



City of Richmond

Report to Committee

To: General Purposes Committee
From: Wayne Craig
Director, Development
Date: June 19, 2020
File: TU 20-890760
Re: **Application by City Vancouver Academy Inc. for a Temporary Commercial Use Permit for the Property 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 a Temporary Commercial Use Permit (TCUP) 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 for one year from the date of issuance; and
2. That this application be forwarded to the September 8, 2020 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall.

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

WC:na
Att. 5

REPORT CONCURRENCE
CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

City Vancouver Academy Inc. has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) to allow “Education” as a temporary use in nine units at 8766 McKim Way on a sited zoned “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)”. This would permit an education facility to operate on site for a limited time until a permanent location is found (Attachment 1). City Vancouver Academy Inc. is an independent high school that offers courses for students in grades 10 to 12. This type of use falls under Richmond Zoning Bylaw 8500’s definition of “Education”.

Background

Richmond Zoning Bylaw 8500 permits “Education” use, including accredited secondary schools, in specific zones (e.g., SI, CDT1, and ASY). The “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)” zone permits “Education, Commercial” use which is defined as “a private enterprise specializing in technical or vocational certification studies”.

A business license for a tutoring centre was issued to the Bauhinia Learning Centre at 8766 McKim Way in 2011. The City Vancouver Academy Inc. A bylaw inspection of the premises in 2019 found the Academy to be non-compliant with the Zoning.

In January, 2020, the Ministry of Education performed its annual inspection of accredited facilities to ensure the school is compliant with all Municipal and Provincial standards before renewing their licence. The Ministry’s report to the Academy required documentation from the City of Richmond that they were working towards compliance with land use regulations. The school submitted a TCUP application for the site for one year to provide time to secure a permanent location that permits the “Education” use.

If approved, the TCUP would be valid for one year from the date of issuance. An application for an extension of the Permit for up to three additional years may be made. Only one extension is permitted per application.

Findings of Fact

A Development Application Data Sheet providing details about the proposal is provided as 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 (ANSD) 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.

The applicant has submitted a Building Permit application (BP 20-890506) to address Building Code, increased occupant load, and other school related requirements for the subject site and associated units. The applicant has committed to completing an acoustical report performed by a professional engineer prior to the issuance of the Temporary Permit, to indicate 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 should also be completed 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 three years after issuance, whichever is earlier, and that an application for one extension to the Permit may be made and issued. A new TCUP application is required after one extension, which would be subject to Council approval. Staff recommend the permit be issued 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 Public Hearing on September 8, 2020, 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 nine units have been occupied by City Vancouver Academy Inc. since September, 2014.

City Vancouver Academy Inc. obtained a Business Licence at the current McKim Way location in 2014 for a tutoring centre. A Business Licence was issued based on the information provided for the “Education, Commercial” use, which is a permitted use in the “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)” zone.

The education and tutoring services that the City Vancouver Academy Inc. provided at the time, complied with “Education, Commercial”. However, through expansion and growth of the program, re-classification of the business as a private secondary school was not made. Therefore, the applicant is requesting a TCUP to allow “Education” use and the existing school to continue to operate while securing a new permanent site. The applicant advises that they have been actively searching for a new location for the school and is committed to finding another facility within one year of the date of issuance. The applicant has provided a letter indicating the intent to find another location (Attachment 4). Negotiations are currently underway with a potential new location.

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 are made to conduct the school’s physical education requirements at multiple off-site locations including 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 would 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 ten students. As per Richmond Zoning Bylaw 8500, the proposed use would require 11 vehicle parking stalls for 6 staff members and 50 students. 11 vehicle parking stalls are assigned on site to the school, resulting in compliance with the vehicle parking regulation. Required parking stalls will be secured for use by the school. A letter of support from the strata has also been provided (Attachment 5).

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 ten students). A total of 18 Class 1 bicycle parking spaces are proposed to satisfy the Class 1 and Class 2 requirements. Transportation staff support the proposed plan. The applicant has indicated that all bicycle parking spaces will be provided at 8766 McKim Way 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 a Temporary Commercial Use Permit to allow “Education” use in units 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 – 8766 McKim Way, zoned “Industrial Limited Retail (ZI2) – Aberdeen Village (City Centre)”, to permit an education facility (limited to an independent school offering grades 10 to 12) on-site for one year from the date of issuance.

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 the attached Temporary Commercial Use Permit be issued to the applicant to allow "Education" use at 2110, 2115, 2120, 2125, 2150, 2155, 2160, 2165 and 2170 – 8766 McKim Way for one year from the date of issuance.



