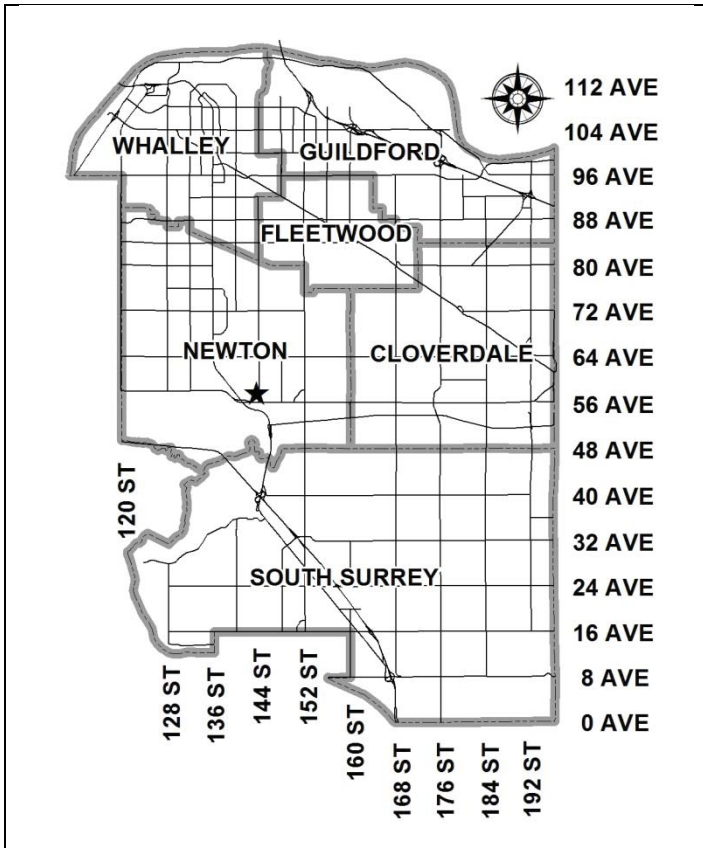


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0257-00

Planning Report Date: April 3, 2017



**PROPOSAL:**

- **Rezoning** from RF to CD (based on CCR) to permit a child care centre within a single family dwelling, for a maximum of 15 children.

