

845 West 20th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (<u>DP Refusal</u>)
Legal Description:	Lot 23, Block 557, District Lot 472 and Plan 1588
Lot Size:	Lot Area = 4,026 sq. feet
Zone:	RS-5
Related By-Law Clause:	Parking By-law (on-site parking)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00084 and a request to permit a change of use of approximately 1,862 sq. ft. of Single Detached House with Secondary Suite to Child Day Care Facility at this site.

Development Application No. DP-2023-00084 was refused for the following reasons:

- The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Objections have been received from neighbouring property owners.

Discussion:

Roshaen Birak and Lisa McCormick were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

The appellant's initial comments were that they feel that they meet the required guideline. There are ample parking on the streets, and they have also asked the City of Vancouver for a loading zone in front of their home. They're directly across a park. They were never notified by bylaws or neighbours about parking concerns, or they would have actioned it immediately. They try to cater to local residents, and most of them either walk or bike or take public transit to drop off or pickup their children.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this appeal is for a change of use from a 8 childcare facility to a 16 childcare facility. This is a conditional use in a RS5 district schedule. It does not meet the parking requirement, as it requires two parking space for drop offs and two for teachers. The Director of Planning cannot support the appeal due to the oppositions received.

The Board Chair stated that the Board's site office received no (0) letter in Support and nineteen (19) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.



- (Neighbour in the area) is not in support of the appeal
- (Family member of a child at this day-care) is in support of the appeal
- (Neighbour in the area) is not in support of the appeal
- (Neighbour in the area) is not in support of the appeal
- (*Adjacent Neighbour) is not in support of the appeal
- (Neighbour in the area) is not in support of the appeal
- (Neighbour in the area) is not in support of the appeal
- (Neighbour in the area) is not in support of the appeal
- (Neighbour in the area) is not in support of the appeal

Final Comments:

Mr. Bosnjak's final comments were that the RS5 is intended to retain the character of the home. There are concerns with parking from neighbours as well as complaints. The Director of Planning is not in support of the appeal.

The appellant's final comments were that they understand that parking is a headache for everyone. They have changed their contracts where if any parents are being a nuisance to neighbours, they will be asked to leave the childcare center. Their teachers also use public transit.

This appeal was heard by the Board of Variance on June 20th, 2023 and was DISALLOWED.

Note: Mr. Alex Ray (Board Member) abstained and Mr. Ray did not vote on this appeal.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

