

CITY OF BURNABY

HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**RE: PROPOSED ZONING BYLAW TEXT AMENDMENT
PRIVATE SCHOOL SITE SIZE REQUIREMENTS**

RECOMMENDATIONS:

1. **THAT** Council authorize the preparation of an amendment to the Zoning Bylaw pertaining to the site size requirements for private schools as described in Section 6.0 of this report.
2. **THAT** a copy of this report be sent to the Parks, Recreation and Culture Commission.
3. **THAT** copies of this report be sent to the private schools listed in this report and all owners and occupants of property within 30 meters of the pertinent schools.

REPORT

The Housing Committee, at its Open meeting held on 2003 December 16, received and adopted the *attached* report addressing a request for an amendment to the Burnaby Zoning Bylaw to allow for greater latitude in student enrollment and lot area requirements for private schools. The Committee noted that a modest increase in students for elementary schools relative to the site size requirements for private schools is appropriate. In addition, the Committee supported a new regulatory approach which will provide the City with a better mechanism to address the issues related to larger private schools.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

Councillor C. Jordan
Member

COPY - CITY MANAGER
- DIR. PLANNING & BUILDING
- DIR. PARKS, RECREATION & CULTURAL SERVICES
- CITY SOLICITOR
- CITY CLERK

TO: CHAIR AND MEMBERS
HOUSING COMMITTEE

2003 November 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **PROPOSED ZONING BYLAW TEXT AMENDMENT
PRIVATE SCHOOL SITE SIZE REQUIREMENTS**

PURPOSE: To propose an amendment to the Burnaby Zoning Bylaw pertaining to the site size requirements for private schools.

RECOMMENDATIONS:

1. **THAT** Council be requested to authorize the preparation of an amendment to the Zoning Bylaw pertaining to the site size requirements for private schools as described in Section 6.0 of this report.
2. **THAT** a copy of this report be sent to the Parks, Recreation and Culture Commission.
3. **THAT** copies of this report be sent to the private schools listed in this report and all owners and occupants of property within 30 meters of the pertinent schools.

REPORT

1.0 SUMMARY

This report addresses a request for an amendment to the Burnaby Zoning Bylaw to allow for greater latitude in student enrollment and lot area requirements for private schools. The report concludes that a modest increase in students for elementary schools relative to the site size requirements for private schools is appropriate, as well as recommending a different regulatory approach which will provide the City with a better mechanism to address the issues related to larger private schools. It is recommended that the Zoning Bylaw be amended to:

- a) permit an increase in the number of students permitted with the base lot area requirement from 200 to 250 for private elementary schools. No change is proposed for the current base lot area requirement of 0.8 ha for elementary schools and 1.6 ha for secondary schools and schools which offer a combined elementary and secondary school program;
- b) eliminate the per student lot area requirement for all private schools;

- c) create a zoning category to allow elementary schools with a student enrollment of over 250 and private secondary schools and private schools which offer both elementary and secondary programs with a student enrollment of over 200 as a separate land use category in the P5 District, subject to CD Comprehensive Development District zoning;

The report also provides guidelines to be utilized for assessing rezoning applications to Comprehensive Development District in order to permit the establishment of a private school with a larger student enrollment and summarizes the potential implications of the proposed bylaw amendments on the existing private schools in Burnaby.

2.0 INTRODUCTION

A formal request to amend the Zoning Bylaw to alter the lot area requirements for private schools has been received from representatives of St. Helen's Private School. In addition, one other private school in Burnaby was advised that they were not permitted to increase their student capacity due to their property not satisfying the lot area requirements for private schools in the P5 Community Institutional District. There are currently 10 private schools in Burnaby. As educational programs and objectives have changed, it is considered appropriate to review the lot area requirements for private schools.

3.0 BACKGROUND INFORMATION:

- 3.1 Private schools are permitted in the Burnaby Zoning Bylaw in the P5 Community Institutional District, subject to the following lot area and width requirements:

Section 505.4.1(c) - Private elementary schools shall have a minimum lot area of 0.8 ha (1.9768 acres) for the first 200 pupils and, thereafter, an additional 32 m² (344.45 sq.ft.) for each additional pupil.

