



Planning and Land Use Committee Report

For the Meeting of April 16, 2015

To: Planning and Land Use Committee **Date:** April 1, 2015
From: Lucina Baryluk, Senior Process Planner
Subject: Rezoning Application No. 00474 for 1733 Bank Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00474 for 1733 Bank 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 903 (c) 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 1733 Bank Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone to permit a 16 space child care facility in addition to an existing residential unit, within an existing single family dwelling. The applicant further proposes to reduce the number of required parking stalls from four stalls to one stall.

The following factors were considered in the analysis of this Application:

- No exterior alterations to the building or landscaping are proposed.
- Policy 15.8 of the *Official Community Plan (OCP)* encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City.
- Policy 6.4 of the OCP supports the inclusion of community services (including child care) in all urban place designations.
- The property cannot accommodate the additional three parking spaces that would be required to comply with the *Zoning Regulation Bylaw*; however, it is noted that the impact on the street would primarily be experienced for brief periods of the day coinciding with drop-off and pick-up of children.

Staff recommend that the Committee support this Application.

BACKGROUND

Description of Proposal

Pursuant to provincial legislation, a family child care is permitted in a single family dwelling. The applicant's current allowance is for eight children. The applicant is proposing to provide care to sixteen children as a group day care (defined as a kindergarten within the *Zoning Regulation Bylaw*).

The subject site is in the R1-B, Single Family Dwelling District which permits kindergartens as a permitted use, subject to the provisions of the House Conversion Regulations, Schedule G. This Schedule sets out the following conditions for a kindergarten use:

- the building must have been constructed as a single family residence prior to 1931
- a minimum lot area of 670 m²
- a minimum lot width of 18 m.

As the subject property does not meet the minimum lot area requirement (it is just slightly below 670 m²), a rezoning is required.

Sustainability Features

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

Active Transportation

The project does not include any specific active transportation features.

Land Use Context

The area is characterized by single family homes, with a transition to multiple-dwellings and mixed used along Richmond Avenue and Fort Street. To the south (Bank and Leighton) is Victoria College of Art and Sundance School (now closed).

Existing Site Development and Development Potential

The property currently contains a single family dwelling (built in 1910). The owner operates an eight-space child care facility within this dwelling.

Under the current R1-B Zone, the property could be redeveloped as a single family dwelling with a suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone, which will be used as the base zone for the new zone, limiting the maximum number of children to 16 (at any one time) as well as reducing the site area and parking requirements. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R1-B	Comments
Site area (m ²) - minimum	669*	670	Schedule G requirements
First and second storey floor area (m ²) - maximum	257	280	
Lot width (m) - minimum	18	18	

Zoning Criteria	Proposal	Zone Standard R1-B	Comments
Site coverage (%) - maximum	21	40	
Storeys - maximum	2	2	
Setbacks (m) - minimum			
Front	5.30*	7.50	Front setback is existing non-conforming
Rear	14.60	9.10	
Side (north)	3.95	1.80	
Side (south)	4.25	3.00	
Parking - minimum	1*	4	
Parking location	Front yard*	Behind front of building	Location of parking is existing non-conforming

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the South Jubilee Neighbourhood Association at a Community Meeting held on January 21, 2015. At the time of writing this report, a letter from the Neighbourhood Association had not been received.

ANALYSIS

Official Community Plan

In support of multigenerational neighbourhoods, Policy 15.8 of the *Official Community Plan (OCP)* encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City.

Policy 6.4 provides general development guidance for all of the defined Urban Place Designations in Figure 8 of the OCP. This policy supports the inclusion of community services (including child care) in all urban place designations.

This Application is consistent with the OCP.

Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* does not provide specific guidance on the inclusion or expansion of day care facilities. The plan states the following:

“Evaluate development proposals in light of the diversity of age groups and family structures in the neighbourhood and explore opportunities to provide amenities for various age groups through the development review process.”

Other Regulatory Considerations

Reduction in Off-Street Parking

The applicant is proposing to retain one parking stall attributed to the single family dwelling, which meets the parking standard for this use. It is noted that the location of the existing parking does not meet the siting requirements of Schedule C; however, it is considered legal non-conforming as it predates the establishment *Zoning Regulation Bylaw*.

