

## PUBLIC HEARING BINDER

**Child Care Facility – Jelly Bean Academy**

**Business License Application**

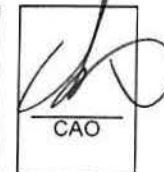
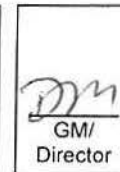
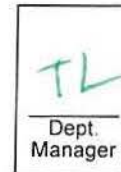
**1356 Frederick Road**



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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>May 29, 2017</u>
<input type="checkbox"/> Other:	Date: _____



## The District of North Vancouver REPORT TO COUNCIL

May 15, 2017  
File: 10.4750.30/001.000

**AUTHOR:** Cristina Rucci, Social Planner

**SUBJECT:** **Application to Amend a Child Care License for Jelly Bean Academy located at 1356 Frederick Road**

**RECOMMENDATION:**

THAT Council receive this report as background information for an application to amend the business license for Jelly Bean Academy,

AND THAT Council refer this item to a Public Hearing to be held on June 20, 2017.

**REASON FOR REPORT:**

To provide Council with background information on the Group Child Care license application from Jelly Bean Academy in preparation for the Public Hearing on June 20, 2017. Approval of this license for a Group Child Care (School Age) would mean an increase in capacity from 10 children to 17 children at 1356 Frederick Road. The applicant also holds a license for 10 preschool children at the same location. An increase in capacity beyond 20 children triggers the requirement for a Public Hearing.

**SUMMARY:**

Ms. Nasrin Rahmatian has recently made an application to Vancouver Coastal Health (VCH) to increase the capacity of her school age program from 10 to 17 children, bringing the total potential number of children in her care over the course of a day to 27. Ms. Rahmatian, the owner/operator of Jellybean Academy currently operates a child care for up to 20 children from her home located at 1356 Frederick Road. She is currently licensed for 2 programs, a preschool program for up to 10 children and a school age program for up to 10 children, for a total of 20. The two programs never run concurrently. An open house for the neighbours took place on April 25, 2017 which provided an opportunity for the applicant to informally discuss the application and to address any concerns the neighbours may have. District staff attended this meeting; however, none of her neighbours were present. As per the Childcare Facilities Business Regulation Bylaw, a Public Hearing is being held on June 20, 2017 to give interested residents an opportunity to express their views on the proposed application. Prior to this hearing, the District will mail out a notice to residents within the notification radius



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informing them of the proposal, a sign will be placed on the applicant's property notifying the public about the hearing, and a notice will appear in two consecutive issues of the North Shore News advertising the Public Hearing. After the Public Hearing, the application will be considered by Council at a regular Council meeting in July. As this is an application to amend a business license Bylaw readings are not required.

**BACKGROUND:**

Ms. Nasrin Rahmatian, the owner/operator of Jelly Bean Academy first opened her child care for up to 7 children in 1990 from her home located at 1356 Frederick Road (see Attachment A for site map). In the late 1990's she applied to amend her license to 20 children, which included a license for 10 preschool children and 10 school age children. This license was approved in 1999. The applicant's recent request to increase her school age program to 17 children comes mainly in response to the increasing requests from her current clients who are in need of before and after school care for the siblings of the children that are enrolled in the program. All 7 spots are tentatively filled.

The preschool and school age programs do not run at the same time. The preschool operates three days a week from 9:00am to 2:30pm on Tuesday, Wednesday, and Thursday, while the school age program runs five days a week from 7:30am to 8:30am and from 3:30pm to 5:30pm. Ms. Rahmatian has not received any complaints over the last 18 years and has maintained positive relationships with her neighbours.

The BC Building Code and provincial requirements for child care operations in single family zones have changed since the late 1990's. Bylaw 6724 now requires facilities that provide child care for more than 10 children at one time to comply with the BC Building Code's assembly occupancy requirements. As such, the operator has obtained a building code specialist to evaluate her home and he has provided her a number of suggestions that she will pursue pending Council's decision regarding her business license. The applicant will not be able to get her business license until these improvements are made to the satisfaction of the District's building staff.

**EXISTING POLICY:**

The District's Child Care Policy supports the facilitation of quality child care services that afford opportunities for children to develop socially, emotionally, and intellectually. The investment in quality child care is far-reaching and can have positive social and economic benefits for all residents living in the District. Further, District policy encourages a continuum of child care services at one location and supports the provision of child care spaces in residential areas.

The North Shore Congress's Child and Family Friendly Community Charter was endorsed by Council in 2011. The Charter recognizes that early child development is critical and that members of the Congress need to work together to create broad, equitable access to the conditions that help children and families thrive.



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The Child Care Facilities Business Regulation Bylaw 6724 requires that child care business license applications for more than twenty children in any one day or at any one time must be referred to Council for approval and that a Public Hearing must be held for the purpose of allowing the public to make representations to Council on matters respecting the application. In accordance with the requirements for Public Hearings, all residents within 75-metres of Jelly Bean Academy will receive notice of the Public Hearing.

**ANALYSIS:**

The Planning Guidelines for Home Occupied Child Care Facilities were updated in January, 2014. These enhanced Guidelines take into consideration the following criteria in the assessment of proposed child care businesses in single family homes:

- located in under-served neighbourhoods
- located close to community amenities
- located on easily accessible streets
- addresses arrival/departure and parking needs
- maintains neighbourhood characteristics (compatible neighbourhood fit)

The enhanced guidelines also require that applicants provide additional information around design of the facility, parking, and access. They also recommend that applicants hold an open house with their neighbours to discuss their proposal before the application goes to a Public Meeting or Public Hearing.

*Proposal*

- Jellybean Academy is located in a family oriented neighbourhood in Lynn Valley.
- Frederick Road is a collector and offers good accessibility to major arterial routes (Mountain Hwy and Lynn Valley Road).
- The facility is located across the street from a number of community amenities including the Lynn Valley Community Recreation Centre and Lynn Valley field, as well as Lynn Valley School.
- A number of child care facilities are also located in close proximity to the subject site, including:
  - Rainbow Corner, located adjacent to the Lynn Valley Community/ Recreation Centre (44 multi-age and 12 children under 36 months);
  - Sandpiper Preschool, located in the Community/Recreation Centre (20 children);
  - Lynn Valley Parent Participation Preschool, adjacent to Lynn Valley School (20 children);
  - Bee Haven located at St. Clements Church on Institute Road (30 school age), and;
  - Lynn Valley Kids Club and Preschool operated by North Shore Neighbourhood House on Mountain Hwy (30 out of school care kids and 20 preschool).
- All of the before and after school programs in the area are at capacity and are located on public assembly land and therefore have associated on-site parking.

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- The applicant also notes that many of the children that attend her facility are from the neighbourhood and are encouraged to walk to the facility. Of the 10 preschool children that are currently enrolled, 5 walk or bike and of the 10 school age children 4 walk to the child care regardless of the weather.
- The applicant's only assistant is her husband, Abdulreza Rahmatian. As per the Provincial Child Care License Regulation, the number of responsible adults needed for school age care for 13-24 children is 2. Ms. Rahmatian is a qualified educator and has received her ECE diploma and her husband is qualified as a "responsible adult".
- The operator does maintain a waitlist. One of the children that has been waiting to get into her care has been on the list for 1.5 years.
- The applicant and her husband live on the second floor of the home and the child care is located on the main floor, which is above ground.

*Childcare – school age program*

- The hours of operation for the school age program are from Monday to Friday 7:30am to 8:30am and in the afternoon from 3:30pm-5:30pm.
- The child care is also open full days on professional development days and during the spring and summer break (the preschool is closed during these times). The facility is closed on weekends, statutory holidays, two weeks during Christmas break and the last week of August.
- It should be noted that, as with all childcare centres, parents generally drop their children off at varying times during drop off and pick up times. The applicant has indicated that during the entire time they have been operating that they haven't received any complaints from their neighbours regarding parking.

*Childcare – preschool program*

- The hours for the preschool are 9:00am to 2:30pm, Tuesday, Wednesday and Thursday.
- The preschool program is closed during the summer months or other breaks, including professional development days, during the school year.

*Design*

- The home is two storeys and the child care will be located on the main floor and has a strong connection to the outside. There are no stairs or other encumbrances leading from the outside to the childcare which makes the site very accessible. The outside play space is secured for privacy and safety with a 6' high fence, hedges, and trees surrounding the property. There is a gate at the back of the property leading to the lane for emergency use.
- The childcare space will be expanded to meet the childcare licensing requirements, which are 3.7 square metres per child.
- Large windows provide natural light and fresh air into the space and provide an convenient exit for the children.



*Noise*

- In order to minimize the noise from the school age children, the applicant will divide the children into two groups and each group plays outside at separate times between 4:00 and 5:00pm.
- The children are often taken to Lynn Valley Park and field for games and recreation. The applicant also often brings the children swimming during the spring and summer and skating during the winter months at Karen Magnussen. Parents will pick up their children from the recreation centre on these days which decreases the amount of time the children are playing the backyard and potentially impacting the neighbours.

*Public Consultation*

- The applicant hand delivered a letter of introduction ([Attachment B](#)) to all of her neighbours located within 75 metres of her home in early April. This letter followed a template provided by staff to the applicant and outlined the proposed amendment, the reason for the amendment, as well as a summary of the proposed staff, hours of operation, parking, and outdoor play.
- When delivering the letters, the applicant did have conversations with most of her neighbours about their proposal (approximately 30 households in total). These neighbours expressed their support for the proposal and signed a petition to show their support for her application.
- As per the enhanced guidelines, the applicants held an open house on Tuesday, April 25, 2017. The purpose of the open house is to give the applicant an opportunity to informally discuss their application with their neighbours and to discuss any concerns they might have. Staff attended the open house, to answer any regulatory questions that may arise. Although the applicant notified her neighbours of the meeting, none of them were in attendance.

*Parking and Access*

- The District of North Vancouver Zoning Bylaw 1965 requires 1.25 parking spaces per classroom. The operator is applying for a license for 2 classrooms, one for preschool children and one for school age children (not to run concurrently). Additionally, the applicant requires 2 spaces for the single family dwelling, for a total of 4.5 (rounded to 5).
- Although 5 parking stalls is the requirement, two parking stalls would likely meet the requirement of both classrooms because the preschool program and school age program never run concurrently. Transportation supports the provision of 2 parking spots for the classrooms and 2 parking spots for the single family dwelling, for a total of 4.
- The business license will outline the hours of operation for the preschool and school age care programs and will specify that the 2 programs will not overlap. If the applicant comes forward in the future with a change in her business license, the parking must be reviewed to ensure that it meets the bylaw requirements.
- The applicant does have a carport that fits both her van and family car and the driveway dimensions are sufficient to accommodate two vehicles.

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- The home is located on Frederick Road, a collector road providing access to both Mountain Hwy and Lynn Valley Road.
- There is available off-site parking on Frederick Road for families to temporarily park their cars for pick up and drop off. Lynn Valley Community/Recreation Centre, across the street from the applicant's home, has a large parking lot, which could be accessed for pick up and drop off.
- The applicant transports the school age children to the schools that they serve (Lynn Valley, Ross Road and Upper Lynn) with a 15 passenger van as well as their family vehicle. Both her and her husband drop off and pick up the children to and from the various schools.
- Business Licensing staff has indicated there have been no complaints regarding Jelly Bean Academy over the last 18 years.

**Timing/Approval Process:**

Following the Public Hearing, the application will be considered by Council at the Regular meeting on July 10, 2017.

**Social Policy Implications:**

The District's Child Care Policy supports the provision of quality child care services, the provision of a continuum of child care services, and the provision of child care services close to elementary schools.

**Conclusion:**

The applicant has been operating a successful child care business from her family home located at 1356 Frederick Road for the last 18 years. By amending her current child care license with VCH (and subsequently her business license with the District, for her school age program) from 10 to 17, the operator will be able to accommodate the siblings of the children that attend her facility. This helps address the needs expressed by her clients who are requesting expanded programming. The location of this facility meets the location District's criteria, as it is situated close to a school, parks, and a community/recreation centre. Accessibility to the site is good and the site offers on-site and off-site parking options and good connections to both Mountain Hwy and Lynn Valley Road. The applicant held an open house for the neighbours on April 25, 2017, though no neighbours attended the meeting.

**Options:**

A Public Hearing will be held on June 20, 2017 to allow residents an opportunity to express their views on the application. Prior to this hearing, the District will mail out a notice to residents within the notification radius (75 metres) informing them of the proposal, a sign will be placed on the applicant's property notifying the public about the hearing and a notice will appear in two consecutive issues of the North Shore News advertising the Public Hearing. After completion of the Public Hearing, and with evidence of compliance with all building

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code requirements and other District bylaws, Council may consider this application on July 10, 2017 and either:

1. Approve issuance of a business license to Ms. Nasrin Rahmatian, which would allow her to provide care for 7 additional school age children up to a maximum of 17 children, or
2. Decline the application maintaining the current permitted capacity of 10 school age children.

