

4.6 Rezoning Application No. 00458 for 149 Montreal Street – Application Ready to Proceed to Public Hearing

Committee received a report that was referred by from the January 26, 2017 Council meeting to Committee of the Whole for further discussion regarding the volume of traffic that would be in the area should the proposal proceed.

Committee discussed:

- The possibility of reducing the number of children able to attend the day care.
- Ways to manage an increased amount of traffic surrounding the property.
- Ways to manage hours of operation.

Motion: It was moved by Mayor Helps, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

- a. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that the motion be amended to include the following:

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

- a. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.
- c. **That staff be directed to explore with the applicant the possibility of Section 219 Covenant to restrict the hours and days of operation from Monday to Friday 7:00 a.m. to 6:00 p.m.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

- a. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.

- b. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.
- c. That staff be directed to explore with the applicant the possibility of Section 219 Covenant to restrict the hours and days of operation from Monday to Friday 7:00 a.m. to 6:00 p.m.

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

UNFINISHED BUSINESS

3. **Rezoning Application No. 00458 for 149 Montreal Street – Application Ready to Proceed to Public Hearing**

Council received a report dated January 12, 2017 from the Director of Sustainable Planning and Community Development, providing an update on the application and recommending first and second reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1071) No. 17-015.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council give first and second reading of Zoning Regulation Bylaw Amendment (Bylaw No. 17-015) and direct staff to set a Public Hearing date for Rezoning Application No. 00458 for 149 Montreal Street.

Motion to refer:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the motion be referred back to the next Committee of the Whole meeting for clarification.

On the motion to refer:
Carried Unanimously



Council Report

For the Meeting of January 26, 2017

To: Council **Date:** January 12, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00458 for 149 Montreal Street – Application Ready to Proceed to Public Hearing

RECOMMENDATION

That Council give first and second reading of Zoning Regulation Bylaw Amendment (Bylaw No. 17-015) and direct staff to set a Public Hearing date for Rezoning Application No. 00458 for 149 Montreal Street.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that in accordance with Council's motion of October 23, 2014, the applicant has provided revised plans and has registered a Section 219 Covenant on title to secure the design of the proposed new two-storey daycare facility that will accommodate up to 32 children.

Revised Plans

In the plans submitted with their Application the applicant indicated that a playhouse and garden shed would be constructed within the rear yard of the property, however, the proposed location of these accessory buildings were not compliant with the setback requirements outlined in Schedule F (Accessory Building Regulations) of the *Zoning Regulation Bylaw*. Therefore, as required by the Council motion, revised plans dated February 17, 2015 (attached) have been submitted demonstrating that the location of the accessory buildings are consistent with the siting requirements of the *Zoning Regulation Bylaw*.

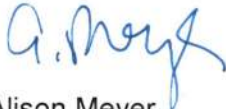
Design Covenant

The application site is located within Development Permit Area 16: General Form and Character (DPA 16) as defined in the Official Community Plan (OCP). As the proposal does not include a commercial, industrial or multi-residential component, it is exempt from Development Permit requirements; however, in this instance the applicant has designed the proposed daycare to respect the traditional residential context and has submitted detailed plans as part of the Rezoning Application. The applicant also expressed a willingness to enter into a Section 219 Covenant to secure the proposed building design and consistent with the Council motion, this Covenant (attached) has been registered on title.

CONCLUSIONS

In response to the Council motion dated October 23, 2014, the applicant has provided the required revised plans and has also registered a Section 219 Covenant on title to secure the proposed building design. The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,



Alison Meyer
Assistant Director
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:

Jan 19, 2017

List of Attachments

- PLUC Report dated October 2, 2014
- PLUC Minutes dated October 16, 2014
- Council Minutes dated October 23, 2014
- Revised plans dated February 17, 2015
- Design Covenant
- Correspondence

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Planning and Land Use Committee Report

For the meeting of October 16, 2014

To: Planning and Land Use Committee **Date:** October 2, 2014
From: Jim Handy, Senior Planner – Development Agreements
Subject: **Rezoning Application #00458 for 149 Montreal Street**
Proposed daycare accommodating up to 32 children

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 149 Montreal Street. The existing property is currently used as a daycare accommodating up to 15 children. The application proposes to replace the existing building with a new two-storey daycare facility that will accommodate up to 32 children.

The following points were considered while reviewing this proposal:

- The proposal is consistent with the *Official Community Plan (OCP)* and *James Bay Neighbourhood Plan*.
- The proposal is exempt from requiring a Development Permit, however, the applicant has submitted detailed plans demonstrating that the new building design respects the traditional residential context of the neighbourhood. The applicant has also expressed a willingness to register a Section 219 Covenant on title to secure the proposed building design.
- The application does not propose any off-street parking, however, in this instance staff recommend that Council support the proposed parking variance, because of the supporting rationale provided by the applicant and the proposed trip reduction measures.

Staff recommend that Council advance the Rezoning Application to a Public Hearing, subject to the building design being secured by way of a Section 219 Covenant and the submission of revised plans demonstrating that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*.

Recommendation

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

1. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

Respectfully submitted,


pp C.R. Wain

Jim Handy
Senior Planner – Development Agreements
Development Services Division

A. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date: October 9, 2014

JH:aw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for 149 Montreal Street.

2.0 Background

2.1 Description of Proposal

The application proposes to replace the existing building with a new two-storey daycare facility that will accommodate up to 32 children. The second storey of the building would consist of a pitched roof with shed dormers. Proposed finishing materials include cement board cladding and fibreglass shingles. External areas would be landscaped and primarily used as children's play areas.

2.1.1 Sustainability Features

The applicant has identified a number of green building features in their letter to Mayor and Council (attached) including:

- permeable paving and ground cover
- end-of-trip facilities for staff cycling to work
- low-flow plumbing fixtures and "Power-Smart" appliances specified for water and energy conservation
- windows oriented to optimize natural light.

2.2 Existing Site Development and Development Potential

The subject property is located in the R1-8 Zone, Montreal Day Care District, which allows for a single family dwelling or a daycare facility that accommodates up to 15 children.

2.3 Data Table

The following data table compares the proposal with the existing R1-8 Zone, Montreal Day Care District. An asterisk is used to identify where the proposal is less stringent than the proposed zone.

Zoning Criteria (Main Building)	Proposal	Zone Standard
Site area (m ²) – minimum	503	230
Total floor area (m ²) – maximum	300	300
Lot width (m) – minimum	16.51	7.5
Height (m) – maximum	8*	7.6
Site coverage (%) – maximum	38.2	40
Storeys – maximum	2	2

Setbacks (m) – minimum		
Front (Montreal Street)	6.95*	7.5
Rear (east)	9.41	7.62
Side (south)	1.67	1.65
Side (Dobinson Street)	1.34*	3.5
Parking – minimum	Nil*	2 (8 required for new proposal under Schedule C)
Bicycle storage – minimum	6	6
Bicycle rack – minimum	4	3
Zoning Criteria (Accessory Buildings – Playhouse & Garden Shed)	Proposal	Zone Standard
Location	Rear yard	Rear yard
Total floor area (m ²) – maximum	7.6 (Garden Shed) 3.61 (Playhouse)	37
Setbacks (m) – minimum		
Rear (east)	0.4*	0.6
Side (Dobinson Street)	0.3*	0.6
Separation space between principal building and accessory buildings (m) – minimum	2.7	2.4
Rear yard site coverage (%) – maximum	7.22	25

2.4 Land Use Context

The application site is located on the corner of Montreal Street and Dobinson Street with single-family dwellings situated immediately to the south and west. MacDonald Park is situated to the rear (east) of the property and community gardens are located to the north of the site on the opposite side of Dobinson Street.

2.5 Legal Description

Lot 1, Section 25, Beckley Farm, Victoria City, Plan 5275.

2.6 Consistency with Design Guidelines

The application site is located within Development Permit Area 16: General Form and Character (DPA 16) as defined in the *Official Community Plan* (OCP). As the proposal does not include a commercial, industrial or multi-residential component, it is exempt from Development Permit requirements. However, in this instance the applicant has gone to considerable lengths to design the proposed daycare to respect the traditional residential context and has expressed a

willingness to enter into a Section 219 Covenant to secure the proposed building design.

In light of the above, the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*, which are normally considered and applied to Development Permit Applications in DPA 16, are not applicable in this instance. However, as the applicant has confirmed that they are willing to enter into an agreement to secure the proposed design, staff have evaluated the merits of that design and consider that it is consistent with the aforementioned Design Guidelines as follows:

- the proposed building design is considered to represent a sensitive response to the traditional residential context
- a range of architectural materials and features are proposed to articulate the building facades fronting Montreal Street and Dobinson Street
- a prominent entrance feature is proposed in the form of a significant front entrance porch
- permeable paving surfaces are proposed in pedestrian areas
- areas of landscaped open space are proposed for use as outdoor play areas
- bicycle parking is provided in a prominent location adjacent to Dobinson Street.

2.7 Consistency with other City Policy

2.7.1 Official Community Plan

The *Official Community Plan* (OCP) includes policies that encourage the development of quality, accessible, affordable daycare options, including preschools. New childcare facilities are promoted throughout the City to support families and employers.

2.7.2 James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* states that amenities provided in the neighbourhood should include childcare for employees which would be accessible for residents of the community. The Plan also states that new development should respect streetscape character. The proposal directly responds to these policies by providing a daycare facility in a form that is sensitive to the traditional residential context.

2.8 Community Consultation

In accordance with the *Community Association Land Use Committee's (CALUC) Procedures for Processing Rezoning Applications*, the applicant consulted with the James Bay CALUC on August 13, 2014. A letter from the CALUC is attached.

3.0 Issues

The key issues related to this application are:

- building design
- parking
- accessory buildings.

4.0 Analysis

4.1 Building Design

As outlined in Section 2.6 of this report, the proposal is exempt from Development Permit Area requirements, however, in this instance the applicant has designed the proposed daycare to respect the traditional residential context and has submitted detailed plans as part of the Rezoning Application. The applicant has also expressed a willingness to enter into a Section 219 Covenant to secure the proposed building design.

Notwithstanding the fact that the proposal is exempt from Development Permit requirements, staff have evaluated the merits of the design and consider that it is consistent with the City's Design Guidelines normally applicable in Development Area 16.

Staff recommend that Council consider approving the application, subject to the building design being secured by a Section 219 Covenant.

4.2 Parking

The existing R1-8 Zone, Montreal Day Care District, allows for a daycare facility accommodating up to 15 children and requires that at least two parking stalls be provided on the lot. This is less stringent than Schedule C of the *Zoning Regulation Bylaw* which requires that one parking stall be provided for each full-time employee plus an additional two stalls. Based on the Schedule C calculation, the proposal should provide for eight parking stalls, however, the application does not propose any off-street parking.

The applicant has provided a detailed rationale for providing no parking which is included in their letter to Mayor and Council (attached) and can be summarized as follows:

- 63% of the daycare staff walk, bike or use the bus to get to the premises
- 48% of families walk, bike or use the bus to get to the premises
- drop-off and pick-up times are gradual and staggered between 8:00 am to 10:30 am in the morning and 3:00 pm to 5:00 pm in the afternoon
- extended daycare hours will facilitate gradual drop-off/pick-up times
- there are many locations for families to park for drop-off/pick-up, including Montreal Street, Dobinson Street, Simcoe Street and the rear lane adjacent to MacDonald Park; these parking areas are not full at pick-up/drop-off times.
- secure on-site bike and stroller parking will be provided
- end-of-trip facilities (shower and lockers) will be provided for staff
- the possibility of a 10-minute drop-off zone in front of the application site on Montreal Street will be discussed with the City's Engineering and Public Works Department at the Building Permit stage
- a parent handbook will remind families of parking options.

Given the transportation data provided by the applicant along with the suggested transportation demand management measures, staff recommend that Council support parking variance.

4.3 Accessory Buildings

The application indicates that a playhouse and garden shed will be constructed within the rear yard of the property, however, the proposed location of these accessory buildings is not compliant with the setback requirements outlined in Schedule F (Accessory Building Regulations) of the *Zoning Regulation Bylaw*. The applicant has been informed by staff that, as currently proposed, the accessory buildings would require a Development Variance Permit. In response, the applicant has indicated that they would prefer to submit revised plans demonstrating that the accessory buildings meet all the regulations of the *Zoning Regulation Bylaw* rather than submitting a Development Variance Permit Application to seek variances for very minor setbacks.

5.0 Resource Impacts

There are no resource impacts associated with this application.

6.0 Conclusions

The proposed daycare use is consistent with City policy and the proposed design represents an appropriate response to the traditional residential context. Staff recommend that Council consider approving the application, subject to the design being secured by way of a Section 219 Covenant registered on the property title and revised plans demonstrating that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*.

7.0 Recommendations

7.1 Staff Recommendation

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

3. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

7.2 Alternate Recommendation (Decline)

That Council decline Rezoning Application #00458 for 149 Montreal Street.

8.0 List of Attachments

- Zoning Map
- Aerial Photo
- Letter from applicant dated August 5, 2014
- Plans dated August 5, 2014
- Letter from James Bay Neighbourhood Association dated August 19, 2014.



MACDONALD
PARK

149 Montreal Street
Rezoning #00458
Bylaw #





149 Montreal Street
Rezoning #00458
Bylaw #



Letter to Mayor and Council (Rezoning application)

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Letter to Mayor and Council (Rezoning application)

1. SOCIETY & PROJECT OVERVIEW

The James Bay Child Care Society (JBCCS) is a non-profit organization in existence for about 40 years, and has operated the fully licensed Infant Plus Child Care Centre (jbccs.org) at its current location of 149 Montreal Street in James Bay, Victoria for more than 15 years. Currently, the JBCCS's Infant Plus toddler program supports the needs of parents for children between the ages of 18 months and three years. We have an excellent community reputation for offering a high-quality child care program in a safe and nurturing home-like facility, aligned with the social realities of our families and local community.

Our current project is to expand our program to serve older and younger children by adding a 16-child program for 3 to 5 years old and an 8-child infant program (0 to 18 months). This will result in 3 programs which each offer full-time, affordable, high-quality child care, and provide continuum of care, from birth to school age.

