



## Planning and Land Use Standing Committee Report

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**Date:** March 6, 2013      **From:** Mike Wilson, Senior Planner- Urban Design

**Subject:** **Rezoning Application #00399 for 1121 Dominion Road**  
Application to rezone from the R1-B Zone to a new zone to permit a 16-space child care in addition to the existing residential unit and to reduce the required parking from six stalls to one stall.

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property at 1121 Dominion Road in the Victoria West neighbourhood. The property is located in the R1-B Zone, Single Family Dwelling District, and currently contains a single residential unit and operates an eight-space child care facility within the single family detached dwelling. The applicant proposes to rezone to a site-specific zone to permit a 16 space child care facility in addition to the existing residential unit to operate out of the existing single family dwelling. The applicant further proposes to reduce the number of required parking stalls from six 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 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.
- The *Victoria West Community Plan* provides policy direction to consider site-specific zoning for compatible uses in residential areas (convenience stores, small medical clinics, etc.).
- The applicant has been notified that, if the Rezoning Application is successful, a Building Permit Application prepared by a registered professional architect will be required to change the occupancy classification of the building under the *British Columbia Building Code (2012)*.
- The applicant has indicated that one part-time employee will likely park on the street if this application is approved. An additional four to six families driving to the child care during pick-up and drop-off times are anticipated. Typically, these vehicles are parked on the street for short periods of time. Staff recommend support for the proposed reduction in required parking.

Staff recommend that the Committee support this application.

### Recommendation

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw*, subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

Respectfully submitted,




Mike Wilson  
Senior Planner – Urban Design  
Development Services Division



Deb Day, Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager:

MW:aw

  
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Jason Johnson

Date: March 13, 2014

## 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 1121 Dominion Road in the Victoria West neighbourhood.

## 2.0 Background

### 2.1 Description of Proposal

The application is to rezone the property to a site-specific zone to permit a 16-space child care facility to operate out of the existing single family dwelling. The applicant is also proposing a reduction in the required parking from six parking stalls to one parking stall. No exterior alterations to the building or landscaping are proposed.

### 2.2 Existing Site Development and Development Potential

The site is currently located in the R1-B Zone and could be redeveloped as a single family dwelling with a secondary suite. The existing single family dwelling currently accommodates a single residential unit and an eight-space child care facility on the lower floor.

### 2.3 Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk (\*) is used to identify where the proposal is less stringent than the existing zone. A double asterisk (\*\*) indicates the lot was subdivided prior to 1956 and is considered legal non-conforming.

Zoning Criteria	Proposal	Zone Standard
Site area (m <sup>2</sup> ) – minimum	380.67**	460
Total floor area (m <sup>2</sup> ) – maximum	173.17	280
Density (Floor Space Ratio) – maximum	0.46	n/a
Height (m) – maximum	7	7.6
Site coverage (%) – maximum	23.8	40
Open site space (%) – minimum	56.3	n/a
Storeys – maximum	2	2
Setbacks (m) – minimum		
Front	7.55	7.5
Rear	7.55	7.5
Side - South	1.5	1.5
Side – North	3.6	3.5
Combined side yards	5.1	4.5
Residential Parking – minimum	1	1
Child Care parking – minimum	0*	5



Bicycle storage – minimum	0	n/a
Bicycle rack – minimum	0	n/a

## 2.4 Land Use Context

The following land uses are located in the immediate area:

- to the north across Belton Avenue is a single family dwelling in the R1-B Zone
- to the south is a single family dwelling in the R1-B Zone
- to the east is a single family dwelling with a secondary suite in the R1-B Zone
- to the west across Dominion Street is a single family dwelling in the Township of Esquimalt.

## 2.5 Legal Description

Lot 10 Section 10, Esquimalt District, Plan 286.

## 2.8 Consistency with other City Policy

### 2.8.1 Official Community Plan, 2012

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.

The application is consistent with the OCP.

### 2.8.2 Victoria West Plan, 1982

The subject lands are located within the “Traditional Community” which is comprised of single family homes, house conversions, townhouses and institutional facilities. The Plan states that this area possesses a well-defined character that should be both reinforced and enhanced.

