

ITEM 7
MANAGER'S REPORT NO. 53
COUNCIL MEETING 91/09/16

TO: MUNICIPAL MANAGER 1991 SEPTEMBER 05
FROM: DIRECTOR PLANNING AND BUILDING
SUBJECT: COMMENTS ON SUBMISSION BY DELEGATION 1991 SEPTEMBER 03
CONCERNING HOLY CROSS SCHOOL, 1450 DELTA AVENUE
PURPOSE: To provide a response requested by Council to the calculations
advanced by the delegation concerning lot area and coverage.

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RECOMMENDATION:

1. THAT this report be received for information purposes.

R E P O R T

At the 1991 September 03 meeting, Council received a report (Item 15, Manager's Report No. 50), dealing with the current Preliminary Plan Application for additions and renovations to the gymnasium at the referenced property, and also heard two delegations concerning the same matter. One of the delegations made a submission concerning his interpretation of the Zoning Bylaw with respect to the minimum site area for a private elementary school in this zone. Council requested a further report in connection with that submission.

The report mentioned above, in Section 2.1, presented the calculations applicable to the property at 1450 Delta Avenue, based on the provisions of Section 505.4 of the Zoning Bylaw, which regulate lot area and width for a property in the P5 District. Section 505.4 sets out the minimum area for various uses that are permitted in that zone, as a function of the respective uses and, in certain instances, as a function of the number of persons accommodated on the lot. The information presented in the September 03 report sets out the three individual uses that are present on the Holy Cross property, and their respective requirements taking into account the number of persons capable of being accommodated in the case of the kindergarten and private elementary school categories, and indicates the minimum required site area as the sum of the individual requirements. The conclusion of this exercise is that the lot at 1450 Delta Avenue has sufficient area to satisfy the requirements provided the elementary school enrollment is under 200 pupils, and the kindergarten enrollment does not exceed 27 children. These conditions are satisfied by both the existing and the proposed development.

The method of calculation put forward by the delegation involves two notions that are not supported by the provisions of the bylaw:

1. The conversion of the increment required "for each 100 pupils" to a per capita requirement.

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Comment:

In the case of private elementary and secondary schools, the minimum site area requirements are a function of enrollment size and the unit of measurement employed is "each 100 pupils". It is noteworthy that the bylaw in these instances does not use a per individual ratio (as it does in other instances such as children's institutions, kindergartens, or patients in rest homes and private hospitals), nor does it make provision for fractional requirements (as it does, for example, in connection with other bylaw matters such as parking [Section 800.3(4)], and loading [Section 900.4 (1) (d)]). Rather it utilizes the block of 100 pupils as the unit of measurement for such institutions.

The delegation's submission treats the lot area requirement on the basis of 0.0032 hectares/student, when in fact the bylaw does not have such a requirement.

2. The mixing of the minimum lot area regulation (Section 505.4) with the lot coverage regulation (Section 505.5) to postulate a "free space/open area" requirement related to each pupil on the site.

Comment:

The submission by the delegation indicates a complicated calculation whereby the lot area requirements are multiplied by the permitted lot coverage in the zone. Lot coverage regulates the total area of land that may be covered by buildings, and as such represents a control on the horizontal extent of physical built forms a property is capable of accommodating, not a regulation of minimum lot size or the number of pupils accommodated. The combining of the two results in a confusing set of calculations that do not assist in coming to grips with the parameters that are regulated by the bylaw (lot area and lot coverage). Moreover, the calculations are flawed by using the per capita ratio discussed above.

As noted in the previous reports, the lot coverage proposed under the P.P.A. is well within the maximum permitted in this zone (19.92% versus 30%), and the lot area requirement is satisfied based on the enrollment limits outlined above.

Unfortunately, the delegation's interpretation and application of the regulations is inconsistent with the provisions of the bylaw, and cannot be justified.

This is for the information of Council.



A. L. PARR, DIRECTOR
PLANNING AND BUILDING

cc: Chief Building Inspector
Municipal Solicitor