

ITEM 3
MANAGER'S REPORT NO. 17
COUNCIL MEETING 90/03/05

RE: PROVISIONS FOR CHILD CARE FACILITIES IN MULTIPLE FAMILY
RESIDENTIAL (RM) DISTRICTS

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1990 February 19
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 17.920
SUBJECT: PROVISIONS FOR CHILD CARE FACILITIES IN MULTIPLE FAMILY
RESIDENTIAL (RM) DISTRICTS
PURPOSE: The purpose of this report is to examine the Zoning Bylaw provisions for child care facilities in Multiple Family Residential (RM) Districts and to recommend text amendments as deemed appropriate.

RECOMMENDATIONS:

1. THAT the Solicitor be authorized to prepare the following Zoning Bylaw text amendments as described in Section 4.0 of this report:
 - a) develop a definition of "Child Care Facilities" for inclusion in the definitions section of the Bylaw,
 - b) include child care facilities as permitted uses in all Multiple Family Residential (RM) Districts, provided that the facilities are established in non-residential components of the developments,
 - c) amend the definition of "Floor Area Ratio" to exclude child care facilities contained in basements or cellars from the floor area ratio calculations, and
 - d) include a requirement that designated parking stalls be provided at child care facilities in multi-family developments as follows:
 - (i) one stall per 2 employees, and
 - (ii) one stall for every 10 spaces for which the facility is licensed.

R E P O R T

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1.0 BACKGROUND

At present, child care facilities are permitted as "Accessory Uses" in Burnaby's Multiple Family Residential (RM) Districts provided that they are located in a community facility (e.g. a recreation building) and serve only the residents of the development. As with all licensed child care facilities, a facility in a multi-family development must satisfy the pertinent requirements of the Provincial Child Care Facilities Regulations. Also, Preliminary Plan Approval (P.P.A.) must be obtained for the facility. Rezoning is required if the proposed facility is to serve residents from outside the development to recognize a facility's "non-accessory" status. Rezoning is also required if a child care operation is to be established in a converted residential unit. No additional parking is required for child care facilities, above that required for the multi-family developments.

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Despite Municipal policies to the contrary, Health Department staff report that in practice, multi-family developments with child care facilities generally serve children from both inside and outside the developments. Further, Health staff contend that it would not be financially viable for facility operators to restrict their registration to children within the developments (i.e. most developments would not have enough children in need to fill a facility's spaces - either at the time of application or in the future).

This report examines these concerns. It begins with a review of the supply of child care spaces currently provided in multi-family developments in Burnaby. It then looks at the zoning and parking provisions of selected Lower Mainland municipalities as they pertain to child care facilities in multi-family developments. It concludes with proposed amendments to Burnaby's Zoning Bylaw concerning child care facilities in the Municipality's RM Districts.

In response to a request made by Municipal Council on 1989 December 18, staff are currently examining two related child care issues: a) the desirability of requesting the Province to amend Section 985 of the Municipal Act to enable municipalities to impose development cost charges for establishment of child care facilities and other social amenities, and b) mechanisms for ensuring that child care facilities negotiated through the rezoning process will be operated once they are established. A report on these matters will be presented to Council in the near future.

2.0 CURRENT SITUATION

At present, 2 group day care centres, 2 preschool facilities, and 1 out-of-school centre are located in multi-family developments in Burnaby. One multi-family development contains both a preschool and group day care centre.

Health Department staff report that they have not received any complaints regarding child care facilities in multi-family developments. They credit the location of the facilities within the multi-family developments as a factor in the lack of complaints (i.e. the facilities are accommodated in the developments' community space, with adequate separation from the residential units and surrounding community).

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The 102 spaces contained in Burnaby multi-family developments represent 6% of the total supply of licensed child care spaces in the municipality. These spaces do not represent a significant portion of the Municipality's total share of child care spaces. They are important, nonetheless. For example, the Health Department indicates that most licensed child care facilities in Burnaby are full and have waiting lists. The need is especially acute for infant and out of school care. The Canadian Day Care Advocacy Association (CDCAA) and Svend Robinson's constituency office recently conducted a survey which supported the Health Department's claim. Through the survey, forty child care operators in the Burnaby-Kingsway riding were requested to record inquiries they received for child care spaces between August and October, 1989. The nineteen operators who responded reported they had received inquiries to accommodate 390 children within the 2 1/2 month period. Additional information on the survey is contained in Appendix 1, attached.

Further, 25 child care facilities are located in schools or on school grounds. A number of these facilities could potentially be displaced in the future should space be required for an increasing school population.

