



To: Planning Committee
From: Wayne Craig
Director, Development

Date: September 7, 2021
File: TU 20-890760

Re: **Application by City Vancouver Academy Inc. for an extension to a Temporary Commercial Use Permit at Units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165, and 2170 - 8766 McKim Way**

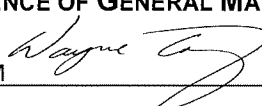
Staff Recommendation

1. That the application by City Vancouver Academy Inc. for an extension to Temporary Commercial Use Permit (TU 20-890760) for the property at Units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 - 8766 McKim Way to permit education use (limited to an independent school offering grades 10 to 12) be considered until September 8, 2022.
2. That this application be forwarded to the October 18, 2021 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall.

 for

Wayne Craig
Director, Development
(604-247-4625)

WC:na
Att. 5

REPORT CONCURRENCE
CONCURRENCE OF GENERAL MANAGER
Acting GM 

Staff Report

Origin

City Vancouver Academy Inc. has applied to the City of Richmond for a one year extension to an existing Temporary Commercial Use Permit (TCUP) to allow education use (limited to an independent school offering grades 10 to 12) to be permitted at Units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 - 8766 McKim Way (Attachment 1). A Development Application Data Sheet providing details about the proposal is attached (Attachment 2). The subject units at 8766 McKim Way are located in the eastern building (Attachment 3).

On September 8, 2020, Council issued a TCUP to enable the school to operate from the site for a one-year term while the school looked for an appropriately zoned permanent location. If the current extension is approved the permit would be valid for an additional one year period from the original TCUP approval resulting in this TCUP expiring on September 8, 2022.

Background

Richmond Zoning Bylaw 8500 permits “Education” use, including accredited secondary schools, in specific zones (e.g., SI, CDT1, and ASY). The subject sites’ zoning, the “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)” zone, does not permit “Education”.

In January 2020, the Ministry of Education performed an inspection of accredited facilities to ensure the school is compliant with all Municipal and Provincial standards before renewing their licence. The school was determined to be operating without appropriate zoning. They subsequently submitted a TCUP application to allow them to operate from the site for one year while they looked to secure a permanent location with appropriate zoning that permits “Education” use. On September 8, 2020, Council issued a TCUP to allow the school to operate from the current location for one year.

The applicant has advised staff that negotiations for an alternative location were underway at the time of the original report but the negotiations fell through. An alternative site has been identified by the applicant, at 5900 No.3 Road, and the applicant has requested an extension to the TCUP in order to allow them to complete required renovations to the building at the new location (Attachment 4).

Findings of Fact

A Development Application Data Sheet providing details about the proposal is attached (Attachment 2).

Surrounding Development

The subject site is located in the City Centre planning area. Development immediately surrounding the subject site is as follows:

- To the North: Across McKim Way, commercial office complex on a property zoned “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)”.

- To the South: Property zoned “Industrial Business Park and Religious Assembly (ZI5) – Aberdeen Village (City Centre)” for a place of worship and “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)” for a light industrial, retail trade and services building.
- To the East: Office and commercial units on a property zoned “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)”.
- To the West: Office and commercial units on a property zoned “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)”.

Related Policies & Studies

Official Community Plan/Aberdeen Village

The Official Community Plan (OCP) land use designation for the subject site is “Mixed Employment”. The Aberdeen Village (2031) Specific Land Use Map within the City Centre Area Plan designates the subject site as “General Urban T4 (25 m),” which allows for low to medium density of light industrial, office, and retail services. The OCP allows commercial educational uses (i.e., tutoring schools) but specifically discourages schools offering Kindergarten to grade 12 (K-12) curriculums due to the fact that K-12 programs are aircraft noise sensitive uses.

The OCP allows TCUPs in areas designated “Industrial”, “Mixed Employment”, “Commercial”, “Neighbourhood Service Centre”, “Mixed Use”, “Limited Mixed Use”, and “Agricultural” (outside of the Agricultural Land Reserve), where deemed appropriate by Council and subject to conditions suitable to the proposed use and surrounding area.

The proposed temporary “Commercial” use is consistent with the land use designations and applicable policies in the OCP.

Aircraft Sensitive Noise Development (ASND) Policy

The subject site is located within “Area 1A – Restricted Area” of the Aircraft Noise Sensitive Development (ANSND) Policy, where new aircraft noise sensitive land uses are prohibited, including K-12 schools. This Policy exists to prevent exposure to aircraft noise throughout the range of typical activities offered in K-12 schools, such as outdoor play. While the proposed use is temporary, the school’s activities on the site will be exclusively indoors.