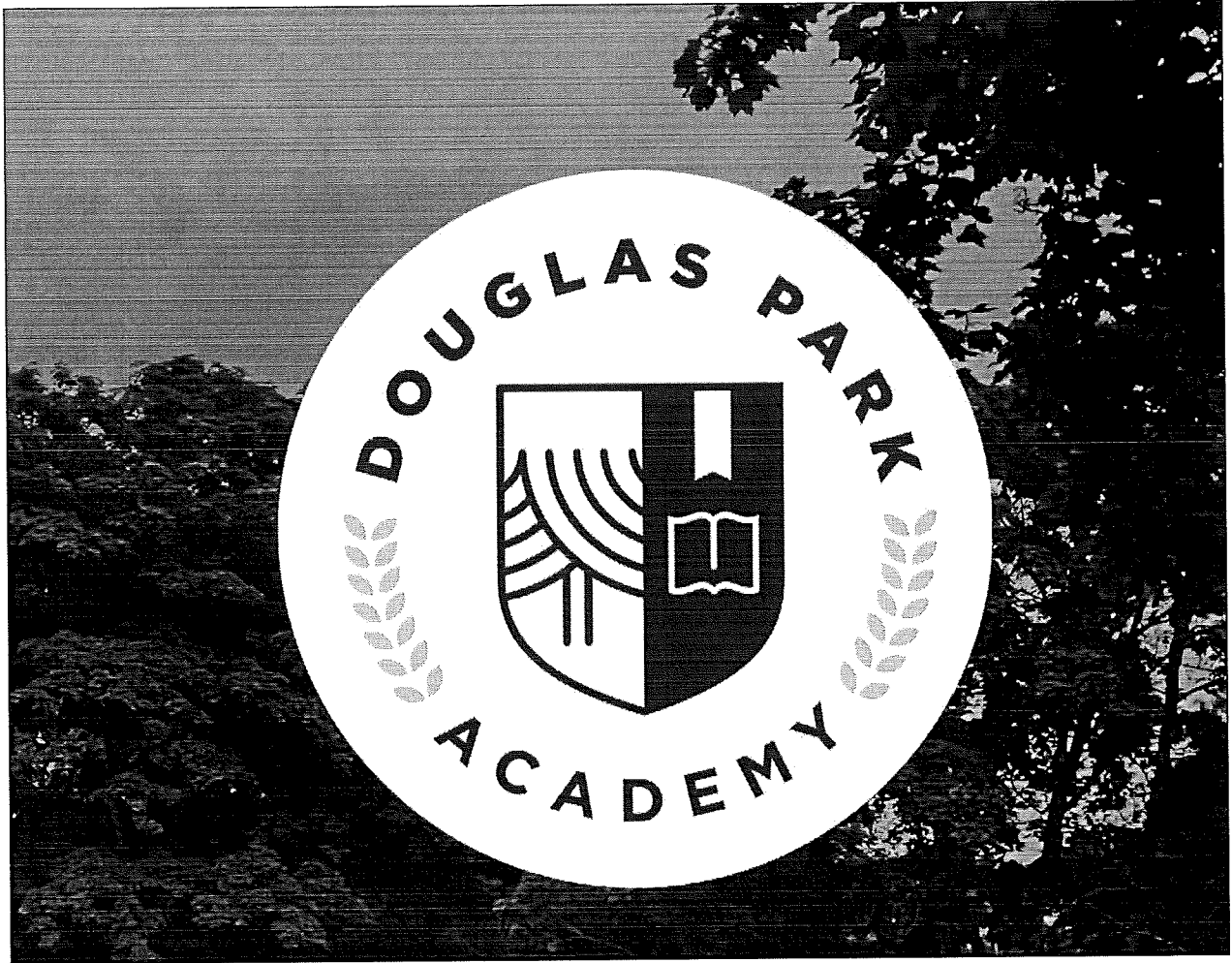
Board's summary and decision based on the following:

The Board of Variance considered an appeal filed by the home owners with a residential daycare at 845 West 20th Avenue. The appellants were aggrieved by the City's Director of Planning decision to deny a development proposal - a request to convert the entire residential home from the currently approved 8-children residential daycare home with a secondary suite into a new 16-children daycare home (8-children on each floor, in a two-storey home with "no residents on-site" in the new proposal).

The Board of Variance members' final decision upheld the City's decision based on the following main reasons:

- (1). The development proposal does not meet the intent of the residential (RS-5) zoning by-law. With the new development proposal, there will no longer be any residents living at this proposed residential 16-children daycare home, and the entire home will be converted into a two-storey, daycare facility and this is not in keeping with the intent of the RS-5 District Schedule in this neighbourhood.
- (2). Secondly, and the proposed development having a 16-children daycare land-use development will not meet the on-site parking requirements. The appellants are providing one (1) parking space, and the minimum requirement is two (2) on-site parking spaces. The City supported having two (2) staff parking "off-site" (relaxation granted by the City), with a total of four (4) parking stalls required for this new development proposal.
- (3). The Board also received written concerns (and also the Neighbourhood attended and spoke in opposition to the appeal). One main concern was regarding traffic congestion and concerns about managing the "drop-off and pick-up times" and how this will impact the residents along the lane (rear of the site), and along West 20th Avenue (front of the house).
- (4). Neighbourhood's other inputs - including noise concerns and traffic concerns were submitted to the City's Director of Planning and to the Board of Variance prior to the appeal hearing. And the written comments were disclosed to all parties involved (including the appellants who appealed to the Board of Variance).

At the end of the appeal hearing, and after hearing all the presentations (- from the Appellants, including comments from the Neighbourhood and also from the Director of Planning's Representatives), the Board of Variance did not find a site hardship to overrule or overturn the City's decision.