Section 505.4.1(d) - Private secondary schools shall have a minimum lot area of 1.6 ha (3.9535 acres) for the first 200 pupils, and, thereafter, an additional 32 m² (344.45 sq.ft.) for each additional pupil.

Section 505.4.1.(d.1) - Private schools that offer both elementary and secondary programs shall have a minimum lot area of 1.6 ha (3,9535 acres) for the first 200 pupils and, thereafter, an additional 32 m² (344.45 sq. ft.) for each additional pupil.

As the number of pupils permitted to attend the school is directly linked to the lot area of the site, altering the number of students permitted to be enrolled in a school without meeting the corresponding lot area requirement would be changing the permitted density. Density and use are two elements of a development which cannot be altered by CD Comprehensive Development District zoning. Therefore, Comprehensive Development zoning cannot be used to alter the number of pupils which attend a private school if the site does not meet the P5 District lot area requirements for private schools under the current format of the Zoning Bylaw. Comprehensive Development zoning could be used, however, to distinguish between different sizes of private schools as a land use category.

3.2¹ The P3 District in the Burnaby Zoning Bylaw, in which public schools are a permitted use, does not have a lot area requirement. The Ministry of Education, however, provides capital funding for the acquisition of land for new public school construction in accordance with school site size requirements that relates to the number of students. These requirements, which are based on current and projected student enrollment in the school, are generally higher than the site area requirements in Burnaby for private schools. The area requirements only relate to seeking capital funding from the Ministry and do not appear to directly control future increases in student enrollment

3.3 The issue of lot area requirements for private schools was previously brought to Council's attention in 1996 and after the submission of two reports and considerable discussion, the private school site requirements in the Burnaby Zoning Bylaw were amended through a text amendment which was given Final Adoption in April 1998. The text amendment which was given Final Adoption resulted in a moderate reduction in the site area requirements for private schools.

Council had been advised in 1996 that the 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 land uses with considerably different levels of activities, as well as providing adequate space to satisfy the needs of school children. It was contended that 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.

3.4 For information, if a private school is a registered non-profit organization, is engaged in teaching the same curriculum as public schools and meets Provincial standards for a private school, the school is eligible for a statutory tax exemption for the building and the land under

the building from the B.C. Assessment Authority and is eligible for a permissive exemption for the remainder of the land, which can be granted by Council.

4.0 **GENERAL DISCUSSION:**

4.1 The lot area requirements for private schools continues to arise as an issue, and in light of changes in educational programs and the lack of available land for institutional uses in Burnaby, it is considered worthy of re-examination. Please see **attached** Table '1' for a list of the private schools in Burnaby. Table 1 also shows the site area, existing school enrollment, school facilities and number of students permitted under the existing and proposed bylaw. These aspects are discussed in subsequent sections of this report.

4.2 Research was done to compare Burnaby's lot area requirement for private schools to the requirements in other Lower Mainland municipalities. Of the 12 municipalities surveyed, West Vancouver is the only other municipality to have a lot area requirement which relates to the number of students enrolled in the school. West Vancouver's regulations are more restrictive than Burnaby's in terms of 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 890m² (9,580 sq.ft.).

4.3 With respect to Physical Education requirements, private schools, which are classified as an independent school under the *Independent School Act*, are required to provide an educational program which includes physical education. The school is then required to meet certain defined "Learning Outcomes," however, the Ministry of Education does not require any specific facilities (indoor or outdoor) for physical education or a standard lot area to accommodate a physical education program. Physical education programs may be accommodated through making arrangements with a local recreation centre to use their facilities and/or utilizing nearby play fields. The potential ramifications of these arrangements for Burnaby parks and recreation facilities are discussed in the next paragraph. In general, the utilization of a greater variety of facilities in the community and greater reliance on facilities off the school site to meet the physical education needs of students in the private and public school system appears to be a general trend.