With an increase in the number of child care spaces to 16, the applicant would be required to provide an additional three parking stalls for employees and pick-up and drop-off. Staff recommend support for the reduction in on-site parking for the child care but note that there will be an impact on the availability of off-site parking for brief periods during drop-off and pick-up times. The applicant's letter (attached) describes the current situation in this regard.

CONCLUSIONS

The OCP encourages the development of quality, accessible, affordable child care including preschool and out-of-school care spaces throughout the City. The OCP also supports the inclusion of community services (including child care) in all urban place designations. Staff are supportive of the proposed reduction in parking but note that there will be an impact on the availability of off-site parking. Although the insufficient parking on site is not ideal, on balance, staff recommend that Council support this Application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00474 for the property located at 1733 Bank Street.

Respectfully submitted,

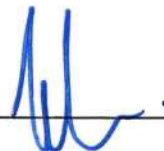


Lucina Baryluk
Senior Process Planner



Alison Meyer
Assistant Director
Sustainable Planning & Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

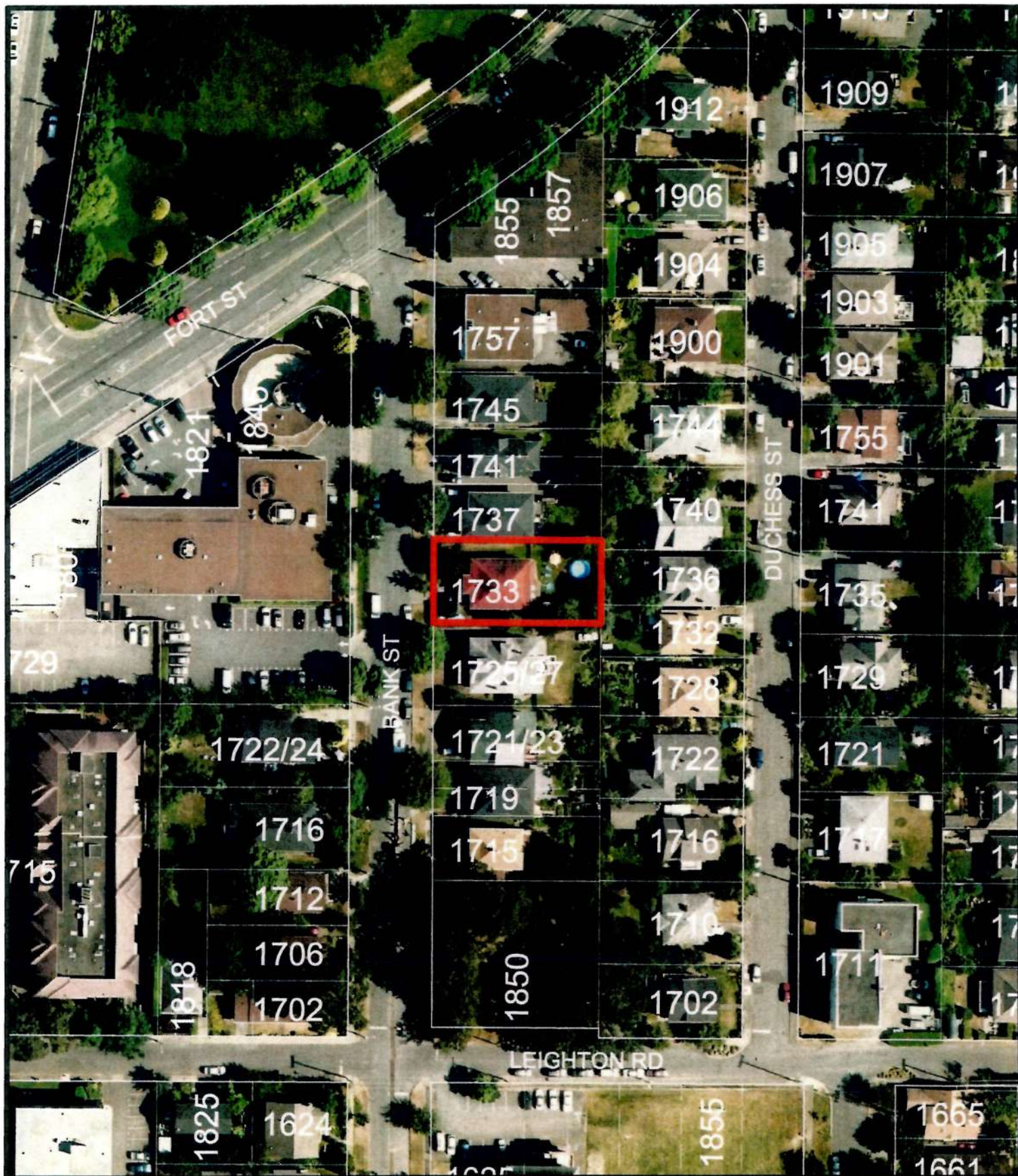
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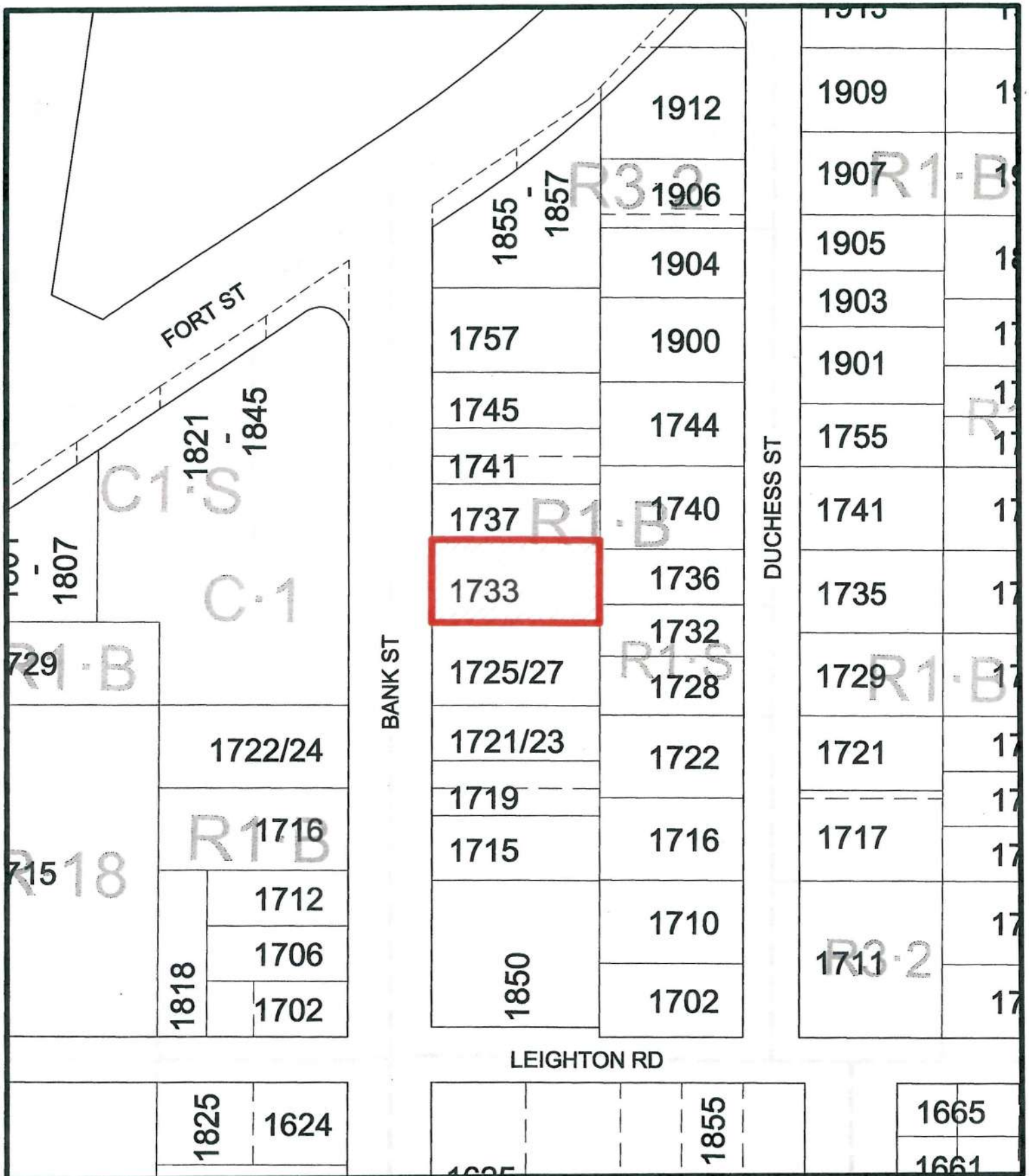
List of Attachments