Further information regarding how outdoor play will be accommodated is addressed in the outdoor play space and physical education section of this report.

Building Code issues for the use were addressed through a Tenant Improvement Permit (BP 20-890506) to allow for increased occupant load and other school related requirements for the subject site and associated units. The applicant also provided an acoustical report performed by a professional engineer prior to the issuance of the original TCUP, indicating that the measured indoor sound levels meet the noise criteria set out in the OCP for “living, dining, and

recreation rooms". Any required upgrades outlined in the Building Permit were also to be completed in order to obtain their Business Licence and secure their accreditation as a school.

Local Government Act

The *Local Government Act* states that TCUPs are valid until the date the Permit expires or a maximum of three years. A TCUP may be granted one extension after which a new TCUP application would be required.

Staff recommend the Permit be extended for one year, as this is a temporary accommodation while the applicant searches for an appropriately zoned site.

Public Consultation

A sign has been installed on the site to advise of the proposal. Should Council endorse the staff recommendation, the application will be forwarded to a future Public Hearing, where any area resident or interested party will have an opportunity to comment. Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Richmond School District No. 38 has been made aware of the Temporary Use Permit application at the subject site. No comments or concerns have been communicated back to staff.

Analysis

The subject units at 8766 McKim Way are located in the eastern building (Attachment 3). The strata management company for the subject site has provided a letter expressing no concerns regarding the extended stay and is aware of the school's plans for relocation (Attachment 5).

The applicant advises that they have been actively searching for a new location for the school throughout the last year after the first alternative location fell through. They are committed to moving to another facility within one year of the date of issuance of the TCUP. The applicant has provided a letter indicating they have entered into an offer to lease space at 5900 No. 3 Road (Attachment 4). A Building Permit application submission package for tenant improvements at the site is currently being finalized by the applicant and an application made shortly.

Outdoor Play Space and Physical Education

BC Ministry of Education does not have an outdoor play space requirement and there is no such requirement in the *Independent School Act*. However, all BC students are required to take a Physical Education course in grade 10. As the school does not have play space or a gymnasium, the applicant has indicated that arrangements have been made to conduct the school's physical education requirements at multiple off-site locations. This includes the nearby King George Park at No. 5 Road and Cambie Road, the Olympic Oval, and the Richmond Pro Badminton Center at 5800 Minoru Boulevard. All off-site Physical Education activities organized by the school will have staff supervision.

Parking

Vehicle parking for the "Education" use for secondary schools is required at a rate of one parking space per staff member, plus one parking space for every 10 students.

As per Richmond Zoning Bylaw 8500, the proposed use would require 11 vehicle parking stalls for six staff members and 50 students. 11 vehicle parking stalls are assigned on-site to the school, resulting in compliance with the vehicle parking regulation.

Two Class 1 bicycle parking spaces are required (one space for every three staff members), and 15 Class 2 bicycle parking spaces are required (three spaces for every 10 students). A total of 18 Class 1 bicycle parking spaces are provided to satisfy the Class 1 and Class 2 requirements. The applicant has located the required bicycle parking spaces in a secured room dedicated to the school at the south end of the east building on the subject site.

Financial Impact

None.

Conclusion

City Vancouver Academy Inc. has applied to the City of Richmond for an extension to a Temporary Commercial Use Permit to allow "Education" use in units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 – 8766 McKim Way, which is zoned "Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)". This would permit an education facility (limited to an independent school offering grades 10 to 12) to continue to operate on site until September 8, 2022 while a replacement location is being secured.

The proposed use at the subject property is acceptable to staff on the basis that it is temporary in nature and does not negatively impact current business operations at 8766 McKim Way. Staff recommend that this Temporary Commercial Use Permit (TU 20-890760) extension be issued.



