

TO: CITY MANAGER 2019 October 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #19-41**
Proposed Child Care Use

ADDRESS: 6755 Napier Street (see *attached* Sketch #1)

LEGAL: Lot 2, DL 132, Group 1, NWD Plan LMP26163

FROM: R4 Residential District

TO: P1 Neighbourhood Institutional District

APPLICANT: Doxa Development.
4200 Vanguard Road
Richmond, BC V6X 2P4
Attn: Ben Mui

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2019 November 19.

RECOMMENDATIONS

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2019 November 04 and to a Public Hearing on 2019 November 19 at 6:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The consolidation of the subject site with 1030 Sperling Avenue.
 - b) The deposit of sufficient monies including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - c) The provision of any necessary statutory rights-of-way, easements and/or covenants.

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REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to align the zoning of the subject site with the zoning of 1030 Sperling Avenue, in order to permit a child care use.

2.0 POLICY FRAMEWORK

The proposed rezoning application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Social Connection - Enhance social connections throughout Burnaby.
- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

An Inclusive Community

- Serve a diverse community - Ensure City services fully meet the needs of our dynamic community.
- Create a sense of community - Provide opportunities that encourage and welcome all community members and create a sense of belonging.

A Healthy Community

- Lifelong learning - Improve upon and develop programs and services that enable ongoing learning.

A Dynamic Community

- Economic opportunity - Foster an environment that attracts new and supports existing jobs, businesses and industries.

3.0 BACKGROUND

- 3.1 The subject site is an R4 Residential property that has been vacant since the late 1960s (see *attached* Sketch #1). Directly west of the subject site is a P1 Neighbourhood Institutional property improved with a church building which was built prior to the 1965 Burnaby Zoning Bylaw and has since had various building additions. The church is currently used for weekly church service. Directly to the north is a CD Comprehensive Development (based on P5 Community Institutional District) property improved with a supportive housing facility, which was granted Final Adoption on 1995 November 27 under Rezoning Reference #04/93. Single and two family residential developments are located to the south and east. Vehicular access to the site is from the lane located to the east of the subject site.

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- 3.2 The subject site is located in the Lochdale neighbourhood, outside of a community plan area. The area is generally designated for Single and Two Family Urban use within Burnaby's Official Community Plan.

4.0 GENERAL COMMENTS

- 4.1 The applicant is seeking to rezone the subject site, and consolidate it with the church property directly west at 1030 Sperling Avenue, in order to permit child care use of the subject site. Specifically, the subject site is intended to be used as an outdoor play area for a child care facility, which is proposed in the existing church building. The proposed child care facility, which is a permitted use in the P1 Neighbourhood District, is subject to Preliminary Plan Approval #19-40 for a change of use to the church building and to record related changes to parking and landscaping. Considering that a child care facility, including an accessory outdoor play area, is not permitted as a principal use on an R Residential property, rezoning the subject site to the P1 District is required.
- 4.2 The P1 District requires a minimum lot area and width of 890 m² (9,580 sq. ft.) and 24.5 m (80 ft.) respectively, except that the Zoning Bylaw also states that lot area shall be increased by 19 m² (205 sq. ft.) for each child over 20 in number accommodated by a child care facility. The subject site has a lot area of approximately 670 m² (7,212 sq. ft.) and a width of approximately 15.85 m (52 ft.), and therefore does not by itself meet the minimum lot area and width requirements of the P1 District. However, once consolidated into one legal parcel with 1030 Sperling Avenue, the property will have an area of approximately 2,438.18 m² (26,244 sq. ft.) and a width of 40.44 m (133 ft.), well within the minimum requirements of the P1 District. For that reason, it is recommended that consolidation of the subject site with the adjacent lot be a prerequisite to rezoning approval.
- 4.3 The proposed child care use of the site is generally compatible with the surrounding residential area, and is consistent with the site's current use as outdoor landscaping related to the church use at 1030 Sperling Avenue. Furthermore, given its location between the adjacent P1 property and a lane, the consolidation of the two properties for the proposed land use is considered appropriate. In addition, facilitating the expanded site area for the proposed child care facility in the existing institutional building at 1030 Sperling Avenue would contribute to the supply of licensed child care spaces in Burnaby. Nearby child care facilities include 947 Sperling Avenue with eight licensed spaces and 6965 Aubrey Street with seven licensed spaces. It is noted that, ultimately, Fraser Health Authority approves child care facilities through administration of the *Child Care Licensing Regulation* of the *Community Care and Assisted Living Act*.
- 4.4 The Director Engineering will be requested to provide an estimate for any services necessary to serve the site, as determined in consultation with the Planning and Building Department and with consideration that there is no proposed additional gross floor area for the proposed use. Services could include, but not be limited to:

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- removal of western driveway at 1030 Sperling Avenue; and,
- if relocated, eastern driveway at 1030 Sperling Avenue to remain east of the nearby streetlight.

4.5 An approximate 2.0 m (6.56 ft.) statutory right-of-way is required for future construction of a separated sidewalk along Sperling Avenue, in addition to a triangular 3.0 m (9.84 ft.) by 3.0 m (9.84 ft.) statutory right-of-way for a corner truncation on the southwest corner of 1030 Sperling Avenue.

4.6 The provision of any necessary covenants and easements will be required. It is noted that there is an existing easement along the north portion of the subject site for vehicular access to the supportive housing facility at 1010 Sperling Avenue.

4.7 The removal of any trees over 20 cm (8 in.) in diameter will require a Tree Cutting Permit.

4.8 Given that there is no additional gross floor area proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge does not apply to this rezoning.

5.0 DEVELOPMENT PROPOSAL

5.1 Site Area:

Existing	- 670 m ² (7,212 sq. ft.)
Upon consolidation	- 2,438.18 m ² (26,244 sq. ft.)
Minimum required in P1 District	- 890 m ² (9,580 sq. ft.)

5.2 Site Width:

Existing	- 15.85 m (52 ft.)
Upon consolidation	- 40.44 m (133 ft.)
Minimum required in P1 District	- 24.5 m (80 ft.)



E. W. Kozak, Director
PLANNING AND BUILDING

LS:tn

Attachments

cc: City Solicitor
City Clerk

