



# Staff Report to Sustainable Development Advisory Committee

**DATE:** Tuesday, November 12, 2024

**DEPARTMENT:** Planning

**APPLICATION NO.:** TUP24-0005

**SUBJECT:** Application for a Temporary Use Permit to allow for an additional 4 children in a group daycare at 997/999 Goldstream Avenue for a total of 24.

## EXECUTIVE SUMMARY:

Almosthome Childcare has applied on behalf of June and Darrell Kolodziejak for a Temporary Use Permit to allow for the care of an additional 4 children in a group daycare, for a total of 24, at 997/999 Goldstream Avenue. This standalone daycare is currently operating with 20 children.

## BACKGROUND:

### PREVIOUS APPLICATIONS

**TUP11-0004** – A Temporary Use Permit (TUP) was issued to allow a group day care on the premise. At the time the TUP was granted, Council requested that the applicant seek rezoning. The TUP was necessary due to 997 and 999 Goldstream Avenue being a residential duplex.

**Z12-0003** – In November of 2012 the property was rezoned from R2 (One- and Two-Family Residential) to MU1A (Mixed-Use Residential Commercial A) to allow for the group daycare, as per Council’s request through the previous TUP. Rezoning specifically to MU1A was done to allow for future development potential beyond the group daycare use given the location within the City Centre. The MU1A zone allows for considerable residential density and ground floor commercial use with a Floor Area Ratio of up to 4.0 and a height limit of 7 storeys. Given this, the Council at the time required through a Section 219 Covenant that if the density on site is increased above that of a group daycare, a traffic study will be required.

**Table 1: Site Data**

<i>Applicant</i>	Almosthome Childcare
<i>Owner</i>	June and Darrell Kolodziejak
<i>Civic Address</i>	997 and 999 Goldstream Avenue
<i>Legal Description</i>	LOT 2, SECTION 5, ESQUIMALT DISTRICT, PLAN 26285

<i>Size of Property</i>	686 m <sup>2</sup>	
<i>DP Areas</i>	Downtown Development Permit Area	
<i>Zoning</i>	Existing: MU1A	Proposed: MU1A
<i>OCP Designation</i>	Existing: City Centre	Proposed: City Centre

**SITE AND SURROUNDING AREA**

The subject property is situated on the south side of Goldstream Avenue, near the intersection of Spencer Road, abutting Centennial Park and the Centennial Centre for Arts, Culture, and Community. The site is currently occupied by a duplex that has been renovated to accommodate a group daycare in the entire building. The property contains parking for employees and pick-up/drop-off in the front, and outdoor space for the children at the rear.

**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	C3 (District Commercial) CS1 (Service Commercial)	Small commercial plaza Office
<i>East</i>	R2 (One- and Two-Family Residential)	Duplex
<i>South</i>	R2 (One- and Two-Family Residential)	Single family homes
<i>West</i>	P2 (Community Institutional)	Centennial Park and the Centennial Centre for Arts, Culture, and Community

**COMMENTARY:**

**PROPOSAL**

The applicant wishes to expand their existing group daycare at 997/999 Goldstream Avenue from caring for 20 children to 24 children. As noted previously, the property is zoned as MU1A (Mixed-Use Residential Commercial), which does permit group daycares. The Zoning Bylaw regulates this further in Section 3.26.02(4) by stating that a maximum of 20 children are permitted in group daycares on lots less than 1,099 m<sup>2</sup>. The subject property is only 686 m<sup>2</sup> and therefore does not meet the minimum requirement to allow for more children. The applicant is seeking a TUP instead of a rezoning as they are unsure about the longevity of their lease agreement given the redevelopment potential of the lot.

Council may wish to note that the Province’s Child Care Licensing Regulation has set regulations pertaining to the amount of space a daycare must have to care for children. The regulations require 3.72 m<sup>2</sup> of indoor space per child, and 6 m<sup>2</sup> of outdoor space per child. Despite the lot being smaller than 1,099 m<sup>2</sup> as required by the City’s bylaw, the Child Care Licensing Regulations would support the care of 24 children at 997/999 Goldstream Avenue based on these size requirements.

The Zoning Bylaw requires that group daycares provide at least one parking space per non-resident employee and two spaces for pick-up and drop-off. The applicant has noted that there would be 6 employees for the children which also meets licensing regulations. As such, a total of 8 parking spaces would be required. It is also expected that families living nearby will either walk or bike to the daycare as many new dwelling units are being created within the City Centre. The applicant has demonstrated to staff that their existing parking area can accommodate 8 cars. The applicant is not intending to make any exterior changes to their property.

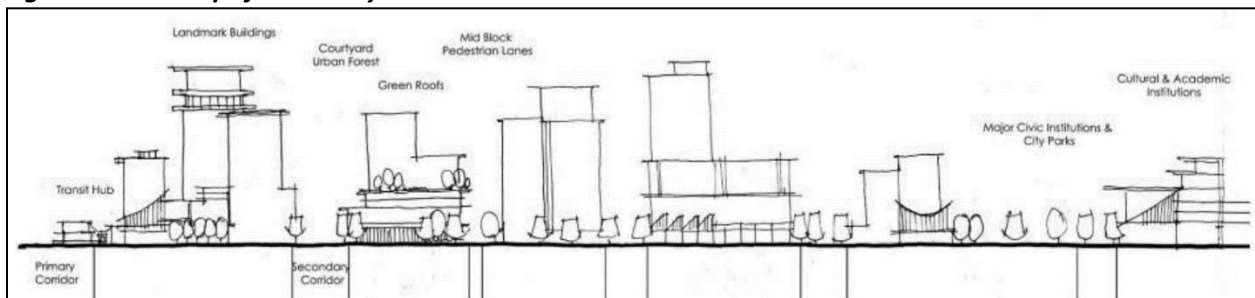
### COUNCIL POLICY

#### OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designated the subject properties as “City Centre”, which is defined by the following text:

- A major regional growth centre that supports a wide range of high-density housing, including affordable and rental housing
- A major employment area for institutional, office, commercial, light industrial uses
- Major civic uses and public buildings are key landmarks
- A major place of community gathering and celebration
- A wide range of public squares, parks and open spaces are integrated throughout
- The City’s major entertainment and/or cultural precinct
- Inter-city and/or inter-regional transit hub connect residents

**Figure 2: A Concept for the City Centre**



#### STRATEGIC PLAN INITIATIVES

Council may wish to note that their Strategic Plan includes supporting additional daycare facilities to address the existing shortfall of daycare spaces. Expanding existing daycares like Almosthome Childcare will align with that goal.

**LEGAL IMPLICATIONS:**

Pursuant to s. 497 of the *Local Government Act*, the City may issue a Temporary Use Permit (TUP) for a period of up to three years. The *Local Government Act* also allows a Temporary Use Permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond 6 years period, they are required to make a new application to Council for a TUP or apply for rezoning.

**OPTIONS:**

**Option 1**

That the Sustainable Development Advisory Committee recommend that Council direct staff to provide notice that Council will consider issuing a Temporary Use Permit to allow a group daycare for up to 24 children at 997/999 Goldstream Avenue;

**OR Option 2**

That the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application for a Temporary Use Permit at 997/999 Goldstream Avenue until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

