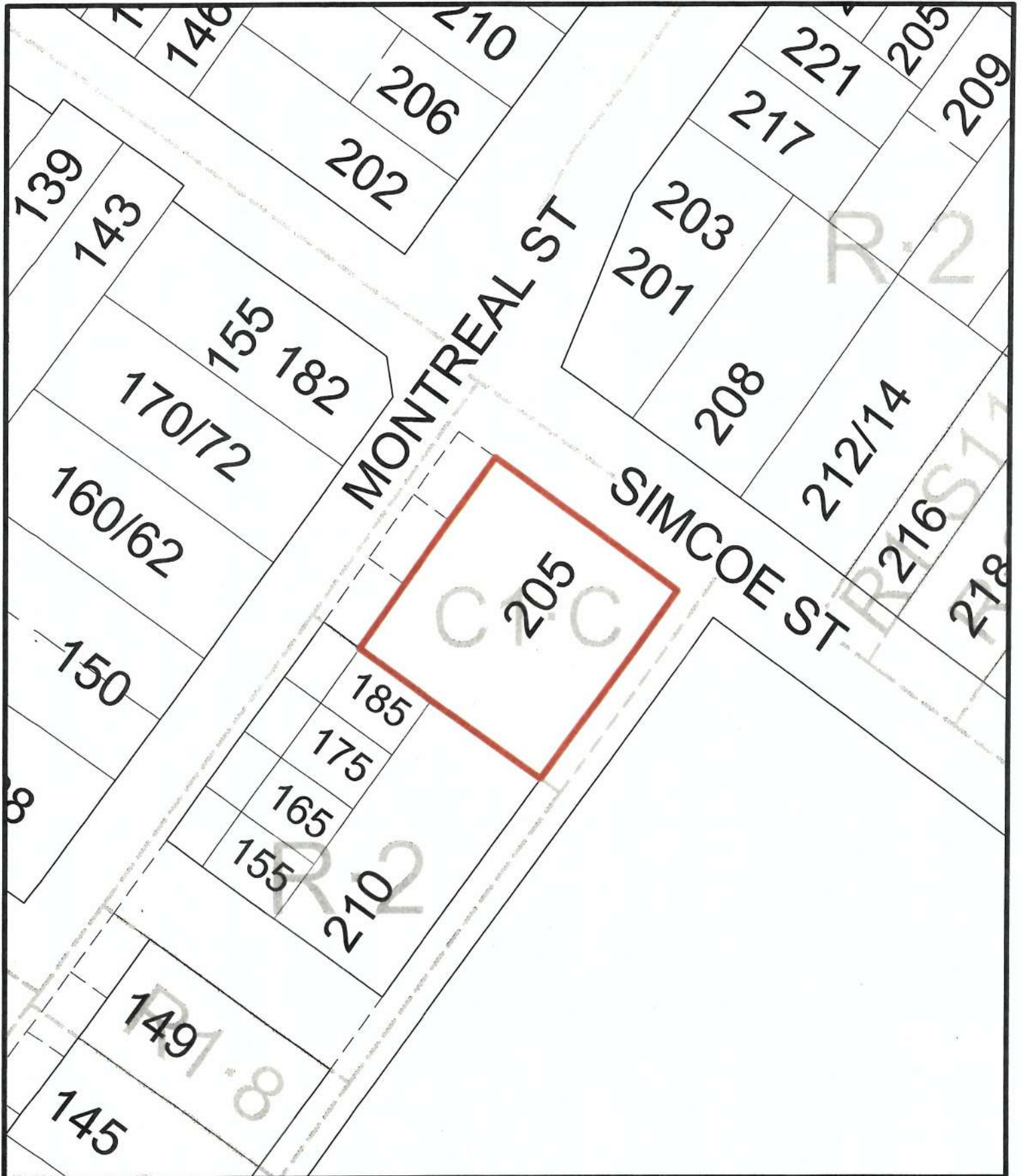


Date:

Nov 7, 2018

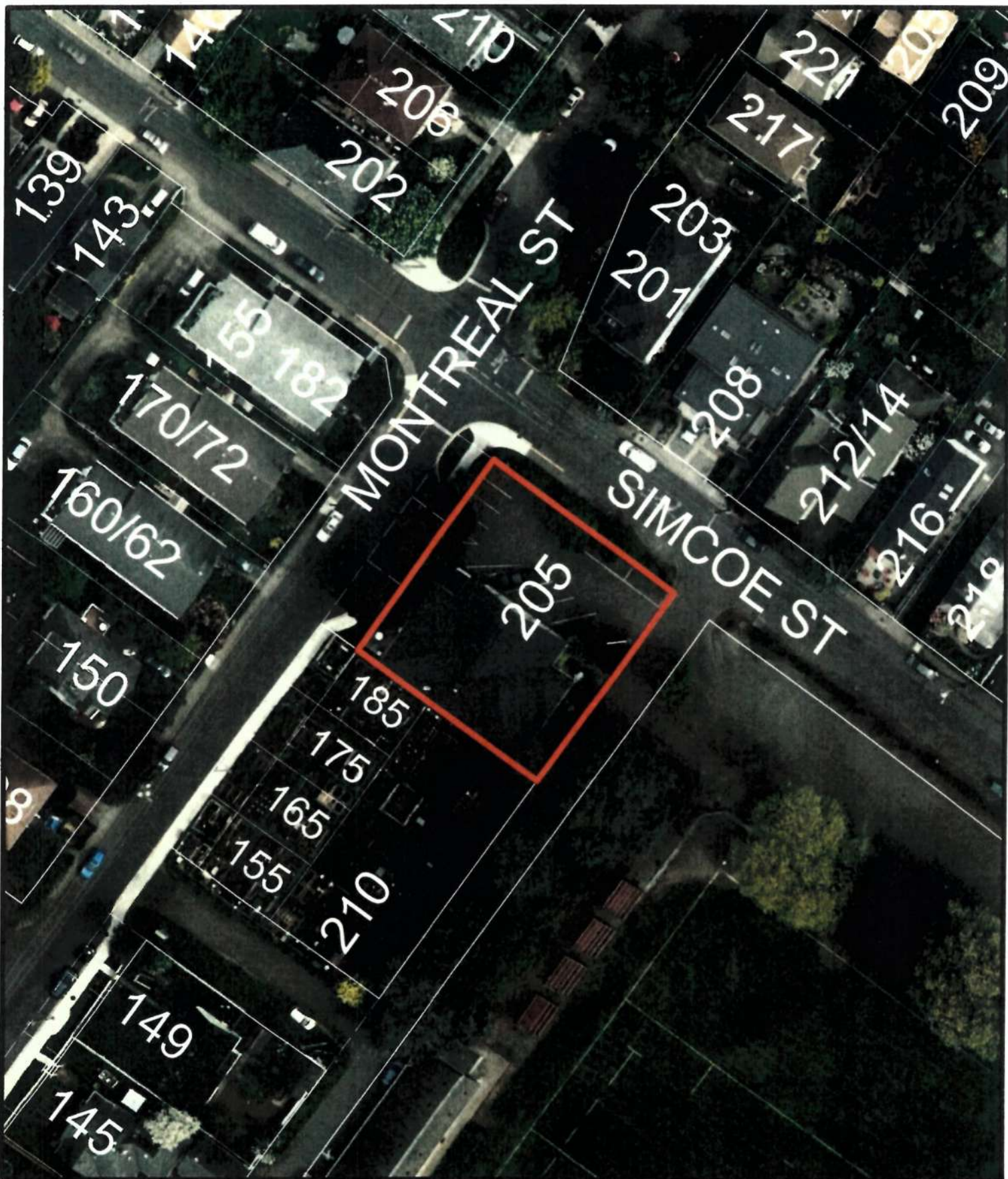
List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 11, 2018
- Attachment D: Letter from applicant to Mayor and Council dated October 11, 2018
- Attachment E: Community Association Land Use Committee comments dated October 23, 2018



205 Simcoe Street
Rezoning No.00653



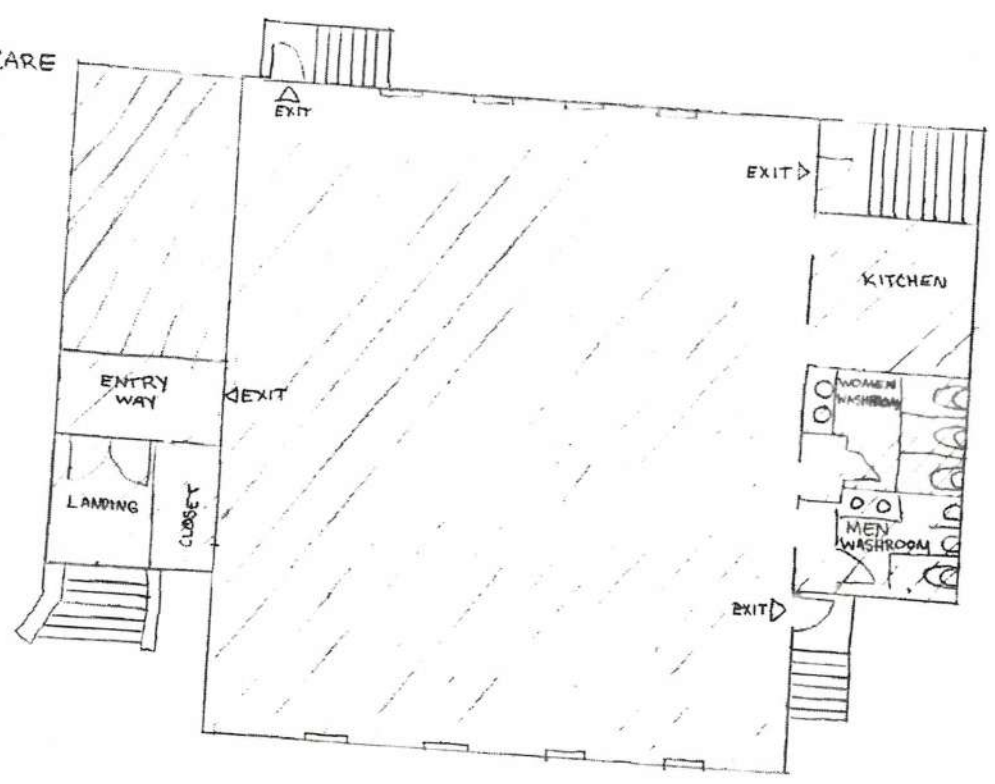


205 Simcoe Street
Rezoning No.00653



MAIN FLOOR PLAN
SCALE 1:100
205 SIMCOE

☐ USED FOR DAYCARE
278.14 m²



Received
City of Victoria

OCT 11 2018

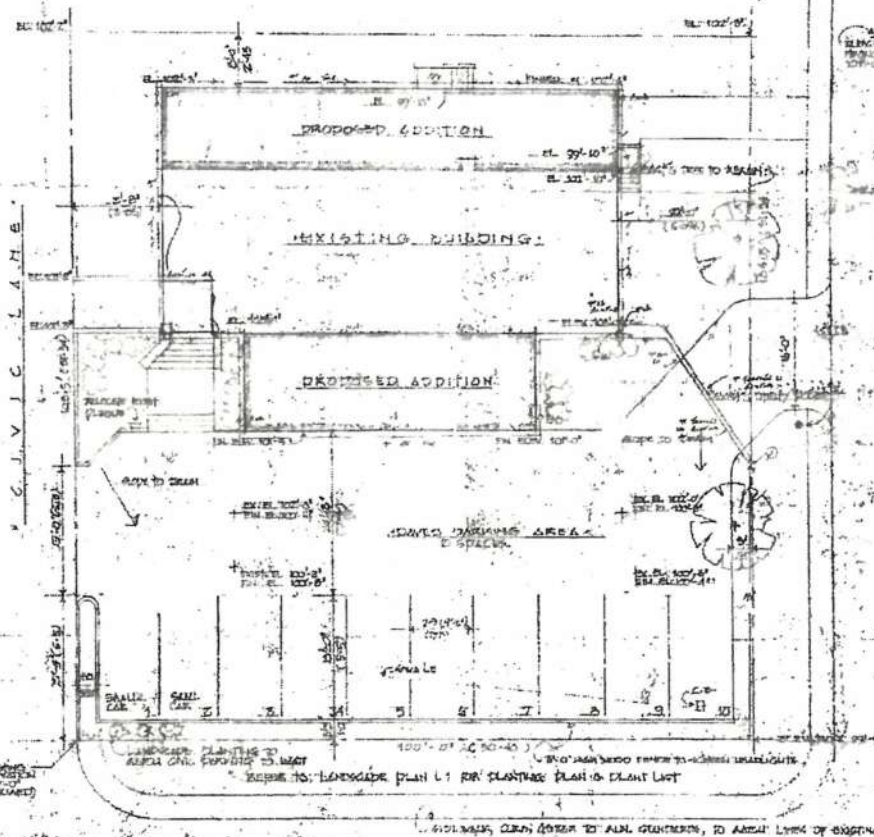
Planning & Development Department
Development Services Division

OCT 11 2018

ATTACHMENT C

F41
ONLY
First BP
RAWS

ALIGNED PARKING
46 SPACES



PROPOSED CLADDING EXTENSION
1646 CALCULATIONS AREA
PROJECT DATA

SITE DEVELOPMENT
EXISTING SITE COVERED - 1620 SF (151.24 m²)
PROPOSED SITE COVERED - 2074 SF (192.7 m²)
SITE AREA - 1620 SF (151.24 m²)
EXISTING BLDG AREA - 1,156 SF (107.1 m²)
PROPOSED BLDG AREA - 5,272 SF (489 m²)
PROPOSED TOTAL AREA - 6,428 SF (599.2 m²)
PROPOSED TOTAL AREA - 6,428 SF (599.2 m²)

PROPOSED BUILDING FOR OLD USE
EXISTING BUILDING - 1,156 SF (107.1 m²)
PROPOSED BUILDING - 5,272 SF (489 m²)
TOTAL BUILDING AREA - 6,428 SF (599.2 m²)

BUILDING DEVELOPMENT
EXISTING - 1,156 SF (107.1 m²)
ADDITION - 5,272 SF (489 m²)
TOTAL - 6,428 SF (599.2 m²)
ADDITIONAL - 5,272 SF (489 m²)

OVERALL HEIGHT (AS NOTED) - 21' (6.40 m)

EXISTING ZONED R1B
EXISTING ZONED R1B - 1620 SF (151.24 m²)
PROPOSED ZONED R1B - 2074 SF (192.7 m²)

Received
City of Victoria

OCT 11 2018

Planning & Development Department
Development Services Division

PRE-APPROVED PARKING PLANS WILL BE COMPLETED



DATE: 11/10/18
DESIGNED BY: J. JAMES
SCALE: 1/8" = 1'-0"

PROPOSED CENTRAL EXPANSION
JAMES BAY ATHLETIC ASSOCIATION
SITE DEVELOPMENT
VICTORIA, B.C.

October 11, 2018

Dear Mayor and Council,

This letter is to request a “text amendment” to the pre-existing zoning that applies to **205 Simcoe St. (C1-C)**, also known as James Bay Athletic Association. Blue Heron Montessori Preschool would like the text amendment to be made under the “uses” section, to include “daycare for 16 children.” We will have children ages 2.5-5 years old. This means that there will not be any changes to the density, type of tenure, number of dwellings, or housing features. There will be NO physical changes made to the building. The daycare will use only the top floor of the building, and the JBAA will continue to use the ground floor for athletic use. During the week (Monday-Friday) the top floor is solely used by the daycare. On weekends, the JBAA will continue to rent out the top floor for other events.

The proposal conforms to the Official Community Plan. *“15.8 Encourage the development of quality, accessible, affordable daycare, including preschool, out-of-school care and elder daycare spaces, to support families and employers by: 15.8.1 Considering the provision of non-profit daycare space as an amenity in new residential, mixed-use and commercial developments to be secured through agreement; and, 15.8.2 Encouraging new childcare and elder daycare spaces throughout the city.”* (City Of Victoria Official Community Plan, pg. 113)

The need for childcare in BC is critical right now. The public schools must meet new class size standards. Facilities on school grounds that have been used for childcare are now being reclaimed by the schools. This puts many families on the search for stable childcare. We can help fulfil this need by opening a quality child care center in the James Bay area. Our demographic includes the James Bay community as well as commuters coming from all over Victoria.

