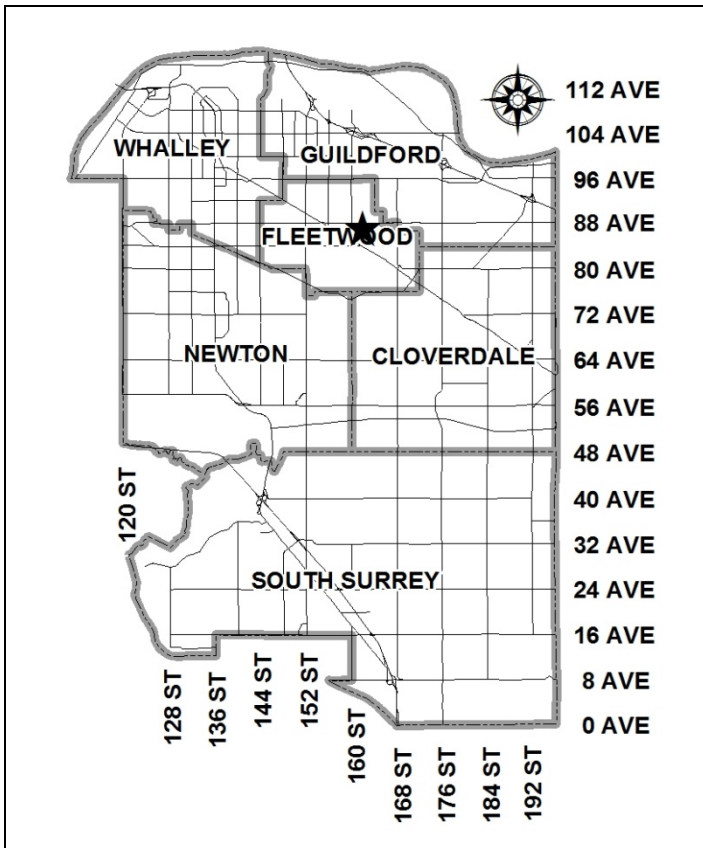


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7912-0183-00

Planning Report Date: March 11, 2013

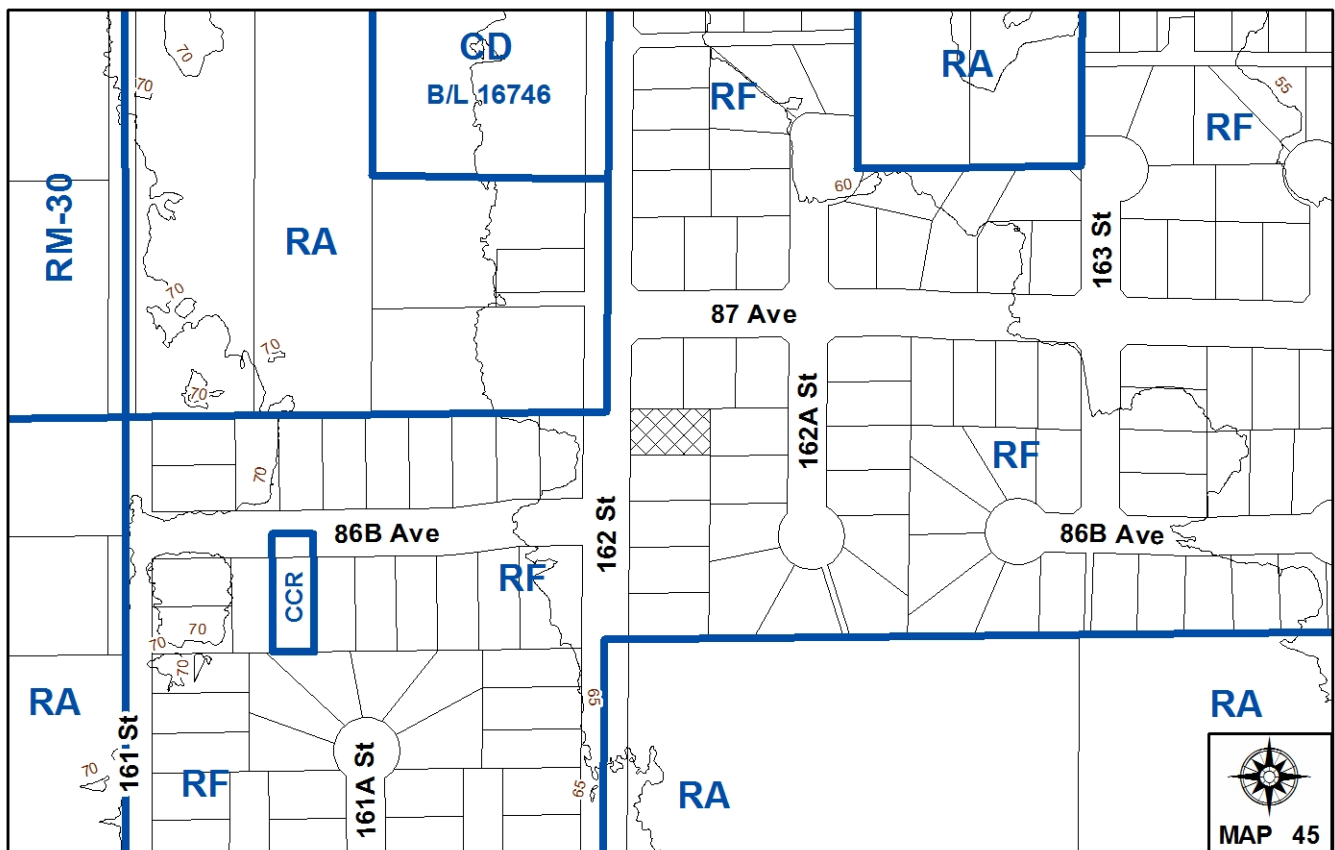


**PROPOSAL:**

- **Rezoning** from RF to CD (based on CCR)

in order to allow a stand-alone child care centre within a single family dwelling.

**LOCATION:** 8688 - 162 Street  
**OWNER:** Xin Li  
**ZONING:** RF  
**OCP DESIGNATION:** Urban  
**TCP DESIGNATION:** Single Family Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The existing dwelling is not large enough to accommodate the licensing requirements for a child care centre for 20 children and a residential use concurrently.
- Should the owner no longer wish to operate a child care centre, the building can be converted back to a single family dwelling.
- The owner has demonstrated community support for the proposal.
- Complies with the City's location and siting 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 "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. 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; and
  - (b) submission of building permit drawings that address Building Code requirements for the satisfaction of the General Manager, Planning and Development.

REFERRALS

Engineering: The Engineering Department has no objection to the project as outlined in Appendix II.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling, with a child care centre for 8 children.

Adjacent Area:

Direction	Existing Use	TCP Designation	Existing Zone
North:	Single family dwellings.	Single Family Urban	RF
East:	Single family dwellings.	Single Family Urban	RF
South:	Single family dwellings.	Single Family Urban	RF
West (Across 162 Street):	Single family dwellings.	Single Family Urban and Medium Density Townhouses	RF and RA

Background:

- The subject site is located at 8688-162 Street, near 86 Avenue in Fleetwood and is designated Urban in the Official Community Plan (OCP).