A policy objective within the Plan is to consider site-specific zoning for compatible uses in residential areas (convenience stores, small medical clinics, etc.). The proposed child care facility is considered a compatible use within the neighbourhood. The application is consistent with the *Victoria West Plan*.

## 2.9 Community Consultation

In compliance with the Community Association Land Use Committee Procedures (CALUC) for Processing Rezoning Applications, the applicant met with the Victoria West CALUC. At the time of writing this report, a letter from the CALUC has not been received.

### **3.0 Issues**

The following issues were identified in reviewing this application:

- reduction in off-street parking
- change in occupancy of single family dwelling
- statutory right-of-way

### **4.0 Analysis**

#### **4.1 Reduction in Off-Street Parking**

The applicant is proposing to retain the one parking stall attributed to the single family dwelling which meets the parking standard for this use. However, with an increase in the number of child care spaces to 16, more stringent parking requirements apply. The applicant is required to provide an additional five parking stalls for employees and pick-up/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 in the morning (7-8 a.m.) and evening (5-6 p.m.). Staff estimate that up to 10 vehicles may require off-street parking during these times. Staff recommend support for the proposed reduction in the required off-street parking.

#### **4.2 Change in Occupancy of Single Family Dwelling.**

The increase in the number of child care spaces will trigger the requirement for significant *British Columbia Building Code* (2012) upgrades to the existing single family dwelling. As a result, the applicant has been notified that, if the Rezoning Application is successful, a Building Permit Application prepared by a registered professional architect will be required to change the occupancy classification of the building under the *BC Building Code*.

#### **4.3 Statutory Right-of-Way**

The standard right-of-way for a collector street is 20.0 m. To achieve this standard width on this portion of Dominion Road, a Statutory Right-of-Way of 0.86 m is recommended. The applicant has indicated to staff that they are willing to provide the recommended Statutory Right-of-Way.

### **5.0 Resource Impacts**

There are no resource impacts anticipated.

### **6.0 Options**

#### Option 1 (Staff Recommendation)

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw*, subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

#### Option 2

That Rezoning Application #00399 for 1121 Dominion Road be declined.

## **7.0 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. However, on balance, staff support this application.

## **8.0 Recommendation**

That Rezoning Application #00399 for 1121 Dominion Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* subject to completion of registration of a Statutory Right-of-Way on Dominion Road to the satisfaction of the Director of Engineering and Public Works and the City Solicitor.

## **9.0 List of Attachments**

- Aerial map
- Zoning map
- Plans dated March 13, 2013
- Letters from Applicant dated February 19, 2014, May 29, 2013, and March 4, 2013.





1121 Dominion Road  
Rezoning #00399  
Bylaw #





# MUNICIPALITY OF ESQUIMALT

DOMINION RD

BELTON ST

PINE ST

1143

1137

737

735

731

729

727

725

1121

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738

732

728

721

725

727

955

728

726

722

960

968



1121 Dominion Road  
Rezoning #00399  
Bylaw #





City of Victoria Mayor and Council  
c/o 1 Centennial Square  
Victoria, BC  
V8W 1P6



February 19, 2014

**Re: Parking and SRW for Little Genius Academy Daycare, REZ #00399**

This is a re-submission letter outlining the revisions required prior to Planning and Land Use Committee and Public Hearing for 1121 Dominion Road (rezoning application #00399).

Revision to be met prior to Planning and Land Use Standing Committee review:

**Staff & Parking**

This rezoning application has been filed to increase the capacity of the daycare twofold from 8 spaces to 16. This increase will result in additional 1 part-time employee as well as increase in traffic during drop-off and pick-up times. Currently 4 families drive to the daycare and the other 4 walk or cycle. Given this trend, car traffic is expected to increase to 8-10 families driving with remaining families walking or cycling to the daycare.

The daycare is family owned and is operated by the residents who live in the residential area upstairs on the same property. There is one legal parking space available on the property that is used by the family. The additional part-time employee will be utilizing the legal parking space on Dominion Rd. Currently this space is public and has no time restrictions. Parents who drive to the daycare will be able to use this space when the employee is not parked there or they will use street parking adjacent to neighbouring properties.

