

**I. REPORTS OF COMMITTEES**

**I.1 Committee of the Whole**

**I.1.b Report from the June 27, 2019 COTW Meeting**

*Councillor Isitt withdrew from the meeting at 1:07 a.m. due to a potential non-pecuniary conflict of interest with the following item, as he wrote a letter of support for their request for provincial funding to expand childcare spaces.*

**I.1.b.k 1661 Burton Avenue - Rezoning Application No.00692  
(Oaklands)**

**Moved By** Councillor Loveday  
**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 No. 00692 for 1661 Burton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

1. Preparation and execution of a Statutory Right-of-Way of 1.21m off Shakespeare Street and 1.17m off the laneway.

**CARRIED UNANIMOUSLY**

*Councillor Isitt returned to the meeting at 1:08 a.m.*

**C. LAND USE MATTERS**

**E.1 1661 Burton Avenue - Rezoning Application No.00692 (Oaklands)**

*Councillor Isitt withdrew from the meeting at 12:54 p.m. due to a pecuniary conflict of interest with the following item, as the applicant is a friend of his.*

Committee received a report dated June 13, 2019 from the Acting Director of Sustainable Planning and Community Development proposing to allow for rezoning from a RB-1 Zone to a site-specific zone in order to permit a daycare for more than eight children within a house conversion.

**Moved By** Councillor Loveday

**Seconded By** Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00692 for 1661 Burton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

1. Preparation and execution of a Statutory Right-of-Way of 1.21m off Shakespeare Street and 1.17m off the laneway.

**CARRIED UNANIMOUSLY**

*Councillor Isitt returned to the meeting at 12:55 p.m.*



## Committee of the Whole Report For the Meeting of June 27, 2019

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**To:** Committee of the Whole

**Date:** June 13, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00692 for 1661 Burton Avenue

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00692 for 1661 Burton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

1. Preparation and execution of a Statutory Right-of-Way of 1.21m off Shakespeare Street and 1.17m off the laneway.

### LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1661 Burton Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to permit a daycare for more than eight children within a house conversion.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*. The proposed use represents a "community service" use which is considered an appropriate use in all Urban Place Designations
- the proposal is generally consistent with the intent of maintaining the single family character of the neighbourhood



- the subject property meets all of the requirements of Schedule G - House Conversion Regulations for a kindergarten except for being built prior to 1931.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to convert an existing single family dwelling into a kindergarten for more than eight children. The application meets all of the requirements for a kindergarten house conversion except that the building was constructed in 1949. The Schedule G - House Conversion Regulations within the *Zoning Regulation Bylaw* require the building to be constructed prior to 1931 and therefore a rezoning is required.

The following differences from the current zone are being proposed and would be accommodated in the new zone:

- permit the kindergarten use within a building constructed prior to 1950
- reduce the landscape screening requirements for parking stalls adjacent to a residential property.

### **Tenant Assistance Policy**

The proposal is to convert an existing single family dwelling which would result in a loss of one existing residential unit. However, the building was previously owner-occupied and therefore no tenants are being displaced.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The application proposes a three stall bicycle rack, which supports active transportation.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

### **Land Use Context**

The area is characterized primarily by single family dwellings. Hillside Mall is located immediately to the east and Clawthorpe Park is located a block northwest of the subject property.

### **Existing Site Development and Development Potential**

The site is presently a single family dwelling. Under the current R1-B Zone, Single Family Dwelling Zone, the property could be developed as a single family dwelling with either a secondary suite or a garden suite.

## Data Table

The following data table compares the proposal with Schedule G - House Conversion Regulations, which is applicable within the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the regulations.

Zoning Criteria	Proposal	R1-B Zone
Site area (m <sup>2</sup> ) - minimum (Schedule G)	677.0	670.0
Lot width (m) - minimum (Schedule G)	18.52	18.0
Height (m) - maximum	4.20	7.60
Storeys - maximum	1	2
<b>Setbacks (m) - minimum</b>		
Front	9.10	7.50
Rear	16.80	9.14
Side (west)	4.50	1.85
Side on flanking street - Shakespeare Street	4.10	3.50
Date of construction (Schedule G)	<b>1945 *</b>	1931
Additions in last 5 years (Schedule G)	None	Not permitted
Addition of unenclosed space (Schedule G)	None	Not permitted
Exterior changes (Schedule G)	None	Not permitted
Parking - minimum	2	2
Long term bicycle parking stalls - minimum	0	0
Short term bicycle parking stalls - minimum	3	0

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on April 29, 2019. The minutes from that meeting are attached to this report.

## ANALYSIS

### Official Community Plan

The proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*, and the proposed use represents a



“community service” use which is considered an appropriate use in all Urban Place Designations. The OCP further encourages multigenerational neighbourhoods and the creation of “quality, accessible and affordable daycare” spaces in order to foster community wellbeing.

### **Local Area Plans**

The subject property is designated as an area of greatest stability within the *Oaklands Neighbourhood Plan*. While there are no policies specifically addressing daycares, the plan envisions maintaining the family character of the neighbourhood within this designation. The provision of childcare facilities is generally in line with the intent of maintaining family character.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are three existing Douglas Fir trees in the rear yard of the subject site. One 95cm diameter at breast height (DBH) Fir tree is bylaw protected.

None of these trees will be impacted by the proposed application or changes to the driveway and residence. Potential excavation associated with establishing play structures on the critical root zones of the protected tree will not be permitted. If the applicant wishes to do this, an ISA certified arborist will be required during the construction phase to supervise any ground excavation.

There is one 60cm DBH public Maple tree on Burton Street that will not be affected by the proposed application. This tree will have protection fencing installed during the renovation period, which will be confirmed at the Building Permit stage.

### **Regulatory Considerations**

Generally, the use of kindergarten is permitted within single family dwellings under Schedule G - House Conversions. The proposal meets all of the regulations to qualify for a house conversion except for the date of construction. As per Schedule G, the dwelling is required to be constructed prior to 1931; however, in this instance the single family dwelling was constructed in 1945. This difference in construction dates is effectively negligible, since there are no changes to the exterior of the house and therefore the character of the neighbourhood remains the same.

Schedule C requires a minimum landscaped area of 1.0m width and a landscape screen of 1.5m in height for parking stalls that are adjacent to a residential property. The two parking stalls on the subject site are located against the property line, with an existing low fence used as screening and does not meet the minimum screening requirements. However, this parking area is an existing condition and there are trees on the adjacent property that aid in screening. Therefore, the site-specific zone will be written to permit the existing conditions.

Should Council consider forwarding the Rezoning Application to a Public Hearing, staff recommend that a Statutory Right-of-Way of 1.17m off the laneway and 1.21m off Shakespeare Street be secured to help fulfil Council-approved OCP objectives such as enhanced facilities for walking, cycling and boulevards, which support the long-term viability of large canopy trees.

### **CONCLUSIONS**

The proposal is generally consistent with the relevant policies in providing childcare throughout the city. In addition, a rezoning would not have been required if the building was constructed 15 years earlier. This difference in year of construction will have little to no outward impact and therefore staff recommend Council consider supporting the application.

