

# Downtown Daycare Provisions - Amendments to Zoning Bylaw

To facilitate the expansion of child care services in the city

## Recommendation:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 1 of the February 23, 2016, Sustainable Development report CR\_2564, and return to a future City Council Public Hearing.

## Report Summary

This report presents amendments to Zoning Bylaw 12800 to strengthen the wording in Section 80 - Child Care Services, change the minimum parking requirements, and add Child Care Services as a discretionary use in additional zones.

## Previous Council/Committee Action

At the May 26, 2015, Executive Committee meeting, the following motion was passed:

That Administration provide a report outlining:

Draft amendments to the Zoning Bylaw as outlined in Attachment 6 of the May 26, 2015, Sustainable Development report CR\_1415, including specific amendments related to provision of daycares in downtown.

## Report

This report expands on the May 26, 2015, report to Executive Committee CR\_1415 - Child Care Establishments in the Downtown Area - Regulatory Barriers in Providing Child Care Services across the City. The report evaluates barriers to expanding Child Care Services in Edmonton, and proposes changes to reduce these barriers, particularly in the downtown and in industrial areas. Most of the regulations affecting child care services are the purview of the Government of Alberta (playspace requirements, staffing ratios, the cost of child care), but child care services are also affected by Zoning Bylaw 12800.

## Clarify Wording in Section 80 - Child Care Services

Development regulations for child care services are contained in Section 80 of Zoning Bylaw 12800, as is a list of information about the development that must be provided as part of a development permit application. As it is currently written, the regulations are open to different interpretations and the list of required information is not comprehensive, which can delay the issuance of a development permit. The proposed changes clarify the requirements, remove subjective wording, and align the required information listed with the checklist in the child care services permit application forms.

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This will reduce issues with incomplete applications. The Child Care Services Checklist is shown in Attachment 2.

The location criteria for Child Care Services in residential zones are proposed to be amended to clarify that only one of the location criteria must be satisfied. Also, the amended Section 80 would no longer allow midblock child care services in residential areas, as these generate a disproportionate amount of complaints from surrounding residents related to parking and traffic, loading and drop-off of children, care for more than six children, and number of non-resident employees.

Section 80 states that child care services must also be separated from hazardous uses. The proposed amendments will define which uses will be considered hazardous, and what constitutes a safe distance from these uses.

The proposed amendments will change the definition of Child Care Services to clarify that it only includes developments providing care to seven or more children. The Government of Alberta does not license group family care (dayhome) programs for six children or less, and these services are not regulated by Zoning Bylaw 12800. However, the Government of Alberta does license group family care (dayhomes) with seven to ten children.

### Parking Requirements

Currently, there are three parking regulations for Child Care Services: passenger pick-up/drop off spaces, employee parking spaces and converted residential dwelling parking spaces. Telephone surveys completed in March and August 2015 obtained data regarding the ages of the children, program type, and how employees typically travelled to work. Using this information, Administration was able to determine that over half (18 out of 32) of child care services use all of the parking required by Zoning Bylaw 12800. However, the data also showed that nearly half (14 out of 32) of the child care services have a transportation mode-share where 50 percent or more employees take public transit or an active mode (walking or biking) to work, and so many required parking spaces go unused.

This finding indicates that some areas warrant a different approach to parking requirements, and as a result, employee parking is proposed to be reduced in defined areas. A 71 percent reduction in minimum parking requirements is proposed in the Oliver neighbourhood, around Whyte Avenue, within 400 metres of an LRT Station or Transit Centre, and within 120 metres of a publicly accessible, non-accessory, structured parking lot (a parkade).

Currently, Zoning Bylaw 12800 does not differentiate between surface parking and parkades. The amendments propose splitting these two types of parking to allow for parking reductions when development occurs near parkades, as parkades provide a more permanent supply of parking than do surface lots.

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Administration is also proposing amendments to Section 80 so that the required parking spaces for employees will be based on the development's floor area ratio. This change does will not substantially alter the required parking for Child Care Services, but will make the parking calculation consistent with most other commercial uses.

The passenger pick-up/drop off spaces would remain dependent on the number of children and the ratio of stalls to children remains unchanged. However, the proposed bylaw amendments will introduce additional flexibility in how passenger pick-up/drop-off spaces are provided by allowing the use of on-street parking to satisfy some of the pickup/drop-off spaces. This approach can benefit applicants in areas where the built form constrains the ability to provide parking on-site.

Sign installation will reserve the passenger pick-up/drop-off spaces at peak times of day and will enable parking space sharing during the off-peak times. The flexibility is also improved by extending the radius where passenger pick-up/drop-off spaces can be located, from 60 metres to 100 metres from the main entrance. However, the change to the radius is accompanied by strengthened wording that requires the passenger pick-up/drop off spaces to be located as close as possible to the main entrance for the child care services operation. Where on-street parking is allowed in an area, this opens the possibility to install a loading zone on the public right of way in front of the establishment. This option would require the approval of Transportation Services, based on a review of the roadway characteristics.

The parking regulations that are currently in Section 80 are proposed to be relocated to Section 54 Schedule 1(A).

### Adding Child Care Services as a Discretionary Use in (IB) Business Industrial Zone and (IL) Light Industrial Zone

Child Care Services is proposed to be listed as a discretionary use in (IB) Business Industrial Zone and (IL) Light Industrial Zone. These zones are widely applied across the city and a significant number of Edmontonians are employed within them. Adding Child Care Services as a discretionary use in these zones will expand opportunities for employees to access child care services in close proximity to their place of work. In these zones, child care services will only be allowed in office park developments and commercial strip malls to ensure that the use is compatible with surrounding development.

### Summary

The substantive changes being recommended include:

- Reducing the employee parking requirement for child care services located in specific pedestrian oriented or transit oriented locations.
- Allowing more flexibility regarding the location of passenger pick-up/drop-off spaces.

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- Removing the requirement for child care services to be part of a separate building when it is part of a multi-tenant development; i.e. strip mall.
- Removing LRT lines and storm water management ponds from the list of potential hazardous site conditions as the risks associated with these hazards are mitigated through supervisory authority.
- Defining what would satisfy the requirement for being a safe distance from a hazardous use.
- Splitting up non-accessory parking to differentiate between surface parking and structured parking.
- Adding Child Care Services to (IB) Business Industrial and (IL) Light Industrial zones.

### Policy

The proposed bylaw amendment supports *The Way We Grow*, Edmonton's Municipal Development Plan, objectives 6.1.1: Promote the growth of office employment opportunities across the city, with the Downtown as the primary focus, and 6.5.1: Work cooperatively and in partnership with school boards, other orders of government, health institutions and educational institutions to foster the sustainable development of Edmonton.

### Corporate Outcomes

This report contributes to the Corporate Outcome "Edmontonians use facilities and services that promote healthy living" as the proposed amendments will reduce barriers to the expansion of child care services.

### Public Consultation

Administration completed a telephone survey of child care services operating in Edmonton between March 6 and March 9, 2015. The results and analysis of the survey results were included in Sustainable Development report CR\_1415 Attachment 2.

A follow-up telephone survey was completed between August and September, 2015, asking the participants about parking, how children and staff get to the facilities, and to gather ideas to improve the wording in Zoning Bylaw 12800 regulations. Participants were then sent a draft copy of the regulations for comment and feedback in November, 2015. Their feedback informed the proposed bylaw amendments.

### Attachments

1. Mark-up of Proposed Text Amendment
2. Child Care Services Checklist

### Others Reviewing this Report

- R. Smyth, Acting General Manager, Community Services
- D. Wandzura, General Manager, Transportation Services