- The site is currently zoned "Single Family Residential Zone (RF)". The applicant proposes to rezone the property to "Comprehensive Development Zone (CD)" based on the "Child Care Zone (CCR)" in order to permit a child care centre for a maximum of 20 children within the existing single family dwelling on the subject site.
- The applicant's initial proposal was to rezone the subject site from RF to CCR in order to permit the development of a child care centre for up to 25 children in the existing house. The CCR Zone allows a child care centre licensed to accommodate a maximum of 25 children, provided that the centre is in combination with a single family dwelling.
- However, as part of the staff review of the existing dwelling and the parking requirements and the licensing requirements, the applicant determined that the house was too small to accommodate both a child care centre and a residence.
- The existing house is a 3-bedroom, single-storey dwelling with no basement, and is 148 square metres (1,602 sq.ft.) in area. The existing child care centre for 8 children occupies the kitchen, living room, and one of the three bedrooms.
- Although 162 Street is a local road, there is more traffic on this road than a typical local road due to the location of Frost Road Elementary School. Due to the configuration of the house on the lot, there is insufficient space in the front yard to adequately provide additional parking spaces other than what is available on the original driveway.
- As such, a maximum of 4 parking spaces can be accommodated on the subject site: two in the attached double garage, and two in the driveway.
- However, subsequent to making the rezoning application, the owner installed a wider parking pad at the front of the house, which exceeds the 6.0-metre (20 ft.) maximum residential driveway access permitted from a road. Furthermore, the new parking pad exceeds the maximum 33% driveway area permitted in the front yard of an RF-zoned lot. The owner has agreed to remove this parking pad and restore this area to landscaping, including planting a new tree.
- The applicant subsequently revised the proposal to reduce the maximum number of children from 25 to 20, and to allow the child care centre to be a stand-alone use.