Respectfully submitted,

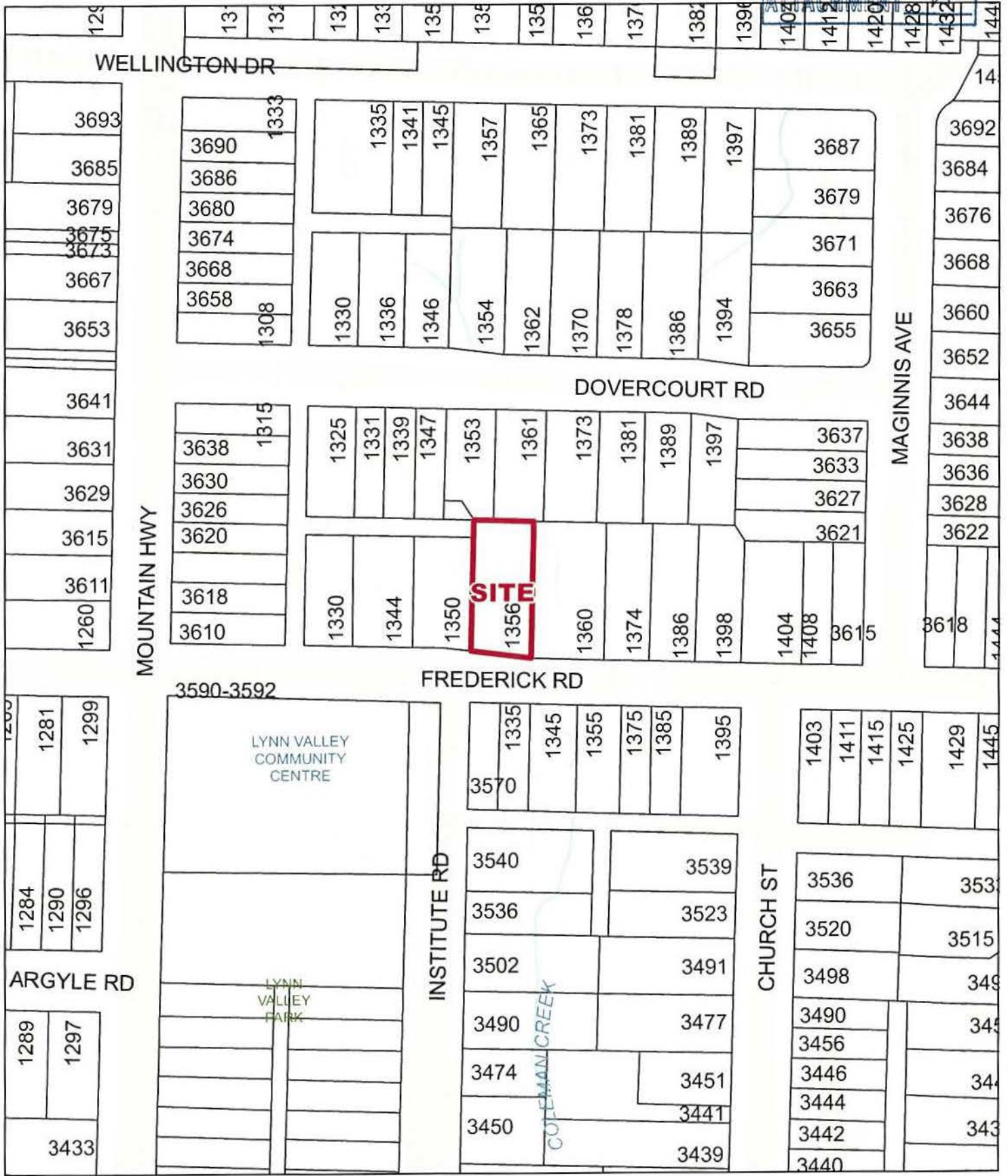


Cristina Rucci, RPP, MCIP  
Social Planner

**Attachment A: Site Map**  
**Attachment B: Letter of Introduction**

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	





**1356 Frederick Road ( Jelly Bean Academy)  
SITE MAP**



Published: May 19, 2017

April,7, 2017

Dear neighbour,

My name is Nasrin Rahmatian and I live at 1356 Frederick Road, North Vancouver. I've been running Jelly Bean Academy Montessori out of my home since 1989. I want to inform you that I have applied to Vancouver Coastal Health to increase the license capacity for our before and after school program from 10 to 17 children.

District staff suggest that I consult with my neighbours before my Business License application is considered by District Council. Prior to submitting our application to District Council, we are providing this information package to our neighbors to explain our proposal. In addition, I would like to invite you to an open house at my home at 1356 Frederick Road on April 25, 2017 to review our proposal. District planning staff will be in attendance at the open house to answer any questions regarding the business license application process.

**Our Programs:**


My daycare, which is located on the main floor of my home, is currently licensed for a preschool program and a before and after school program. My preschool program, which is licensed for 10 children, operates three days a week (Tuesday, Wednesday and Thursday) from 9:00 am to 2:30 pm. The program runs from September until June. My before and after school program is also currently licensed for 10 children. This program runs from Monday to Friday from 7:30 am to 8:30 am and from 3:30 pm to 5:30 pm. The two programs do not run at the same time, meaning that at present there are never more than 10 children in the daycare at a time.

We are closed for weekends, statutory holidays, the two weeks of Christmas break, and the last week of August. In July and August our preschool program is closed. Each year during the months of July and August we take the before /after children on daily field trips and spend little time at the daycare.

**Proposed Change:**

Recently I made an application to Vancouver Coastal Health to increase the license capacity of our before and after school program from 10 children to 17 children. The change I am applying for is only for our before and after school care program – the preschool number will stay the same. The reason for this request is mainly to accommodate the siblings of the children that already are part of the program. Families in this neighbourhood struggle with finding childcare, and unless I increase my capacity I will not be able to accommodate the younger siblings of the children already in my program.





As always we respect and understand our neighbors' privacy and peace of mind, value their opinions and we will continue to do our best to make a quiet and safe environment for our neighbors and the children under our care.

Thank you, and best regards,

---

Nasrin Rahmatian

**Applicant information:**

Contact Name: Nasrin Rahmatian,  
Jelly Bean Academy  
Address: 1356 Frederick Road,  
North Vancouver, B.C  
V7K 1J4  
Phone: 604-727-9445  
Email: nasrin.rahmatian@gmail.com

**Proposal Summery:**

We are proposing to increase the license capacity for our before and after school care program from 10 to 17 children, ages between 5 – 10 years old. The reason for this request is mainly to accommodate the siblings of the children that already are part of the program.

We are using the first floor for Jelly Bean Academy and our family resides on the second floor of the home.

**Proposal Details:**

Staff: Jelly Bean will have maximum of 2 staff including myself.

Lot size: 9600sq ft

Parking: The property can easily accommodate 3 Parking spots for parents. The Jelly Bean Academy Van and the family car both have their parking spot in the carport. There is also ample public parking across the street for families to temporarily park their cars for pick-up/drop-off if needed.

Many of our children live in the neighbourhood and regularly walk to and from Jelly Bean, regardless of the weather. When the weather starts warming up, many of our parents bike with their children to/ from our place, and of course we expect siblings who attend, or hopefully will be attending, our before and after school program will drive in one car only.

If you have any questions please contact Nasrin at: 604-727-9445



# PUBLIC HEARINGS

Tuesday, June 20, 2017, at 7 pm

District of North Vancouver Municipal Hall  
355 West Queens Road, North Vancouver, BC

Two public hearings will occur consecutively in the order noted below.

## Child Care Facility Business License Application 1356 Frederick Road

### What:

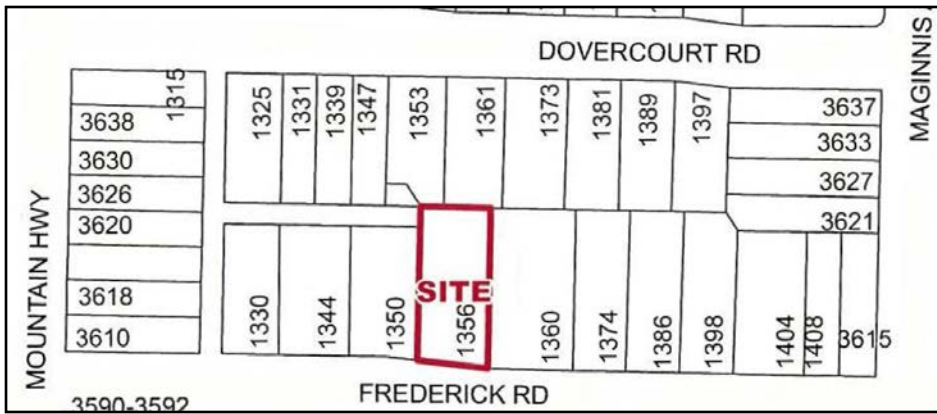
A Public Hearing for a proposed increase to the Group Child Care (School Age) Facility License from a maximum capacity of 10 children to 17 children at 1356 Frederick Road.

### What changes?

Jelly Bean Academy, located at 1356 Frederick Road, proposes to amend the Group Child Care (School Age) Facility License by increasing the maximum capacity from 10 children to 17 children. The applicant is also licenced for a preschool at the same address. The maximum capacity for the preschool is 10, this will remain unchanged.

### Who can I speak to?

Cristina Rucci, Social Planner, at 604-990-2274 or ruccic@dnv.org



1356 Frederick Road  
(Jelly Bean Academy)  
Site Map

## 756-778 Forsman Avenue 8 Unit Townhouse Project

### What:

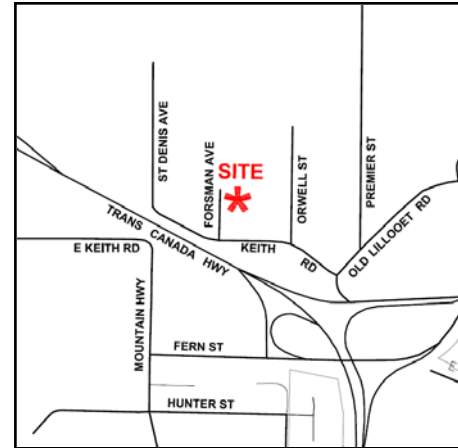
A Public Hearing for Bylaw 8225, a proposed amendment to the Zoning Bylaw, to permit the development of an eight unit townhouse project.

### What changes?

Bylaw 8225 proposes to amend the District's Zoning Bylaw by creating a new Comprehensive Development Zone 101 (CD101) and rezone the subject site from Residential Single-Family 7200 Zone (RS3) to CD101. The CD101 Zone addresses use, density, amenities, height, setbacks, site coverage, acoustic requirements, flood construction requirements, landscaping and parking and loading regulations.

### Who can I speak to?

Darren Veres, Development Planner, at 604-990-2487 or veresd@dnv.org



Proposed\*



\*Provided by applicant for illustrative purposes only.  
The actual development, if approved, may differ.

### How can I provide input?

We welcome your input Tuesday, June 20, 2017, at 7 pm. You can speak in person by signing up at the hearing, or you can provide a written submission to the Municipal Clerk at [input@dnv.org](mailto:input@dnv.org) or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V7N 4N5, before the conclusion of the hearing.

Please note that Council may not receive further submissions from the public concerning this application after the conclusion of the public hearing.

### Need more info?

Relevant background material and copies of the bylaw are available for review at the Municipal Clerk's Office or online at [dnv.org/public\\_hearing](http://dnv.org/public_hearing) from May 30 to June 20. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.



January 15, 2016

Ms. Veronica Milburn-Brown  
Business Licence Department  
District of North Vancouver  
355 West Queens Road  
North Vancouver, BC V7N 4N5

Email: [Milburn-BrownV@dnv.org](mailto:Milburn-BrownV@dnv.org)

Dear Ms. Milburn-Brown,

**Re: Jelly Bean Academy**  
**1356 Frederick Road**  
**North Vancouver BC V7K 1J4**  
**Licensee/Manager: Ms. Nasrin Rahmatian**  
**Phone: (604) 988-2438**  
**Email: [Nasrin.rahmatian@gmail.com](mailto:Nasrin.rahmatian@gmail.com)**  
**Facility Number: 3320007**  
**Program: Group Child Care (School Age)**  
**Capacity: 17**

This department has received an Application for a Facility Licence to amend the Group Child Care (School Age) facility licence from a maximum capacity of 10 to 17 children. The applicant will remain residing in the upper level of the home. The entire lower/main level of the home will be where the children will be cared for.

This premises is also licensed as a Preschool (30 months to School Age) facility with a maximum capacity of 10 children. There are no proposed changes to the maximum capacity for the Preschool program. The Preschool and Group Child Care (School Age) programs do not operate concurrently.

Kindly advise in writing, if this premises complies with the District of North Vancouver's regulations specific to building, plumbing and electrical requirements as well as fire prevention and safety requirements.

Thank you for your assistance.

Yours truly,

Shelley Esau  
Licensing Officer  
Community Care Facilities Licensing

Telephone: 604-983-6713  
Fax: 604-983-6702

[shelley.esau@vch.ca](mailto:shelley.esau@vch.ca)

