

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0133-00

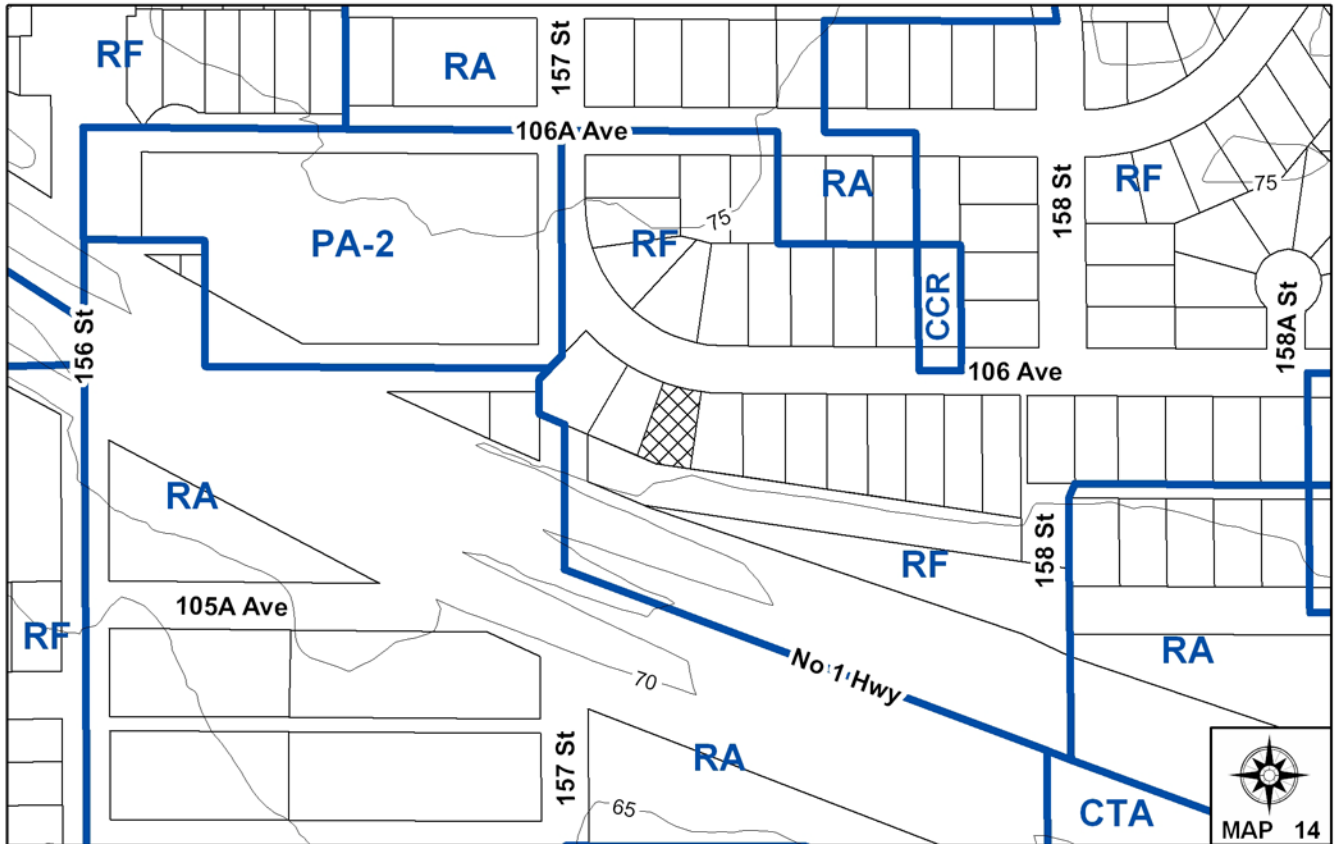
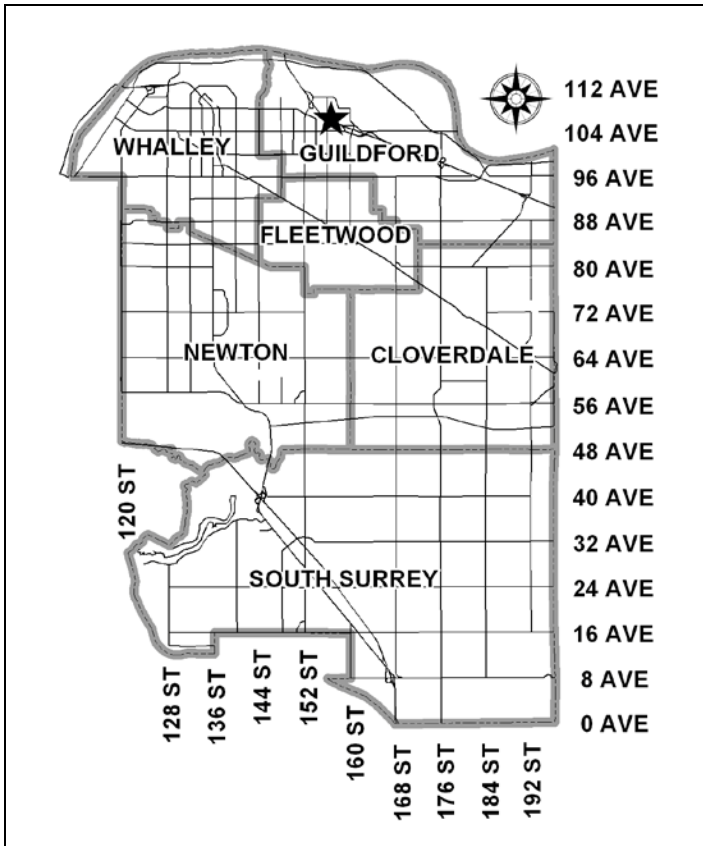
Planning Report Date: October 1, 2007