#### Proposed Child Care Centre:

- Provincially regulated, licensed child care centres that accommodate up to a maximum of eight (8) children are permitted in any residential zone. Child care centres that are intended to accommodate more than eight (8) children must be located on sites that are zoned to specifically permit child care centres.
- As a result, the applicant has applied to rezone the subject site to a CD Zone (based on the CCR Zone). The CCR Zone is intended to allow the establishment and the integration of Provincially-licensed child care centres, accommodating a maximum of 25 children, into existing single family or low density residential neighbourhoods. To address the lack of space available within the dwelling and the limited parking, a CD Zone is proposed.

- The applicant has operated a licensed daycare for up to eight (8) children for infants and toddlers under 36 months from the house at 8688-162 Street (the subject property of this report) since April 2012.
- Due to the demand for additional child care spaces, which the applicant was not able to accommodate in her existing child care centre, the applicant would like to expand the current centre and may consider additional locations in the future.
- The child care on the subject site currently operates from 8:00 a.m. to 5:45 p.m., Monday through Friday. The expanded centre anticipates operating during the same hours.
- The proposed child care centre would accommodate 12 children ranging in age from 3 years to 5 years of age and 12 school age children. Due to the difference in hours that each age group will be in care, no more than 20 children will be in care at any given time (e.g. the 3 to 5 year olds will be in care during school hours).
- There will be two full-time and one part-time staff members employed on-site, including the operator of the proposed, expanded child care centre.
- 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 centres close to an elementary school provides caregivers an opportunity to walk with children to outdoor recreation facilities.
    - The subject site is located within block of Frost Road Elementary School, Frost Road Park, and Fleetwood Meadows Park (Appendix III).
  - *Avoiding siting along arterial streets.*
    - The subject site is located on 162 Street, which is a local road.
  - *Avoid undue concentration of centres.*
    - The Guidelines recommend that child care centres should be located in areas that are currently under-served by child care, to avoid undue concentration of centres.
    - Based on the information provided by the Surrey Community Resource Maps, there are currently 5 centres within 0.5 km of the subject site, including the subject site.
    - The 5 centres accommodate 83 child care spaces. Of the 5 centres, one is in a commercial building, which accounts for 20 child care spaces. The other 4 centres are located within single family dwellings and account for 63 child care spaces.
    - With approval of the subject application, 12 additional children (plus the current 8) can be accommodated.

- Despite the number of child care centres located in the vicinity, the applicant has confirmed that the 12 proposed new spaces have already been filled.
- *Provide adequate on-site parking for employees and parents.*
  - The parking requirements for child care centres in residential areas are outlined in Surrey Zoning By-law No. 12000. Child care centres 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.
  - Based on these requirements, the proposed child care centre requires four (4) parking spaces.
  - The subject site has two (2) parking spaces in the garage, and two (2) parking spaces on the driveway, for a total of four (4) parking spaces (Appendix IV).
  - The owner will remove the parking pad that was installed without the appropriate permits, and restore this area to landscaping, including planting a new tree.
- *Provide adequate fencing, screening, setbacks and outdoor play areas.*
  - As the attached aerial photo illustrates (Appendix IV), an outdoor play area can be accommodated in the rear yard.
  - The property is enclosed with a cedar fence.