Nathan Andrews
Planning Technician
604-247-4911

NA:blg

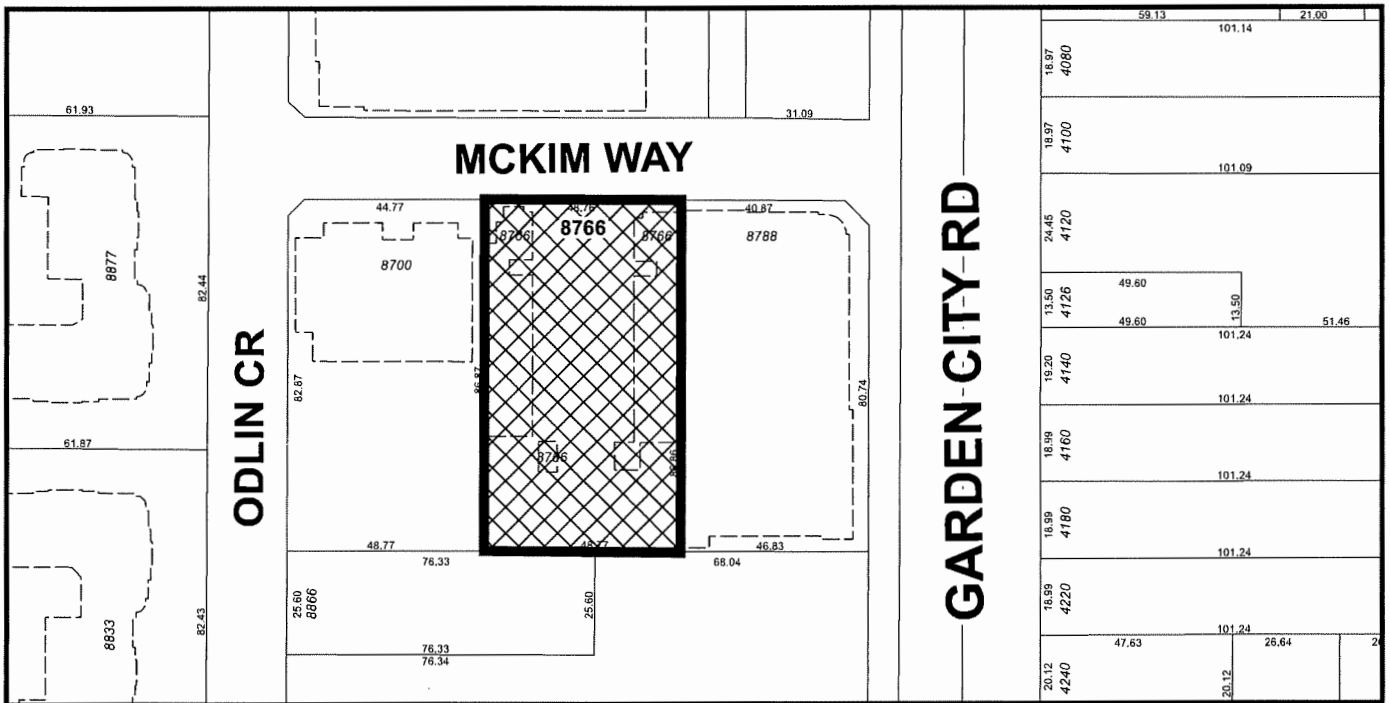
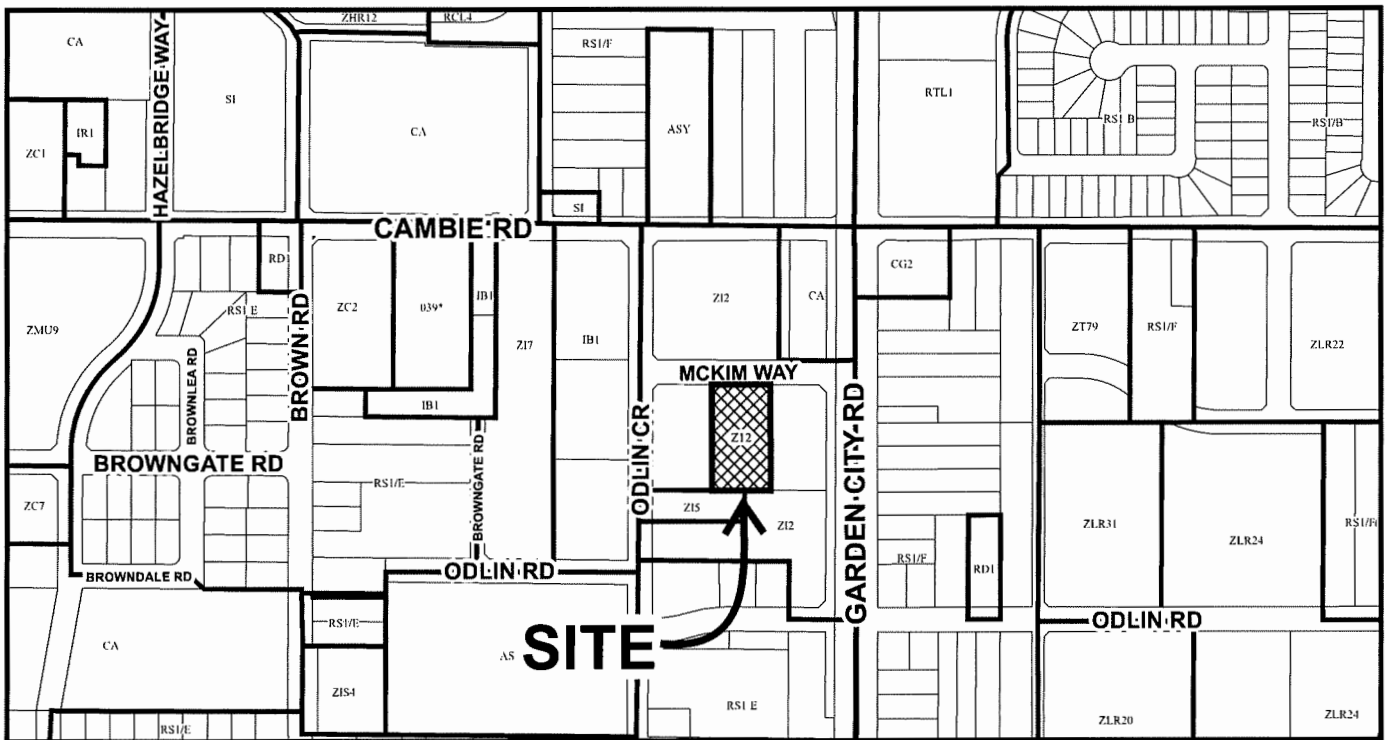
Attachments:


- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Site Plan and Parking Plan
- Attachment 4: Updated Letter from the Applicant
- Attachment 5: Updated Letter from Strata Management Company



City of Richmond

ATTACHMENT 1



	<p style="text-align: center;">TU 20-890760 (Unit 2165) main office</p>	<p>Original Date: 01/17/20 Revision Date: Note: Dimensions are in METRES</p>
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City of
Richmond



TU 20-890760
(Unit 2165) main office

Original Date: 01/17/20

Revision Date:

Note: Dimensions are in METRES

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Units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165, 2170 - 8766 McKim Way



TU 20-890760

Attachment 2

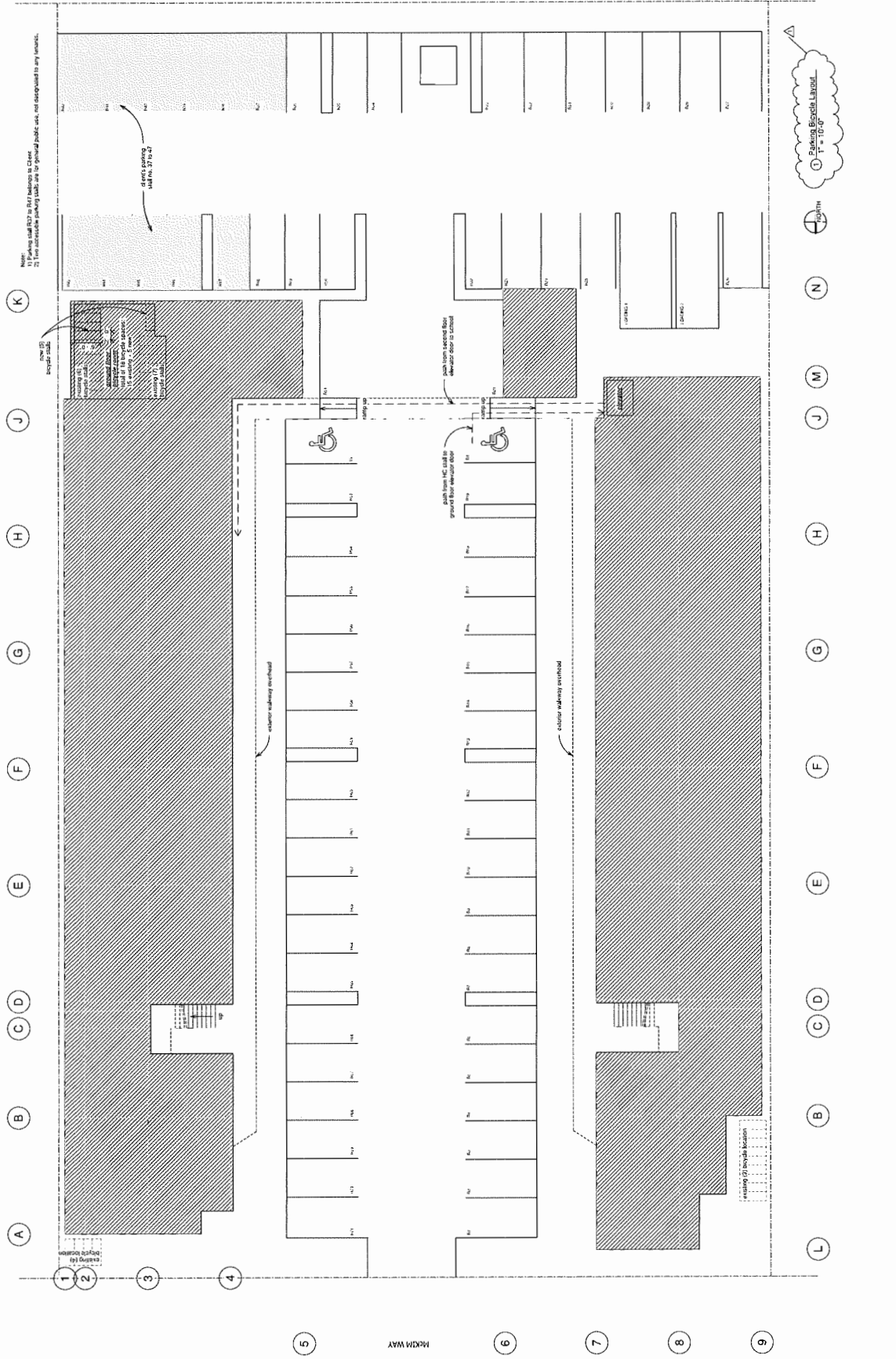
Address: Units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165, and 2170 – 8766 McKim Way

