



## The Corporation of the District of Saanich

# Report

**To:** Mayor and Council

**From:** Lindsay Chase, Director of Planning

**Date:** February 21, 2025

**Subject:** Zoning Bylaw Amendments for Child Care

**File:** 2140-50 Housing Strategy, Family-Friendly Housing

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### RECOMMENDATIONS

1. That Council give three readings to Zoning Bylaw, 2003, Amendment Bylaw, 2025, No. 10138, to amend Zoning Bylaw, 2003, to come into effect immediately, to:
  - a. Update the definition of "Daycare, Child," as seen in Attachment A, to align with Island Health, the regional child care licensing body, and the *Community Care and Assisted Living Act*.
  - b. Increase to 12 the maximum number of children permitted in home-based child care that are regulated under the Home Occupation provisions of the Zoning Bylaw, 2003, from eight children in single- and two-family dwellings and from five children in multi-family dwellings.
  - c. Remove the restriction limiting home occupation child care in multi-family dwellings to accommodate "preschool age children only" and replace with the updated definition of "Daycare, Child," as seen in Attachment A.
  - d. Amend Section 5.5 "Home Occupation Use" to exempt home-based child care operations from the following restrictions levied on home-based businesses:
    - i. Operations must not take place outdoors.
    - ii. Operations must not allocate more than 20% of total gross floor area, or 50 m<sup>2</sup> (538 ft<sup>2</sup>), whichever is less, to business use.
    - iii. Operations must not hire non-resident staff.
    - iv. Operations must not create noise.

### PURPOSE

The purpose of this Report is to propose Zoning Bylaw Amendments that would increase the number of child care spaces permitted in home-based child care operations; and exempt home-based child care providers from several restrictive regulations under the Home Occupation Use provisions, in order to support increased home-based child care opportunities. The recommended amendments increase the maximum number of children permitted from 5 in multi-unit dwellings and 8 in single- and two-family dwellings to 12 children across all zones. Additionally, the amendments update language and definitions in the Zoning Bylaw, 2003, to align with the *Community Care and Assisted Living Act* for reasons of consistency.

## BACKGROUND

In July 2024, Department of Planning staff received an inquiry from a resident who operates a child care business from their home. The child care provider expressed the desire to expand their operation in various ways including increasing the maximum number of children they accommodate, hiring additional staff, and allocating a larger proportion of their home to their child care service. Staff began identifying how home-based child care is regulated in the District of Saanich and looking for opportunities to positively expand opportunities and reduce barriers.

Subsequently, during a discussion of the Strategic Plan in a Special Council Meeting on October 21, 2024, Council passed the following motion:

“That Council request that staff report back on options to update the Zoning Bylaw to allow more child care spaces and to identify opportunities for child care spaces in Saanich-owned properties.”

This report addresses the first part of the Council motion by making recommendations with respect to zoning bylaw amendments. The remainder of the motion regarding Saanich owned properties will be addressed separately. In 2020, a Child Care Inventory and Action Plan (CCIAP) was completed by a consultant for the District of Saanich and five other municipalities in the Saanich Peninsula with funding from the Union of B.C. Municipalities. The study reported that there is a significant shortage of child care spaces in the District of Saanich, with only approximately 50% of child care needs being met.

## DISCUSSION

Child care licensing and funding is the jurisdiction of the Province of British Columbia. However, local governments play a role in child care delivery through land-use and bylaw regulations that determine the intensity, type, and location of child care facilities in communities.

Home-based child care can be an affordable way to provide child care in communities: it tends to have lower operational costs, offers more flexible pricing, and provides more personalized care that is embedded within residential neighbourhoods. Planning staff have received approximately 20 inquiries in the past six months from child care providers wishing to expand their home-based operations.

### Child Care Delivery in Saanich

Child care services in Saanich are delivered in two ways:

- 1) in a commercial or institutional setting, referred to as “centre-based child care;” or
- 2) in a provider’s own home, known as “home-based child care.”

As per the District of Saanich Zoning Bylaw, 2003, home-based child care is permitted in *all zones* and is the *only* type of child care permitted in R-zoned residential areas. Home-based child care is regulated under “Home Occupation Use” in the Zoning Bylaw, 2003, which outlines specific conditions all home-based business must satisfy in order to operate.

The Child Care Inventory and Action Plan (CCIAP) is a comprehensive report citing detailed child care data completed in 2020. The CCIAP reported that the District of Saanich faced a deficit of over 2,500 child care spaces (see Table 1). While this Plan has not been updated, anecdotally it is believed that there continues to be a considerable shortage of child care spaces in Saanich.

