



Planning and Land Use Committee Report

For the Meeting of July 3, 2014

Date: June 19, 2014 **From:** Helen Cain, Senior Planner

Subject: **Rezoning Application #00445 for 1670 Richardson Street**
Application to rezone from the R1-B Zone (Single Family Dwelling District) to a new zone to permit a house conversion to a kindergarten use in a building that was constructed after 1931.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property at 1670 Richardson Street. The proposal is to rezone from the R1-B Zone (Single Family Dwelling District) to permit the conversion of a single family dwelling to kindergarten use in a house built after 1931. Specifically, the Anglican Diocese is seeking to permit the use of St. Matthias Rectory located at 1670 Richardson Street as a kindergarten with capacity for up to 40 children. A rezoning is required because the R1-B Zone refers to Schedule "G" (House Conversions) of the *Zoning Regulation Bylaw* which only permits conversion of a single family dwelling to a kindergarten in a building built prior to 1931.

The following points were considered in staff recommendations to Council:

- The proposed kindergarten use is broadly consistent with the *Official Community Plan, 2012*, which enables community services in every urban place designation, and the *Rockland Neighbourhood Plan, 1987* which encourages house conversions for childcare facilities.
- Other than the age of the building, which was constructed in 1962, the proposal would comply with all criteria in the R1-B Zone (Single Family Dwelling District) as well as Schedule "C" (Vehicle Parking Requirements) and Schedule "G" (House Conversions) of the *Zoning Regulation Bylaw*.

Staff recommend that this application advance to a Public Hearing because the new use would be broadly consistent with the relevant land use policies in the OCP and local area plan.

Recommendations

1. That Council instruct the staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00445 for 1670 Richardson Street.
2. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment.

3. That Council schedule a Public Hearing, after first and second reading of the *Zoning Regulation Bylaw* amendment, and subject to preparation, execution and registration of a Section 219 Covenant to secure an easement for vehicle parking access through the property at 1680 Richardson Street, to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works and the City Solicitor.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services Division

am



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jason Johnson

Date: June 26, 2014

HC:aw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property at 1670 Richardson Street.

2.0 Background

2.1 Relevant History

2.1.1 Required Community Meeting

The City's *Land Use Procedures Bylaw* requires applicants to hold a Community Meeting with the applicable Community Association Land Use Committee (CALUC), prior to submitting any Rezoning Application to the City. On February 13, 2014, Council passed a motion (Minutes attached) to permit submission of this application in advance of holding the required Community Meeting with Rockland Neighbourhood Association. The application was submitted to the City on February 26, 2014, and the Community Meeting was held on March 26, 2014, as described in "Section 2.6 – Community Consultation" of this report.

2.2 Description of Proposal

The proposal is to rezone the property at 1670 Richardson Street (St. Matthias Rectory) from the R1-B Zone (Single Family Dwelling District) to a new zone to permit conversion of the existing building, which was built as a single family dwelling in 1962, to kindergarten use. The Anglican Diocese of British Columbia owns the property and wishes to operate a kindergarten for up to 40 children. It should be noted that a kindergarten with this number of children would require five staff and seven vehicle parking stalls to meet Schedule "C" (Vehicle Parking) requirements, which are one stall per employee and two visitor parking stalls. The proposal includes the necessary total of seven parking stalls with two sited along the front driveway and five in the rear and east side yards, but vehicle access and egress to the latter would not be provided on the site. However, the existing driveway along the west side of the adjacent property at 1680 Richardson Street, which the Anglican Diocese also owns, would enable access and egress to the side and rear yard parking and should be secured by a Section 219 Covenant.

A rezoning is required for two reasons. First, the R1-B Zone permits house conversions to kindergarten use, but refers to Schedule "G" which restricts the latter use to buildings that were constructed as single family dwellings prior to 1931. Additionally, the St. Matthias Rectory has an existing total floor area (367.52 m²), which exceeds the maximum permitted in the R1-B Zone (280 m²). A custom zone would be required to address this density issue and changed use.

2.3 Existing Site Development and Development Potential

The subject property is located in the R1-B Zone (Single Family Dwelling District). The data table (below) compares the proposal with the R1-B Zone. The proposal is less stringent than the standard zone in criteria identified with an asterisk (*). Also, existing conditions that do not comply with the zoning standard are marked with a double asterisk (**).

