

**PLANNING AND DEVELOPMENT COMMITTEE**

**TO:** MAYOR AND COUNCILLORS

**SUBJECT: PROPOSED ZONING BYLAW AMENDMENTS – CHILD CARE AND R1 DISTRICT HOUSEKEEPING**

**RECOMMENDATION:**

**THAT** the proposed amendments to Burnaby Zoning Bylaw, 1965, as described in Section 3.0 of the report titled “Proposed Zoning Bylaw Amendments - Child Care and R1 District Housekeeping” dated September 25, 2024, of the Open meeting of the Planning and Development Committee, be approved;

**THAT** the City Solicitor be authorized to bring forward amendments to Burnaby Zoning Bylaw, 1965, substantially as set out in **Attachment 1** of the report; and

**THAT** a Public Hearing not be held for the proposed amendments to Burnaby Zoning Bylaw, 1965 described in the report, as they are consistent with the Burnaby Official Community Plan.

**REPORT**

The Planning and Development Committee, at its meeting held on September 25, 2024, received and adopted the attached report proposing amendments to the Burnaby Zoning Bylaw to facilitate the creation of new child care spaces, and support implementation of the new R1 District.

On behalf of the Planning and  
Development Committee,

Mayor M. Hurley  
Chair

Councillor P. Calendino  
Vice Chair

**TO:** PLANNING AND DEVELOPMENT COMMITTEE (PDC)  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **PROPOSED ZONING BYLAW AMENDMENTS – CHILD CARE AND R1 DISTRICT HOUSEKEEPING**  
**PURPOSE:** To propose amendments to the Burnaby Zoning Bylaw to facilitate the creation of new child care spaces, and support implementation of the new R1 District.

## RECOMMENDATION

**THAT** the proposed amendments to *Burnaby Zoning Bylaw, 1965*, as described in Section 3.0 of the report titled “Proposed Zoning Bylaw Amendments - Child Care and R1 District Housekeeping” dated September 25, 2024, be approved;

**THAT** the City Solicitor be authorized to bring forward amendments to *Burnaby Zoning Bylaw, 1965*, substantially as set out in **Attachment 1** of the report; and

**THAT** a Public Hearing not be held for the proposed amendments to *Burnaby Zoning Bylaw, 1965* described in the report, as they are consistent with the *Burnaby Official Community Plan*.

## EXECUTIVE SUMMARY

This report provides a summary of proposed changes to the *Burnaby Zoning Bylaw 1965* (“Zoning Bylaw”) in support of Action 7.1.4 of the Child Care Action Plan and the ongoing implementation of the new Small-Scale Multi-Unit Housing District (R1).

### 1.0 POLICY SECTION

The proposed amendments to the Zoning Bylaw align with the following Council-adopted policies:

- Corporate Strategic Plan (2022);
- Official Community Plan (1998);
- Economic Development Strategy (2007);
- Social Sustainability Strategy (2011);
- Community Energy and Emissions Plan (2016);
- Climate Action Framework (2020);
- Community Safety Plan (2020); and
- Child Care Action Plan (2021).

**2.0 BACKGROUND**

As part of the ongoing review of the Zoning Bylaw, which typically takes place in the context of development enquiries and discussions regarding the intent of the Zoning Bylaw, text amendments are brought forward from time to time. Text amendment reports are submitted in order to clarify the intent of the regulations and to respond to changes in related City policy and legislation as well as changes in forms of development, land uses and social trends.

This report presents Zoning Bylaw amendments regarding:

- expanding opportunities for child care; and
- R1 District housekeeping.

**2.1 Expanding Opportunities for Child Care**

In July 2021, Council adopted the Child Care Action Plan, in which Action 7.1.4 states:

*7.1.4 Review the Zoning Bylaw to reduce barriers and increase opportunities for development of child care.*

In response to this action, staff have reviewed the Zoning Bylaw to identify potential barriers and develop proposed amendments to facilitate the creation of more child care spaces while remaining in alignment with the provincial *Child Care Licensing Regulation*.

R1 District

As the largest district by land area, the R1 District presents the greatest opportunity to support more child care facilities citywide through easing existing restrictions. Currently, child care uses in the R1 District are only permitted as a home occupation. These are restricted to operating in one dwelling unit per principal building up to a total of two operations per lot and are prohibited in primary dwelling units containing secondary suites, including within the secondary suite.

Permitting a limited number of smaller neighbourhood-scale child care facilities within the R1 District as a standalone primary use and permitting up to two home-based child care facilities within any two dwelling units on a lot would allow child care in a wider range of housing configurations, be more equitable to renters, and support a greater supply of spaces in neighbourhoods where many families live, contributing to walkable neighbourhoods and reduced vehicle trips.