- Aerial Map
- Zoning Map
- Plans dated January 26, 2015
- Letter from the applicant dated January 26, 2015.



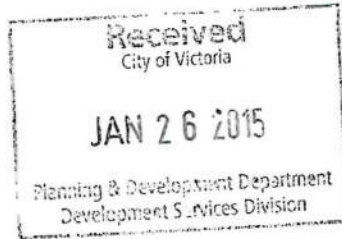
1733 Bank Street
Rezoning #00474
Bylaw #





1733 Bank Street
Rezoning #00474
Bylaw #





January 26, 2015

To Mayor and Council,

I am requesting a rezoning of my property at 1733 Bank Street to allow my daycare to go from 8 children with one staff to 16 children with 2 staff.

There is a great need for more child care spaces, particularly close to downtown. This property is in the South Jubilee neighbourhood of Fairfield but borders Oak Bay and Fernwood and is directly across the street from the Royal Jubilee Hospital.

The property is located a few doors down from the recently closed Sundance School. This neighbourhood is accustomed to seeing children and families and has many parks and playgrounds nearby to support such a program, such as Redfern Park and the schoolyard which is now greatly under utilized.

This property was chosen partly because of its lot size which is 669 square metres, only one square metre short of the city's requirement for a kindergarten. Had the property been 670 square metres, a rezoning application would not have been required because the house also meets the criteria of being built before 1941. (1931- staff note)

This application conforms to the Official Community Plan. There are no changes required for the building or site other than the removal of the upstairs bathtub to be replaced by a second toilet. This property was chosen for a daycare because of its ideal size, layout, yard and location.

The impact on neighbours is relatively small since we would be adding only 8 more children. We have a busy preschool type program and are away from the daycare 4 mornings per week. Our schedule includes story time at the Oak Bay Library and playgroup at Oaklands Community Centre supporting these two wonderful programs. We also have one morning of exploration of nature and another which is a half day at Oak Bay Lodge with the seniors. This program greatly enhances the quality of life for these seniors and develops relationships for the children with elders in our community that they may not otherwise have the opportunity to do.

Afternoons are mostly spent indoors doing crafts and pursuing quieter more academic activities such as reading, puzzles, cards and educational games. When we are outside, hopefully the noise is that of happy children playing. The ages of most of the children will be 2 and a half to 5 years.

Because it is a daycare operating from Monday to Friday, 8 am to 5 pm, the property will be completely quiet all evenings, weekends and holidays. As well, I currently have strong support from 3 out of the 4 immediately adjacent properties.

Although the site is supposed to have 4 parking spaces, it only has one. In reality, this is not an issue. Currently, out of 8 children attending the daycare, 2 parents work at the hospital, one works at City Hall and buses, one walks from around the corner and two bike. These

numbers are fairly representational and would be similarly duplicated in a larger group. Most people look for daycare which is conveniently located either close to work or home or on route. As well, the daycare is located close to the hospital and Fort Street. Nearby is commercial office space and as is shown in the photographs, across the street from the daycare is a long block of one hour parking for nearby businesses. Most of these spaces are usually open and available throughout the day. Any parents who do drive up to drop off or pick up their children are there for an average of 5 to 10 minutes and are able to use the driveway. Very seldom do families arrive at the same time.