Applicant: City Vancouver Academy Inc.

Planning Area(s): City Centre – Aberdeen Village

	Existing	Proposed
Owner:	Bauhinia Learning Centre Ltd.	No change
Combined Unit Size (m²):	348.5 m ²	No change
Land Uses:	Education, Commercial	Education
OCP Designation:	Mixed Employment	No change
CCAP Designation:	General Urban T4 (25m)	No change
Zoning:	Industrial Limited Retail (Z12) – Aberdeen Village (City Centre)	No change

On Development Site	Bylaw Requirement	Proposed	Variance
On-site Vehicle Parking:	11	11	None
On-site Bicycle Parking:	Class 1: 2 Class 2: 15	Class 1: 18 Class 2: 0	None



Notes:
 1) Parking shall be 100% of the McKim Floor Plan.
 2) Two additional parking stalls are to be provided to any tenants.

at ends parking
 shall be 37 to 47

new 20' expansion shaft

GENERAL NOTES:
 1) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
 2) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE INTERNATIONAL FIRE CODE (IFC).
 3) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC) AND THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC).

push down NC call to ground floor elevator floor

push down NC call to ground floor elevator floor

1) Parking Bicycle Layout
 1/8" = 1'-0"

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PROJECT NO. 5743191
 SHEET NO. A102

drawing title
PARKING AND BICYCLE LAYOUT
 ADDRESS: 2165-8766 HUBBARD STREET, BETHESDA, MD

project title
**ARCHITECT 57 IN C. 2165-8766 MCKIM FLOOR PLAN
 UPDATE and OCCUPANT LOAD**
 CLIENT: MICHIGAN LEARNING CENTER

architect
ARCHITECT 57 IN C.
 2165-8766 HUBBARD STREET, BETHESDA, MD, V/A S/S
 PHONE: 301-414-1111
 WEBSITE: ARCHITECT57.COM

consultant
 JPS & ASSOCIATES
 200110

issued for
 1. building permit
 date: 20/02/2020
 2. 20/01/2020

revisions
 1. occupant load and parking
 2. 20/01/2020

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CITY VANCOUVER ACADEMY
move the world

#2165-8766 Mckim Way
Richmond, BC, Canada V6X 4G4
604.278.6811

August 25th, 2021

Dear City of Richmond,

My name is Leo Wang, general manager of City Vancouver Academy Inc. We are an independent high school doing business at 2165-8766 Mckim Way, Richmond, holding a Temporary Commercial Use Permit **TU20-890760**. The expiration date for this permit is September 9th, 2021.

At the time when we applied for this TCUP, we were in process signing a commercial lease agreement with landlord of 8191 Westminster Hwy, Richmond. We were very confident that we would be able to secure that lease by then. But unfortunately, the landlord eventually refused us indicating they had no confidence that our business could survive the Covid-19 pandemic and they did not want to take any risk that we might be unable to pay the rent on time.