Zoning Criteria	Proposal	Zone Standard R1-B
Site area (m ²) - minimum	1604.63	460.00
Lot width (m) - minimum	32.30	15.00
Total floor area (m ²) - maximum	367.52**	280.00
Density (Floor Space Ratio) - maximum	0.23:1	n/a
Height (m) - maximum	6.70	7.60
Site coverage (%) - maximum	10.30	40
Storeys - maximum	2	2
Setbacks (m) - minimum		
Front	13.72	7.50
Rear	19.12	13.30
Side (east)	7.74	3.24
Side (west)	7.62	3.24
Vehicle parking stalls - minimum	7	7 (1 per 5 staff plus 2 additional stalls)
Vehicle parking access/egress	on adjacent lot	on lot
Bicycle storage	1	n/a
Bicycle rack	2	n/a
Construction year (latest)	1962*	prior to 1931

2.4 Land Use Context

The subject property is located along the southern boundary of the Rockland neighbourhood in an area where the existing place character is primarily residential uses in the forms of single family dwellings, single family dwelling with garden suite, small lot house and duplexes. One multiple dwelling, which is seniors' housing, is adjacent to the east. St. Matthias Church is nearby at the corner of Richardson Street and Richmond Avenue.

The immediate land use context includes:

- along the north side of the 1600-block of Richardson Street, 13 parcels are R1-B Zone (Single Family Dwelling District), one parcel is R1-B-GS2 Zone (Single Family Dwelling with Garden Suite District) and one parcel is R3-G Zone (Garden Apartment District)
- along the south side of the 1600-block of Richardson Street, 19 parcels are R1-G Zone (Gonzales Single Family Dwelling District), two parcels are R-2 Zone (Two Family Dwelling District) and one parcel is R1-S2 Zone (Restricted Small Lot Two Storey District)

2.4 Legal Description

Lot 1, Section 68, Victoria District, Plan 24610.

2.5 Consistency with City Policy

2.5.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* strategic direction to “build complete communities” through co-location of housing, employment, community services and recreation.

2.5.2 Official Community Plan, 2012

The proposed development is consistent with the land use policies in the *Official Community Plan 2012* (OCP). The property at 1670 Richardson Street is designated as Traditional Residential in the OCP where house conversions are entertained and enabled as appropriate forms of infill. Additionally, OCP includes general guidance for planning and development in all designations:

Section 6 – Land Management and Development

6.4: Parks, schools, public facilities and utilities, public assembly, community services, pathways, open space, urban food production, institutional and recreational uses are permitted in all designations as determined in accordance with zoning.

Section 15 – Community Well-Being

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 spaces as an amenity in new residential, mixed-use and commercial developments to be secured through agreement; and

15.8.2 Encouraging new childcare and eldercare spaces throughout the city.

The proposed house conversion to kindergarten use would comply with the OCP because it provides a community service and would have the appearance of low-density residential infill.

2.5.2 Rockland Neighbourhood Plan, 1987

The proposal for a site-specific zone to permit a house conversion to kindergarten use in a building constructed after 1931 is also consistent with the general spirit of housing policies in the *Rockland Neighbourhood Plan, 1987*:

2.1 Housing Objectives and Policies

2.1.4 Most of Rockland's existing single family dwellings should be retained and enhanced.

2.1.9 The conversion of houses built before 1931 to adult and child care facilities in the R1-A and R1-B zoned areas of Rockland should continue to be permitted.

2.6 Community Consultation

The applicant consulted with Rockland Neighbourhood Association on March 26, 2014. A letter from the Land Use Committee is attached to this report.

3. Issues

The key issues related to this application:

- conversion of a post-1931 building
- vehicle parking access and egress.

4. Analysis

4.1 Conversion of a Post-1931 Building

Although the proposed conversion of the St. Matthias Rectory to a kindergarten does not technically comply with the zoning regulations related to the building construction date, the proposal is broadly consistent with the OCP and local area plan policies for housing and childcare facilities. Given the house conversion would contribute to the Citywide OCP objectives for community well-being, staff are recommending that Council advance this application to a Public Hearing.