Proposed CD Zone

- The proposed CD By-law (Appendix V) is based on the Child Care Zone (CCR). The modifications to the permitted uses, number of children in care and parking are noted in the table below:

	CCR Zone	Proposed CD Zone
<b>Permitted uses</b>	Land and structures shall be used for the following uses only, or for a combination of such uses: 1. Child care centre licensed to accommodate a maximum of 25 children, at any one time provided that such centre does not constitute a singular use on the lot. 2. One single family dwelling.	Land and structures shall be used for the following uses only: 1. Child care centre licensed to accommodate a maximum of 20 children, at any one time, provided there is no single family dwelling on the lot. 2. One single family dwelling which may contain 1 secondary suite, provided there is no child care centre for more than 8 children on the lot.
<b>Maximum number of children</b>	25	20
<b>Parking</b>	<ul style="list-style-type: none"> <li>• 2 parking spaces for residential use;</li> <li>• 1 parking space for every employee; and,</li> </ul>	<ul style="list-style-type: none"> <li>• No change. Note: Should the house be converted back to a residential</li> </ul>

	CCR Zone	Proposed CD Zone
	<ul style="list-style-type: none"> <li>An equal number of parking spaces as for staff, for drop-off, with a minimum of 2 parking spaces.</li> </ul>	use, a minimum of 2 parking spaces will be required for residential use.

- The proposed use will either allow a child care centre for 20 children, or a single family dwelling (provided there is no child care centre for more than 8 children on the lot), but not both at the same time. While the owner is currently proposing to use the house as a stand-alone child care centre, the building may be converted back to a single family dwelling through the Tenant Improvement Permit process.
- Should Council determine the proposed rezoning of the site to CD has merit, the applicant will be required to hire a qualified professional to confirm that the current house meets all BC Building Code requirements and to submit a Building Permit application reflecting all required modifications, including upgrades to accommodate the child care centre, prior to Council being requested to consider Final Adoption of the rezoning by-law.

### PRE-NOTIFICATION

The applicant submitted 25 letters of support including parents who either have children enrolled at the existing centre or who have children currently on the waiting list for the centre. The owner also submitted a 64-name petition in support of the proposed child care centre. Addresses were not provided on these letters of support or on the petition, therefore staff were not able to determine where the respondents live.

Pre-notification letters were sent on October 15, 2012, reflecting the original proposal to be rezoned from RF to CCR. Staff received 7 responses (6 phone calls and 1 letter) from the area residents. Three of the respondents indicated that they support the project. The other four respondents expressed the following comments about the project (*staff comments in italics*):

- Concerns were expressed about the widened parking pad located at in the front yard. Parents are not always taking care to check properly before backing out of the driveway.

*(The owner has agreed to remove the parking pad and replace it with landscaping, including planting a new tree.)*

- Residents feel that there is an over-concentration of child care centres, with 3 other centres within 200 metres (650 ft.) of the subject site. These centres are using school facilities and generating daytime noise, which also cause concern for the residents.

*(There are currently 5 child care centres within 0.5 km of the subject site, including the subject site. The 5 centres currently accommodate 83 children in care. Given the proximity of the subject site to Frost Road Elementary School, which has approximately 500 students enrolled, there appears to be continued demand for child care spaces in the area.)*

- Concerns were expressed about the neighbourhood turning into a business area, and that the neighbourhood would be losing its residential feel.

*(Of the 5 existing child care centres located within the vicinity of the site, 1 is located within a commercial building, 2 are within residentially-zoned dwellings, and 2 are zoned CCR, which requires a residential use to be co-located with the child care centre. As such, all of the existing centres that are located in residential dwellings require that people live on-site to ensure that the residential character of the neighbourhood is maintained.)*

On February 20, 2013, revised pre-notification letters were sent, reflecting the current proposal for a 20-child care centre as a stand-alone use. Staff received no response to the revised pre-notification letters.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Engineering Summary
Appendix III.	Map of nearby parks and schools
Appendix IV.	Aerial photo of subject site
Appendix V.	Proposed CD By-law

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

SAL/da





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

**FROM:** Development Services Manager, Engineering Department

**DATE:** February 27, 2013                      **PROJECT FILE:** 7812-0183-00

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**RE:** Engineering Requirements (Commercial/Industrial)  
Location: 8688 162 Street

**REZONE**

As the applicant is proposing a child care facility of 20 children or less with no residential use, there are no engineering requirements relative to this Rezone application. A Servicing Agreement is not required.