Revisions to be met prior to Public Hearing:

**Statutory Right of Way (SRW)**

The applicant is supportive of SRW requirement as a part of the rezoning application for this property given that the legal parking space on Dominion Rd will remain available for public use.

Permits and Inspections Divisions

**Installation of Fire Sprinkler**

The issue of mandatory fire sprinkler for children under 30 months was raised. Given this fact, the applicant will forgo this requirement and will only accept children who are older than 30 months.

Please do not hesitate to contact me if you have any questions or concerns.

  
Sincerely,

Luz Mary Calderon  
Little Genius Academy Daycare Owner and Residential Owner  
1121 Dominion Rd.  
(250) 384-2806

City of Victoria Mayor and Council  
c/o 1 Centennial Square  
Victoria, BC  
V8W 1P6



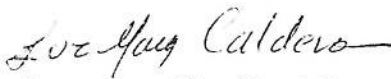
May 29, 2013

**Re: Parking Revisions for Little Genius Academy Daycare, REZ #00399**

Following the Application Review Summary on April 10, 2013 this letter addresses questions around parent and employee parking at Little Genius Academy Daycare. With increase in the number of spaces, the daycare is expecting higher parent traffic during children's drop off and pick-up times. However, increase in traffic is expected only during weekdays, Monday to Friday in the morning between 7:00-8:30am and late afternoon between 4:00pm-5:30pm. Drop off and pick-up times vary for parents and some require 5-10 minute short-term parking.

Currently the daycare has eight spaces. Transportation to the day care varies among parents and about half of the parents drive to the daycare. My husband drives the car to work during weekdays vacating the driveway 8am-6pm. Parents who decide to drive use 1 hour designated parking on Dominion Road that is shared with a convenience store located 10 meters from the daycare. Residents rarely use public parking spaces because all the neighbouring houses have private parking spots. Please refer to support letters from neighbours attached. While we do not expect parking to become an issue with increase in daycare spaces because parents arrive at different times, additional street parking is available on Ellery Street, just 500 meters away from the daycare.

For parents who walk, bike or take the bus, the daycare is accessible by public transportation and Galloping Goose Trail. All employees receive complimentary annual bus pass that encourage use of public transportation and decrease reliance on car use. A number of bus routes are available walking distance from the daycare. These include bus #14, located 370 meters from the daycare; bus #24 located 600 meters from the daycare; bus #6, located 750 meters away from the daycare; and bus #26 located 800 meters from the daycare. Parents and staff are encouraged to bike, walk or use the bus and have variety of options to arrive at the daycare. I hope this letter addresses the concerns outlined in the Application Review Summary. Please do not hesitate to contact me if you have any questions in regards to the proposal.

Sincerely,  
Luz Mary Calderon   
Little Genius Academy Daycare and Residential owner  
(250) 384-2806





All Available Layers



Scale: 1cm  
Lat:   
Lon:



Mayor and Council of City of Victoria  
c/o 1 Centennial Square  
Victoria, BC  
V8W 1P6

March 4, 2013

**Re: Little Genius Academy Daycare Rezoning Application for 1121 Dominion Road V9A 4E7**

Dear Mayor Dean Fortin and Victoria Council,

This letter is a part of a rezoning application for **1121 Dominion Road V9A 4E7**. The unit is zoned R1-B and is a **corner freehold bi-level single-family residential house with Licensed Family Child Care on the ground floor** operated by the owner of the house. The proposal is to change the current land use from R1-B with eight children to new zone **allowing R1-B and adding up to 16 children**. There will be **no physical changes** made to the house or the yard. The **zoning conforms to Official Community Plan of City of Victoria** and the proposal was well received by Vic West Community Association. Additionally, immediate neighbors have expressed support for the expansion of the daycare.