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: Letter from the Applicant
- Attachment 5: Letter from Strata Management Company



City of
Richmond



TU 20-890760
(Unit 2165) main office

Original Date: 01/17/20

Revision Date:

Note: Dimensions are in METRES

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

PH - 146



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



January 10th, 2020

Dear City of Richmond,

City Vancouver Academy, Inc. seeks to apply for a **Temporary Use Permit (TPU)** for 2165 – 8766 McKim Way, Richmond.

City Vancouver Academy is an BC Ministry of Education-certified independent high school that was established in September of 2014. We have been running grade 10 to 12 classes since that time.

On October 31, 2019, now-Property Use Inspector *Amen Sharma* informed us that our current premises did not meet municipal compliance. According to Richmond bylaw, secondary schools can only operate in specific zones (such as SI, CDT1, and ASY), which has **education** listed as one of the permitted uses. Our current zone (Z12) allows for **education, commercial**. Due to various management team changes early in our inception, our current team was not aware of such issues until informed by Mr. Sharma. We have worked tirelessly for the past three months to meet compliance.

Our primary plan is to relocate but because of unforeseen hurdles, we believe that relocation will take an additional number of months. Although the City and the Ministry have generously given us time to transition, we wish to be proactive in rectifying these issues. As such, we recognize that our pursuit for a Temporary Use Permit (TPU) is meant to be a short-term solution that will allow us to be fully compliant during this period as we finalize our lease and our move to an appropriately zoned location.

The owners of City Vancouver Academy, Inc. also own all the units in which City Vancouver Academy operates. We currently utilize 9 units on the second floor of Excel Centre. 7 of the units are currently used as classroom space, while the remaining 2 are office space for administrative staff.

To meet compliance, we propose that the **Education** is added as one of the permitted use for this zone.

Thank you for your consideration.

City Vancouver Academy Inc.
2165-8766 McKim Way,
Richmond, B.C. V6X4G4



STRATA APPROVAL LETTER (LMS4572)

June 19th, 2020

Dear Sirs / Madam,

RE: TU 20-890760, A Temporary Use Permit 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 applying for a temporary commercial use permit to allow "Education" as a permitted use on a ZI2 zoned site. A signage has been set up by the tenant.

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 reviewed a Blue Print #5743191 made by ARCHITECT 57 INC., on behalf of the owner and the tenant., regarding use of property (B.C. high school), proposed occupant load (Upon approval), use of parking lot (reserved parking space #37 – 47), use of bicycle storage (secured storage room owned by the owner) and use of public washrooms.

The Strata has NO particular concern or comment on this proposed Blue Print and this Temporary Use Permit application.

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", is written over a horizontal dashed 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. As a condition of the issuance of this Permit, the City must receive an acoustical report performed by an acoustical engineering stating that the interior of the subject units will achieve the 40 dB level.
5. This Permit is valid for one year from the date of issuance.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