Approximately 75% of the costs to demolish our current space-limited house and to construct a new purpose-built building at our current location is intended to be covered by the **BC Child Care Capital Grant**, which, after more than 10 years of inactivity, has been funded, for 2014, with \$14.8 million for the creation of 1000 new licensed childcare spaces in BC. This explains the strict timelines requirements described below.

2. OPERATIONAL REQUIREMENTS & LIMITATIONS

Licensing & Regulations

As a non-profit organization, the JBCCS is bound by the Society Act of BC.

As a fully licensed childcare provider, we operate in compliance with the Ministry of Health's Child Care Licensing Regulations (Community Care and Assisted Living Act) and are subject to monitoring by our assigned licensing officer.

These regulations not only dictate operational management but also mandate building and yard design elements.

Building & Yard Licensing Requirements

- Each program must be separated (i.e. no sharing of floor or yard space between programs)
- Access to one program must not be through another program (i.e. separate entry into each program area)
- 39.8 sq. ft. (3.7 m²) per child of interior play/sleep area
NOTE: This excludes bathrooms, hallways, kitchens, cubbies/storage, stationary furniture, etc.
- 75.3 sq. ft. (7 m²) per child of fenced exterior play area
NOTE: Each program outdoor space must be separated from each other when in use and fenced

Program MINIMUM Requirements	Infant (0 to 18 mths)	Toddler (18 mths to 3 yrs)	3-5 (3 to 5 yrs)
Number of children	8	8	16
Interior play area (sq. ft.)	319	319	637
Outdoor (sq. ft.)	603	603	1205
Number of toilets	1	1	2
Change tables	Yes	Yes	Yes
Staff	2	2	2

Letter to Mayor and Council (Rezoning application)

Affordability

With the cost of living continuously increasing and parents needing to turn more and more towards supplemental or two-family incomes models, we insist that maintaining the lowest possible parent fees is critical. We have reviewed the current statistics for group childcare facility fees in the region and strive to either maintain or lower our current parent fees.

In addition, our centre is open to all children (including those on subsidy, children requiring extra support, etc.) and, with this expansion, we will be in a position to offer reduced fees to either all families and/or reduced fees/free spaces to families in need.

Timelines

We appreciate the City of Victoria and the JBNA willingness to expedite our rezoning application since, to meet the BC ChildCare Capital Grant, we are bound to very aggressive timelines.

We have a very dedicated group of volunteer community members working hard to realize our expansion project while taking advantage of this unique Provincial support opportunity; working with architects, potential builders and contractors, licensing officers, neighbours, etc., so we are ready to move ahead on this project within the timeline set forth by the Capital grant which are to start the project within 4 months of grant receipt (expected end August 2014).

Business Continuity

In order not only to offer new much needed childcare spaces in the city but also to simply maintain our current offering, we financially need to expand our programs to ensure the survival of our centre. This is the reality of all centres offering spaces for children 0 to 3 years old with the exception of one, Victoria Children's Centre (0 to 20 months only), which has no overhead / rent costs, being located in a government building.

3. DESCRIPTION OF PROPOSAL

Our property currently has R1-8 zoning (Montreal Day Care District), a bylaw specific to our parcel, which is a simple residential R1-B zone with the additional permitted use of "a day care that accommodates not more than 15 children."

PART 1.61 - R1-8 ZONE, MONTREAL DAY CARE DISTRICT

Uses	1	The only uses permitted in this Zone are
		(a) all of the uses permitted in the R1-B Zone, Single Family Dwelling District;
		(b) a day care that accommodates not more than 15 children.
Parking	2	There must be at least 2 parking spaces on each lot.
General	3	Except as provided in this Part, the regulations applicable in the R1-B Zone, Single Family Dwelling District apply in this Zone.

We are not requesting any changes to the land use, type of tenure or number of dwelling units.

Letter to Mayor and Council (Rezoning application)

The only 2 changes we are requesting, in addition to any points the City may need to modify, are:

- The removal of "...that accommodates not more than 15 children."
- The removal of the parking requirement so we can meet licensing yard size requirements (see transportation, section 11 below)

Based on:

- our needs
- the fact that VIHA licensing regulates the number of children allowed in a daycare facility
- a review of other similar daycares zoning

Group Childcare	Address	# Parking Spaces	Comment	Zoning (VicMap)
Castleview Child Care Centre	1075 Joan Crs	0	3 minutes drop-off zone	R-1A
Christ Church Cathedral Childcare	520 Niagara	≈ 5	Old church building	R-2
Little Hands Child Care	1303 Fairfield Rd	0		R-1B
Springridge	1222 Gladstone Ave	0		R-2
Rainbow Express	433 Kingston	0		R-2
ABC Infant & Toddler	2700 Scott St	0	(zero required by zoning)	R1-SDC
Fernwood NRG	1240 Gladstone Ave	0		R-2
Carousel Child Care Centre	301 Richmond Ave	0	(zero required by zoning)	R1-DC

We would prefer if the wording of our new zoning did not contain any number of children, like, for example, the R1-DC zoning bylaw:

PART 1.8 – R1-DC ZONE SINGLE FAMILY DWELLING (DAY CARE)/PARKING BONUS) DISTRICT

Permitted Uses

1. The following uses are permitted
 - (a) all uses permitted in the R1-B Zone, Single Family Dwelling District, subject to all the regulations applicable to that zone;
 - (b) day care facilities in any building.

Special Parking Exemption

2. No off-street parking facilities are required in this zone for a day care use.

We understand that the City can perform the three mandatory readings as well as the adoption of a zoning bylaw change in one single meeting (as it has done in the past), and we would greatly appreciate your support in facilitating this for our application.

Letter to Mayor and Council (Rezoning application)

4. GOVERNMENT POLICIES

Our project conforms to the current City of Victoria OCP (page 109):

- Section 15.8 Encourage the development of quality, accessible, affordable daycare, including preschool, out-of-school care and elder daycare spaces, to support families and employers by:
 - o 15.8.1 Considering the provision of non-profit daycare space as an amenity in new residential, mixed-use and commercial developments to be secured through agreement; and,
 - o 15.8.2 Encouraging new childcare and elder daycare spaces throughout the city.

No change to the Official Community Plan is requested.

5. PROJECT BENEFITS & AMENITIES

Please refer to need and demand, section 6 below.

6. NEED & DEMAND

Community Need

Victoria has a tremendous need for new childcare spaces. The most recent data from the CRD indicates the enormous gap between available childcare and parental demand for it. We see this as not merely an abstract public policy issue but as a stressful reality for families, including those whose children graduate from our existing toddler program without a clear path onward to other 3-5 programs. The continual long waitlists at our program and other local group daycares, as demonstrated in the table below, clearly reflect an unmet need in our community.

Child Care Centre	# spaces for 0-3 years old	# unique family on waitlist
VCC	12	45
Springridge	8	54
Cridge	24	65
Infant Plus	8	48
ABC Infant	8	50
ABC Toddler	12	40
Freedom	12	200

Our rationale for seeking to offer childcare for children in these expanded age ranges is well founded in terms of our social values and the community's practical needs. The best recent research into out-of-home child care indicates the importance of providing continuity of care - that is, creating a consistent developmental environment and progressive program for children from birth to school age.

Rationale For Rezoning & For A Purpose-Built Building

We have looked at many different options: "Selling and Buying a new house", "Selling and Renting a house", "Rebuilding on current owned land", etc., and have come to the conclusion that, with the support from the provincial Capital Grant funds, the best option is to demolish our current building and to construct a purpose-built new house.

Letter to Mayor and Council (Rezoning application)

The main points leading to this conclusion are:

- Square footage required by licensing has increased over the years and the need to have each program separated makes finding a suitable space very difficult. For example a single floor of 1200 sq. ft. may result, once the kitchen, bathrooms, storage, hallways and entrance areas are excluded, in less than the 637 sq. ft. required for our planned 3-5 program.
- Yard footage required by licensing has increased over the years and the need to have each program's yard separated makes finding a house with a suitable yard with 3 fence-able areas very difficult.
- Relatively few houses are for sale or rent in our community, and even fewer are suitable in size/yard.
- High sale / rental prices of houses in the target neighborhoods of James Bay or South Fairfield.
- Financing our expansion as a non-profit organization with the current limited program.
- Landlords' reluctance to rent for childcare purposes.
- Zoning requirements for more than 8 children would mean a rezoning application wherever we rent, buy or rebuilt.

Thus, in order to continue serving our local community, this option of rebuilding / rezoning our current site appeared to be the only one, rather than having to move our daycare outside of the City of Victoria boundaries.

Neighborhood Support

In preparation for the JBNA meeting, we have individually approached our neighbours and explained our expansion plans. The vast majority of our neighbours have confirmed their support to our expansion plans as demonstrated in the letter of support found in Appendix A: Neighbours Signed Letter Of Support.

7. NEIGHBOURHOOD

The daycare site is located in a stable neighbourhood mainly comprised of residential properties mixed with public and commercial amenities (MacDonald Park, Todd Park, the James Bay Allotment Garden and the James Bay Athletic Association). Most of the surrounding buildings are one and two storey houses. Accordingly, the proposal has been designed to the same scale and will have a domestic rather than institutional or commercial appearance. The proposed form is a single storey ground level with the second level as a floor contained within a hipped roof with shed dormers. The two entrances to the building are via a main front porch (Montreal Street) and a side porch (Dobinson). These architectural elements, in addition to the scale and materiality, strengthen the new building's relationship to traditional houses in this James Bay neighbourhood.

The project site is at the end of a block that has no similar buildings behind it and only one side neighbour. The other three sides of the lot are bounded by two local roads and a rear service lane.

8. IMPACTS

The two sites most impacted by the new daycare house are the Allotment Gardens and the neighbouring house at 145 Montreal Street. Shadow studies have been done to ensure that the building will not shadow either of these properties (See Appendix C: Shadow Study). It is our opinion that the addition of a building entrance on Dobinson will improve overlook of the Allotment Gardens and thereby have a positive result on both the animation of the area and security.

Letter to Mayor and Council (Rezoning application)

For the neighbouring house, the project has been designed to mitigate negative impacts as much as possible. Careful attention has been paid to maintaining privacy between the properties: the proposed side yard setback complies with the existing zone, a new six foot tall fence will be built along the property line, existing trees to the south edge of the site will be retained, and windows on the south facade have been placed and sized so that the daycare will not overlook the neighbouring outdoor spaces nor align directly with the neighbour's windows. The potentially louder groups of children have been allocated play areas as far away from the neighbouring house as the site permits; the toddler play area is at the north side of the front yard, while the 3-5 year olds play area is in the rear yard, adjacent to the neighbour's back yard garage.

It is our opinion that the proposal will be a charming and welcome addition and will enhance the neighbourhood through its architecture and site treatments.

9. DESIGN & DEVELOPMENT PERMIT GUIDELINES

In keeping with the James Bay Neighbourhood Plan, the proposed building is compatible in form and scale with the surrounding residential properties.

10. SAFETY & SECURITY

The outdoor areas surrounding the building will be well defined by fencing and paving, and will be animated by and have positive overlook from the daycare. Lighting, entrances and windows will work together to provide natural surveillance of these areas, without disturbing the residents at 145 Montreal Street. Site lines through the yards will not be obscured by plantings or fences; the taller fences at the side and rear yards will be secure yet detailed to allow views through this boundary. The building, fences, lighting and landscaping will be maintained to a high standard to preserve the dignity of the facility and ensure continued adherence to CPTED principles.

11. TRANSPORTATION

Our project does not meet the vehicle parking standards of Schedule C which, with 6 FTE, would require us to have 8 off-street parking spaces, which is physically impossible and would not allow us to continue with our project. In order to better understand our situation and to mitigate the lack of off-street parking on the property, you will find below our historical data and mitigation commitments. We have also met with Steve Hutchison (AScT, Transportation Planner, Engineering and Public Works Department, City of Victoria), and the information below includes the content of this meeting.

Historical & Current Transportation Data

Last 5 Years

- Families - use vehicles to drop off / pick up ≈ 52% (20.5 families out of 39)
- Families - walk or bike to drop off / pick up ≈ 48% (18.5 families out of 39)
- Staff - use vehicles < 37% (1 out of 2.7 FTE)
- Staff - walk or bike or bus > 63% (1.7 out of 2.7 FTE)

Drop Off Times

- Gradual, on average no more than 2 people drop off at the exact same time
- Staggered between 08:00 to 10:30
- Example sign-in/sign-out sheets are attached in Appendix B as supporting documentation

Letter to Mayor and Council (Rezoning application)

Pick-Up Times

- Gradual, on average less than half pick-up at closing time
(with extended hours to 17:30 in our new programs, this, according to experience, will be even less)
- Staggered between 15:00 to 17:00
- Example sign-in/sign-out sheets are attached in Appendix B as supporting documentation

Neighbouring Parking



City parking on Simcoe (corner of our rear lane):

- 46 spaces
- Never full during our drop-off and pick-up times
- Busiest time of this parking is during sporting events in Macdonald park, which is not effecting our drop-off and pick-up times

City parking in rear lane:

- 4 spaces
- Never full during our drop-off and pick-up times
- Busiest time of this parking is during sporting events in Macdonald park, which is not effecting our drop-off and pick-up times

In addition, we would like to point out that no other similar daycare in the City of Victoria has off-street parking, as shown in the table below.

Parking Requirements For Other Group Childcare Centres In Victoria

Group Childcare	Address	# Children	# Parking Spaces	Comment	Zoning (VicMap)
Castleview Child Care Centre	1075 Joan Crs	40	0	3 minutes drop-off zone	R-1A
Christ Church Cathedral Childcare	520 Niagara	32	≈ 5	Old church building	R-2
Little Hands Child Care	1303 Fairfield Rd	22	0		R-1B
Springridge	1222 Gladstone Ave		0		R-2
Rainbow Express	433 Kingston	32	0		R-2
Victoria Children's Centre	1515 Blanshard St	12	0	(in government building)	CA-4
Freedom ChildCare Centre	749 View St	42	0	(in commercial building)	CA-4
Cridge Child Care Services	1307 Hillside Ave	189	yes	Part of "Cridge Centre for the Family" Complex	R1-26 : Cridge Centre District
ABC Infant & Toddler	2700 Scott St	unk	0	(zero required by zoning)	R1-SDC
Fernwood NRG	1240 Gladstone Ave	unk	0		R-2
Carousel Child Care Centre	301 Richmond Ave	25	0	(zero required by zoning)	R1-DC

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Parking Mitigation Proposal

For Families

- secure onsite bike parking
- secure onsite stroller parking
- 10 minutes Drop Off Zone
(to be discussed with the Transportation Department at the Building Permit stage)
- extended hours will facilitate gradual pick-up time
- parent handbook can promote / remind families of these options

For Staff

- end of trip facilities: shower and lockers
- secure onsite designated bike parking
- possibility to contribute some assistance towards a bus pass if staff requires it

Frontage Upgrade Request from Transportation Planner - Engineering and Public Works

- Curb and gutter on the Dobinson Street frontage.
- Curb and gutter on the rear lane.
- A sidewalk on the Dobinson Street frontage.

