



Committee of the Whole Report

For the Meeting of January 25, 2018

To: Committee of the Whole

Date: January 11, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00608 for 323 Skinner 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. 00608 for 323 Skinner 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 323 Skinner Street. The proposal is to rezone the subject property from the R1-B Zone, Single Family Dwelling District to a site specific zone to allow for a daycare that accommodates up to 32 children.

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) and 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 *Victoria West Plan, Amended 2008* which contemplates "compatible" non-residential uses within traditional residential areas
- the proposal does not provide sufficient on-site parking to satisfy anticipated demand.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the subject property from the R1-B Zone, Single Family Dwelling District to a site specific zone to allow for a daycare that accommodates up to 32 children. An existing single-storey single-family dwelling would be raised and converted, creating an additional storey to facilitate the proposed use.

The following changes from the current zone are being proposed and would be accommodated in the new zone:

- daycare for up to 32 children would be added to the list of permitted uses
- required off-street parking would be reduced from 7 stalls to 1 stall
- rear setback would be reduced from 7.5m to 6.65m to accommodate a secure bicycle storage area attached to the rear of the building
- no landscaping strip would be provided along rear lot line (existing condition).

Issues relating to the proposed design will be reviewed in association with the concurrent Development Permit Application.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- secure parking for four bicycles
- parking for four visitor bicycles.

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 predominantly characterized by single-family dwellings and duplexes.

Existing Site Development and Development Potential

The site is presently occupied by a single-storey single-family dwelling.

Under the current R1-B Zone, the property could be developed as a two-storey single-family dwelling with a secondary suite or a garden suite.

Data Table

The following data table compares the proposal with the R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R1-B Zone
Site area (m ²) - minimum	460	460
1 st and 2 nd storey floor area (m ²) - maximum	186	280
Combined floor area	186	300
Lot width (m) - minimum	18.28	15
Height (m) - maximum	5.84	7.6
Storeys - maximum	2	2
Site coverage % - maximum	20.2	40
Setbacks (m) – minimum		
Front (south)	8.15	7.5
Rear (north)	6.65*	7.5
Side – interior (east)	2.72	1.83
Side – flanking (west)	4.52	3.5
Combined side yards	7.24	4.5
Landscaping (rear lot line) (m) - minimum	no landscaping*	0.6m wide, 1.5m high
Parking - minimum	1*	7
Bicycle parking stalls – minimum		
Class 1	4	4
Class 2	4	3

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on August 22, 2017. A letter from the CALUC dated September 27, 2017 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.

Local Area Plan

The proposal is generally consistent with the *Victoria West Plan Amended 2008* which contemplates “compatible” non-residential uses within traditional residential areas.

Parking

The proposed development would accommodate one motor vehicle parking stall. Schedule C of the *Zoning Regulation Bylaw* outlines off-street parking requirements and, in this case, requires a minimum of seven parking stalls in association with the daycare proposal. It should be noted that the emerging replacement Schedule C, if adopted by Council, would require a minimum of four parking stalls. Therefore, for the purpose of assessing this Application, staff consider that the provision of four parking stalls would likely satisfy parking demand and, therefore, the Application results in a shortfall of three parking stalls.

Based on the parking shortfall that has been identified, staff requested that the applicant provide a Parking Study and Transportation Demand Management (TDM) Plan from a qualified professional to support the proposal. The applicant has chosen not to provide this study and provided their own rationale for the proposed parking variance (included in applicant’s letter to Mayor and Council), which can be summarized as follows:

- based on the applicant’s observations at drop-off (8 – 8:30am) and pick-up (3-5pm), during a two-week period in September 2017, there were a minimum of 10 parking spaces available on Mary Street and multiple parking spaces on Raynor Avenue
- the daycare will have an enrollment of 32 children with approximately 40% of families arriving by foot or by bicycle, leaving 20 families that visit by car
- visits by car are staggered during a 30-minute period at drop-off and a two-hour period at pick-up
- one parking stall is provided on-site for the four teachers, therefore, three teachers will park on the street
- there are no parking restrictions on Mary Street or Raynor Avenue, therefore, parking can be shared with the community.

In summary, the proposal would result in a shortfall of three parking stalls and the development will have some impacts on parking availability in the vicinity of the subject site. However, on balance, given the extent of the variance being proposed and the policy support outlined in the OCP for this use, staff recommend that Council consider approving this Application.

An alternative motion has been provided should Council wish to require the applicant to provide a Parking Study to provide further rationale for the proposed parking shortfall and to identify additional TDM measures to mitigate potential on-street parking impacts.

Rear Setback and Landscaping

The Application seeks to relax the rear setback requirement from 7.5m to 6.65m to accommodate a relatively small secure bicycle parking area at the rear of the property. In addition, the Application seeks to relax the requirement for a 0.6m wide landscape strip at the rear property line. In this instance, the rear property line falls within a driveway that is shared (and secured by way of an easement) with 1011 Mary Street.

Staff recommend that Council consider supporting these requested variances from the standard R1-B Zone.

Tree Preservation Bylaw and Urban Forest Master Plan

There are five city-owned boulevard trees adjacent to the subject site, two of which are bylaw protected, in addition to six non-bylaw protected trees situated on the property. An Arborist Report has been submitted and concludes that, subject to tree protection measures, the trees would not be negatively impacted by the development. Recommended tree protection measures include tree protection fencing, root zone barriers, wood chip placement over tree root zones, and supervision of activities by the ISA project arborist whenever construction activities take place within the protected root zone of the trees.

Resource Impacts

There are no resource impacts identified with this project.

CONCLUSIONS

The proposed Application to raise and convert an existing single-family dwelling to a daycare for 32 children is consistent with City policy. The proposal would result in a shortfall of three parking stalls and the development will have some impacts on parking availability in the vicinity of the subject site. However, on balance, given the extent of the variance being proposed and the policy support outlined in the OCP for this use, staff recommend that Council consider approving this application.

ALTERNATE MOTIONS

Alternate Motion 1 (require a Parking Study)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00608 for 323 Skinner 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 the following condition being met:

1. Submission of a Parking Study and Transportation Demand Management Plan to the satisfaction of the Director of Engineering and Public Works.

Alternate Motion 2 (decline Application)

That Council decline Rezoning Application No. 00608 for the property located at 323 Skinner Street.

Respectfully submitted,


Jim Handy
Senior Planner – Development Agreements
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Joceelyn Jenkyns

Date:

Jan 17, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 15, 2017
- Attachment D: Letter from applicant to Mayor and Council dated November 17, 2017
- Attachment E: Community Association Land Use Committee Comments dated September 27, 2017
- Attachment F: Arborist Report dated November 17, 2017
- Attachment G: Correspondence.