

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0158-00

Planning Report Date: July 13, 2020

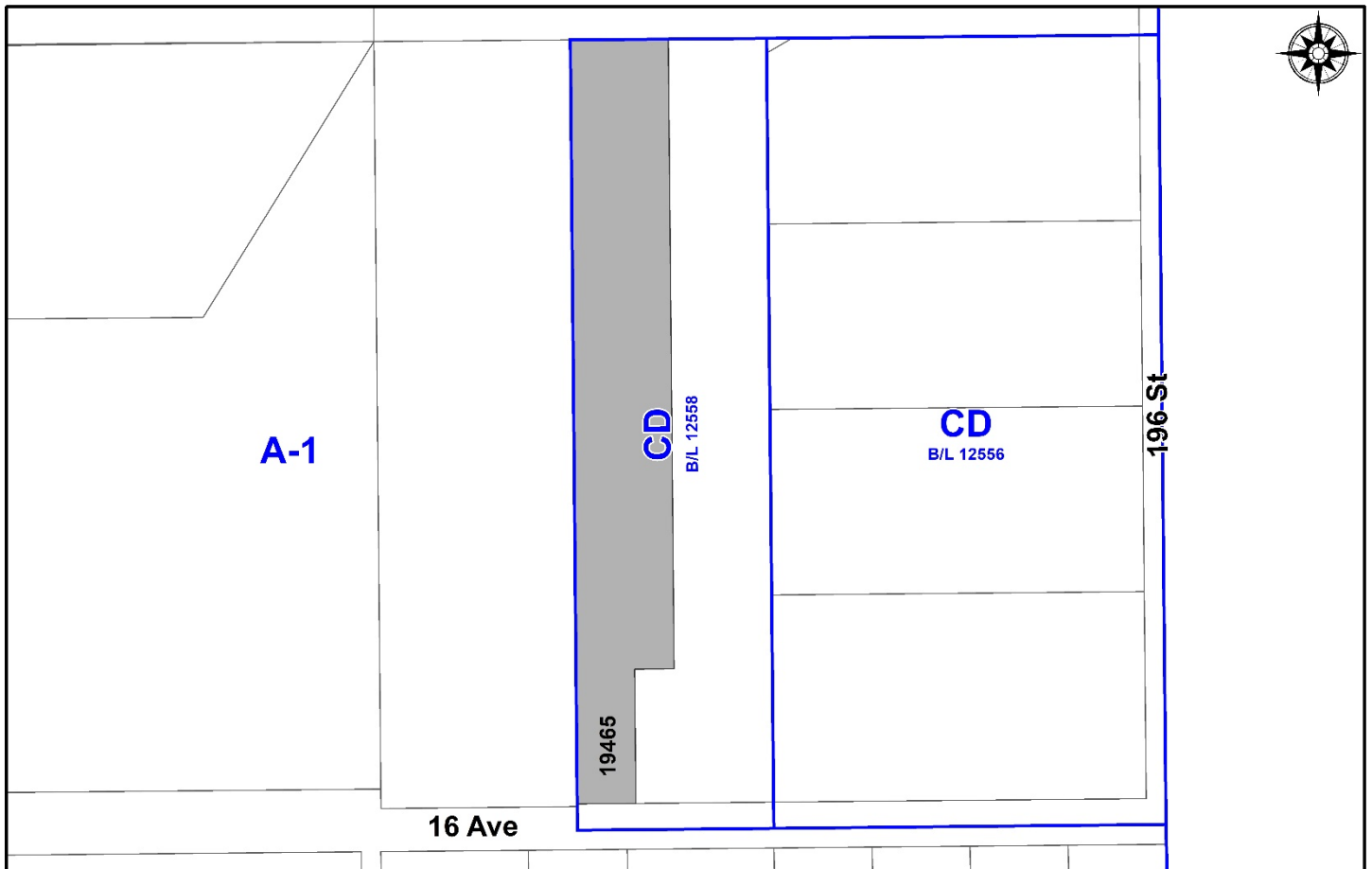
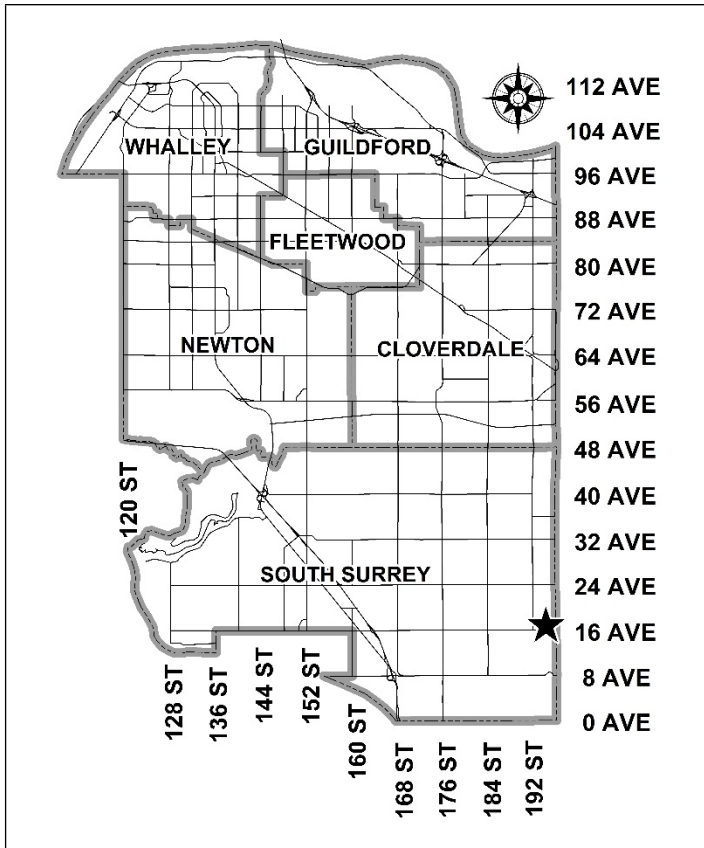
PROPOSAL:

- Amend CD Zone (By-law No. 12258) to allow a new operator to run a care facility out of the existing building.

LOCATION: 19465 - 16 Avenue

ZONING: CD

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to Amend CD Zone (By-law No. 12558).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A new organization would like to purchase the property and operate a care facility that does not comply with the use permitted in the existing CD Bylaw. Wording for the current use was tailored specifically to the existing residential treatment facility.

RATIONALE OF RECOMMENDATION

- The proposed new residential treatment facility is very similar to the existing residential treatment facility but due to the specific wording contained in the CD Zone, an amendment is required. The existing wording was tailored uniquely to the existing facility, while the proposed wording will be more general.
- The maximum number of persons in care will not change, and no physical changes are proposed to the existing building or the site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend Comprehensive Development Zone (By-law No. 12558) and a date be set for Public Hearing.
2. Council authorize the issuance of a business licence for the proposed care facility once the Bylaw has been granted final adoption and a complete and acceptable license application has been submitted.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Residential care and treatment facility (Mercy Canada)	Agricultural	CD (Bylaw No. 12258)
North:	Rural residential property	OCP: Agricultural; and LAP: Open Space Corridor/Buffer	A-1
East:	Care facility	Agricultural	CD (Bylaw No. 12258)
South (Across 16 Avenue):	Vacant Rural properties	Agricultural	A-1
West:	Heritage, agricultural and conservation centre (A Rocha)	Agricultural	A-1

Context & Background

- The subject property is located on the north side of 16 Avenue, south of Campbell Heights and within the South Campbell Heights plan area.
- There is currently a residential care and treatment centre on the subject site run by Mercy Canada. Both this property and the property to the east contain care and treatment facilities. Both are regulated by the same CD Zone (Bylaw No. 12558), though the facilities and operators are different.
- In 2009 an amendment to the CD Zone was approved that allowed Mercy Canada to operate the facility as it exists now: as a faith-based residential care and treatment facility for young women who are experiencing life-controlling issues including but not limited to eating disorders, self-harm, and addictions (Application No. 7908-0277-00).

- Mercy Canada now proposes to sell the property to a new operator, called the Adult and Teen Challenge Society of BC, which operates a similar faith-based residential care program for women with life-controlling issues.
- The Adult & Teen Challenge Society of BC is currently operating a care facility for women on an agricultural property in Abbotsford and is seeking to relocate.

DEVELOPMENT PROPOSAL

Planning Considerations

CD Bylaw Wording

- When the previous CD Bylaw amendment was approved in 2009 (Application No. 7908-0277-00), the program proposed by Mercy Canada did not comply with the Zoning Bylaw definition of a "care facility," which is as follows:

"Care facility means a building which contains sleeping units for persons receiving care or assistance where the building and/or operator are regulated or funded by provincial or federal agencies, including care and assisted living as defined and regulated under the Community Care and Assisted Living Act."
- At the time, the Mercy Canada program was not regulated under the Community Care and Assisted Living Act, and was therefore not a "care facility," so specific wording was introduced to the CD Bylaw to allow Mercy to use the facility's 20 beds for the residential care program they provided.
- The very specific CD Bylaw wording, however, does not offer flexibility for other operators to continue to use the property for residential care.
- With a new operator, the Adult & Teen Challenge Society of BC, proposing to purchase and use the facility as a "care facility" as defined by the Zoning Bylaw, a CD Bylaw amendment is required. The proposed operation would qualify as a "care facility" because they would be funded and registered by the Province under the Assisted Living Registry.
- The care program proposed by the Adult & Teen Challenge Society of BC is very similar to the program that has been offered by Mercy Canada. No additional beds are proposed, and no changes are proposed to the building exterior or site plan.
- For clarity, Adult & Teen Challenge BC does not propose to provide primary care for drug and alcohol recovery at this facility. Their program is offered to women with life-controlling issues including but not limited to abuse, neglect, gambling, pornography, compulsive disorders, and addictions who need support in overcoming those life issues.
- A life-controlling issue is one which, if left unresolved, takes control, and disrupts the course of a person's normal and healthy current and future life. Residents would not be excluded from the facility for reasons of drug and/or alcohol addiction, but this would not be the main focus of the program.

CD By-law

- The applicant proposes to amend the existing CD Zone (Bylaw No. 12558) by allowing a care facility with a maximum of 20 beds as a permitted use. The Special Care Housing 1 (RMS-1) Zone, upon which this CD Zone is based, does not specify a maximum number of beds. The 20 bed maximum permitted in this CD Zone is based on the capacity of the existing facility.
- The existing residential care and treatment use, which was written specifically for the Mercy Canada facility, will remain as a permitted use in the zone. If Mercy Canada is unable to sell the property, they will be able to continue to operate their facility.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on June 29, 2020, and the Development Proposal Sign was installed on the same day. Staff have received no responses from neighbours.

TREES

- No changes to the property are proposed and therefore no trees will be affected as part of this application.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Engineering Summary
Appendix II.	Proposed CD By-law Amendment

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

MJ/cm

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

FROM: **Development Engineer, Engineering Department**

DATE: **July 07, 2020**

PROJECT FILE: **7820-0158-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 19465 16 Ave**

REZONE

Due to the limited change in use and no change to existing infrastructure onsite, the Engineering department is supporting a deferral of the ultimate road dedication and works and services requirements along 16 Avenue until future development of the site.

A Servicing Agreement is not required prior to Rezone.



Jeff Pang, P.Eng.
Development Engineer

CITY OF SURREY

BY-LAW NO. 12558

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

As amended by Bylaw No: 16951, 11/16/09

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

The 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" and the classification of the following parcels of land, presently shown upon the maps designated as the "Zoning Maps" and marked as Schedule "A" under Part 3 of the said By-law No. 12000, is hereby amended as follows:

FROM: "SPECIAL CARE HOUSING 1 ZONE (RMS-1)"
TO: "COMPREHENSIVE DEVELOPMENT ZONE (CD)"

Parcel Identifier: 023-181-061
Lot 1, Section 15, Township 7, Group 2, New Westminster District Plan
LMP24699

(19465 - 16 Avenue)

(hereinafter referred to as Lot B as shown on Schedule "A" attached to and forming part of this By-law).