Frontage Upgrade Mitigation Proposal

As we are a non-profit organization, the potential costs associated with these requests are prohibitive from creating new childcare spaces. Our project is highly funded by the Provincial Child Care Capital Grant and the amount that we may be allocated would not allow us to have these additional expenses.

We proposed the following as mitigation actions:

- Parents and staff handbook policy (which is signed by each family and staff) to:
 - Stipulate that no daycare parking is allowed on the Dobinson St. grass boulevard
 - Direct parents to use designated drop off zone or surrounding public parking if using a vehicle
 - Remind parents to use actual sidewalks along Simcoe and Montreal Street to ensure the safety of their children
- It is our observation that during our business hours, Dobinson street is barely used. In fact, we have noted that it is hardly used at all during winter months and less than 2 to 5 cars per day during the gardening seasons.

Thus, under our circumstances, we are unable to meet these requests to build curbs, gutters and a sidewalk on a barely used street lane and the rear lane and hope that the rationale given above is sufficient for the Council to continue supporting our application.

12. HERITAGE

N/A: Our property has no heritage status and no heritage buildings are impacted by our development.

Letter to Mayor and Council (Rezoning application)

13. GREEN BUILDING FEATURES

The Infant and Toddler Daycare's mission is 'to seek to cultivate positive human values of compassion, reverence for life, respect, cooperation, love of nature and social conscience', and their new facility will embody this philosophy.

In addition to being efficiently tailored to the functional space program, the new daycare house has been kept to a compact form with the smallest practical footprint, in order to economize the structure, minimize resources required for construction, and preserve as much open site space as possible. Site permeability has been maximized through the disposition of permeable paving and ground cover over the majority of the open site space.

The proposed daycare house is located in a neighbourhood with a demonstrated need for daycare services, and it is anticipated that many of the children will live in or near the neighbourhood and continue to arrive by stroller and bicycle. Alternative transportation will be encouraged by ample allocation of space for bicycles and strollers on site, as well as staff end-of-trip facilities.

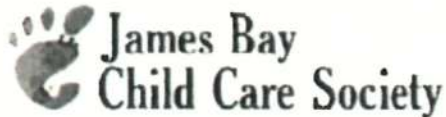
Low-flow plumbing fixtures and 'Power-Smart' appliances will be specified for water and energy conservation. The building structure and envelope will meet all current energy and building codes and will be well detailed and insulated to reduce energy demands. Windows have been designed to optimize natural light to the interiors, frame views of the trees and surrounding streets and provide ventilation.

14. INFRASTRUCTURE

Sewer and water infrastructure would need to be upgraded to meet our new building. We are aware of this need and have budgeted accordingly.

Letter to Mayor and Council (Rezoning application)

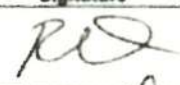

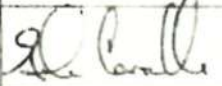





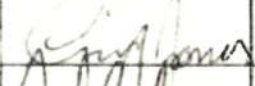

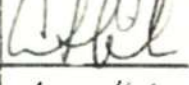





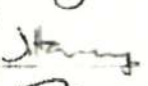



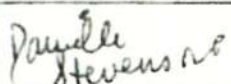

APPENDIX A: NEIGHBOURS SIGNED LETTER OF SUPPORT



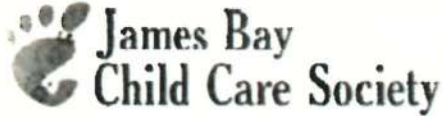
Infant Plus Daycare Centre
149 Montreal Street
Victoria, BC, V8V 1Y8
Phone: (250) 388-9144
infantplus@shaw.ca

Support from Neighbors of 149 Montreal Street, James Bay

My signature below affirms that I am a resident of the James Bay neighborhood and that I have been advised of the expansion plans of the James Bay Child Care Society's Infant Plus Child Care Centre. I understand the urgent need for additional childcare spaces in Victoria and support the JBCCS expansion plan to open up such spaces by replacing their existing, insufficient building with a new house for this purpose.

Name	Signature	Address	Phone
Rosalie Chantard-Rodrigue		327 Simcoe St	
Graham Carrothers		327 Simcoe St	
Alanna Dixon		21-130 Dumas Rd.	
Helen Arsen		216 Simcoe St	
CINOT JONES		214 Simcoe St	
Andrew Whidden		201 MONTREAL ST	
Amy Hartmann		203 B Montreal St.	
Gina Chumick		201B Montreal St	
Sarah Houry		163 Montreal	
MATT BRUECK		150 MONTREAL ST.	
Danielle Stevenson		128 Montreal	



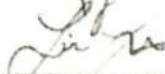

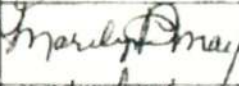

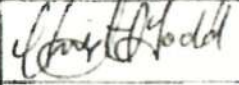
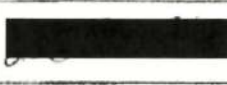
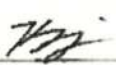

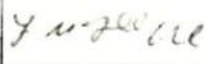

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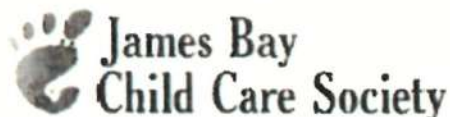
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Name	Signature	Address	Phone
STACY Jensen		152 Ladysmith St	
LISA Smith		140 Ladysmith St	
Marilyn May		126 Ladysmith St	
Christel Todd		131 Ladysmith St	
Keith Turpin		3-147 Niagara	
MATTHIAS HERBORN		5-444 McHill St	



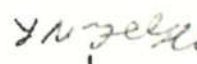

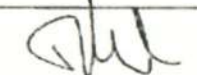






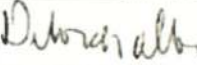




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Name	Signature	Address	Phone
LUCIE Hannah		5-444 Michigan St. Victoria, V8V1R5	
MATTHIAS HERBOLD		5-444 MICHIGAN VICTORIA, V8V1R5	
JAMES MORTIMER		135 B Kington ST. VICTORIA	
Sarah Duckas		135B Kington St Victoria	
James Mortimer		135B Kington St	
Alan Mortimer		135B Kington St	
Debra Albert		4-444 Michigan Victoria, V8V1R5	250 
DYLAN HERBOLD		5-444 MICHIGAN VICTORIA	
MAYA HERBOLD		5-444 MICHIGAN VICTORIA	



James Bay Child Care Society

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Letter to Mayor and Council (Rezoning application)

APPENDIX B: EXAMPLE OF SIGN-IN / SIGN-OUT SHEETS

Infant Plus Daycare Centre
Sign-in Sheet

Date	Child's Name	Time Awake	Last Fed	Last Change	Comments	Time In	Time Out	Initials	Drop-off
Dec 18 2013	Gemma	5:30	6:45	5:38		8:40	5:15		Drive
	Gemma	7:00	7:15	7:30	sleepy	8:15	4:30		walk
	Morgan	5:50	7:30	7:00	distressed, sensitive	8:30	10:30		Drive
	Aria	7:15	8:00	7:00		9:30	4:30		bike
	Talia	6:30	8:00	—	rough night	9:15	2:55		walk
	Gemma	7:10	7:15	7:15		8:15	16:30		walk
	Morgan	6:35	7:00	6:45		8:20	4:50		Drive
	Oscar	6:20	6:45	6:40	2 changed OPRs	8:23	4:15		Drive
	Sara	5:20	7:15	6:30	bike, sensitive	8:25	4:45		Drive
	Aria	6:05	7:00	6:00	bad night!	4:00	4:45		walk
	Talia	7:40	8:30	8:40		9:00	4:20		walk
	Morgan	7:30	8:30	8:00		10:20	4:00		Drive
	Morgan	6:30	6:45	7:00		8:07	4:25		Drive
	Morgan	5:50	7:00	6:30		8:20	4:20		Drive
	Morgan	6:15	6:45	6:00		8:43	4:34		Drive
	Sara	6:30	7:00	7:30		9:40	16:30		bike
	Sara	6:50	7:00	7:00		9:40	4:50		walk
	Gemma	7:00	7:00	7:50	Cough	11:30	7:27		Drive
	Morgan	6:50	7:10	7:50	Runs nose, cough	8:47	7:27		walk
	Morgan	6:50	7:10	7:50		9:15	3:15		walk
	Aria	6:10	6:30	9:10		9:40	16:10		walk
	Talia	6:30	6:45	—		11:30	4:40		walk
	Aria	6:00	6:45	9:50		9:03	4:00		Drive
	Morgan	6:30	6:45	8:10		9:10	4:20		Drive
	Talia	6:30	7:30	7:15	runny nose	7:15	4:50		Drive
	Sara	6:30	7:00	—		7:25	3:30		walk
	Morgan	6:30	6:45	7:22		8:07	4:17		Drive
	Morgan	7:45	9:00	9:30		8:47	4:35		walk
	Sara	6:30	8:00	—		7:30	4:00		walk
	Morgan	7:30	7:40	8:30		9:37	4:40		Drive
	Morgan	6:45	8:00	8:45		9:55	4:20		Drive
	Talia	8:30	9:00	—		11:00	4:45		walk



Infant Plus Daycare Centre
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Date	Child's Name	Time Awake	Last Fed	Last Change	Comments	Time In	Time Out	Initials	Drive
Nov 20	Scan	6:45	7:30	7:00		7:08	4:45	HA	walk
Nov 20	Amelia	6:30	7:30	7:45		8:10	9:45	CA	walk
	Gabrielle	7:05	7:40	7:10		8:18	9:50	HA	drive
	Morgan	6:45	7:15	7:00		8:25			walk
	Sara	6:30	7:00			8:00			drive
	Julia	7:00	8:00			8:00	4:15	HA	drive
	Amelia	6:15	7:00	8:45		8:30	3:30	HA	drive
Nov 21	Scan	7:05	7:50	7:15		8:15	4:15	HA	walk
Nov 21	Gabrielle	5:50	7:20	7:00		8:17	4:50	HA	drive
	Morgan	6:40	7:30	7:30		8:45	4:45	HA	drive
	Amelia	6:45	7:15	7:30		8:45	4:40	AD	walk
	Julia	7:30	8:00	8:00		9:30	4:00	HA	drive
	Sara	6:30	7:30	7:00		8:00	4:30	HA	walk
Nov 22	Scan	6:30	7:00	7:15		8:05	4:50	HA	drive
	Gabrielle	6:45	7:00	7:30		8:45	4:45	HA	drive
	Amelia	7:00	7:20	8:00		8:30	16:10	CA	walk
	Julia	5:50	7:20	7:00		8:00	8:50	HA	drive
	Sara	6:30	7:30	7:00		8:15	4:30	HA	walk
	Julia	7:00	7:45	7:20		8:45	4:45	HA	walk
Nov 25	Gabrielle	7:05	7:40	7:15		8:00	4:45	HA	walk
	Scan	6:20	7:00	7:30		8:25	16:05	CA	drive
	Amelia	7:00	7:40	7:20		8:30	5:00	HA	drive
	Julia	6:30	7:10	7:30		8:40	3:25	HA	walk
	Morgan	6:45	7:20	8:15		8:00	4:15	HA	drive
	Julia	6:15	7:30	7:00		8:10	4:45	HA	walk
Nov 26	Scan	6:10	7:00	7:00		8:05	4:05	HA	walk
	Amelia	6:50	7:30	7:15		8:22	4:40	HA	drive
	Gabrielle	7:05	7:40	7:20		8:05	4:45	HA	walk
	Morgan	6:45	7:10	7:30		8:05	4:45	HA	drive
	Julia	6:30	7:30	7:00		8:05	4:45	HA	walk



Letter to Mayor and Council (Rezoning application)

[illegible]



Letter to Mayor and Council (Rezoning application)

Infant Plus Daycare Centre
Sign in Sheet

Date	Child's Name	Time Awake	Last Fed	Last Changed	Comments	Time In	Time Out	Initials	
23 May	Morgan	6:45	7:15	7:30		8:10	4:50	JJ	one
	OSCAR	6:30	7:00	7:15		8:10	4:30	AD	one
	Ayla	6:45	7:15	7:30		8:14	4:45	AD	one
	Gabrielle	7:10	7:40	7:55		8:16	5:00	mom	one
	Morgan	7:00	7:30	7:45		8:26	4:50	mom	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Sara	6:45	7:15	7:30		8:14	4:50	AD	one
26 May	Morgan	6:45	7:15	7:30		8:10	4:50	AD	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Gabrielle	7:10	7:40	7:55		8:16	5:00	mom	one
	Morgan	7:00	7:30	7:45		8:26	4:50	mom	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Sara	6:45	7:15	7:30		8:14	4:50	AD	one
27 May	Morgan	6:45	7:15	7:30		8:10	4:50	AD	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Gabrielle	7:10	7:40	7:55		8:16	5:00	mom	one
	Morgan	7:00	7:30	7:45		8:26	4:50	mom	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Sara	6:45	7:15	7:30		8:14	4:50	AD	one
28 May	Morgan	6:45	7:15	7:30		8:10	4:50	AD	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Gabrielle	7:10	7:40	7:55		8:16	5:00	mom	one
	Morgan	7:00	7:30	7:45		8:26	4:50	mom	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Sara	6:45	7:15	7:30		8:14	4:50	AD	one
29 May	Morgan	6:45	7:15	7:30		8:10	4:50	AD	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Gabrielle	7:10	7:40	7:55		8:16	5:00	mom	one
	Morgan	7:00	7:30	7:45		8:26	4:50	mom	one
	OSCAR	6:30	7:00	7:15		8:10	4:50	AD	one
	Sara	6:45	7:15	7:30		8:14	4:50	AD	one



