



**Council Member Motion  
For the Committee of the Whole Meeting of November 22, 2018**

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**To:** Committee of the Whole **Date:** November 15, 2018  
**From:** Councillors Alto and Thornton-Joe  
**Subject:** Frontage Improvements at 149 Montreal Street, James Bay Child Care Society

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**Background:**

In 2014, the James Bay Child Care Society (JBCCS) began an application to expand the number of child care spaces offered at its location at 149 Montreal Street. Following the steps of a rezoning process, their application was considered at a Public Hearing on April 27, 2017, where it was approved.

Recently, JBCCS submitted its building permit package, now being ready to begin construction. Upon receipt of their documents, staff advised JBCCS that the application could not be processed until JBCCS agreed to provide frontage improvements for the property.

At various times throughout the process, JBCCS noted that, as a non-profit society and a legally registered charity building childcare places with the support of a provincial grant, it was unable to pay for frontage improvements, estimated to cost between \$40,000 and \$70,000. JBCCS continued to assert their incapacity to pay, which was repeated in correspondence included in the Council agenda when the rezoning was considered.

Most recently JBCCS engaged with staff in Transportation Planning, who continue to properly advise that there are required frontage improvements (curb, gutter and sidewalk) on the Dobinson street frontage, and curb and gutter on the laneway frontage of this property, consistent with the Subdivision and Development Servicing Bylaw.

Staff do not have authority to exempt JBCCS from the requirement for frontage improvements – to be exempted, JBCCS would require Development Variance Permit approval from Council, another costly process which is beyond the means of JBCCS.

JBCCS did not include frontage improvements in their plans. Their final approved zoning, and associated design covenant including final site plan, do not show frontage improvements.

While Council required a covenant to restrict hours of operation and limit after hours use, frontage improvements were not identified as an issue during the public hearing. (Minutes attached). There was also no formal direction from Council to vary the requirement for frontage works.

Pedestrian improvement measures are part of regular City plans and processes. These infrastructure requirements increase safety and protect facility users and neighbours when they interact with property frontage.

JBCCS has no capacity to pay for these frontage improvements. JBCCS has sought additional funding for such costs from their primary funder, the province, such request being denied. JBCCS has stated that it will not be able to proceed with providing these child care spaces should the City require JBCCS to pay for the identified frontage improvements.

Acknowledging that (1) child care remains a priority for the City, (2) frontage improvements are necessary for this property, and (3) JBCCS has no ability to pay for such improvements, the City may wish to consider undertaking the required improvements.

## **Motion(s)**

### **Option One**

That the City of Victoria undertake construction of the frontage improvements required for the rezoning application approved at 149 Montreal Street, and that the costs of such improvements be paid by the City from the remaining 2018 budget surplus, to a maximum of \$70,000.

### **Option Two**

That the City of Victoria undertake construction of the frontage improvements required for the rezoning application approved at 149 Montreal Street, subject to the JBCCS entering into an agreement to repay 50% of the costs for frontage improvements, to a maximum of \$35,000, over a period of ten years.

Respectfully submitted,



Councillor Alto



Councillor Thornton-Joe

## **Attachments**

Attachment A: April 27, 2017 Public Hearing Minutes

Attachment B: Council Report April 13, 2017

Attachment C: Council Report January 26, 2017

Attachment D Council Report October 16, 2014

Attachment E Zoning Bylaw 17-015 149 Montreal St