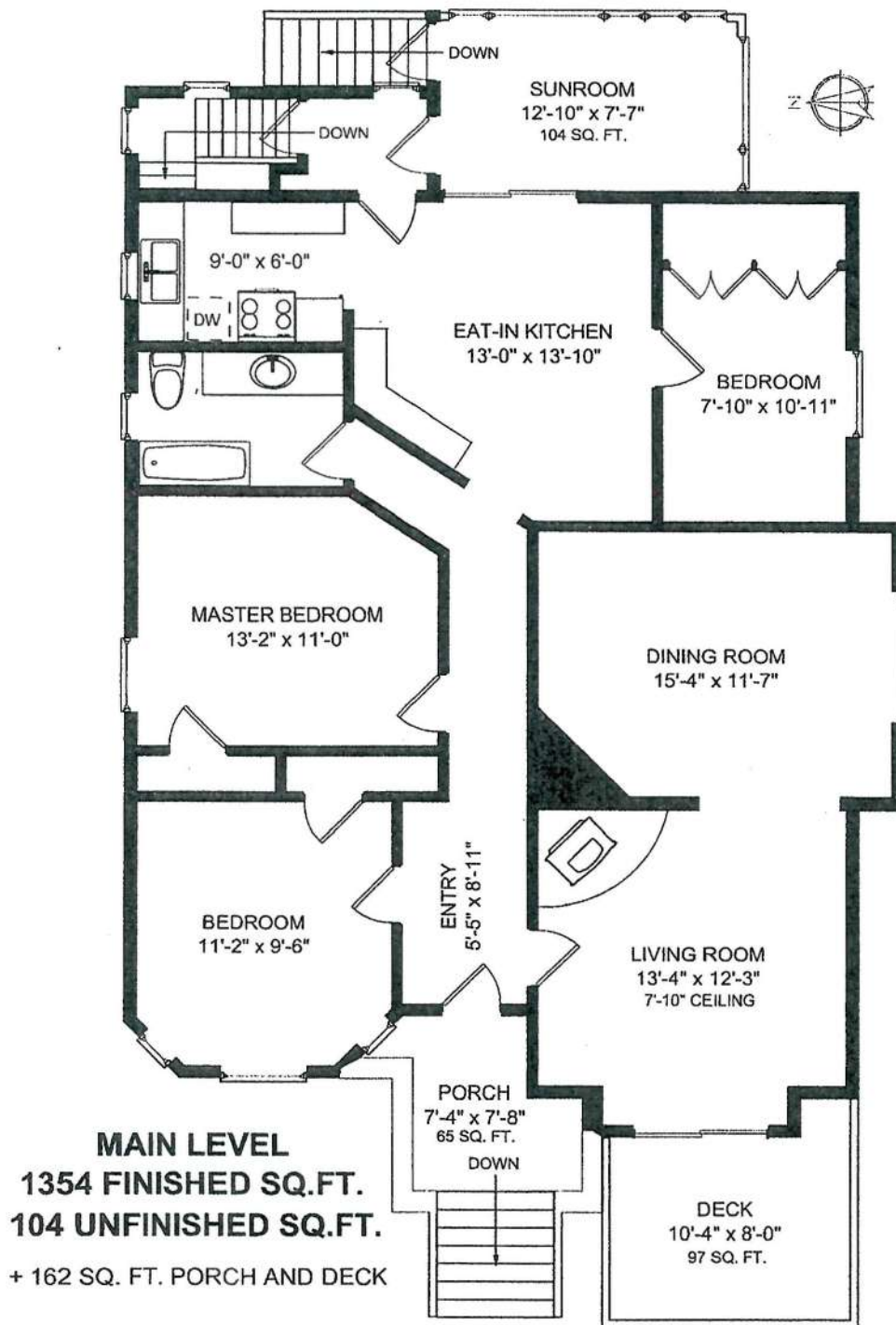
The maximum number of staff at the daycare will be 2. My own personal experience is that one or both people use public transit.

It is my hope to have this application accepted as I already have 10 families waiting for spaces in the daycare should the rezoning go through. I receive approximately 2 inquiries per week regarding availability of daycare space at our centre.

I look forward to having the opportunity of discussing this application with mayor and council in the near future.