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Letter to Mayor and Council (Rezoning application)

**Infant Plus Daycare Centre
Sign-in Sheet**

Date	Child's Name	Time Awake	Last Fed	Last Change	Comments	Time In	Time Out	Initials
Mar 24 2014	Isaac	6:10	8:40	6:15		8:08	4:52	B.F.
	Gabrielle	7:00	7:40	7:10		8:19	4:40	RK
	Maria	6:30	7:15	7:30		8:30	4:40	W.C.
	Morgan	6:30	7:00	7:20		8:34	4:44	W.C.
	Ayala	7:30	8:00	8:30		8:45	4:40	W.C.
	Sara	6	7	-		9	4:2	W.C.
	Tulip	6:15	8:00	7:30		9:10	3:30	W.C.
	Tulip	7:30	8:00	8:15		9:10	3:45	W.C.
Mar 25 2014	Gabrielle	7:05	7:30	6:30		8:02	4:42	W.C.
	Maria	6:10	7:15	6:30		8:10	4:15	W.C.
	Morgan	6:00	6:40	6:45		8:17	4:35	W.C.
	Ayala	7:00	7:30	7:50		8:18	4:35	W.C.
	Morgan	6:30	7:00	7:30		8:40	4:35	W.C.
	Sara	5:30	7	-		9:10	3:30	W.C.
Mar 26 2014	Tulip	7:30	8:30	9:00		9:10	3:40	W.C.
	Maria	6:10	7:40	7:30		8:04	4:48	W.C.
	Gabrielle	6:50	6:40	6:30		8:11	4:55	W.C.
	Ayala	7:10	7:40	7:15		8:16	4:50	W.C.
	Morgan	7:00	8:00	8:15		8:30	4:45	W.C.
	Sara	6:30	7:00	7:30		8:37	4:30	W.C.
	Tulip	5:30	7	-		9	4:30	W.C.
Mar 27 2014	Tulip	7:30	8:30	9:00		9:30	4:15	W.C.
	Maria	6:00	6:40	6:30		8:08	4:41	W.C.
	Gabrielle	7:00	7:45	7:10		8:19	4:42	W.C.
	Ayala	6:00	7:30	7:43		8:20	4:10	W.C.
	Morgan	7:00	7:30	8:00		8:25	4:47	W.C.
	Sara	6:30	7:00	7:30		8:40	4:40	W.C.
	Ayala	5:30	7	-		9	4:30	W.C.
	Morgan	6:30	8:00	7:45	a little cuddly this week	9:00		W.C.



Letter to Mayor and Council (Rezoning application)

Infant Plus Daycare Centre
Sign-in Sheet

Date	Child's Name	Time Awake	Last Fed	Last Change	Comments	Time In	Time Out	Initials	
Apr 22 2014	OSCAR	7:00	7:30	7:00		8:27	4:52	BT	one
	Gabrielle	7:10	7:30	7:30		8:18	5:00		walk
	Maya	7:30	7:30	8:00		8:19	4:37	CD	walk
	Morgan	6:30	7:00	7:30		8:20	4:42	me	one
	Maya	6:30	7:30	7:45		8:28	4:30	mom	one
	SARA	6:30	7:30	7:45		9	4:10	Dad	one
	Twilio	7:00	8:00	8:30		9	4	Dad	one
Apr 23 2014	MAIA	5:45	7:00	7:15		8:09	4:38	mom	one
	Gabrielle	7:05	7:45	7:10		8:15	4:58	me	walk
	OSCAR	6:20	7:00	7:20		8:16	4:16	me	one
	Maya	7:45	8:25	8:15		8:48	4:56	me	walk
	SARA	6	7	7		9	4:20	Dad	walk
	Twilio	7:00	8:00	8:45		9:30	4:10	me	one
	Morgan	6:30	7:00	7:30		10:17	4:54	me	one
Apr 24 2014	Gabrielle	6:00	7:00	7:30		9:12	4:53	me	one
	Maya	7:00	7:40	7:55		9:17	4:50	me	walk
	OSCAR	6:20	7:20	7:00		9:20	4:30	me	one
	Morgan	6:00	7:30	7:30		9:32	3:48	me	one
	Maya	6:30	7:00	7:30		9:39	4:57	me	one
	SARA	7:20	8:10	8:25		9:43	4:26	me	walk
	Twilio	6	7	7		9	4:45	mom	one
Apr 25 2014	MAIA	6:07	7:30	7:00		9:30	4:30	me	walk
	Gabrielle	6:00	7:00	6:45		9:19	4:55	me	walk
	Morgan	7:00	7:45	7:15		9:16	4:27	me	walk
	OSCAR	6:45	7:10	7:10		9:31	4:54	me	walk
	Twilio	6	7	7		9:05	4	me	one
	Maya	7:15	8:30	9:00	Ruany nose	9:05	4:00	me	walk
	Gabrielle	7:40	8:15	8:50		9:07	4:32	me	one
Apr 26 2014	OSCAR	6:15	7:00	6:15		9:05	4:32	me	one
	Maya	5:45	7:00	7:30		9:05	4:32	me	one
	Gabrielle	6:00	7:00	7:40		9:05	4:32	me	one
	Twilio	6:50	7:40	7:10		9:19	4:33	me	one
	OSCAR	6:30	7:45	7:30		9:20	4:30	me	one
	Twilio	6:15	8:00	7:30		9:20	4:30	me	one

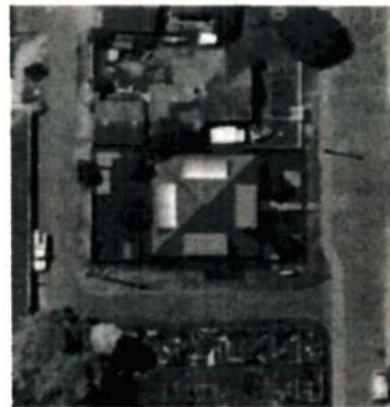
Letter to Mayor and Council (Rezoning application)

APPENDIX C: SHADOW STUDY

DAMBROSIO ARCHITECTS • DESIGN			PROJECT NO. _____ PROJECT NAME _____ PROJECT ADDRESS _____ PROJECT CITY _____ PROJECT STATE _____ PROJECT ZIP _____ PROJECT PHONE _____ PROJECT FAX _____ PROJECT EMAIL _____ PROJECT WEBSITE _____ PROJECT DESCRIPTION _____ PROJECT STATUS _____ PROJECT DATE _____ PROJECT BY _____ PROJECT FOR _____ PROJECT OF _____ PROJECT TO _____ PROJECT FROM _____ PROJECT WITH _____ PROJECT WITHOUT _____ PROJECT BY _____ PROJECT FOR _____ PROJECT OF _____ PROJECT TO _____ PROJECT FROM _____ PROJECT WITH _____ PROJECT WITHOUT _____	
			PROJECT NO. _____ PROJECT NAME _____ PROJECT ADDRESS _____ PROJECT CITY _____ PROJECT STATE _____ PROJECT ZIP _____ PROJECT PHONE _____ PROJECT FAX _____ PROJECT EMAIL _____ PROJECT WEBSITE _____ PROJECT DESCRIPTION _____ PROJECT STATUS _____ PROJECT DATE _____ PROJECT BY _____ PROJECT FOR _____ PROJECT OF _____ PROJECT TO _____ PROJECT FROM _____ PROJECT WITH _____ PROJECT WITHOUT _____	



Aerial View of Damrosio Day (1/10/01)



Aerial View of Damrosio Day (1/10/01)



Aerial View of Damrosio Day (1/10/01)



Contacts

Registered Owner

James Bay Child Care Society
149 Montreal Street
Victoria, BC
V8B 1Y8

Phone: 250-384-2400
Fax: 250-384-7893

Architect

D'Ambrosio Construction & Design
2860 Julian Road
Victoria, BC
V8T 4G2

Phone: 250-384-2400
Fax: 250-384-7893

List of Drawings

Architectural

- A01: Cover Sheet
- A11: Site Location & Neighbourhood Map
- A21: Floor Plans & Site & Landscaping Plan
- A31: Floor Plans & Elevation
- A41: Building Foundation & Section

James Bay Child Care Society
149 Montreal Street
Victoria, BC

Rezoning Application

D'AMBROSIO 1414
MULTIMEDIA CONSULTING

2860 Julian Road
Victoria BC Canada V8T5K2
Tel: 250 384 2400
Fax: 250 384 7893
Email: mail@ford.ca
Web: www.ford.ca

5 August 2014



3. *Featuring the 1990s* (1997) (video)



4. Feeding : give 1 tablespoon three times

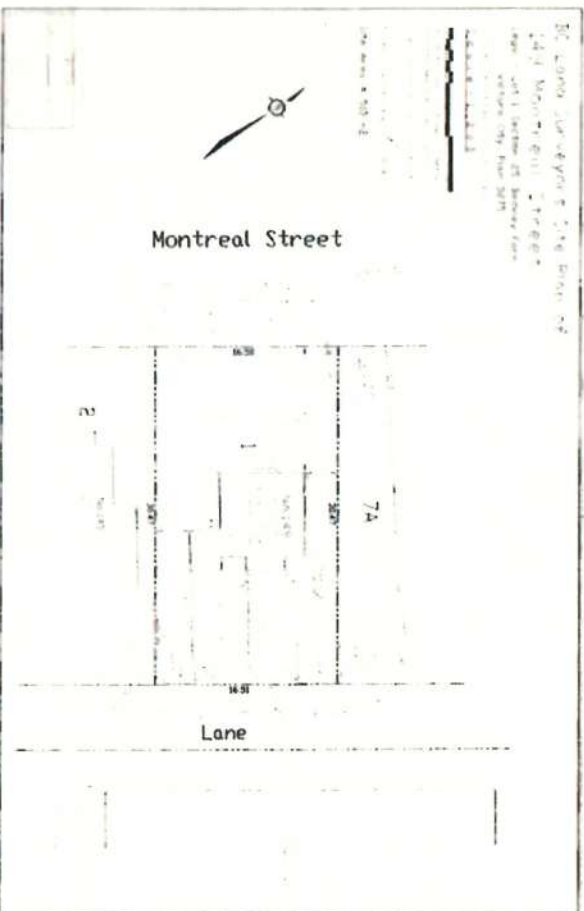


Figure 79d: September 1995



March 1992 - September 1992 (June)

Author's Note

Project No. 1433
Issued by: Engineering Office
Date: 20 Aug 2014
Page: 1 of 1
Project No. 1433

DAMBROSIO

REVISION 1

DATE: 10/10/2010

PROJECT DATA

NAME: DAMBROSIO, GIOVANNI
 ADDRESS: VIA DELL'INDUSTRIA, 10
 CITY: MILANO

CLIENT DATA

NAME: DAMBROSIO, GIOVANNI
 ADDRESS: VIA DELL'INDUSTRIA, 10
 CITY: MILANO

DESIGN DATA

NAME: DAMBROSIO, GIOVANNI
 ADDRESS: VIA DELL'INDUSTRIA, 10
 CITY: MILANO

DATE: 10/10/2010

SCALE: 1:100

DATE: 10/10/2010

SCALE: 1:100

DATE: 10/10/2010

SCALE: 1:100

DATE: 10/10/2010

SCALE: 1:100

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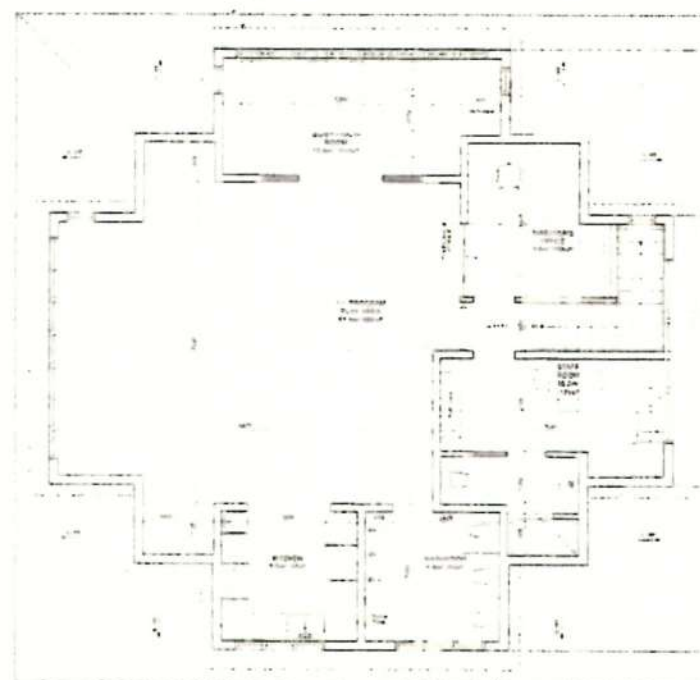
DATE: 10/10/2010

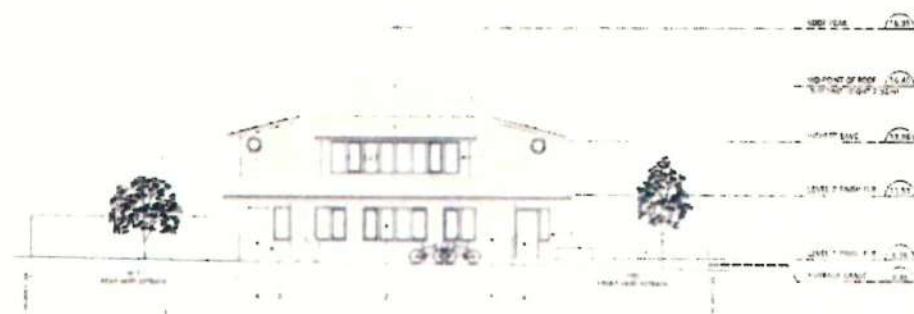
SCALE: 1:100

1. $\text{C}_2\text{H}_5\text{Br}$ (bromide) \rightarrow $\text{C}_2\text{H}_5\text{OH}$ (alcohol)
 2. $\text{C}_2\text{H}_5\text{Br}$ (bromide) \rightarrow $\text{C}_2\text{H}_5\text{I}$ (iodide)
 3. $\text{C}_2\text{H}_5\text{Br}$ (bromide) \rightarrow $\text{C}_2\text{H}_5\text{Cl}$ (chloride)

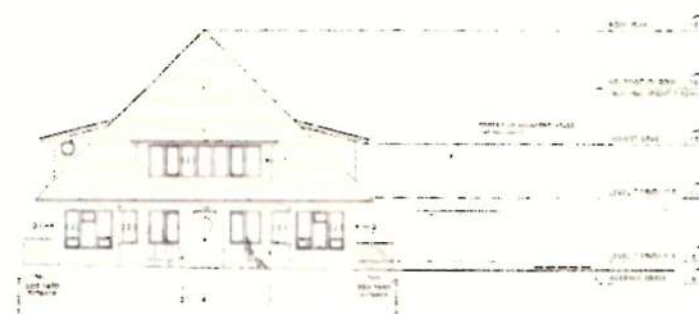
0950-4230/00/0000-0000\$10.00/0

Learning objectives: Students will understand why the **strong law** is subject to modification **periodically** for the sake of **equilibrium** within the system.