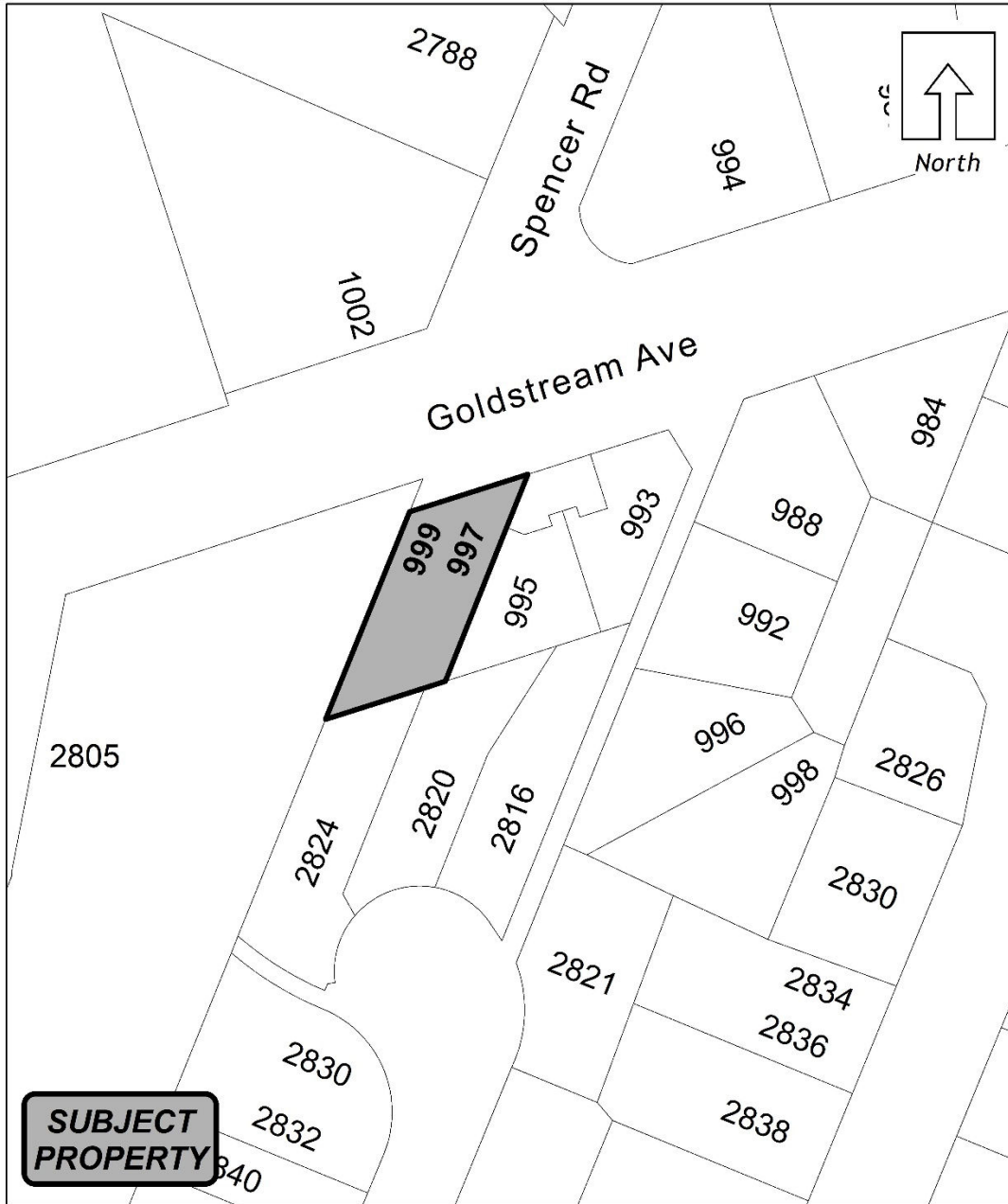
- a. \_\_\_\_\_;
- b. \_\_\_\_\_;
- c. \_\_\_\_\_;

**SUBMITTED BY: Julia Buckingham, Planner II**

- Concurrence:** Matthew Baldwin, RPP, MCIP, Director of Development Services
- Concurrence:** Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change
- Concurrence:** Melisa Miles, Manager of Legislative Services
- Concurrence:** Donna Petrie, Senior Manager of Communications & Economic Development
- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Director of Legislative & Protective Services
- Concurrence:** Braden Hutchins, Deputy Chief Administrative Officer
- Concurrence:** Darren Kiedyk, Chief Administrative Officer

Appendix A – Site Map

**TEMPORARY USE PERMIT  
( TUP24-0005 )  
997 & 999 Goldstream Ave**



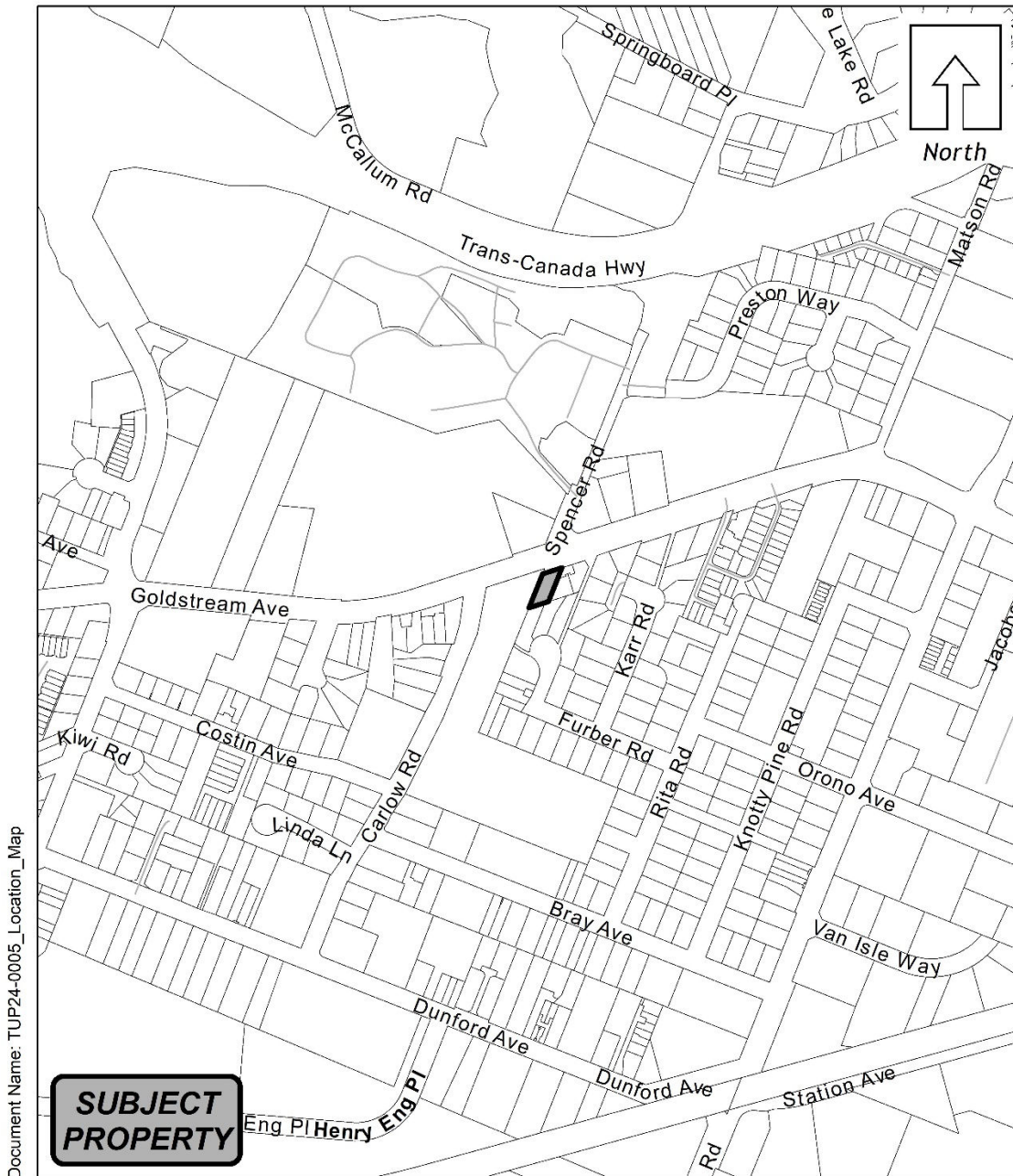
Document Name: TUP24-0005\_Site\_Map

Scale: N.T.S.

Last Revised: 2024-08-28

Appendix B – Location Map

**TEMPORARY USE PERMIT  
( TUP24-0005 )  
997 & 999 Goldstream Ave**



Scale: N.T.S.

Last Revised: 2024-08-28