The demand for licensed childcare in the Greater Victoria Region continues to increase. Some estimate that as much as three fourths of mothers with very young children are working” and therefore in need of childcare.<sup>1</sup> The rezoning of the house would increase from eight spaces to 16, allowing **additional eight parents to ensure their children attend a licensed, regulated daycare program approved by the BC Ministry of Health**. The increase of daycare spaces has also been **approved by Vancouver Island Health Authority (VIHA)** and is **consistent with the goals of BC Ministry of Children and Family Development and BC Ministry of Education** in “supporting and strengthening the province’s early learning and childcare programs and services” across the province.<sup>2</sup> The benefits of licensed daycares have been recognized on national, provincial and municipal levels over the past years. These benefits include better preparation for kindergarten by focusing on “reading, writing, social development and developing work habits” and cooperation skills that are transferrable to other environments. In the long term, licensed daycare facilities also have been found to reduce costs in other social policy areas,” an expensive cost that is usually picked up by municipalities.<sup>3</sup> Additionally, **Little Genius Academy Daycare is Spanish immersion** and specializes in teaching Spanish and cultural diversity.

**The growing demand for childcare in Victoria**, specifically in our Vic West neighbourhood, is apparent in our waitlist, with 15 children up to date, and is growing by the week. The daycare

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<sup>1</sup> Elliot, Enid. (2006) p.7. “A Picture of Childcare in the Greater Victoria Region.” PLAY Greater Victoria. Source accessed through Google search engine.

<sup>2</sup> BC Ministry of Children and BC Development and Ministry of Education. (2005) p.2. “Early Learning and Child Care in British Columbia.” A consultation Paper. Source accessed through Google search engine.

<sup>3</sup> BC Ministry of Education. (2009) p. 2. “Expanding Early Learning in British Columbia for Children Age Three to Five.” Early Childhood Learning Agency. Sourced accessed through google search engine.



receives a steady stream of 2-3 inquiries about available daycare spaces on a weekly basis and I continue to add children to the waiting list until more spaces become available.

**Little Genius Academy Daycare truly adds to our neighbourhood.** The location is strategically positioned close to the Galloping Goose Trail and public transportation (bus routes #6, 14, 26), enabling parents to use a variety of transportation options and making our daycare easily accessible for parents without a car. Parents who decide to drive to the daycare have an option of three public parking spaces available immediately in front of the daycare on Dominion Road and another three parking spaces available in front of the daycare on Belton Avenue. Residents rarely use these parking spaces because all the neighbouring houses have private parking spots.

Drop off and pick up times require short term parking, usually for about 5 minute when the parent goes in to the daycare to pick up her child. However, since the daycare operates Monday to Friday, **increased drop off and pick up time is expected to be only during weekdays, Monday through Friday in the early morning between 7:00am to 8:30am and late afternoon between 4:00pm to 5:30pm.** The impact of increasing daycare spaces on the neighbourhood is therefore marginal, but the increase of parents around the neighbourhood can positively affect nearby businesses by drawing more traffic to their area. Some businesses in our neighbourhood include an antique store, Spiral Café, Fry's Bakery, children's clothing store, two Chinese restaurants, two corner stores, a hair salon, and Hemp & Co store that promotes organic products and environmentally sustainable practices.

Vic West Community Centre and Banfield Park are also located walking distance from our daycare and enable educators to incorporate outdoor education and outdoor trips in their curriculum on a regular basis. Furthermore the daycare facility is also located walking distance from Rayn or Shine Community Garden and Esquimalt Community Garden, allowing children a hands-on learning experience about local food and sustainability practices in Victoria. Given the support that we have received throughout our zoning application process along with the demand for increased licensed childcare spaces in Victoria, I am confident that the expansion of daycare spaces will benefit working mothers and families in Victoria, nearby businesses, and will positively contribute to the overall development of our neighbourhood.

Please find the reports cited in this letter attached for your reference and do not hesitate to contact me if you have any questions in regards to the proposal.