Project Proposal

Prepared for: Board of Variance Members

Prepared by: [REDACTED] - Owner Operators

June 6, 2023

EXECUTIVE SUMMARY

About Us

In September 2014 we began operating a Licensed Not Required "LNR" childcare centre in our home (845 20th ave W). The LNR consisted of two children which we provided care for from 8am to 5pm.

In October 2017, while still operating the LNR from our home, we opened a commercial children's play centre located on Main Street. The play centre was a drop in format in which parents would attend and engage in various activities (sensory play, music, art and science classes).

In June 2019, we transitioned from an exclusive drop in play centre, to a hybrid drop in / drop off centre. In the mornings we would offer our drop in playtime in which parents would stay. In the afternoons, we would bring in a teacher that was certified by the BC Ministry of Education and offered two 45 minute classes Monday through Friday. The classes accommodated up to 20 children per class in which parents had the option of dropping their child off or staying. The classes were structured the same as a preschool class.

In the beginning of 2020 at the onset of COVID-19 restrictions on commercial spaces, we had to shut down our play centre. This left a void of much needed activity space and care for children under school age. As there was quite the uncertainty of regulation pertaining to child care centres during the pandemic, we informed the parents that we would not be reopening our commercial centre. In the summer of 2020, we engaged with Vancouver Coastal Health ("VCH") Childcare Licensing ("CCFL") to find out what the requirements were to convert our secondary suite into a licensed childcare centre.

In June 2022, after going through the lengthy process of bringing our house up to the City of Vancouver's building code and adhering to CCFL licensing requirements, we were able to open a child care facility in our secondary suite. The childcare facility consists of no more than 8 children aged 30 months to 5 years of age.

To date we are in good standing with City of Vancouver, Bylaw Vancouver Coastal Health and CCFL as we have no reported issues from these entities. Being one of the few in home childcare facilities in Vancouver without complaints, we have had the good fortune of a high volume of parents reaching out to us wanting to attend our childcare facility. With the support of parents previously enrolled in our commercial centre and word of mouth of our current childcare centre, parents began asking if we are going to be reopening the commercial centre and or another childcare centre. With the predicament of not knowing whether COVID will become a pandemic again and the lack of affordable commercial spaces in mind, we came to the conclusion of proposing to convert the main floor of our home into a separate childcare facility from the one currently running in our secondary suite.

Objective

To address the need for families local and afar seeking daycare, by providing licensed childcare services.

Goals

To provide a high quality childcare service for children 30 months to 5 years of age, which promotes the physical, intellectual, emotional and social growth of each child through instruction from Early Childcare Educators.

Proposal

Our single family detached dwelling is in good standing with the City of Vancouver building and planning department, as our house meets their required codes and regulations. Our current childcare centre is also in good standing with VCH and CCFL, as we have not received any citations or complaints regarding our current childcare centre.

Since opening a year ago we have had an outpour of requests of residents both local and afar seeking placement in our childcare services. However due to our small class size it is not possible to meet the current demand. We therefore determined the best option to meet this demand would be to convert the main floor of our single detached house, into a separate childcare centre that is not connected to our existing childcare centre located in our secondary suite. The additional childcare space would be able to accommodate 8 children.

Our current and proposed centre located 845 West 20th (Douglas Park Academy), is directly across the street from Douglas Park (see Fig. 1) and only 350m / 1150ft from Heather park and (see Fig. 2) There is an abundance of free public parking (approximately 50m / 165ft) located in front of the property, as well as free public parking located at the end of the street (approximately 30m / 100ft) (see Fig.3) The free public parking is ideal for those parents that do use vehicles for transportation, eliminating the potential for congestion on the street. Given the convenient accessibility to our current and proposed childcare facilities, we do not foresee traffic congestion being an issue. We are a drop off and pick up childcare centre and the time a parent may park for drop off or pick up, would be no longer than a delivery driver dropping a package at a residence.