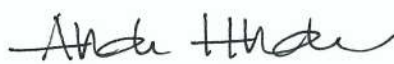
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00692 for the property located at 1661 Burton Avenue.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager



Date:

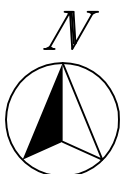
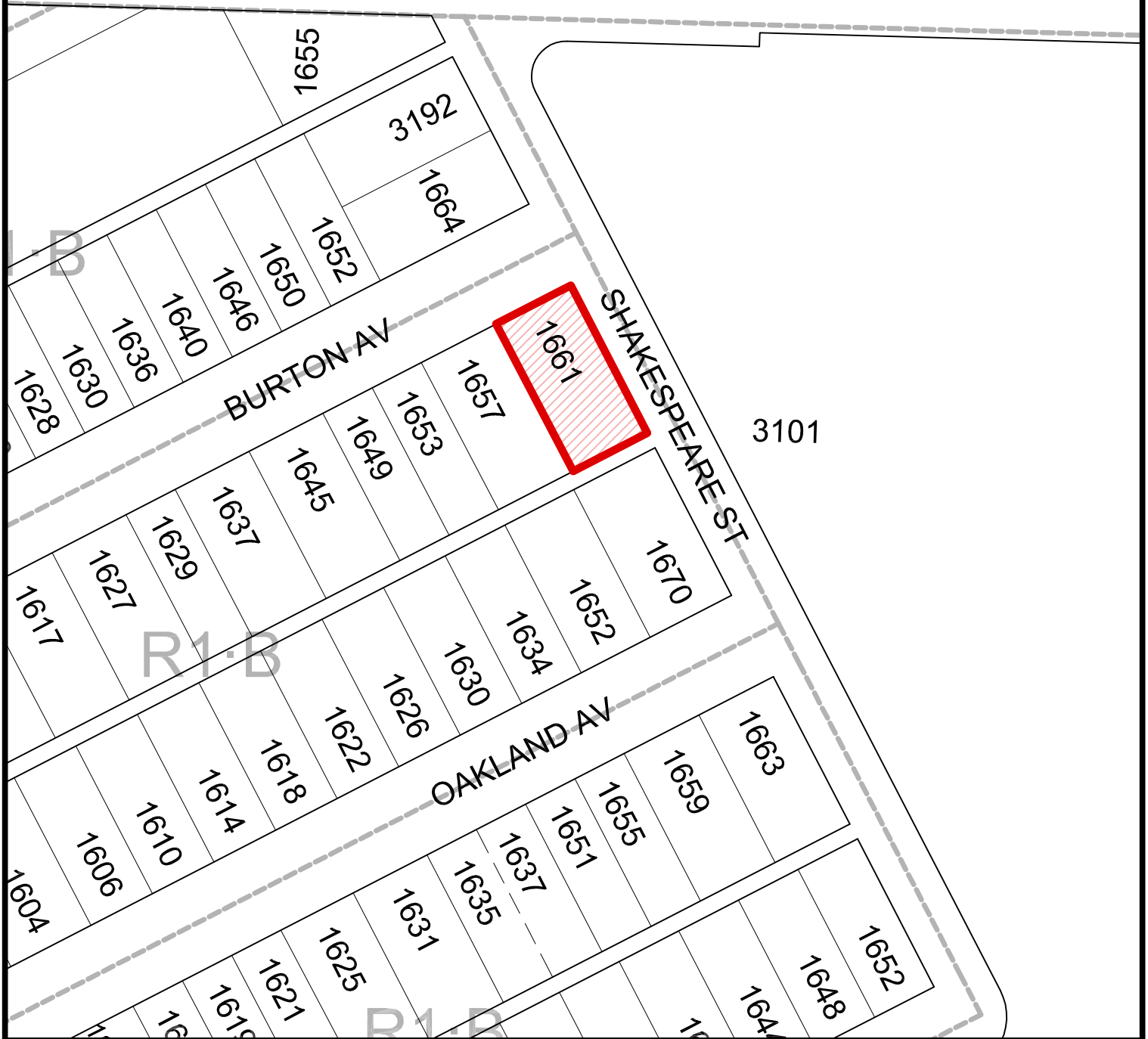
June 19, 2019

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 10, 2019
- Attachment D: Letter from applicant to Mayor and Council dated receive May 10, 2019
- Attachment E: Community Association Land Use Committee minutes dated April 29, 2019
- Attachment F: Correspondence (Letters received from residents).

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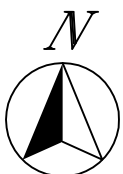
NORTH DAIRY RD