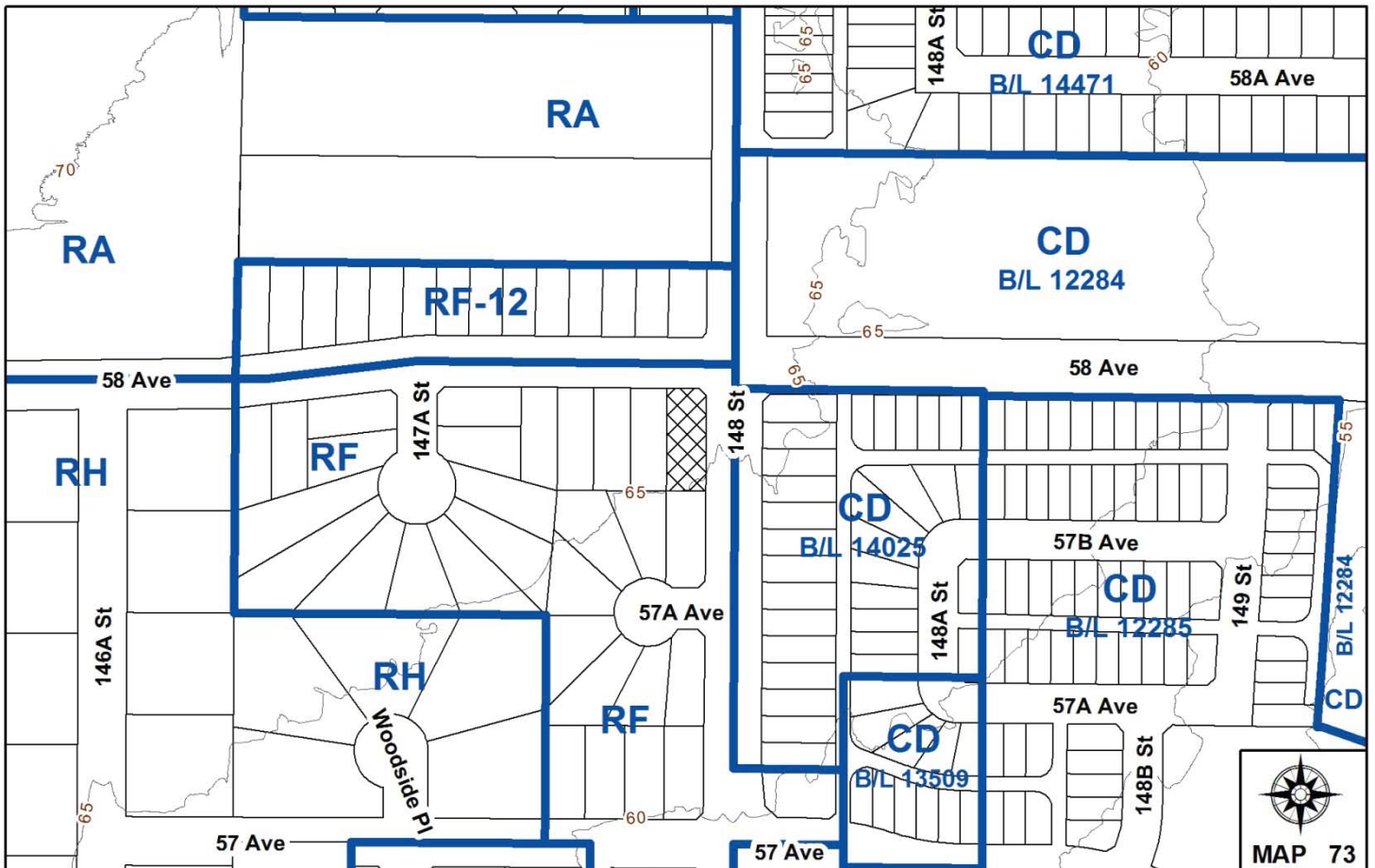
**LOCATION:** 14794 - 58 Avenue

**OWNER:** Robert A. Kloyber  
 Pauline Kloyber

**ZONING:** RF

**OCP DESIGNATION:** Urban

**NCP DESIGNATION:** Single Family 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 the Urban designation in the Official Community Plan (OCP).
- Complies with the City's location and siting guidelines for child care centres.
- Staff have determined that five on-site parking spaces are sufficient for the residential use and to meet the pick-up and drop-off needs of the child care centre.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" 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) approval from the Ministry of Transportation & Infrastructure; and
  - (c) submission of building permit drawings that satisfactorily address Building Code requirements to the satisfaction of the General Manager, Planning & Development.

REFERRALS

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

Ministry of Transportation & Infrastructure (MOTI): MOTI has no concerns with the proposed rezoning.

Fraser Health Authority: Fraser Health has no concerns with the proposed rezoning. Fraser Health has noted that a second staff member will be required when there are more than 10 children present.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling, which will remain, currently with a licensed child care facility for 8 children.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North (Across 58 Avenue):	Single family dwelling	Urban/Single Family Small Lots	RF-12
East (Across 148 Street):	Single family dwellings	Urban/Single Family Small Lots	CD (By-law No. 14025)
South:	Single family dwelling	Urban/Single Family Residential	RF
West:	Single family dwelling	Urban/Single Family Residential	RF

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site is located on the south side of 58 Avenue, west of 148 Street and is designated Urban in the Official Community Plan (OCP) and Single Family Residential in the South Newton Neighbourhood Concept Plan (NCP).
- The site is zoned "Single Family Residential Zone (RF)".
- There is an existing licensed child care facility on the site with a maximum of eight (8) children.
- Child care centres are provincially regulated licensed facilities. Facilities that accommodate up to eight children are permitted in any residential zone. However, to increase the capacity beyond eight children, a zone designated specifically to accommodate a larger child care facility is required.

### Proposal

- The applicant has operated a licensed residential child care for up to eight (8) children at 14794 – 58 Avenue (the subject property) since July 2008. Due to demand for additional child care spaces, the applicant proposes to rezone to "Comprehensive Development Zone (CD)", based on the "Child Care Zone (CCR)" in order to accommodate up to fifteen (15) children.
- The CCR Zone is intended to permit the development of child care centres accommodating a maximum of 25 children, in a residential community, which is licensed and regulated under the Community Care and Assisted Living Act and the Child Care Licensing Regulations.
- The proposed CD Zone (based on the CCR Zone) would permit a maximum of 15 children for child care on-site at any one time and reduce the on-site parking requirements from 7 parking spaces to 5 parking spaces.
- The facility will operate Monday to Friday from 7:00 am to 6:00 pm, with before and after school care and a preschool program provided.
- The before and after school care will be provided between 7:00 am and 8:10 am and 2:35 pm and 6:00 pm. The children are walked to school at Cambridge Elementary School and Goldstone Park Elementary School.
- While the children enrolled in before and after school care are attending school, the child care centre provides pre-school between 8:45 am and 2:30 pm.
- The proposed expanded child care centre will be located entirely in the basement level of the existing house. The main floor and second floor will continue to be used as a dwelling unit.
- There will be two staff members employed by the child care centre.