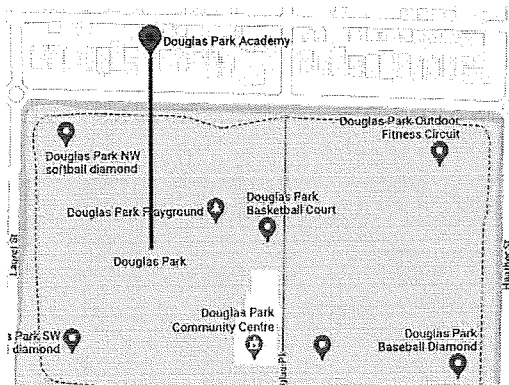


Fig. 1

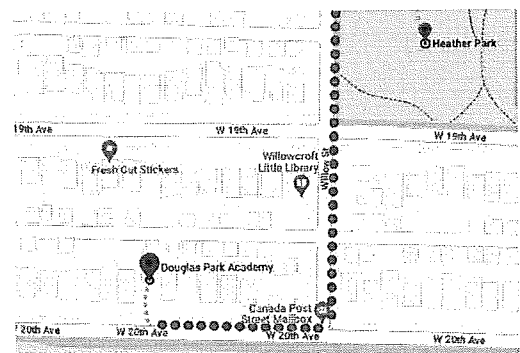


Fig. 2

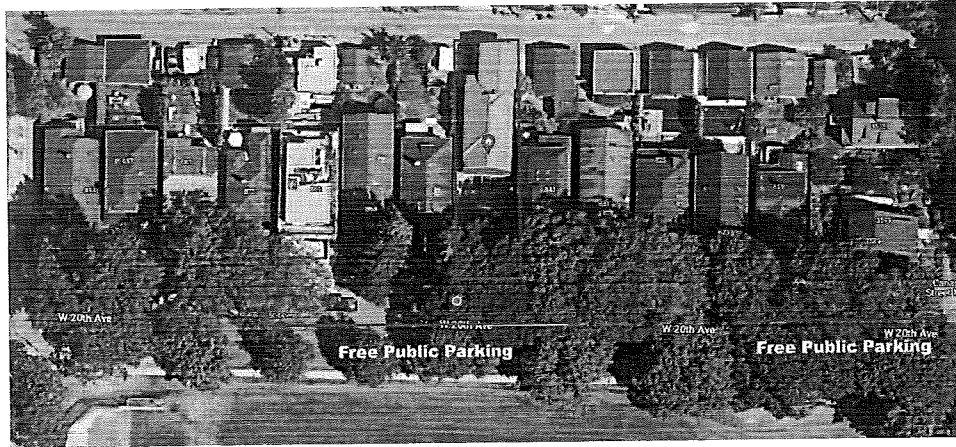


Fig. 3

Hardship

When we began our journey to open an additional childcare facility, we canvassed our neighbourhood for input. Many of the comments we received appeared to have dove tailed from objections to the proposed Balfour childcare facility. Main issues being parking, congestion due to construction, proximity to parks (risk of children walking to parks) and timeframe (that the childcare facility would not be open for the foreseeable future).

Our vision for converting our home into a childcare centre, is aligned with the City of Vancouver's vision for our neighbourhood. Phase three of the Cambie Corridor Plan has identified our neighbourhood, Cambie Village, as best placement for a large-scale commercial childcare centre. The proposed commercial childcare centre was not initially included in the 2018 proposal of the Cambie Corridor plan.

Due to the desperate need for childcare in Vancouver, the area's housing diversity and accessibility of non auto transportation, a commercial childcare centre was added and the 'Balfour Block' proposal was created part of a Shape Your City re-zoning application. The childcare centre to be located at the "Balfour" (600-600 W 18th Ave - 1007-600 W 19th Ave) is purportedly able to accommodate 37 children but is not currently under construction and does not have an expected completion date. (see Fig. 4)

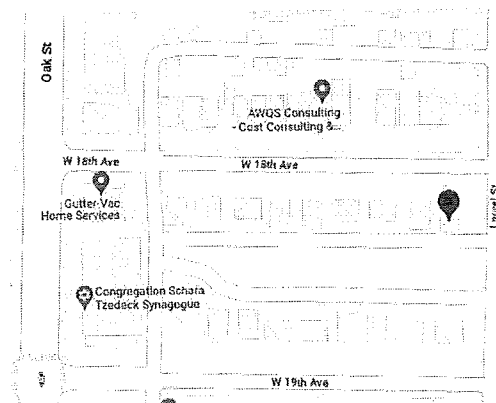


Fig. 4

We only mention the issues raised against the Balfour, as it was still on the forefront of the neighbourhood concerns. These concerns were then reignited and exacerbated by a neighbour that allegedly canvassed our neighbourhood and spread misinformation regarding the intent of our proposed childcare facility. The neighbour allegedly advised surrounding neighbours that our proposed childcare centre was going to be a large scale childcare facility, such as the Balfour. It was further alleged that we would be tearing down our home to make room for a monstrous facility and this would severely impact parking in the area.