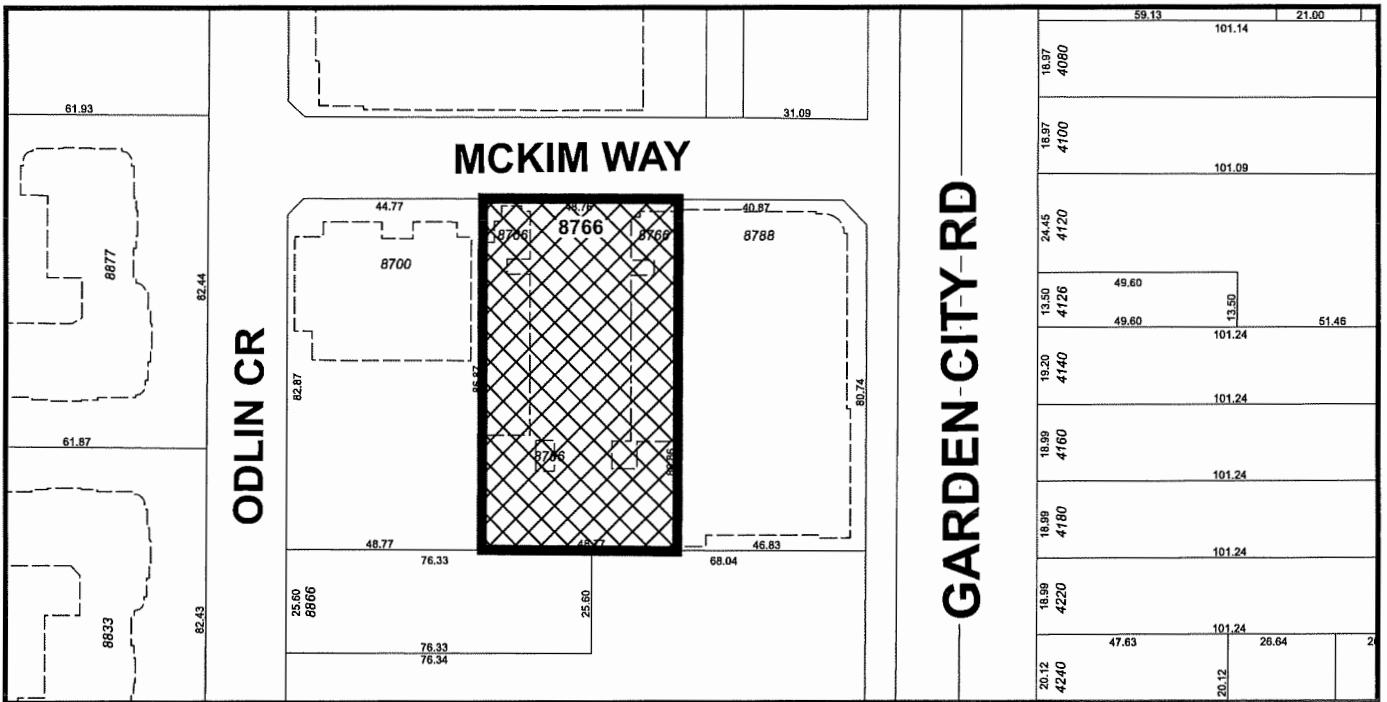
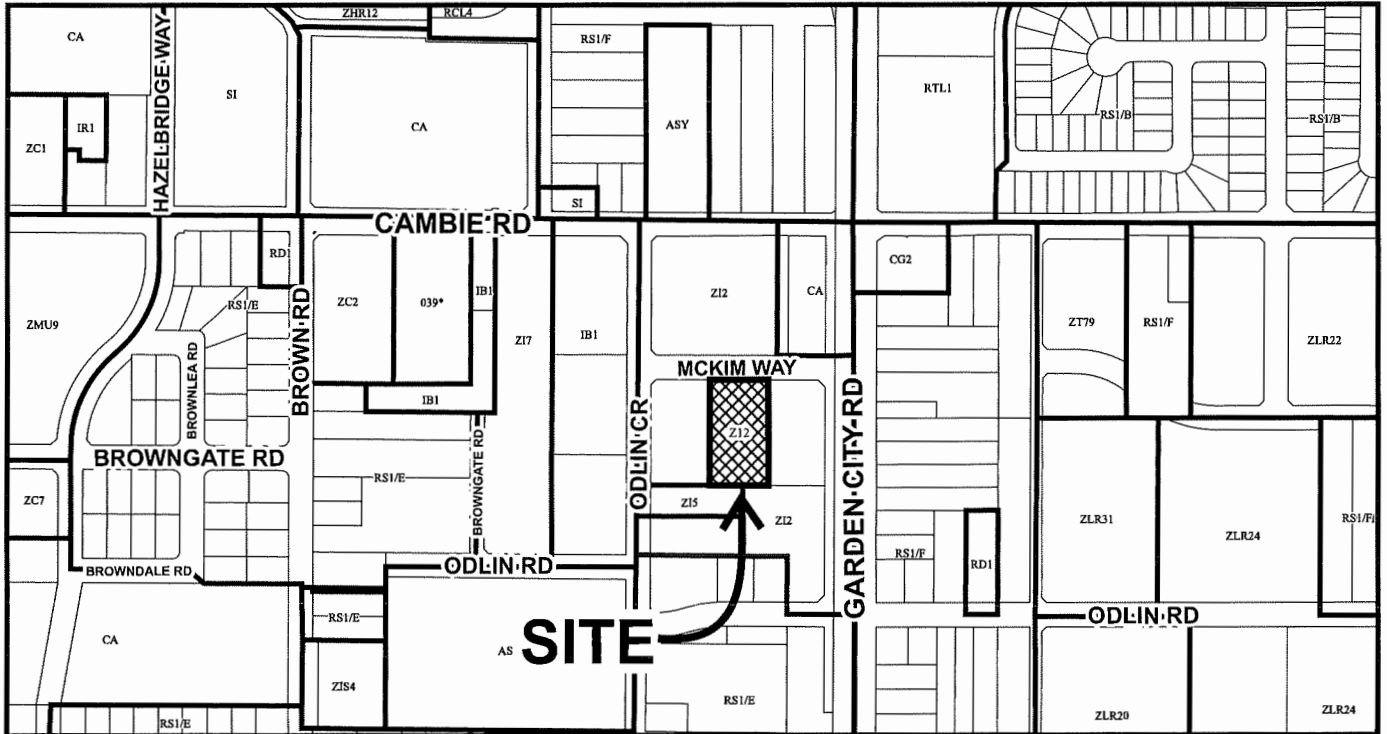
MAYOR

CORPORATE OFFICER



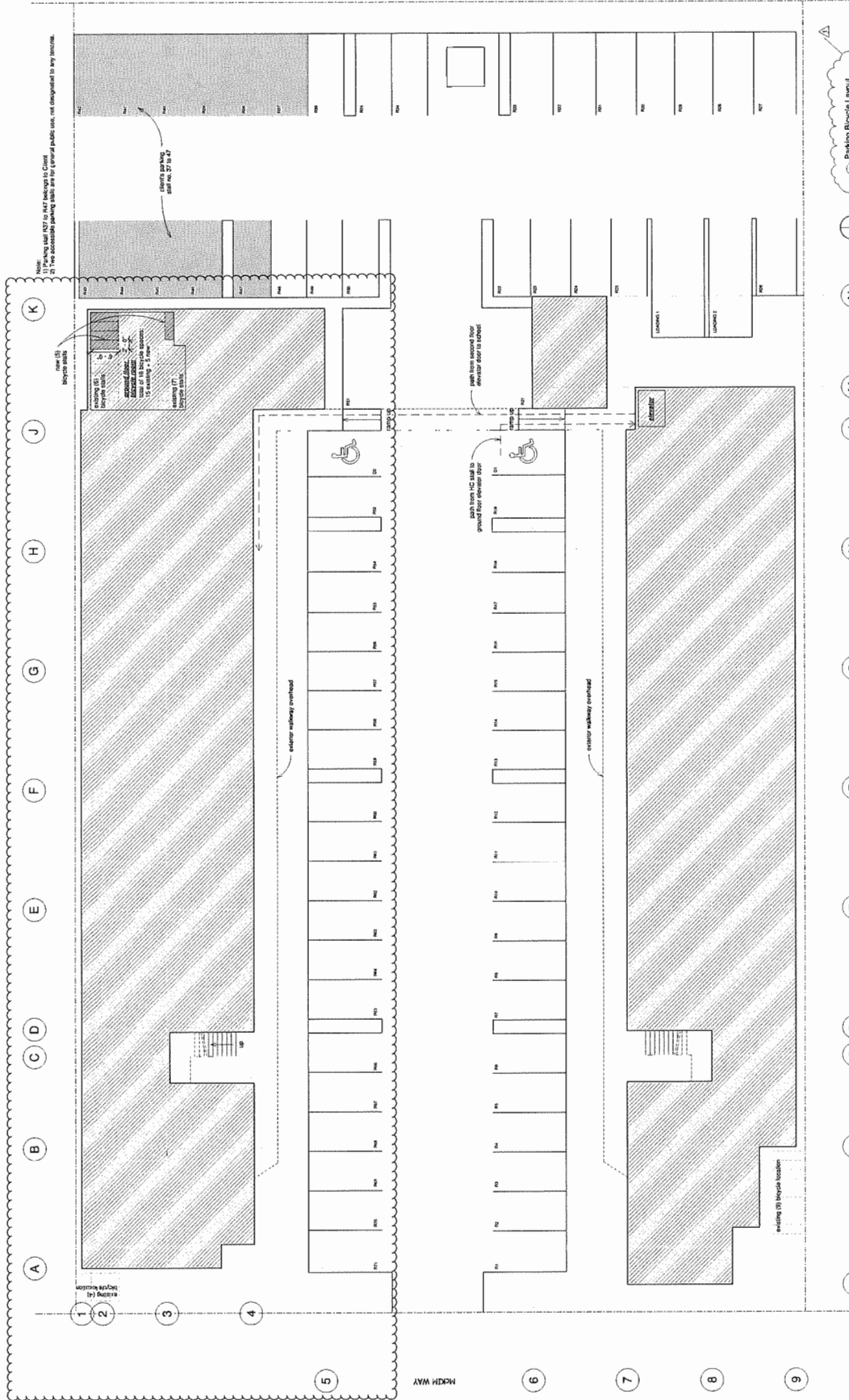
City of Richmond

SCHEDULE "A"



	<h3>TU 20-890760</h3> <p>(Unit 2165) main office</p>	<p>Original Date: 01/17/20</p> <p>Revision Date:</p> <p>Note: Dimensions are in METRES</p>
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SCHEDULE "B"



project no. 5743191
 sheet no. A102
 rev. 1

drawing title: PARKING AND BICYCLE LAYOUT
 ADDRESS: 2165-8766 MCKIM WAY, RICHMOND, B.C.

project site: ARCHITECT 57 INC. 2165-8766 MCKIM FLOOR PLAN
 CLIENT: BARBARA LEARNING CENTRE
 UPDATE and OCCUPANT LOAD

architect: ARCHITECT 57 INC.
 CONSULTANT: logo & occupation

issued for: description: 1. building permit
 date: 2015.01.20

revisions: description: 1. document title and particulars
 date: 2015.01.20

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