We immediately started over looking for another alternative location. We've reached out to landlords / owners of unit 120- 8171 Ackroyd Road, unit N600- 5811 Cooney Road, unit 800- 5951 No.3 Road, unit 1500- 6081 No.3 Road, ect. And after numerous negotiations back and forth, we finally signed an *Offer to Lease* with the landlord of unit 300- 5900 No.3 Road (the Vancity Building).

Our architect is working on drawings and building permit applications. The landlord will sign the final lease agreement with us once our application was approved by the City, we sincerely hope this can be done by the end of October. The landlord will then issue the 2-month notice to vacate letter to current tenants. Fixturing period for our school will be from January to April 2022, which means our school's official move-in date will be May 2022.

Therefore, I am writing this letter, hoping to renew our TUP for another year. Our school's operating condition all remain the same as last year. We successfully maintained all positions and working hours for our teachers and staff. Since B.C. is gradually recovering from the pandemic, I believe our school's future is also promising.

The City's consideration and support to small businesses like our school is greatly appreciated.

Sincerely,

Leo Wang

City Vancouver Academy Inc.



STRATA APPROVAL LETTER (LMS4572)

August 26th, 2021

Dear Sirs / Madam,

RE: TU 20-890760, A Temporary Use Permit renewal application from tenant City Vancouver Academy Inc.

We acknowledge that current tenant of Unit 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 - 8766 Mckim Way, Richmond, BC V6X 4G4 is trying to renew their temporary commercial use permit with the City of Richmond to allow them to continue doing business as a school for another year.

The owner of above units is Bauhinia Learning Centre Ltd. The tenant's main contact person regarding this matter is Mr. Leo Wang, leo.wang@cityvanacademy.ca, 604-278-6811.

The Strata discussed this matter and reviewed the Offer to Lease document provided by Leo Wang, between City Vancouver Academy Inc. and 1212406 B.C. Ltd.

The Strata has NO particular concern or comment on City Vancouver Academy's renewal application and their plan to stay for another year.

Please feel free to contact me if you have any questions or concern.

Yours truly,

A handwritten signature in black ink, appearing to read "Eric Chung", written over a light blue horizontal line.

Eric Chung
Property Manager

CITYBASE MANAGEMENT LTD

#400 - 1200 W 73rd Avenue, Vancouver, BC V6P 6G5

Tel: 604-708-8998 Fax: 604-708-9982

Website: www.citybase.ca Email: ericchung@citybase.ca



No. TU 20-890760

To the Holder: CITY VANCOUVER ACADEMY INC.

Property Address: UNITS 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 AND
2170 – 8766 MCKIM WAY

Address: C/O LEO WANG
CITY VANCOUVER ACADEMY INC.
2115 – 8766 MCKIM WAY
RICHMOND, BC V6X 4G4

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and to the portion of the building shown cross-hatched on the attached Schedule "B".
3. The subject property may be used for the following temporary Commercial uses:
Education (limited to an independent school offering grades 10 to 12)
4. This Permit is valid until September 8, 2022.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

