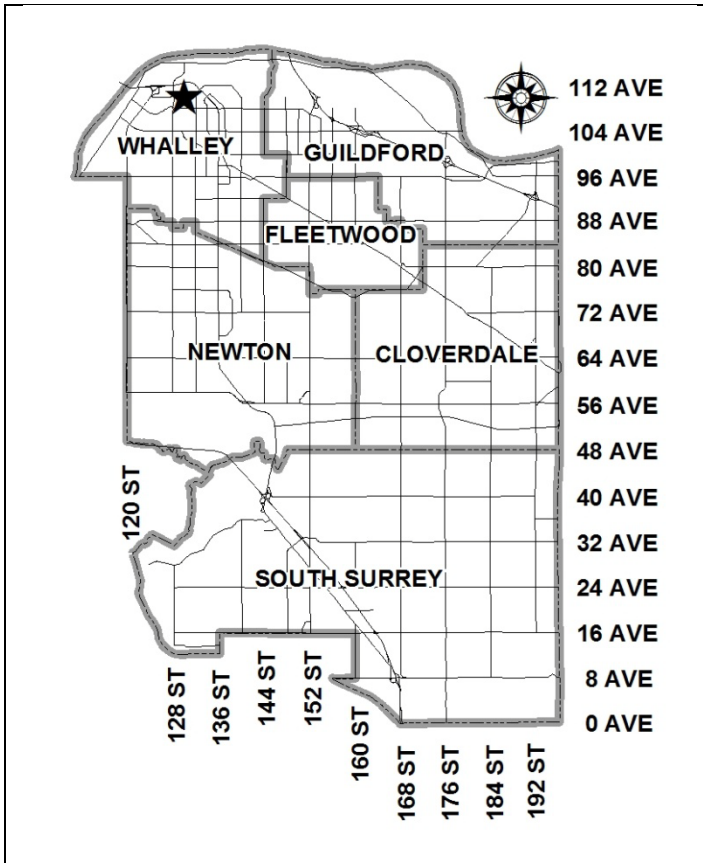


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0058-00

Planning Report Date: April 23, 2012



PROPOSAL:

- **Rezoning** from RF to CCR
- **Development Variance Permit**

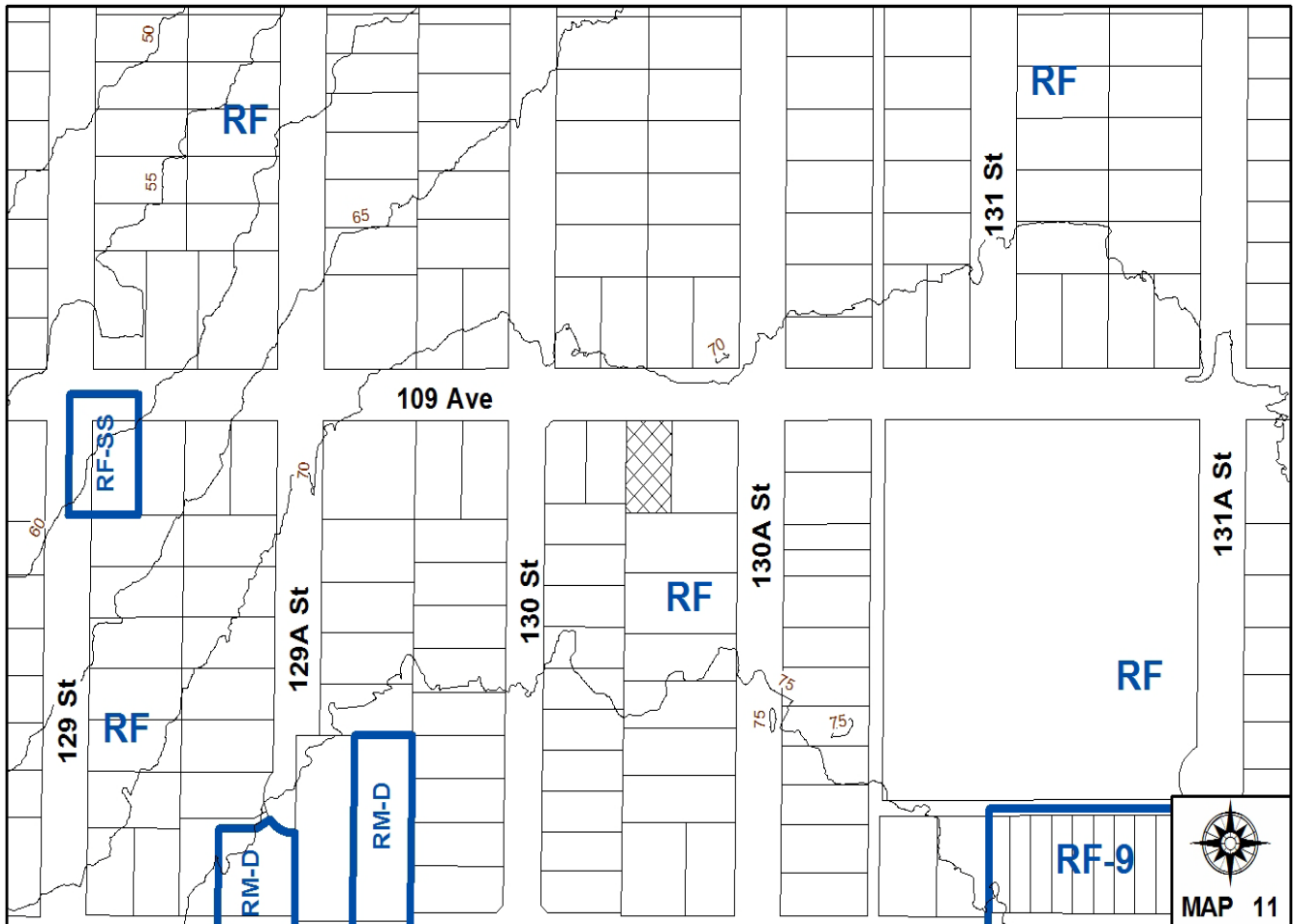
in order to permit a child care centre within a single family dwelling, for a maximum of 25 children.