PROPOSAL:

- Rezoning from RF to CCR
- Development Variance Permit

in order to permit a child care centre within a single family dwelling for a maximum of 20 children.

LOCATION: 15720 - 106 Avenue
OWNERS: Kelly and Matteo Francilia
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Reduction in the required number of off-street parking spaces from 6 to 4.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The applicant has demonstrated community support for the proposal.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Single Family Residential Zone (RF)" (By-law No. 12000) to "Child Care Zone (CCR)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7907-0133-00, (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum number of on-site parking spaces from 6 to 4 for a child care centre within a single family dwelling.
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) registration of a Section 219 Restrictive Covenant restricting the maximum number of children for the child care facility to 20; and
 - (c) registration of a Section 219 Restrictive Covenant restricting the use of the child care facility to before and after school care.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

Min. of Transportation: Preliminary approval is granted for one year for the subject proposal.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling to be retained.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 106 Avenue):	Single family dwellings.	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
East:	Single family dwellings.	Urban	RF
South:	City-owned land backing onto Highway No. 1.	Urban	RF
West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the south side of 106 Avenue east of 157 Street in Fraser Heights and is designated Urban in the Official Community Plan (OCP).
- The site is currently zoned "Single Family Residential Zone (RF)". The applicant is proposing to rezone the property to "Child Care Zone (CCR)" to permit a child care centre for a maximum of 20 children within a single family dwelling.
- There is an existing single family residence on the site, which will be retained.
- The proposed child care facility will provide before and after school care for children ranging in age from 5 years to 12 years.
- The applicant has operated a licensed daycare, Fraser Heights Out-of-School Care, for a maximum of twenty-five (25) children from her residence at 15783 106 Avenue. In 2005, the applicant opened a second daycare for out-of-school care, at 10808 157 Street because the demand for this type of care had increased in the neighbourhood. The owner of the residence at 10808 157 Street has since decided to use the facility for a group daycare for younger children and therefore there is a need to relocate the out-of-school care program in order to provide care for the older children who have been attending this facility.
- The "Child Care Zone (CCR)" is intended to permit the development of child care centres accommodating a maximum of 25 children, into a residential community, licensed and regulated under the Community Care Facility Act. The applicant is proposing to accommodate a maximum of 20 children; this will be secured through a restrictive covenant limiting the facility to a maximum of 20 children.
- The proposed operating hours for the facility include a morning session from 7:00 a.m. to 8:45 a.m. and an afternoon session from 2:30 p.m. to 5:30 p.m., on school days. During school closure (i.e. spring break, summer holidays, and professional development days), the facility would be open from 7:00 a.m. to 5:30 p.m. during which time the children are taken on field trips for the majority of the day. The children attending the child care facility are school-aged and the majority attend Dogwood Elementary School which is in close proximity to the subject site.
- There will be two staff members employed by the centre, including the tenant who will be residing at the subject dwelling.

- The proposed child care centre is located close to child-oriented facilities. The subject site is located two blocks away from West Fraser Heights Park and Dogwood Elementary School. It is also in close proximity to Fraser Heights Park (Appendix V). Locating child care facilities close to parks provides staff with the opportunity to walk with the children to outdoor recreation facilities. Since the majority of children who will attend the proposed child care facility are enrolled at Dogwood Elementary School, they can walk with staff between the child care facility and the school.
- Although the owner of the subject property currently operates an out-of-school care program from her residence located in close proximity to the subject site, there is a demonstrated need for a second out-of-school care facility in the area. The applicant has provided a list of children currently attending the second facility at 10808 157 Street that will need to be relocated to the proposed child care facility.
- The parking requirements for child care facilities in residential areas are outlined in Surrey Zoning By-law No. 12000. Child care facilities are required to provide one parking space for every employee as required in the Community Care Facility Act and an equal number of parking spaces for pick-up and drop-off, with a minimum of 2 parking spaces. In addition, single family dwellings require two parking spaces.
- Based on the above parking requirements, the proposed child care facility and existing residence require six (6) parking spaces. The applicant is requesting a variance to reduce the required number of parking spaces to four (4) stalls (see By-law Variance & Justification Section). The applicant is proposing four parking spaces in the driveway located in front of the garage, and is intending to convert the garage to learning space for the child care facility.
- Child care centres are required to provide appropriate fencing, screening, and an outdoor play area in accordance with Zoning By-law No. 12000. The entire back yard of the subject dwelling is fenced and the applicant is intending to provide an outdoor area that is age appropriate for the children such as a sandbox area, playground, and basketball hoop.
- The applicant has demonstrated a high level of support from the community for the child care proposal. Prior to submitting the development application, the applicant surveyed the surrounding residents to determine support for the proposal. A letter outlining the details of the proposal was sent to 28 dwellings within an approximate 100-metre (328-ft.) radius; 18 respondents expressed support for the child care facility, 9 residents did not provide a response and 1 resident was not supportive of the proposal.

PRE-NOTIFICATION

Pre-notification letters were sent on August 22, 2007 and staff received seven (7) written responses and five (5) phone calls all in support of the proposal.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum number of off-street parking spaces of Zoning By-law No. 12000 for a child care centre within a single family dwelling, from six (6) parking spaces to four (4) parking spaces.

Applicant's Reasons:

- The existing garage is needed for additional learning space to accommodate 20 children in order to comply with the floor area requirements of the child care license; therefore, only 4 stalls can be located on-site on the existing driveway.
- The children attending the child care facility would be dropped off and picked up at various times before and after school and there would rarely be an abundance of vehicles parked at one time at the site.
- The children attending the facility are of school age and are ready to depart promptly when their parents arrive.
- Many families attending the facility walk to drop off and pick up their children.
- The facility is in close proximity to Dogwood Elementary School where the majority of the children attend and therefore the children can walk with staff between the child care facility and the school.
- The current tenant of the subject property will also be a staff member for the proposed facility therefore will not require the two additional parking spaces for the single family dwelling.

Staff Comments:

- Staff concur with the applicants' reasons.
- In addition, the applicant has agreed to register a restrictive covenant to limit the use of the child care facility to out-of-school care.
- Moreover, there are no recorded By-law complaints regarding parking around the out-of-school care facilities that the applicant is currently operating at 15783 106 Avenue and at 10808 157 Street.
- Staff are therefore supportive of the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Site Plan
- Appendix III. Engineering Summary
- Appendix IV. Development Variance Permit No. 7907-0133-00
- Appendix V. Location of Nearby Parks and Schools

Jean Lamontagne
General Manager, Planning and Development

SR/kms

v:\wp-docs\planning\plncom07\09181058.sr.doc
KMS 9/18/07 12:36 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Kelly Francilia
 Address: 15783 - 106 Avenue
 Surrey, BC V4N 1K5
 Tel: 604-582-1335

2. Properties involved in the Application
 - (a) Civic Address: 15720 - 106 Avenue

 - (b) Civic Address: 15720 - 106 Avenue
 Owners: Kelly Francilia and Matteo Francilia
 PID: 015-879-496
 Lot 46 Section 22 Block 5 North Range 1 West New Westminster District Plan
 84559

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7907-0133-00.