### Locational & Siting Criteria for Child Care Centres

- In 1990, the City completed a report entitled "Guidelines for the Location and Siting of Child Care Centres". The following demonstrates how the proposal adheres to the locational and siting guidelines outlined in the Report:
  - *Locate centres close to child-oriented facilities (school, park, playground, open space, community or recreation centre, library...).*
    - The subject site is located one block or 180 metres (600 ft.) from Goldstone Park and approximately 2 blocks or 360 metres (1,200 ft.) from Panorama Village Park.
  - *Avoid siting along arterial streets; if they are located along an arterial, conditions will apply.*
    - The subject site is a corner lot located on 58 Avenue, which is a collector road, and 148 Street, which is an arterial road.
    - The driveway and parking spaces for drop-off and pick-up are located on 58 Avenue, which is not an arterial.
    - The outdoor play area is located in the rear yard of the property and is completely fenced.
  - *Avoid undue concentration of centres.*
    - The Guidelines recommend that child care facilities should be located in areas that are currently under-served, to avoid undue concentration of facilities.
    - Based on the information provided on the Surrey Community Service Maps, there are currently 14 facilities within 0.5 km of the subject site, including the subject site.
    - The 14 facilities accommodate 265 child care spaces. Of the 14 facilities, 10 are located within single family dwellings and account for 78 child care spaces. The other 4 facilities are located within: a multi-family dwelling, a multi-family/commercial building, a recreation centre, and a church. These 4 facilities account for 187 child care spaces.
    - With the approval of the subject application, 7 additional children can be accommodated. Despite the number of child care facilities located in the vicinity, the applicant has confirmed there is sufficient demand for the additional proposed spaces.

- *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 two parking spaces. The proposed child care facility will have two staff and therefore requires four parking spaces. In addition, single family dwellings require three parking spaces for the residents.
  - The total number of on-site parking spaces required under the Zoning By-law is seven. The applicant is proposing to provide five on-site parking spaces in total. The proposed Comprehensive Development Zone (CD) reflects this.
  - The CD By-law limits the number of children in care to a maximum of 15, which reflects the reduced parking.
  - Staff are satisfied that the proposed five parking spaces are adequate in this location due to the reduced number of children in care, which requires a maximum of two staff. Additionally, as the child care facility operates out of the basement, the residence does not contain a secondary suite. Therefore a reduction in the number of residential parking spaces is considered reasonable.
- *Provide adequate fencing, screening, setbacks, and outdoor play areas.*
  - As the attached site plan (Appendix II) shows, the dwelling is oriented toward 58 Avenue with a spacious rear yard, which has an existing outdoor play area.
  - The outdoor play area is directly accessible from the residence and is enclosed by a wooden fence along the west, south, and east property lines.
  - Hedging and shrubbery provides screening from the neighbours to the west and south and 148 Street to the east.

### PRE-NOTIFICATION

- Pre-notification letters were sent on January 16, 2017 to a total of 164 addresses, including the Panorama Neighbourhood Association and the Sullivan Amateur Athletic and Community Association. The development proposal sign was installed on January 18, 2017.
- To date, staff have received two phone calls in response to the public notification from neighbouring residents.
- Two residents requested more information about the proposal and how it may impact them.

*Staff explained the proposed rezoning is to expand the existing child care centre to accommodate a maximum of 15 children. There are currently 8 children in care at the subject site, so this proposal will add 7 children.*

- One resident expressed concerns over increased demand for parking.

*The applicant will be required to increase the on-site parking from the four spaces currently available to five spaces by widening the driveway and adding an additional parking pad.*

*The applicant has agreed to limit the number of children allowed in care to a maximum of 15 children, rather than 25 permitted under the CCR Zone.*

*The pick-up and drop-off times for the before and after school care and pre-school are staggered. The before and after school care children are dropped off between 7:00 am and 8:00 am and picked up between 4:00 pm and 6:00 pm. The pre-school children are dropped off at 9:00 am and picked up at 2:30 pm.*

*The child care facility operates out of the basement, therefore, the residence does not have a secondary suite.*

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan
Appendix III.	Proposed CD By-law

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

CB/da

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:     Name:             Adrian Kloyber  
  Address:            14794 – 58 Avenue  
  Surrey, BC V3S 1S2

2.     Properties involved in the Application

- (a)    Civic Address:           14794 – 58 Avenue
- (b)    Civic Address:           14794 – 58 Avenue  
          Owner:                  Pauline Kloyber  
                                      Robert A. Kloyber  
          PID:                     025-922-114  
          Lot 18 Section 10 Township 2 New Westminster District Plan BCP10692

3.     Summary of Actions for City Clerk's Office

- (a)    Introduce a By-law to rezone the site.
- (b)    Application is under the jurisdiction of MOTI.  
  
          MOTI File No. 2017-00343



**LEGAL DESCRIPTION**

**LOT #18**  
**CIVIC ADDRESS**  
 14794 58 AVENUE, SURREY BC

**ZONING SYNOPSIS**

**1. ZONE:**  
 EXISTING RF  
 PROPOSED BASED ON CCR

**2. LOT SIZE:**  
 EXISTING: 682 SQM  
 DEDICATION: 302 SQM

**3. SITE COVERAGE:**  
 PERMITTED: 272.8 SQM  
 EXISTING: 163.1 SQM

**4. YARD:**  
 LOT WIDTH: 16.4 M  
 LENGTH: 42.5 M

**5. BUILDING HEIGHT:**  
 EXISTING: 8.3 M

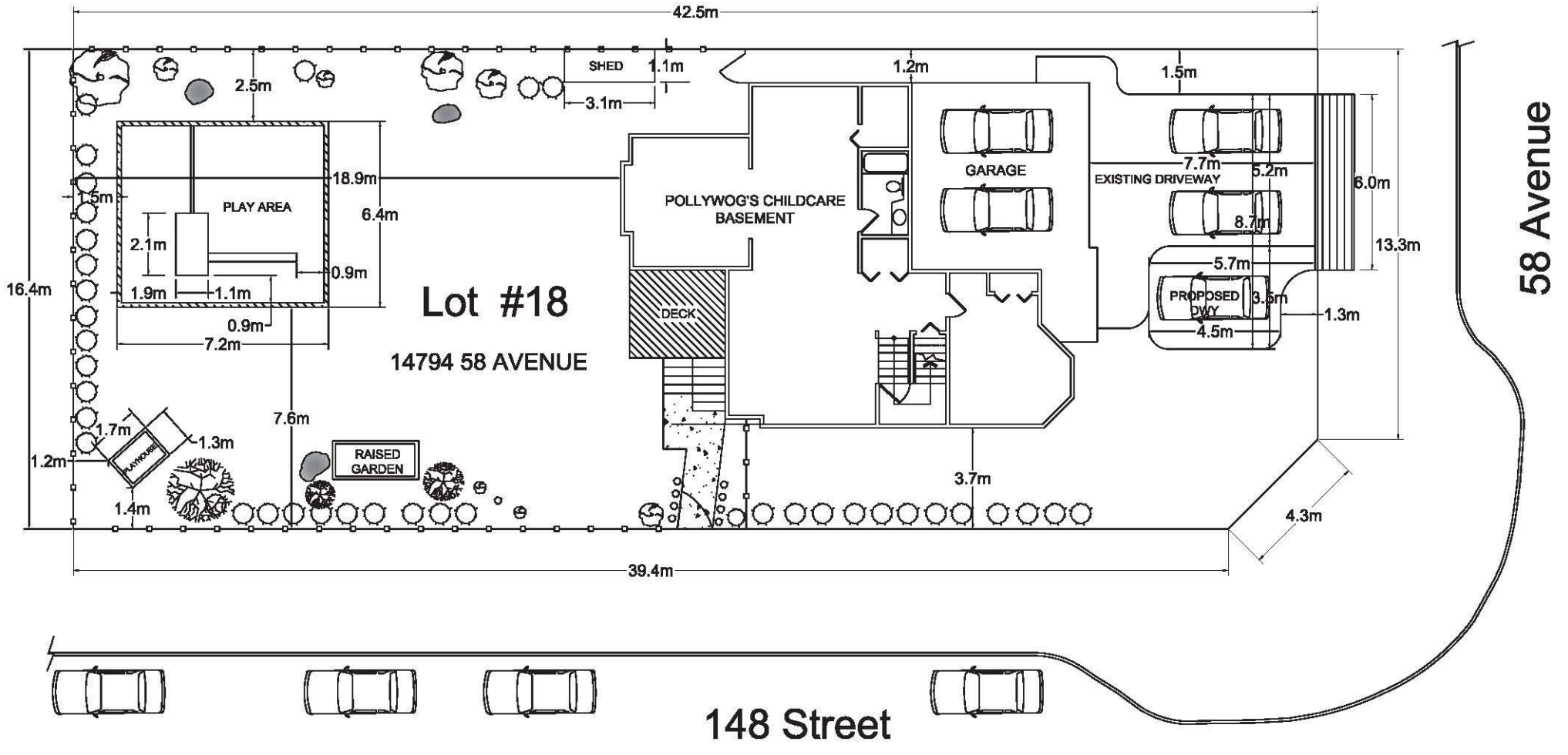
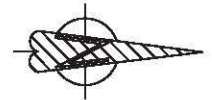
**6. CHILD CARE CNTR:**  
 EXISTING FACILITY:  
 PROPOSED FACILITY:

8 CHILDREN  
 15 CHILDREN  
 2 WORKERS

INDOOR SPACE REQUIRED: 3.75 SQM X 15 = 56.25 SQM  
 INDOOR SPACE PROVIDED: 107.6 SQM

OUTDOOR SPACE REQUIRED: 7.5 SQM X 15 = 112.5 SQM  
 OUTDOOR SPACE PROVIDED: 302 SQM

SCALE 1:125



CITY OF SURREY

BYLAW NO. \_\_\_\_\_

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

.....

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, 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: 025-922-114

Lot 18 Section 10 Township 2 New Westminster District Plan BCP10692

14794 – 58 Avenue

(hereinafter referred to as the "*Lands*")

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 15 children within a *single family dwelling*, 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. *Child care centre* licensed to accommodate a maximum of 15 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 1 *secondary suite* provided that there is no *child care centre*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

For *building* construction within the *lot*:

1. The *floor area ratio* shall not exceed 0.56, provided that, of the resulting allowable floor area, 39 square metres [420 sq. ft.] shall be reserved for use only as a garage or carport.
2. The maximum permitted floor area of a second storey for a *principal building* must not exceed 80% of the floor area of the main floor level 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 or a combination thereof.
3. 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, the following must be included in the calculation of *floor area ratio*:
  - (a) Covered area used for parking, unless the covered parking is located within the *basement*;
  - (b) The area of an *accessory building* in excess of 10 square metres [108 sq. ft.];
  - (c) Covered outdoor space with a height of 1.8 metres [6 ft.] or greater, except for a maximum of 10% of the maximum allowable floor area of which 15 square metres [160 sq. ft.] must be reserved for a front porch or veranda; and
  - (d) Floor area with extended height including staircases, garages and covered parking, must be multiplied by 2, where the extended height exceeds 3.7 metres [12 ft.], except for a maximum of 19 square metres [200 sq. ft.] on the *lot*.

**E. Lot Coverage**

The *lot coverage* shall not exceed 38%.

## F. Yards and Setbacks

*Buildings and structures* shall be sited in accordance with the following minimum setbacks:

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Side Yard on Flanking Street</b>
<i>Principal Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	1.2 m. [4 ft.]	3.6 m. [12 ft.]
<i>Accessory Buildings and Structures</i>		18.0 m. [60 ft.]	1.8 m. [6 ft.]	1.0 m. [3 ft.]	7.5 m. [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. *Principal building:* The *building height* shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures:* The *building height* shall not exceed 4 metres [13 ft.].

## H. Off-Street Parking

1. *Parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Notwithstanding Section H.1., before a *child care centre* may operate, a minimum of 5 *parking spaces* shall be provided on the *lot* for both the *child care centre* and the *single family dwelling*.

## 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. A *child care centre* shall be located on the *lot* such that the centre has 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:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
680 sq. m. [7,320 sq.ft.]	16 metres [52 ft.]	42 metres [138 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, bylaws, 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 Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge Bylaw, 2016, No. 18664, 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 Bylaw, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan* By-law, 2013, No. 18020, as amended.
11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act S.B.C. 2002, c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg. 205/2013.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, \_\_\_\_\_, No. \_\_\_\_\_."

PASSED FIRST READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

PASSED SECOND READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

PASSED THIRD READING 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