LOCATION: 13028 - 109 Avenue

OWNER: Joe and Queen Ehizode

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

- Seeking relaxation of the minimum number of parking spaces from eight to five.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the City's locational guidelines for child care centres.

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. 7912-0058-00, (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to vary the Zoning By-law to reduce the minimum number of on-site parking spaces for a child care facility from 8 to 5.
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, 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; and
 - (c) the applicant enter into a Good Neighbour Agreement to ensure that the operation of the child care centre is done in a safe and attractive manner.

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: Single family dwelling, which will remain, with a licensed child care for eight (8) children.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 109 Avenue):	Single family dwellings.	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
East:	Single family dwellings.	Urban	RF
South:	Single family dwellings.	Urban	RF
West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is located at 13028 – 109 Avenue in Whalley. The subject lot is located on the south side of 109 Avenue, mid-block between 130 and 130A Streets.
- The site is designated Urban in the Official Community Plan (OCP) and is currently zoned “Single Family Residential Zone” (RF).
- The applicant proposes to rezone the site from RF to “Child Care Zone” (CCR) to permit a child care centre for a maximum of 25 children within a single family dwelling.
- The applicants reside on the subject site and have operated a licensed daycare, the Kings and Queens Daycare, on the subject property since 2006.
- The existing child care accommodates children from ages one (1) to twelve (12), and currently accommodates up to eight (8) children, which is the maximum number of children that can be accommodated in a child care in an RF-zoned single family dwelling.
- The applicant now wishes to increase the number of children that can be accommodated in the child care and, as a result, has applied to rezone the property to CCR in order to accommodate up to 25 children.
- The CCR Zone is intended to permit the development of child care centres, accommodating a maximum of 25 children, into a residential community.
- The CCR Zone requires that all such child care facilities be licensed and regulated under the Community Care and Assisted Living Act and the Child Care Licensing Regulations.
- The applicant currently proposes only 15 children in the expanded child care facility, ranging in ages from one (1) to twelve (12) years of age.
- The proposed expanded child care facility requires three full-time staff members, including the owner of the house.
- The existing child care facility currently operates from 7:30 am to 5:30 pm, Monday to Friday and the expanded facility is proposed to retain the same hours.
- As a requirement of this application, the applicant will enter into a Good Neighbour Agreement to ensure minimal impact on the surrounding community.

Guidelines for the Location and Siting of Child Care Centres

- In 1990, the City completed a report entitled "Guidelines for the Location and Siting of Child Care Centres". The following demonstrates how the proposed application adheres to the locational and siting guidelines outlined in the report:
 - *Locate centres close to child-oriented facilities.*
 - Locating child care facilities close to an elementary school provides caregivers an opportunity to walk with children to outdoor recreation facilities.
 - The subject site is located approximately 100 metres from Discovery Elementary School (refer to Appendix II).
 - *Avoiding siting along arterial streets.*
 - The subject site is located in a mid-block location along 109 Avenue, between 130 and 130A Streets, all three of which are local roads.
 - *Avoid undue concentration 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 concentration of facilities.
 - Based on the information provided by the Surrey Community Resource Maps, there are currently three other child care facilities within 0.5 km of the subject site. (Appendix IV).
 - The three other facilities, and the subject site, currently accommodate a total 82 child care spaces. One of these child care facilities is located in a commercial space and accounts for 37 child care spaces, one is located in a public assembly space and accounts for 30 child care spaces, and the other is located within a single family dwelling and accounts for 7 child care spaces.
 - *Provide adequate on-site parking for employees and parents.*
 - The parking requirements for child care facilities are prescribed in the Zoning By-law. Child care facilities are required to provide one parking space for every employee 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 for the residents.
 - Based on these requirements, the proposed child care facility and existing residence require eight parking spaces. However only five spaces can be accommodated on-site and a variance is requested (see By-law Variance section).
 - *Provide adequate fencing, screening, setbacks and outdoor play areas.*
 - The dwelling faces 109 Avenue and has a rear yard with a southern exposure that can accommodate an outdoor play area.

- The rear yard is enclosed with a wooden fence.
- The minimum front, rear and side yard setbacks meet the CCR Zone requirements.

PRE-NOTIFICATION

- Pre-notification letters were sent on March 28, 2012 and staff received 2 phone calls. The comments are summarized below:
 - Two respondents were concerned about dangerous driving related to the drop off/pick-up of children. Both respondents cited an accident a few months ago when an elderly neighbour was hit on the sidewalk and hospitalized by a parent dropping off their child.

(Engineering will require street upgrades including sidewalk, boulevard and curb as a condition of the rezoning. Currently, parents are using the boulevard/sidewalk area as the primary drop-off area. Boulevard upgrade requirements will encourage customers to pull into the driveway to drop off their children. The street upgrades will also separate the interface between the sidewalk and the street to further avoid conflict.)

- One respondent was opposed to a child care within a residential area. The resident felt this use is better suited in a town centre.

(The proposed child care meets the locational criteria in the 1990 report "Guidelines for the Location and Siting of Child Care Centres".)

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the parking requirement in the Zoning By-law for a child care facility, from 8 spaces to 5 spaces.

Applicant's Reasons:

- The operator/employee of the daycare lives in the house so one less space is required.
- The driveway is large enough for vehicles to drop off children.
- The applicant currently has a pickup/drop-off service for approximately half of the children at the daycare which reduces the number of vehicles visiting the daycare.
- There is sufficient street parking in front of the subject site for child drop-off.

Staff Comments:

- The owner of the house also works at the daycare which reduces one of the required staff parking spaces.
- According to the applicant, and confirmed with historical aerial photos, there is ample street parking at this location.
- The owner has been able to provide photos that show the feasibility of three additional short term drop-off parking spaces within the 8-metre (26 ft.) long driveway. These three parking spaces do not meet the minimum dimensional requirements in the Zoning By-law and are therefore not considered in the official count.
- The applicant's pickup/drop-off service reduces the need for drop-off parking spaces.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Aerial Photo and Proposed Parking Configuration,
Appendix III.	Engineering Summary
Appendix IV	Location Schools and Licensed Child Care Facilities within 500 Metres Radius of the Subject Property
Appendix V.	Development Variance Permit No. 7912-0058-00

original signed by Judith Robertson

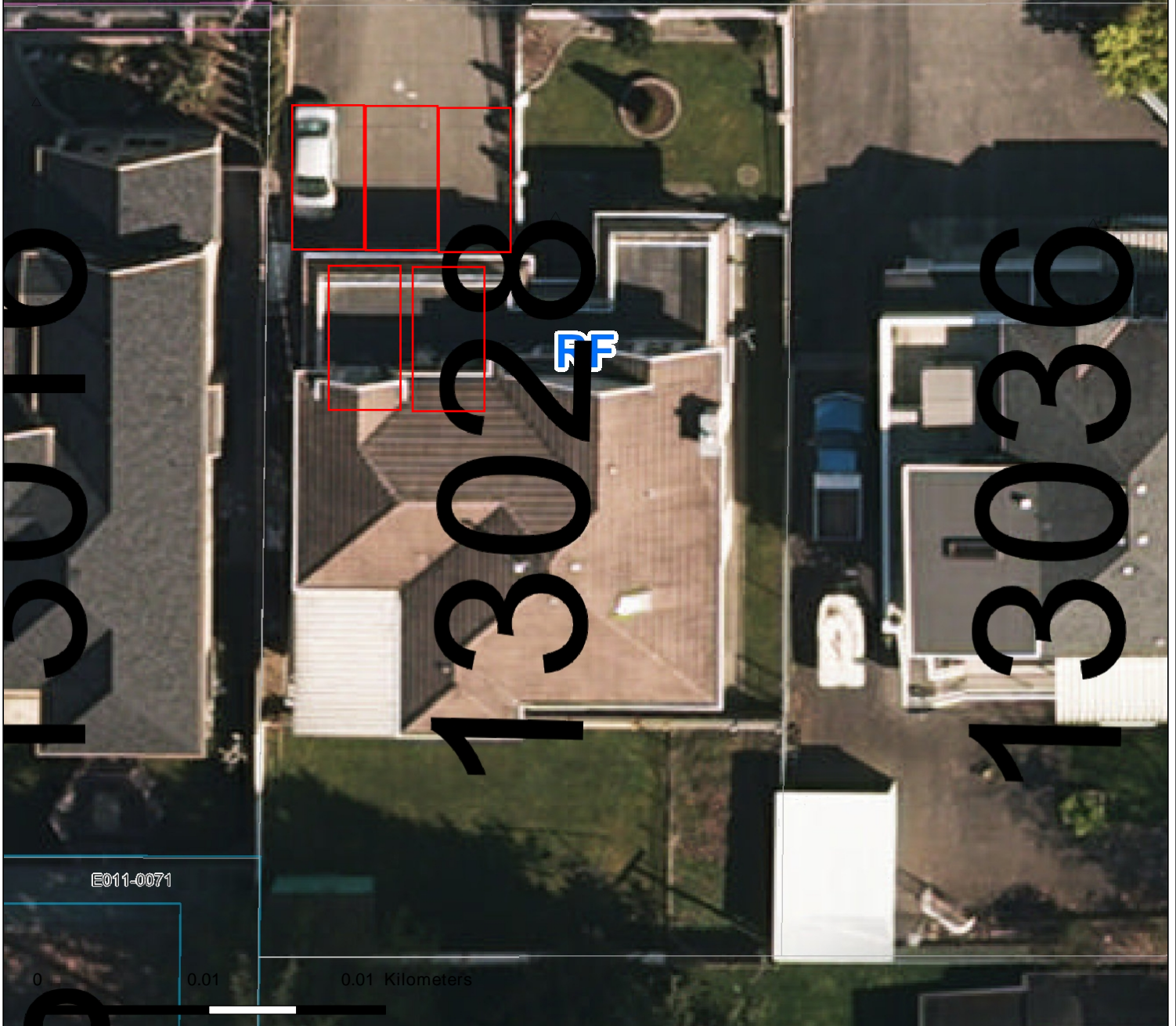
Jean Lamontagne
General Manager
Planning and Development

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Aerial Photo of Subject Site with Proposed Parking Layout

109 Ave



The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca.

Enter Map Description



Scale: 1: 224

Map created on: April-11-12



INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Development Project Engineer, Engineering Department**

DATE: **April 17, 2012** PROJECT FILE: **7812-0058-00**

RE: **Engineering Requirements
Location: 13028 109 Ave.**

REZONE***Works and Services***

- construct south half of 109 Avenue to the through local road standard;
- provide storm and sanitary connections and water meter.

A Servicing Agreement is required prior to Rezone.

DEVELOPMENT VARIANCE PERMIT

There are no engineering requirements relative to the development variance permit.

Bob Ambardar, P.Eng.
Development Project Engineer

BA



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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0058-00

Issued To: JOE AND QUEEN EHIZODE

("the Owner")

Address of Owner: 13028 - 109 Avenue
Surrey, BC V3T 2N5

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.

2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 009-270-345

Lot 1 Section 16 Block 5 North Range 2 West New Westminster District Plan 76243

13028 - 109 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In Table C.2 of Part 5 Off-Street Parking and Loading/Unloading, the minimum number of parking spaces is reduced from 8 to 5 spaces.

4. This development variance permit applies to only the that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

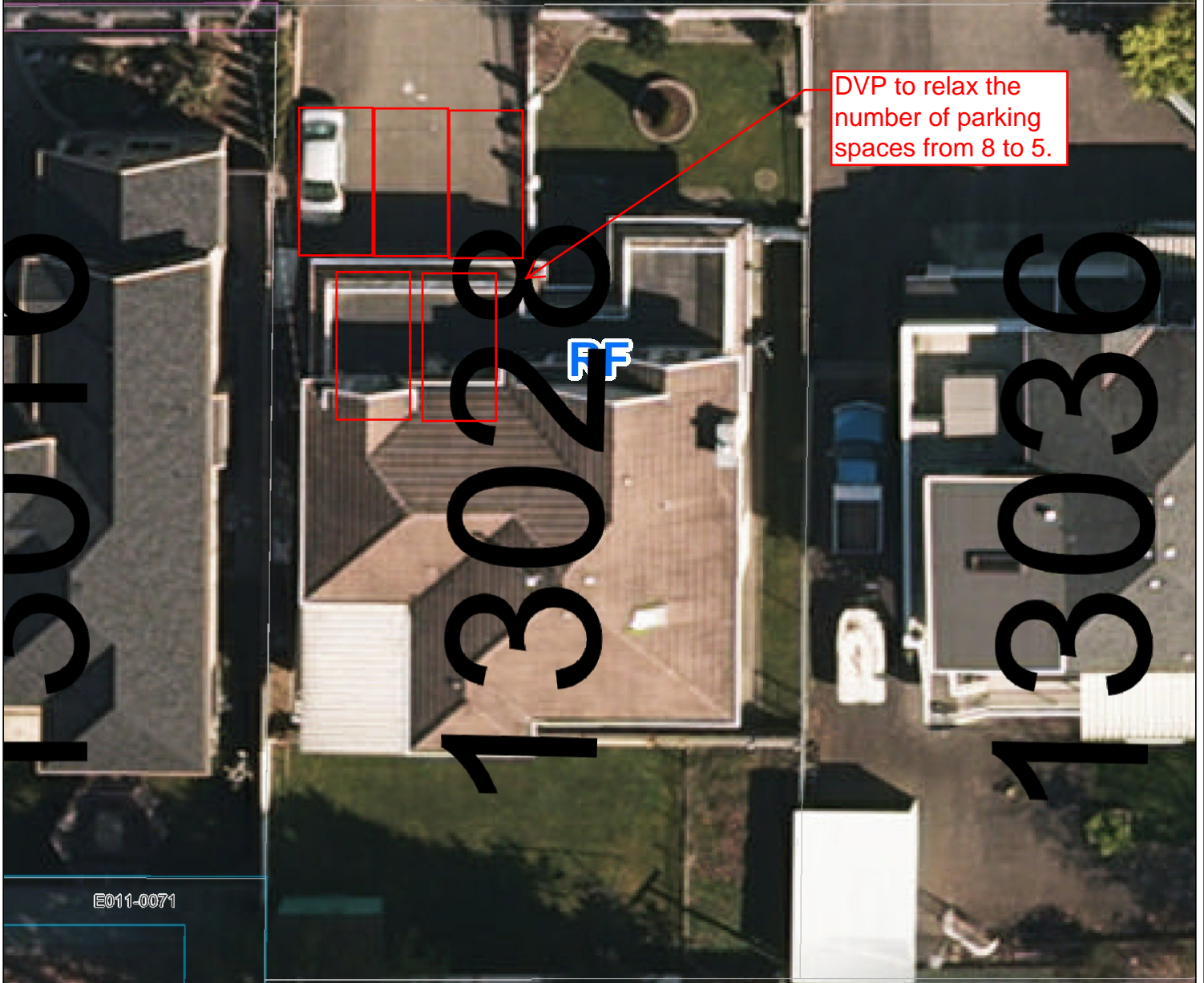
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

109 Ave



DVP to relax the number of parking spaces from 8 to 5.

13028
FF

E011-0071

0 0.01 0.01 Kilometers

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