4.2 Vehicle Parking Access and Egress

Vehicle access and egress to five side and rear yard parking stalls is made possible through an existing easement along the west property line of the adjacent lot at 1680 Richardson Street. The Anglican Diocese is also the owner of the latter property, where an apartment building is located that is non-profit seniors' housing. An existing driveway at 1680 Richardson Street would be shared among residents, kindergarten staff and visitors to both of the properties. In order to secure the vehicle access and egress in perpetuity, the staff recommendation includes a requirement for a Section 219 Covenant to be registered prior to scheduling a Public Hearing.

5. Resource Impacts

There are no resource impacts that are associated with this development.

6.0. Conclusions

This proposal to convert the St. Matthias Rectory to a kindergarten is not technically compliant with zoning regulations that restrict house conversions in purpose-built single family dwellings to buildings constructed prior to 1931. However, the OCP and *Rockland Neighbourhood Plan* have policies and enable house conversions to childcare facilities. Given the proposed conversion would contribute to the OCP objectives for community well-being across the City and in local areas, staff recommend that Council advance this Rezoning Application to a Public Hearing.

7.0 Recommendation

7.1 Staff Recommendations

1. That Council instruct the staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00445 for 1670 Richardson Street.
2. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment.
3. That Council schedule a Public Hearing, after first and second reading of the

Zoning Regulation Bylaw amendment, and subject to preparation, execution and registration of a Section 219 Covenant to secure an easement for vehicle parking access and egress along the west side of the property at 1680 Richardson Street to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works and the City Solicitor.

7.2 Alternate Recommendation

That Council decline Rezoning Application #00445 for 1670 Richardson Street.

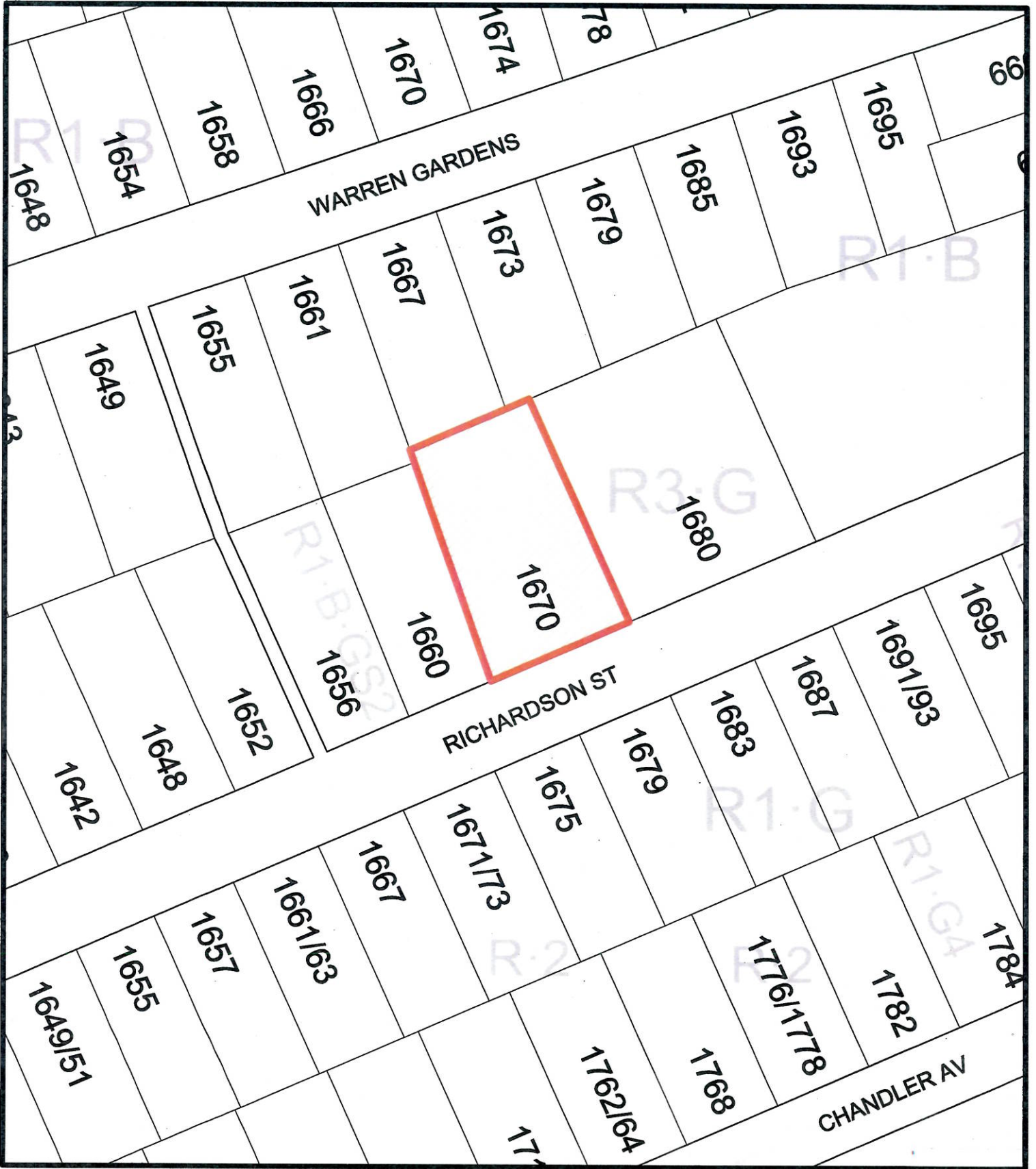
8.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Peter Daniels, stamped June 17, 2014, and February 26, 2014
- Plans for Rezoning Application #00455, stamped June 17, 2014
- Rockland Neighbourhood Association letter stamped April 2, 2014.



1670 Richardson Street
Rezoning #00445
Bylaw #





1670 Richardson Street
 Rezoning #00445
 Bylaw #





To: Mayor and Council

Rezoning 1670 Richardson Street, Victoria R1-B zone to allow interior conversion of this residence to accommodate kindergarten as defined in the City of Victoria Bylaws

Rezoning is required to conform to Schedule G of City of Victoria Bylaws which requires residential conversion to "kindergarten" use to be limited to pre-1931 buildings.

This property has been owned by the Anglican Diocese of BC since its construction in 1962. It has always been used for residential purposes.

Plans do not contemplate any changes in density, site coverage or FSR change.

On successful rezoning the Diocese plans for interior refit of the residence to accommodate pre-school students (all under school age) daily for 5 days per week.

The facility will provide for 40 children with 5 required staff (according to the Community Care and Assisted Living Act Regulations). The facility will be accommodated on the Basement level and the Main level of the existing Rectory building. Based on staff count, the resulting parking required is 7 (per City of Victoria Parking Bylaw Schedule C).

An existing easement on the lot at 1680 Richardson Street provides access to the driveways on the Lot at 1670 Richardson Street

The residence will continue to be owned by the Anglican Diocese of BC.

Conversion for this use conforms to the OCP and the Neighbourhood Precinct Plan.

The Social benefits of this project will be introduction of pre-school age children in this location adjacent to a senior's building (Rogers Court – 24 affordable rental units) and interaction with area neighbours and these "independent living" neighbours. In addition, the location of this pre-school will benefit the Church as music, theatre and presentations are planned in the Church and adjacent St. Matthias Hall.

Importantly, the planned use on this property will bring with it parent and guardian vehicle drop off and pick up activities. The pre-school has staggered hours for drop off from 7:30 AM to 9:00 AM and it has staggered hours for pick up from 3:00 PM to 5:30 PM during its 5 day per week operation. Traffic congestion is minimal due to the staggered hours. A similar operation in the City offers 2

parking spaces for parent and guardian drop off and pick up and operates well with good neighbour relations.

This project will offer off street parking for staff as required in City regulations. It has a convenient off street drive through to accommodate parent and guardian visits. The adjacent St. Matthias Hall and Church property offers significant additional parking availability if and when needed.

The property has no Heritage status and all municipal services are connected to the existing residence.

We are already engaged with the Community Association and we have prepared all of the site plans and building drawings for our application in accordance with direction that we are receiving from Planning.

We are hosted a neighbour meeting at the Church in March 11, 2014 to fully advise neighbours of our plans. The Community Association hosted its own Neighbour meeting on March 26. All written submissions from neighbours (28) support this application.


We are submitted this application out of sequence with normal policy on the advice of the City that this may be permitted to shorten the rezoning time frame.

We need to do interior renovations this fall to accommodate pre-schoolers moving from one unsafe building and moving from another location that is closing down due to loss of their playground area.

Thank you for considering dealing with this application as a priority.

In summary, only issue for us appears to be that Schedule G of the zoning bylaw requires residences converting to kindergarten to be pre-1931. Our rectory is of a 1962 vintage. All other requirements for conforming to use are either in place or easily manageable.

Sincerely,


Peter Daniel,
Asset Manager
Diocese of BC

The Most Reverend Caleb J. Lawrence
Assistant Bishop and Administrator
Telephone 250 386 7781, ext. 250
Email: bishop@bc.anglican.ca



THE DIOCESAN OFFICE
900 Vancouver Street
Victoria, BC, Canada, V8V 3V7
Telephone: (250) 386 7781



THE DIOCESE OF BRITISH COLUMBIA

To: Mayor and Council

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Importantly, the planned use on this property will bring with it parent and guardian vehicle drop off and pick up activities. The pre-school has staggered hours for drop off from 7:30 AM to 9:00 AM and it has staggered hours for pick up from 3:00 PM to 5:30 PM during its 5 day per week operation. Traffic congestion is minimal due to the staggered hours. A similar operation in the City offers two

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The property has no Heritage status and all municipal services are connected to the existing residence.

We are already engaged with the Community Association and we have prepared all of the site plans and building drawings for our application in accordance with direction that we are receiving from Planning.

We are hosting a neighbour meeting at the Church in March 11, 2014 to fully advise neighbours of our plans. The Community Association is planning to host its Own neighbour meeting on March 26. Plans are for that meeting to be in the St. Matthias Church building.

We are submitting this application out of sequence with normal policy on the advice of the City that this may be permitted to shorten the rezoning time frame.

We need to do interior renovations this summer to accommodate pre-schoolers moving from one unsafe building and moving from another location that is closing down due to loss of their playground area.

Thank you for considering dealing with this application as a priority.

In summary, only issue for us appears to be that Schedule G of the zoning bylaw requires residences converting to kindergarten to be pre-1931. Our rectory is of a 1962 vintage. All other requirements for conforming to use are either in place or easily manageable.

Sincerely,



P.J. Daniel

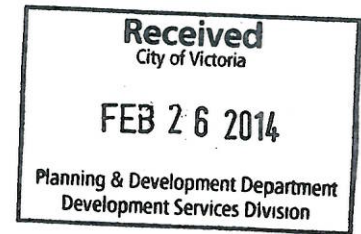
Asset Manager Anglican Diocese of BC

The Most Reverend Caleb J. Lawrence
Assistant Bishop and Administrator
Telephone 250 386 7781, ext. 250
Email: bishop@bc.anglican.ca



THE DIOCESAN OFFICE
900 Vancouver Street
Victoria, BC, Canada, V8V 3V7
Telephone: (250) 386 7781

THE DIOCESE OF BRITISH COLUMBIA
The Anglican Church of Canada



February 21, 2014

Re: 1670 Richardson Street, Victoria, Lot 1 Plan 24610 Victoria – Rezoning

Dear Sirs:

This letter authorizes the Diocesan Asset Manager, Mr. Peter Daniel to execute a rezoning application for the above property as agent to permit residential conversion of this R1-B zoned property for kindergarten use as defined in the City of Victoria Bylaws.

Sincerely,

Handwritten signature of Caleb J. Lawrence in blue ink.

The Most Reverend Caleb Lawrence
Assistant Bishop and Diocesan Administrator

February 13, 2014



Project Information

General Data
 Existing zoning
 Proposed Zoning
 Site Area
 Total Floor Area
 Commercial Floor Area
 Floor Space Ratio
 Site Coverage %
 Open Site Space %
 Height of Building
 Height of Existing Building
 Height of Existing Building
 Parking Stalls on Site
 Bicycle Parking number

Building Setbacks
 Front Yard
 Side Yard (West)
 Side Yard (East)
 Combined Side Yards

Residential Use Details
 Total number of units
 Unit Type
 Proposed Unit Type
 Proposed Unit Type
 Ground-oriented Units
 Minimum Unit Floor Area
 Existing Residential Floor Area
 Proposed Residential Floor Area