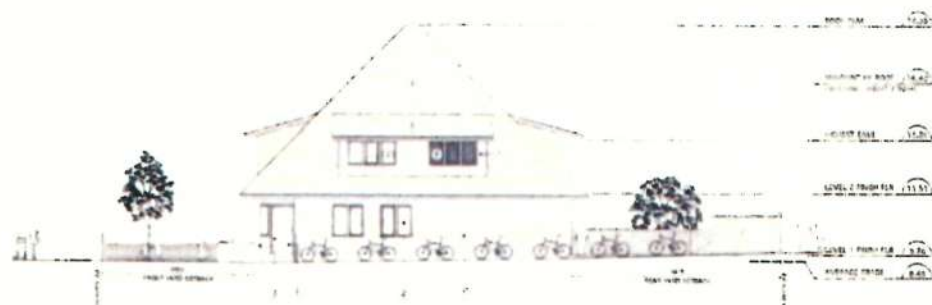
[illegible]



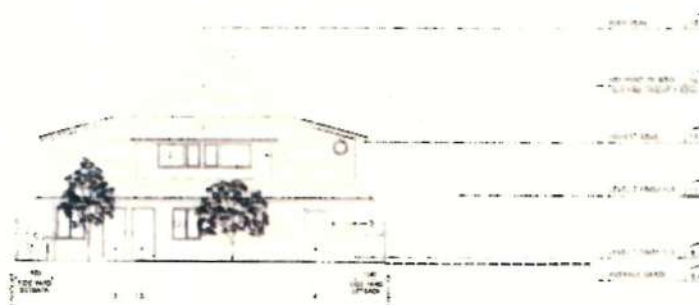
3 Side Elevation (North-Dobinson)
Scale: 1/8"=1'-0"



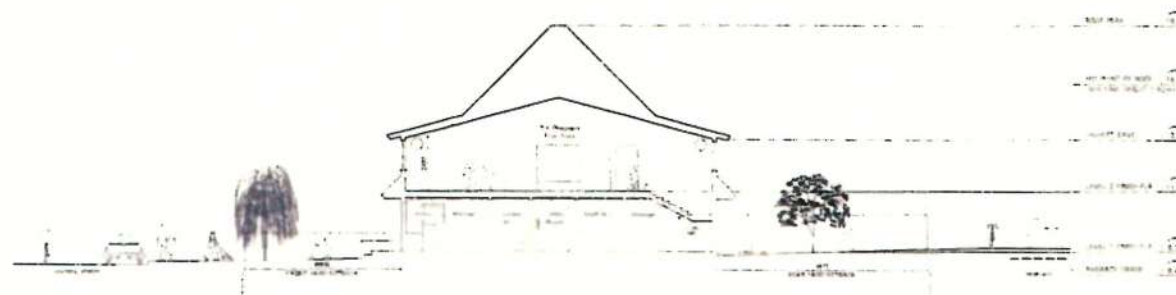
2 Front Elevation (West-Montreal)
Scale: 1/8"=1'-0"



5 Side Elevation (South)
Scale: 1/8"=1'-0"



4 Rear Elevation (East-Lane)
Scale: 1/8"=1'-0"



6 Building Section
Scale: 1/8"=1'-0"

NOTES:

1. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
2. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
3. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
4. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
5. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
6. SEE ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.

PLEASE NOTE:

CONSTRUCTION OF THIS BUILDING IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

DATE: 10/10/2014

PROJECT: 145 MONTREAL STREET

CLIENT: JAMES BAY CHILD CARE SOCIETY

ARCHITECT: D'AMBROSIO ARCHITECTURE

145 Montreal Street

Building Elevations & Section

1451

1451

1451

1451

1451

1451

1451

1451

1451

1451

1451



JBNA

James Bay Neighbourhood Assoc.

**234 Menzies St
Victoria, B.C.
V8V 2G7**

www.jbna.org

Received
City of Victoria

AUG 19 2014

Planning & Development Department
Development Services Division

Mayor and Council
#1 Centennial Sq.
Victoria BC

August 19 th, 2014

Re: Day Care at 149 Montreal St – Rezoning proposal R1T8 to R1TB

At JBNA General Meeting on August 13, plans for the above Montreal Day Care were presented by Matthias Herborg, Director James Bay Childcare Society and Wendy Lowe, President James Bay Childcare Society. Plans were presented for review and proposal was generally well accepted. The following is from minutes of this meeting.

JB Childcare Society has been a day care site for 15 years and is a not for profit organization established by neighbourhood families.

Current facility provides day care for children 0 to 18 mos. and 18 mos. to 3 yrs. of age. Expansion is needed to accommodate children from ages 3 yrs. to 5yrs.

Current facility is governed by licensing with restrictions for expansion. VIHA licensing currently is for maximum capacity of 15 children and day care wants to expand to 32.

Pick-up/drop-off over 2 hr. period in am and pm: 8am to 10:30am and 3:30pm to 5:30. No noise at night or weekends. Bike lock-up and staff are encouraged to use bus.

Questions (Q) and Comments (C)

C – valuable service for community – strongly supports

Q – strong need for space not only in JB but in Victoria as a whole

Q – where will locate during construction? – will rent in alternate location

Q – is there a waitlist in JB? – Can only speak to their waitlist 48 families

C – signage at MacDonald Park should be clear that parking is permitted – City should relax

Q – is the rezoning site specific – yes to allow for the number of children

In addition to the above presentation and comments from those in attendance, we did receive attached email from a resident on Montreal Street. I have removed name and address for privacy concerns.

Tom Coyle, Vice Chair JBNA

ATTACHMENT

Hi

I can not attend the meeting re-day care expansion on Montreal Street but I did want to let you know that I am not in favour of it.'

We have enough noise in this neighbourhood. We have the German and Polish clubs on Niagara Street and right across the street from me I have the James Bay Athletic Club. The JBAA are a huge thorn in my side with their noise of dropping barbells and weights all hours of the day and night . They wouldn't want to be woken up at 6am to a boot camp across the street from them. Not to mention they have zumba exercises with loud music, and they rent out their hall for parties as well.

The parking on Montreal Street is very limited since they put sidewalks in. Before the sidewalks went in the day care had cars parked all over the front area and people and kids running all over the street making it hard to pass with oncoming traffic.

Bottom line we do not need MORE noise in this neighbourhood we need less. It's still classed as a neighbourhood isn't it ?, or has it gone commercial.

Resident on Montreal Street

3. DECISION REQUEST

3.1 Rezoning Application No. 00458 for 149 Montreal Street

Committee received a report dated October 2, 2014 which provided information, analysis and recommendations regarding a Rezoning Application for the property located at 149 Montreal Street. The existing property is currently used as a daycare accommodating up to 15 children. The application proposes to replace the existing building with a new two-storey daycare facility that will accommodate up to 32 children.

Action:

It was moved by Councillor Coleman, seconded by Councillor Helps, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

1. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

Committee discussed:

- Shadowing of neighbouring areas as the building is tall. The steep roof peak was designed to reduce any shadowing.
- Parking requirements need to be clearer to enable public input.
- James Bay is becoming a family neighbourhood and this proposal is responding to the need for childcare.
- The suitability for the site since it is near parks and a school.
- The expanded use is supported in the OCP and local area.
- Proposal requires no variances.

CARRIED UNANIMOUSLY 14/PLUC0259

PLUC meeting
October 16, 2014

REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – October 16, 2014

2. Rezoning Application No. 00458 for 149 Montreal Street:

It was moved by Councillor Helps, seconded by Councillor Alto that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendment that would authorize the proposed development outlined in Rezoning Application #00458 for 149 Montreal Street, subject to:

1. The submission of revised plans that demonstrate that the proposed accessory buildings comply with the regulations outlined in Schedule F of the *Zoning Regulation Bylaw*, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. A Section 219 Covenant to secure the proposed building design being registered on title, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

Carried Unanimously

Council meeting
October 23, 2014

PROJECT DATA:

Level 1 Gross Floor Area: 150m² (1,579 sq ft)
Level 2 Gross Floor Area: 1,125m² (12,121 sq ft)
Total: 1,275m² (13,700 sq ft)
Average Grade: 4.6m (15' 1" GD)

PLEASE NOTE:

This preliminary drawing set is provided for informational purposes only.
General information, dimensions and specifications on this drawing are subject to coordination and are not to be used as part of construction contract documentation.

PROJECT INFORMATION TABLE	
Zone (existing)	301-B Montreal Daycare District
Proposed zone or site specific zone	New Zone
Site area (m ²)	1,518.00
Total floor area (m ²)	3,000.00
Commercial floor area (m ²)	3,000.00
Floor space ratio	0.60
Site coverage %	24%
Open site space %	64%
Height of building (m)	7.52m
Number of stories	2
Parking stalls (number) on site	0
Bicycle parking number	8 (Class II) + 4 (Class I)
Bicycle facilities (m)	0.55
Front (Montreal Street)	1.35
Side (Dorchester Street)	3.41
Rear	1.67

Received
City of Victoria

FEB 17 2015

Planning & Development Department
Development Services Division

BUBBLED

REV NO	DESCRIPTION	DATE
1	REVISED WORKING	11/02/11

Project Name:
JAMES BAY CHILD CARE SOCIETY

149 Montreal Street

Floor Level 1 / Site Plan

Project No.: 1414

Drawing No.:

Date: 24 July 2014

Scale: 1:50

Drawn by:

Checked by: FDA

Revised by:

Sheet No.:

A2.1



Jun-17-2016 12:37:08.002

CA5270520

CA5270521

LAND TITLE ACT

FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 21 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Lisa Gail van
den Dolder
A96H7M

Digitally signed by Lisa Gail
van den Dolder A96H7M
Date: 2016.06.16 14:18:51
-07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Lisa van den Dolder

Carvello Law Corporation

203-1005 Broad Street

Victoria

BC V8W 2A1

250-590-7230

Infant Plus

(149 Montreal St)

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

005-954-461

LOT 1, SECTION 25, BECKLEY FARM, VICTORIA CITY, PLAN 5275

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**JAMES BAY CHILD CARE SOCIETY (INC. NO. 12,658); AND COAST CAPITAL SAVINGS
CREDIT UNION (AS TO PRIORITY)**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

LISA VAN DEN DOLDER

Barrister & Solicitor

CARVELLO LAW CORP.

203-1005 BROAD ST

VICTORIA, BC V8W 2A1

(250) 590-7230

(as to both signatures)

Execution Date

Y	M	D
16	05	27

Transferor(s) Signature(s)

JAMES BAY CHILD CARE
SOCIETY (INC. NO. 12,658)

Rosalie Chartrand-Rodrigue

Caitlin Lemiski

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM 16 (Section 23(1) FARIO)
GENERAL INSTRUMENT - PART 1 - Province of British Columbia

Page 1 of 21 Pages

Your electronic signature is a legal declaration that you are a subscriber as defined by the
Land Title Act (MLBC) and that you have applied your electronic signature
in accordance with the Act and a true copy of the form copy to the
proper jurisdiction.

APPLICANT: Name of person or group member or applicant (applicant's name is optional)

Lisa van den Dolder

Carvello Law Corporation

203-1005 Broad Street

Victoria

BC V8W 2A1

250-590-7230

Infant Plus

(149 Montreal St)

Date: 11/15/2005 Yes ☒

PART 1 IDENTIFIER AND LEGAL DESCRIPTION OF LAND
(PID) (LEGAL DESCRIPTION)

005-954-461

LOT 1, SECTION 25, BECKLEY FARM, VICTORIA CITY, PLAN 5275

SEC YES ☐

NATURE OF INTEREST

CHARGE NO

ADDITIONAL INFORMATION

SEE SCHEDULE

TERMS: Part 2 of this instrument consists of terms and only

on ☐ (Print Name) (Charge) (Date) (Date)

(b) ☒ (Print Name) (Charge) (Date) (Date)

A schedule of the terms and conditions of the instrument is attached to this instrument as a schedule referred to in the instrument.

TRANSFERS TO:

JAMES BAY CHILD CARE SOCIETY (INC. NO. 12,658); AND COAST CAPITAL SAVINGS
CREDIT UNION (AS TO PRIORITY)

TRANSFERS TO: (including postal addresses and postal codes)

THE CORPORATION OF THE CITY OF VICTORIA

1 CENTENNIAL SQUARE

VICTORIA

V8W 1P6


BRITISH COLUMBIA

CANADA

ADDITIONAL OR MODIFIED TERMS

EXCEPTIONS: The grantor(s) hereby assigns, conveys, transfers, disposes, releases, surrenders, or otherwise disposes of the property of the grantor(s) as defined in the
the Transferor(s) and any other rights or interests in the property. In the event of a dispute, the grantor(s) shall be bound by the terms of the instrument and the
grantor(s) shall be bound by the terms of the instrument.