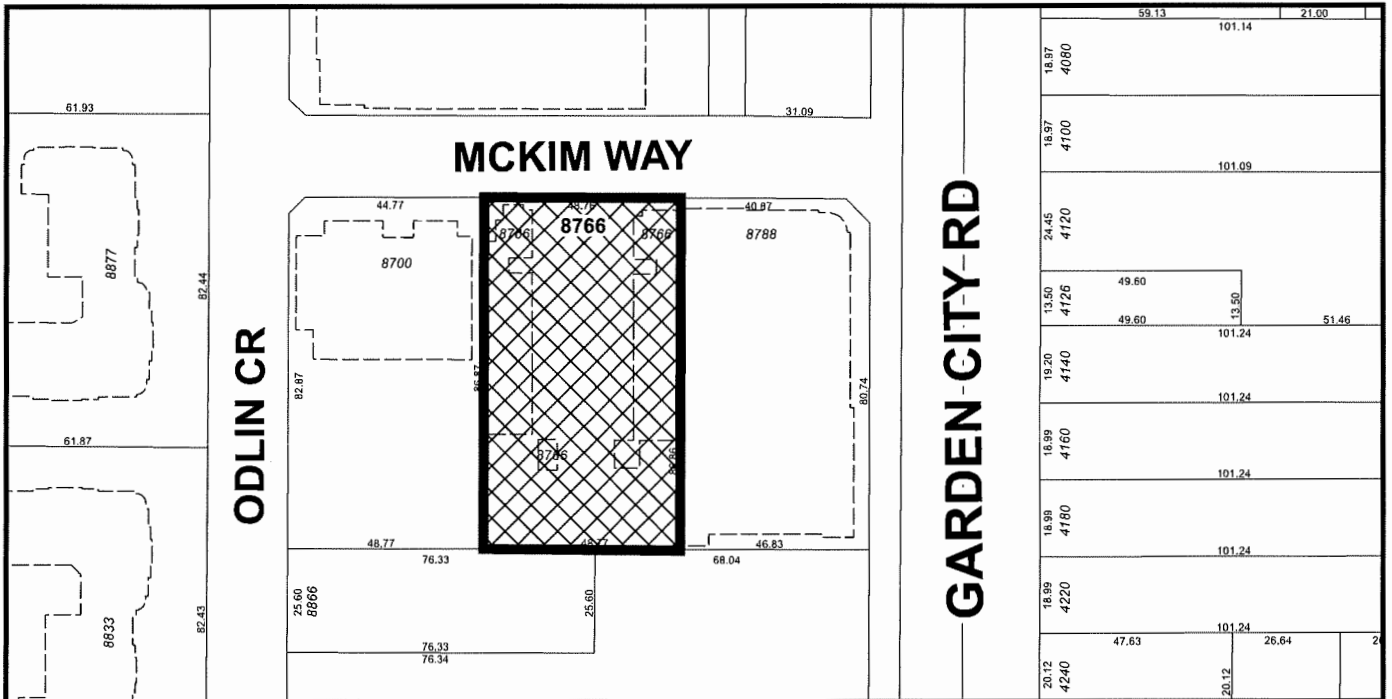
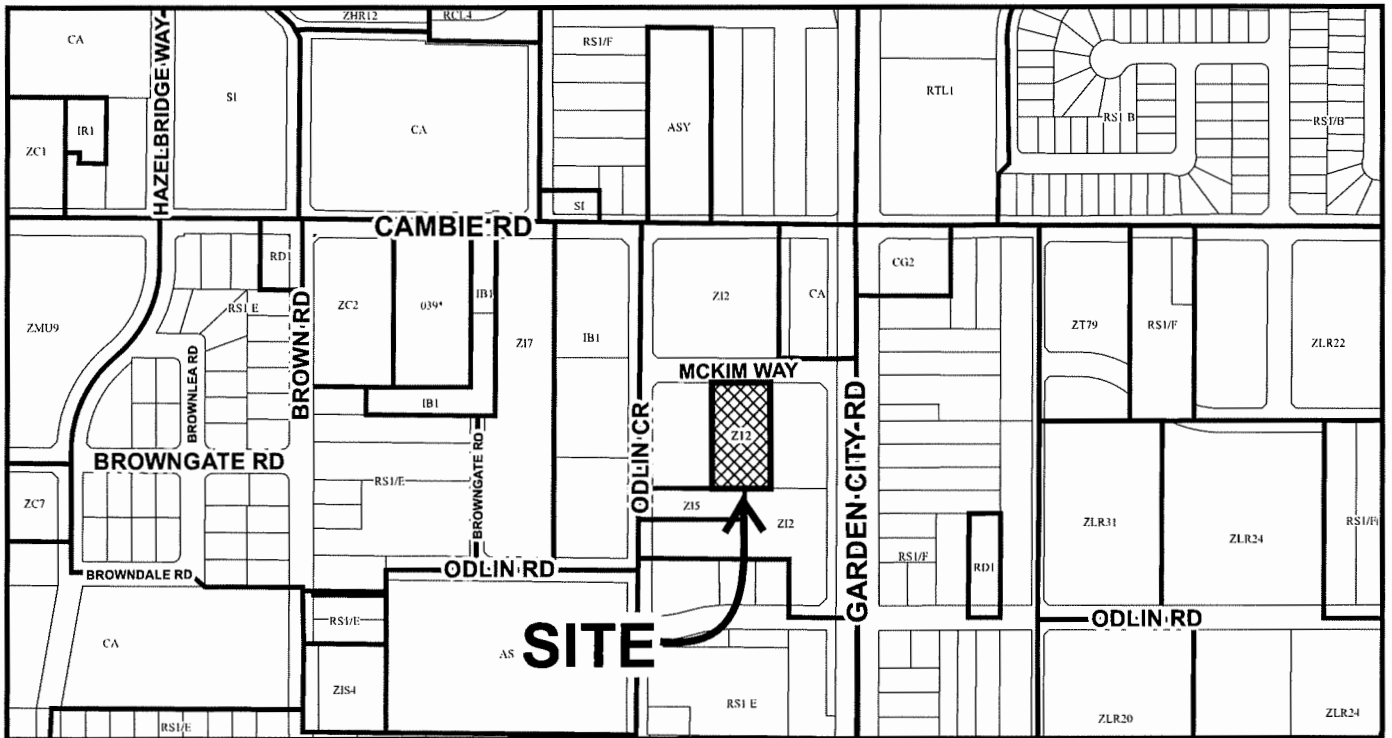
MAYOR


