

REPORT

Development Services

To: Mayor Cote and Members of Council **Date:** September 27, 2021

From: Emilie K Adin, MCIP **File:** REZ00211
Director of Development Services

Item #: 2021-361

Subject: Rezoning Application for Child Care: 733 Thirteenth Street – Bylaw for First and Second Readings

RECOMMENDATION

THAT Council consider Zoning Amendment Bylaw No. 8265, 2021 for two readings, and

THAT Council waive the Public Hearing, as the Bylaw is consistent with the City's Official Community Plan.

PURPOSE

To request that Council consider First and Second Reading of the Zoning Amendment Bylaw 8265, 2021 to create a new Comprehensive Development (CD) District for the 733 Thirteenth Street site, and to recommend waiving the Public Hearing given that the application is consistent with the City's Official Community Plan and given the feedback received through the City-led consultation.

EXECUTIVE SUMMARY

A rezoning application has been received to enable conversion of the existing single detached dwelling at 733 Thirteenth Street for use as a licensed group child care facility with up to 37 spaces.

The child care facility is proposed to include:

- 12 infant/toddler spaces (for children less than 36 months in age); and,
- up to 25 three to five spaces (for children 30 months in age to school age).

The applicant, Precious Early Years, is proposing to relocate its existing child care operations from its neighbouring leased properties at 1209 Hamilton Street and 1210 Kingston Street to the new location at 733 Thirteenth Street. The rationale for the relocation is that these properties may be redeveloped at some point in the future, and that this uncertainty is problematic for the operator and for the families utilizing the child care. The applicant's original project summary letter is included as Attachment 1.

The application is consistent with the City's Official Community Plan (OCP) and would change the use, but not the permitted form and character of the building. Therefore, at the March 1st, 2021 Regular Meeting, Council endorsed staff's recommendation to waive the requirement to present the application to the New Westminster Design Panel and the requirement for an applicant-led open house. A City-led consultation was conducted, the results of which are presented in this report.

This application is now being brought forward to Council for consideration of First and Second Reading of the Zoning Amendment Bylaw 8265, 2021 and to request that Council waive the requirements for a Public Hearing given this application's consistency with the City's Official Community Plan and the results of the City-led consultation.

POLICY AND REGULATIONS

The subject property is designated for Residential-Ground Oriented Infill Housing (RGO) in the Official Community Plan (OCP). Complementary uses under this designation allow for small-scale institutional uses such as child care. The subject property is currently zoned Neighbourhood Residential Duplex Dwelling (RT-1A). A summary of these and related City policies and regulations is included in Attachment 2.

BACKGROUND

Site Characteristics and Context

The subject property is located at 733 Thirteenth Street, at the easternmost edge of the West End neighbourhood, as outlined in blue in Figure 1 below.

Figure 1: Aerial Photograph and Location Plan



The properties immediately surrounding the subject site are also zoned RT-1A. Adjacent to the neighbouring properties to the east are districts zoned for commercial uses. The applicant’s existing child care operations, which are proposed to be relocated to the subject property should the rezoning be successful, are located to the southeast of the subject site, at 1209 Hamilton Street and 1210 Kingston Street.

Across Eighth Avenue to the northeast is a new multi-family townhouse development while across Eighth Avenue to the northwest is the low-rise Hillcrest Apartment complex. To the west of the site are several lots zoned for duplex uses but which are presently being used for single detached dwellings.

Child Care Demand

The City updated its Child Care Needs Assessment in Fall 2018. While there has been an increase in child care spaces since 2008, there is still a shortage of infant/toddler spaces, which make up 3.3% of spaces in the city. Infant/toddler spaces are more costly to provide (i.e. requiring a 1:4 staffing ratio) and more difficult to develop (i.e., higher indoor space needs, separate developmentally appropriate outdoor play space, and subject to more stringent Building Code requirements).

DISCUSSION

Summary of Proposal

An application has been received by Precious Early Years (the applicant) which is seeking to rezone the property at 733 Thirteenth Street to allow for a licensed child care facility with up to 37 spaces.

The applicant has purchased the subject property at 733 Thirteenth Street and is proposing to relocate its existing operations from leased properties at 1209 Hamilton Street and 1210 Kingston Street that could be subject to future redevelopment. By purchasing and rezoning the subject property to allow for up to 37 child care spaces, the applicant is taking steps to provide more certainty in its child care delivery model.

The child care facility is proposed to include:

- 12 infant/toddler spaces (for children less than 36 months in age); and,
- up to 25 three to five spaces (for children 30 months in age to school age).

Table 1 compares current zoning allowances for the existing RT-1A district alongside the applicant’s proposed child care use.

Table 1: Existing Zoning Allowance vs. Proposed Use

Existing RT-1A District: Permitted Child Care Uses	Rezoning Application: Proposed Child Care Use
<p>Section 341.5 - The keeping of not more than eight child care children within a dwelling unit.</p> <p>Operated in conjunction with principal residential uses.</p> <p>16 child care children could be accommodated on the site.</p>	<p>The keeping of up to 37 child care children within the dwelling.</p> <p>Operated as the principal use.</p>

There are no changes proposed to the size, siting and height of the existing building on the site, and no other zoning regulations are proposed to be changed. The Site Plan for the proposed use is included as Attachment 3 to this report.

A site-specific Comprehensive Development District, CD-84, has been drafted to accommodate: the proposed principal child care use; the current legally non-conforming front yard setback; the proposed parking variance; and the addition of long-term bicycle parking. The latter transportation components are discussed below.

The proposed Zoning Amendment Bylaw No. 8265, 2021, to which the proposed CD-84 zone and rezoning area map are attached, is included as Attachment 4 to this report.

Provincial Child Care Licensing and Accessibility Ramp

Should the rezoning be adopted, the proposed child care facility would be regulated under the provincial *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation*, of which licensing is administered locally by the Community Care Facilities Licensing (CCFL) section of Fraser Health. CCFL has conducted a review of the proposal and has not raised any concerns with regard to indoor or outdoor programming space; however, they have recommended construction of a ramp to enhance accessibility. The addition of the accessibility ramp would still allow the applicant to meet the required outdoor programing space.

The addition of the ramp would be the only alteration to the exterior of the building. It would be contained to the fenced-off rear of the building within the footprint of the existing backyard.

Trees

All existing trees are to be protected in accordance with the City’s Tree Protection and Regulation Bylaw No. 7799, 2016, and any trees identified for removal in future will need to have a permit approved and in place prior to removal. At this time, no trees are required to be removed as part of this proposal. The City’s Arborist is working with to applicant to ensure that no significant trees in the vicinity are adversely impacted by the addition of a parking pad, and by the staging and ramp construction activities.

Transportation Considerations

Institutional Off-street Parking Space Requirements

For the proposed principal child care use, Section 140.14 of the Zoning Bylaw requires that one off-street parking space be provided per 50 sq. metres (538.20 sq. feet) based on the net floor area. As such, the proposed use would require six off-street parking spaces to be provided.

As only two off-street parking spaces, one regular and one accessible, can be accommodated on site while retaining outdoor play space requirements, the applicant has requested a variance of four vehicle parking spaces. Accordingly, the applicant has provided a Transportation Analysis letter containing: an analysis of off-street vehicle parking requirements; the anticipated pick-up and drop-off needs for the proposed use; and, a summary of its commitments to reduce the impact of the proposed off-street parking variance (i.e. the transportation demand management measures)

This letter is included as Attachment 5, with key components summarized below.

Staff Parking

The newly proposed regular off-street parking space will be solely allocated for staff use. It will only be utilized for staff's arrival in the morning prior to opening, and for staff's departure following closing. All vehicular arrival and departure to and from the off-street staff parking space will occur outside drop-off and pick-up times.

At the applicant's four other existing child care facilities, only one staff member uses their own personal vehicle, with most staff members taking public transit, and others walking and/or being dropped off by family members or friends. Demand at any one time for on-street parking spaces is expected to be limited, and it is expected the available spaces would be adequate to accommodate the periodic demand.

Drop-off and Pick-up

The applicant is proposing that drop-offs and pick-ups primarily occur using the one accessible vehicle parking space onsite, and also the adjacent on-street parking on Thirteenth Street if needed. Drop-offs and pick-ups would be staggered over two hours in the morning and two hours in the afternoon. It is expected that some parents would be dropping off and picking up more than one child (i.e., siblings) and that some parents would walk their children or take transit to the site. Demand at any one time for on-street parking spaces is expected to be limited, and it is anticipated the available spaces would be adequate to accommodate the periodic demand.

Transportation and Planning Division staff has worked with the applicant to demonstrate how drop-offs and pick-ups for the proposed use will be accommodated in a manner that meets the City's Sustainable Transportation goals, that is promotes access to and from the site by non-vehicular modes, including staff. To this end, the applicant has committed to a number of Transportation Demand Management (TDM) measures, which are highlighted below.

Transportation Demand Management Measures

The applicant has committed in writing to take the following TDM measures to reduce the impact that may result from decreasing the number of off-street parking spaces:

- Working with parents to stagger drop-off/pick-up times upon registration;
- Encouraging parents who live in the neighborhood to drop off/pick up on foot;
- Informing employees that there is limited on-site parking available and encouraging them to take public transit or bike to work (bus stops are less than one block away from the child care facility and the SkyTrain station is less than 10 minutes away by bus);
- Providing covered areas for stroller storage;
- Providing secure bicycle racks for four long-term staff bike parking spaces on site, which is beyond the requirements of the Zoning Bylaw
- Providing bicycle racks for six short-term parents' bike parking spaces on site;

- Providing shower facilities for staff commuting by bike;
- Creating a staff transportation benefit to encourage staff taking public transit to and from work. Staff who use public transit as their primary method to and from work will receive 70% of the reimbursement on their monthly transit pass as a benefit on their payroll.

Good Neighbour Guidelines

Should the rezoning be adopted, staff would work with the applicant to ensure Good Neighbour Guidelines are followed, specifically around communication and information-sharing with parents and neighbours, noise, privacy, signage, and the possible impacts to parking and traffic patterns.

Building Permit and Business Licencing

As the proposed child care facility would accommodate more than eight children, a Building Permit (BP) would be required. The applicant has retained a design professional to ensure that the building is compliant with the BC Building Code for the proposed child care use. Design and construction of the accessibility ramp would also need to comply with the current edition of the British Columbia Building Code at the time of BP application, and the New Westminster Building Bylaw.

To operate the proposed child care facility, the applicant would also be required to obtain a Business Licence from the City's Business Licensing Division. This would initiate inspections by both Building and Fire to confirm that Provincial and municipal requirements have been met to support life safety.

CONSULTATION

Public Consultation

Following the March 1, 2021 Preliminary Report, project information was posted on the City's Be Heard online community engagement forum, and shared with the School District and the West End Neighbourhood Residents Association. The Be Heard project webpage can be found here: <https://www.beheardnewwest.ca/733-thirteenth>

City-led Consultation

City-led engagement took place from March 22 to April 5, 2021. Options for comment were provided through email, mail, and a survey. A copy of the Request for Comment, which was mailed out to all addresses within 100 metres of the subject property, is included as Attachment 6.

During the City-led consultation, staff received six survey responses. Of the total responses received, four were in support and two were not in support. The results of the City-led consultation are summarized in the Survey Summary Report, included as

Attachment 7. The summary report shows the aggregate responses to the survey multiple choice questions displayed as a pie chart, as well as the open-text written feedback. As the number of responses was fewer than 10, demographic data is not being provided in consideration of confidentiality and privacy.

Two primary concerns were raised. The first was the noise that would be generated from the proposed group child care facility. The second issue raised relates to the increased traffic volumes in the area and use of adjacent on-street parking spaces for drop-offs and pick-ups.

To address issues raised through the City-led consultation, staff would work with the applicant to ensure Good Neighbour Guidelines are followed, specifically around communication and information sharing with child care parents and neighbours, regarding noise, privacy, the possible changes to parking and traffic patterns, and the associated TDM measures that would be put into place.

FINANCIAL IMPLICATIONS

There are no financial implications to the City. However, child care provides jobs for workers, the majority of whom are women, and also enables parents, particularly mothers, to work and to reach their full economic and working potential. Approval of this application would allow an existing child care business to be retained within the City.

INTERDEPARTMENTAL LIAISON

The City has a project-based team approach for reviewing development applications. This rezoning application has been reviewed by staff from Engineering (Transportation, Services), Fire, Electrical, Parks and Recreation, and Development Services (Planning, Building, Trees).

APPLICATION REVIEW PROCESS AND NEXT STEPS

On March 1, 2021, Council endorsed the following streamlined application review process for the rezoning application:

1. Preliminary Report to Council and Council Consideration of Rezoning Consultation Requirements (March 1, 2021);
2. Project Information Provided to External Stakeholders (Residents' Association and School District);
3. City-Led Consultation;
4. Council Consideration of First and Second Readings of Zoning Amendment (**we are here**),
5. Public Hearing and Council Consideration of Third Reading for the Zoning Amendment Bylaw (if required);
6. Applicant Addresses Adoption Requirements;
7. Adoption of Zoning Amendment

Staff recommend waiving the requirement for a Public Hearing for the following reasons:

1. The City-led consultation only garnered six responses, the majority of which were in support of the application; and
2. This application is consistent with the City's Official Community Plan.

OPTIONS

The following options are provided for Council's consideration:

1. *That Council consider Zoning Amendment Bylaw No. 8265, 2021 for two readings.*
2. *That Council waive the Public Hearing, as the Bylaw is consistent with the City's Official Community Plan.*
3. *That Council provide staff with alternative feedback.*

Staff recommends Options 1 and 2.

ATTACHMENTS

Attachment 1 - Applicant's Original Project Summary Letter
Attachment 2 - Summary of City Policies and Regulations
Attachment 3 - Site Plan
Attachment 4 - Proposed Zoning Amendment Bylaw No. 8265, 2021
Attachment 5 - Transportation Analysis Letter
Attachment 6 - City Led Consultation Request for Comments
Attachment 7 - Survey Summary Report

APPROVALS

This report was prepared by:
Anur Mehdic, Housing and Child Care Planning Analyst

This report was reviewed by:
John Stark, Supervisor of Community Planning, Development Services
Rupinder Basi, Supervisor of Development Planning

This report was approved by:
Emilie K. Adin, Director of Development Services
Lisa Spitale, Chief Administrative Officer