1661 Burton Avenue  
Rezoning No.00692







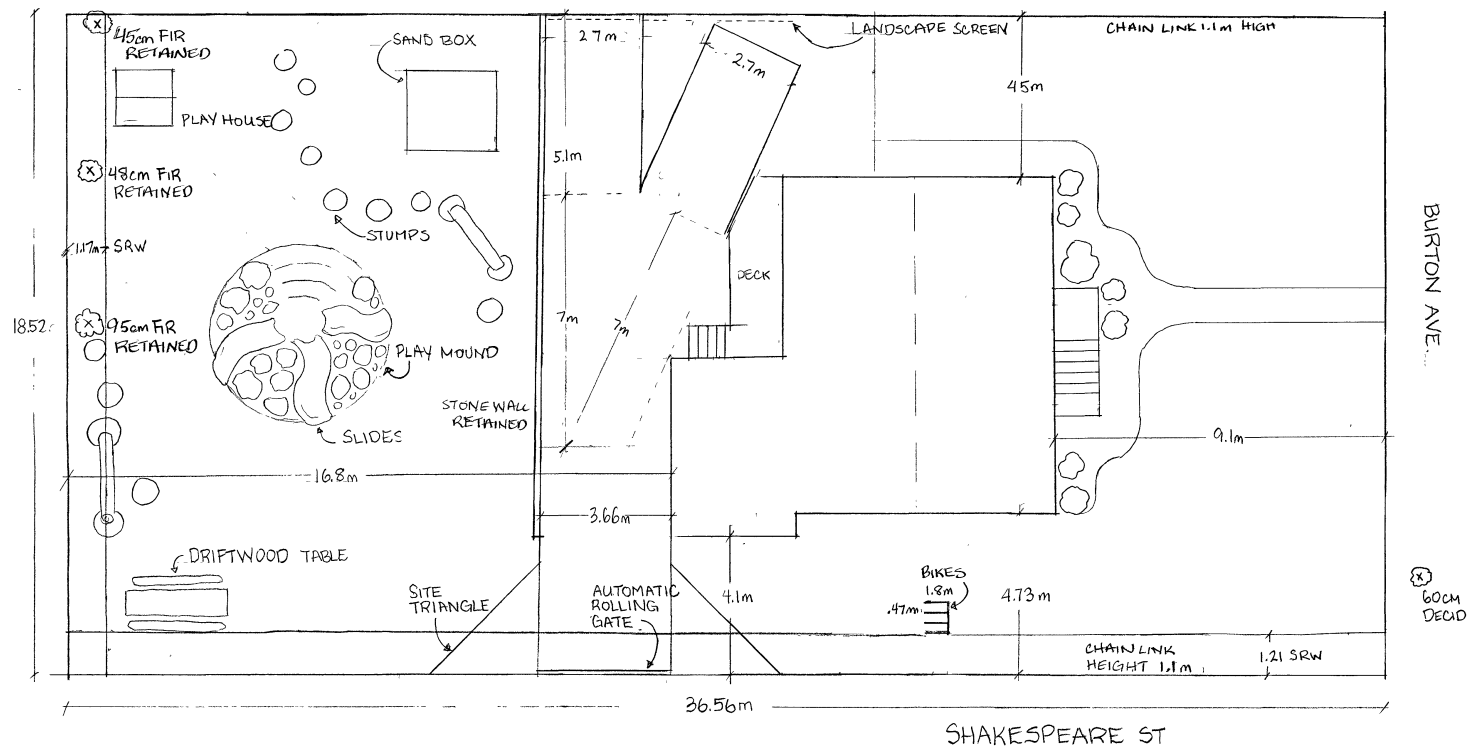
1661 Burton Avenue  
Rezoning No.00692





## ATTACHMENT C

PROJECT INFORMATION TABLE	
Zone (existing)	R1B
Proposed Zone	Site Specific
Site Area	677m2
Total Floor Area	94m2
Commercial Floor Area	94m2
Floor Space Ratio	277
Site Coverage	14%
Open Site Space	84%
Number of Stones	2
Parking Stalls	2
Bicycle Parking	3
<b>Building Set Backs</b>	
Front Yard	9.1m
Rear Yard	16.8m
Side Yard Left	4.5m
Side Yard Right	4.1m
Combined Side Yards	8.6m
<b>Residential Use Details</b>	
Total Number of Units	N/A
Unit Type	N/A
Ground Oriented Suites	N/A
Minimum Floor Area	N/A
Total residential Floor Area	N/A



1 Site Plan  
Sht-1 SCALE. 1/8" = 1'-0"

Gillybird Nature  
Schools Ltd.  
2750 Roseberry Ave  
Victoria BC  
V8R 3T9  
250.704 6607

## Site Plan

1661 Burton Ave  
Victoria BC  
V8T 2N5

PID: 005-484-707  
Legal Desc: Sot 3  
Sections 29 and 30,  
Victoria District  
Plan 8908

Date: April 6, 2018

Scale: 1/4"

## Zoning Application

From: R1-B

To: Site Specific

**Drafted By:**

Gillian Fehr ID, PMP

**Drawing:**

SP1

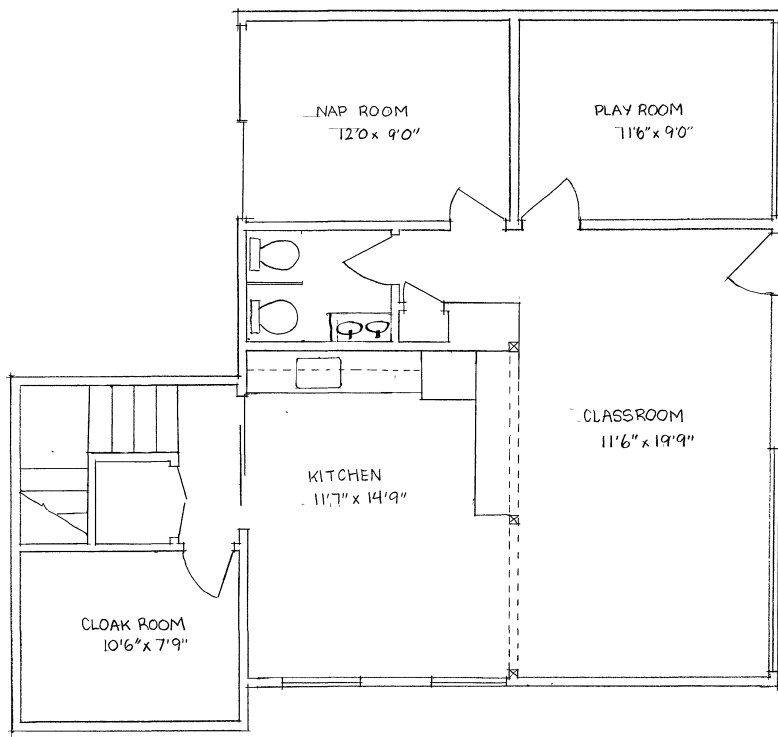
Sheet.

1 of 4

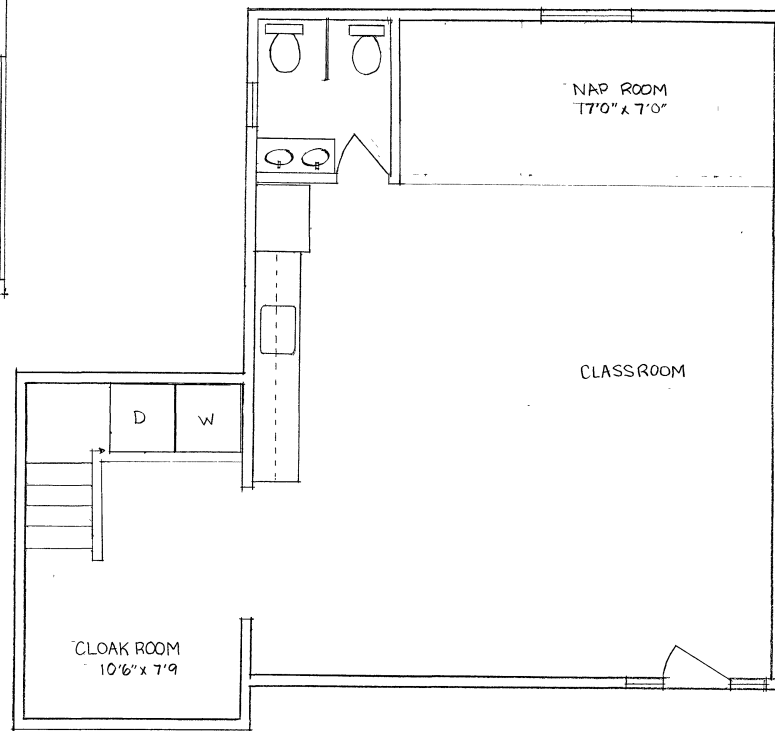
Revision.