R1-B
 Change of 'Use' from single family home
 Unit 1962 to permit kindergarten)
 367,52m²
 N/A
 0.23:1
 10.3%
 70.7%
 6.7m
 7
 3 (1 Class One, 2 Class Two)

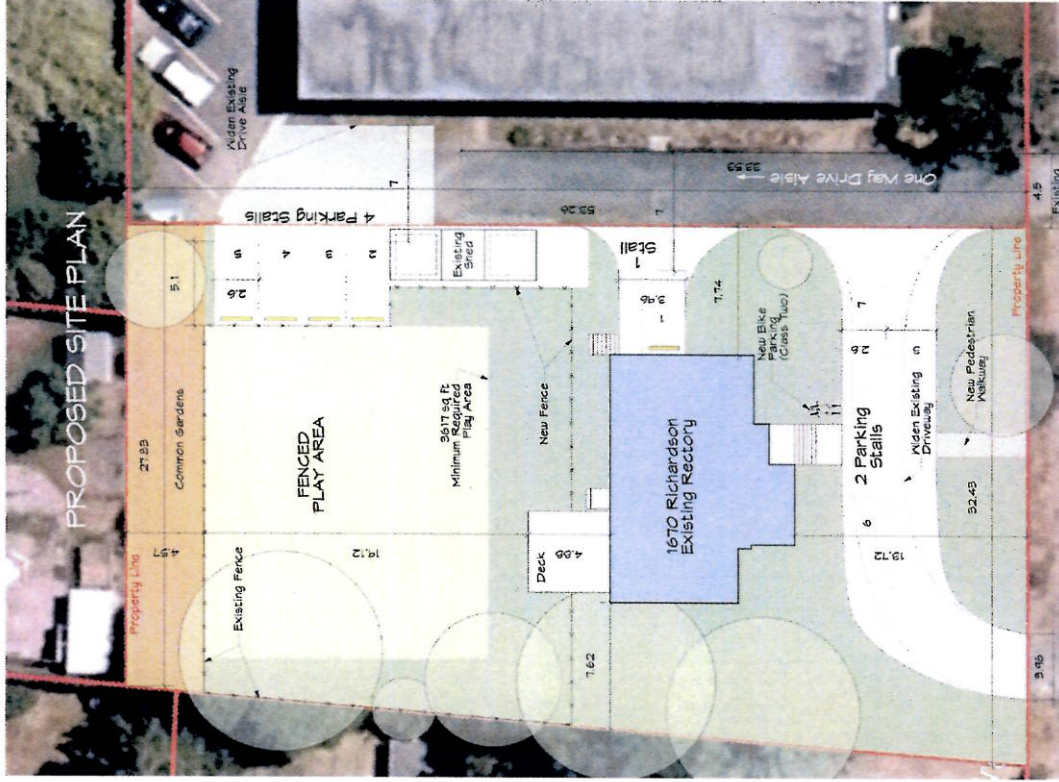
13,72m
 7,62m
 7,62m
 7,74m
 15,26m

1
 3 Bedroom
 Change of use to kindergarten
 Yes (1)
 70m²
 367,52m²
 0

Received
 City of Victoria
JUN 17 2014
 Planning & Development Department
 Development Services Division

1670 Richardson St | Site Context & Project Data

numberTEN
 A-00
 2014-06-16
 1:300
 2014501



Received
City of Victoria
JUN 17 2014
Planning & Development Department
Development Services Division

