

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0277-00

Planning Report Date: May 25, 2009

PROPOSAL:

- Amend **CD By-law** No. 12558
- **Housing Agreement**

in order to permit a residential care and treatment facility use.

LOCATION:

19465 - 16 Avenue

OWNER:

Mercy Ministries of Canada

ZONING:

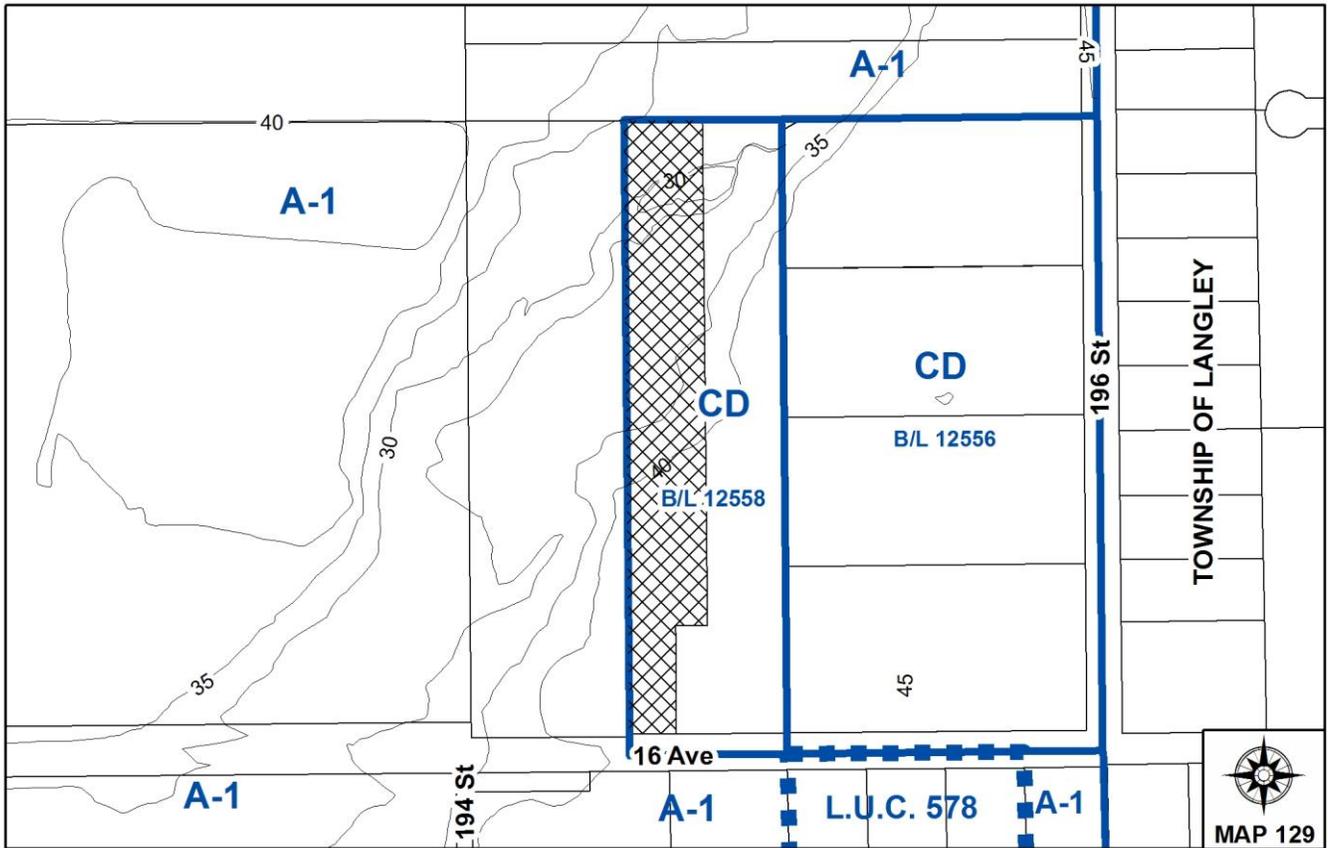
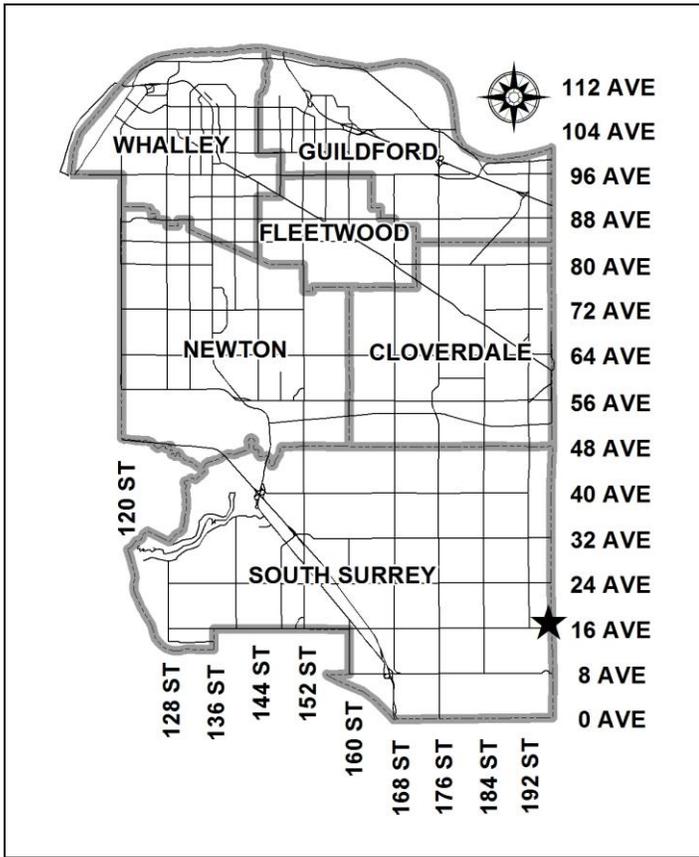
CD (By-law No. 12558)

OCP DESIGNATION:

Agricultural

LAP DESIGNATION:

Suburban Residential 5 Acre



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to amend CD By-law No. 12558.
- By-law Introduction for a Housing Agreement.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The CD By-law currently permits a care facility, excluding temporary homeless shelters or drug and alcohol recovery houses, to operate on the site, subject to the Community Care and Assisted Living Act. The applicant, Mercy Ministries seeks to operate a residential care and treatment facility excluding temporary homeless shelters or drug and alcohol recovery houses that are not licensable by the Fraser Health Authority (FHA). Rezoning of the site is therefore required.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the South Surrey Local Area Plan.
- The site is zoned for a care facility use. The applicant is seeking to establish a residential care and treatment facility for the care of up to 20 women with eating disorders and associated life-controlling problems. This use is not regulated by FHA and thus cannot be licensed by FHA.
- Though the proposed facility does not fall within the definition of a care facility under the current CD By-law, it is a similar use to the residence that previously existed on the subject site.
- The site is appropriate for this type of use, both in terms of its existing context and on-site building and facilities. The applicant will be required to meet all City and FHA servicing infrastructure requirements to support the proposed use.
- Mercy Ministries is prepared to enter into a Housing Agreement to restrict the occupancy of the site to only women who are in the residential care and treatment program. Mercy Ministries has also agreed to obtain and maintain Third-Party Accreditation for the residential facility in order to address the need for Third Party oversight in the absence of FHA licensing requirements and to ensure that appropriate standards of care are upheld in perpetuity for this use.
- The City has not received any concerns or responses to the pre-notification letters

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Comprehensive Development By-law No. 12558 as per Appendix IV and a date be set for Public Hearing.
2. a By-law be introduced authorizing Council to enter into a Housing Agreement.
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) submission of building permit drawings that satisfactorily address Building Code requirements;
 - (c) satisfactory inspection of existing on-site services and formal confirmation from certified professionals that the proposed use satisfies requirements from the Fraser Health Authority (FHA) in regards to septic and potable water;
 - (d) registration of a Section 219 Restrictive Covenant to ensure that the owners agree that in the event that the existing well or septic system should fail to meet Provincial Health Standards, connection to a municipal sewer or water system will be required; and
 - (e) registration of a Housing Agreement with the City to limit the site occupancy to women in the residential care and treatment facility use as defined in the CD By-law, as amended, and to ensure that Mercy Ministries shall obtain Third Party Accreditation within 18 months of final adoption, and that Accreditation shall be maintained as perpetuity for the facility (Appendix V).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Building previously used as a care facility, licensed and regulated under the Community Care and Assisted Living Act. There is a Class A watercourse at the rear of the property.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North, South and West:	Acreage property.	Agricultural/Suburban Residential (5 acre)	A-1
East:	Care facility.	Agricultural/Suburban Residential (5 acre)	CD (By-law No. 12558)

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located on the north side of 16 Avenue in southeast Surrey. The site is designated "Agricultural" in the Official Community Plan (OCP) and "Suburban Residential (5 acre)" in the South-East Surrey Local Area Plan (LAP). The site is not within the Agricultural Land Reserve (ALR).
- The subject site has been used as a care facility since the current zone was put in place in 1995. The site is presently zoned "Comprehensive Development Zone" (CD By-law No. 12558). The existing CD Zone applies to both the subject property and the neighbouring property to the east. The zone permits one care facility to operate on each property. The subject site contains a care facility with a maximum of 8 occupants receiving care. The adjacent site presently contains a larger care facility with a maximum of thirty-four residents receiving care.

Proposal

- Mercy Ministries proposes to run a faith-based residential facility on the property with the intention of treating young women who struggle with life-controlling problems. Mercy Ministries runs other such facilities in the United States, and this would be the first in Canada. According to Mercy Ministries the facility would treat a range of problems, including but not limited to eating disorders, self-harm, abuse, neglect, addiction, depression and unplanned pregnancies. The proposed facility is not intended to be a drug and/or alcohol treatment centre. Drug and alcohol addictions will be treated only if they are ancillary to other life-controlling problems. Mercy Ministries proposes to provide support services in the form of housing, counselling and tutoring.