## REVISIONS

1. LANDSCAPING SCREEN
2. BIKE RACK SIZE + RELOCATION
3. SITE TRIANGLE
4. AUTOMATIC ROLLING GATE
5. FIR TREES TBR
6. STONE WALL TBR
7. DECIDUOUS TBR
8. CHANGE ANGLE OF PARKING STALL
9. HEIGHT OF CHAIN LINK
10. BIKE RACK SIZE
11. PARKING STALL SIZE
12. SRW SIZE



1 Main Floor Plan  
Sht-2 SCALE: 1/4" = 1'-0"



2 Lower Floor Plan  
Sht-2 SCALE: 1/4" = 1'-0"

Gillybird Nature  
Schools Ltd  
2750 Roseberry Ave  
Victoria BC  
V8R 3T9  
250.704.6607

**Main Floor Plan  
Lower Floor Plan**

1661 Burton Ave  
Victoria BC  
V8T 2N5

PID: 005-484-707  
Legal Desc: Sot 3  
Sections 29 and 30,  
Victoria District  
Plan 8908

Date: April 6, 2018

Scale: 1/4"

Zoning Application

From: R1-B

To: Site Specific

Drafted By:

Gillian Fehr ID, PMP

Drawing:

ML1

Sheet:

2 of 4

Revision:





1 Burton Ave Streetscape  
Sht-3



2 Burton Ave Elevation  
Sht-3



3 Shakespeare St. Streetscape  
Sht-3



4 Shakespeare St. Elevation  
Sht-3

<p>Gillybird Nature Schools Ltd. 2750 Roseberry Ave Victoria BC V8R 3T9 250.704.6607</p>
<p><b>Streetscapes Elevations</b></p> <p>1661 Burton Ave Victoria BC V8T 2N5</p> <p>PID: 005-484-707 Legal Desc: Sct 3 Sections 29 and 30, Victoria District Plan 8908</p>
<p>Date: April 6, 2018</p> <p>Scale: 1/4"</p>
<p>Zoning Application Site Specific</p>
<p>Drafted By: Gillian Fehr ID, PMP</p>
<p>Drawing: SE1</p> <p>Sheet: 3 of 4</p>
<p>Revision:</p>





1  
Sht-4

Big Tree Location



2  
Sht-4

Gillybird Location

Gillybird Nature  
Schools Ltd.  
2750 Roseberry Ave  
Victoria BC  
V8R 3T9  
250.704.6607

**Big Tree Location  
Gillybird Location**

1661 Burton Ave  
Victoria BC  
V8T 2N5

PID: 005-484-707  
Legal Desc: Sot 3  
Sections 29 and 30,  
Victoria District  
Plan 8908

Date: April 6, 2018

Scale: N/A

Zoning Application

From: R1-B

To: Site Specific

Drafted By:

Gillian Fehr ID, PMP

Drawing:

BG1

Sheet:

4 of 4

Revision:



Gillian Fehr  
Gillybird Nature Schools Ltd.  
2750 Roseberry Avenue  
Victoria BC V8R3T9

To: Mayor and Council

Regarding: 1661 Burton Ave

Gillybird Nature Academy and Big Tree Nature School are currently successfully operating facilities with over 40 families from the local community on our waitlist.

The community of Oaklands is desperate for more childcare spaces, and would benefit greatly from having a program that focuses on children being educated in the outdoors. With our fortunate access to green space within walking distance, the children enrolled at the Gillybird Nature Schools benefit immeasurably from fresh air, daily exercise and develop a personal relationship with their environment.

A center that is able to offer 12 new 30 month to school age spots, as well as 12 infant toddler spots, would be greatly valued at this time in the community.

We will not be changing the site in any way, the original structure will remain intact, no trees will be cut down, and there will be no loss of permeable surface on the lot. The proposed change to zoning would only be for the use to be changed to allow for childcare. As we can be classified as a kindergarten under Victoria Bylaws, the only box the current site does not check is that the home is not older than 1931. The lot is both wide enough and large enough to qualify under the existing regulations.

Our centers do not operate on the weekends, evenings, or even early mornings, so I do not foresee the neighbors having any issues with noise. Compared to a potential tenant disaster if the home was turned into a rental, childcare facilities would create far less noise or disturbance to the surrounding homes. We spend much of our time of site, at local parks and green spaces, and our current locations have never had any type of complaint against us.

Public infrastructure will not be impacted as the water usage is actually quite a bit less than a family residence. With no one showering, taking baths or doing household laundry, the water usage will mostly be toilet flushing. Because we will be doing a bathroom renovation before we open, we have discussed adding a grey water capture to further reduce our impact. Our centers are very green minded and we do not produce much refuse. We recycle everything that is able to be picked up by the city, and I personally take soft plastics and styrofoam to recycling depots.

Please allow me to expedite this process, I will be licensed and opening the center for 8 children in May or June, and I very much hope to be rezoned and able to invite more families to join our center by August.



Conditions to be met prior to Committee of the Whole:

1. Landscaping screen will be installed between on site parking and the neighbour's property line.
2. Bicycle rack have been relocated to Shakespeare St. to allow for easier access
3. Hedge will be trimmed to be 1m tall within the site triangle of the driveway
4. An automatic rolling gate will be installed to ensure that vehicle do not encumber the sidewalk
5. Fir and deciduous trees on the property will be retained and cared for
6. The stone wall and other existing structures will be retained
7. Statutory Right of Way of 1.17m on the Burton Ave side and 1.21m on Shakespeare St..
8. Bike rack sizes have been corrected
9. Tree sizes have been corrected
10. Chain link fence height identified

Thank you,

Gillian Fehr



### **Mission**

*Strengthening the Oaklands community by providing programs, services and resources for its residents, businesses and visitors.*

## **Oaklands Community Association Land Use Committee April 29, 2019 Community Meeting Minutes**

**Location:** Oaklands Neighbourhood House - 2629 Victor Street

**Contact:** [landuse@oaklandsca.com](mailto:landuse@oaklandsca.com)

### **Meeting overview:**

On April 29, 2019, the Oaklands Community Association Land Use Committee (CALUC) hosted a community meeting for a proposed rezoning for a daycare at 1661 Burton Avenue and another community meeting for a proposed small lot subdivision at 2700 Avebury. The meeting was attended by roughly 40 residents of Oaklands and by two City of Victoria Planners (Chelsea Medd and Mike Van Der Laan).

### **1661 Burton Avenue**

#### *Project Overview*

- Gilly-Bird Nature School is opening an infant and child daycare at 1661 Burton and is applying for a rezoning to permit an increase from 8 children to 12.
- The centre would be open Monday to Friday from 8am to 5pm and there would be minimal changes to the property (house paint and some exterior building updates and some changes to landscaping were noted).

#### *Summary of Discussions*

- A neighbouring resident was concerned about increased traffic on the road and a reduction in parking spaces for residents during daycare hours. The proponent noted that there are very little parking and traffic issues at her two other existing daycares (one in Oaklands). As well, ten neighbours to the existing Gilly Bird daycare, by vote of hand, had no concerns about traffic or parking from the other Gilly-Bird Daycare on their block; whereas, 5 of 10 nearby residents to 1661 Burton by vote of hand said they were concerned about traffic and parking. Following further discussion with the concerned neighbours, the proponent committed to work with any concerned neighbours to address parking and traffic issues related to the 1661 Burton Ave daycare should they arise.
- Another neighbour noted concerns about access to local nearby parks for neighbourhood children who may be displaced by children from 1661 Burton Ave. The proponent acknowledged the participants concern and noted that many daycares travel by bus or walk to visit playgrounds throughout the city and that City parks are intended for the enjoyment of all residents.

- Overall, with parking and traffic issues still an outstanding concern for some participants, the majority of the attendees were supportive of the additional childcare spaces that the 1661 Burton Ave daycare would provide. The proponent thanked the attendees for their support and encouraged them to send additional questions to her via the Gilly-Bird website.

## **2700 Avebury Road**

### **Project Overview**

- A representative of the owner of 2700 Avebury provided an overview of the proposed small lot subdivision proposed for the current property.
- The existing house would remain while a portion of the property would be sub-divided and a new home, with site coverages of 29% (note: 40% is allowed under the City's regulations) of the new lot would be constructed and sold.
- The design would require some blasting to accommodate the slab on grade foundation and no windows would be facing into neighbouring properties.

### **Summary of Discussions:**

- Some attendees noted that the design was in keeping with the neighbourhood character and that infill development was needed in the City to accommodate the growing population. The Representative noted that the subdivided lot and home would likely be marketed at \$850k which she considered affordable for some young families by today's current standards.
- Some immediate neighbours expressed their opposition to the subdivision proposal noting concerns for:
  - Uncertainty on blasting effects to neighbouring homes;
  - Increased parking demand and traffic volumes on Kings and Avebury from increased density; and
  - Existing home would eventually be demolished and replaced thereby increasing impacts of densification further.

The Representative noted that blasting, if done correctly, is almost imperceptible to nearby residents, is safe, rarely results in damage to properties, and that the blasters are insured in the event that damages do occur. The Proponent also noted that the new home would have it's own parking space on the property and would not be constructed to accommodate additional suites which could result in increased parking demand in the future. Lastly, the Representative noted no current plans to re-develop the existing house on the property.

- One neighbour, who had previously subdivided their own property across the street, expressed opposition to the proposal.



- One neighbour noted that the stretch of Kings between Avebury and Rosebury already has 8 households (i.e. primary residences and suites) cumulatively on either side of the street and that parking is already an issue and that they had “done their part” to allow for density on the street.<sup>1</sup>
- A number of members of the Oaklands Rise, which supports alternatives to sidewalks on some Oaklands streets, appealed to the proponent to support their initiative by requesting the removal of the sidewalk from the proposal as currently required by the City. The Representative committed to exploring this option further with the Oaklands Rise and the City.
- The current tenants of the 2700 Avebury property were in attendance and noted their support for the proposed subdivision stating that they welcome additional neighbours and children.
- One participant noted concern for the large tree on the south east corner of the property. The Representative assured the participants that this tree would not be affected by the small lot subdivision proposal.

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<sup>1</sup> Although not stated at the meeting, for comparison purposes, Oaklands CALUC notes that on Haultain St (between Avebury and Rosebury) there are 13 households (i.e. primary residences and suites) and that parking is sufficient.



## CITY OF VICTORIA

## Mayor

**Lisa Helps**  
T 250.361.0200  
E [mayor@victoria.ca](mailto:mayor@victoria.ca)

## Councillors

**Marianne Alto**  
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**Chris Coleman**  
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**Ben Isitt**  
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1 Centennial Square  
Victoria, British Columbia  
Canada V8W 1P6

[www.victoria.ca](http://www.victoria.ca)

October 28, 2018

To Whom It May Concern:

Re: Community Support for New Childcare Spaces

I am writing in support of the application of Gillian Fehr of Gillybird Nature Schools Ltd. for funding from the New Spaces Fund to create new childcare spaces in the City of Victoria.

Expanding access to affordable childcare and early childhood education is a strategic priority for the City of Victoria, contributing toward a more inclusive and cohesive community.

Victoria's municipal council has recognized the need of families in the municipality to have more childcare options, and has supported efforts to expand childcare options in several Victoria neighbourhoods. Provincial support through the New Spaces Fund now provides financial capacity to support the establishment of new childcare facilities and the expansion of existing facilities.

Gillybird Nature Academy and Big Tree Nature School has operated successfully in our municipality for a number of years. With support from the New Spaces Fund, more children will have access to education in the outdoors, particularly infants as well as children older than 30 months, addressing gaps in existing childcare services.

For these reasons, I encourage you to support this application for support for the New Spaces Fund.

All the best,

Ben Isitt  
Victoria City Councillor and Capital Regional District Director



## Lucas De Amaral

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**From:** Rob Sherman [REDACTED]  
**Sent:** May 1, 2019 10:20 AM  
**To:** landuse@oaklandsca.com; Victoria Mayor and Council;  
[REDACTED]  
**Subject:** 1661 Burton Ave proposed development application  
**Categories:** Need to file in S Drive

To Whom it May Concern,

On April 26th I attended the Community Meeting for Proposed Development to allow for a kindergarten at 1661 Burton Ave. as I am a resident on Burton Ave that received one of the notices sent out for the hearing.

First let me start by stating that the notice that was sent out appeared to be an avenue of input from the residents in the immediate area to voice support or concern about a business being opened up in our residential neighborhood. Finding out that this was not the case was to say the least, disconcerting.

The applicant Gillian made it very clear that her daycare or adventure centre (I cannot remember what her wording was) is opening June 1<sup>st</sup> and that we (the notice recipients) were only there to approve her application to increase her capacity for the centre from 8 to 12.

I have concerns about the amount of traffic that this business could potentially bring onto Burton Ave. While the applicant will down play this by stating that she will ask her clients to come down roads other than Burton Ave, she has absolutely no ability to control what her clients do or how they do it.

My concerns are about the increased traffic volume and with it, the impact to the limited parking on Burton Ave as well as a likely hood of people speeding (going faster than they safely should be) to get out of the area to get to work on time. The traffic volumes will increase during peak times of people leaving for work and coming home from work, so the likely hood of there being a negative impact is high.

The applicant will tell you that she will ask her clients to park in the Hillside Mall parking lot, but she does not really have a say in how the mall lot will be used and the mall could easily shut that down. And with Wal-mart going into the old Sears store, there will be construction going on which will impact the ability for her clients to park in that area which she is expecting them to. Of course, this is speculation at this time, but are very real scenarios that will again impact the local residents if her ideal situations are not able to be met.

The applicant has suggested that a loading zone could be put on Shakespeare Rd (around the corner from Burton Ave, but this would at best accommodate two cars, so where would the others park? The clients would still have to drive in and out of the area increasing the local traffic.

The applicant had support at the meeting, but from what I can tell, they were from another area of the Oaklands Community and not one of the local residents that received this notification because they live within 100 meters of the address asking for the rezoning change. While I appreciate their right to have a voice, their input should be limited as they will not be impacted by the potential increase of traffic.

If the applicant is allowed to open her business with 8 clients for June 1<sup>st</sup> without consideration from the neighborhood, so be it, but what I ask is that the application to increase capacity from 8 clients to 12 be put on



hold and reviewed with the residents again in 6 months so that we can assess if there are any negative impacts to the potential increase in the local traffic. It will be easier to grant permission in 6 months rather than try and take it away if the business does impact the area negatively.

I am not against quality daycare as I understand how hard it is to find, I am concerned about the potential impacts to the area that I have lived in for over 20 years by increasing the traffic in a small area that is already heavily saturated with vehicles.

I am happy to have a conversation with anyone about this, but I think another application to increase the capacity of the applicants kindergarten in 6 months is a reasonable compromise for everyone.

Rob Sherman

Sent from my iPhone

## Lucas De Amaral

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**From:** Rob Sherman [REDACTED]  
**Sent:** May 1, 2019 4:55 PM  
**To:** gillian fehr  
**Cc:** landuse@oaklandsca.com; Victoria Mayor and Council  
**Subject:** Re: 1661 Burton Ave proposed development application  
  
**Categories:** Need to file in S Drive

Hi Gillian, please see my responses below in italics.

You probably won't want to or might not see the need to, but I am up for an open and constructive conversation – not a debate (as it will serve no purpose) and so much can be lost in translation when using email.

So, if you would like to or feel the need to respond, please address me directly as I am sure that the council has better things to do than to be part of a dialogue where you are apt to malign me (through hearsay). By labelling me a fear monger, aggressive, and that I bulldoze and scare people.

Rob

Sent from my iPhone

Begin forwarded message:

**From:** gillian fehr [REDACTED]  
**Date:** May 1, 2019 at 1:05:55 PM PDT  
**To:** Rob Sherman [REDACTED]  
**Cc:** landuse@oaklandsca.com, mayorandcouncil@victoria.ca  
**Subject:** Re: 1661 Burton Ave proposed development application

Thank you for your comments,

With respect, families can not wait for 6 months.

There are little (to no) Infant Toddler spots in our community and opening 12 new ones is not a negative, but a huge positive for everyone in Oaklands.

*Let's be honest while this is not a negative, this is not a positive for EVERYONE in regards to daycare (not the location). I believe there is a shortage of quality daycare and there always has been, even when my kids were young. But this is really only huge positive for those that will use your service while serving the greater good in a peripheral manner. And for you to maximize your profit per square foot of space. I tried to not overstate the negatives or use fear mongering (as you put it) but paint a realistic picture of possibilities.*

I DO have support from immediate neighbours, but they were elderly women who felt bulldozed by the way you were speaking so aggressively at the community meeting, and felt scared to voice how happy they were at the prospect of seeing new little faces in the area that they have



been residing for more than 30 years. I know this because they told my husband outside that they were scared to speak against you.

*The ladies you speak of – one of them did speak about how happy she would be to see the little faces, so please, let us be truthful about what did and did not happen. Please do not try and paint a picture that is not true. As for the other lady, she is my direct neighbor and has been for twenty years, we are very friendly and have never had a harsh word between us so I find that you lumping her into being scared to speak is an alternate fact; a stretch of the truth.*

*Stating how someone else felt is complete hearsay and does not make for a productive conversation but rather serves your agenda of making me out to be the “bad guy” to your self-perceived role as a savior of the community. I spoke and let others speak; I did not disparage anyone or say they were wrong or not let anyone have an opportunity to add the voice to the dialogue. But let me say this - I felt it was you who set the aggressive tone by stating in your opening statement to the group that you “are not changing the property by adding a new building to the lot which is within your right to do” like you are doing us a favor and in some ways felt like a veiled threat that if this doesn’t happen for you that you may do that. You and your husband several times throughout the conversation brought up scenarios that “could be worse’ for the neighborhood continuing the tone you set.*

*If anything, I felt as if I was outnumbered and bullied as it seemed that you brought support (residents on Roseberry I believe) from outside of the 100 meter radius that was invited to the meeting to voice support or concern for your request.*

I am not applying to turn the lot into a huge development, and I was surprised that you wouldn’t be excited that the building would not be demolished, with a large duplex/4 plexus built in place.

*I think this is moot point as this proposal is not on the table, but if it were, I would have the same concerns about the increase of vehicles. Plus I am pretty certain that bylaws state that there needs to be a certain number of parking spaces for each residence.*

My families ARE respectful drivers and will not (nor have they ever) speed on a street threat their own children will be attending care at. To suggest parents will be speeding on streets where the Center will be located is total speculation, and fear mongering. If there is concern for speeding cars, it would not be coming from people dropping off and picking up small children.

*I am not pointing a finger at “your families”, I do not know them so I cannot say how they behave one way or the other; all I am stating is that the increase of vehicles will impact parking and when people (all people) are in a rush, they tend to go faster in areas they shouldn’t. You can’t be so naive to think that this is not the case and that people jockeying to get past each other is not going to happen ever. So while “your people” might not speed, the presence of their vehicles could contribute to others doing so. All I am pointing out is that the increase of vehicles contributes even indirectly to my concerns.*

Furthermore, being a nature based center, I attract families that walk and bike when ever they are able.

*And when they aren’t, they could possibly drive to the center and increasing traffic to the area at peak hours, thereby supporting my concern.*



Immediate neighbours have agreed that changing the no stopping zone on Shakespeare to residential parking and a drop off zone would eliminate virtually everyone's reservations, except yours. Singularly, yours.

*Concerns about what? Traffic or parking. This would help address the parking, but not the amount of increased traffic on the road. You would have to agree with that statement.*

I found your vehemence to be disproportionate to the nature of the meeting, and many others stated the same after you left. Just because your voice was the loudest, doesn't mean it is the most prevalent.

*Perhaps it was disproportionate, however, in the moment (after finding out that this was not about opening a kindergarten, but rather to approve an increase in your clientele) and how I feel you set the tone, by stating what you could do with the property, I feel like none of us had a voice in the matter and I was quite upset by that fact. I thought a community was about being able to talk about things and come to an understanding or agreement after facts and opinions had been brought forward. I don't feel that there was in this case as you were opening your business on June 1<sup>st</sup> and you seemingly were expecting unanimous support for the additional 4 spots. If you could look at it from my point of view instead you might be able to understand where I am coming from.*

Being a home owner, I too dislike the ever shrinking parking spaces available for my own vehicles at my homes. But densification means that that is not going to stop. In fact, if we suited the Burton home, there would be potentially 4 new cars parked on the street. In this case, only drop off and pick up at 8-9 and 4-5 would be an issue. Zero cars parked over night or on weekends, when I would assume most residents would like to be parking their own cars.

*Again, to my point, trying to paint a picture of it could be worse. I say it could be better if a single person who only rode their bike moved in. That didn't happen so it is just a valid a statement as yours which is moot - as that is not the situation we are dealing with. And also as you stated, the traffic impact would be at peak hours when people are trying to leave for work and come home. Those are the hours of impact. If the hours were between 11 am and 2 pm, then I would still have some concern, but the impact to traffic flow would not be as likely as it is in the hours you have noted.*

I very much hope that when we open for 8 children you will see that your concerns will be mitigated.

*I would very much like my concerns to be mitigated, that is why I am suggesting a 6 month review; if there is little to no impact, I would gladly support the increase to 12. I do not think that is unreasonable at all. I like to err on the side of caution and until the impacts are known, I think reviewing the impact to the neighbor is the prudent thing to do. Neither you nor I can state for certain what will happen either way and without that certainty, taking a cautious approach is the best and fair course of action for all parties.*

*My ask from the council is simple, even though I may be the only voice against the increase, I ask that the application be put on hold for 6 months so that we can actually see what impact the increased traffic will have in the area. What works in one area may not work in another, and only time will tell if there are or are not issues. If the application is granted and there are issues, it will be much harder to restrict the center back down to 8 spaces; and this would create a*



*much larger burden on the families that could no longer attend if that decision was made. Once the genie is out of the bottle, you can't put it back in.*

Sent from my iPhone

On May 1, 2019, at 1:05 PM, gillian fehr [REDACTED] wrote:

Thank you for your comments,

With respect, families can not wait for 6 months.

There are little (to no) Infant Toddler spots in our community and opening 12 new ones is not a negative, but a huge positive for everyone in Oaklands.

I DO have support from immediate neighbours, but they were elderly women who felt bulldozed by the way you were speaking so aggressively at the community meeting, and felt scared to voice how happy they were at the prospect of seeing new little faces in the area that they have been residing for more than 30 years. I know this because they told my husband outside that they were scared to speak against you.

I am not applying to turn the lot into a huge development, and I was surprised that you wouldn't be excited that the building would not be demolished, with a large duplex/4 plexus built in place.

My families ARE respectful drivers and will not (nor have they ever) speed on a street threat their own children will be attending care at. To suggest parents will be speeding on streets where the Center will be located is total speculation, and fear mongering. If there is concern for speeding cars, it would not be coming from people dropping off and picking up small children.

Furthermore, being a nature based center, I attract families that walk and bike when ever they are able.

Immediate neighbours have agreed that changing the no stopping zone on Shakespeare to residential parking and a drop off zone would eliminate virtually everyone's reservations, except yours. Singularly, yours.

I found your vehemence to be disproportionate to the nature of the meeting, and many others stated the same after you left. Just because your voice was the loudest, doesn't mean it is the most prevalent.

Being a home owner, I too dislike the ever shrinking parking spaces available for my own vehicles at my homes. But densification means that that is not going to stop. In fact, if we suited the Burton home, there would be potentially 4 new cars parked on the street. In this case, only drop off and pick up at 8-9 and 4-5 would be an issue. Zero cars parked over night or on weekends, when I would assume most residents would like to be parking their own cars.

I very much hope that when we open for 8 children you will see that your concerns will be mitigated.

Gillian



On May 1, 2019, at 10:19 AM, Rob Sherman [REDACTED] wrote:

To Whom it May Concern,

On April 26th I attended the Community Meeting for Proposed Development to allow for a kindergarten at 1661 Burton Ave. as I am a resident on Burton Ave that received one of the notices sent out for the hearing.

First let me start by stating that the notice that was sent out appeared to be an avenue of input from the residents in the immediate area to voice support or concern about a business being opened up in our residential neighborhood. Finding out that this was not the case was to say the least, disconcerting.

The applicant Gillian made it very clear that her daycare or adventure centre (I cannot remember what her wording was) is opening June 1<sup>st</sup> and that we (the notice recipients) were only there to approve her application to increase her capacity for the centre from 8 to 12.

I have concerns about the amount of traffic that this business could potentially bring onto Burton Ave. While the applicant will down play this by stating that she will ask her clients to come down roads other than Burton Ave, she has absolutely no ability to control what her clients do or how they do it.

My concerns are about the increased traffic volume and with it, the impact to the limited parking on Burton Ave as well as a likely hood of people speeding (going faster than they safely should be) to get out of the area to get to work on time. The traffic volumes will increase during peak times of people leaving for work and coming home from work, so the likely hood of there being a negative impact is high.

The applicant will tell you that she will ask her clients to park in the Hillside Mall parking lot, but she does not really have a say in how the mall lot will be used and the mall could easily shut that down. And with Wal-mart going into the old Sears store, there will be construction going on which will impact the ability for her clients to park in that area which she is expecting them to. Of course, this is speculation at this time, but are very real scenarios that will again impact the local residents if her ideal situations are not able to be met.

The applicant has suggested that a loading zone could be put on Shakespeare Rd (around the corner from Burton Ave, but this would at best accommodate two cars, so where would the others park? The clients would still have to drive in and out of the area increasing the local traffic.

The applicant had support at the meeting, but from what I can tell, they were from another area of the Oaklands Community and not one of the local residents that received this notification because they live within 100 meters of the address asking for the rezoning change. While I appreciate their right to have a voice, their input should be limited as they will not be impacted by the potential increase of traffic.



If the applicant is allowed to open her business with 8 clients for June 1<sup>st</sup> without consideration from the neighborhood, so be it, but what I ask is that the application to increase capacity from 8 clients to 12 be put on hold and reviewed with the residents again in 6 months so that we can assess if there are any negative impacts to the potential increase in the local traffic. It will be easier to grant permission in 6 months rather than try and take it away if the business does impact the area negatively.

I am not against quality daycare as I understand how hard it is to find, I am concerned about the potential impacts to the area that I have lived in for over 20 years by increasing the traffic in a small area that is already heavily saturated with vehicles.

I am happy to have a conversation with anyone about this, but I think another application to increase the capacity of the applicant's kindergarten in 6 months is a reasonable compromise for everyone.

Rob Sherman

Sent from my iPhone

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**From:** Bridey Morrison Morgan <[REDACTED]>  
**Sent:** Friday, May 10, 2019 10:51 AM  
**To:** Victoria Mayor and Council  
**Subject:** RE: Mayor and Council email RE: Community Meeting - Proposed Development - 1661 Burton Avenue

Greetings Monica:

Thank you for the acknowledgement of my letter / email regarding re: re-zoning. Please forward these comments to the appropriate individuals.

I appreciate the information about the Community Care and Assisted Living act.

My big concern is that no notification (as a courtesy / transparency) about this legislation was given to the community as to what was happening to the property in question.

Furthermore, before the day care is up and running, we have the owner / operator applying for re-zoning to accommodate more children and the neighbourhood has not had time to adjust to the new traffic patterns we will be dealing with.

The application (which I will point out again – talked about re-zoning for a kindergarten – not an increase to the number of children attending the day care).

I think for the sake of the community / neighbourhood no change to the zoning should take place for at least 6 months. If Ms. Fehr's day care operation doesn't cause a problem / have negative impact in our neighbourhood, she could then re-apply and I am sure the neighbourhood would fully support her application for re-zoning.

Sincerely,  
bridey morrison morgan

Sent from Mail for Windows 10

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**From:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Sent:** Wednesday, May 8, 2019 9:47:50 AM  
**To:** [REDACTED]  
**Subject:** Mayor and Council email RE: Community Meeting - Proposed Development - 1661 Burton Avenue

Dear Bridey,

Thank you for your email regarding a rezoning application for 1661 Burton Avenue, it has been shared with Mayor and Council.

I have also filed your email with this address, to be shared with Mayor and Council again once this application comes before them for consideration at a Committee of the Whole meeting. More information on this application can also be found on the City's Development Tracker.



To provide some clarification on the process, the Community Care and Assisted Living Act permits daycares for up to 8 children within single family dwellings; this is provincial legislation which overrules a city's zoning regulations. However to have any more than 8 children, Island Health would then require the building be zoned for this use, by the municipality. Such an application has been received by the City to rezone 1661 Burton.