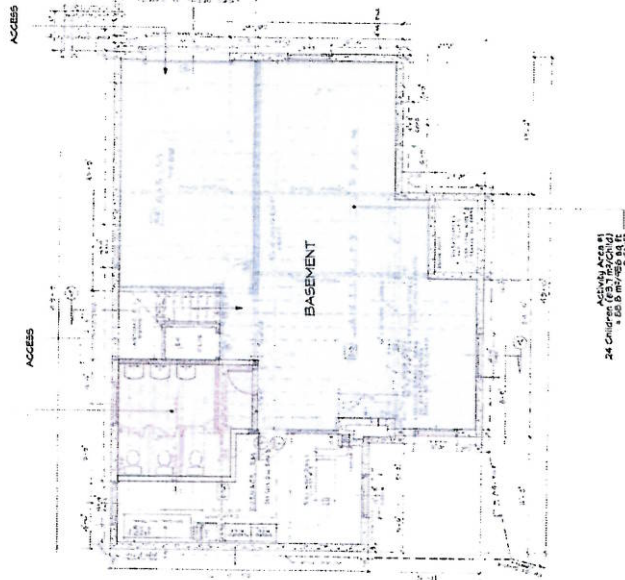
RICHARDSON STREET

RICHARDSON STREET

1670 Richardson St | Existing & Proposed Site Plan

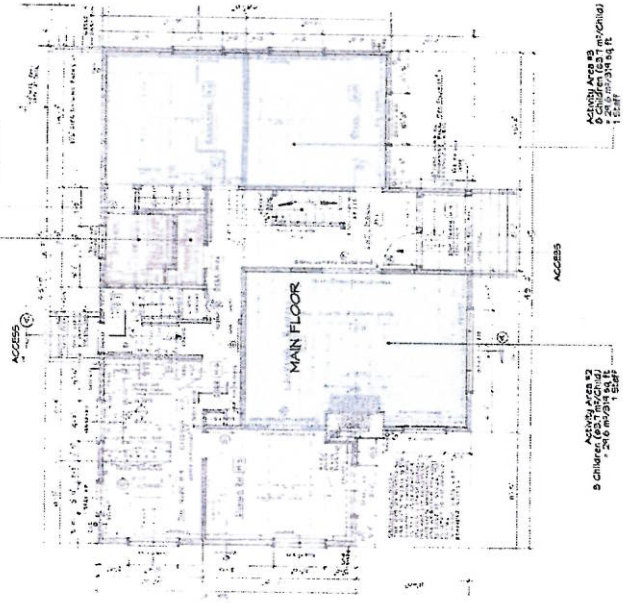
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3/32/14
2014501

New Provisions:
 3 W/C (1 Accessible)
 5 Laboratories

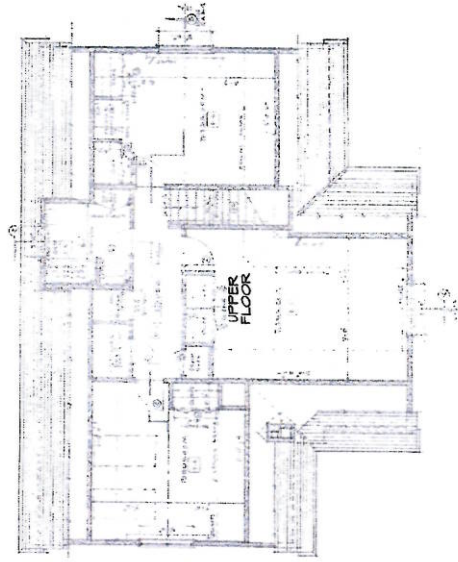


Basement Total Floor Area: 1494 sq ft

2 Restrooms
 1 W/C (1 Accessible)
 1 Class One
 100 sq ft



Main Floor Total Area: 1009 sq ft



Upper Floor Total Area: 1009 sq ft

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1670 Richardson St | Proposed Floor Plans



Richardson Street View



Rear Lot View



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JUN 17 2014
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Development Services Division

1670 Richardson St | Context Photos

number TEN number
A-04
2014-06-16
N15
2014501

NEW BUSINESS

Councillor Coleman withdrew from Council Chambers at 10:26 p.m. due to an indirect pecuniary conflict of interest in the following item as his wife works for the Anglican Diocese.

1. **Rezoning Application for St. Mathias Property - Motion**

Council received a Notice of Motion from Mayor Fortin requesting that Council consider accepting a rezoning application for the St. Mathias Church property prior to the applicant holding a community meeting with the Rockland Neighbourhood Association Land Use Committee. This will allow the diocese to advance their proposal to permit daycare/preschool uses at the site through the municipal review process concurrently with the CALUC procedures for processing rezoning applications being fulfilled.

It is the expectation that the applicant ensures that a community meeting with the CALUC occurs prior to the application being reviewed by Council's Planning and Land use Committee.

