

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0236-00

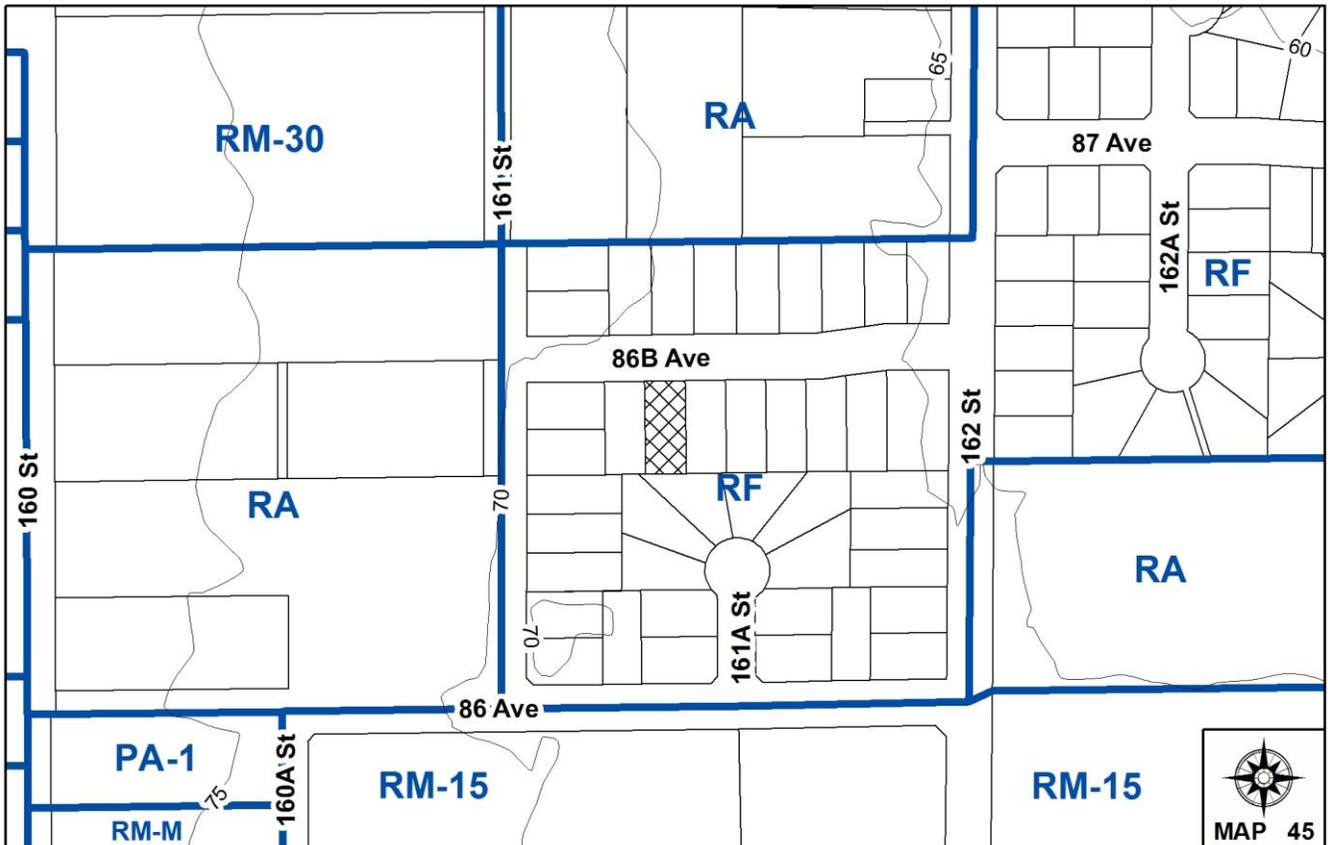
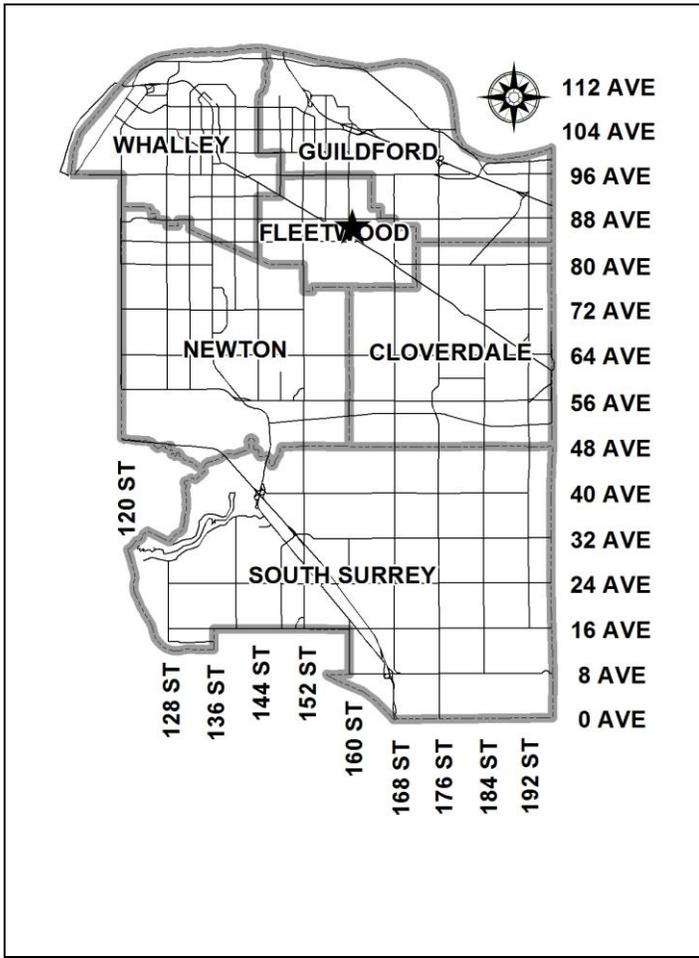
Planning Report Date: March 30, 2009

