

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0200-00

Planning Report Date: January 14, 2013

PROPOSAL:

- **Rezoning** from RF to CD (based on RMS-1)

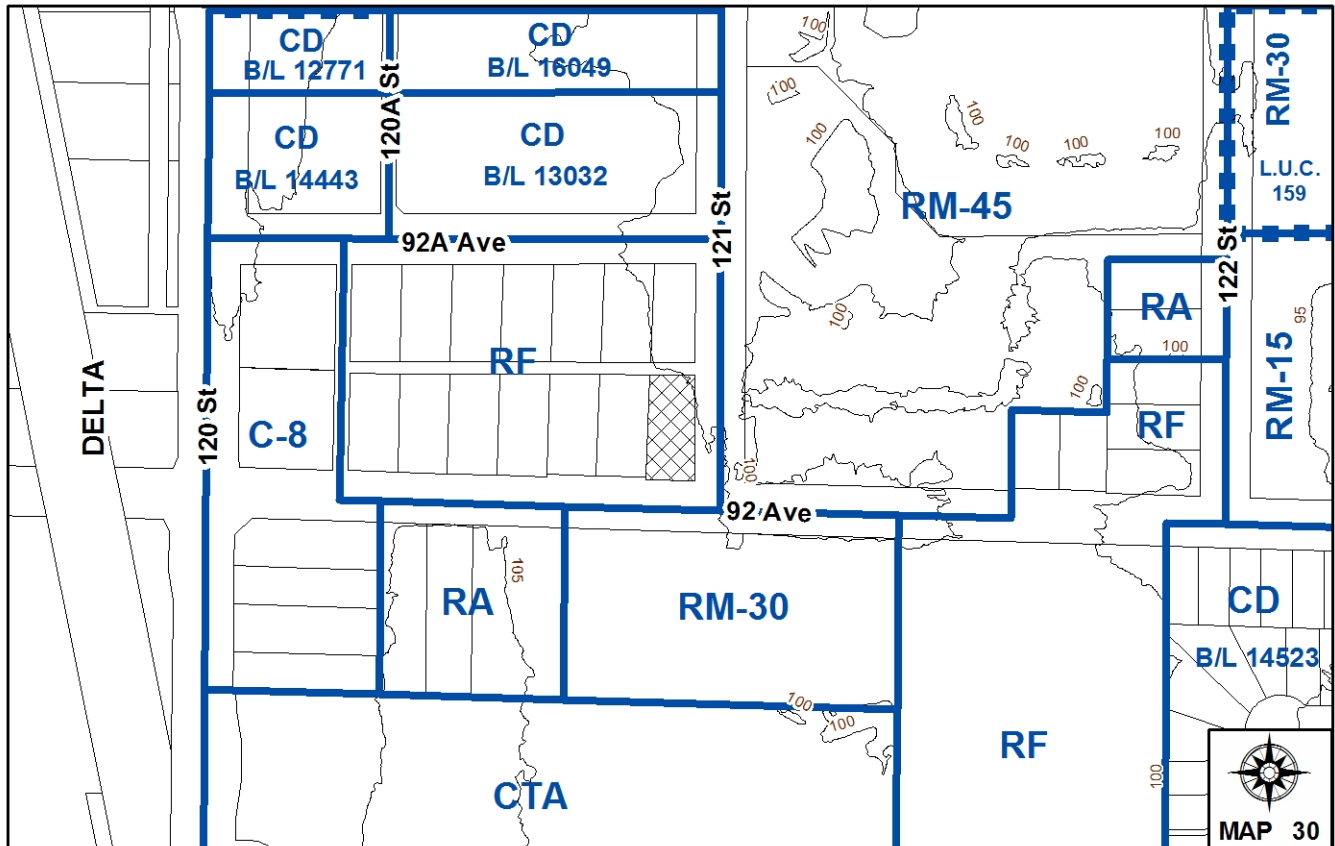
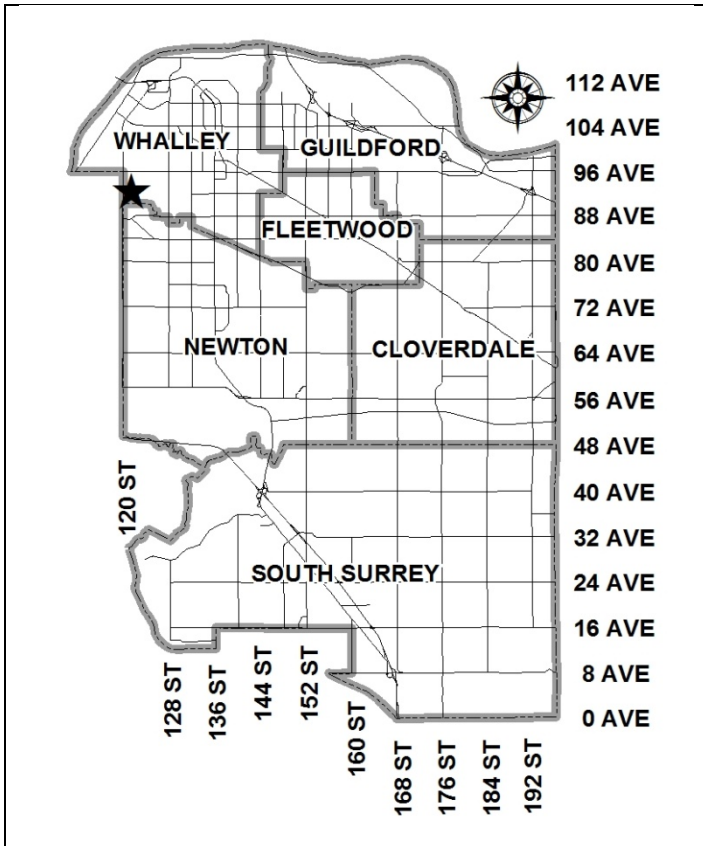
in order to permit a care facility for a maximum of 9 persons, within an existing single family dwelling.