Motion:

It was moved by Councillor Gudgeon, seconded by Councillor Helps, that Council direct staff to accept a rezoning application for the St. Mathias Church property prior to the applicant holding a Community Meeting with the Rockland Community Association Land Use Committee (CALUC).

Amendment:

It was moved by Councillor Madoff, seconded by Mayor Fortin, that the motion be amended as follows:

Rezoning Application for St. Matthias Property - Motion

That Council direct staff to accept a rezoning application for the St. **Matthias** Church property prior to the applicant holding a Community Meeting with the Rockland Community Association Land Use Committee (CALUC).

Carried Unanimously

On the main motion as amended:

Carried Unanimously

Councillor Coleman returned to the meeting at 10:38 p.m.

2. **Thanks**

Mayor Fortin gave his thanks to Jocelyn Jenkyns who has been Acting City Manager for the past five months.



ROCKLAND NEIGHBOURHOOD ASSOCIATION



April 22, 2014

Mayor and Council
Helen Cain, Senior Planner
City of Victoria

Re: Rezoning Application: 1670 Richardson Street

At a community meeting on March 26, representatives of the Anglican Diocese presented a proposal to convert the subject property for use as a pre-school facility. Eleven area residents, three RNA directors and a representative from FGCA attended the meeting. As a result, we recommend that

- motor traffic speed and safety concerns for Richardson Street be mitigated and that Richardson Street be included in the city-wide transportation initiative that is proposing a reduced speed limit on specific streets
- title to restrict property from being used for other than R1B residential or kindergarten/pre-school be covenanted
- concerns raised by owner of 1667 Warren Gardens, which shares the rear property line of the subject property, be addressed to the satisfaction of that owner.

Our rationale for the recommendations is based on the following:

Traffic: There is widespread support among the residents of the 1600 block of Richardson Street including a signed petition representing 88% of the residents of that block and five individual letters to the City Manager for measures to reduce motor vehicle speed and improve safety for all users of the road and sidewalks. Present motor vehicle speed and volumes inhibit the ability of residents to move safely in and out of driveways, park along curbs and walk to nearby facilities. Given the nature of the pre-school proposal, the proponents are also in full agreement with the local community on this issue.

Covenant: Concern was expressed for other possible uses permitted under the Bylaws when and if the property should cease operation as a pre-school. We recommend that the proponents be bound to their agreement to have covenant placed on title.

Dispute with neighbour: The proponents indicated that while a starting enrollment of 32 children was anticipated, the proposed pre-school facility would be licensed for up to 48 children. The resident of 1667 Warren Gardens expressed his concern for the potentially excessive noise of 48 children playing outside at one time in the yard that his home overlooks. We subsequently learned of his unhappiness with the Diocese at its earlier felling along that common property line of a mature cedar hedge which both protected his privacy and offered some noise protection. We concur with his grievance and agree that it is the responsibility of the proponents to resolve the dispute with this particular neighbour.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Simpson".

Janet Simpson, President
Rockland Neighbourhood Association



ROCKLAND NEIGHBOURHOOD ASSOCIATION

Received
City of Victoria

JUN 16 2014

Planning & Development Department
Development Services Division

June 16, 2014

Mayor and Council

Helen Cain, Senior Planner

Development Services Division

Re: 1670 Richardson Street/St. Matthias Rectory Conversion

We accept the proposal as presented in the plan and remarks of May 26, 2015, and we would like to express our appreciation of the reduction in the number of students to forty. This should help to mitigate some of the neighbours' concerns regarding noise.

However, further to the CALUC meeting and the neighbours' input, we are concerned that

1. There is no privacy border (as discussed) between the school yard and the adjacent neighbours.
2. Permanent parking may happen in the drop-off driveway.
3. Traffic speed and volume on Richardson and Richmond must be addressed to provide a safe environment.
4. Confirmation is required as to what would happen if the property is no longer to be used as a school.

Therefore, on behalf of the neighbours, the RNA LUC asks that

1. privacy hedging be installed along the rear of the yard. We would also ask that any concerns of the adjacent side neighbour be addressed.
2. all staff and service parking be restricted to the rear of the site,
3. the speed issues on the adjacent streets be addressed, including school zone signage, and
4. the property be used only as a preschool going forward.

Sincerely,

Janet Simpson, president
Rockland Neighbourhood Association