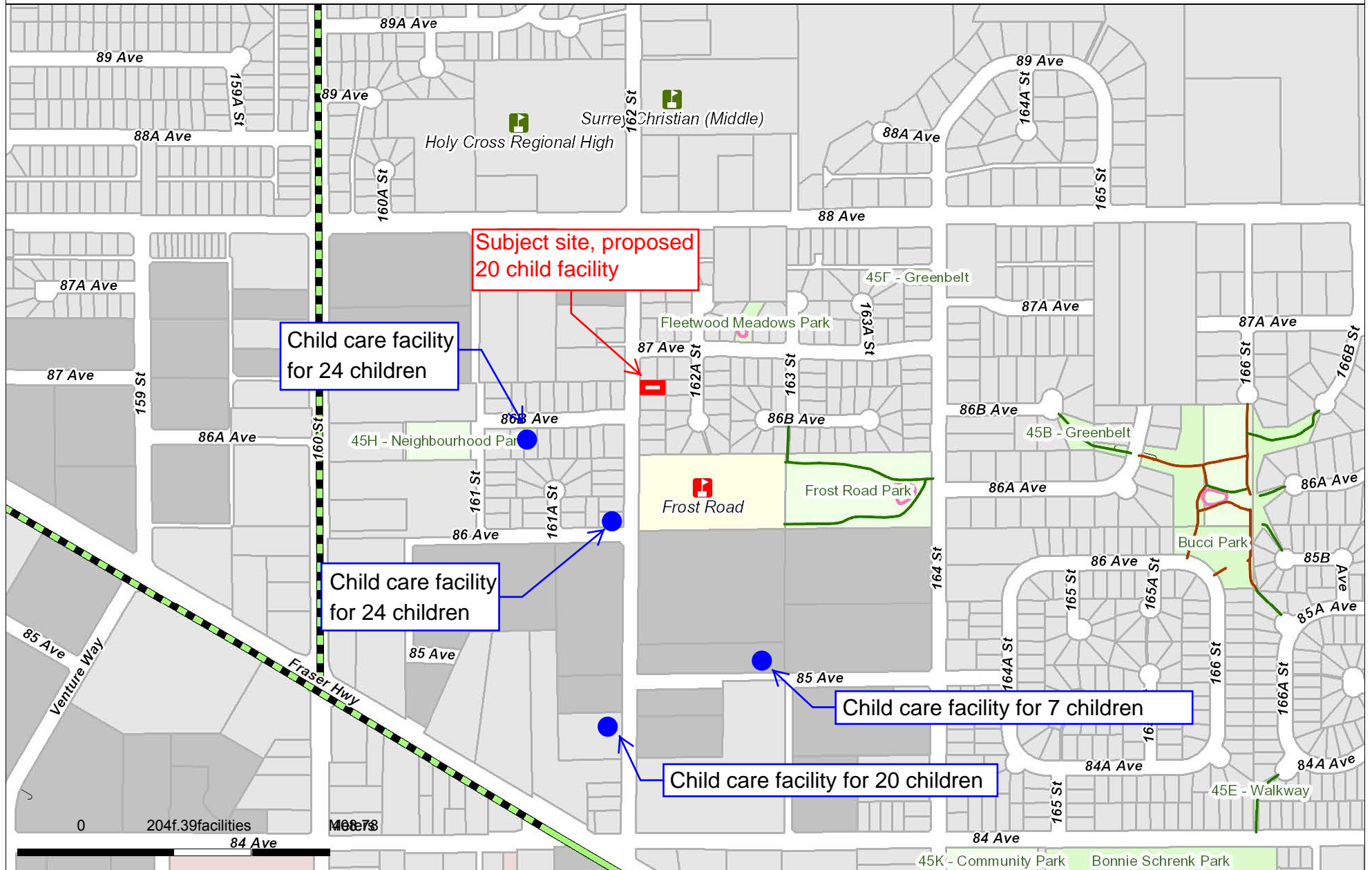
Servicing issues associated with any architectural changes triggered by regulatory requirements may be addressed through the Building Permit Process.