LOCATION: 12089 - 92 Avenue

OWNER: Tianpeng He

ZONING: RF

OCP DESIGNATION: Multiple Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- A 6-bed care facility is permitted under the current RF Zone, in accordance with the *Community Care and Assisted Living Act*. The proposed 9-bed facility can be accommodated within the existing house.
- The existing house has undergone some unauthorized renovations by the previous owner. The current owner will be required to submit all necessary drawings to ensure Building Code compliance, as a condition of rezoning. Should rezoning be approved, the necessary permits can be issued.

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 (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;
 - (b) submission of a road dedication plan to the satisfaction of the Approving Officer;
 - (c) submission of a landscaping plan and installation of landscaping to the satisfaction of the City Landscape Architect;
 - (d) registration of a Section 219 Restrictive Covenant to specifically identify the allowable tandem parking arrangement and to prohibit the conversion of the tandem parking spaces into livable space; and
 - (e) submission of building permit drawings that satisfactorily address Building Code requirements.

REFERRALS

- Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
- Surrey Fire Department: The Fire Department has no concerns with the proposal.

SITE CHARACTERISTICS

- Existing Land Use: Single family house, which will be retained and updated to meet Building Code requirements.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling.	Multiple Residential	RF
East (Across 121 Street):	Townhouses (co-operative).	Multiple Residential	RM-45
South (Across 92 Avenue):	Townhouses (co-operative).	Multiple Residential	RM-30
West:	Single family dwelling.	Multiple Residential	RF

DEVELOPMENT CONSIDERATIONS

- The subject site, located on the north-west corner of 92 Avenue and 121 Street in Whalley, is designated Multiple Residential in the Official Community Plan (OCP).
- The site is currently zoned Single Family Residential Zone (RF).
- The property is 777 square metres (8,364 square feet) in size, 19.36 metres (64 ft.) wide and 41.63 metres (137 ft.) deep.
- A 2-storey single family dwelling (with no basement) is located on the subject property. The existing home was constructed in 2008. The building permit for the house allowed for a maximum floor area of 330 sq.m. (3,550 sq.ft.), however, the original owner enclosed the upper deck and lower patio areas without the appropriate permits, resulting in a floor area of 440 sq.m. (4,735 sq.ft.) and a floor area ratio (FAR) of 0.57.
- The applicant purchased the subject property in 2012 with the intent of operating a care facility with 6 persons in care as permitted under the RF Zone for a period of one year, upon which time they would apply to rezone to Special Care Housing 1 Zone (RMS-1) in order to permit 9 persons in care. However, as part of staff review of the Building Permit drawings relative to upgrade requirements it was discovered that the dwelling exceeded the allowable floor area for the RF Zone.
- Subsequently, the applicant proposed to rezone the subject site to Comprehensive Development Zone (CD), based on the Special Care Housing 1 Zone (RMS-1) to permit a care facility for a maximum of 9 persons receiving care within the single family dwelling on the subject site.
- The proposed care facility will be regulated under the *Community Care and Assisted Living Act* and licensed with Fraser Health. The applicant has advised their intent to accommodate a maximum of 9 seniors who are semi-independent and to provide services to assist them in their day-to-day activities, recreation and wellness. There will be no doctors or nurses on site. There will, however, be one or two staff on-site at all times.
- The applicant, Sunshine Living Ltd., was incorporated in 2012. They have not operated a care facility in the past, however the owners have experience in working in similar licensed care