Kind Regards,

Luz Mary Calderon  
Little Genius Academy Daycare and Residential owner  
at 1121 Dominion Road V9A 4E7  
(250) 384-2806

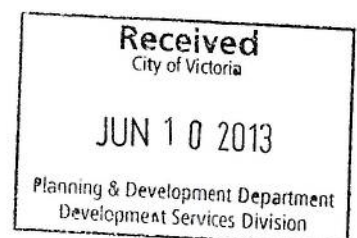
I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME: Patricia and Greg Perkins

ADDRESS: 731 Belton Ave

SIGNATURE: Patricia Perkins

DATE: January 6, 2013





I support the rezoning of 1121 Dominion Road for a Licensed Group Daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME Michele Irvine  
ADDRESS 1111 Dominion Rd  
SIGNATURE A. Irvine  
DATE May 31, 2013



I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

NAME: JASWANT TAKHAR

ADDRESS 734 Belton Ave

SIGNATURE: JASWANTKAUR TAKHAR

DATE: JAN 7/2013





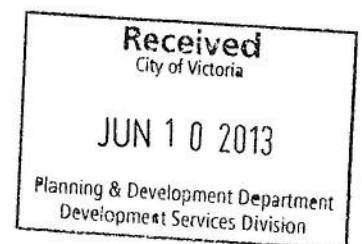
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NAME: CATHERINE KAEFER

ADDRESS 732 BELTON AVE

SIGNATURE: Catherine Kaef

DATE: 6 JAN 2013



I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



NAME: JASWANT TAKHAR  
ADDRESS: 738 Belton Ave  
SIGNATURE: JASWANT KAU TAKHAR  
DATE: MAR 7/2013



I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



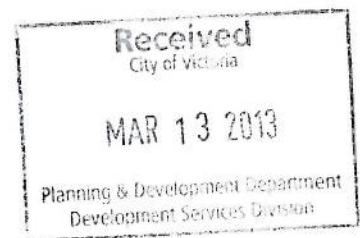
NAME: Patricia and Greg Perkins

ADDRESS 731 Belton Ave

SIGNATURE: Patricia Perkins

DATE: January 6, 2013

I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.



NAME: CATHERINE KAEFER

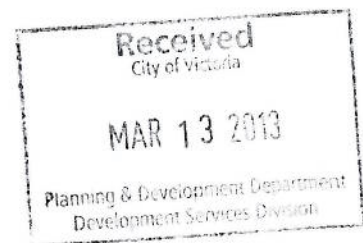
ADDRESS 732 BELTON AVE

SIGNATURE: Catherine Kafer

DATE: 6 JAN 2013

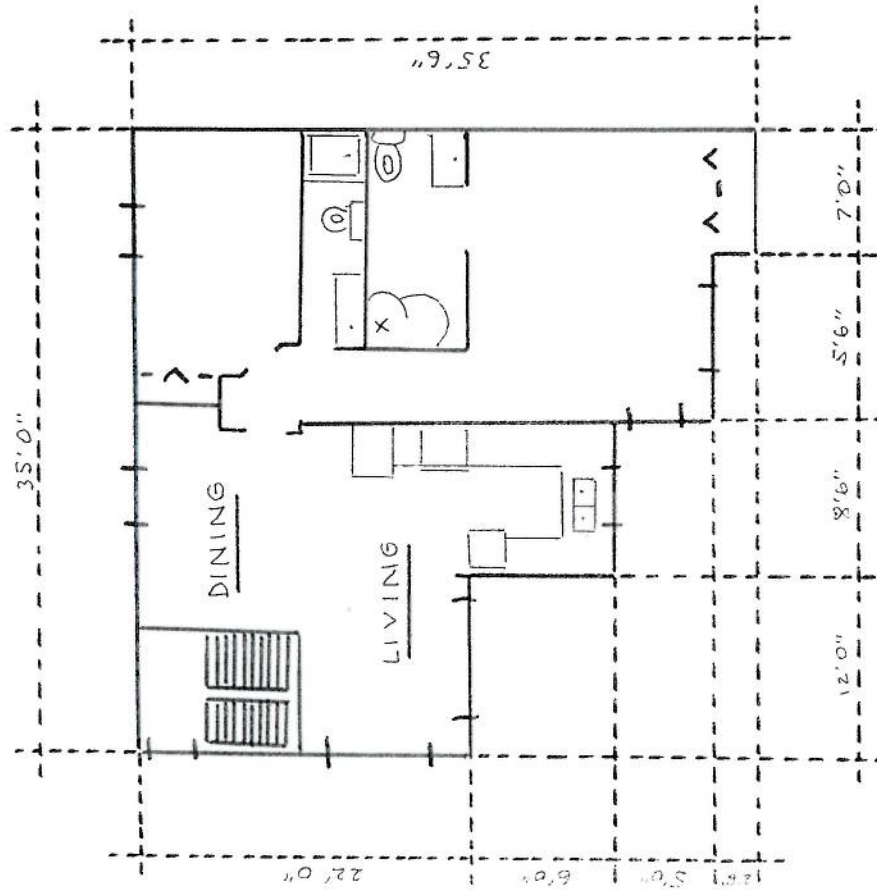


I support the rezoning of 1121 Dominion Road for a licensed group daycare of up to 16 children between the ages of 1 to 5. I believe the daycare has been a positive change for the neighborhood therefore I support its presence and the proposed expansion. I believe the pick up and drop off required for the daycare won't affect me personally as it will only be for a short period of time during the day.

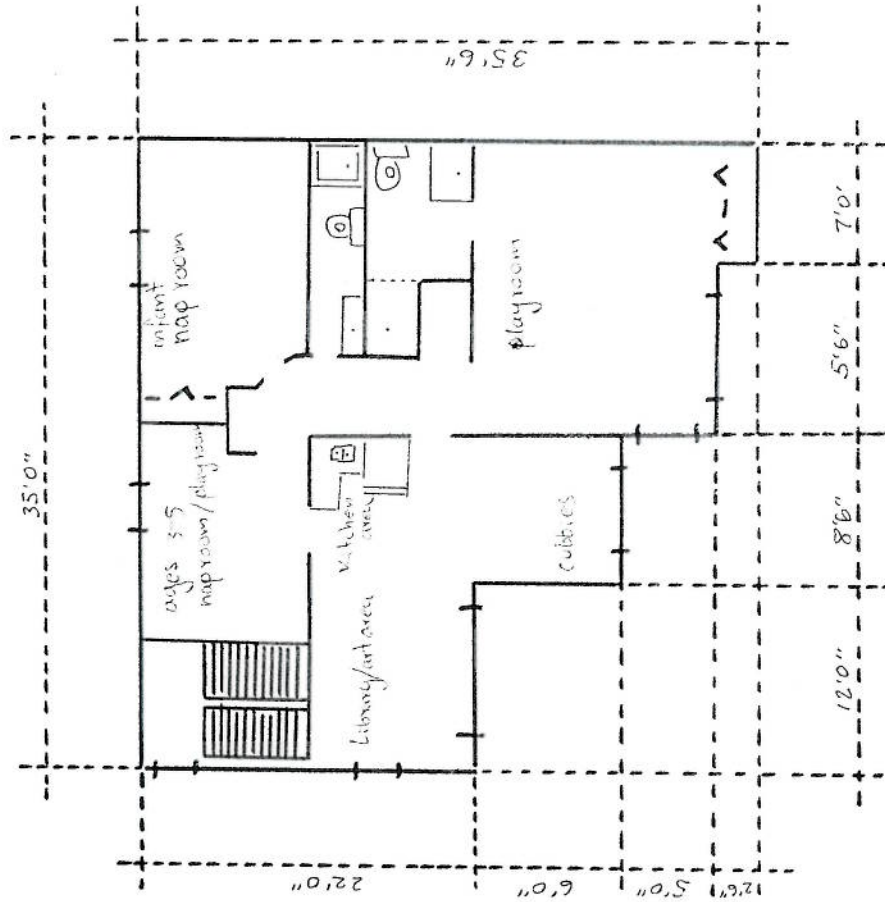


NAME: Michele Irvine  
ADDRESS: 1111 Dominion Road  
SIGNATURE: [Handwritten Signature]  
DATE: January 6, 2013

Plan of Lot 10 Section 10 Vic. West Plan 286.



MAIN FLOOR PLAN 932 FT<sup>2</sup>.



BASEMENT PLAN 932 FT<sup>2</sup>.



LAN UP LUI TU SECTION 10  
ICTORIA WEST  
LAN 266