Thank you for your sharing your feedback with Mayor, Council and the City of Victoria.

Sincerely,

Monica Dhawan  
Correspondence Coordinator  
Mayor / City Manager's Office  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

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**From:** Bridey Morrison Morgan [REDACTED]  
**Sent:** May 4, 2019 1:37 PM  
**To:** Victoria Mayor and Council  
**Cc:** Ben Isitt (Councillor)  
**Subject:** Community Meeting - Proposed Development - 1661 Burton Avenue

Please see the attachment – letter from resident re: 1661 Burton Ave.

Thank you.

bridey morrison morgan  
[REDACTED]

Sent from Mail for Windows 10

## Monica Dhawan

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**From:** Bridey Morrison Morgan [REDACTED]  
**Sent:** Tuesday, June 25, 2019 10:32 AM  
**To:** Victoria Mayor and Council  
**Subject:** RE: Mayor and Council email RE: re-zoning application - 1661 Burton Avenue

Good morning Monica, Mayor and Council:

Thank you for another reply.

Re: your response to my points about traffic and the park. I find it totally amazing that city staff sitting in their downtown offices would be able to comment on what is good for our street and playground. For example, since when is having 2 swings for possibly 24 children (from the daycare) plus other neighbourhood children playing in the park a suitable ratio of equipment and users of the equipment ?

I find it interesting that on the public board posted on the property would advertise "giving input to the re-zoning" and in all likelihood the city is going to rubber stamp the application for re-zoning.

It is my understanding from the information that you sent to me about licensing, the City is saying that IH and the Province are the decision makers about when and where daycare operations are set up in residential communities. Their rules override the City and also, feedback in the community.

To me it appears that the City, IH and the Province all want to appear as being supportive of day care – making themselves look good to the public. However, I as a resident of the street feel that there is potential for disruption to my life and my neighbourhood.

bridey morrison morgan

Sent from [Mail](#) for Windows 10

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**From:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Sent:** Friday, June 21, 2019 12:35:04 PM  
**To:** 'Bridey Morrison Morgan'  
**Subject:** RE: Mayor and Council email RE: re-zoning application - 1661 Burton Avenue

Thank you for your follow up email, Bridey. I should have clarified on point #3 that I was referring to City staff based on site visits to the park.

I will share your email with Mayor and Council and with the Planner for their information. I will also file this latest email as well, to ensure it is on the public agenda when the application comes before Council for their consideration.

Sincerely,  
Monica

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**From:** Bridey Morrison Morgan [REDACTED]  
**Sent:** Thursday, June 20, 2019 6:38 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** RE: Mayor and Council email RE: re-zoning application - 1661 Burton Avenue



Dear Mayor, Council and Monica:

Thank you for your personal reply to my 2<sup>nd</sup> letter.

My reply to the following points –

Point # 1) I find it interesting the Transportation staff reviewed the file and have no concerns. **The people in that department do not live on my street** and I, as a resident of the street, do have a high degree of concern about 24 vehicles driving down my street possibly twice a day, five days a week. My grandchildren and other street on the street will no longer be able to play freely and safely with the increased traffic flow department. I am not sure the people in the Traffic Department would want increased traffic on their street.

Point # 3) I am aware that the daycare has it's own playground area and I can appreciate that the "staff do not have concerns about overcrowding in the playground". I assume you mean the daycare staff. If so, I appreciate that they have no concerns, but again as a resident of the neighbourhood, I do have a concern. Why would the staff's opinion over rule or have more weight than residents of the community?

As I stated before, it is my opinion that the private-for-profit owner / operator, Ms. Fehr, from the start **has not been transparent and honest about her intentions in acquiring the property**. It may be a great business opportunity for Ms. Fehr but in my opinion it is not an improvement to our community / neighbourhood. Again, I will remind all of you that at the OCA meeting, 29 April 2019, **Ms. Fehr told those in attendance that she wanted support for 4 more spaces not 16 more spaces**. She advised us that she was already licensed for 8 children and wanted to increase the number of children from 8 to 12.

In my opinion, having a commercial business at the end of our residential street in our neighbourhood is not desirable. The is not a case of "not in my backyard" but rather a case of the process moving forward without a lot of dialogue with the residents.

For your information, I will be contacting Island Health and the Provincial Government about my concerns about permitting re-zoning for private-for-profit day care operations in long established neighbourhoods without an open and transparent public consultation process with residents. I support publicly funded day care.

Yours truly,

bridey morrison morgan  


Thank you for you

Sent from [Mail](#) for Windows 10

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**From:** Victoria Mayor and Council <[mayorandcouncil@victoria.ca](mailto:mayorandcouncil@victoria.ca)>

**Sent:** Thursday, June 20, 2019 2:28:50 PM

**To:** 'Bridey Morrison Morgan'

**Subject:** Mayor and Council email RE: re-zoning application - 1661 Burton Avenue

Dear Bridey,

Thank you for your email regarding a rezoning application for 1661 Burton Avenue, it has been shared with Mayor and Council.

This application is scheduled to come before Council at the Committee of the Whole meeting on June 27. At that time, Council will consider whether the application will proceed to a Public Hearing (or to decline, defer decision, etc.) Should it proceed to a Public Hearing, the public is then notified of the Hearing through various means, including an update to the signage, a mail-out, and an ad in the newspaper.

The City's [Development Tracker](#) has the most up-to-date information regarding this proposal, including the most recent plans. The staff report for the Committee of the Whole meeting will be published the Friday before the meeting on our [Council webcasting portal](#).

To respond to some of your questions, the Planning department has provided the following information:

1. Transportation staff have reviewed the file and did not raise concerns regarding traffic. However, a Statutory Right-of-Way is being requested along Shakespeare Street which would be used for future road improvements.
2. The R1-B Zone permits for house conversions which permit daycares. In this instance, this requires a rezoning only because the house was constructed in 1945 (house conversions for daycares must be built prior to 1931 according to the zoning).
3. The daycare has its own play area and Clawthorpe Park would be used as an outing – not its primary location. Staff do not have concerns about overcrowding.

Island Health would place the limit on the number of children allowed, and not the City.

I have filed your email with this address, to be shared with Mayor and Council again once this application comes before them at the Committee of the Whole meeting.

Sincerely,

Monica Dhawan  
Correspondence Coordinator  
Mayor / City Manager's Office  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6



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**From:** Bridey Morrison Morgan [REDACTED]  
**Sent:** Wednesday, June 12, 2019 3:15 PM  
**To:** Victoria Mayor and Council <[mayorandcouncil@victoria.ca](mailto:mayorandcouncil@victoria.ca)>; Ben Isitt (Councillor) <[BIsitt@victoria.ca](mailto:BIsitt@victoria.ca)>  
**Subject:** re-zoning application - 1661 Burton Avenue

Attached please find a second letter regarding – 1661 Burton Ave, Victoria, BC

I look forward to your reply and information about the upcoming public meeting with council to discuss the impact in our community / neighbourhood.

Thank you.

bridey morrison morgan  
[REDACTED]

Sent from [Mail](#) for Windows 10



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# Rezoning Application for 1661 Burton Avenue



