



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** November 29, 2017

Report No. DEV-17-067

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 780 Dominion Road, "Super Genius Daycare" [PID 006-289-100, Amended Lot I (DD 156820I), Section 10, Esquimalt District, Plan 2923]

**RECOMMENDATION:**

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2905 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 006-289-100, Amended Lot I (DD 156820I), Section 10, Esquimalt District, Plan 2923 [780 Dominion Road], shown hatched on Schedule "A", from Multiple Family Residential [RM-3] to Comprehensive Development District No. 104 [CD No. 104] **be considered for third reading and adoption.**

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

**STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

**BACKGROUND:**

Appendix A: Amendment Bylaw No. 2905

Appendix B: Property maps, Esquimalt Childcare Facilities map, RM-3 zone

Appendix C: Architectural Drawings received Oct 25, 2017 and BCLS Site Plan

Appendix D: Letter to Mayor and Council, and Neighbourhood Meeting information

Appendix E: Mail Notice and Victoria News Advertisement

## Purpose of the Application

The applicant is requesting a change in zoning from Multiple Family Residential [RM-3] to a Comprehensive Development District [CD No. 104], to permit a 'Group Children's Day Care Centre' which could accommodate up to 16 children. As there is little change to the building proposed with this application the development (change in use) would be exempt from the requirement for a Development Permit.

## Context

Applicant: Luz Mary Calderon

Owners: Luis Sanchez, Sonia Nieto, Luz Mary Calderon, Ivan Ramirez

Architect: Silvia Bonet [Finlayson Bonet Architecture Ltd.]

Property Size:           Metric: 658 m<sup>2</sup>                   Imperial: 7087 ft<sup>2</sup>

Existing Land Use: Single Family Residential and Multi-age child care [up to 8 children]

Surrounding Land Uses:

North: Multiple Family Residential

South: Single Family Residential

West: Light Industrial

East: Single Family Residential and Daycare for up to 16 children [City of Victoria]

Existing Zoning: Multiple Family Residential [RM-3]

Proposed Zoning: Comprehensive Development District No. 104 [CD No. 104]

Existing OCP Designation: Multi-Unit, Low-Rise Residential [No change proposed]

## Official Community Plan [OCP]

Within the Esquimalt Official Community Plan 'Child Care Facilities' ['Daycares'] can be defined as an 'Institutional land use', and as such are considered appropriate within any OCP land use designation; therefore, the land where they are located need not be specifically designated Institutional. The subject property would remain designated Multi-Unit, Low-Rise residential development and the new Comprehensive Development District Zone [CD No. 104] would accommodate either or possibly both uses on the site in the future.

The OCP encourages Council to review any new Institutional land use proposals in detail and assess each proposal on its own merits. OCP Section 2.2.4.1 Multi-Unit Residential Policies encourages Council to consider the following criteria when considering the rezoning of a parcel that is designated for Multi-Unit, Low-Rise residential land use:

- 'Whether the proposed massing and height of a building will respond sensitively to the prevailing character of the immediate neighbourhood'?
- How 'the project will relate to the street. It's exterior finishes, scale, treatment of parking areas, and landscaping, will enhance the appearance of the neighbourhood and contribute positively to the streetscape.'
- 'The proponent will demonstrate that the neighbourhood has been consulted in a fair and meaningful way, and that residents' concerns have been appropriately responded to in the proposal.'

As there is little change proposed to the building at this time, there are no concerns with the massing and height of the building; if the building were to be replaced in the future a Development Permit for form and character could be required. The applicants have proposed short-term parking in the front yard to mitigate the impact of pick-up and drop-off traffic on the neighbourhood. The required fence, to be located in front of the parking spaces, should help mitigate the visual effect of hard surfacing

most of the front yard. The applicant has indicated that they consulted with the neighbours on July 2, 2017 [Appendix D].

Within the OCP, 'child care facilities' are categorized as 'public service-oriented institutional facilities that contribute to the amenities and social fabric of the community'. A map showing the location of the child care facilities currently operating in Esquimalt is provided for information [Appendix B] [source: Island Health, July 2017].

## **Zoning**

Permitted Uses: The proposed Comprehensive Development District [CD No. 104] retains the Dwelling Multiple Family [Apartment residential] use that currently exists in the RM-3 Zone and adds the new 'Group Children's Day Care Centre' use.

Group Children's Day Care Centre is a use that is currently permitted in the Public/Institutional, Neighbourhood Commercial, Core Commercial, and Town Centre zones of Zoning Bylaw, 1992, No. 2050. This use allows for facilities that provide for the care of more than 8 children at a time when licensed under the Provincial *Community Care and Assisted Living Act* which is administered by Island Health. Daycares providing care for 8 children or less are exempt from municipal regulations that might limit the number of children, and they generally exist in residential buildings.

Under B.C. Provincial *Child Care Licensing Regulations* the number of children in a daycare facility is regulated by the amount of space available per child, the ages of the children in care, and the number of staff provided. The applicant has indicated that this proposal is for the care of up to 16 children from 30 months to school age, with two staff members.