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 25 children and to reduce the parking requirement.

LOCATION: 16128 - 86B Avenue
OWNER: Yatin Shah
ZONING: RF
OCP DESIGNATION: Urban
NCP DESIGNATION: Single Family Urban



RECOMMENDATION SUMMARY

- Refer the application back to staff.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Reduced parking from 10 spaces to 5 spaces.

RATIONALE OF RECOMMENDATION

- Area residents have serious concerns and raised objection and applicant is, until this point, not prepared to modify the proposal.

RECOMMENDATION

The Planning & Development Department recommends that this application be referred back to staff to work with the applicant.

REFERRALS

Engineering: The Engineering Department has no requirements related to the proposed rezoning, but does not support the proposed Development Variance Permit to reduce the number of parking spaces from 10 to 5 parking spaces.

SITE CHARACTERISTICS

Existing Land Use: Single family residential dwelling with a licensed day care for 8 children.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North (Across 86B Avenue):	Single family residential lots.	Single Family	RF
East, South and West:	Single family residential lots.	Single Family	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the south side of 86B Avenue, within an established single family residential neighbourhood in Fleetwood. It is designated "Urban" in the Official Community Plan and "Single Family" in the Fleetwood Town Centre Plan.
- The property is currently zoned "Single Family Residential Zone (RF)". The applicant is proposing to rezone the site to "Child Care Zone (CCR)" to permit the operation of a child care for a maximum of 25 children within a single family dwelling. The proposed child care would accommodate infants, toddlers and children ranging in age from 3 months to 5 years of age.
- The applicant is also requesting a Development Variance Permit, to reduce the number of parking spaces from 10 to 5. Currently, there are six parking spaces (four on the driveway and two in the garage). In addition, the applicant is proposing to widen the driveway to provide an additional two spaces. This would bring the total number of parking spaces to eight. However, three parking spaces (two existing and one proposed) are located partially within the boulevard (i.e. road allowance), which extends into the driveway but do not block the sidewalk. Therefore, only five parking spaces would be fully located on the subject site (refer to Appendix VI).

