

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7912-0285-00

Planning Report Date: February 18, 2013

PROPOSAL:

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

in order to permit a child care centre for up to 24 children in an existing single family dwelling.

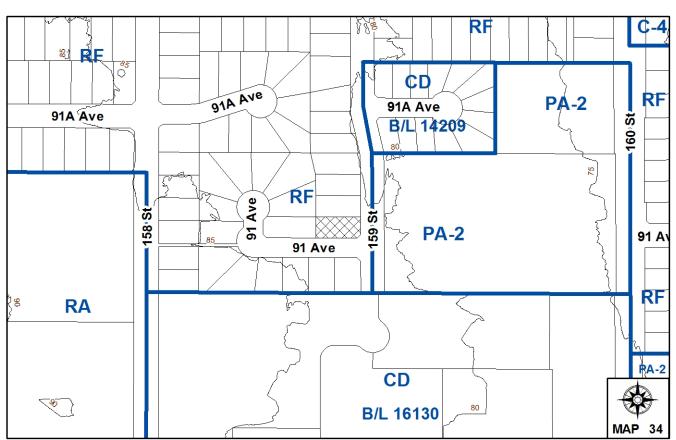
LOCATION: 15893 - 91 Avenue

OWNER: Parmjit S Gill

Balraj K Gill

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• The existing house to be retained exceeds the maximum floor area ratio (FAR) permitted for the CCR Zone, and therefore the site needs to be rezoned to a CD Zone to accommodate the child care in the existing house.

RATIONALE OF RECOMMENDATION

- The proposed increase in floor area for the existing house is minor, allowing an additional 21.8 square metres (235 sq.ft.) of floor area.
- 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 issue prior to final adoption:
 - (a) submission of building permit drawings that satisfactorily address Building Code requirements.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

<u>Existing Land Use:</u> Large single family dwelling, which will remain.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF
East (Across 159 Street):	Surrey Christian School.	Urban	PA-2
South (Across 91 Avenue):	Single family dwellings.	Urban	RF
West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background:

- The subject site is located on the northwest corner of 91 Avenue and 159 Street 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 24 children within the existing single family dwelling on the subject site.

• On November 9, 2010, the applicant submitted an application (No. 7910-0284-00) 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. This application was presented to Council on February 7, 2011, with the Zoning By-law associated with the application being granted Third Reading on February 28, 2011.

- One of the conditions of approval of Development Application No. 7910-0284-00 required the applicant to submit building permit drawings that satisfactorily address Building Code requirements associated with the modifications of the existing single family dwelling into a child care facility with a dwelling unit.
- However, as part of the staff review of the Building Permit drawings submitted by the applicant, it was discovered that a portion of the covered patio on the main floor of the existing dwelling had been enclosed at some time in the past.
- The result of enclosing a portion of the patio is that the area of the existing dwelling now exceeds the maximum floor area ratio (FAR) of 0.48 both in the RF Zone and in the CCR Zone.
- Rather than removing the enclosure patio and reducing the size of the existing dwelling so that it conforms with the requirements of the CCR Zone, the applicant chose to close Development Application No. 7910-0284-00, and to a submit a new Land Development Application to rezone the subject site to a CD (based on CCR) to allow a child care centre in the existing, unaltered, single family dwelling on the subject site.

Proposed Child Care Centre:

- Provincially regulated, licensed child care facilities 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 accommodate the extra floor area, a CD Zone is proposed.
- The applicant has operated a licensed daycare for up to eight (8) children for both preschool and school age children (multi-age) from her residence at 15893 91 Avenue (the subject property of this report) since February 2001. 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 was motivated to open a second child care centre that could also accommodate eight children.
- As a result, since November 2005, the applicant has owned and managed both the child care centre in her home and the Kid's Castle Daycare, a licensed child care centre in another single family home at a different location (9422-156 Street).

• Despite operating facilities for a total of 16 children, the applicant indicates there is still a demand for additional child care spaces in the area and is proposing to expand the child care at her home (the subject site).