For clarity and transparency, we are not tearing down our current house to build a commercial childcare facility, nor are we planning on causing an influx to residential parking by advising parents of our childcare centre to park where they please.

The City of Vancouver has considered our proposal and declined it based on two factors:

1. Non compliance - Regulations

Uncertain of what regulations the City Of Vancouver was referring to, we followed up for clarity and were advised of the following bullet points:

- *interior spaces to meet the intent of the Childcare Design Guidelines, including a table of areas for activity and support spaces, to the satisfaction of the Managing Director of City of Vancouver ACCS Social Policy, and Provincial Community Care Facilities Licensing*

Our proposed childcare facility of 8 children, does not fall on the scope the City of Vancouver's childcare design guidelines as the guidelines refer to facilities supporting 12-20 children in a single space. We already have a standalone childcare centre located in our secondary suite. We are proposing to add an additional separate childcare centre on the main floor of the house. The main floor and secondary suite share no interconnection from the interior of the house. The existing and proposed childcare facilities have their own separate entrances. The proposed childcare facility entrance is in the front of the house and the existing childcare centre entrance is located in the rear of the house. There is no mixing of the two childcare centres.

The City of Vancouver's childcare design guidelines defers to the BC Childcare Licensing Regulation ("CCFL") for facilities proposing to accommodate less than 12-20 children. According to CCFL we are required to have 40sq ft per child. For 8 children we are required to have 320 sq ft. Our proposed space on the main floor of the house is 477 sq ft.

As the City of Vancouver was not clear in which Childcare Design Guidelines we were to follow and merely referred us to a website link, we calculated the following space requirements according to a facility supporting 16 children and cut the required space by half as we are providing care for 8 children in the proposed centre ;

Require Space Square Footage ("sq ft")	Proposed Square Footage ("sq ft")
Dedicated Art Area - 37.5 sq ft	Dedicated Art Area - 66 sq ft
Table Area - 48.5 sq ft	Table Area - 84 sq ft
Area Other Activities - 210 sq ft	Area Other Activities - 224 sq ft
Gross Motor / Nap Room - 156 sq ft	Gross Motor / Nap Room - 186.9 sq ft
Storage w/ Large Motor / Nap Room - 21.5 sq ft	Storage w/ Large Motor / Nap Room - 25 sq ft
Cubby - 54 sq ft	Cubby - 54 sq ft
Kitchen - 51 sq ft	Kitchen - 112 sq ft
Child W/C - 37.5	Child W/C - 37.5 sq ft
Staff W/C - 24 sq ft	Staff W/C - 27 sq ft
Laundry / Janitorial - 21.5 sq ft	Laundry / Janitorial - 259 sq ft

Based on the chart above, we meet the criteria for accommodating 8 children in the proposed childcare centre.

- *On site pickup and drop off to help alleviate neighbour's concerns regarding traffic and parking in the area*

We have one onsite parking spot located in the rear of the property. City of Vancouver has advised us that we are required to have one additional parking space for pick up / drop off. As stated above, there is an abundance of free public parking located directly in front of the proposed childcare facility (see Fig. 5) There is approximately 50m / 165ft of free public parking located in front of the property, as well as 30m / 100ft of free public parking located at the end of the street. See Appendix A for additional photos.