The lack of Provincial government requirements for on-site physical education facilities on private school sites and a possible decrease in Burnaby's lot area requirements for private schools may result in increased use and demand on Burnaby parks facilities, which would have cost implications for the Parks, Recreation and Cultural Services Department. These conditions could lead to increased capital and ongoing maintenance costs to meet the increased demand on City facilities from private schools that lack dedicated sports and play facilities for their students, which may impact City policies regarding fees and charges for the use of Parks facilities. While there is a possibility that increasing the number of students

without increasing the lot area could put additional pressure on Burnaby's public park and recreation facilities, there are two factors which should limit the impact. These factors are the moderate nature of a potential increase in student enrollment that would be permitted if the proposed bylaw amendment were to be adopted and the existing physical education facilities at the private schools. While there may continue to be pressures on public facilities, it remains with the City to establish any agreements and terms, including any possible fees or subsidies related to requests from private schools.

- 4.4 Staff conducted a number of site visits to observe the neighbourhood impact of private schools at school closing time, which is considered a peak time for students to "hang out," potentially on City streets and private property. The site visits focused particularly on the private schools which are on smaller sites and are non-conforming in terms of their lot area requirements. The site visits revealed that there was little neighbourhood impact in terms of the students hanging out, creating a nuisance or indicating in any way that the school sites sizes were inadequate to deal with the normal activities related to the private school use, even with most of the schools not meeting the current lot area requirements. The predominant neighbourhood impact was traffic congestion and on street parking related to parents picking up students, not the students themselves. While some complaints have been received by the Traffic Division of the Engineering Department regarding student pick up and drop off at private schools, the number of complaints is not any greater than that received in connection with this same issue related to public schools. It became apparent from the site visits that the principal way in which neighbourhood impacts could be reduced would be to ensure that there is provision for adequate student drop off/pick up related to the school. Experience related to the development of new public schools in Burnaby recently indicates that this need is best addressed on a site specific basis and does not necessarily result in the need for a separate on-site drop off/pick up area.

In addition to examining private schools in Burnaby, staff investigated a number of other private schools located on small parcels of land in other municipalities and discovered that these schools have not been problematic in terms of land use compatibility with surrounding uses.

- 4.5 In light of the above information, it has been concluded that a modest increase in students for elementary schools relative to the site size requirements for private schools is appropriate, but that once private schools pass a certain student threshold, site specific examination of the issues through CD Comprehensive Development rezoning should be required. It is still considered important to retain the existing base land area requirement for private schools in order to maintain a reasonable site size for this type of institutional use, which may at times be intensively utilized. It is recommended that the student threshold for private elementary schools be set at 250, up from the current 200 students permitted with no change in the existing base land area (i.e. 0.8 ha.), and that the per student area requirement be eliminated. No changes are recommended to the number of students permitted (200) for private

secondary schools and private schools which offer both elementary and secondary programs in relation to the existing base land area (ie. 1.6 ha.). Maintaining the larger base land area requirement for secondary schools is considered appropriate to provide for the larger land requirements of secondary schools, such as providing sports fields and larger parking areas.

In order to address the issues that may arise through the operation of a larger private school in terms of neighbourhood compatibility and impacts on City facilities, it is proposed that private elementary schools with a student enrollment of over 250 and private secondary schools and private schools which offer both elementary and secondary programs with a student enrollment of over 200 be established as a separate land use category requiring CD Comprehensive Development zoning. The lower maximum student threshold for secondary schools for requiring rezoning to Comprehensive Development District is considered appropriate in relation to the basic larger land area requirements for secondary schools discussed above. Through CD Comprehensive Development zoning for the larger schools, issues such as the need to provide adequate student drop off/pick up and certain on-site functions/amenities in order to provide the students with some area for outdoor activity and to minimize conflicts with the adjacent single family neighborhood would be addressed. See **attached** Appendix "A" for recommended guidelines in assessing applications assessing rezoning applications for private elementary schools with an enrollment exceeding 250 students and private secondary schools and private schools which offer both elementary and secondary programs with a proposed student enrollment of 200.

5.0 PROPOSED AMENDMENTS AND IMPLICATIONS:

5.1 In light of the information provided in this report related to the lot area requirements for private schools, including reviewing the requirements of other Lower Mainland municipalities, the Provincial physical education requirements for private schools and detailed site observations at a peak activity time, it has been concluded that there is merit in considering a modest increase in students for elementary private schools, as well as a different regulatory approach which will provide the City with a better mechanism to address the issues related to larger private schools. In order to maintain a sufficient base land area, while still recognizing the lack of concerns related to somewhat larger student enrollments on smaller private school sites; and in order to have the opportunity to address issues related to larger private schools which may have a greater effect on the surrounding community unless certain requirements are adequately met on a site specific basis, three changes to the Zoning Bylaw are proposed.

- 1) An increase in the number of students permitted with the existing base lot area requirement from 200 to 250 for private elementary schools.

- 2) The elimination of the per student lot area requirement for all private schools.
- 3) The third proposed amendment involves creating elementary schools with a student enrollment of over 250 and private secondary schools and private schools which offer both elementary and secondary programs with a student enrollment of over 200 as a separate land use category in the P5 District, subject to CD Comprehensive Development District zoning.

5.2 The most significant effect of this proposed bylaw amendment will relate to the rights of the existing private schools in Burnaby. While it is possible that Burnaby will receive applications (either through rezoning or the Preliminary Plan Approval process) to permit the development of new private schools in Burnaby, considering the lack of available larger land areas and in particular, lands zoned P5 District, as well as the potential demand for this use, it is unlikely that there will be many new applications received for private schools in Burnaby.

There are currently ten private schools in Burnaby. Please see **attached** Table '1' for the private schools in Burnaby, statistics related to enrollment, the additional students permitted under the proposed bylaw and physical attributes of the sites. Of the ten schools, five do not meet the current P5 District lot area requirements for private schools and one is not a permitted use under the Comprehensive Development zoning of the site. It is noted that a number of the private schools currently share their site with other uses, such as places of public worship.

Three private schools in Burnaby (St. Frances De Sales, John Knox Christian and Deer Lake schools) would continue to not meet the minimum base land area and, therefore, would not be eligible for any increase in student enrollment. Additional enrollment is not permitted at the Burnaby Montessori Elementary School as it is not a permitted principal use on the Comprehensive Development zoning of the site. Some latitude was given in connection with the original approval of this school as an accessory function. This facility is a combination preschool/kindergarten/grade one private school facility, involving a small number of students. An increase beyond the current enrollment of the school can not be permitted for this principal use without an amendment to the Comprehensive Development plan for the site. Of the remaining six schools, with the elimination of the per student land area requirement, some minor increases in enrollment would be permitted for three of the schools (St. Michael's, Holy Cross, and Our Lady of Mercy schools). A substantial increase would be permitted at Kenneth Gordon school under the proposed P5 site area requirements, however, this is unlikely to happen due to the specialized nature of the school and it is not currently possible as the school site is zoned P3 Park and Public Use District. With the adoption of the proposed bylaw amendment creating private schools with a student enrollment of over 200 for secondary and secondary / elementary combined and over 250 for elementary as a land use category requiring Comprehensive Development zoning, two of the

schools (St. Helen's and St. Thomas More schools) would be non-conforming in terms of use. It is noted that St. Helen's is already legally non-conforming in terms of land use as the property on which the school is located is zoned R5 Residential District.

- 5.3 More significantly, the proposed bylaw provides the opportunity for additional private schools to apply to further increase their student enrollment by submitting an application for Comprehensive Development District zoning, while still providing Council with the opportunity to address the site specific issues which arise once a school reaches a larger size and ensuring that these issues are addressed through the rezoning process. Specifically, seven of the schools (Kenneth Gordon, St. Michael's, Holy Cross, St. Helen's, Our Lady of Mercy, St. Thomas More and Burnaby Montessori schools) would be eligible to apply to rezone to Comprehensive Development District in order to increase their student enrollment. As previously noted, the remaining three (St. Frances De Sales, John Knox Christian and Deer Lake schools) would continue to not meet the minimum base land area and would not be eligible for any increase in student enrollment, unless they acquire additional land to meet the base lot area requirement. Should this occur, they would be entitled to increase their student enrollment to the base number (250 for elementary schools and 200 for secondary schools and schools which offer both elementary and secondary programs) as an outright use and they would be eligible to apply for a further increase in student enrollment through a Comprehensive Development rezoning application. It is also noted that three of the existing private schools in Burnaby (Kenneth Gordon, St. Helen's and Burnaby Montessori schools) are currently not zoned appropriately for private school use and rezoning would be required to permit any increase in student enrollment.