Within the new CD zone [CD No. 104] the area allocated to the proposed Group Children's Day Care Centre would be up to 75 square metres; thereby allowing for the Provincial required minimum 3.7m<sup>2</sup> per child x 16 children, and also providing area for bathrooms and hallways, which are not counted in the Provincial Regulation calculation. There are some interior renovations proposed in order to accommodate 16 children in the current building. In response to comments made by Fire Services and the Community Safety Services staff, the owners/applicants have worked with architect Silvia Bonet of Finlayson Bonet Architecture Ltd., to ensure the building can be used as intended.

Traffic [automobile and pedestrian]: With the significant number of multiple family residential buildings and the light industrial land uses in this area, the additional children attending this location are not expected to have any noticeable impact on traffic levels in the area. With two child care centres located immediately across the road from each other [Appendix B] there is some concern with the impact at pick-up and drop-off times for parking, and with the possible hazard to children and caregivers crossing Dominion Road, as the two daycares are located mid-block, near the bottom of a hill.

This location is near the E&N Rail Trail so is convenient for caregivers arriving on bicycles. It is also fairly close to several frequent transit routes, with the closest operating on Craigflower Road about 340 metres away.

Fit with the Neighbourhood: The house, which is to remain, is currently being used as a daycare for up to 8 children. The area has various land uses in the vicinity, including single family, multiple family and light industrial on the Esquimalt side of Dominion Road. On the City of Victoria side of Dominion

Road there is a mix of single and two family residential buildings, a daycare for up to 16 children and a convenience store in the immediate vicinity.

### **Parking**

The applicants are proposing to provide one parking space for employees (located next to the building) and two others for daycare drop-off and pick-up (located in the front yard). The daycare across the road provides one parking space. There is street parking available in the area.

### **Comments from Other Departments**

The plans for this proposal were circulated to other departments:

Community Safety Services: Staff have completed a preliminary evaluation of the proposed use and recommend the applicant provide assurance from a B.C. architect that the structure complies with BC Building Code 2012, for the proposed use.

Engineering Services: Engineering staff have completed a preliminary evaluation of the proposed development and have stated that the proposed rezoning of this property will not have an impact on the Engineering aspects of this property.

Fire Services: Should the application be approved, if the building has an occupant load of more than 40 persons, a fire alarm system is required. If any storage is in the basement, fire separation is required between basement and upper floors.

### **Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on July 18, 2017. The APC members were supportive of the application, recognizing the need for more daycare spaces in Esquimalt, and several members who live in the area indicated that they did not think there would be any issues with parking, or with the pick-up and drop-off times.

The APC passed the following motion: *The Esquimalt Advisory Planning Commission recommends that the application for rezoning to facilitate the conversion of the property to a Group Children's Day Care Centre, consistent with the plans prepared by Aspire Custom Designs, stamped "Received June 27, 2017" be forwarded to Council with a recommendation of approval as the proposed new daycare is exactly what Esquimalt needs; more daycare spaces being done in a way that is appropriate.*

### **Time Line**

- July 18, 2017: The Advisory Planning Commission considers the rezoning application;
- September 11, 2017: Council grants first and second reading to Bylaw No. 2905;
- September to October 25, 2017: owner/applicant hires an architect to determine the feasibility of the proposed 'Group Children's Day Care Centre' use in this building;
- November 2017: Public Hearing is scheduled, notifications and advertising are prepared.

### **Update to Zoning Bylaw 1992, No. 2050**

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2905 also amends all references to the "*Community Care Facility Act*" to read "*Community Care and Assisted Living Act*" within Zoning Bylaw,

1992, No. 2050.

## **ISSUES:**

### **1. Rationale for Selected Option**

The proposed increased size of the daycare should have minimal negative consequences for the neighbourhood and will provide needed child care spaces within Esquimalt. The owners/applicants have worked with an architect to confirm the building can be used for a Group Children's Day Care Centre. The APC has recommended approval of the rezoning application, citing it as a good fit in the neighbourhood with little impacts from parking. There appears to be ample street parking in the area and at the time of writing this staff report neighbours have not raised any concerns.

### **2. Organizational Implications**

This Request for Decision has no organizational implications.

### **3. Financial Implications**

This Request for Decision has no financial implications.

### **4. Sustainability & Environmental Implications**

This application should have minimal sustainability and environmental implications. Providing daycare spaces in the vicinity of where parents live and work should support reductions in greenhouse gas emissions from low occupancy vehicles.

### **5. Communication & Engagement**

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on November 20, 2017 [Appendix E]. Notice of the Public Hearing was placed in the November 24, 2017 and November 29, 2017 editions of the Victoria News. The sign, indicating that the property is under consideration for a change to the zoning, that has been installed on the Dominion Road frontage since July 2017, was updated to show the date, time and location of the Public Hearing. At the time of writing this report Development Services staff have not received any comments from the public regarding the proposed rezoning application.

The applicant held a Neighbourhood Meeting [Appendix D] and met with various neighbours on June 2, 2017 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2971.

## **ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2905 be considered for third reading and adoption.

2. Council postpone consideration of Amendment Bylaw No. 2905 pending receipt of additional information. [Note that receipt of new information from the applicant or the public would require a new Public Hearing.]

3. Council defeats Amendment Bylaw No. 2905.