- The CCR Zone is intended to permit the development of child care centres accommodating a maximum of 25 children, in a single family dwelling, licensed and regulated under the Community Care and Assisted Living Act.
- The proposed child care use will occupy the majority of the existing single family house. On the second floor, the master bedroom suite will be reserved for the private use of the residents of the dwelling. One of the other bedrooms upstairs is proposed to be used as a staff room for the child care employees. Otherwise the remainder of the house, approximately 186-square metres (2,000 sq. ft.) will be used for the child care or jointly used by the child care and the residents.
- The applicant has operated a licensed family child care for a maximum of eight (8) infants and toddlers (0-3 years) from the subject residence for approximately one year, since March 2008. The operating hours of the existing family child care and the proposed child care centre are 7:30 a.m. to 6:00 p.m. on weekdays. Children will be dropped off between 7:45 a.m. and 9:00 a.m. and picked up between 4:00 p.m. and 5:30 p.m.
- The applicant has also operated a licensed child care for up to 8 infants and toddlers out of their current residence at 8613 – 162 Street since October 2006. This child care is located one block to the east of the subject site. Due to the demand for additional child care spaces, which the applicants were not able to accommodate in their existing child care, the applicants were motivated to open a second child care that could accommodate more children than eight. Up to eight children are permitted in a licensed childcare within any of the residential zones. However, to increase beyond eight children a zone designed specifically to accommodate a child care facility is required.
- In 1990, Council adopted a report titled "Guidelines for the Location and Siting of Child Care Centres". The following outlines how the proposed application would comply with the requirements outlined in the Report:

- *Locate centres close to child-oriented facilities.*

Frost Road Elementary School and Frost Road Park are located approximately 1 block to the east, across 162 Street. In addition, there are lands on the west side of 161 Street designated as a future park site in the Fleetwood Town Centre Plan (refer to Appendix IV).

- *Avoiding siting along arterial streets.*

The subject site is located on 86B Avenue, which is a local road.

- *Avoid undue concentrations of centres.*

The Guidelines recommend that child care facilities should be located in areas that are currently under-served by child care, to avoid undue concentrations of facilities. Based on the information provided by the Child Care Options Resource and Referral Centre (Options) located in Surrey, which is a provincially funded organization that provides free child care referrals to parents, there are currently 6 licensed child care facilities located within the Frost Road School catchment. This catchment area encompasses the

lands north of Fraser Highway, east of 156 Street, south of 88 Avenue and west of 168 Street.

Of these child cares, the nearest child care to the subject site, that also takes children from 0-3 years old, is located at 8613 – 162 Street and is the applicant's other child care centre. There are three other child cares in the Frost Road School Catchment that take children ranging in age from 6 months to 12 years. In total these three facilities can accommodate 17 children. In addition, Frost Road School has a school age care program that can accommodate 20 school age children.

- *Provide adequate on-site parking for employees and parents.*

Based on Zoning By-law requirements, the proposed child care requires four parking spaces for staff, four parking spaces for pick-up and drop-off, plus two parking spaces for the single family dwelling for a total of 10 spaces. There are currently six parking spaces available for the subject site; two parking spaces in the garage; two parking spaces on the driveway; and two parking spaces on the driveway, partially within the lot and partially within the road allowance. Therefore, two of these six parking spaces, are technically partially located on road right-of-way and therefore are not considered part of the subject site.

The applicant is proposing to widen the driveway to provide an additional two parking spaces, which would bring the total number of parking spaces to eight. Again, one of these parking spaces would be partially located on the city road allowance and, therefore, not considered part of the subject site.

The applicant is requesting a variance to reduce the required number of parking spaces from ten to five stalls (see By-law Variance and Justification Section).

- *Provide adequate fencing, screening, setbacks and outdoor play area.*

The outdoor play area is located in the backyard of the residence. The backyard is quite spacious and is enclosed with a cedar fence. A landscape border with trees and shrubs around the majority of the fence provides additional screening.

PRE-NOTIFICATION AND PUBLIC INFORMATION MEETING

- In support of the application, the applicant submitted four letters of support from residents in the neighbourhood and a letter of support from the local Member of the Legislative Assembly (MLA). In November of 2008, the applicant submitted fourteen (14) additional letters of support from parents of children currently attending the day care, one letter from another child care operator who supports the rezoning application and a letter of support from the Child Care Options Resource and Referral Centre (Options). This letter indicates that in the first eight months of 2008, Options had approximately 150 requests for child care in the Fleetwood area and there appears to be a need for more child care for children under the age of 3 years.