CORPORATE OFFICER

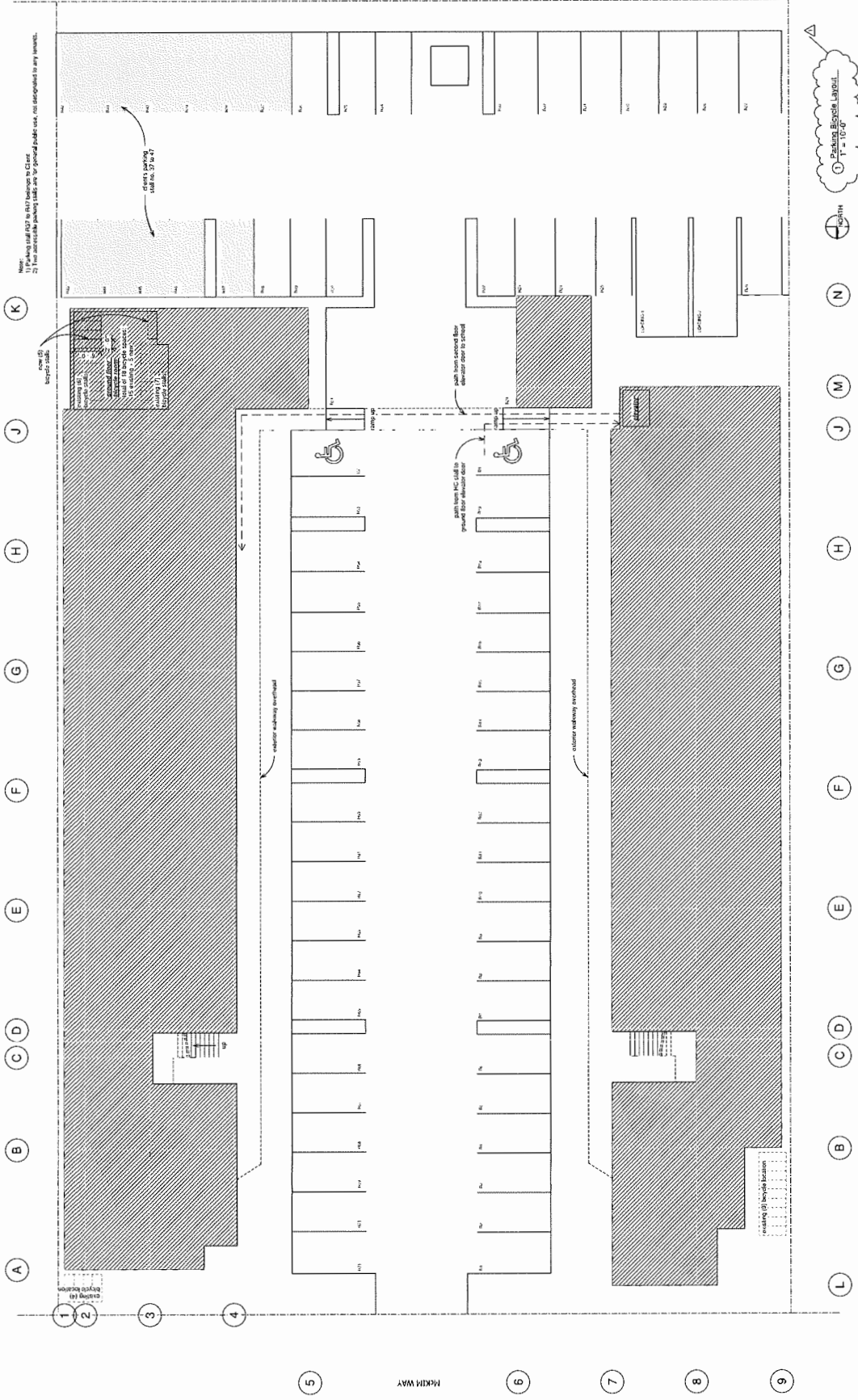


City of Richmond

SCHEDULE "A"



	<p style="text-align: center;">TU 20-890760 (Unit 2165) main office</p>	<p>Original Date: 01/17/20 Revision Date: Note: Dimensions are in METRES</p>
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