

REPORTS OF COMMITTEES

1. Committee of the Whole – December 7, 2017

Councillor Loveday withdrew from the meeting at 8:49 p.m. due to non-pecuniary conflict of interest with the following item, as the subject property is owned by family friends.

10. Rezoning Application No. 00606 for 350 Sylvia Street (James Bay)

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00606 for 350 Sylvia Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried Unanimously

Councillor Loveday returned to the meeting at 8:50 p.m.

Councillor Loveday withdrew from the meeting at 11:09 am due a non-pecuniary conflict of interest with the next item, as the applicants are family friends.

5.2 Rezoning Application No. 00606 for 350 Sylvia Street (James Bay)

Committee received a report dated November 23, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the rezoning of the property located at 350 Sylvia Street in order to permit a toilet as a second plumbing fixture in an accessory building.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00606 for 350 Sylvia Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Committee discussed:

- Whether the building could be used as a dwelling unit if the daycare ceases.

CARRIED UNANIMOUSLY 17/COTW

Councillor Loveday returned to the meeting at 11:11 am



Committee of the Whole Report For the Meeting of December 7, 2017

To: Committee of the Whole **Date:** November 23, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00606 for 350 Sylvia 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. 00606 for 350 Sylvia Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 350 Sylvia Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to permit a toilet as a second plumbing fixture in an accessory building.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential designation of the *Official Community Plan*, within which home occupations are an envisioned use
- the *Official Community Plan* encourages new childcare spaces throughout the city in order to support families and employers
- the *James Bay Neighbourhood Plan* does not provide guidance on the provision of childcare within residential neighbourhoods; however, the policy notes a wide variety of community-oriented services should be easily accessible to all community residents
- childcare service for up to eight persons is a permitted use.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit a toilet as a second plumbing fixture in an accessory building. As per Schedule F – Accessory Building Regulations, accessory buildings must not contain shower, bath or toilet facilities unless they are expressly permitted under the *Zoning Regulation Bylaw* (e.g. garden suites). Schedule F specifically notes that this is a restriction on the use and therefore requires a rezoning.

The use of day care for no more than eight persons is permitted under the *Community Care and Assisted Living Act*.

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 application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

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

Land Use Context

The immediate area is mainly characterized by single-family houses, many of which have been converted to duplexes and triplexes. In addition, there are some multi-family dwellings located east of the subject property.

Existing Site Development and Development Potential

The site presently contains a single-family dwelling that has been converted into a triplex. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed into a two-storey duplex.

The building was constructed in 1918 and does have heritage value; however, it is neither heritage registered nor designated. The applicant has indicated interest in heritage registration or designation of the property and is in contact with the City's Senior Heritage Planner.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on June 14, 2017. A letter dated June 27, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* designates the property as Traditional Residential, within which home occupations are envisioned. In addition, the OCP encourages the development of quality, accessible, and affordable daycare and childcare throughout the city to support families and employers.

Local Area Plans

The *James Bay Neighbourhood Plan* is mostly silent with regard to home occupations. The plan does note that a wide variety of community-oriented services should be easily accessible to all community residents.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

Regulatory Considerations

The restriction on plumbing fixtures in accessory buildings was originally intended to prevent accessory buildings from being used as living spaces. In this case, any potential conversion of the garage in the future from accessory building to another use, such as a garden suite, would require Council approval through a rezoning application as the principle dwelling is currently being used for three self-contained dwelling units. Consistent with the Garden Suite regulations, if the principle dwelling was converted back into a single-family dwelling then it may be possible to convert the accessory building into a garden suite.

CONCLUSIONS

The addition of a toilet as a second plumbing fixture to the existing accessory building would aid the permitted childcare service by allowing children to use the bathroom during outdoor activities without the need to bring the whole class inside. The change is minor and a conversion of the accessory building to a residential unit would require rezoning and Council approval as long as the principle dwelling contains three self-contained units. Therefore, Staff recommend Council consider supporting this application.