**Table 1: Child Care Inventory and Action Plan (2020)**

Child Care in Saanich	Type of Child Care	
	<i>Home-based</i>	<i>Centre-based</i>
Number of operators	62	108
Number of spaces provided	442	2,931
Proportion of total number of spaces	13%	87%
Total number of spaces provided across all child care types	3,373	
Total number of spaces needed	5,915	
Need gap	-2,542	

### Regulating the Number of Children in Home-based Child Care

The number of children permitted in home-based child care facilities is impacted by provincial licensing requirements and by municipal zoning regulations.

Child care operators providing care to more than two children must receive a Provincial child care license via Island Health. Provincial licensing regulates many aspects of child care operations including staffing, health and safety, and the physical care environment. While there are specific regulations pertaining to each license type, requirements applicable to all child care operations are summarized Table 2. These requirements serve to limit the number of children a provider may be able to accommodate. A provider may be issued a license type that allows up to 20 children, for example, but, due to limited space, their actual capacity may only be 12 children (see Attachment B for types of child care licenses).

**Table 2: Province of BC requirements for child care operations limiting spaces**

Usable Floor Area	Outdoor Play Area	Bathrooms	Diaper Change Station	Sleeping Area
3.7 m <sup>2</sup> per child excluding hallways, built-in storage areas, bathrooms, and fixed appliances	6 m <sup>2</sup> of enclosed outdoor play area per child	One toilet and wash basin for every 10 children or fewer (must be on the same floor)	Located outside food preparation areas, next to covered container for soiled clothing and wash basin	Located away from any activity area

The *Community Care and Assisted Living Act (CCALA)* states that local governments may not restrict child care operations to accommodate fewer than eight children. As a result, many jurisdictions automatically adopted this limit (eight) as the maximum number of children permitted in home-based child care. Some municipalities have identified higher maximums or no limit at all. As seen in Table 3, there is no standard practice among jurisdictions. Since child care shortages have become ubiquitous across BC communities in recent years, municipalities are tending to revisit their regulations as they look for ways to support child care.

**Table 3: Maximum number of children permitted in home-based child care by community**

<b>Jurisdiction</b>	<b>Maximum number of children in home-based care</b>
Victoria	No limit
Port Coquitlam	25
Nanaimo, North Vancouver	16
Maple Ridge	15
Colwood, Port Moody	10
Saanich, Langford, Kelowna, Burnaby, New Westminster, Coquitlam, Surrey, Langley	8

#### Regulating Other Aspects of Home-based Child Care through Zoning

In addition to a maximum number of children, some municipalities set other conditions for home-based child care operations, such as limiting one child care operation per property or preventing 15-child-capacity operators from being situated within 200 meters of each other. The District of Saanich has several Home Occupation regulations that impact home-based providers, including:

- Operations must not take place outdoors.
- Operations must not allocate more than 20% of total gross floor area, or 50 m<sup>2</sup> (538 ft<sup>2</sup>), whichever is less, to child care.
- Operations must not hire non-resident staff; and
- Operations must not create noise.

These regulations add unnecessary barriers and limits to home-based child care providers that should be left to the Provincial licensing and contradict requirements by the Province for healthy child care environments.

#### Proposed Changes to Increase Home-based Child Care Opportunities in Saanich

Staff have identified several Zoning Bylaw Amendments to address the community need for more child care capacity and to support the business viability of both existing and prospective home-based providers. The amendments, if approved, would:

- increase the maximum number of children permitted in a home-based child care; and
- remove unsupportive restrictive conditions.

These bylaw amendments, seen in Attachment A, could have an immediate and positive impact on home-based child care. By bringing these amendments to Council now, operators may be able to increase their child care capacity for the September admission process.

After conducting a jurisdictional review, examining provincial child care regulations, and assessing potential neighbourhood impacts, staff recommend three Zoning Bylaw Amendments which are summarized in Table 4:

- 1) Update the definition of “Daycare, Child” and use this for all references to child care in the Zoning Bylaw, 2003:

The Zoning Bylaw, 2003, currently refers to child care using several different terms, some of which are not defined. Simple housekeeping amendments are recommended to create a single definition of child care in the Zoning Bylaw, 2003, and to align the District of Saanich’s definition with that of the licensing body, Island Health. This is the approach used in other jurisdictions, such as the City of Victoria.

- 2) Increase the allowable number of children in home-based child care to 12 across all zones:

In determining a reasonable number of spaces for home-based child care, staff considered impacts of these operations to residential areas (such as drop-off/pick-up circulation, parking, noise). Staff believe that increasing the number of children from 8 to 12 in residential areas provides a positive benefit of additional child care spaces with a minimal and acceptable negative impact. This maximum number of children is subject to provincial licensing standards and will not be realized in all situations.