Sincerely,

Alyson Culbert



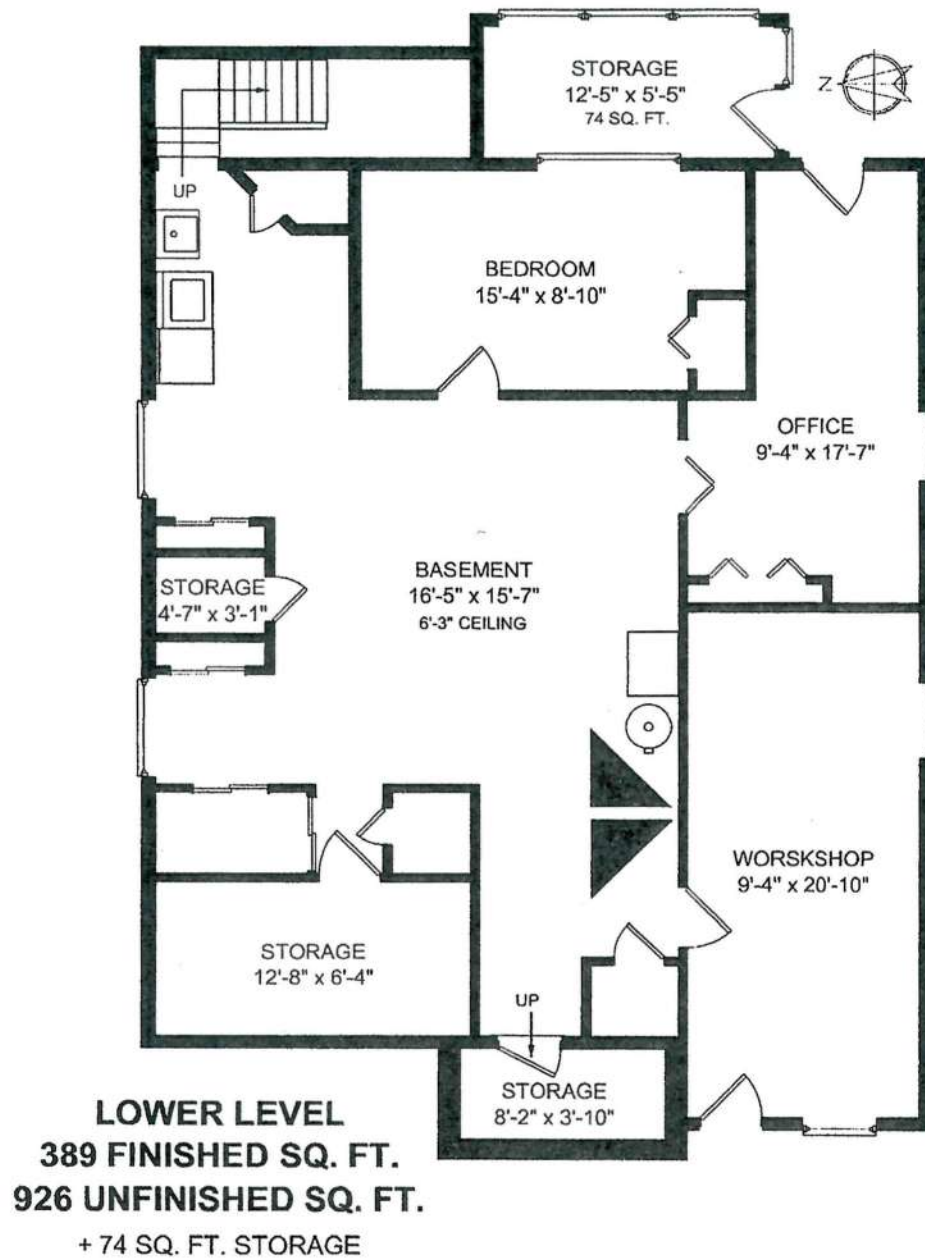
	Fin. Sq.Ft.	UnFin. Sq.Ft.	Total Sq.Ft.
Main Level	1354	104	1458
Lower Level	389	926	1315
Total	1743	1030	2773

Shown length and width dimensions are approximate.
 Area sq.ft. is representative of the on-site measurements. (1" accuracy)

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Side fence height 6'3"

gate height 3'2"

Side fence height 5'10"

gate height 5'11" down to 2'11"

Sundance
Plains School
1132 2nd St. S.E.