facilities with Vancouver Coastal Health and Fraser Health. The applicant has indicated that there is a long wait list for assisted living facilities and that they will begin the application process once the facility becomes operational. Potential residents would be by direct application or referral from hospitals, physicians and other health care facilities.

- The existing home will be retained and upgraded to meet Building Code requirements for a care facility.
- The exterior façade of the existing single family dwelling will remain unchanged with the exception of the addition of a wheelchair accessible ramp to be installed on the north end of the building, adjacent to the accessible parking space.
- The preliminary landscaping plan includes 2 Japanese Maple trees and a variety of shrubs and ground cover, including azaleas, rhododendrons, spirea and lily turf.

Proposed CD By-law

- The proposed CD By-law (Appendix V) is based on the Special Care Housing 1 Zone (RMS-1) and the Single Family Residential Zone (RF). The modifications to density, lot coverage, setbacks, and parking are noted in the table below:

	RF Zone	RMS-1 Zone	Proposed CD By-law
Density (Floor Area Ratio)	0.48 FAR	0.50 FAR	0.59 FAR
Lot Coverage	40%	25%	40%
Setbacks	Rear: 7.5 m. (25 ft.) Front: 7.5 m. (25 ft.) West: 1.2 m. (4 ft.) East: 3.6 m. (12 ft.)	7.5 metres (25 ft.) from all lot lines	Rear: 9 m. (30 ft.) Front: 6.6 m. (22 ft.) West: 1.2 m. (4 ft.) East: 3.6 m. (11 ft.)
Parking	2 resident parking spaces	3 employee parking spaces 0 doctor parking spaces 2 visitor parking spaces 2 drop-off parking spaces	3 employee parking spaces 0 doctor parking spaces 2 visitor parking spaces 1 drop-off parking space

- As part of this development, an area of 22.7 sq.m. (74 sq.ft.) is required for road widening purposes on 92 Avenue, resulting in a net lot area of 754 sq.m. (8,116 sq.ft.) for the subject site. Given the existing floor area of the dwelling, the resulting floor area ratio (FAR) is 0.59.
- The existing dwelling has a front yard setback of 7.6 metres (25 ft.), however given the 0.942-metre (3-ft.) road dedication requirement, the front yard setback is reduced to 6.6 metres (22 ft.) in order to accommodate the existing dwelling.
- The subject site has a total of 6 parking spaces, including a double garage, however the RMS-1 Zone requires a total of 7 on-site parking spaces. The applicant has indicated that a total of one parking space for drop-off will be sufficient for this type of facility given that the drop-off is infrequent and brief. The applicant does not intend to have a dwelling unit.
- In addition to zoning issues, the renovations that were undertaken to enclose the upper and lower patios without permits, may not conform to the Building Code.

- Should Council determine the rezoning to CD has merit, the applicant will be required to submit a Building Permit application reflecting all modifications, including upgrades to accommodate the care facility. The applicant will be required to hire a qualified professional to confirm that the current house meets all BC Building Code requirements.

PRE-NOTIFICATION & PUBLIC INFORMATION MEETING

Pre-notification letters were sent on September 7, 2012, and as a result, staff received two (2) telephone calls and eight (8) letters in opposition to the proposal. The respondents expressed the following concerns (*staff comments in italics*):

- The proposed care facility will generate more traffic and parking availability is a concern.

(Under the RMS-1 Zone the site would be required to provide 7 parking spaces. There are already 6 existing spaces on-site, including a double garage. The applicant has indicated that 6 parking spaces will be sufficient for this type of facility given the small scale of the operation, that there are no on-site doctors, and that drop-off of residents is infrequent and brief.)

Public Information Meeting

- In response to the comments from area residents, the applicant held a Public Information Meeting (PIM) at New Hope Church (11838 – 88 Avenue, Delta, B.C.) on December 11, 2012. The meeting format was a formal presentation, as indicated in the invitation.
- Approximately 6 residents attended the PIM before the scheduled presentation. Five (5) of the attendees did not register on the sign-in sheet and none of the attendees filled in a comment sheet, despite the applicant's request. One of the attendees expressed their support for the proposal and the remaining 5 attendees had no questions or concerns. None of the attendees stayed for the scheduled presentation.

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.	Site Plan and Landscape Plans
Appendix III.	Engineering Summary
Appendix IV.	Pre-Notification Map of Responses
Appendix V.	Proposed CD By-law

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/da

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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: Joseph Wong
 Sunshine Living Ltd.
 Address: 12089 - 92 Avenue
 Surrey, BC V3V 1E9

 Tel: 778-999-7104

2. Properties involved in the Application

- (a) Civic Address: 12089 - 92 Avenue

- (b) Civic Address: 12089 - 92 Avenue
 Owner: Tianpeng He
 PID: 012-386-723
 Lot 18 Section 31 Township 2 New Westminster District Plan 1804

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the property.

DEVELOPMENT DATA SHEET

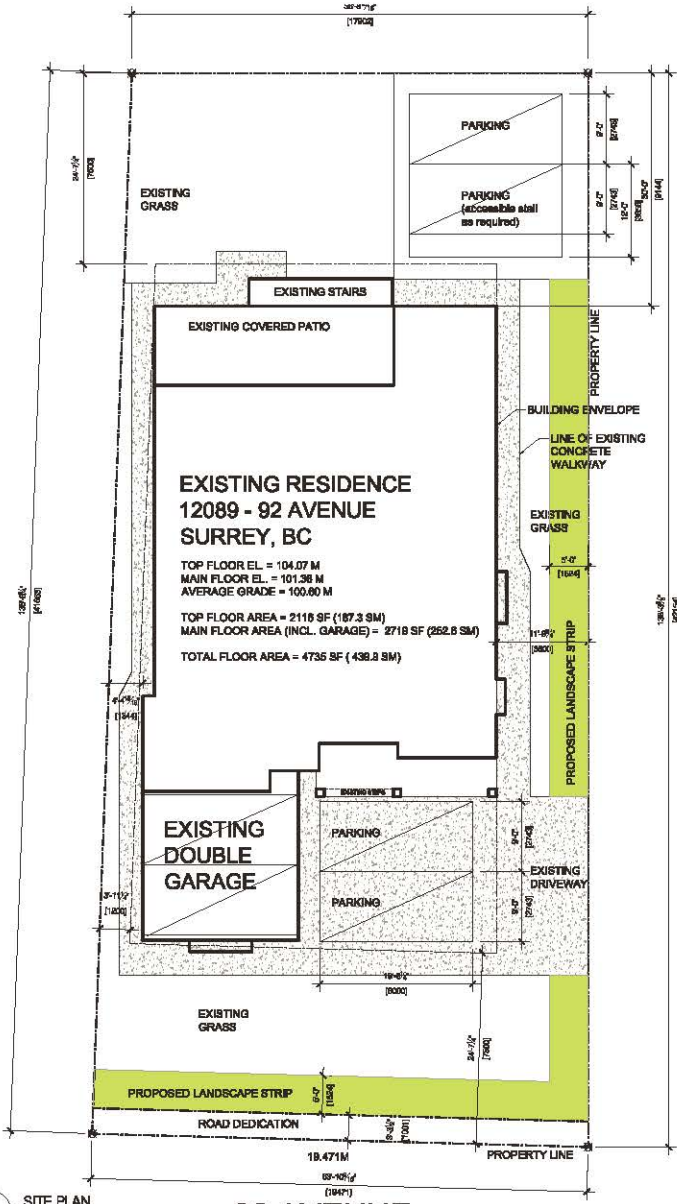
Proposed: CD (Based on RMS-1)

Required Development Data	Minimum Required / Maximum Allowed Under RMS-1 Zone	Proposed
LOT AREA (in square metres)		
Gross Total	777	777
Road Widening area	22.7	22.7
Undevelopable area		
Net Total	754.3	754.3
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	25%	40%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	6.6 m
Rear	7.5 m	9 m
Side #1 (W)	7.5 m	1.2 m
Side #2 (E)	7.5 m	3.6 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9 m max.	9 m max.
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +	1	1
Total	1	1
FLOOR AREA: Residential	440 m ²	440 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	440 m ²	440 m ²