As a prerequisite condition to the completion of a Comprehensive Development District rezoning for the private school with a proposed larger enrollment, a Section 219 Covenant would be required to be registered against the property which defines the maximum student enrollment for the school. Verification of the number of students enrolled in a private school can be obtained from the Ministry of Education. The use and development of legally non-conforming elementary schools with a student enrollment of over 250 and private secondary schools and private schools which offer both elementary and secondary programs with a student enrollment of over 200 would be governed by Section 911 of the Local Government Act.

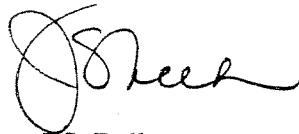
- 5.4 The above recommended bylaw amendment and resulting process would allow for some moderate increases in student enrollment in private schools, while providing for the opportunity to address the issues that may arise once a school reaches a certain larger size through Comprehensive Development rezoning, in contrast to the existing process which does not provide for any flexibility in dealing with requests to increase student enrollment or facilitate addressing site specific issues related to the functioning of private schools. It is recommended that a copy of this report be sent the private schools listed in this report and all property owners within 30 meters (98.4 ft.) of the pertinent schools, which is the standard notification distance for site specific rezoning applications.

6.0 RECOMMENDED BYLAW AMENDMENTS:

It is recommended that the P5 District be amended as follows:

- a) The number of students permitted with the base lot area requirement be increased from 200 to 250 for private elementary schools, and that
- b) The per student lot area requirement be eliminated for private schools, and that
- c) Private secondary schools and private schools which offer both elementary and secondary programs with a student enrollment of over 200 and private elementary schools with a student enrollment of over 250 be added to the P5 District as a permitted use, subject to the use being included as part of a comprehensive development plan.

If Council adopts the recommendations of this report, a further report will be submitted to Council seeking approval of First Reading of the bylaw amendment and authorization to advance it to a Public Hearing.



J.S. Belhouse
Director Planning and Building

BW:gk
Attachments

cc: City Manager
Director Parks, Recreation and Cultural Services
City Solicitor
City Clerk

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SCHOOL	SITE AREA (m ²)	CURRENT # STUDENTS ³	EXISTING BYLAW (Based on P5 Provisions)		PROPOSED BYLAW			EXISTING SCHOOL ON SITE FACILITIES		
			# STUDENTS PERMITTED ⁴	ADDT'L. # STUDENTS ⁴	# STUDENTS PERMITTED AS AN OUTFRONT USE	ADDT'L. STUDENTS POSSIBLE THROUGH C/D ZONING	SPORTS FIELD ON SITE	GAMIN SCHOOL	DROP OFF/PICK UP AVAILABLE	
KENNETH GORDON² ELEMENTARY 7855 MEADOW AVE	20680 2,068 ha	78	596	518	250	YES ⁵	No. Use abutting City property	Yes	No special area	
ST. FRANCES DE SALES ELEMENTARY 6656 BALMORAL ST.	7500 ¹ 0.75 ha	216	INSUFF. BASE	0	INSUFF. BASE	NO	No Use City Park throughout day	Yes	No special area	
ST. MICHAEL'S ELEMENTARY 9387 HOLMES ST.	19200 ¹ 1.92 ha	235	550	315	250	YES ⁵	Yes	Yes	No special area	
HOLY CROSS ELEMENTARY 1450 DELTA AVE.	11950 ¹ 1.195 ha	218	405	187	250	YES ⁵	Field, but not sports. Use Brentwood Elementary	Yes	No special area	
JOHN KNOX CHRISTIAN² ELEMENTARY 8260 13 th AVE.	6400 0.64 ha	243	INSUFF. BASE	0	INSUFF. BASE	NO	No	Yes	No special area	
ST. HELEN'S² ELEMENTARY 3894 TRUMPH ST.	8430 ¹ .843 ha	292	213	-79 ⁶	250	YES ⁵	No Use 2 City parks	Yes	No special area	
DEER LAKE SECONDARY/ELEMENTARY 5550 GILPIN ST.	14000 1.4 ha	207	INSUFF. BASE	0	INSUFF. BASE	NO	Yes	Yes	No special area	
OUR LADY OF MERCY ELEMENTARY 7481 10 th AVE.	13600 ¹ 1.36 ha	241	375	134	250	YES ⁵	No	Yes	No special area	
ST. THOMAS MORE SECONDARY 7450 12 th AVE.	28600 2.86 ha	636	594	-42 ⁶	200	YES ⁵	Yes Use 2 City parks and Stride Avenue School	Yes	12 th Ave functions as	
BURNABY MONTESSORI ELEMENTARY (K-1) 3905 NORLAND AVE.	10600 ¹ 1.06 ha	29	0	0	0	YES ⁵	No	Yes	No special area	