- Pre-notification letters were sent on September 3, 2008. In response, staff received three phone calls and three letters from residents who opposed the proposed rezoning. In addition, staff received a 19-name petition representing 18 households in the direct vicinity of the application, in opposition to the proposal. Of the 18 households, 14 are located on 86B Avenue, which represents 78% of the households on the street. The remaining four households who signed the petition, are located on the cul-de-sac directly behind the subject site and on 161 Street, which is to the west of the subject site. Of the four households who originally indicated support for the proposal when the applicant canvassed the neighbourhood, three of these households subsequently signed the petition opposed to the project. The concerns expressed are as follows:

Traffic and Parking

- The residents are concerned the proposed rezoning to CCR could potentially increase the number of daily vehicle trips on the street by up to 50 vehicles (25 vehicles x 2 (drop-off and pick-up)). While 86B Avenue is a through street, it is still a local road.
- Residents were also very concerned about the required parking for the project. As noted previously in the report, the proposed child care requires ten (10) parking stalls. With the widening of the driveway, the applicant will be able to provide 8 parking spaces in the garage, on the driveway and partially on the driveway and partially on the boulevard area (but not blocking the sidewalk).

Use

- One of the other major concerns identified by residents is that the proposed rezoning to the CCR Zone to operate a child care for up to 25 children is viewed as a commercial use not a residential use and should be located within a commercial building. The residents do not want a business on their residential street.

(The CCR Zone is intended for residential areas.)

- Residents in the neighbourhood also expressed concern that no one was living in the single family dwelling on the subject site and that it was only being used as a day care. In both the RF Zone and the proposed CCR Zone, the primary use must be a residence, with the child care being a secondary use.

(When the application was originally submitted, the applicant confirmed that no one was living in the house and that it was only being used as a licensed child care during the day on weekdays. More recently, the applicant has indicated that a relative is now living in the house full time.)

Property Values

- Residents also expressed concern that this type of use could decrease the property values of the homes located in the neighbourhood.

Public Information Meeting

- The applicant conducted a Public Information Meeting (PIM) on November 18, 2008. The meeting was attended by thirteen (13) people, of which the applicant indicated nine were residents of the neighbourhood (representing seven households), three were parents of children in the existing child care and one was another child care operator. The main concerns expressed at the PIM were the number of children in the child care, the increase in local traffic and insufficient parking, inappropriate location for a commercial business and the decrease in property values.
- Following the PIM, Planning staff received correspondence from eleven residents who do not support the proposed rezoning and one who supports the proposed rezoning. Based on this correspondence, the number of households on 86B Avenue who opposed the rezoning was 15 households or 83%.
- The applicant provided a synopsis of the Public Information Meeting and provided comments on how they could address some of the concerns identified by neighbours' through the pre-notification process:

Increase in Local Traffic and Insufficient Parking

- The applicant indicated that approximately 25% of the parents of the children currently in the child care walk their children to and from the day care as they live close by and predicts that this percentage may remain the same as the child care enlarges.
- In addition, according to the applicant, there is a span of two hours in the morning and the evening when parents can drop-off and pick-up their children.
- The applicant indicated that one of the employees (the owner/operator) will be walking to work and will not need a parking space.

Inappropriate Location

- The applicant indicated that locating a child care in a commercial area is not financially viable.
- The applicant also feels that a good child care environment is within a residential setting as it provides a "home away from home" environment that is not possible within a commercial setting.

Decrease in Property Values

- Based on the applicant's personal experience as a realtor, he feels that a child care facility located in the neighbourhood is viewed as a positive attribute and increases the value of properties in the neighbourhood.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the number of off-street parking spaces of Zoning By-law No. 12000 for a child care centre accommodating 25 children within a single family dwelling, from ten (10) parking spaces to five (5) parking spaces.