Note: Future development of the site may trigger frontage works and services requirements.



Rémi Dubé, P.Eng.  
Development Services Manager

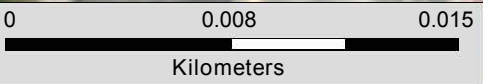
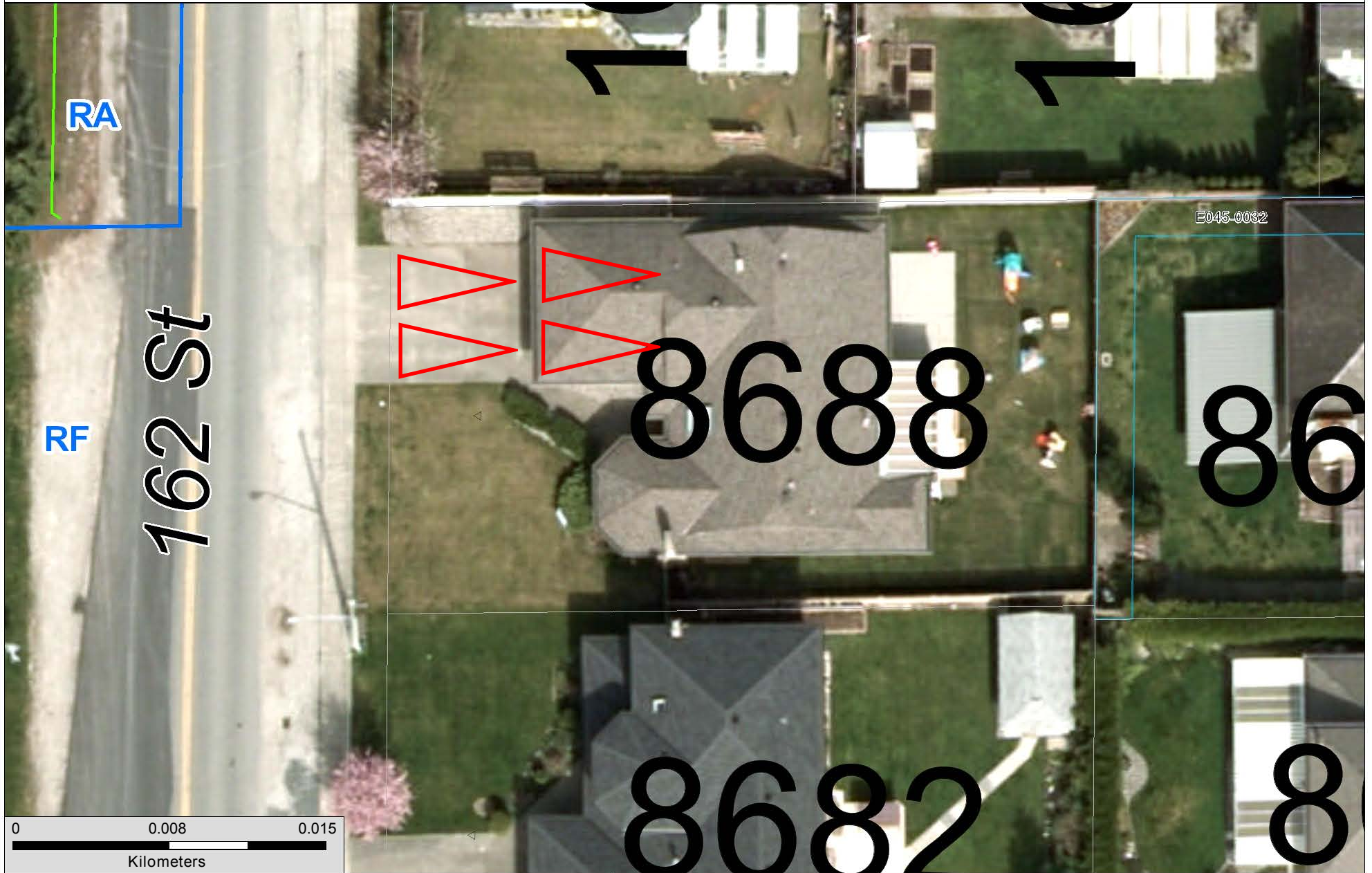
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Enter Map Description