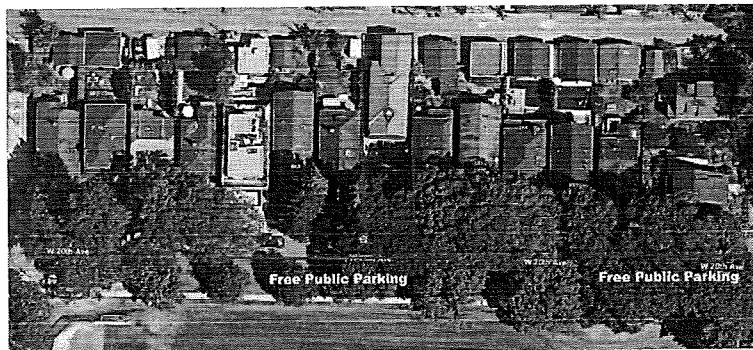


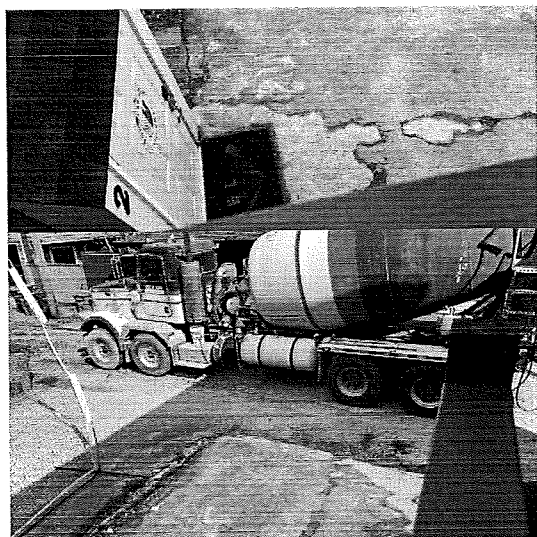
Fig. 5

We have asked the City of Vancouver to erect a Temporary Loading / Unloading sign from the hours of 8am - 9am and 4pm - 5pm Monday to Friday in front of the proposed childcare facility location [REDACTED]. We submitted this request to the City of Vancouver on March 31, 2023. Although the City of Vancouver stated they would

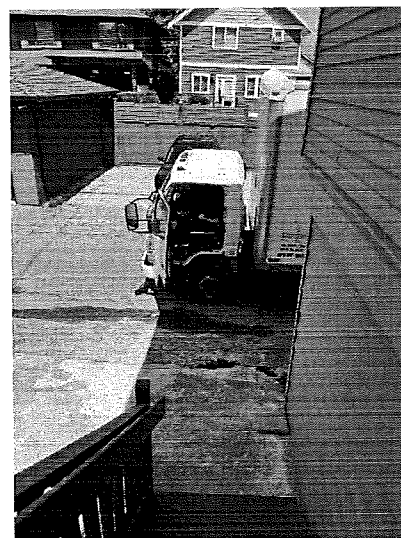
respond within 5 business days, we received no contact. We followed up numerous times with the City of Vancouver regarding the status of our request and to date we still have not been contacted or provided with an update.

Again, the proposed childcare centre is a pickup and drop off centre. Parents will not be parking for the day. No parent should be parking in area's designated for *residence only parking*. We have included language in our contract with the parents stating that if they are found to be causing a nuisance regarding parking in unauthorized areas, they will be asked to leave the childcare centre.

We have also made the city aware that the shared back lane way has become overwhelmed with construction vehicles. This use of the shared lane way by construction vehicles, is apparently a way to circumvent obtaining a permit to block off the roadway for construction purposes. We do fear that our childcare centre is taking the blame of the congestion in the laneway, which a neighbour has been allegedly reporting as fact. We have notified City of Vancouver Bylaw of the issue but are unaware if it is being looked into (see Fig. 6 and Fig. 7)



(Fig. 6)



(Fig. 7)

Based on the above rationale, we are asking the board for a variance on one parking space. If the board does approve the variance request pertaining to the parking space, we feel given the free public parking available on the street located in front of the centre and the fact we are a drop off / pick up centre, we would be able to meet the City of Vancouver's requirement of an additional parking space to alleviate neighbour's concerns.

- *Separate outdoor play spaces for each childcare program on site*

We have onsite an available outdoor play space of 1,419 sq ft. We are also directly across the street from Douglas Park (see Fig. 8) We are also in walking distance to Heather Park (see Fig. 9) which is approximately 350m / 1150ft from our childcare facility and can be used as an alternative outdoor play space.