Applicant's Reasons:

- While technically the variance is for five parking spaces, in essence, the variance is actually only for two parking spaces, as three additional parking spaces are (or will be) located on the driveway, albeit partially within the road allowance.
- There is no fixed drop-off or pick-up time for the children attending the child care. Typically the morning drop-off and the afternoon pick up of children occurs within a two-hour time span. Therefore, the coming and going of vehicles is staggered over these two periods.
- The two parking spots allotted for the single family dwelling will likely not be utilized, as the dwelling will either be occupied by a family member, without a car or with only one car. Or alternatively, an employee may reside in the home and would therefore not utilize all three of the parking spaces allocated for the residents of the dwelling and for the employee of the child care centre (two for the residents and one for the employee).
- The owner of the childcare resides down the street and will be working at the child care. She will be walking from her home to this child care facility and will not require an additional employee parking space.

Staff's Comments:

- Staff concur with the applicant's reasons why there may be sufficient on-site parking based on the current situation (employee(s) possibly residing in the single family dwelling and walking to the child care centre). However, if the property is sold or the current living situation changes, the parking demand will also change.
- Residents in the neighbourhood have raised concerns about traffic and parking with the proposed rezoning.
- The proposed widening of the driveway reduces the shortfall in parking. However, widening the driveway will visually alter the appearance of the front yard of the single family dwelling. If this approach is supported by Council, staff recommend that the design of the driveway expansion and modifications to the landscaping be sensitive to the surrounding neighbourhood, including landscape screening for the adjacent properties.
- The Engineering Department does not support the requested parking relaxation.

PROJECT EVALUATION

Advantages:

- The proposed rezoning complies with some of the locational criteria for the siting of a child care centre, including:
 - Locating close to child-oriented facilities: Frost Road Elementary School is nearby;
 - Avoiding siting along arterial streets: In this case the child care is located along a local road; and
 - Avoiding undue concentration of centres: Within the Frost Road Elementary School catchment area there are only 53 licensed child care spaces. Furthermore, while there are other licensed family child cares in the neighbourhood, there are no other CCR-zoned properties in close proximity.
- The applicant and Options have both indicated that there is a strong demand for child care in Fleetwood as the area continues to grow with more multi-family and single-family developments.

Disadvantages:

- The majority of the residents living along 86B Avenue are opposed to the proposed rezoning.
- The proposed child care centre requires more parking than can be provided on site. The proposed child care centre requires 10 parking spaces. With the proposed creation of two additional parking spaces, the project will still be short two required parking spaces (technically five spaces, when the 3 spaces located on the driveway that are partially located on the road allowance are also eliminated).
- Planning staff did suggest to the applicant that they consider reducing the number of child care spaces to respond to concerns over the size and scale of the proposed child care and the associated traffic impacts, and to gain some neighbourhood support. Although the applicant considered this option, they have chosen to maintain the maximum number of children allowed in the CCR Zone which is 25.

CONCLUSION

- On balance, while the proposed child care centre has some merit based on the location and on the demand, Planning and Development Department staff believe that the negative impacts of this project out-weigh the positive effects, particularly due to the strong opposition from residents in the immediate neighbourhood (83% of the households on 86B Avenue oppose the proposed rezoning). Staff recommend this project be referred back to staff to work with the applicant to modify the proposal to better address neighbourhood and staff concerns.

- Should Council resolve to proceed to Public Hearing on the rezoning and public notification on the DVP, based on the application as currently proposed, the following would be required before final approval could be considered:
 - (a) approval of Development Variance Permit No. 7908-0236-00; and
 - (b) submission of a landscape plan and cost estimate for the necessary revisions to the parking and front yard landscaping.

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.	Location Map of Nearby Parks and Schools
Appendix V.	Map of Households Opposed to Proposed CCR Rezoning
Appendix VI.	Map of Existing and Proposed On-site Parking
Appendix VII.	Development Variance Permit No. 7908-0236-00

Jean Lamontagne
General Manager
Planning and Development

AP/kms

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Information for City Clerk

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

1. (a) Agent: Name: Yatin Shah
 Address: 8613 - 162 Street
 Surrey, BC
 V4N 1A9
 Tel: 604-725-3342

2. Properties involved in the Application

(a) Civic Address: 16128 - 86B Avenue

(b) Civic Address: 16128 - 86B Avenue
 Owner: Yatin Shah
 PID: 015-202-143
 Lot 14 Section 25 Township 2 New Westminster District Plan 83428

3. Summary of Actions for City Clerk's Office