Development Data Sheet cont'd

Required Development Data	Minimum Required /Maximum Allowed Under RMS-1 Zone	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.50	0.59
AMENITY SPACE (area in square metres)		
Indoor	n/a	n/a
Outdoor	n/a	n/a
PARKING (number of stalls)		
Commercial		n/a
Industrial		n/a
Residential Bachelor + 1 Bedroom		n/a
2-Bed		n/a
3-Bed		
Residential Visitors		
Institutional	7	6
Total Number of Parking Spaces	7	6
Number of disabled stalls		1
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		2 Stalls/33%
Size of Tandem Parking Spaces width/length	2.75 m x 6.0 m	2.75 m x 6.0 m

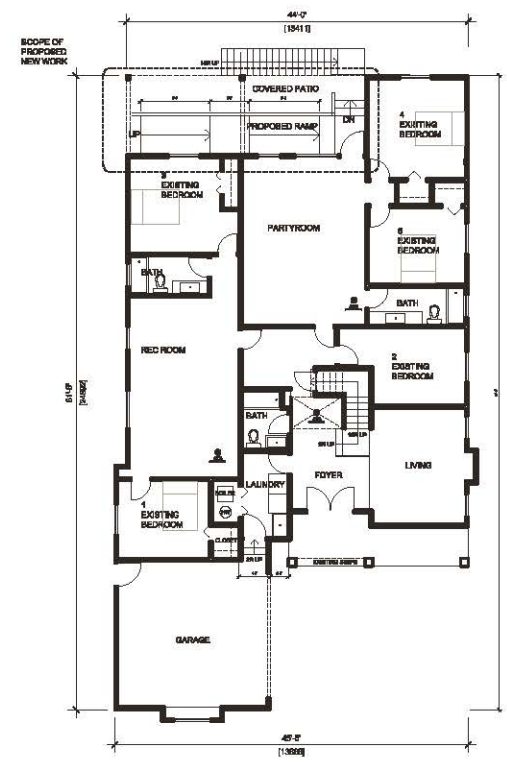
Heritage Site	NO	Tree Survey/Assessment Provided	NO
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121 STREET

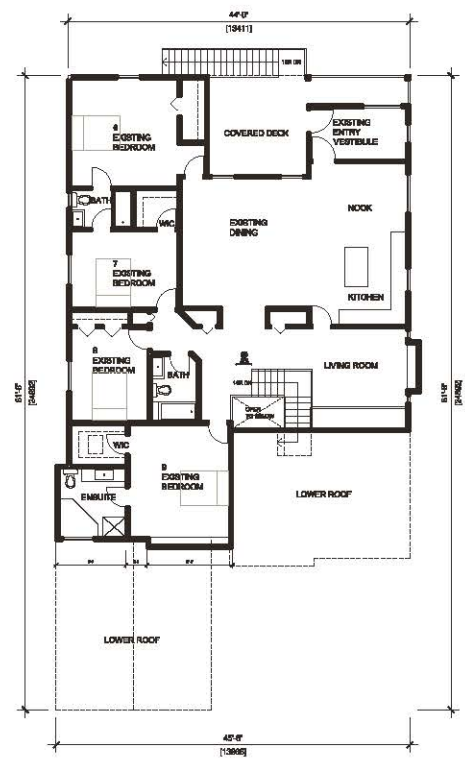
1 SITE PLAN
 SCALE: 1/16" = 1'-0"

92 AVENUE



MAIN FLOOR AREA: 2,718 SF (252.6 SM)

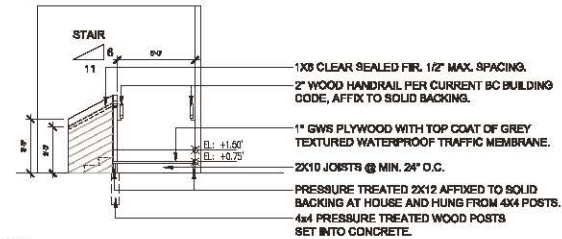
1 GROUND FLOOR PLAN
 SCALE: 1/16" = 1'-0"



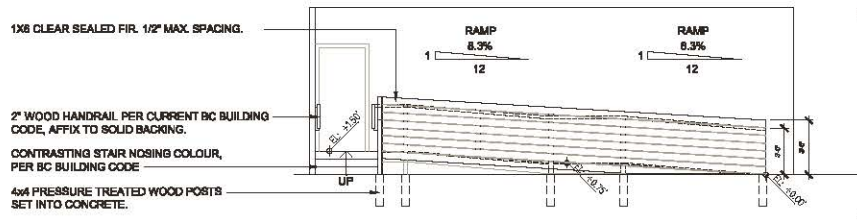
TOP FLOOR AREA: 2,014 SF (187.3 SM)