Scale: 1: 6,813  
Map created on: Tuesday, 24 January 2012



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Enter Map Description

Scale: 1: 250  
Map created on: September-18-12

CITY OF SURREYBY-LAW NO. \_\_\_\_\_

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended  
 .....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: SINGLE FAMILY RESIDENTIAL ZONE (RF)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

---

Parcel Identifier: 014-582-180  
 Lot 9 Section 25 Township 2 New Westminster District Plan 81939

8688 - 162 Street

2. The following regulations shall apply to the *Lands*:

**A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate the development of a *child care centre* accommodating a maximum of 20 children into a residential community, subject to the Community Care and Assisted Living Act, S.B.C., 2002, c.75, as amended.

**B. Permitted Uses**

The *Lands* and *structures* shall be used for the following uses only:

1. *Child care centre* licensed to accommodate a maximum of 20 children, at any one time, provided there is no *single family dwelling* on the *lot*.
2. One *single family dwelling*, which may contain a *secondary suite*, provided there is no *child care centre* for more than 8 children in care on the *lot*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

1. (a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended, all covered areas used for parking shall be included in the calculation of *floor area ratio*; and
- (b) For *building* construction within a *lot*:
  - i. The *floor area ratio* shall not exceed 0.48 provided that of the resulting allowable floor area, 45.2 square metres [487 sq.ft.] shall be reserved for use only as a garage or carport and further provided that where an *accessory building* is greater than 10 square metres [105 sq.ft.] in size that the area in excess of 10 square metres [105 sq.ft.] shall be included as part of the floor area for the purpose of calculating *floor area ratio*; and
  - ii. The maximum permitted floor area of a second storey for a *principal building* shall not exceed 80% of the floor area of the first storey including attached garage and that portion of any porch or veranda at the front that is covered by a sloped roof, but not including any portion of the *structure* located within 7.5 metres [25 ft.] of the *front lot line*. The reduced floor area of the second storey shall be accomplished by an offset at the second storey level from the wall at the main floor level from either the front or side walls at the main floor level or a combination thereof.

**E. Lot Coverage**

The *lot coverage* shall not exceed 40%.

## F. Yards and Setbacks

*Buildings and structures* shall be sited in accordance with the following minimum setbacks:

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>North Side Yard</b>	<b>South Side Yard</b>
<i>Principal Building</i>		7.5 m [25 ft.]	7.5 m [25 ft.]	1.8 m [6 ft.]	2.4 m [8 ft.]
<i>Accessory Buildings and Structures</i>		18 m [60 ft.]	1.8 m [6 ft.]	1.0m [3 ft.]	1.0m [3 ft.]

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

## G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. *Principal buildings*: The *building height* shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures*: The *building height* shall not exceed 4 metres [13 ft.].

## H. Off-Street Parking

1. Resident and visitor *parking spaces* shall be provided as stated in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Resident and visitor *parking spaces* shall be provided as stated in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.

## I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.

**J. Special Regulations**

1. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.
2. All designated outdoor play areas for the *child care centre* shall be fenced to a height of 1.8 metres [6 ft.] and should be non-climbable and strong. If the fence is not solid, the spacings should not allow a child's head through.
3. A *secondary suite* shall:
  - (a) Not exceed 90 square metres [968 sq.ft.] in floor area; and
  - (b) Occupy less than 40% of the habitable floor area of the *building*.

**K. Subdivision**

*Lots* created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
660 sq. m. [7,104 sq.ft.]	19.0 metres [62 ft.]	33.0 metres [108 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000 as amended.

**L. Other Regulations**

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the CCR Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.



5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building By-law, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2012, No. 17539, as may be amended or replaced from time to time, and the development cost charges shall be based on the CCR Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act R.S.B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, \_\_\_\_\_, No. \_\_\_\_\_."

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_ .

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_ .

READ A THIRD TIME ON THE \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_ .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK