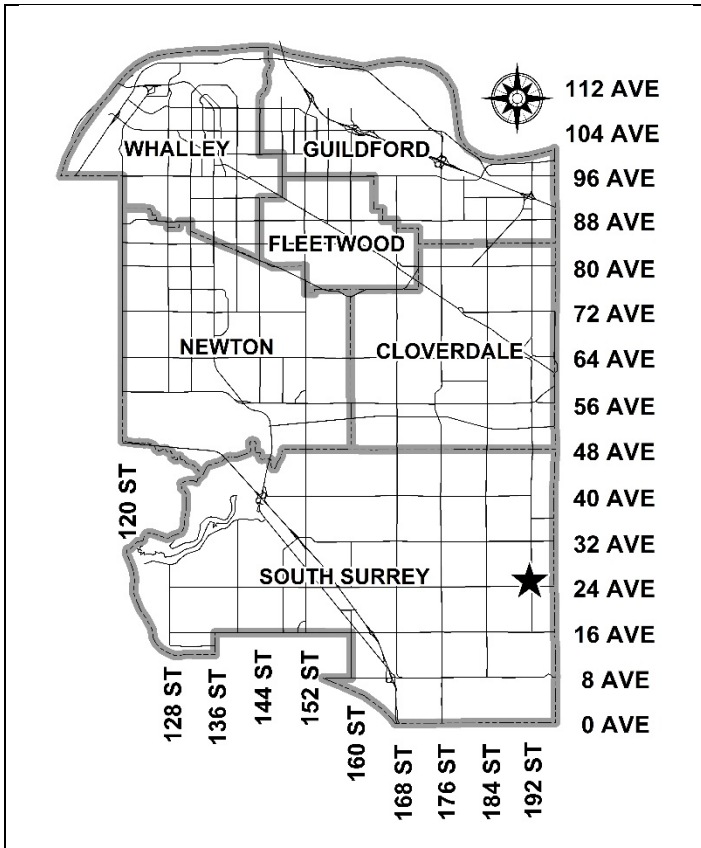


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0064-00

Planning Report Date: May 25, 2020



PROPOSAL:

- **Development Variance Permit**

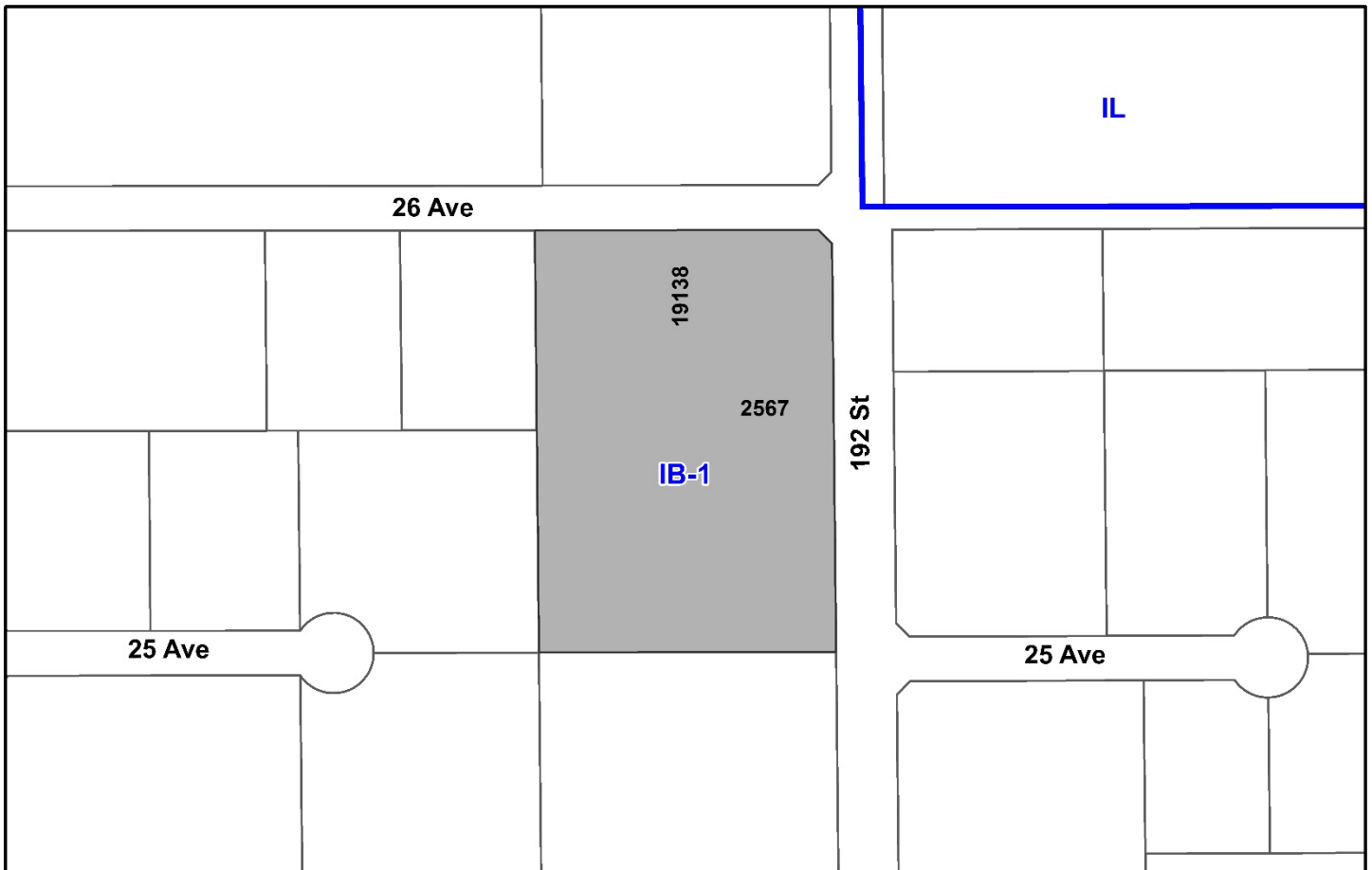
in order to allow the open space and play area associated with a child care centre to be located off-site.

LOCATION: 19138 - 26 Avenue

ZONING: IB-1

OCP DESIGNATION: Mixed Employment

LAP DESIGNATION: Technology Park or Business Park



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to vary Section J.6, Special Regulations of the 'Business Park 1 (IB-1) Zone' in order to permit a child care centre to be located on the lot with its associated open space and play area to be located off-site.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Mixed Employment designation in the Official Community Plan (OCP).
- The proposal complies with the 'Technology Park or Business Park' designation in the Campbell Heights Local Area Plan (LAP).
- The current zone 'Business Park 1 (IB-1)' permits the use of a child care centre.
- The proposal is consistent with the intent of Section J.6, Special Regulations of the IB-1 Zone as the proposed child care centre will provide children with access to open space and play area. The applicant has prepared an Off-Site Play Space Plan that has been reviewed and approved by the Fraser Health Authority.
- The applicant has operated an outdoor learning program for children off-site since January 2017.
- The applicant has demonstrated community support for the proposed child care centre from private land owners and community organizations.
- The open space and play area requirement will be provided on private property, located approximately 1.2 km from the proposed child care centre. The applicant has an agreement with a private property owner to access an outdoor play space located on the lot. The proposed child care centre will also access community amenities in order to provide additional access to outdoor play spaces.
- The proposed child care centre complies with the City's location and siting guidelines for child care centres. The proposed child care centre is located on a local road, where people work, and provides adequate parking for employees and parents.
- The application helps address the growing need for child care spaces in Surrey and will provide space within Campbell Heights which is a significant employment area in the City where users may be able to access child care space that is close to their place of employment.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7920-0064-00 (Appendix I) varying the following, to proceed to Public Notification:

- (a) to vary Section J.6, Special Regulations of the 'Business Park 1 (IB-1) Zone' to allow the open space and play area associated with a child care centre to be located off-site.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Business Park	Technology Park or Business Park	IB-1
North (Across 26 Avenue):	Business Park	Technology Park or Business Park	IB-1
East (Across 192 Street):	Business Park, Open Space	Business Park, Open Space Corridors/ Buffers	IB-1
South:	Business Park	Technology Park or Business Park	IB-1
West:	Business Park	Technology Park or Business Park	IB-1

Context & Background

- The subject property, 19138 – 26 Ave, is designated 'Mixed Employment' in the City's Official Community Plan, and 'Technology Park or Business Park' in the Campbell Heights Local Area Plan (LAP). The site is currently zoned 'Business Park (1) (IB-1)', which permits allows child care centres.
- The subject site has been developed with two multi-tenant industrial business park buildings.
- The current building siting, design and landscaping plans were approved under Development Permit No. 7906-0053-00 on July 26, 2006.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to locate the 'Kids in Nature (KIN) Outdoor Learning Centre' child care in a portion of a strata unit in an existing multi-tenant building at 19138 – 26 Avenue. The remaining portion of the strata unit is used by the strata unit owner as overflow storage for a clothing company.

- The proposed child care centre would provide 30 new licensed child care spaces, with a maximum capacity for 20 children at a time. The applicant has applied for a Community Care Facility license for the proposed child care centre with the Fraser Health Authority. The proposed child care centre programming is as follows:
 - 10 daycare spaces for 3 to 5 years old from 7:00 am to 5:30 pm,
 - 10 before school spaces for elementary school aged children from 7:00 am to 8:30 am,
 - 10 licensed preschool spaces for 3 to 5 years old from 8:00 am to 11:00am and 12:00pm to 3:00 pm,
 - The preschool and school-age programs would not be operated concurrently,
 - The centre would operate Monday to Friday and would be closed on weekends and statutory holidays, and
 - The off-site play area has been approved for a maximum of 20 children.
- The applicant currently owns and operates 'KIN Outdoor Learning Centre' as an outdoor learning program located at 18518 – 24 Avenue. In 2017 the Fraser Health Authority approved this program to operate without a Community Care Facility License, but imposed restrictions on the business. A Community Care Facility License is required where care is provided to 3 or more individuals that are not related by blood or marriage to the caregiver. The *Child Care Licensing Regulation* outlines programs that are exempt from this type of license. This program was restricted from providing care for preschool aged children for more than 4 hours per day, and from providing before school care for school aged children. It could also not be advertised as a 'child care program'. The applicant is now looking to add a child care centre component to their existing business that will require a Community Care Facility License in order to operate.
- The applicant currently has a wait list for daycare spaces for children ages 3 to 5 years old, and has garnered interest in expanding the current outdoor learning program into a fully licensed child care centre.
- The proposed child care centre is a permitted use under the IB-1 Zone, which governs the subject property. However, under the zone, a child care centre is to be located on the lot such that the centre has direct access to open space and play area within the lot.
- The subject property has already been developed with two multi-tenant buildings and surface parking as part of a previous Development Permit Application. There is no potential for direct access to open space and play area for a child care centre to be provided on site.
- The applicant has identified the difficulty with finding available commercial space for new child care centres that have access to outdoor play spaces.
- The open space and play area requirement will be provided on private property (18518 - 24 Avenue), located approximately 1.2 km from the proposed child care centre. The applicant has a tenancy agreement with the private property owner to access the lot for their outdoor learning program. The proposed child care centre will have access to a fenced play space on the lot. A Fraser Health approved outdoor playground was constructed on the lot with funding provided by the Provincial Government through a BC New Spaces Grant in 2019. The play space is fully fenced and includes Henderson play equipment, picnic tables, shelters, and bathroom facilities.

- 18518 – 24 Avenue is located in the Agriculture Land Reserve (ALR), which is regulated by the Agriculture Land Commission (ALC) under the *Agriculture Land Commission Act (ALC Act)*. The *ALR Use Regulation* permits non-farm use of agricultural land for education purposes. The applicant currently uses this site to operate the agriculture education component of the outdoor learning program. The site is zoned 'General Agriculture Zone (A-1)', which permits the use of 'agricultural and horticultural education' and 'conservation and nature study'. The proposed child care centre will only have access to the playground at this location and not any of the other spaces utilized by the outdoor learning program for their agricultural education components.
- The proposed child care will also have access to community amenities located in the area that the applicant currently utilizes as part of their existing outdoor learning program. Redwood Park is located approximately 2 kilometers from the off-site play space. Latimer Park is located directly across the street to the northeast of the proposed child care centre.
- The outdoor learning program has existing partnerships with several other community organizations including, the Hazelmere Pumpkin Patch, the East Kensington Elementary EKology Program, the Semiahmoo Fish and Game Hatchery, the Lower Fraser Valley Aboriginal Society – Little Feather Program, the Urban Wildlife Rescue Society, and A Rocha.
- The applicant has provided letters of community support for the proposed child care from owners and lessees of other strata units located on the subject property.
- The application helps address the growing need for child care spaces in Surrey and will provide space within Campbell Heights which is a significant employment area in the City where users may be able to access child care space that is close to their place of employment.
- The Zoning Bylaw requires a minimum of 4 parking spaces for the proposed child care centre, assuming 2 staff for 20 children in care. The site plan demonstrate that 3 parking spaces will be provided for child drop off/pick up, and 1 parking space for staff. 1 parking space is provided for the warehouse use operating out of the remaining portion of the strata unit. The operator of the neighbouring strata unit has agreed to offer one of their allotted parking spaces in the strata for use by the child care centre. A total of 5 parking spaces are provided, which meets the Zoning By-law requirements.

Referrals

- Engineering: The Engineering Department has no objection to the project.
- Fraser Health Authority: The Fraser Health Authority has reviewed the proposed child care centre license application. The proposal meets the requirements of a Community Care Facility License, subject to a licensing inspection of the physical space.
- The Fraser Health Authority has reviewed and approved the Off-Site Play Area Plan for providing access to open space and play area away from facility as proposed.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The proposal complies with the 'Mixed Employment' designation in the Regional Growth Strategy (RGS).

Official Community Plan

Land Use Designation

- The proposal complies with the 'Mixed Employment' designation in the Official Community Plan (OCP).

Secondary Plans

Land Use Designation

- The proposal complies with the 'Technology Park or Business Park' designation in the Campbell Heights Local Area Plan (LAP).

Themes/Objectives

- Child care centres are an essential support service to be provided to employees in technology and business park developments, and as such, will be permitted in the 'Technology Park and Business Park' designations in the Campbell Heights LAP.

Zoning By-law

Special Regulation Variance

- The applicant is requesting the following variances:
 - to vary Section J.6, Special Regulations of the 'Business Park 1 (IB-1) Zone' to allow the open space and play area associated with a child care centre to be located off-site.
- The proposed variance allows the applicant to utilize space in an existing multi-tenant building in a neighbourhood with an expressed need for additional licensed child care spaces. The applicant has submitted a Tenant Improvement Building Permit Application in order to update the building type for the portion of the strata unit to be occupied by the child care centre to A2 Assembly Occupancy.
- The proposal facilitates the expansion of an existing off-site outdoor learning program to include 30 new licensed child care spaces. It also makes use of existing outdoor community amenity space, encourages neighbourhood interaction and positive community building.
- The IB-1 Zone requires child care centres to be located on a lot such that the centre has direct access to an open space and play area within the lot.

- By allowing the open space and play area to be located off-site, the applicant can move into an existing space in a neighbourhood where there is an expressed need for additional child care spaces.
- Children will be transported between the child care centres, the off-site outdoor play area, and community amenities in a 2019 Chevrolet Express 15-seater passenger van. Drivers have the appropriate class 4 licenses and each child will be provided with an age-appropriate car seat or booster-seat as per BC's Motor Vehicle Act regulations. Two staff will always be required for loading and un-loading of children. During transportation, there will always be a driver and a supervisor present in the van.
- The proposed indoor components of the child care facility meet the Fraser Health Authorities requirements in terms of size, design and accessibility. The indoor facility will be subject to an inspection of the physical space before a license can be issued by the Fraser Health Authority.
- The Fraser Health Authority has reviewed and approved the Off-Site Play Space Plan.
- Staff supports the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Development Variance Permit No. 7920-0064-00

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

SR/cm

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0064-00

Issued To:

("the Owner")

Address of Owner:

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: 027-335-763

Strata Lot 5 Section 21 Township 7 New Westminster District Plan BCS2687 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
19138 - 26 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) Section J.6 of Part 47A Business Park 1 (IB-1) is varied to permit a child care centre to be located in Unit 205, 19138 – 26 Avenue, with its associated open space and play area located offsite.
4. This development variance permit applies to only the 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.
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 – Doug McCallum

City Clerk – Jennifer Ficocelli

