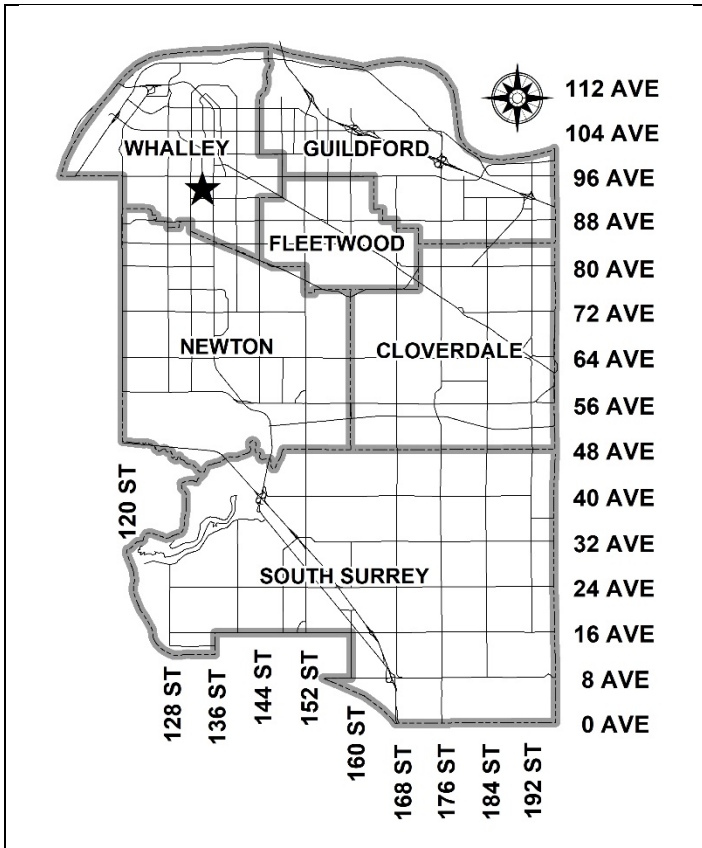


**City of Surrey
PLANNING & DEVELOPMENT REPORT**

Application No.: 7919-0342-00

Planning Report Date: April 6, 2020



PROPOSAL:

- **Temporary Use Permit**

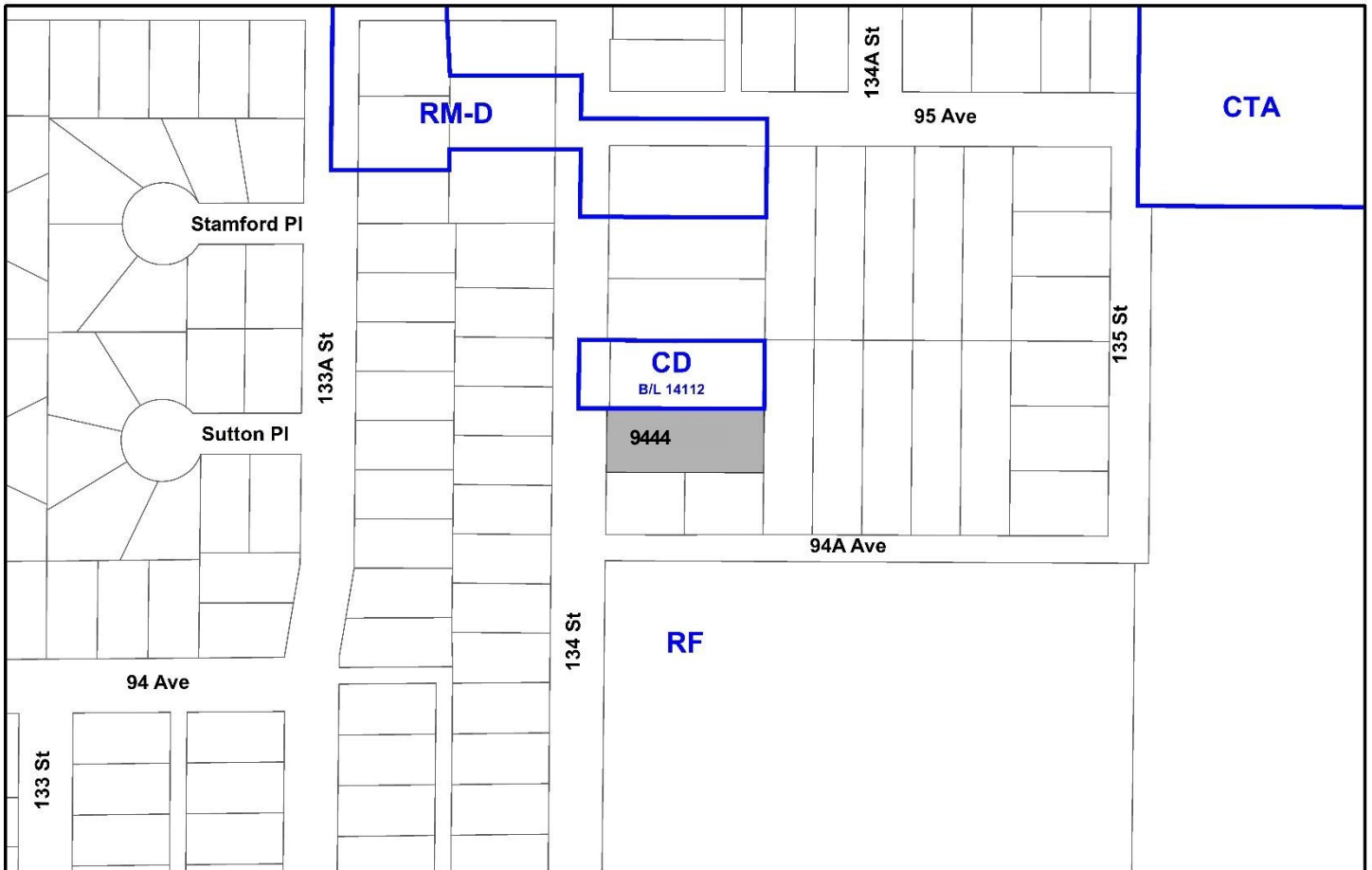
to permit office space and ancillary support services within the existing building on the lot for a child care centre located on the neighbouring lot to the north (9458 - 134 Street), for a period not to exceed three years.

LOCATION: 9444 - 134 Street

ZONING: RF

OCP DESIGNATION: Multiple Residential

TCP DESIGNATION: Residential Low to Mid Rise up to 2.5 FAR



RECOMMENDATION SUMMARY

- Approval for Temporary Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed office use and ancillary support services for a neighbouring child care centre, are not permitted uses under the RF Zone.
- The proposal does not comply with the City Centre Plan, which identifies the subject site for future residential low to mid rise apartments.

RATIONALE OF RECOMMENDATION

- The applicant, Growing Together Daycare (as operated through Options Community Services Society – "Options"), proposes a Temporary Use Permit (TUP) to permit office space and ancillary support services for a neighbouring child care centre, within the existing building on the subject lot.
- Growing Together Daycare has been operating out of Guildford Park Secondary School for 34 years and has supported more than 1,500 young parents build a brighter future. The daycare program provides high quality daycare and outreach support to expectant mothers and mothers (13-19 years old) with children (newborn to 3 years old) who would like to complete their high school education. Their current lease at the school expires in July 2020.
- Options is therefore intending to relocate the Growing Together Daycare to 9458 – 134 Street, which is already zoned to accommodate a child care centre, and to have corresponding office space and ancillary support services within the existing building on the subject site at 9444 - 134 Street). The subject lot is zoned for single family residential dwellings and does not permit the proposed office and child care support services use.
- The existing surface parking lot on the subject lot, can accommodate 5 parking spaces (4 surface spaces and one carport space), which meets the parking requirements for the proposed office space and childcare support services use.
- The applicant has indicated that they understand there is an active Development Application (7919-0370-00) that includes the subject lot, that is proposing a multiple residential apartment development, as per the Official Community Plan and City Centre Plan. As such, they are actively searching for a permanent location.
- The subject proposal will provide an interim solution for the Growing Together Daycare program, until such time as the lands are redeveloped in accordance with the City Centre Plan.

RECOMMENDATION

The Planning & Development Department recommends that

1. Council approve Temporary Use Permit No. 7919-0342-00 (Appendix I) to proceed to Public Notification.
2. Council instruct staff to resolve the following issues prior to approval:
 - (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.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP/NCP Designation	Existing Zone
Subject Site	Vacant building	Multiple Residential in the OCP and Residential Low to Mid Rise up to 2.5 FAR in the TCP	RF
North:	Vacant building	Multiple Residential in the OCP and Residential Low to Mid Rise up to 2.5 FAR in the TCP	CD (By-law No. 14112)
East:	Single family dwelling	Multiple Residential in the OCP and Residential Low to Mid Rise up to 2.5 FAR in the TCP	RF
South (Across 94A Avenue):	Single family dwelling	Multiple Residential in the OCP and Residential Low to Mid Rise up to 2.5 FAR in the TCP	RF
West (Across 134 Street):	Single family dwelling	Urban in the OCP	RF

Context & Background

- The subject property is located at 9444 – 134 Street in the City Centre and is 669 square metre (7,203 sq. ft.) in size. The lot is designated Multiple Residential in the Official Community

Plan (OCP) and Residential Lot to Mid Rise up to 2.5 FAR in the City Centre Plan. The subject lot is zoned "Single Family Residential Zone (RF)", which permits a single-family dwelling.

- The subject lot was used as a non-conforming elderly care facility in the mid 1980's, but due to neighborhood complaints, subsequently closed down. It was then occupied as a child care facility with onsite parking. The building is now unoccupied.
- The neighboring property to the north at 9458 – 134 Street is currently zoned CD (By-law No. 14112), which permits a child care facility for up to 25 children. A child care facility was previously operated in the existing building on this lot, but it is also currently unoccupied.

DEVELOPMENT PROPOSAL

Planning Considerations

- Growing Together Daycare has been operating out of Guildford Park Secondary School for 34 years and has supported more than 1,500 young parents build a brighter future. The daycare program provides high quality daycare and outreach support to expectant mothers and mothers (13-19 years old) with children (newborn to 3 years old) who would like to complete their high school education. Their current lease at the school expires in July 2020.
- Options is intending to relocate the Growing Together Daycare to 9458 – 134 Street, which is already zoned to accommodate a child care centre, and to have corresponding office space and ancillary support services, within the existing building on the subject lot at 9444 - 134 Street). The proposed support services include meal prep, administrative functions, intake, staff room, and storage. The goal is to have every square foot of the child care building dedicated to child care use.
- The current zoning of the subject lot, "Single Family Residential Zone" (RF), does not permit office use. Therefore, the applicant is proposing a Temporary Use Permit, to permit the temporary use of the building on the lot for office space and ancillary support services for the neighbouring daycare.
- Growing Together Daycare will have 10 employees who are licensed in Early Childhood Education, First Aid and Food Safe, a Public Health nurse from the Fraser Health Authority visiting twice per week to provide immunizations and answers to any health related questions about parenthood and babies and an Outreach Worker offering support to families attending the program. All employees will work intermittently between the child care centre site (9458 - 134 Street) and the subject site (9444 – 134 Street) when office related tasks are required, and employees will utilize parking on both sites.
- The existing surface parking lot at 9458 134 - Street provides 6 parking spaces and will be utilized for drop off/pick up services for the child care centre.
- The existing surface parking lot on the subject site, provides 5 parking spaces (4 surface spaces and 1 carport space), which meets the parking requirements in the Zoning By-law No. 12000 for the proposed office and ancillary child care support services. Although the surface parking area was never formalized by way of building permit it has served the previous child care facility on the lot with no formal parking complaints from the surrounding residential neighborhood .

- The subject lot and the neighbouring lot to the north are currently part of a development application, which also includes 2 neighbouring lots to the east (13437 & 13445 – 94A Avenue), and proposes to redevelop the site for a 6-storey apartment building in accordance with the City Center Plan designation (File No. 7919-0370-00). This application is currently pre-Council.
- The applicant has indicated that they understand the subject site is intended to redevelop but that they have made an arrangement with the developer to allow the applicant some time to operate the Growing Together Daycare program on the site while they actively search for an alternative site to either occupy an existing building or build a new child care facility.
- In the meantime, the applicant is requesting the subject Temporary Use Permit such that they can operate the program effectively, while they continue their search for a new location, recognizing the importance of the program for young mothers.

Policy & Bylaw Considerations

- The proposed temporary use, which is stipulated for a maximum of three (3) years, is an appropriate interim use of the lands, until such time that the subject site is developed in accordance with the Residential Low to Mid Rise 2.5 FAR designation in the City Centre Plan.

Referrals

Engineering: The Engineering Department requires the following conditions be met prior to final approval:

- Relocate the existing fence on private property if located within City road allowance. Submit a survey plan to confirm location of the existing fence fronting both properties located at 9444 & 9458 – 134 Street.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on January 21, 2020 and the Development Proposal Signs were erected on January 31, 2020. Staff received one (1) response from neighbouring residents but no comments from the Whalley Community Advisory Association (*staff comments in italics*):

Concern regarding timeline for Application No.7919-0370-00 which is a proposal for a 6-storey, 151-unit apartment. They had no concerns regarding the subject proposal.

Staff advised the caller that the subject Temporary Use Permit (TUP) is a for 3-year term after which redevelopment of the site is proposed.

- The applicant's agent canvassed the neighborhood separately, to properties within a 100 metres radius of the subject site. No comments were received.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Temporary Use Permit
Appendix II. Aerial Photo of Site

approved by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

ELM/cm

CITY OF SURREY

(the "City")

TEMPORARY USE PERMIT

NO.: 7919-0342-00

Issued To:

(the "Owner")

Address of Owner:

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use 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: 000-766-623
Lot 13 Section 32 Township 2 New Westminster District Plan 18174
9444 - 134 Street

(the "Land")

3. The authority to issue Temporary Use Permits is granted to municipalities under Sections 492 and 493 of the *Local Government Act* R.S.B.C. 2015, c.1. Pursuant to Implementation, II(c) Implementation Instruments, Temporary Use Permits of Surrey Official Community Plan, 2013, No. 18020, as amended, the entire City of Surrey is designated a Temporary Use Permit area.
4. The temporary use permitted on the Land shall be office use along with ancillary support services (including meal preparation, administrative functions, intake, staff rooms, and storage) for the neighbouring child care facility located at 9458 - 134 Street.
5. The temporary use shall be carried out according to the following conditions:
 - (a) relocate the existing fence on private property if located within the City road allowance. Submit a survey plan to confirm the location of the existing fence fronting both properties located at 9444 & 9458 - 134 Street.

6. The Owner hereby releases, indemnifies and saves harmless the City, its elected and appointed officials, employees and agents from and against any and all liability, actions, causes of actions, claims, damages, costs, debts, demands or losses suffered or incurred by the City arising from the granting of this agreement, from the performance by the Owner of this agreement or any default of the Owner under or in respect of this agreement.
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.
10. This temporary use permit shall lapse on or before three years from date of issuance

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

ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

TO THE CITY OF SURREY:

I, _____ (Name of Owner)

being the owner of _____
(Legal Description)

known as _____
(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

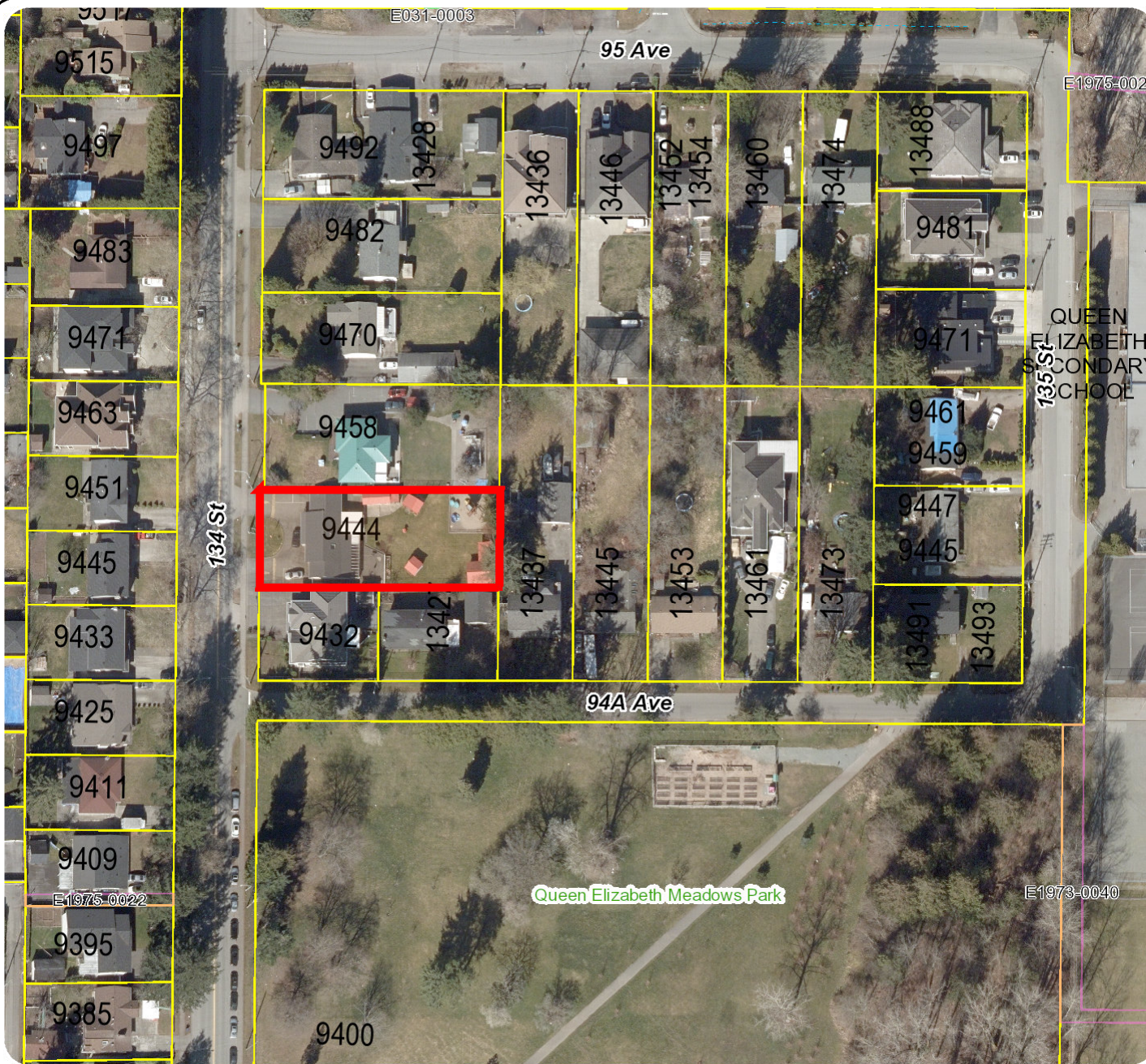
all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)



Legend

Water Courses

- River
- Creek
- - - Ditch

Easements

- 3rd Party Agreement
- Restrictive Covenant

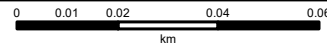
Rights of Way

- Municipal
- Utility
- Green Infrastructure Network Corridors
- Frequent Transit Development Areas

Enter Map Description

Scale: 1:1,500

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



Map created on: 2020-03-25