- The child care on the subject site currently operates from 7:00 a.m. to 6:00 p.m., Monday through Friday. The expanded facility 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.
- There will be two full-time and one part-time staff members employed on-site, including the operator of the proposed, expanded child care facility.
- 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:
 - o 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 one block away from Woodland Park Elementary School and Woodland Park and immediately across the street from Surrey Christian School.
 - There is a walkway connection from the 91 Avenue cul-de-sac to Woodland Park and Woodland Park Elementary School (Appendix III).
 - Avoiding siting along arterial streets.
 - The subject site is located on the corner of 91 Avenue and 159 Street, which are both local roads.
 - o 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 for child care facilities, there are currently 10 facilities within 0.5 km of the subject site.
 - The 10 facilities accommodate 190 children.
 - Despite the number of child care facilities located in the vicinity, the applicant has confirmed that the 16 proposed new spaces have already filled.
 - *Provide adequate on-site parking for employees and parents.*
 - The parking requirements for child care facilities in residential areas are outlined in Surrey Zoning By-law No. 12000. 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 (8) parking spaces.
- The subject site has three (3) parking spaces in the garage, and three (3) parking spaces on the driveway, for a total of six (6) parking spaces (Appendix II).
- The owner is requesting a relaxation of the parking requirements from eight (8) to six (6) parking spaces.
- The owner of the child care centre lives on-site and works on-site, and because the current staff live close enough to the site to either walk or take transit.
- Furthermore, the owner has mentioned that many of the children enrolled at this centre are siblings, therefore there are fewer parents coming to drop-off and pick-up children from the site (i.e. one parent will drop-off / pick-up 2 or 3 siblings at one time).
- Based on the rationale listed above, the relaxation in the parking requirements can be supported.
- o Provide adequate fencing, screening, setbacks and outdoor play areas.
 - As the attached aerial photo illustrates (Appendix IV), the dwelling is oriented toward 91 Avenue creating a spacious front (east) and rear (west) yard. Outdoor play areas can be accommodated in both. Currently there is a children's play structure located in the rear yard of the residence.
 - The property is enclosed with a cedar fence.

Proposed CD Zone

- The existing lot is 679 square metres (7,308 sq.ft.) in area, and is currently zoned RF. The RF Zone allows a maximum floor area ratio (FAR) of 0.48, which, for this lot, would result in a maximum house size of 326 square metres (3,508 sq.ft.).
- The original floor plans for the existing house on the site, which was constructed in 1992, showed the dwelling being 318 square metres (3,425 sq.ft.) in area, which conformed to the maximum floor area ratio (FAR) of 0.48 for the RF Zone. However, enclosing a portion of the ground floor patio added 21.8 square metres (235 sq.ft.) of floor area to the house, increasing the house size to 340 square metres (3,660 sq.ft.), which results in an FAR of 0.52, which is more than the maximum FAR of 0.48 permitted under the RF and CCR Zones.
- The applicant is seeking approval for a 340-square metre (3,660 sq.ft.) home and child care centre for 24 children with reduced parking requirements. The proposed CD Zone is attached as Appendix II.

• The chart below compares the CCR Zone and the proposed CD Zone:

	CCR Zone	Proposed CD Zone (to match the existing house)	
FAR	0.48	0.52	
Maximum House Size	none	none	
Setbacks			
Front Yard	7.5 metres (25 ft.)	7.5 metres (25 ft.)	
Rear Yard	7.5 metres (25 ft.)	7.5 metres (25 ft.)	
Side Yard	1.8 metres (6 ft.)	2.2 metres (20 ft.)	
Side Yard	7.5 metres (25 ft.)	3.6 metres (12 ft.)	
on a flanking street			
Parking	 2 parking spaces for residential use; 1 parking space for every employee; and, An equal number of parking spaces as for staff, for drop-off, with a minimum of 2 parking spaces. 	 2 parking spaces for residential use; and, 4 parking spaces total for employee parking and drop-off 	

- It should be noted, however, that the renovations that were undertaken to enclose the patio on the main floor, without permits, may not conform to the Building Code and that substantial upgrading to the existing dwelling may be required.
- 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

Pre-notification letters were sent on December 12, 2012 and staff received no response to the pre-notification letters or the Development Proposal sign.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Appendix II. Proposed CD Zone

Appendix III. House Plans

Appendix IV. Location of Nearby Parks and Schools

Appendix V. Aerial Photo

Original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

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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: Raj Gill

Kids Castle Children Center

Address: 15893 - 91 Avenue

Surrey, BC V₄N₂X₄

Tel: 604- 583-3957 - Primary

604- 583-3957 - Cellular

2. Properties involved in the Application

(a) Civic Address: 15893 - 91 Avenue

(b) Civic Address: 15893 - 91 Avenue

Owner: Balraj K Gill

Parmjit S Gill

PID: 016-501-888

Lot 4 Section 35 Township 2 New Westminster District Plan 86549

- 3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.

CITY OF SURREY

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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 <u>Local Government Act</u>, 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: 016-501-888 Lot 4 Section 35 Township 2 New Westminster District Plan 86549

15893 - 91 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 a *child care centre* accommodating a maximum of 24 children into a residential community, subject to the <u>Community Care and Assisted Living Act</u>, 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. Child care centre licensed to accommodate a maximum of 24 children, at any one time provided that such centre does not constitute a singular use on the *lot*.
- 2. One single family dwelling, which may contain a secondary suite, provided there is no child care centre 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 0.52 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*:

Setback	Front	Rear	Side	Side Yard
	Yard	Yard	Yard	on Flanking
Use				Street
Principal Building	7.5 m	7.5 m	2.2m	3.6m
	[25 ft.]	[25 ft.]	[7 ft.]	[12 ft.]
Accessory Buildings and Structures	18 m	1.5 m	1.om	7.5m
	[60 ft.]	[5 ft.]	[3 ft.]	[25 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. <u>Principal buildings</u>: The building height shall not exceed 9 metres [30 feet].
- 2. <u>Accessory buildings and structures</u>: The building height shall not exceed 4 metres [13 feet].

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 *parking spaces* required in Table C.6. of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended, 4 *parking spaces* shall be provided for the *child care centre*.

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:

Lot Size	Lot Width	Lot Depth		
680 sq. m.	18 metres	38 metres		
[7,319 sq.ft.]	[59 ft.]	[125 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, 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 CCR Zone.
- 9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.

	10.	Care and Assisted	d Living A	<u>ct</u> R.S.B.C. 2002.	regulated by the <u>C</u> c. 75, as amended hout limitation B	l, and the
3.	This By-law sl Amendment	hall be cited for all By-law, , No.		as "Surrey Zonin	ıg By-law, 1993, N	0. 12000,
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Area under this Application ARCA ADDED IN 1992 UNDER THE EXISTING ROOF/BALCONY 38.0 M CEDAR FENCE EXISTING RETAINING WALL 7.5 Net · British Harden Property Extg. Daycare Children Piay Area Garage CEDAR FENCE 35.8 M 114.82 PROJECT DESCRIPTION / SUMMARY OF WORK.

As set all Contract Decuments but not briefled for.

The Owners are reading in this building & operating a Daycars in the Main Floor portion.

The Application is a registly for a Building Application of the west down to the Residence in 1950 at its size of Residence Contraction & Involves a mess of application. 256 e.g. this size of the Contraction of Involves a mess of application. 256 e.g. this size of the Contraction of Involves a mess of application. 256 e.g. this size of the Contraction of the C 91 Avenue Project Analysis Site Plan 1/8" = 47.0" Postal Address: 1593 – 91 Avenus, Survy, SC, Legal Osseriution: Lot 4, Sec. 31, TP 2, NWO Plan 96549 Project No. 17.344-0 Bross Askittisna Application, Nov. 2011] Lot Area = 7, 035 sq. ft.
Main Floor House = 1, 325 sq. ft.
Second Floor = 1, 013 sq. ft.
Total = 2, 936 sq. ft.
1992 House Addison = 235 sq. ft. Total House Area + 3, 173 sq. ft. Area of Garage + 467 sq. ft. Setbacks: Front [East] = 24.44 ft [7.45m]
Flexibing St. [Bouth] = 111-670.6m] to Column. 181-21 [4.62m] to Bidg.
Rear (West] = 24.74 ft [7.54m]
Side (North) = 71-41 ft [2.23m] ARCHITECTURAL CONTRACT DOCUMENTS Architectural Drawings
A1 Uite Plan & Misc. Info.
A2 Main Floor Plan
A3 Second Floor Plan
A4 Elevations & Section 1 No. of Storeys = 2 Facing 2 Streets. Application for Addition to Gill Residence
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Main Floor under the Existing Batcony

Idone to Residence, Surrey, SC.

for Mrs. Raj Gill & Mr. Parmjit Gill NIFDIAI VIPOI Arestone

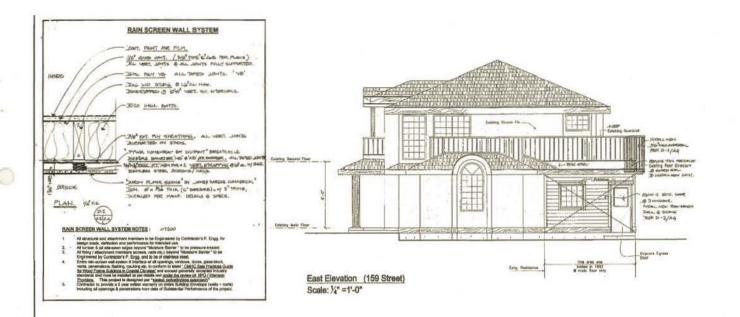
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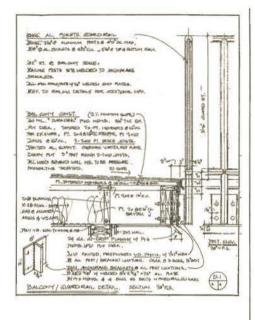
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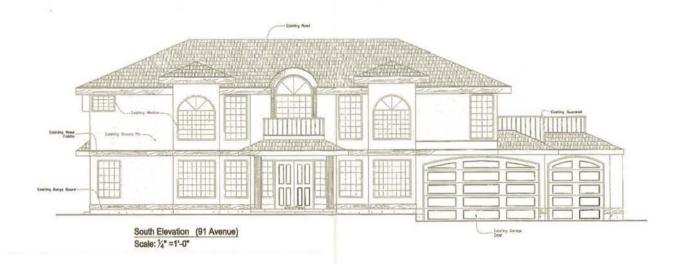
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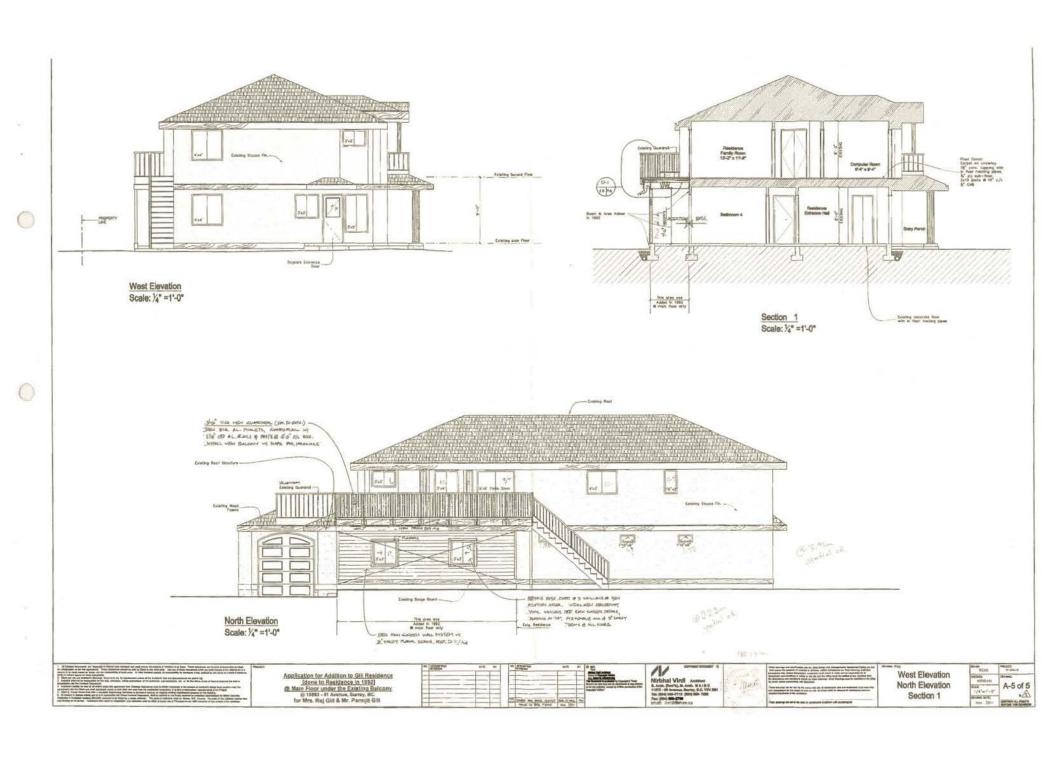
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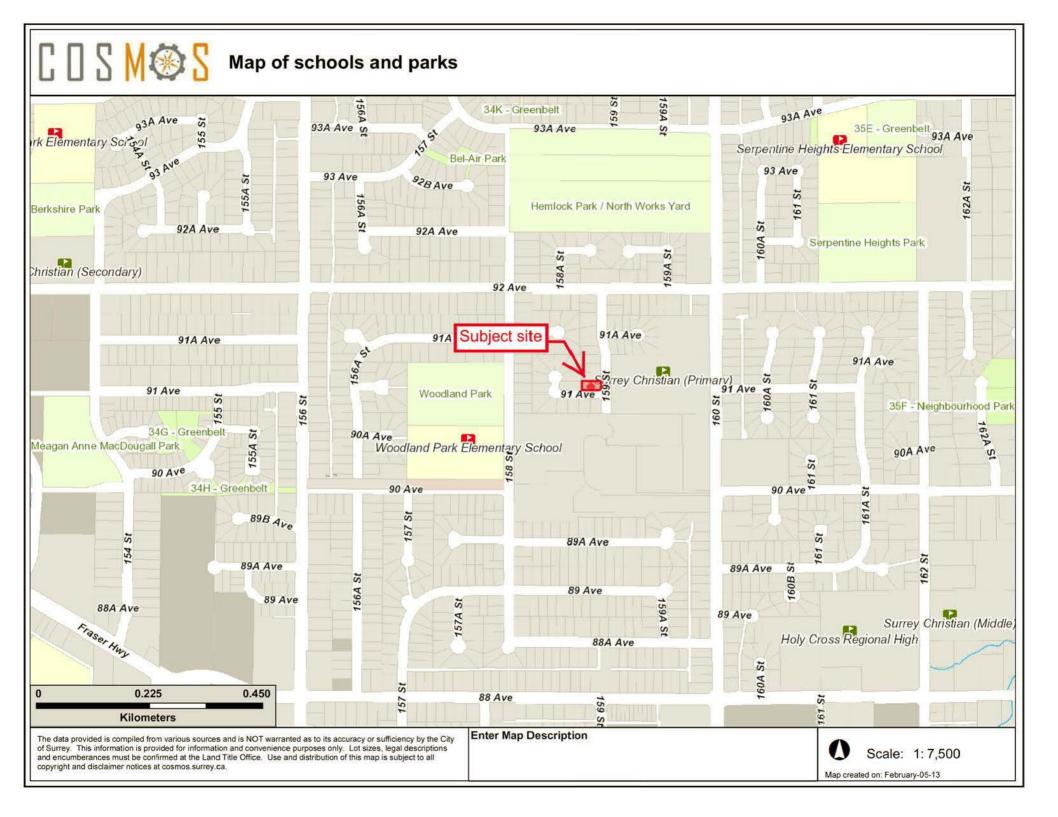
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East Elevation South Elevation







M Aerial photo of subject site and parking



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 encumberances 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.

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Scale: 1: 250

Map created on: February-05-13