Parcel Identifier: 023-181-079
Lot 2, Section 15, Township 7, Group 2, New Westminster District Plan LMP24699

(19475 - 16 Avenue)

(hereinafter referred to as Lot A as shown on Schedule "A" attached to and forming part of this By-law and both Lot A and Lot B collectively referred to as the "Lands").

2. The following regulations shall apply to the lands herein:

A. INTENT

This Comprehensive Development Zone is intended to accommodate and regulate the development of *care facilities* for up to and including but not more than thirty-four (34) persons receiving care on Lot A and for up to and including but not more than ~~eight (8)~~ **twenty (20)** persons receiving care on Lot B which may be subject to the Community Care and Assisted Living Act R.S.B.C., 2002, c.75, as amended, and to accommodate and regulate the development of a residential care and treatment facility for up to and including but not more than twenty (20) persons receiving care on Lot B, subject to a Housing Agreement entered into between the owner of the Lands and the City.

B. PERMITTED USES

Land and any buildings or structures shall be used for the following uses only, or for a combination of such uses:

Lot A

1. Care facilities providing care for up to and including but not exceeding 34 persons receiving care.
2. One dwelling unit per lot 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.

Lot B

1. Care facilities providing care for up to and including but not exceeding ~~eight~~ **twenty (20)** persons receiving care.

OR

~~2.~~ A residential care and treatment facility. For the purposes of this By-law, a residential care and treatment facility means a *building* which contains *sleeping units* for up to a maximum of twenty (20) ~~residents~~ **persons** receiving care or assistance, subject to a Housing Agreement pursuant to Section ~~905 483~~ of the Local Government Act, R.S.B.C., ~~1996 2015, c. 1,~~ ~~6323~~ **c. 1**, as amended, on terms acceptable to the City, but excluding a *temporary homeless shelter* or an *alcohol and drug recovery house*.

- ~~3~~ **2.** One dwelling unit per lot 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.

C. LOT AREA

Not applicable to this Zone.

D. DENSITY

Lot A

1. Care Facility: The maximum floor area shall not exceed 10,800 sq.ft. [1,003.32 m²].

Lot B

1. Care Facility and Residential Care and Treatment Facility: The maximum floor area shall not exceed 700 square metres [7,550 sq.ft.].

E. LOT COVERAGE

Lot A

The maximum lot coverage shall be 0.05.

Lot B

The maximum lot coverage shall be 0.04.

F. YARD AND SETBACKS

Buildings and structures shall be sited not less than 7.5 metres [25 ft.] from all lot lines (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 height shall not exceed 9 metres [30 ft.].
2. Accessory buildings and structures: The height shall not exceed 4.5 metres [15 ft.].

H. OFF-STREET PARKING

1. Refer to Part 5 Off-Street Parking, 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. 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 [5 ft.] high in a strip 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 all lot lines separating the developed portion of the lot from any residential lot.
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 screened to a height of at least 2.5 metres [8 ft.] by buildings, a landscaping screen, a solid decorative fence, or a combination thereof.

J. SUBDIVISION

Not applicable.

K. OTHER REGULATIONS

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited under RMS-1, of Surrey Zoning By-law, 1993, No. 12000 as amended, and in accordance with the "Surrey Subdivision and Development By-law".
2. General provisions on use are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
3. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking, of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Sign regulations are as set out in Part 6 Signs, of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Special building setbacks are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
6. Building permits shall be subject to the "Surrey Building By-law" and the "Surrey Development Cost Charge By-law". According to zone RMS-1 of Surrey Zoning By-law, 1993, No. 12000 as amended.
7. Development permits may be required in accordance with the Official Community Plan.
8. Provincial licensing of care facilities is regulated by the Community Care Assisted Living Act R.S.B.C., c. 75, as amended.

9. 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, 1995, No. 12558."

READ A FIRST AND SECOND TIME on the 20th day of February, 1995.

PUBLIC HEARING HELD thereon on the 29th day of March, 1995, and RECONVENED PUBLIC HEARING HELD thereon on the 30th day of March, 1995.

READ A THIRD TIME on the 3rd day of April, 1995.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 19th day of June, 1995.

_____ MAYOR

_____ CLERK