Unmet demand for child care will continue to increase in Burnaby in the future unless concerted efforts are made to facilitate development of additional spaces.

3.0 SURVEY OF OTHER MUNICIPALITIES

To put Burnaby's situation in a regional context, staff surveyed selected Lower Mainland municipalities regarding their zoning and parking provisions for child care facilities in multi-family developments. The highlights of this survey are summarized below. A more complete summary is provided in Appendix 2, attached.

3.1 Zoning

Of the eight municipalities surveyed, all but one permit child care facilities in residential developments in their multi-family districts. No municipal ceiling is placed on the number of children permitted in a facility. The facilities must comply with Provincial Child Care Facilities Regulations, however, which set the maximum number of 3 to 5 year olds permitted in a group at twenty-five, and the maximum number of under three year olds at twelve.

None of the municipalities permitting child care facilities in their multi-family residential districts reported problems or concerns with such provisions.

3.2 Parking

Four of the seven municipalities permitting child care facilities in their multi-family developments do not impose additional parking requirements for the facilities. In those municipalities, the same parking requirements apply regardless of whether or not a multi-family development contains a child care facility. Two of the municipalities do impose additional parking requirements for child care facilities and one considers parking requirements for the facilities on a case-by-case basis.

Regardless of adopted policies, most of the municipal staff contacted acknowledged that child care facilities in multi-family developments do generate pressure on parking stalls. Surrey staff indicated that Surrey's parking requirement for child care facilities in multi-family developments is currently under review. All those contacted were interested in Burnaby's review and three specifically requested copies of the report once it was completed.

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To gain additional information for the review, staff surveyed operators of the 5 existing child care facilities in Burnaby multi-family developments. The information from this survey is summarized in Appendix 3, attached.

The key findings were as follows:

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- The number of staff requiring parking ranged from 0 to 5. The 5 spaces were required at the development which contained both a preschool and group day care centre.
- Staff from 3 of the facilities parked in the visitor stalls provided in their developments. Staff from the other 2 facilities used either designated visitor spaces or on-street parking.
- Of the 5 facilities surveyed, the 2 preschool centres had the greatest number of parents arriving at a given time to drop off and pick up their children (17 - 19 parents). In contrast, the group day care and out-of-school centres had from 2 to 4 parents arriving at a given time. It should be noted that the preschool parents generally arrive at "non-peak" (i.e. times when many residents of the multi-family developments would be at work or school). Therefore, the impact of their parking demand would be lower than it would be if the parents arrived at "peak" times, as is usually the case with the group day care and out-of-school care operations.
- Only 2 of the 5 facilities acknowledged receiving complaints regarding parking. These complaints were registered by residents of the development which housed both a group day care and preschool facilities.

It is difficult to draw firm conclusions from the above survey due to the small size of the sample. Nonetheless, it would seem reasonable to conclude from the survey that some designated parking stalls should be provided to accommodate day care facilities in multi-family developments. Specific recommendations regarding parking for the facilities are provided in Section 4.0 below.

4.0 PROPOSED AMENDMENT FOR BURNABY

Based on information obtained from the above review, staff conclude that child care facilities can be compatible with multi-family residential developments, if appropriately planned.

Given this compatibility, and the fact that Burnaby currently experiences a shortage of licensed child care facilities, staff believe that child care facilities in multi-family districts should be permitted and, indeed, actively encouraged, provided that adequate parking is supplied. To this end, staff recommend that the Solicitor be authorized to prepare the following Zoning Bylaw text amendments for consideration by Council:

- 1) **Develop a definition of "Child Care Facilities" for inclusion in the definitions section of the Bylaw.**

At present, the Zoning Bylaw does not contain a definition of child care facilities. To ensure that potential confusion is avoided, it is suggested that such a definition be established. The definition should cover all child care facilities licensed under the Community Care Facility (CCF) Act, except for residential care facilities. Specifically, the categories to be included are:

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- Group Day Care (under 36 months & 30 months to school age)
- Preschool (30 months to school age)
- Special Needs Day Care
- Family Day Care
- Out of School Care
- Emergency Care
- Child Minding (18 months to school age)

It should be noted that this definition will apply to all references to child care facilities in the Zoning Bylaw, not only those in the RM District schedules. For example, nursery schools and day nurseries are permitted uses in the P1 and P5 District Schedules. Under the proposed amendment, these terms would need to be replaced with the new term, "child care facilities".

- 2) **Include child care facilities as permitted uses in all Multiple Family Residential (RM) Districts, provided that the facilities are established in non-residential components of the developments.**

Two aspects of the proposed amendment deserve comment. First, the proposal involves categorizing child care facilities as permitted rather than accessory uses. This proposal is based on staff's previously stated belief that the facilities are appropriate in multi-family developments, if sensitively planned. Indeed, with Council's concurrence, staff propose to encourage developers to voluntarily provide these facilities in future multi-family developments, where feasible and appropriate. Designating child care facilities as permitted uses makes the Municipality's support of these facilities in multi-family developments more explicit.

Second, the proposal calls for child care facilities to be located in the non-residential components of multi-family developments. The rationale is that non-residential or community space provides the best location for child care facilities, both from the perspective of the children and residents of the developments. Under the proposed amendment, approval would not be granted for establishment of family day care operations or other child care facilities in residential units.

- 3) **Amend the definition of "Floor Area Ratio" to exclude child care facilities contained in basements or cellars from the floor area ratio calculations.**

At present, the Zoning Bylaw excludes recreational and storage facilities located in cellars or basements from F.A.R. calculations. Staff contend that child care facilities should be afforded the same F.A.R. exclusion as the recreational and storage facilities. We acknowledge that such provisions may encourage some developers to establish child care facilities in below-grade locations. While this is not an ideal situation, staff are proposing the amendment for two reasons. First, the amendment is seen to be necessary for encouraging development of child care facilities in multi-family developments. Indeed, if the amendment was not made, developers would have more incentive to build recreational or storage facilities than they would child care facilities - especially given today's high land costs and the trend which sees developers building to the maximum density. Second, Provincial licensing requirements and Health Department policies would act as a safeguard against totally inappropriate facilities. The Health Department, for example, would require that sufficient natural light be available before issuing a license to a facility. Third, staff considered the option of recommending an outright F.A.R. relaxation for child care facilities, but deemed it to be undesirable. While this option would facilitate above-ground facilities, it could result in excessively "bulky" developments which may be incompatible with the surrounding area.

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- 4) Introduce a parking requirement for child care facilities in multi-family developments of one stall per 2 employees and one stall per 10 licensed spaces.

Based on the survey of child care facilities in Burnaby multi-family developments, visits to some of these facilities, and comments from staff in other municipalities, staff conclude that additional parking should be provided for facilities in multi-family developments. Child care operations are not lucrative and often require assistance, such as reduced rent or donated equipment, to be viable. Therefore, while acknowledging the need for additional parking, staff would be concerned that the requirements do not impose undue hardship on the facility operators or developers or, indeed, serve as a disincentive to the development of new child care facilities.

With the foregoing in mind, staff propose that the following parking provisions be implemented for child care facilities in multi-family developments:

- (a) one stall per 2 employees, and
- (b) one stall for every 10 spaces for which the facility is licensed (e.g. an 8 space centre would need to provide 1 parking stall; a 15 space centre would need to provide 2 stalls).

Staff contend that this requirement is reasonable (i.e. it should not create undue hardship for developers or facility operators). We also contend that the requirement would offer convenience to child care staff and parents while reducing pressures on the developments' resident and visitor parking.

In addition to the above matters, staff considered the question of whether priority should be given to residents of developments in which the child care developments are housed. We concluded that the Municipality likely does not have the authority to establish such a policy. Further, staff believe it would be difficult, if not impossible, for the Municipality to ensure that such a policy was being followed. Staff contend that any policies regarding the users of the child care facilities would be most appropriately established and monitored by the strata councils, co-op boards, or landlords of the developments in which the facilities are housed.

5.0 CONCLUDING COMMENT

The Zoning Bylaw text amendments proposed above recognize child care facilities as appropriate and, indeed, desirable uses in Burnaby's multi-family residential districts. Staff believe that if sensitively planned, child care facilities can be successfully integrated into the residential developments in which they are housed. We further believe the facilities can be compatible with, and welcome additions to, the surrounding neighbourhood.

As noted, staff are currently pursuing two additional matters pertaining to child care: a) possible amendments to Section 985 of the Municipal Act regarding development cost charges and b) mechanisms for ensuring that child care facilities are actually operated after they have been established. Staff will be reporting on these matters in the near future.

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It is hoped that the text amendments proposed in this report, coupled with the information to be presented in the upcoming report, will facilitate establishment of additional child care spaces in Burnaby.


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

 JF/jp

Attachment

cc: Municipal Solicitor
Medical Health Officer



HOUSE OF COMMONS
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COMMUNITY OFFICE

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November 15, 1989

News Release

Re: Who's Minding the Children - Daycare Crisis

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When the Canadian Day Care Advocacy Association (CDCAA) decided this fall in co-operation with Burnaby-Kingsway MP Svend Robinson to test the demand for daycare facilities in the Lower Mainland, an interested response was anticipated. But the desperate nature and large volume of the feedback amazed even the CDCAA, an organization well acquainted with the daycare crisis in Canada.

In co-operation with Robinson's office, the CDCAA sampled the daycare needs of parents in the Burnaby-Kingsway constituency. Enquiry forms were sent to the 40 daycare facilities in the riding with a request that the agencies document the calls of persons seeking daycare assistance.

Robinson's office was swamped with mail. In the short period between August 15 and October 30 enquiries involving the placement of some 390 children had been recorded. And, that figure represents calls received by only half of the daycare facilities in the constituency. The response from the participating 19 daycare centers reflects the crisis at hand.

Mr. Robinson and the New Democratic Party believe the federal government must act immediately to fill the critical daycare shortage. "Who's minding the children?" asks Mr. Robinson. "What is happening to this generation of young children because good child care is so obviously difficult to find."

"It's an amazing response showing a clear need for all levels of care - particularly infant and toddler care," says CDCAA Vice - President Penny Coates of the Burnaby-Kingsway enquiry. "These are desperate people, obviously calling everyone in the book. There's a crying need for more facilities."

Mr. Robinson concludes: "Clearly, daycare is one of the most pressing issues of this decade. Yet, saying no to calls for daycare financial support continues to come all too easy to the federal Conservative government. It is most disturbing that the Mulroney government has dramatically backtracked on its election promises on child care and scaled down already modest proposals from the last Parliament."

For more information call: 299-4022

Who's Minding the Children - Daycare Crisis

by Svend J. Robinson, MP
Burnaby-Kingsway

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The caller takes a deep breath then asks yet another stranger at the end of the line if there is space for her child. The East Vancouver mother has been on the telephone all morning looking for daycare for her six-month old daughter. She is worried because she knows that even if she beats the odds and finds daycare space, the cost will be beyond her means. But the price doesn't matter much on this call because once again there is no room for her child.

It isn't necessary to name the above caller because her story is no different from thousands of others in the Lower Mainland and across Canada. A survey I worked on late last summer with the Canadian Day Care Advocacy Association (CDCAA) reflects a deeply disturbing picture in the Burnaby-Kingsway constituency regarding daycare. Parents have to look beyond our neighborhoods for care for their children. And, all too often the help they are looking for is either unavailable or unaffordable.

Clearly, child care is one of the most pressing issues of this decade. Yet, saying no to calls for daycare financial support continues to come all too easy to the federal Conservative government. It is most disturbing that the Mulroney government has dramatically backtracked on its election promises on child care and scaled down already modest proposals from the last Parliament.

The desperate nature of the response to our sampling of daycare needs in Burnaby-Kingsway amazed even the CDCAA, an organization well acquainted with the daycare crisis in Canada.

Enquiry forms were sent to the 40 daycare facilities in the constituency with a request that the agencies document the calls of persons seeking daycare assistance they were unable to serve.

My office was swamped with mail. Enquiries involving the placement of some 390 children were recorded in the short period between August 15 and October 30. And, that figure represents calls received by only half of the daycare facilities in the constituency.

CDCAA Vice-President Penny Coates, quite likely one of the most knowledgeable Canadians in regard to the daycare shortage in Canada, was amazed at both the cooperation of the daycare institutions and the volume of the calls from parents. "These are desperate people - obviously calling everyone in the book," she observed after studying the pile of returns. "It's an overwhelming response and shows a crying need for all levels of

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care - particularly infant and toddler care."

Who's minding the children? New Democrat family policies are guided by a strong view that children must be a priority of the federal government. As parents, and as a society, we want the best for children that we can provide -- a secure, nurturing and stimulating environment in which they can grow. Sadly, many children in every constituency across Canada are being denied quality daycare. The federal government has failed to respond to today's shifting family and social patterns and as a result large numbers of single parent and economically disadvantaged families must fend for themselves. Too often, children suffer the consequences.

The Burnaby-Kingsway survey indicates more daycare facilities are drastically needed. Let's work on that - for the children's sake.

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APPENDIX 2

ZONING PROVISIONS FOR CHILD CARE FACILITIES
IN MULTI-FAMILY RESIDENTIAL DISTRICTS IN SELECTED LOWER MAINLAND MUNICIPALITIES

MUNICIPALITY	PERMITTED IN MULTI-FAMILY DISTRICTS	CLASSIFICATION	RESTRICTIONS	PARKING REQUIREMENTS
Burnaby	Yes	Accessory Use	<ul style="list-style-type: none"> . Must be in "Community" space (e.g. multi-purpose rooms, recreation facilities). May be permitted in converted residential units if rezoning obtained. . Must serve only the residents of the residential development in which facility is housed or, if outside residents to be served, rezoning must be obtained. 	<ul style="list-style-type: none"> . No additional requirements.
Coquitlam	Yes	Accessory Home Occupation	<ul style="list-style-type: none"> . Must be operated by a resident of the development. 	<ul style="list-style-type: none"> . No additional requirement.
Delta	Yes	Permitted Use	<ul style="list-style-type: none"> . No restrictions 	<ul style="list-style-type: none"> . Reviewed on case-by-case basis.
City of N. Vancouver	Yes	Permitted Use ("Child Care Facility")	<ul style="list-style-type: none"> . Permitted in garden apartments, provided facilities are located at least 100' from boundary of site. . Permitted in multi-family developments in comprehensive development, medium and high density apartment districts in which facility is less than 100' from boundary of the site, subject to a Council resolution and petition from the neighbours. . Written consent from strata corporation or landlord required. 	<ul style="list-style-type: none"> . No additional requirements specified in bylaw; however, issue of parking would be reviewed on a case-by-case basis for future developments.

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MUNICIPALITY	PERMITTED IN MULTI-FAMILY DISTRICTS	CLASSIFICATION	RESTRICTIONS	PARKING REQUIREMENTS
District of N. Vancouver	Yes	Home Occupation	. No restrictions.	. No additional requirements.
Richmond	Yes	Community Use	. No restrictions.	. 10 spaces per 100 m ² of gross floor area (based on Assembly Use requirements).
Surrey	Yes	Permitted Use	. No restrictions	. No additional requirements. (Under review)
Vancouver	Yes	Conditional Approval Use	. No restrictions	. 1 space per employee required if facility is intended to serve residents from outside the development. . No additional requirements if facility is intended to serve residents from outside the development.
W. Vancouver	No	---	---	---

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PARKING SURVEY OF CHILD CARE OPERATIONS IN BURNABYMULTI-FAMILY DEVELOPMENTS

FACILITY ¹	FACILITY TYPE	MAX. # OF STAFF PRESENT AT GIVEN TIME	MAX. # OF STAFF THAT DRIVE TO WORK	WHERE STAFF PARK	# OF CHILDREN REGISTERED	MAX. # OF PARENTS PICKING-UP CHILDREN AT GIVEN TIME	COMPLAINTS RE: STAFF OR PARENTS USING UNAUTHORIZED SPACES
"A"	Preschool	1	1	In a large parking lot which can be used by anyone.	Up to 17	Up to 17	There have been complaints re: parents dropping-off and picking-up children on the street instead of pulling into the parking lot where there is sufficient room for drop-off and pick-up.
"B" ²	Preschool	2	2	There are 2 parking spaces designated for day care from 6:00 AM to 6:00 PM, but they are for both the preschool and the day care located in the same complex. As staff are not permitted to park in the visitors' spaces, those who do not park in the designated spaces must park on the street.	55	19	There have been complaints from the townhouse development re: staff parking in the visitors' spaces. Also, complaints re: parents dropping-off and picking-up children in parking spaces reserved for tenants.
"C" 126	Out-of-School Care	2	Usually none	If staff do drive to work there is a large parking lot which can be used by anyone. No problem finding parking there.	Up to 20	Usually not more than 2 or 3. (Many children live in the area and walk to and from the centre.)	No complaints.

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FACILITY ¹	FACILITY TYPE	MAX. # OF STAFF PRESENT AT GIVEN TIME	MAX. # OF STAFF THAT DRIVE TO WORK	WHERE STAFF PARK	# OF CHILDREN REGISTERED	MAX. # OF PARENTS PICKING-UP CHILDREN AT GIVEN TIME	COMPLAINTS RE: STAFF OR PARENTS USING UNAUTHORIZED SPACES
"D"	Day Care	3	2	All covered spaces are reserved for tenants. Therefore, staff use visitors' spaces or extra surface parking spaces. They report no problems in finding off-street parking.	24	As pick-up and drop-off times vary, there are rarely more than 2 parents at any given time.	No complaints.
"E" ²	Day Care	3	3	See Facility "B"	24	3 to 4	There have been complaints from the townhouse development re: staff parking in visitors' spaces. No complaints re: parents picking-up and dropping-off children.

¹ The names of the facilities have not been used in order to protect the confidentiality of the information provided.

² Facilities "B" and "E" are located in the same complex.

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