



## **Council Report**

**For the Meeting of April 13, 2017**

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**To:** Council **Date:** March 13, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00458 for 149 Montreal Street

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### **RECOMMENDATION**

That Council give first and second reading of Bylaw No. 17-015 for Rezoning Application No. 00458 for 149 Montreal Street and a Public Hearing be set.

### **EXECUTIVE SUMMARY**

The purpose of this report is to update Council regarding additional information requested by Council in relation to the Rezoning Application for 149 Montreal Street. In accordance with Council's amended motion of January 26, 2017 (attached) directing staff to "explore with the applicant the possibility of a Section 219 Covenant to restrict the hours and days of operation from Monday to Friday, 7:00 a.m. to 6:00 p.m." the James Bay Child Care Society, in correspondence dated February 28, 2017 (attached), has indicated they are "not interested in agreeing to these limitations at this time."

At this same Council meeting, Council requested that staff ensure "the applicants have accurate information regarding the number of child care facilities in the City of Victoria." To respond to this, staff have prepared a table based on the information presented by the applicant in their original submission with clarified information provided in the shaded cells; in some instances, the City has no formal record of a daycare's existence (e.g. no business license and/or no information on historical building records) so no update has been provided.

### **CONCLUSIONS**

Given that the applicant has satisfied all conditions set to advance to a Public Hearing, staff recommend for Council's consideration that the Bylaw No. 17-015 be given first and second reading and a Public Hearing date be set.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'A. Meyer'.

Alison Meyer, Assistant Director  
Development Services Division

A handwritten signature in black ink, appearing to read 'J. Tinney'.

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be a stylized 'M'.

Date:

March 23, 2017

**List of Attachments:**

- January 26, 17 Council Motion
- Correspondence dated February 28, 2017 from the James Bay Child Care Society
- Childcare Facilities in Victoria – Clarified Information

### **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**

To: Alison Meyer  
Assistant Director  
Development Services  
City of Victoria  
250.361.0293  
[ameyer@victoria.ca](mailto:ameyer@victoria.ca)

February 28, 2017

Dear Ms. Meyer,

I write further to our telephone discussion last week in which you advised me that Council had directed you to inquire with us, the James Bay Child Care Society, (the "Society") whether we would agree to limitations on the hours and days of the week in which we could operate the Infant Plus daycare and other business of the Society. I note you asked us this in the context of a rezoning application we have before Council.

After careful consideration and consultation with our lawyer, we have decided that we would not be interested in agreeing to these limitations at this time. We note that s. 6 of the Victoria nuisance bylaw already includes effective regulations regarding hours of operation, and the Society will certainly respect this. We would like to proceed to a public hearing before Council on our rezoning application. We understand that we are tentatively scheduled to present our plan at a public hearing before Council on April 27, 2017.

On behalf of the Society, thank you for enquiring with us regarding this matter, and we look forward to continued discussions with you and your department, as well as Council, regarding our rezoning application.

Sincerely,



Caitlin Lemiski,  
President,  
James Bay Child Care Society  
[Caitlin.lemiski@gmail.com](mailto:Caitlin.lemiski@gmail.com)

Copy to: Wendy Lowe, Director, Infant Plus Child Care (Operated by the James Bay Child Care Society) [infantplus@shaw.ca](mailto:infantplus@shaw.ca)



### Childcare Facilities in Victoria – Clarified Information Provided in Shaded Cells

Childcare Facility Name	Address	Number of Childcare Spaces	Off-Street Parking	Comments	Zoning
Castlevue Child Care Centre	1075 Joan Cres	40	0	- existing Nursery School - existing legal non-conforming parking	R1-A
Christ Church Cathedral Childcare	520 Niagara St	n/a	1	- use changed to SFD with secondary suite	R-2
Christ Church Cathedral Childcare	1670 Richardson St	40	7	- not included in applicant's submission - rezoned from R1-B to R1-36 in 2014 to permit childcare - converted from single family dwelling to childcare (kindergarten)	R1-36
Little Hands Child Care	1303 Fairfield Rd	10** unconfirmed	0	- existing Church and Hall - existing legal non-conforming parking	R1-B
Springridge	1222 Gladstone Ave	8-toddler 21-3-5 yr olds 29-TOTAL	3*	- original SFD converted to daycare in 1982 - *required parking permitted to be located on GVSB owned property 30m west of site, as approved by Council	R-2
Rainbow Express	433 Kingston	32	1	- original SFD converted to daycare in 1975 - existing legal non-conforming parking - parking in side service driveway	R-2
Victoria Children's Centre	1515 Blanshard	12	0	- no City records	CA-4
Freedom Childcare Centre	749 View St	42	0	- commercial building, daycare added in 1995 - no parking required per the zone	CA-4
Cridge Child Care Services	1307 Hillside Ave	114-regular care 75-out of school 189-TOTAL	90-site 18-daycare	- part of Cridge Centre for the Family	R1-26
ABC Infant & Toddler	2700 Scott St	20	1*	- property rezoned and original SFD changed to daycare in 1990 - *1 space to be provided in the internal garage - no parking required for daycare per the zone	R1-SDC
Fernwood NRG	1240 Gladstone Ave	8-infant 8-toddler 25-3-5 yr olds 30-out of school 75-TOTAL	0	- part of community association - existing legal non-conforming parking	R-2
Carousel Child Care Centre	301 Richmond Ave	25	0	- original Church - no parking required for daycare per the zone	R1-DC
Ross Bay Pre-school	1620 Earle St	16	1	- not included in applicant's submission - original SFD converted to daycare (kindergarten) in 2004 - parking variance granted by way of DVP 04-29	R1-G