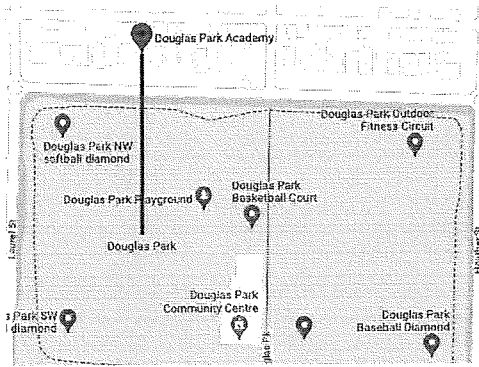


Fig. 8

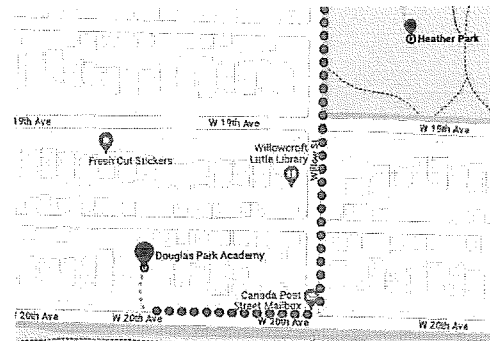


Fig. 9

2. Objections received by neighbouring property owners

In the first year of operating our childcare facility, as with any new business we had minor growing pains. We had one issue related to parking that we were made aware about. This was not a complaint from a neighbour or any of the regulating entities (City of Vancouver - Bylaw or CCFL). Rather, our teacher informed us that a new parent had parked their vehicle during pickup, which may have caused an issue in the shared laneway in the rear of the property. For context the parent that parked in a compromised manner, was new to the country and was not aware of the parking bylaws. However the same day that we became aware of the incident, we spoke with the parent privately and informed them that they cannot park in a manner that would inconvenience any of the neighbours. We also sent out a mass email as a reminder to all the parents enrolled in our centre that they are not to be parking in manner that would be disruptive to the neighbours/neighbourhood. We even took it a step further and amended our contract with the parents to state "any parents found to be causing a nuisance to the surrounding neighbouring property's, will no longer be enrolled in our centre". We also apologized to any of the surrounding neighbours if they were inconvenienced. To date we still have not received any complaints or concerns from any of the surrounding neighbours regarding our centre.

We were only made aware that the neighbouring property owners had objections to the proposed childcare centre, when we canvassed the neighbourhood after the Board of Variance appeal postcard was sent out. It was at this time we were informed that a neighbour allegedly had gone door to door spreading misinformation regarding the size of our proposed childcare centre and the disruptiveness the proposed centre would cause to the neighbourhood. To reiterate, we are not tearing down our house to create a new massive centre and we are not encouraging parents to park freely in restricted zones for residents only.

We have received an abundance of support from neighbours as well as parents in the community. The letter's of support and petition can be found in Appendix B. Many of the letters of support welcome an additional childcare centre in the area as it is much needed.

The lack of childcare centres is clearly not isolated to one specific area. Prospective government officials campaign on opening more childcare centres and making the more accessible. There are also promises of large scale

childcare facilities that often take time to plan and develop. If the board were to grant us the variance pertaining to the one required parking space, we would meet the criteria for the RS-5 zoning and be able to open our second childcare centre fairly quickly. Our proposed space would be an addition to the current childcare centre we operate without issue, in an area prime for the community. Our location between; two elementary schools (Emily Carr and Edith Cavell, two hospitals (Vancouver General and Women and Children's) and two parks (Douglas and Heather), makes our childcare centre, ideal to provide support to the mixed use community. Being central to the above mentioned locations, is ideal to reduce commutes and will hopefully help parents with their work - life balance.



May 25, 2023

**RE 845 W 20TH AVENUE, Vancouver, BC V5Z 1Y3
Development Application Number DP-2023-00084**

Please be advised that the Director of Planning has Refused DP-2023-00084 on May 24, 2023, for the following reason(s):

- Refusal 1 – Non-compliance – Regulations;
- Refusal 2 – Objections Received; objections have been received from neighbouring property owners;

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,

Justin Neal
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