Montessori education is unique and sought-after. These specialty schools are in high demand. There are wait lists for many of the well-known Montessori childcare facilities in Victoria:

Selkirk Montessori (Preschool to Grade 8)- 50 children
 Maria Montessori Academy (Preschool to Grade 12)- confirmed waitlist, 1 year
 Victoria Montessori (Preschool)- confirmed waitlist, 1 year
 St. Christopher's Montessori (Preschool)- confirmed waitlist, 1 year
 Island Montessori (Preschool)- 10 children
 Westmont Montessori (Preschool to Grade 8)- over 100 children for entire school
 This is a rough estimate as the wait lists are continually fluctuating.

Since meeting informally with some of the neighbours and sharing our plans with them, we have received interest in enrollment and are actively communicating with local parents. The other members of the community we spoke with were happy to welcome us.

This particular building is exactly what we need to provide an excellent child care program. The building is located right next to a playground, community garden, and within walking distance to the beach which provides a beautiful natural learning environment. This area is safe, and has an active community that works to keep it this way.

At James Bay Elementary School, there are 224 students currently enrolled. Of these students, many of them have younger siblings that will need care. Because of proximity, many of our students will filter directly into the James Bay kindergarten program. As long as the school continues to run and enrolls 224 students each year, the need for this care will always exist. The area surrounding the school, within a 1 km radius, currently offers 48 spaces. The need is higher than the available spaces.

In the past, the JBAA has rented out their facilities to parties which have hosted events in the evening. The community has responded with feedback that these events did not adhere to the recommended neighborhood quiet times. JBAA has informed us that during the week, they will not rent out the top floor space to any other parties. This will eliminate any noise complaints during weekday evenings. Montessori environments are traditionally calm and peaceful places of learning, therefore during our school day there should not be any noises that are above the acceptable levels.

We are very interested in becoming active members of the community. We believe this is an important value to model for the children. We would like to join the community gardens, lead walking field trips and connect with others in our neighbourhood. These skills are an integral part of the Practical Life learning that we support through the Montessori philosophy.

The JBAA has 10 parking spaces allocated to the building. Blue Heron Montessori has permission to use all 10 spaces. These 10 spaces for families to park should be able to completely fill the need. The school opens at 8am. Morning drop off usually lasts about 10-15 minutes. Pick-up time is anywhere between 3-5 p.m. This creates a staggered pick-up, therefore minimal parking spaces will be used. Also, some of our clientele could have siblings at JBCE creating a "1 stop shop."

Thank you for considering our application. We look forward to opening our doors and helping to fulfill the childcare need in Victoria.

Marley Cummings

Kayla McBride

Blue Heron Montessori Preschool LTD.
Marley Cummings (250-667-2277)
Kayla McBride (250-857-1965)
Email: blueheronmontessoripreschool@gmail.com
205 Simcoe St
Victoria, BC
V8V 1K6



James Bay Neighbourhood Association

jbna@vcn.bc.ca
Victoria, B.C., Canada

www.jbna.org

October 23, 2018

Mayor and Council
City of Victoria

Dear Mr. Mayor and Council:

Re: 205 Simcoe Street zoning amendment for new purpose

On June 13, 2018 the JBNA held a CALUC community meeting to consider the proposal to operate a Montessori pre-school on the second floor of the James Bay Athletic Club building located at 205 Simcoe Street. As the existing zoning does not contemplate pre-school or daycare, a zoning amendment for a new purpose is required. There was considerable support for this proposal. Attached please find questions and comments from residents about the proposal.

COMMUNITY MEETING PRESENTATION:

Marley Cummings and Kayla McBride, co-owners of Blue Heron Montessori Pre-School introduced the proposal noting that there will not be any changes to the building. The plan is to open in September 2018 with 8 children. Once Vancouver Island Health Authority issues a license the pre-school will provide spaces for a maximum of 16 children. The pre-school will have use of 11 parking spaces on site. Pickup and drop off times will be staggered. The proponents showed a brief video that describes the Montessori philosophy of pre-school education. Blue Heron Montessori Pre-school hopes to fill the shortage of daycare and pre-school spaces in the community.

In summary, the pre-school will operate with a 10 month lease with option to renew. There will be a maximum of 16 children from 2 ½ to 5 years and 2 full time staff. The pre-school has exclusive use of 11 on-site parking spaces during the weekdays. Drop off will be from 8:00 to 9:00 a.m. and pick up from 3:00 to 5:00 pm. The pre-school will be an incorporated for-profit, licensed pre-school.

For your consideration,

Sincerely,

Linda Carlson,
Vice-President, JBNA
jbna@vcn.bc.ca

205 Simcoe Street CALUC
Questions & Comments

Q/A first opportunity given to those who live within 100m of 205 Simcoe. Seeing none, open to residents of James Bay.

Q: Fisherman's Wharf resident asked if the pre-school has contacted the Montreal Street Community Garden so that the children can have benefit of the adjacent garden?

A: We have not but we definitely intend to contact them. Garden space is an experience we hope to provide for the children. (*Chair to link proponent and JBNA Garden liaison*).

Q: Do you think the building is suitable for small children?

A: There was pre-school in past and VIHA has approved the environment. The interior is light and bright. There are enough bathrooms for children. The location is excellent.

Q: Do you know how many children will be from James Bay?

A: We have not advertised yet, but we have gone door to door in the vicinity and had real enthusiasm. Also there is an infant daycare next door and we would hope to enhance that so that there is a seamless service for infants to school age children.

C: Resident from Montreal Street. With schools needing more space, many daycare and pre-school spaces have been lost. There is a need. I think this is an excellent service and heartily support it.

Q: Why is lease only 10 months?

A: Because we close for the summer. Our lease goes Sept to June and is renewable.

Q: What is the zoning you are applying for? Will there be changes to property?

A: We are not seeking rezoning, but only change of use as the current zoning does not identify pre-school as an approved use. We are not changing any zoning, simply adding "childcare for 16 children" to the current zoning text.

Questions from resident who is not able to attend (read by Chair):

Q: If the pre-school is allowed, will there also be all of the other events taking place on the weekend and evening in the same space?

A: Once Blue Heron Montessori pre-school takes the lease, we will have use 24hours a day from Monday to Friday. There will not be weekday events at the building. James Bay Athletic Association will still use facility on weekends.

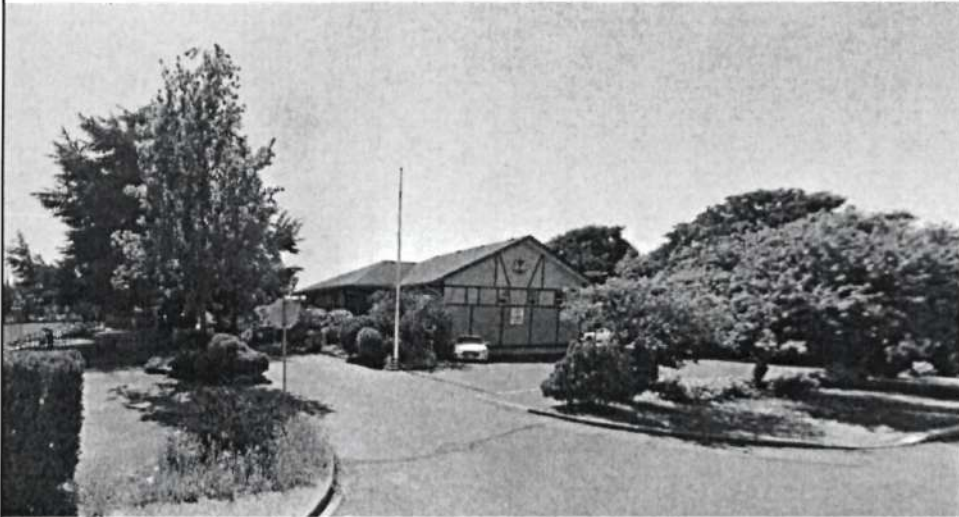
Q: Will the pre-school be limited to 16 children or will they eventually want to exceed that number?

A: We are applying for a license for up to 16 children. We do not have plans to exceed that.

Rezoning Application for 205 Simcoe



View from Simcoe Street



Neighbourhood Context- Montreal Street



Simcoe and Montreal Streets

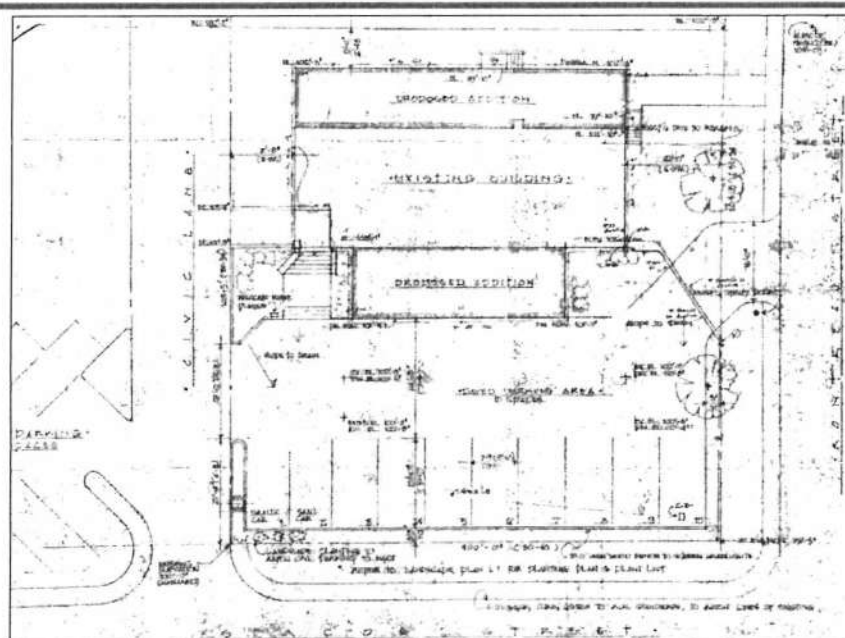


Simcoe Street

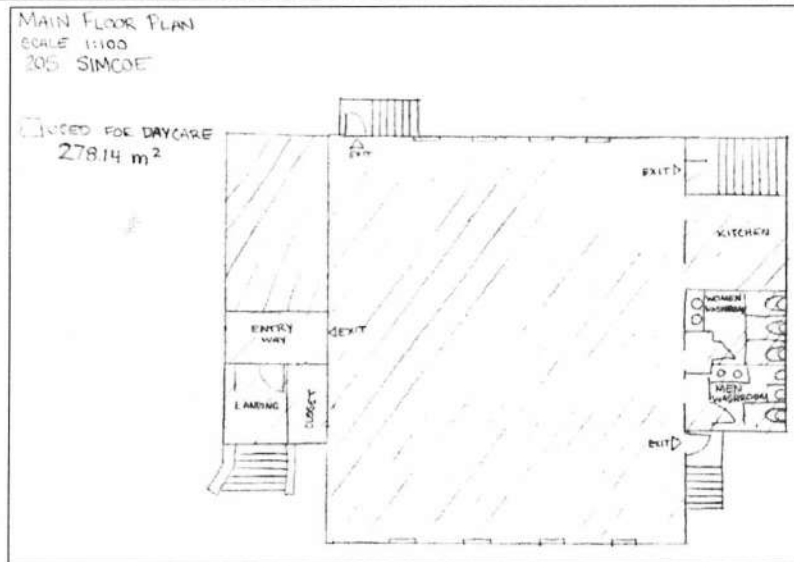


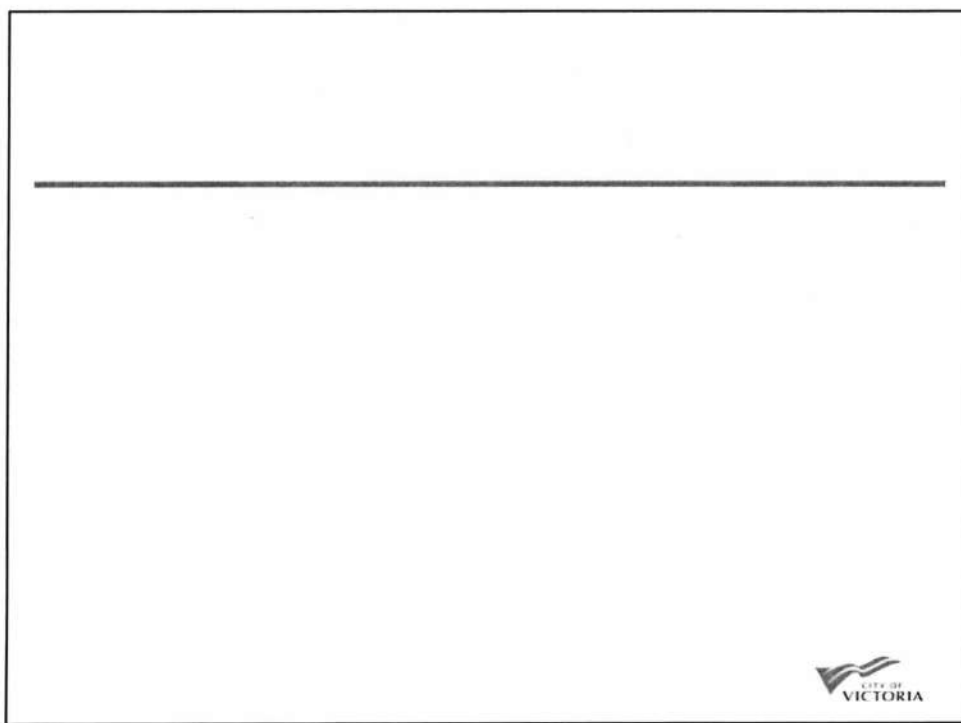
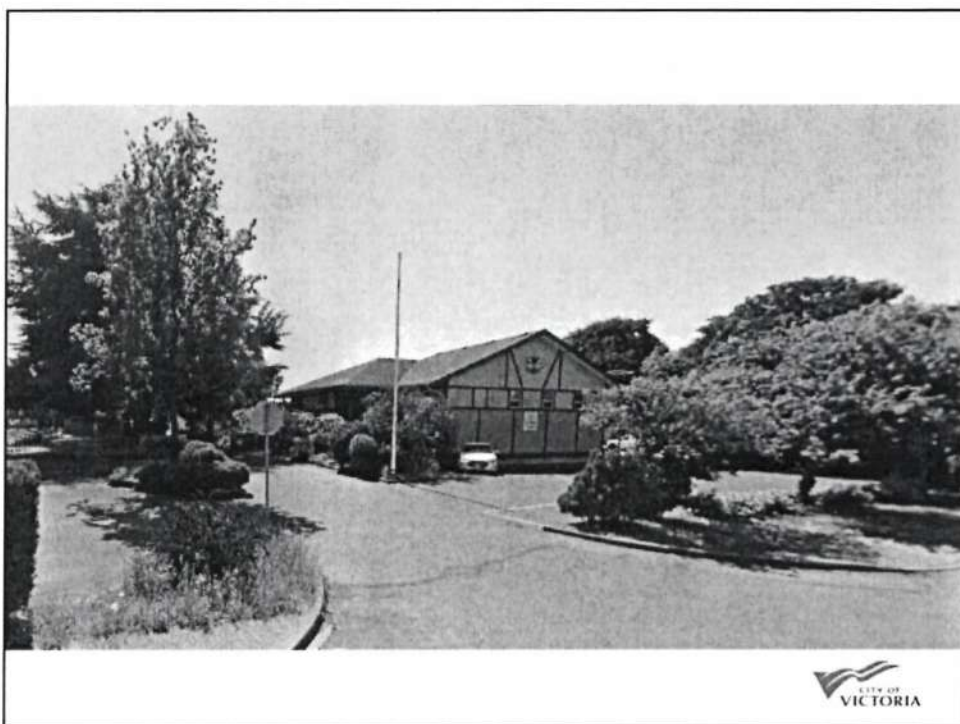


Existing Site Plan



Main Floor Plan





Official Community Plan