RM Districts

Child care facilities are currently included in gross floor area (GFA) calculations in RM Districts, unless approved as a building amenity. Including child care facilities within GFA calculations hinders their development when the density can often provide a higher return when utilized for housing. In the past, City practice has been

to add a commercial or institutional district to a site’s Comprehensive Development (CD) zoning to provide additional GFA for child care.

By excluding child care facilities from GFA calculations for RM Districts, it would remove the conflict between housing and child care priorities, as well as the need to add in additional zoning districts, which have the potential to trigger Community Plan amendments. Therefore, it is recommended that child care facilities be excluded from GFA calculations in RM Districts.

Employment Districts

A number of employment districts currently do not permit child care facilities that could otherwise provide child care spaces within close proximity to a parent’s place of work. Expanding opportunities for child care in light industrial and business centre districts has the potential to reduce the length and number of vehicle trips made, help balance residents’ professional and personal responsibilities, and provide a beneficial amenity for employers to offer their employees.

Off-Street Parking and Loading

Current parking and loading requirements can be a challenge for the development of child care facilities due to both the significant costs and the difficulty to accommodate the required parking and loading spaces on-site with the addition of outdoor play space. Off-street parking and loading requirements particularly impact the viability of smaller neighbourhood-scale child care facilities, as well as scenarios where adaptive reuse of an existing building is considered.

Currently, the off-street parking requirement for child care facilities reflects the former commercial rate of 1 parking space per 46 m<sup>2</sup> (495.16 sq.ft.) of gross floor area. However, the commercial rate was reduced to 1 per 55 m<sup>2</sup> (592.02 sq.ft.) as per the report titled “Proposed Zoning Bylaw Amendments – Parking and Loading 2024” dated January 29, 2024. Aligning off-street parking requirements for child care facilities with this new rate would reduce the aforementioned challenges of a higher rate as well as ensure child care facilities can continue to reuse commercial spaces without creating a parking discrepancy.

Additionally, child care facilities typically have no need for dedicated truck loading spaces, which can lead to further unnecessary use of on-site space, and so it is recommended to exclude child care facilities from loading space requirements.

**2.2 R1 District Housekeeping**

In response to new *Local Government Act* requirements, the City completed a major amendment to the Zoning Bylaw that consolidated the City’s 12 previously existing R Districts into one new R1 District, as per the report titled “Proposed Zoning Bylaw Amendments and Rezoning of R District Properties – Small-Scale Multi-Unit Housing” dated April 15, 2024.

Further housekeeping amendments in support of the R1 District were anticipated within that report and initial monitoring of its implementation has identified the need

for minor adjustments at this time. These include clarification of lot coverage exclusions, permitted projections into required yards and building separations, and continued updates to regulations misaligned with the new R1 District.

**3.0 GENERAL INFORMATION**

The proposed Zoning Bylaw text amendments are summarized below and detailed in **Attachment 1**. The amendments aim to expand opportunities for child care and the continued calibration of R1 District-related regulations.

**3.1 Expanding Opportunities for Child Care**

R1 District

The following amendments are proposed to support home-based child care facilities, which permit a maximum of 8 children, in a wider range of dwelling units in the R1 District, as well as provide limited opportunities for standalone child care facilities up to a maximum of 25 children to accommodate the most common provincially licenced care program size. While these changes will increase existing opportunities, provincial licensing requirements, such as minimum indoor and outdoor space requirements, may continue to limit the overall size and number of eligible properties. The proposed changes include:

- Amending Section 6.7.1 to permit home-based child care facilities within any dwelling unit on a lot, including primary dwelling units or secondary suites.
- Amending Section 6.8A to permit home-based child care facilities up to a maximum of two dwelling units per lot. This would continue to be subject to written support from the owners of the other dwelling units.
- Permitting standalone child care facilities with up to 25 children in the R1 District. This would be subject to there being no dwelling units on the lot and would require such facilities to meet the same scale and siting conditions as single family dwellings. These would be restricted to corner lots to provide additional frontage for parking, pickup, and drop off. This approach would provide more child care spaces within walking distance of residents while limiting potential impacts posed by larger facilities.

RM Districts

- Amending Section 6.20 to exclude child care facilities from GFA calculations in RM Districts to remove the conflict between housing and child care priorities.

Employment Districts

- Adding child care facilities as a permitted use in the M4, M5, and M8 light industrial districts and the B1 and B2 Business Centre Districts. The compatibility of a child care facility with adjacent uses within light industrial areas would be determined by Fraser Health on a case-by-case basis under the provincial licencing process, which requires an environment for children

that is free of health and safety hazards and is subject to medical health officer review.