Grantor's Signature(s):


LISA VAN DEN DOLDER
BARRISTER & SOLICITOR
CARVELLO LAW CORP.
203-1005 BROAD ST
VICTORIA, BC V8W 2A1
(250) 590-7230


(as to both signatures)


Execution Date:

Y M D
16 05 27

Transferor's Signature(s):

JAMES BAY CHILD CARE
SOCIETY (INC. NO. 12,658)


Print Name: Rosalie Chartrand-Rodriguez


Print Name: Caitlin Leviski

DETERMINED BY:

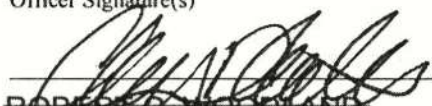
Your signature, on form or representation, results in a signature, which is a promise or other person authorized by the Land Title Act (MLBC) 1996, c 74, to
the grantor(s) and any other rights or interests in the property. In the event of a dispute, the grantor(s) shall be bound by the terms of the instrument and the
grantor(s) shall be bound by the terms of the instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 21 PAGES

Officer Signature(s)

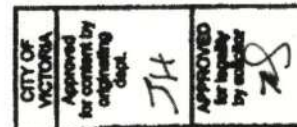

 ROBERT G. WOODLAND
 Christopher D. Cortes
 Commissioner for Taking Affidavits in British Columbia
#1 Centennial Square
Victoria, BC V8W 1P6

Execution Date

Y	M	D
15 16	06	10

Transferor / Borrower / Party Signature(s)

THE CORPORATION OF THE CITY
OF VICTORIA by its authorized
signatory:

 MAYOR LISA HELPS
MAYOR LISA HELPS
#1 Centennial Square
Victoria BC V8W 1P6

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 3 of 21 PAGES

Officer Signature(s)

Execution Date

Transferor Borrower Party Signature(s)

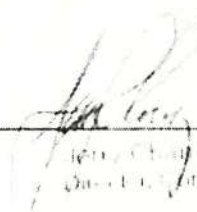


SUSIE COLLINS Exp. Dec. 31, 2016
 A Commissioner for Taking Affidavits
 For the Province of British Columbia
 800 - 9900 King George Blvd
 Surrey, B.C. V3T 0K7
 Phone (604) 517-7380

Y	M	D
28 16	03	14

Coast Capital Savings Credit Union (As
 to Priority), by its authorized signatory
 (ies):

Name:


 Sr. Manager, Commercial Credit

Name:

William Li
 Sr. Manager, Commercial Credit

(as to both signatures)

OFFICER CERTIFICATION

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act* R.S.B.C. 1996, c.121 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 21 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Section 219; Entire Document, except Page 9

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting the within Section 219 Covenant priority
over Mortgage EM105431 and Assignment of
Rents EM105432, Page 9

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

THIS AGREEMENT (the "**Agreement**") dated for reference 3rd day of June, 2015.

BETWEEN:

James Bay Child Care Society
149 Montreal Street
Victoria, BC, V8V 1Y8

(the "**Owner**")

AND:

The Corporation of the City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

(the "**City**")

W H E R E A S:

- A. The Owner is the registered owner in fee-simple of those lands and premises located within the City of Victoria, in the Province of British Columbia, more particularly described as:

PID 005-954-461

LOT 1, SECTION 25, BECKLEY FARM, VICTORIA CITY, PLAN 5275

(the "**Lands**");

- B. The Owner has applied to the City for an amendment to the City's Zoning Regulation Bylaw No. 80-159 in relation to the Lands to permit a day care that accommodates not more than 32 children, as set out in draft City of Victoria Zoning Regulation Bylaw, Amendment Bylaw (No.1035) (the "**Zoning Amendment Bylaw**");
- C. The Owner acknowledges that it is in the public interest that the development and use of the Lands be limited and wishes to grant this covenant to the City;
- D. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature,
- in respect of the use of land or the use of a building on or to be erected on land;
 - that land is to be built on in accordance with the covenant;
 - that land is not to be used, built on or subdivided;

8. The Owner shall indemnify and save harmless the City and each of its elected and appointed officials, officers, employees, agents and contractors, from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the City incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
9. The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, officers, employees, agents and contractors, of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Owner can or may have against the City for any loss or damage or injury, including economic loss, that the Owner may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
10. At the Owner's expense, the Owner must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
11. Nothing contained or implied herein will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions under any enactment and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.
12. Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.
13. Time is of the essence of this Agreement.
14. The Owner covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in

CONSENT AND PRIORITY AGREEMENT

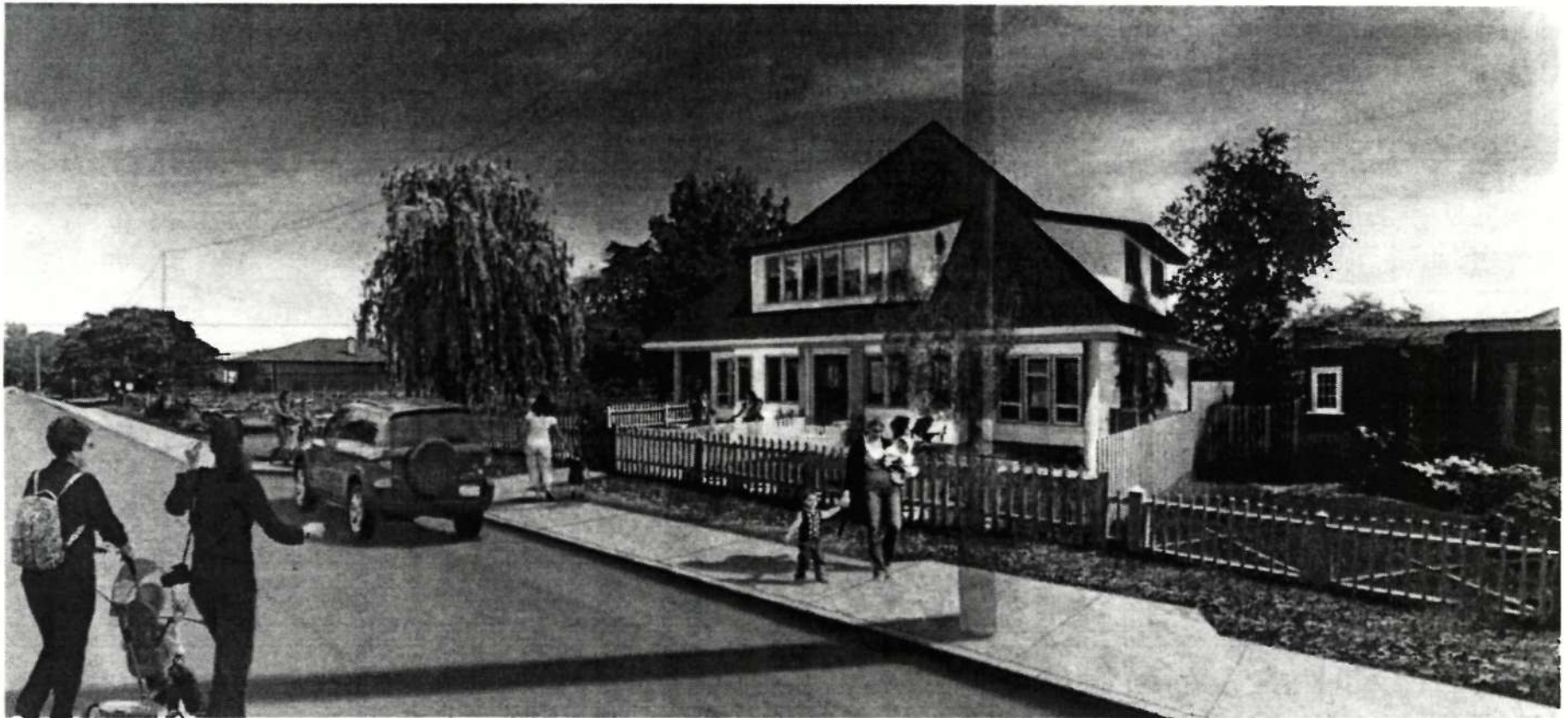
In this Consent and Priority Agreement:

- (a) "City" means the Corporation of the City of Victoria;
- (b) "Existing Charges" means the Mortgage registered under number EM105431 and Assignment of Rents registered under number EM105432;
- (c) "Existing Chargeholder" means Coast Capital Savings and Credit Union;
- (d) "Lands" means the land described in Item 2 of the attached General Instrument - Part 1;
- (e) "New Charge(s)" means the Restrictive Covenant registered, or to be registered, in the Victoria Land Title Office on title to and charging the Lands in favour of the City and described in Item 3 of the attached General Instrument - Part 1;
- (f) "Owner" means the transferor(s) described in Item 5 of the attached General Instrument - Part 1;
- (g) words capitalized in this Consent and Priority Agreement, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument - Part 2.

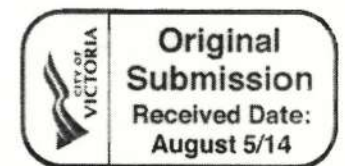
For \$1.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

- (i) consents to the Owner granting the New Charge(s) in favour of the City; and
- (ii) agrees with the City that the New Charge(s) charge the Lands in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charge(s), and it had been registered against title to the Land, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

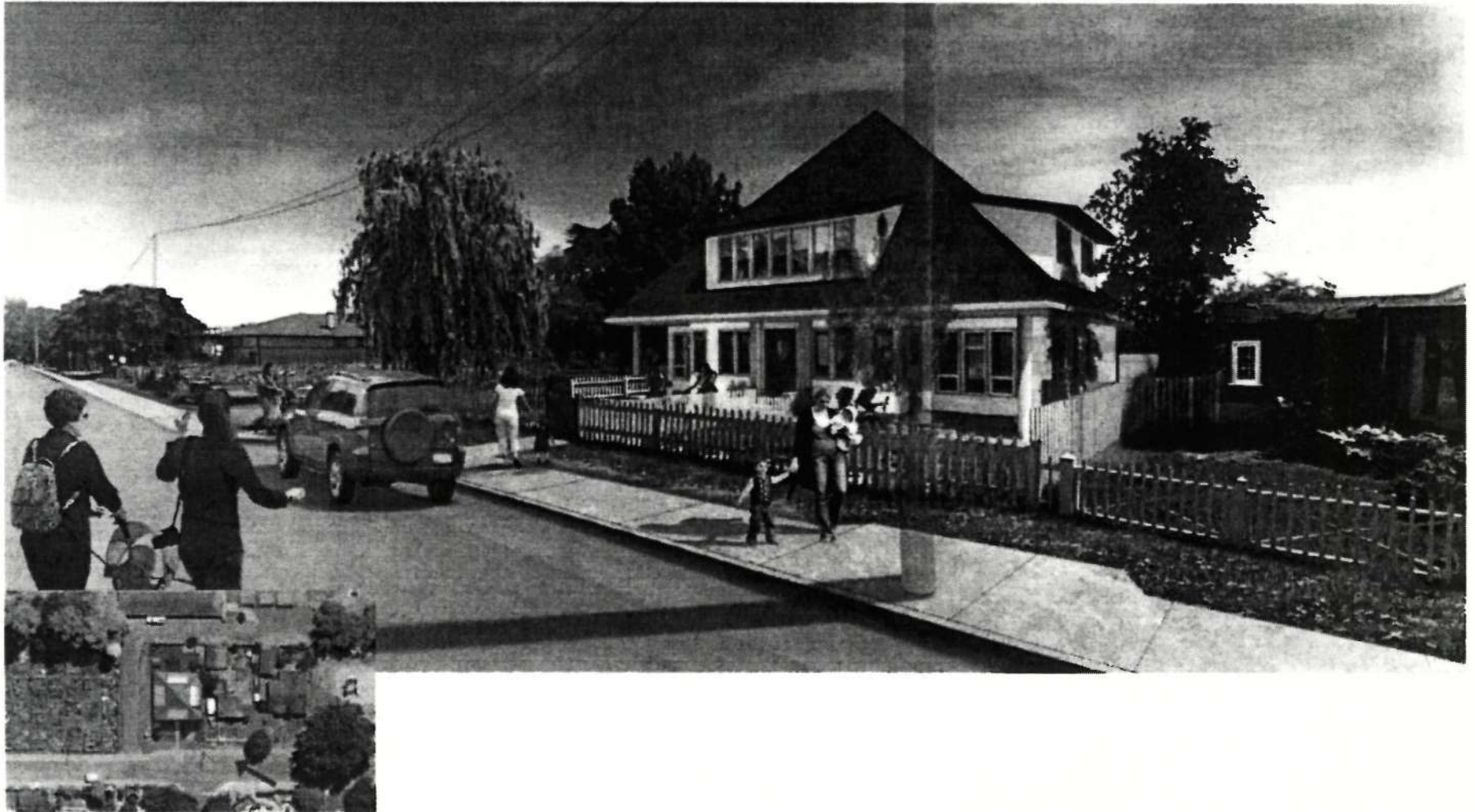
IN WITNESS WHEREOF, the Existing Chargeholder has caused its duly authorized signatory(ies) to execute the attached General Instrument - Part 1 (Form D).