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1. Site shared with place of public worship
2. Schools not currently zoned P5 Community Institutional District
3. Source: Ministry of Education, Independent Schools Branch
4. If P5 District zoned
5. Number of students subject to Council approval and assessment utilizing criteria outlined in report
6. Negative number indicates insufficient area for numbers of students enrolled

APPENDIX '1'

GUIDELINES FOR ASSESSING REZONING APPLICATIONS FOR PRIVATE SECONDARY SCHOOLS AND PRIVATE SCHOOLS WHICH OFFER BOTH ELEMENTARY AND SECONDARY PROGRAMS WITH A STUDENT ENROLLMENT OVER 200 AND PRIVATE ELEMENTARY SCHOOLS WITH A STUDENT ENROLLMENT OVER 250

The following guidelines are utilized to assess rezoning applications to Comprehensive Development District (based on P5 Community Institutional District guidelines) in order to permit the establishment of a private school with a larger student enrollment (200 or 250), depending on the program. These guidelines can be utilized for assessing both applications to establish new private schools in Burnaby and applications to increase the enrollment of existing private schools beyond the maximum student threshold. Some of the guidelines, such as distance between the school and other land uses, are, however, more relevant to assessing applications for new private schools. The guidelines should be applied to assessing the ultimate enrollment of the school, with supporting demographic research, not the opening or current enrollment of the school.

The first and most fundamental guideline is quantitative and links the number of students to the site area of the private school. All proposals for private schools which require Comprehensive Development zoning should attempt to meet all the guidelines. If, however, a proposal is received which demonstrates that it exceeds the more qualitative, less prescriptive guidelines, consideration could be given to proposals for private schools which do not meet the additional area per student guideline.

GUIDELINES

Private Schools which require Comprehensive Development District rezoning shall:

A) QUANTITATIVE:

- provide a site area of 400m² for every 10 additional students or portion thereof. The general quantitative standard would be influenced by the consideration of the following qualitative assessment criteria for the proposed site.

B) QUALITATIVE ASSESSMENT CRITERIA:

- Appropriate in terms of compatibility with current and planned surrounding land uses.
- Appropriate site configuration for school development (e.g. square or rectangular)
- Has, or has potential for, natural aesthetic value for school use.
- Provides adequate sports fields, play areas and open space. Play field areas will be assessed utilizing the Provincial Ministry of Education capital funding site standards.

Appendix A
Guidelines for Assessing Rezoning Applications
For Private Schools Requiring CD Zoning
Page 2

- Provides a large internal space which can be utilized for both assembly and physical education purposes.
- Provides adequate vehicular drop off/pick up areas. A traffic study will be required to be submitted which demonstrates that the proposed pick-up/drop-off area adequately meets the needs of the school without unduly affecting the surrounding area.
- Provides an area for separate and adequate bus loading if private busing is provided by the school.
- Close to public transit.
- Pedestrian and cycling friendly in terms of both its location and internally.
- Separated from streets with high traffic volumes.
- Well separated from uses that are considered sensitive in terms of their distance from schools, such as pool halls, arcades, cyber centers, liquor stores, liquor licence establishments and gaming facilities.