CD Districts

- Amending Section 700.1 to allow child care facilities in previously established CD-zoned sites without the need to go through a rezoning process, subject to the site containing a District in which child care facilities are a permitted use.

Parking and Loading

- Requiring 1 off-street parking space for each 55 m<sup>2</sup> (592.02 sq.ft.) of gross floor area in alignment with the new commercial requirement, including a maximum of 4 required spaces for facilities within the R1 District, in alignment with existing R1 District parking restrictions in Section 800.6(8).
- Excluding child care facilities from loading space requirements in Section 900.4.

**3.2 R1 District Housekeeping**

The following amendments are proposed to support the ongoing implementation of the new R1 District by continuing to harmonize pre-existing regulations with the new small-scale multi-unit housing framework as well as updating regulations to better reflect contemporary design and siting needs. The proposed changes include:

Definitions

- Expanding the definition for Lot Coverage to exclude decks from the lot coverage calculation for those portions that project up to 1.2 m from the exterior wall of a building to better align with permitted exclusions for balconies, which are defined differently.

Sunken Patios and Building Height Calculation

- Refining Section 6.9(4) to better align depressed area height exemptions for sunken patios and pedestrian entranceways with outdoor area requirements for primary dwelling units in Section 101.6.2 of the R1 District.

Projections

- Amending Section 6.12, to allow for accessibility ramps to project into required yards.
- Amending Sections 6.12 and 101.6.1 to allow for eaves to project up to 1.2 m (increased from 0.9 m) into required yards and required separations between buildings to support wider roof overhangs that function as passive solar control features.
- Amending Section 6.12 to permit outdoor appliances (e.g. heat pumps) to project up to 0.9 m into required side or rear yards.

GFA Exclusions in Districts other than the R1 and A Districts

- Correcting Section 6.20(3) to restore its original intent, which was inadvertently altered with the R1 District amendments adopted June 10, 2024. The items listed in this section are meant to be excluded from GFA in all districts other than the R1 and A districts and are not specific to supportive housing facilities.

R1 Height

- Adding clarification to Section 101.7.1 on how the mid-point of a sloping roof will be determined and measured.
- Replacing the height measurement diagram in Section 101.7.1 to clarify that height is measured to the top of a flat roof instead of to the top of a parapet.

References to Previous R Districts

- Changing outdated references to the previous “R6” District to the new “R1” District in the RM1, RM2, and RM3 District schedules.

Parking

- Amending Section 800.6(5) to clarify that parking may be located closer than 3.5 m away from a multi-family dwelling within the R1 District.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

The amendments proposed in relation to child care facilities align with the actions in the Child Care Action Plan, which included extensive consultation with parents, child care providers and other community partners (e.g. Fraser Health Licensing, Burnaby School District) at the time of its development.

The proposed R1 District amendments were partly informed by ongoing public and applicant feedback following initial implementation of the new district and will continue to be monitored and revisited as necessary prior to final adoption of a new Zoning Bylaw by the end of 2025.

With the adoption of the recommendations in this report, staff would prepare communication materials to inform development applicants and child care operators of the changes, including through engagement efforts carried out as part of the ongoing Zoning Bylaw Rewrite project.

At the December 11, 2023 Open meeting, Council directed staff to include a recommendation to not hold a Public Hearing for rezoning applications or Zoning Bylaw text amendments that are consistent with the Burnaby Official Community Plan (as authorized by section 464 of the *Local Government Act*). The proposed text amendments to the Zoning Bylaw are consistent with the Official Community Plan policies on residential (Section 4.0), transportation (Section 8.0), climate action goals (Section 10.0), and social planning (Section 11). As the text amendments are consistent

with the Official Community Plan and other City policies, it is recommended that a Public Hearing not to be held for these proposed amendments to the Zoning Bylaw.

First and Second Readings of the text amendment bylaw will be held at a future Council meeting. In advance of that, a notice in respect to the text amendment bylaw will also be published on the City’s website and as part of the City’s online newsletter, in accordance with the Burnaby Public Notice Bylaw.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to the proposed Zoning Bylaw amendments.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

**ATTACHMENTS**

Attachment 1 – Proposed Bylaw Amendments

**REPORT CONTRIBUTORS**

This report was prepared by Cody Bator, Planner and by Andrew Macaulay, Planner 2, and reviewed by Carl Isaak, Director Neighbourhood Planning and Urban Design, and May Leung, City Solicitor.