- 3) Exempt home-based child care operators from restricting conditions:

Conditions that restrict Home Occupations under Section 5.5 of the Zoning Bylaw, 2003, do not currently align with the unique needs of home-based child care operations and Provincial requirements. Due to the nature of child care, it is reasonable and desirable to expect a provider may need additional staff, access to outdoor spaces, and the ability allocate a larger portion of their home to child care.

**Table 4: Summary of proposed amendments to Zoning Bylaw, 2003**

Section	Amendment
Section 2 Definitions:	<b>“Daycare, Child</b> - means a facility licensed under the <i>Community Care and Assisted Living Act</i> to provide day care to children under 13 years of age.”
Section 5.5 and 5.6 Home Occupation Use	<b>Capacity</b> – Increase the maximum number of children home-based providers can accommodate from five and eight, in multi-family dwellings and single- and two-family dwellings respectively, to 12 across all residential zones.
	<b>Floor Area</b> – Remove the maximum limit of floor area that can be allocated to a child care operation
	<b>Non-Resident Staff</b> – Allow child care providers to hire non-resident workers.
	<b>Use of outdoor spaces</b> – Permit the use of outdoor space by home-based child care businesses.
	<b>Noise</b> – Exempt child cares from noise restrictions for home-based businesses

With approximately 450 home-based child care spaces provided in residential dwellings, increasing the maximum capacity to 12 children and removing other restrictions could potentially result in an additional 100 spaces. These changes represent a low-risk, incremental step to increasing child care spaces in the District of Saanich. This change is supported by the Official Community Plan (OCP) direction to expand the 15-minute community and have family-supported services close to where families live.

As part of the Housing Division’s 2025 workplan to study family-friendly support to improve housing outcomes, staff will continue to investigate opportunities to expand child care through both home-based and centre-based child care models.

### Implementation

As per the BC Building Code, home-based child care operations wishing to accommodate more than eight children will be subject to a different regulatory process than has been the case in Saanich while the limit has been eight children. Child care providers will need to meet these more complex requirements should they wish to expand their operations. This is consistent with all jurisdictions that support more than eight children in child care operations.

### **COUNCIL OPTIONS**

1. That Council approve the proposed Zoning Bylaw Amendments.
2. That Council provide alternative direction.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the adoption of the Zoning Bylaw Amendments to the District of Saanich's 2024 – 2028 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

The decision resulting from this Report aligns with the District of Saanich's 2023 – 2027 Strategic Plan objectives that support community well-being and economic development, of which child care is an essential element:

2.3 We invest in people and neighbourhoods to foster community health and a sense of belonging.

5.1 We focus on economic development to further diversity and expand our economic base which is foundational to a vibrant community.

5.2 We commit to sustainable economic development that balances economic growth with environmental protection, social equity, and quality of life for residents.

### **POLICY IMPLICATIONS**

Increasing the availability and accessibility of child care spaces in Saanich is supported by the following OCP policies:

8.4.5 – Undertake a family-friendly housing study to ensure that households with children have access to suitable housing, child care facilities, schools, parks, and other supports that make Saanich a desirable place for families to live.

14.3.5 – Support the retention and recruitment of an adequate labour pool by ensuring access to appropriate and affordable housing and other necessary support services such as child and elder care.

Child care provision directly serves housing outcomes by providing essential services near to where families live, as supported by the following Housing Strategy actions:

3.2A -- Develop tools to support family-friendly housing [...considering] guidelines for family-friendly amenities, and tools such as policies, incentives, and guidelines.

4.5A – When implementing the Housing Strategy, develop and apply an equity lens. An equity lens helps to fairly distribute housing opportunities and may include Developing a path to better address the diverse barriers, needs, and priorities of different parts of the community.

## **CONCLUSION**

To address the significant shortage of child care, proposed Zoning Bylaw Amendments would increase the number of children permitted in home-based child care from 8 to 12 in detached dwellings and from 5 to 12 children in multi-family dwellings. Amendments also exempt providers from several other restrictive Home Occupation regulations.

Staff determined that 12 children is a reasonable maximum for home-based child care as it helps to increase providers' business viability and the overall supply of child care spaces with minimal and supportable impacts within surrounding residential areas. Proposed amendments are relatively simple, low-risk and can be implemented immediately, potentially in time for the September admission process.

The increase of home-based child care capacity to 12 children is presented as an incremental step to increasing child care spaces in the District of Saanich. Staff will continue to investigate opportunities to expand child care through both home-based and centre-based child care models as part of workplans in 2025.

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Approved by: Lindsay Chase, Director of Planning

MR/kb

Attachment A: Zoning Bylaw, 2003, Amendment Bylaw, 2025, No. 10138

Attachment B: Types of Child Care Licenses in BC

## **ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer