

ITEM	08
MANAGER'S REPORT #	22
COUNCIL MEETING	96/08/26

**TO:** CITY MANAGER 1996 JULY 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** ZONING BYLAW TEXT AMENDMENT  
PRIVATE SCHOOL SITE REQUIREMENTS  
AND SCHOOL DEFINITIONS

**PURPOSE:** To provide Council with further information on the rationale for the Zoning Bylaw text amendments proposed in the 1996 February 19 report on this subject and modifications to the lot area requirements for private schools

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**RECOMMENDATION:**

1. **THAT** the City Solicitor be authorized to prepare a bylaw amending the Burnaby Zoning Bylaw to reflect the modifications and clarifications described in the 1996 February 19 Council report on this subject, as amended by Section 2.1 and Section 2.6 of this report.

**R E P O R T**

**1.0 BACKGROUND INFORMATION:**

- 1.1 On 1996 February 19, Council received a report from the Director Planning and Building proposing a number of text amendments to the Zoning Bylaw regarding schools. The following summarizes the text amendments recommended at that time:

It was recommended that the definitions of Commercial, Private and Trade Schools be amended generally as follows, with specific wording to be developed by the City Solicitor:

- a) Private school means a school, other than a public school, where academic subjects are taught to elementary and secondary students.
- b) Commercial school means an adult educational institution, with the proviso that not more than 25% of the students may be secondary school-age students enrolled in secondary education courses, up to a maximum of 50 students.

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- c) Trade school means a school which offers manual, mechanical or technical industrial training, involving the use of industrial equipment and materials, in an industrial setting.

In consideration of the appropriate commercial orientation and density of the C2 District relative to providing complementary services, it was recommended that commercial schools be permitted in the C2 Community Commercial District [This proposed text amendment was subsequently dealt with separately by Council and the bylaw amendment was given Final Adoption by Council on 1996 June 10].

Upon reviewing the lot area requirements for private elementary and secondary schools, it was recommended that the site area requirements be relaxed by amending the Bylaw to stipulate that the 0.32 hectares required for each 100 students should apply after the first 200 students, and that where a private school has both elementary and secondary students, the total base lot area requirement be reduced to 1.92 hectares.

1.2 At that time, Council referred the report back to staff with direction to report on:

- "(i) replacing the definition of private school with the definition of independent school as contained in the Schools Act;
- (ii) examining zoning bylaws of neighbouring municipalities as they pertain to independent or private schools and prepare a bylaw amendment which is similar in nature to those currently held by those municipalities."

Further, Council requested staff to comment on the position proposed for Burnaby as compared to other municipalities.

This report is provided in response to that request.

**2.0 GENERAL DISCUSSION:**

2.1 The first item relates to the definition of Private School. The purpose of amending the definition of Private School in the Zoning Bylaw was not to change the essential nature of the definition, but to provide clarification as to its intent. The private schools currently operating in the P5 District in Burnaby would still be a private school under the proposed new definition.

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2.4 In terms of private schools conforming to the Provincial lot area requirement, it is our understanding from discussions with representatives of the Independent Schools Branch that the principal manner in which a proposal for a private school is assessed is on the basis of the school's ability to provide the basic academic core program. After the basic academic program, there are facility requirements for any electives the proposed school wants to provide, but there are a number of ways the facilities can be provided for an elective, such as a school making arrangements with a local recreation centre to use the facilities for its physical education courses. In effect, there is no standard lot area requirement for private schools set by the Independent Schools Branch.

2.5 An example of the situation that can arise when a private school has minimal open space or playground for its students is the relationship between St. Francis De Sales elementary private school and Rene Memorial Park. St. Francis De Sales School is non-conforming in terms of its student enrolment relative to the size of the school site and has very little useable outdoor area on its property. In order to address this situation, for many years the school has utilized Rene Memorial Park, which is across Balmoral Street, as its place of assembly and for outdoor physical activities and sports. School related requests have arisen for park improvements to be pursued by the City.

This type of added pressure on public parks can arise when a private school does not have appropriate land area relative to the number of students and where the above discussed benefits of a per student lot area requirement are not satisfied.

Other specific examples of private schools which have prompted concerns in their adjacent neighbourhoods about the intensity of activity, activity spilling out into the street, etc., in recent years are Holy Cross Elementary School and John Knox Christian Elementary School.

2.6 While this report has stressed the need to maintain a lot area requirement which relates to the number of students enrolled in the school, staff have re-examined the rationale for the lot area requirements and are recommending further refinements. In review, the lot area requirements were previously proposed to be reduced in two ways. The first involved applying the 0.32 hectares for each 100 students only after the first 200 students. The second involved applying a total base lot area requirement of 1.92 hectares for private schools with both elementary and secondary students, whereas the present total base lot area requirement is 2.4 hectares.

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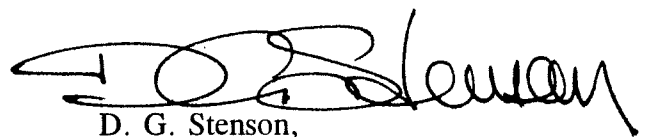
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Upon further review, it has been concluded that a combined elementary/secondary private school of 200 students need not have a higher base lot area requirement than a private secondary school with 200 students. This is based on the concept that secondary students require more outdoor useable space due to the nature of their potential recreational activities and the land required for secondary students to participate in these activities, as well as the need to provide additional buffer areas in quiet single-family residential areas for secondary students to mingle. It is therefore recommended that the total base lot area requirement for private schools with elementary and secondary students be 1.6 hectares, the same as that required for private secondary students. In staff's view however, the provision of the 1.6 hectare base should not be further eroded, in order to ensure that private schools have sufficient land to provide the basic facilities for secondary students.

**3.0 CONCLUSION:**

It has been concluded that the proposed Private School definition would benefit from reference to the Independent School definition in the Independent School Act, but that it would not be adequate to replace Burnaby's private school definition with the definition in the Independent School Act.

With regard to the minimum lot area requirements for private schools, staff consider there to be useful benefits to be derived from maintaining a lot area requirement which relates to the number of students enrolled and a specific base lot area requirement for private schools which is governed by sections 505.4(1)(c) and 505.4(1)(d) of the Zoning Bylaw. However, upon reassessing the lot area requirements this Department is recommending a modification to the total base lot area requirement for private schools with both elementary and secondary students. It is recommended that this base lot area requirement be 1.6 hectares as opposed to the current requirement of 2.4 hectares. However, if Council wishes to eliminate a specific lot area requirement for private schools, the City Solicitor could prepare a bylaw amendment deleting Sections 505.4(1)(c) and 505.4(1)(d) of the Zoning Bylaw. This would result in a minimum lot area requirement for private schools of 890m<sup>2</sup> (9,580.10 sq.ft.)



D. G. Stenson,  
Director Planning and Building

BW/ds  
Attach.

cc: City Solicitor  
Chief Licence Inspector  
Director Recreation and Cultural Services

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The Independent School definition, as provided in the *Independent School Act*, has been examined by Planning staff and the City Solicitor. The Independent School definition is attached for reference as Schedule A. While the Independent School definition is sufficiently broad to cover private schools as is needed, it unfortunately would also encompass other types of schools that are listed and regulated separately under the Burnaby Zoning Bylaw, such as trade schools and self-improvement schools. Therefore, substituting the Independent School definition would not allow a distinction to be drawn between private schools per se and the other types of schools, as is required for administering the Bylaw.

However, cross reference to the Independent School Act would be quite useful.

It is therefore proposed that the Private School definition include reference to the school being licensed as an Independent School, with specific wording to be developed by the City Solicitor.

- 2.2 With regard to the issue of private schools and the pertinent lot area requirements, the text amendment proposal advanced in the February report regarding the lot area requirement for private schools recommended that the lot area be reduced in two ways. The first was to permit a base number of students within the base lot areas required, as is the case with other land uses where there is a base lot area requirement and a requirement relative to the number of people. The second was to establish a minimum lot area requirement for combined elementary and secondary private schools which is less than the combined lot area total of the two different private school area requirements computed separately.

The present requirement in the 1965 Zoning Bylaw for a minimum lot area relative to the number of students for private schools was included in order to provide both land area to support the open space and development needs of the school and also a buffer or transition zone both from and for residences adjacent to private schools. In consideration of the fact that private schools generally locate in or adjacent to quiet, single-family residential neighbourhoods, this buffer or insulation was considered important to maintain a compatible land use relationship between two uses with considerably different intensities of activities, as well as providing adequate space to satisfy the needs of school children. These needs include adequate room for informal and, at times, boisterous play before and after school, similar activity as well as more organized activities at recess and noon hour and occasional larger scale sports and public assembly functions. The provision of a lot area requirement based on the number of students would ensure that the space needs of the school children and the buffer/insulator zone needs of the neighbours relate to the intensity of activity on and around the site. None of the above can be ensured without a minimum lot area requirement with incremental requirements that recognize the relative scale of the institutional use.

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Staff's perspective is that maintaining a reasonable lot area requirement which relates to the number of students enrolled is more appropriate than reducing it to the P5 District lot area requirement of 890m<sup>2</sup> (9,580.19 sq. ft.) for the following reasons:

1. Useable outdoor area, including play fields should be considered an important element in elementary and secondary private school sites. Whether students utilize these areas for formal courses or informally, they are beneficial and will be utilized. Maintaining a lot area based on the number of students enrolled should provide a useable outdoor area roughly proportional to the number of students.
2. Maintaining a lot area requirement relative to the number of students enrolled provides a type of density control which is important in considering neighbourhood impact. As most private schools are located in or adjacent quiet single-family residential areas, maintaining control of the intensity of activity on private school sites relative to site size is important in the single-family neighbourhood context.

Incidentally, as a major land user or business in residential neighbourhoods, the provision of additional land area, including play fields, by private schools could, with the consent of the owner, allow the opportunity for a further benefit to the community at large, allowing neighbouring residents to utilize the play fields as appropriate.

- 2.3 With respect to comparing Burnaby's lot area requirements for private schools with other local municipalities, staff checked with neighbouring municipalities to determine their lot area requirements for private schools. Burnaby and West Vancouver are the only municipalities of those surveyed to have a lot area requirement which relates to the number of students enrolled in the school. West Vancouver's regulations are slightly more restrictive than Burnaby's in terms of the land area required. In most other cases, there is a basic minimum lot area requirement for the zoning district which applies to the private schools. These minimum lot area requirements generally are similar in nature to the P5 District minimum lot area requirement of 890m<sup>2</sup> (9,580 sq.ft.).

Based on the points raised in Section 2.2, it is felt that the interests of Burnaby private school children and the neighbours of these schools are well served by the type of lot area requirements in the Burnaby Zoning Bylaw, while satisfaction of all of these needs have not necessarily been addressed by neighbouring municipalities. Minimal lot area requirements for private schools may be acceptable in municipalities with more abundant land and/or lower land costs such as Surrey or Langley where larger sites than the minimum are more easily assembled. Private schools may be developed in the City of Vancouver with little or no useable outdoor area, but in staff's view this is not considered appropriate for Burnaby.

## SCHEDULE A

### INDEPENDENT SCHOOL ACT

"independent school" means a school that is, or is to be, maintained and operated in British Columbia by an authority and

- (a) that offers an educational program to 10 or more school age students,
- (b) that meets the requirements of section 2 (e) of the Schedule and otherwise qualifies for a certificate of group classification, or
- (c) for which an authority holds a subsisting interim certificate issued under section 4 (1.1),

but does not include

- (d) a public school or Provincial school, or
- (e) a school that
  - (i) solely offers religious instruction,
  - (ii) solely offers language instruction,
  - (iii) solely offers a program of social or cultural activities,
  - (iv) solely offers a program of recreational or athletic activities, or
  - (v) is designated by an inspector;

\* \* \* \* \*

#### **Additional requirements for certificates of group 1 and group 2 classification**

- 2. (e) the enrollment in the independent school
  - (i) is not fewer than 10 school age students on September 30 of each school year, or
  - (ii) if fewer than 10 school age students on September 30 of any school year, was not fewer than 10 school age students on September 30 the immediately preceding school year.

#### **Classification of independent schools**

- 4. (1.1) On application by an authority, the inspector may issue an interim certificate classifying an independent school that the authority is operating or intends to operate into group 3 or 4 if the inspector is satisfied that the requirements for the interim certificate set out in the Schedule
  - (a) are met by the authority, and
  - (b) are met by the independent school or, in the case of an independent school that has not begun to operate, will be met by the independent school on the commencement of its operations.