**James Bay
Child Care Society**
 D'AMBROSIO
ARCHITECTURE & URBANISM



Planning & Land Use Committee
 October 16, 2014

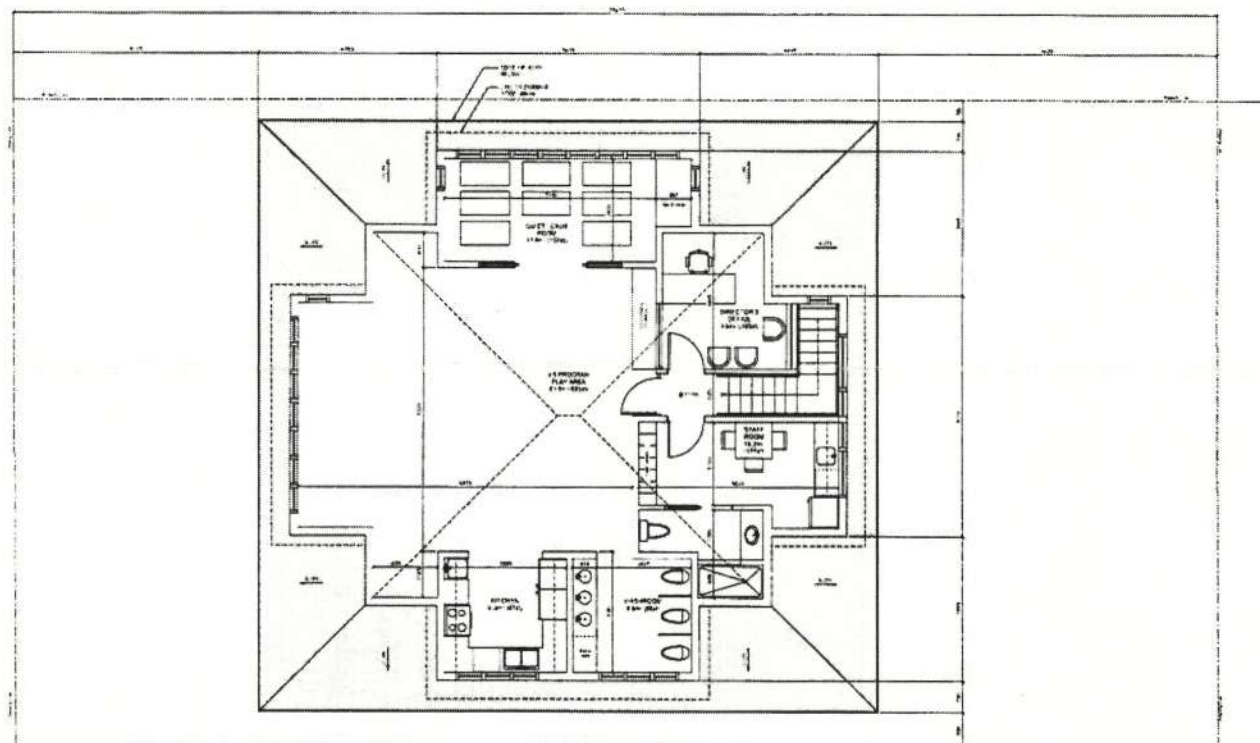


PROJECT DATA

Level 2 Second Floor Area: 1800 sq. ft.
Level 2 Second Floor Area: 1800 sq. ft.
Date: 08/01/14
Drawing Title: 2nd Floor Plan

PLEASE NOTE

Copyright © 2014 D'AMBROSIO ARCHITECTURE + INTERIORS. All rights reserved. No part of this drawing may be reproduced without written permission from D'AMBROSIO ARCHITECTURE + INTERIORS.



NO.	REVISION	DATE
1	Revised for construction	8 Aug 2014

PROJECT NAME
JAMES BAY CHILD CARE SOCIETY

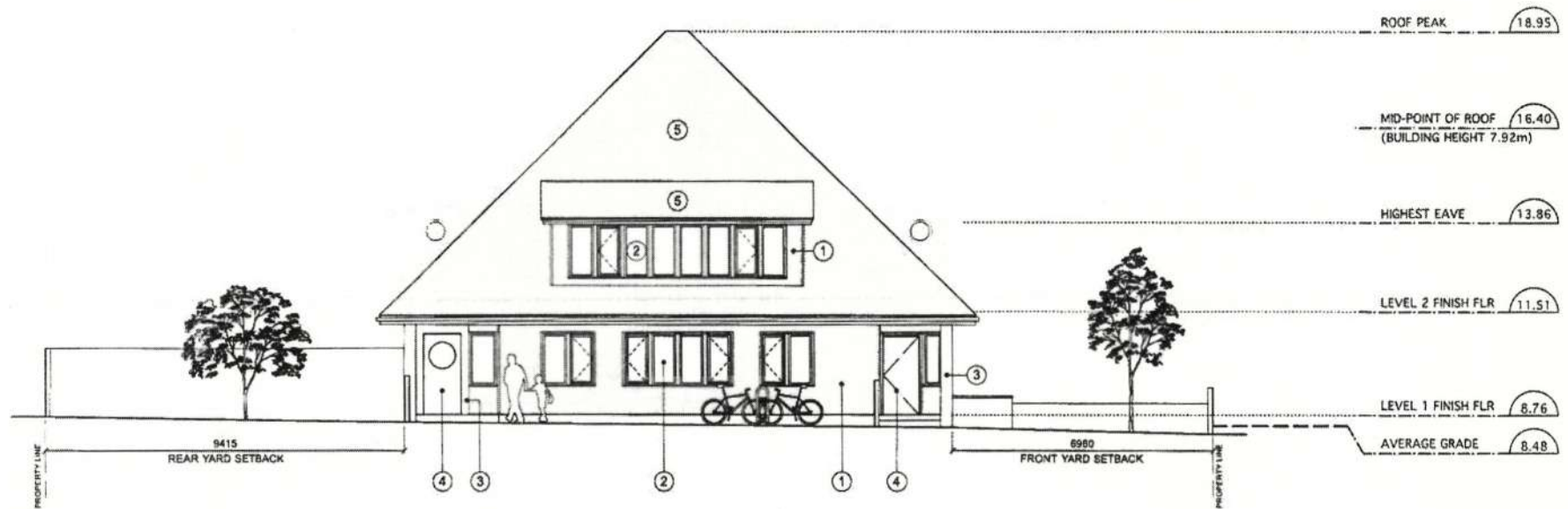
149 Memorial Street
Winnipeg, MB

Floor Level 2 Plan

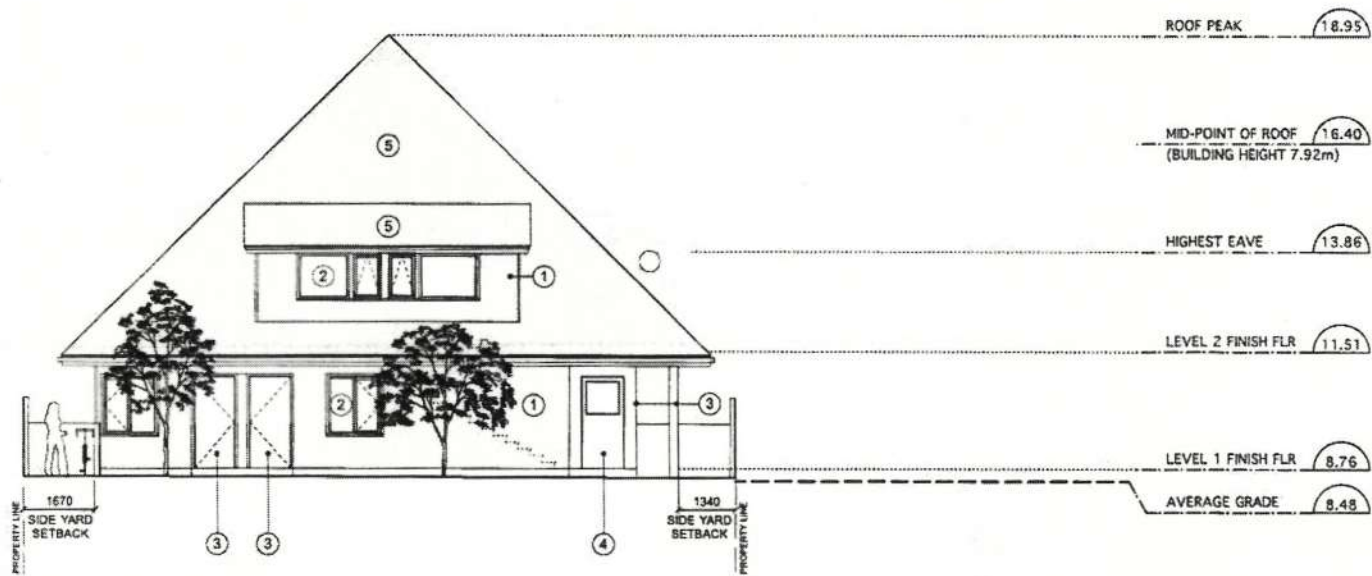
PROJECT NO. 1814
Drawing No. Schematic Plans

Date: 30 July 2014
Scale: 1/32

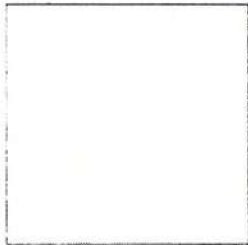
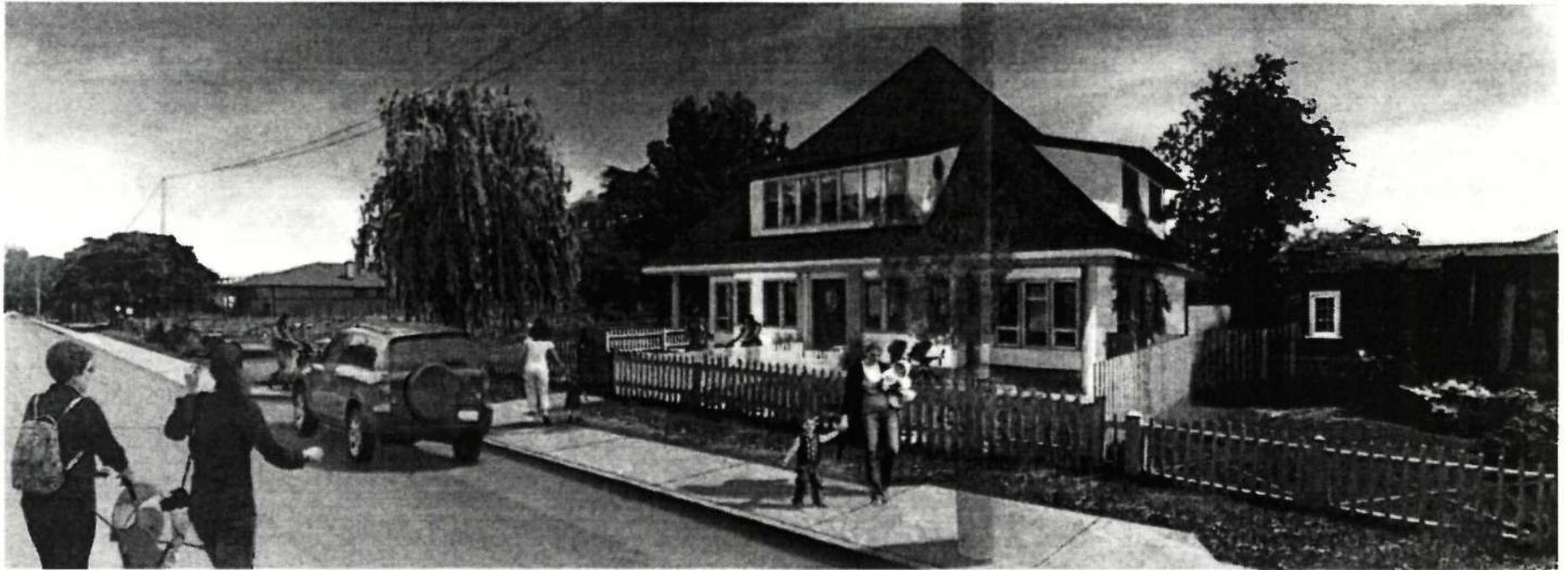
Drawn by: EHL
Checked by: PHL
A2.2



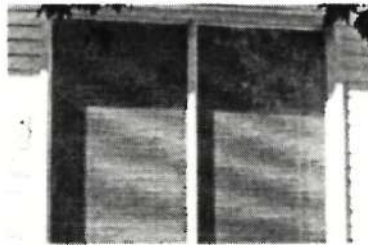
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Scale: 1:100



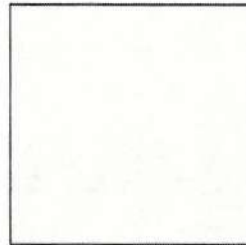
4 Rear Elevation (East - Lane)
Scale: 1:100



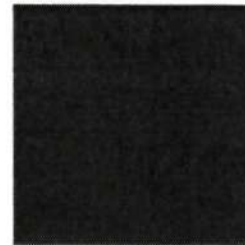
1. CLADDING:
WHITE PAINTED
CEMENT BOARD



2. WHITE FRAMED WINDOWS



3. PAINTED TRIM



4. ENTRY DOORS:
ACCENT PAINT



5. ROOF: BLACK FIBERGLASS
SHINGLES

November 07, 2014

Attention Mayor and Council, City of Victoria

Dear Mayor and Council,

As property owners immediately adjacent to 149 Montreal Street, please consider this letter to be our unified response to rezoning proposal # 00458. It is recognized that child care is very important to many families and we wish to applaud the James Bay Child Care Society for their dedication to quality and their expansion efforts.

With this rezoning, the society seeks to alter the existing R1-8 zoning for 149 Montreal Street to one that will accommodate up to 32 children. 6 full time staff will be required to look after these children for a total of 38 on the premises during operating hours. 32 children appears to be the maximum permitted under current VIHA licensing guidelines and requires virtually every m² of available space be dedicated to the cause. With 38 people on only 500 m², land-use intensity seems to exceed any other comparable daycare in the city, and the building proposed for the site needs to extend beyond the maximum permissible height, and front and side setbacks.

The applicants are also seeking a release from customary frontage upgrades and all parking requirements for its staff as the site has none to offer. In addition, the applicants suggest the neighbourhood can accommodate the traffic flows that will result from the drop-off and pick-up of 32 children each day without risk.


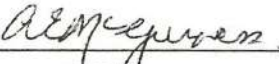


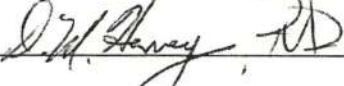

The streets surrounding 149 Montreal Street are full of competing uses. Already a very dense neighbourhood, residents and visitors frequent the community gardens and tennis courts, play-parks and open fields. Summertime brings the cruise ships, taxi traffic and horse-drawn carriages. Evenings bring crowds to facilities like the White Eagle Hall, the James Bay Athletic Association and the Edelwiess Club, while weekends typically see very large crowds from sporting and special events in MacDonald Park.

While it is clear that many bylaws and regulations need to be overlooked, we wish to support the James Bay Child Care Society with their plans but request the following alterations in order to maintain neighbourhood balance:

While it is clear that many bylaws and regulations need to be overlooked, we wish to support the James Bay Child Care Society with their plans but request the following alterations in order to maintain neighbourhood balance:

- 1) The maximum number of children permitted should be limited to 24 (thereby limiting the parking and traffic congestion and accident potential).
- 2) The hours of operation for the daycare should be limited to 8:30- 5:30 Monday through Friday.
- 3) That the city re-investigate traffic calming measures for Montreal Street, Dobninson Street and the lane adjacent to MacDonald Park.

Sincerely,

Name	Signature	Address
Nicholas Read (E family)		145 Montreal St.
JIM & ANGELA McQUINNESS		118 MONTREAL ST.
Elin BJARNASON		141 Montreal St.
JOSE ESPARZEN (E family)		200 NIAGARA ST.
PETER DENT / DOROTHY HARVEY		147 LADYSMITH ST.
JN Little / D. Leubardens		206 Niagara St.

Jim Handy

From: ~~Nicholas Reed - nicholasreed@shaw.ca~~
Sent: Monday, Nov 17, 2014 7:21 AM
To: Jim Handy
Subject: rezoning application for 149 Montreal Street
Attachments: 149 Montreal rezoning application response.pdf

Hello Jim,

Since our visit several weeks ago, I have had the opportunity to look at the rezoning application for 149 Montreal Street in more depth, and wish to relay a few of my thoughts to you. Most of the immediate property owners also expressed some concerns - captured in the attached joint letter. Please excuse the lengthy email, but I am compelled to articulate the rationale for our concerns - and some of the frustration to this point.

1. Neighbourhood Consultation. Despite the application submission date of Aug 5, none of the immediate neighbours listed in the attached letter have been contacted by the applicants. The James Bay Child Care Society (JBCCS), we feel, has taken some liberties with their statement suggesting a 'vast majority' of neighbours have confirmed their support - providing a letter with various signatures as evidence. Of the 26 names on this list, most live far away from the immediate area and would not be subject to any of the challenges imposed by the daycare expansion. While I can't speak to all the names on the list, I can't help noticing that 5 of the 26 all originate from the same household - something that jumped out to me as they seem to be linked to the JBCCS Board Chair(Mathias Herborg) - who signed twice *and* listed his children (Dylan and Maya) who, I believe, actually attend the daycare. More related to my personal frustration, is acknowledgement by the applicants (on page 6 of their letter) that my home (145 Montreal St.) will be the site most impacted by the development - yet the only conversation that has taken place was at my request 2 weeks ago.
2. Site usage - 32 children, 6+ staff and 32 parents. As supportive of daycare as we can be, the absolute number of children and staff who will occupy the site is a bit shocking to everyone. 32 children plus 6 full time staff? Add the parents in the morning and evening and there could be 70 people moving in and out of the building. To be quite frank, it represents a land use intensity that is hard to believe is even being considered. Assuming this application is only moving forward due to the larger societal need for childcare - and with an interest in understanding how this proposal might align (or not) with other daycares in the city, we took a closer look at the list of 'comparables' offered by the applicants in their letter to council. Of the 12 child care facilities listed;
 - a. 3 are located in commercial buildings downtown - the Victoria Children's Center, Freedom Childcare Services and Centennial Daycare - and really not comparable at all.
 - b. 1 is the Cridge Center - and not comparable at all
 - c. 1 is in a Community Center - Fernwood NRG
 - d. 2 are in Church basements - Carousel Child Care Center and Little Hands Child Care.

Of the 5 remaining daycares, 4 seem to exist in a residential neighbourhood despite an R2 or R1-A zoning (Springridge @ 1222 Gladstone, Rainbow Express @ 433 Kingston, Christchurch Junior Kindergarten @ 520 Niagara and Castlerview @ 1075 Joan Cres.), which only seems possible if the house conversion guidelines from schedule G were employed - bypassing public input or planning oversight. I am missing sufficient background knowledge to understand the role that schedule G plays in the city, but it is clear that two of its requirements are a lot size of at least 670 m², and a minimum lot width of 18m. In attempting to understand how 38 people plus 32 more at pick up and drop off could fit within a residential context, lot size seems to be

significant. Notwithstanding VIHA licencing regulations, the 4 daycares listed above operate on considerably larger lots than 149 Montreal Street - additional space that provides a much need buffer for neighbours.

Center	Address	Approx. Lot Size (m ²)	# children
Infant Plus	149 Montreal St	500	32 (proposed)
Rainbow Express	433 Kingston	745	32
Castleview	1075 Joan Cres.	680	30
Christchurch	520 Niagara	1025	24
Springridge	1222 Gladstone	600	30

That leaves 1 daycare, ABC Infant and Toddler at 2700 Scott Street. This appears to be the only daycare from the list - in a residential setting- that has been through an intentional and public rezoning process, resulting in R1-SDC. The site for this project is similar in many ways to 149 Montreal St - it is on a small corner lot (approx. 500 m²) and it is adjacent to a public park (and the borrowed parking) - yet the zoning allows for a maximum of 20 children.

3. Parking and Traffic. There can be no question that the impact of the drop off and pick up of 32 children will affect the neighbourhood. The applicants have made the argument that these times are both short and staggered - based on patterns observed with 7 or 8 children in attendance. Traffic congestion only occurs when capacity is *exceeded* and while the neighbourhood can accommodate the current traffic flows, a 4-fold increase seems likely to a) occupy all available residential parking spots at exactly the same time residents typically arrive home from work and b) add to the vehicular and pedestrian traffic on an already busy street that suffers from excessive speeding.

Parking for staff is another issue entirely, and if the city is willing to waive all requirements for staff parking, it should be recognized that some of the public parking spaces in nearby lots will be dedicated to this purpose. As mentioned in #2 above, the applicants made a point of suggesting that few daycares in the city have staff parking - yet 3 of those are in commercial buildings downtown - and 1 of those is immediately adjacent to a public parkade. As another example, the applicants suggest the Rainbow Express facility has no parking, yet a quick look at VicMap clearly shows paved, onsite parking for at least 2 vehicles. It is with frustration that I discovered some of the claims by the applicants to be misleading, and in some cases, simply incorrect.

4. Evening and weekend use. All arguments made regarding the capacity of the neighbourhood to absorb parking and traffic increases immediately fall short when considering evening and weekend use - as the areas is exceedingly busy with other users during those times. In addition, local residents will need some respite from the activity and noise generated by the daycare - evenings and weekends being times when residential use should become the priority.
5. The building. While it is clear that the proposed building is residential in appearance, its construction requires a footprint that extends into the setbacks on the front and the North (by over 2m). This means the building will be within 6 feet of the shared property line on one side and roughly 4 feet on the other... dimensions that suggest too much is being asked of a very small lot. In reality, some have expressed concern that the North entrance will simply end up 'appropriating' the use of the Dobinson St. boulevard as by the time a door swings open, a person will be nearly on the lot boundary. On a personal note, the massive structure will be very imposing indeed on my family's home and yard(s).

Despite the collection of issues above, no-one is opposed to daycare expansion - but all involved feel the JBCCS is pushing a bit too hard and considering the impacts on the neighbourhood too lightly. In short - we feel a reasonable compromise is required. As mentioned in the attached letter, it is therefore requested that some modifications be made to maintain neighbourhood balance, including:

- a) Limiting the number of children to 24
- b) Restricting hours of operation to 8:30-5:30, Monday through Friday

c) Traffic calming measures for Montreal Street and the lane adjacent to MacDonald Park

Finally - and beyond all issues related the proposed daycare expansion - is concern for the phrasing of the new zoning itself. Myself and other neighbours agree that any zoning changes must clearly spell out the permitted uses. In this case, that it should be used for a daycare with a maximum of 24 children up to the age of 5. Concern here stems from the fact that the property could change hands - either now or in the future - and community acceptance is fundamentally tied to the goodwill and intentions of the JBCCS. If zoning is left ambiguous enough to permit other uses - for example a care home, or a respite facility for troubled teens etc., then something could potentially shift. Other uses may well be appropriate, but they should be publically discussed and approved on their own merits via a similar rezoning process.

Thanks again for your time,

~~Nicholas Bant~~
~~204-516-8218~~

November 07, 2014

Attention Jim Handy, Senior Planner – City of Victoria

Dear Mr. Handy,

As property owners immediately adjacent to 149 Montreal Street, please consider this letter to be our unified response to rezoning proposal # 00458. It is recognized that child care is very important to many families and we wish to applaud the James Bay Child Care Society for their dedication to quality and their expansion efforts.

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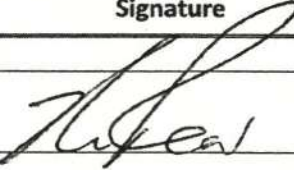
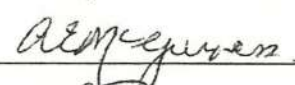

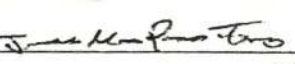
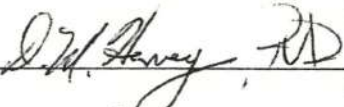

The applicants are also seeking a release from customary frontage upgrades and all parking requirements for its staff as the site has none to offer. In addition, the applicants suggest the neighbourhood can accommodate the traffic flows that will result from the drop-off and pick-up of 32 children each day without risk.

The streets surrounding 149 Montreal Street are full of competing uses. Already a very dense neighbourhood, residents and visitors frequent the community gardens and tennis courts, play-parks and open fields. Summertime brings the cruise ships, taxi traffic and horse-drawn carriages. Evenings bring crowds to facilities like the White Eagle Hall, the James Bay Athletic Association and the Edelwiess Club, while weekends typically see very large crowds from sporting and special events in MacDonald Park.

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JOSE ESPARZ (ETAMU)		200 NIAGARA ST.
PETER DENT / DOROTHY HARVEY		147 LADYSMITH ST.
JN Little / D. Lombardens		206 Niagara St.

Response to Neighbor's Letter (Rezoning # 00458)

February 18, 2015

Dear Mr. Handy,

Please find below our response to the letter submitted to you by Mr. Nicholas Read and titled "*Neighbourhood response to rezoning application #00458 for 149 Montreal Street, Victoria BC*".

In regards to the first request "*The maximum number of children permitted should be limited to 24 (thereby limiting the parking and traffic congestion and accident potential)*", we would like the City to consider the following:

- Approximately 75% of the costs to expand our program to serve older and younger children is intended to be covered by the **BC Child Care Capital Grant**, which, after more than 10 years of inactivity, has been funded, for 2014/2015, with \$14.8 million for the creation of 1000 new licensed childcare spaces in BC. In order to be awarded the grant we need to address the strongest community need in terms of childcare, which is to offer a program for infants from 0 to 18 months. (In addition to the fact that if we resubmit to the final grant application wave next month with a revised plan for only 24 children in total, the probability of being awarded the money is quasi null.)
- As explained in section 2 of our "Letter to Mayor and Council" (rezoning application), we strive to maintain reasonably low parent fees. To offer new, much-needed childcare spaces in the city while also simply maintaining our current offering, we financially need to expand our programs. We otherwise would not be able to ensure the survival of our Centre, a non-profit organization with limited resources. To expand with the inclusion of the infant program while maintaining acceptable parent fees (as per community need and grant criteria), we financially need to include the 3-5 program which has lower costs / staff requirements. (This is the reality of all centers offering spaces for children 0 to 3 years old, with the exception of one, Victoria Children's Centre (0 to 20 months only), which has no overhead / rent costs because it is located in a government building.)
- Our regular activities being from Monday to Friday, the argument that night and weekend traffic will be affected by reducing the number of children from 32 to 24 is not relevant.

In brief, to expand we need the BC Grant, to get the grant and meet the community need we need to offer an infant program, and to survive financially we need to expand and offer a 3-5 program. These are all conditions that would be supported with a zoning bylaw for our site that permits a daycare for 32 children. (Please note that VIHA licenses by group of 8 children.)

In regard to the second request, "*The hours of operation for the daycare should be limited to 8:30 - 5:30 Monday through Friday*", we would like the City to consider the following:

- None of the many daycares we contacted in the Region have hours of operation limited by their zoning bylaw.
- The proposed opening time of 08:30 is simply not feasible for working families and would result in our daycare not having enough children attending for us to remain open.
- Any limits on operating hours would increase traffic congestion due to the shorter drop off time-window.

Response to Neighbor's Letter (Rezoning # 00458)

- Limits affecting weekdays, evenings and weekends would:
 - make it difficult for our community volunteers to continue supporting and participating in our Society since our board and various committees meetings (e.g. expansion committee) occur outside daycare hours so as not to affect the children and the quality of care we offer as well as to ensure members' availability
 - reduce significantly our fundraising and community events, which take place on the weekend and are an integral part of our community value and presence
- We are already one of the daycares with the latest opening time in the city.

In brief, limiting our hours and/or days of operation would simply end our activities and force us to sell our property and move outside of City limits.

In regard to the third and last request, *"That the City re-investigate traffic calming measures for Montreal Street, Dobinson Street and the lane adjacent to MacDonald park."*, we support the proposal to have the City look at traffic calming measures in the neighborhood, understanding that this does not affect our application and is something that could result in slower and/or less traffic and increased pedestrian safety.

Finally, we would like to correct some facts mentioned in the letter submitted by Mr. Read:

1. The land-use density we proposed does not exceed comparable daycare centres in the City; on the contrary, the majority of daycare centres in the City have significantly less space per children (both inside and outside) than our proposal, since most of them have been in operation for many years and opened when the VIHA requirements were considerably less and are now grandfathered in by licensing. This is yet another reason why so few daycare centres in the City can expand. (See section 6 of our "Letter to Mayor and Council" (rezoning application).)
2. Our property has a site-specific zone (Montreal day care district), and, as advised by the City during the rezoning application preparation, the zoning bylaw resulting from our application will be a new one decided upon and worded by the City. Our proposal thus is not constrained by the current zoning requirements for density, setbacks and height. In addition, we would like to reiterate that the project has been designed to mitigate negative impacts with careful attention paid to maintaining privacy between the two properties as much as possible. (See section 8 of our "Letter to Mayor and Council" (rezoning application).)

We trust that our responses above and the dire consequences for our operations should the City acquiesce to the first two requests will be taken seriously. Having received unified support from the JBNA, very strong community support from the neighborhood (see Appendix A of our "Letter to Mayor and Council" (rezoning application)) as well as positive comments from the BC grant authority, we believe our project is viable and will have a positive effect on our local community.

Many thanks for your consideration and continued support.

Rosalie Chartrand-Rodrigue
JBCCS Expansion Chair & Board Member
[REDACTED]

Wendy Lowe
Director, Infant Plus Daycare Centre, JBCCS
[REDACTED]