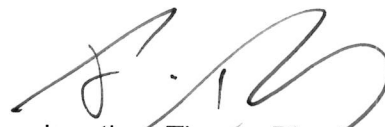
ALTERNATE MOTION

That Council decline Rezoning Application No. 00606 for the property located at 350 Sylvia Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



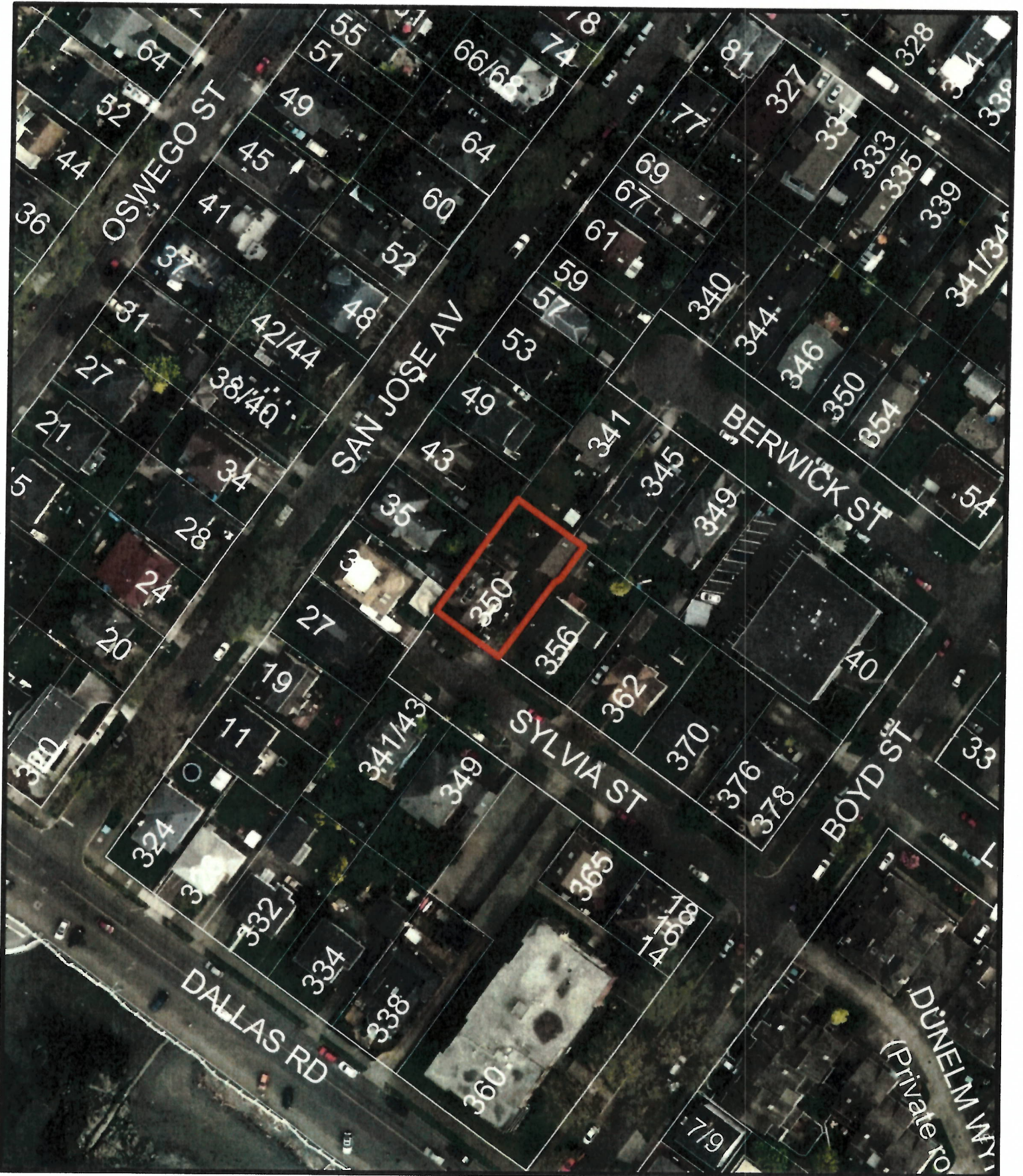
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

Jocelyn Jenkins
Date: *November 30, 2017*

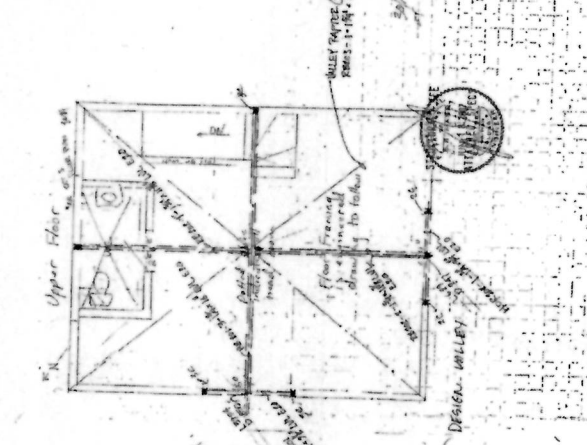
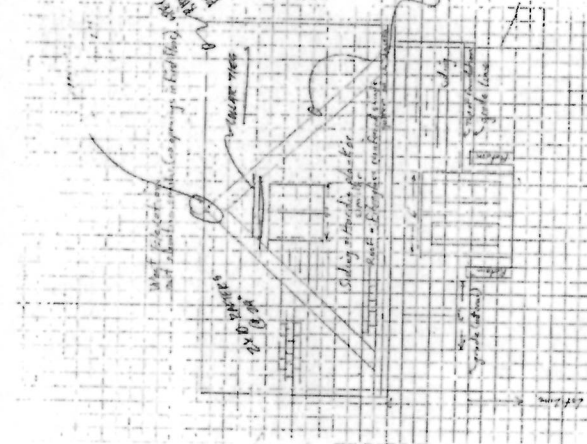
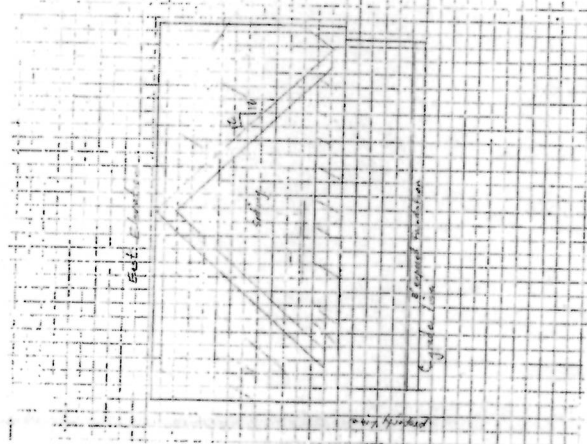
List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped October 16, 2017
- Attachment D – Letter from applicant to Mayor and Council date stamped August 29, 2017
- Attachment E – Community Association Land Use Committee Comments dated June 27, 2017

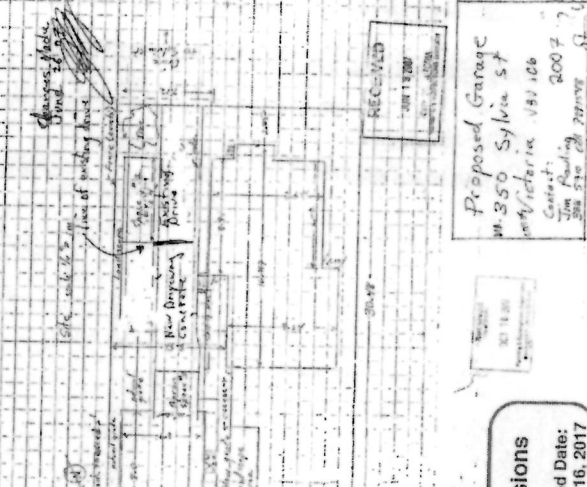
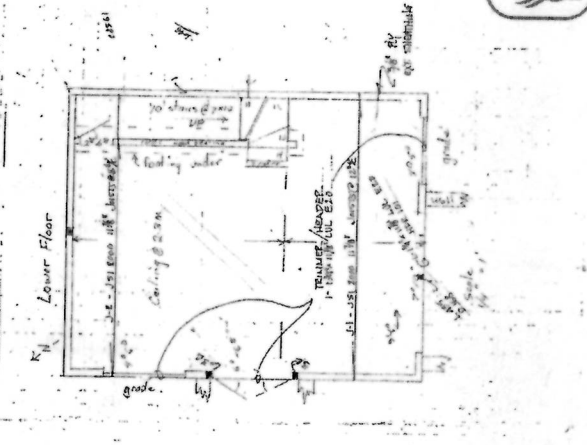
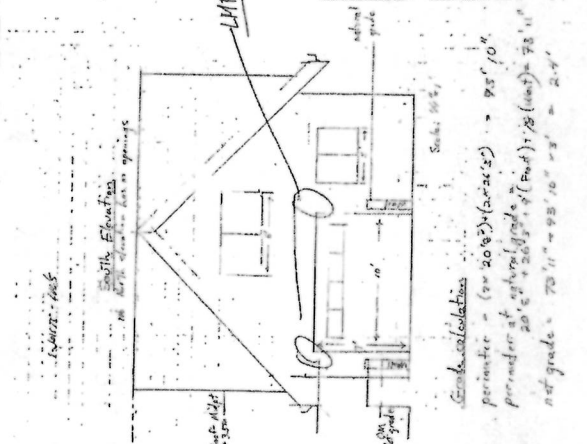
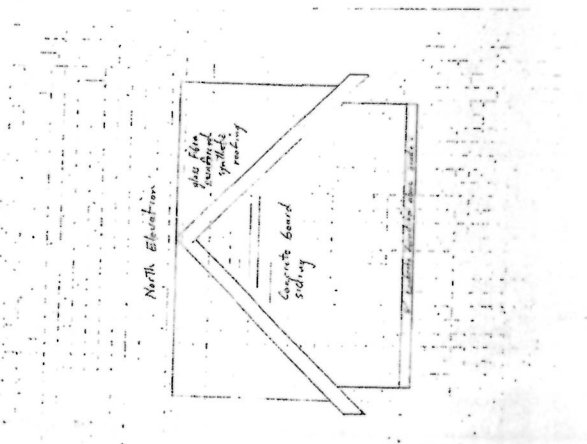


350 Sylvania Street
Rezoning No.00606





Site Coverage:
 Area of Site: = 17,283.34 sqm = 54612 m²
 Area of Existing Building including stairs:
 Footprint: 10.0m x 10.0m = 100 m²
 Stairs: 10.0m x 10.0m = 100 m²
 Total: 200 m²
 Total site coverage allowed - 90% = 578.12 m²
 Available site coverage for accessories = 21,257 m²
 Rear yard coverage = 72.87 m²
 Lesser of:
 - Depth of front building: 30.0m x 10.0m = 300 m²
 - Allowable: 30% of (21,257) = 6377 m²
 - Max. front point of garage: 6377 m²
 Area of lot dedicated to parking + driveway = 91.8 m²
 Open area: (578.12 - 91.8) = 486.32 m²



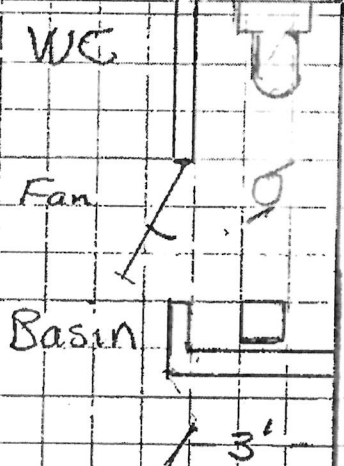
Revisions
 Received Date: October 16, 2017

Proposed Garage
 11,350 Sylvia St
 Victoria, BC V8V 1G6
 Contact:
 Jim Paul
 250-570-2799

Garage Floor Plan As Built w/ proposed 2pc bath

20'8" = 6.3M

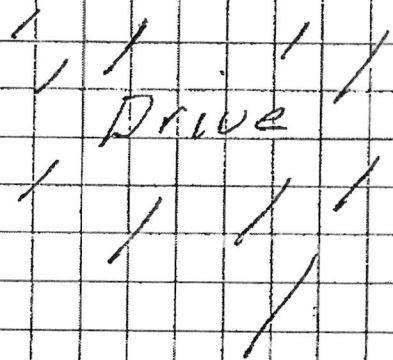
Changes from existing



3'4" = 8M

6'9" 8

7° 10°

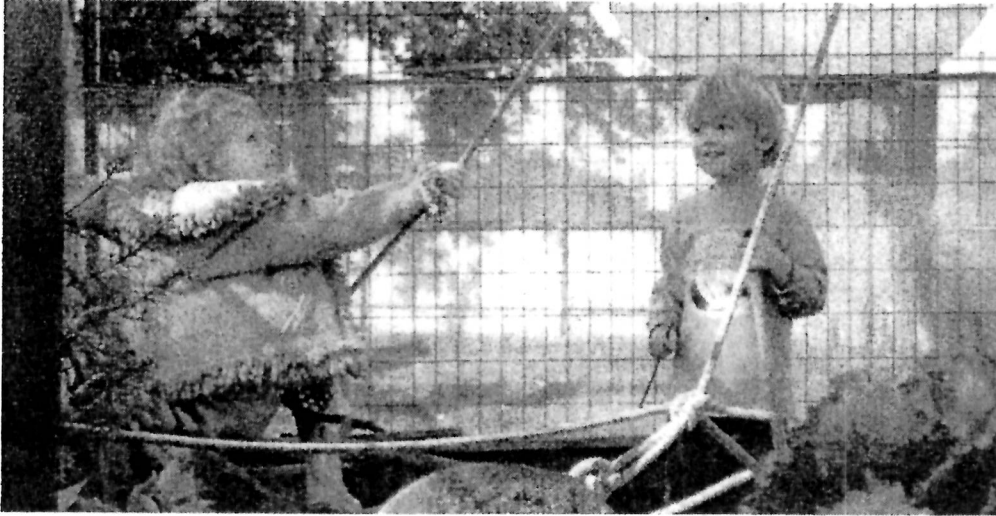


Scale: 1/4" = 1'

OCT 27 2017

Received
City of Victoria
OCT 16 2017
Planning & Development Department
Development Services Division

ATTACHMENT D



To: the Mayor and City Council of Victoria,

Re: proposed rezoning application for 350 Sylvia Street
Owners: Sarah Hilliard (ECE) & Jim Rawling

Introduction:

I was the early childhood educator at Lansdowne Preschool (a parent owned non-profit co-op) when it closed last year after more than 60 years. Our site on Ryan Street was sold and redeveloped, and the preschool was unable to find a permanent new home. As a result I'm preparing to open a licensed home-daycare in the house my partner and I have lived in since 1979. A home-based family daycare for 8 children is a permitted use under the current zoning and the VIHA license is in progress.

I believe children need to spend a significant portion of their day outside so that they can know a place: know where to find the hoverfly's nest in the ground next to the lavender, know that when the Bewicks wren cruises by it's almost time to go home, and know where to find the snow peas when it's time for lunch. Children need to spend time outdoors to become familiar with the natural world, and to feel the goodness of rain, the rush of the wind, and the warmth of the winter sun.

Description of Proposal:

We propose a special zone be established that permits a non-allowed use two piece bathroom (toilet and sink) to be added to the existing garage of a conversion rental triplex in James Bay.

Project's Benefits:

A bathroom would facilitate the safe supervision of children who spend significant periods of time outdoors. Having a bathroom that is easily accessible from the garden would dispense with the need to troop 8 kids into the house when only one of them needs to go.

Project Impacts:

While there may be an increase in vehicle traffic at drop-off and pick-up times, there will be no extended requirement for additional parking as there will be no hired staff.

Heritage Status:

The house was built in 1898 and rebuilt in the 1980s; it is not heritage listed or designated, nor will there will be any exterior changes.

Infrastructure:

The addition of a two piece bathroom to the garage will not affect the public infrastructure significantly.


Neighbourhood:

Home-based family daycares provide an important service that help maintain neighbourhoods; proximity makes life easier for working families.

Conclusion:

The addition of a bathroom that is easily accessible from the outside would greatly facilitate the flow of the program. It would also offset the cost of having a second caregiver available for bathroom breaks thereby reducing daycare costs for families. I believe providing extended periods of uninterrupted time for children to engage deeply in exploration and play is vital to their learning.

Sincerely,

A handwritten signature in black ink that reads "Sarah Hillard". The signature is written in a cursive, flowing style.



James Bay Neighbourhood Association

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

www.jbna.org

June 27th, 2017

Mayor and Council,
City of Victoria

Re: 350 Sylvia – Toilet Facility in Garage to Support Child Care Program

Dear Mayor and Councilors,

The proposal for a toilet/sink installation at the garage for 350 Sylvia was heard at the June 14th, 2017 JBNA Community Meeting. There were 53 people in attendance.

Those present were supportive of the proposal with one proviso from a near by resident:

- Since the house is a tri-plex, **wishes to see a covenant (guarantee)** that there would NOT be an application for a conversion of the garage for residential use in the future.

Two residents who could not attend the meeting submitted statements (attached). One is support, one opposed: both raised concern of traffic issues since Sylvia is not a thru street.

For your consideration,

Marg Gardiner
President, JBNA

Cc: JBNA Board, Miko Betanzo, Planning
Sarah Hilliard & Jim Rawlings, owners

Attach: Excerpt from April 12th, 2017, JBNA General Meeting

ATTACHMENT: Excerpt: June 14th, 2017, JBNA General Meeting Minutes**6. CALUC: 350 Sylvia Street****Development Review Committee (DRC) Meeting: presented by Marg Gardiner**

On May 11, 2017, JBNA DRC Committee members Marg Gardiner, Janice Mayfield Trevor Moat, and Linda Carlson (Tim VanAlstine did not attend due to his concern it may be perceived as a conflict) met with owners Sarah Hillard and Jim Rawlings to discuss the proposal to add toilet facilities to the garage structure. The owners plan to operate a licensed daycare 3 days a week from 9:00 am to 3:00 pm. License is permitted with current zoning (R2). To accommodate children, plan to construct ½ bath (sink and toilet) in existing garage which is being modified for children's use. Without toilet in garage, all children must go inside to be supervised when one needs to use toilet.

- Addition of a half bathroom in garage requires zoning adjustment.
- Requires new water service, new sewer service

Current zoning: R2 – grandfathered conversion tri-plex non-conforming

Community Meeting presentation: Sarah Hilliard, owner

The proposal was described with emphasis on outdoor activity. Owner explained that currently if a child needs to use the bathroom, she has to take all of the children into the house so that she can supervise as appropriate. The garage bathroom will allow her to maintain supervision of the children as she can stand in the doorway of the garage if the children are outside, and easily supervise if the children are in the garage space which will be used for the children's indoor activities.

Q/A with near-by residents who are within the 100 meter notification area:

Q: Neighbour behind applicants' house, speaking in favour of the application. One concern in moving forward in future is that house is already a tri-plex and so it is possible that the garage, which is large enough, would be converted for residential use in the future.

C: Resident – sounds like a reasonable proposal.

C: Resident who lives a block away says very much in favour of proposal.

2 residents within the 100 meter notification area submitted letters one supportive and one opposed; both concerned because the house is on a no-thru street.

Subject: **Development Proposal 350 Sylvia Street**

Date: June 14, 2017 1:00:42 PM PDT

To: <marj.jbna@shaw.ca>

Hello

Because we are unable to attend tonight's meeting, we are writing to voice our opinion on the proposed Home Occupation Childcare at 350 Sylvia Street.

We are long-time neighbours of Jim and Sarah and have no issue with a childcare in our neighbourhood. Childcare spaces are, sadly, scarce. We do, however, have one concern. Sylvia Street is a dead-end street with little to no available parking and no turnaround area. Our driveway is situated at the end of Sylvia.

Drop-offs and pick-ups will likely be at staggered times, so we hope this will not be an issue. However, we felt it should be considered.

Thank you.

Christine + Robert Smith
33 San Jose Avenue

June 13/17

JBNA CALUC
re 350 Sylvia St.

To Whom It May Concern

My name is Ulrich Gerger. I am a long time James Bay resident living in the home I own at 54 Boyd St. I'm not able to attend the community meeting on June 14. Please ensure this letter is put on the record of the meeting.

I'm writing to express my opposition to the requested change in zoning to add a washroom to the garage at 350 Sylvia St. This residence on a quiet dead end street is not suitable for this purpose.

Sincerely, *U Gerger*

Ulrich Gerger