Proposed Amendment to CD By-law No. 12558

- Mercy Ministries proposes to amend the existing CD By-law as follows:
 - Introduce "residential care and treatment facility" accommodating up to a maximum of twenty residents as a new use to the zone, subject to a Housing Agreement with the City; and
 - Increase the permitted floor area to allow an addition to the existing single family home.

- The existing facility will be renovated, with the addition of up to 165 square metres (1,780 sq.ft.) of floor area. The total floor area for the building will be a maximum of 700 square metres (7,550 sq.ft.) including the addition. The building additions are proposed to contain a work area, counselling rooms and two bedrooms. The home currently contains five bedrooms, which are proposed to increase to seven. Each bedroom will contain multiple beds, for a total of twenty occupants in care. Proposed building modifications are attached as Appendix II.
- Under the existing zoning, a care facility use is defined to require either licensing under the Community Care and Assisted Living Act, or funding by provincial or federal government agencies. As such, facilities that do not require licensing under the Act, or are not government-funded, are not a permitted use.
- Mercy Ministries is privately funded and does not propose to provide services within a range that would require licensing under the Act. Therefore, they seek to amend the CD By-law to allow, in addition to a licensed care facility use, a residential care and treatment facility subject to registration of a Housing Agreement and Third Party Accreditation to effectively regulate the proposed use. These components are discussed below. Temporary homeless shelters and alcohol and drug recovery houses will not be permitted in this zone.

Third Party Accreditation

- The City has identified the need for Third Party oversight of such facilities that are not regulated or licensed by higher levels of government, in order to safeguard the community. To ensure that an appropriate standard of care is met by Mercy Ministries at the facility, Third Party Accreditation is required.
- The applicant has agreed to obtain accreditation by an internationally-recognized third party accreditation organization to address this issue. Specifically, Mercy Ministries will be working with the Commission on Accreditation of Rehabilitation Facilities (CARF) to achieve and maintain accreditation for the proposed facility.
- According to CARF, its accreditation process takes approximately thirteen months to complete. Mercy Ministries has been actively working through the accreditation schedule, and has successfully reached the stage of accreditation whereby they cannot proceed any further until the proposed residence is occupied. Completion of the accreditation process requires that the facility be in operation in order for its practices and premises to be evaluated. City staff have communicated with CARF officials and are in agreement that the project can proceed, provided that successful completion of the accreditation process is a condition of the use under the Housing Agreement (Appendix VI).

Housing Agreement

- A Housing Agreement will be established between the applicant and the City and will be required as a condition of final approval of the rezoning. The Housing Agreement will ensure that the facility is occupied only by qualified occupants. These include residents who are in care for a range of life challenges, including eating disorders, depression, self-harm and associated needs.

- The Housing Agreement will require the applicant to achieve CARF accreditation within eighteen (18) months of completion of the rezoning, and will also require the applicant to retain this accreditation in perpetuity. Through this requirement, the City can ensure that third party oversight is a condition of the use, in lieu of provincial licensing and associated regulations.
- A Housing Agreement By-law is required to be introduced in order to authorize the City to enter into a Housing Agreement. The Housing Agreement By-law and proposed Housing Agreement are attached as Appendix V.

Site Servicing

- The applicant is proposing to retain the existing well and septic system, rather than connecting to City infrastructure, subject to approval by Fraser Health. The Engineering Department can support this proposal, subject to confirmation that existing site services, including septic and well water, are adequate for the proposed use and meet provincial health standards.
- Preliminary investigation of site services has been undertaken. Prior to final approval, the applicant will be required to retain certified professionals to confirm the adequacy of on-site services.
- A Section 219 Restrictive Covenant is also required to ensure that, should on-site services, including septic or well water, fail to meet provincial health regulations, the site owner will be required to connect to a City system.

PRE-NOTIFICATION

Pre-notification letters were sent out on December 1, 2008 and staff received no response.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Building Modifications
Appendix III.	Engineering Summary
Appendix IV.	Proposed CD By-law Amendment
Appendix V.	Proposed Housing Agreement By-law and Housing Agreement
Appendix VI.	CARF Accreditation Process Status Letter

Jean Lamontagne
General Manager
Planning and Development

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DEVELOPMENT DATA SHEET

Existing Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	17,600 sq.m.	
Road Widening area	0	
Undevelopable area	n/a	
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	3%	3%
Paved & Hard Surfaced Areas		
Total Site Coverage	3%	3%
SETBACKS (in metres)		
Front	7.5 m	27.4 m
Rear	7.5 m	82.0+
Side #1 (East)	7.5 m	10.03 m
Side #2 (West)	7.5 m	9.85 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	9.0 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional	483.1 m ²	531.3 m ²
TOTAL BUILDING FLOOR AREA	483.1 m ²	531.3 m ²

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of beds	8	20
# of units/ha /# units/acre (net)		
FAR (gross)	n/a	
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional	15	15
Total Number of Parking Spaces	15	15
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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