2 UPPER FLOOR PLAN
 SCALE: 1/16" = 1'-0"

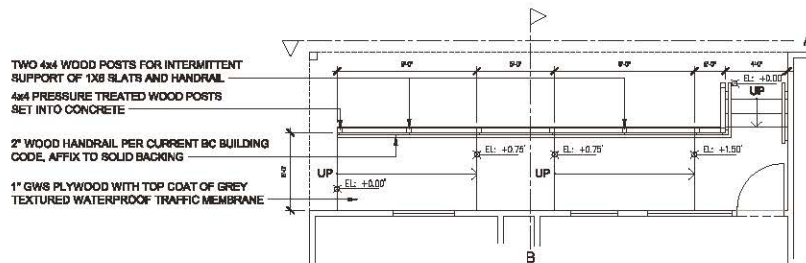




3 PROPOSED RAMP SECTION B
SCALE: 1/8" = 1'-0"



2 PROPOSED RAMP SECTION A
SCALE: 1/8" = 1'-0"



1 PROPOSED RAMP DETAILED PLAN
SCALE: 1/8" = 1'-0"

INTER-OFFICE MEMO

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

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

DATE: **January 2, 2013** PROJECT FILE: **7812-0200-00**

RE: **Engineering Requirements
Location: 12089 92 Ave**

REZONE***Property and Right-of-Way Requirements***

- dedicate 0.942 metres along 92 Avenue for a 22.0-metre collector road standard; and
- dedicate a 3.0 x 3.0-metre corner cut at the 121 Street and 92 Avenue intersection.

Works and Services

- construct 121 Street to a 20.0-metre local road standard.

A Servicing Agreement is required prior to Rezone.



Rémi Dubé, P.Eng.
Development Services Manager

ssa

92A Ave

4 (TO)

12032

12042

12050

12060

12072

12080

12090

0 (FR)

0 (TO)

12029

12041

12053

12063

12077

12081

12089

0 (FR)

121 St

9232 (FR)

92 Ave

194 (TO)

190 (FR)

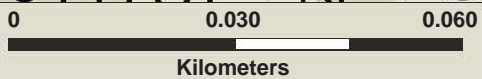
84 (TO)

2036

050

12064

12102



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: 1,000

Map created on: September-19-12

● Opposed - Letter

● Opposed - Phone Call

CITY OF SURREY

BY-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:

- (a) FROM: SINGLE FAMILY RESIDENTIAL ZONE (RF)
 TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 012-386-723
 Lot 18 Section 31 Township 2 New Westminster District Plan 1804
 12089 - 92 Avenue

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

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of an *care facility* for a maximum of 9 persons into a neighbourhood, 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, or for a combination of such uses:

1. *Care facility* licensed to accommodate a maximum of 9 persons.
2. One *dwelling unit*, accessory to the *care facility*, provided that the *dwelling unit* is:
 - (a) Contained within the *principal building*; and
 - (b) Occupied by the owner or the owner's employee for the operation of the *care facility*.

3. One *single family dwelling* which may contain 1 *secondary suite*, provided that there is no *care facility* on the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.59.

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*:

Use	Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal Building and Accessory Buildings and Structures</i>		6.6 m. [22 ft.]	9.0 m. [30 ft.]	1.2 m. [4 ft.]	3.5 m. [11 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 building*: The *building height* shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures*: The *building height* shall not exceed 4.5 metres [15 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. Notwithstanding Section H.1 of this By-law and Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended, a minimum of 1 *parking space* for drop-off shall be provided.

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. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width shall be provided within the *lot*.
3. Screen planting at least 1.5 metres [5 ft.] high in a strip of at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along the *rear* and *side lot lines*.
4. 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*.
5. Garbage containers and *passive recycling containers* shall be contained within the *principal building*.

J. Special Regulations

1. 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>
740 sq. m. [7,965 sq.ft.]	19 metres [62 ft.]	41 metres [135 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 RMS-1 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, 1987, No. 9011, 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 RMS-1 Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.

- 11. Provincial licensing of *care facilities* is regulated by the Community Care and Assisted Living Act B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto.

- 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