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To: ["Direct to Mayor and Council - DL"](#)
Date: 8/17/2023 3:07:21 PM
Subject: Daycare - Development permit refusal

Good afternoon Mayor and Council,

I am writing in regards to the above issue that has been reported widely in media today. We have received a number of questions from Council regarding this matter, including legal implications and potential regulatory changes. We are working to provide answers on all of those enquiries.

In the interim, I can provide the following explanation for the decision to deny the DP application for the proposed Child Daycare Facility at 845 W. 20th Avenue and the subsequent support for that decision from the Board of Variance. Recognizing the critical need for child care spaces, the staff decision to refuse the application was based on careful consideration of several factors and regulations outlined in the Zoning and Development By-law. The key reasons for the refusal are as follows:

Refusal 1 - Non-Compliance with Regulations:

Development Permit application DP-2023-00084 proposed the addition of 8 childcare spaces on the same site as an existing 8-space childcare program. The existing 8-space childcare program is operated in the secondary suite of this single-detached home. DP-2023-00084 proposed removing the residential component of the building, which triggered a change of use from residential to institutional, and a DP application to consider all 16 childcare spaces.

The proposed development does not align with the regulations stipulated in the Zoning and Development By-law that directly impact the site. Specifically, the Child Daycare facility falls under the RS-5 zoning, which requires conditional approval as outlined in the [RS-5 District Schedule Section 2.1](#).

Section 2.1 authorizes the Director of Planning to grant approval, with or without conditions, if certain criteria are met, including: (a) the consideration of the schedule's intent and all applicable Council policies and guidelines; and (b) the submission of any advisory group, property owner or tenant. In this case, after a thorough assessment, the Director of Planning determined that the submitted proposal did not adequately fulfill both the intent of the schedule and the applicable policies and guidelines. As a result, the necessary conditions for approval were not met.

Furthermore, the proposed development failed to address the following critical requirements:

- . The original intent of enabling childcare in residential zones was to support the development of licensed Family Childcare, which requires the operator to reside on site and provide a home-like environment. This proposal removes the residential component of the building.

Parking: Childcare facilities are required to ensure that adequate parking and drop-offs are situated either on the premises itself or secured in a nearby location. City staff waived the requirement for two staff parking stalls, but retained the request for two onsite spaces to accommodate the pickup/dropoff needs for all 16 childcare spaces. The applicant is unable to provide sufficient parking on site, which raised concerns about traffic flow, accessibility, and overall impact on the surrounding area.

Interior Space Functionality: The interior space of the proposed Childcare facility did not meet the standards outlined in the [Childcare Design Guidelines](#). This non-compliance raised concerns about the suitability and functionality of the proposed spaces for childcare activities.

- Outdoor Play Spaces: The proposal lacked the provision of adequate outdoor play spaces for each childcare program on the premises. This omission posed concerns about ensuring a safe and stimulating environment for the children. The use of Douglas Park as primary play space was proposed, but is subject to Park staff's assessment of capacity, accounting for pressures from existing residential, community centre childcare, and home-based childcare uses.

Refusal 2 - Objections Received:

During the application review for Development Permit DP-2023-00084, staff received many objections from neighboring property owners about this proposal. These objections expressed concerns about the potential impact of the proposed Child Daycare facility on their properties, including issues related to noise, traffic congestion, and changes to the neighborhood's character. While we strive to balance the needs of the community with development proposals, the objections raised highlighted a lack of consensus and support from the immediate vicinity.

In conclusion, the refusal of the application for the Child Daycare Facility is primarily based on the non-compliance with the Zoning and Development By-law (i.e. unmet requirements for conditional approval). In addition, staff considered the objections received from neighboring property owners, and staff concerns over the project's inability to meet the intent of multiple factors in the City's Childcare Design Guidelines, parking in particular. We believe that these factors collectively demonstrate the incompatibility of the proposal with the current zoning and community dynamics.

Background:

ACCS' Social Policy Childcare Team is preparing additional background for Council, which will be available by shortly.

Key Messages:

- ∅ The City of Vancouver firmly believes that childcare is an essential service, planned as part of complete neighbourhoods. It remains supportive of accessible, affordable, and quality childcare and early learning opportunities – ensuring that children, families, and communities in our city can learn, work, and thrive.
- ∅ However, facilities need to align with the regulations stipulated in the Zoning and Development By-law. Residential property cannot be converted to commercial usage, even if it is for childcare.
- ∅ The Board of Variance (the Board) disallowed the appeal and voted in support of the City's decision against the proposed 16-children daycare at 845 West 20th Avenue.
- ∅ The Board voted against the appeal based on zoning non-compliance issues including parking shortfall and drop-off times. Additionally, the City also considered the proposal's non-compliance with Childcare Design Guidelines and strong opposition from the neighbourhood. While community input was significant for this project, it was not a major contributing factor to staff decisions on the viability of the facility.
- ∅ As the appellant (Day Care applicant) may come back to the Board of Variance after another 'new' permit application, the Board of Variance cannot comment further on this case file.

Messaging on City's support for childcare:

- ∅ In June 2022, City Council adopted [Making Strides: Vancouver's 10-year Childcare Strategy](#), which aims to support access to a new universal system of early care and learning led by provincial and federal governments.
- ∅ In December 2022, Council passed a motion directing staff to harmonize childcare policies and guidelines with Provincial directions. To this end, review of the Childcare Design Guidelines is underway, and is currently awaiting approval of the Provincial Childcare Facility Design Standards to ensure consistency in messaging to daycare Applicants. If approved, Provincial

implementation is expected in Spring 2024.

Although childcare is primarily the responsibility of Provincial governments, the City of Vancouver has created over 5,000 licensed childcare spaces. This amounts to the City having contributed to the development of 60% of all licensed spaces for children under 3 years, and 35% of all existing licensed childcare spaces for children aged 0-12 years.

The Province has focused its childcare funding and support resources to help expand non-profit and publicly owned childcare across BC. While the City of Vancouver acts as a regulator for all childcare uses in the City, its key role is to provide support in fulfilling senior governments' commitment to creating and accelerating the expansion of an affordable, universal system of childcare.

As indicated, additional information regarding this matter is forthcoming.

Best,
Paul