



City of Richmond
Urban Development Division

Report to Committee

To: Planning Committee
From: Holger Burke, Acting Manager
Development Applications
Date: March 2, 2004
File: ZT 03-234207
Re: **Application by Scott McDermid for a Zoning Text Amendment to
Comprehensive Development District (CD/88) to Increase the Number of
Children Permitted at a Child Care Facility at 12720 Cameron Drive**

Staff Recommendation

That the application for a zoning text amendment to permit 46-56 children in the child care facility at 12720 Cameron Drive be denied.

Holger Burke, Acting Manager
Development Applications

HB:jmb

<p>FOR ORIGINATING DIVISION USE ONLY</p> <p>CONCURRENCE OF GENERAL MANAGER</p>
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Staff Report

Origin

Scott McDermid has applied to the City of Richmond for permission to amend the zoning text of Comprehensive Development District (CD/88) at 12720 Cameron Drive (**Attachment 1 and 2**). Originally, his proposal was to increase the maximum number of children permitted from 30 to 56 by adding a third classroom on the second floor of the existing building (the other two classrooms are located on the ground floor). In a recent conversation, Mr. McDermid revised his proposal to increase the maximum number of children permitted to 46.

Attachment 3 illustrates the current site layout for 30 children with the outdoor play space wrapped around the building. Mr. McDermid has not provided any plans of the proposed expanded day care facility and outdoor play space pending the outcome of this zoning text amendment application.

In addition to approval from the City for a change to the zoning, the proposal requires Community Care Facilities Licensing approval from the Richmond Health Department.

Findings of Fact

Item	Existing	Proposed
Owner & Applicant	Scott McDermid	No change
Site Size	544 m ² (5856 ft ²)	No change
Land Uses	Child Care Facility	No change
OCP Generalized Land Use Designation	Neighbourhood Residential	No change
Cambie East Area Plan Designation	Residential (Single-Family Only)	No change
Zoning	CD/88	CD/88 with a maximum of 46-56 rather than 30 children

Surrounding Development

The uses surrounding the subject site are as follows:

- West: a newer single-family residential development;
- North: a large lot zoned Agriculture with a single-family home. This site is likely to be redeveloped in the future with single-family homes consistent with the homes along the north and south of Cameron Drive;
- East: a townhouse development and McNeely Elementary School; and
- South: a townhouse development.

Previous Rezoning

The site was rezoned in 1998 from Residential Child Care District (R6) to CD/88 to permit an increase in the number of children at the facility from 16 to 30. At that time, some of the issues discussed included the precedent that would be set for other R6 zoned sites and the increased number of cars competing with elementary school traffic. However, due to the site's location with few neighbouring sites impacted by the expansion, the application was supported.

Staff Comments

Licensing

There is no issue with the amount of indoor space on the site from a licensing point of view. Some interior renovations will be required to comply with the Child Care Licensing Regulations. However, the lack of outdoor play space is a major problem. According to the Provincial regulations, 7 m² (75 ft²) is required per child. Therefore, for the proposed increase in the number of children from 30 to either 46 or 56, an additional 112 m² (1,205 ft²) to 182 m² (1,960 ft²) of outdoor play space will be required. Thus, even if the City were to approve this application, the facility could not be licensed for additional children without the required outdoor play space.

Zoning/Building

The applicant has been encouraged to do a Building Code Analysis to ensure that the existing premises are designed for the proposed increase in the occupant load. To date, this has not been done.

Land Use

A child care facility is generally a compatible use for a single-family neighbourhood as the types of uses and the timing are similar to residential uses. Therefore the R6 zone permits a maximum of 16 children while lowering the density to 0.5 floor area ratio to ensure that there is sufficient outdoor play space.

However, with an increase in the number of children on this site, there are increasing concerns about compatibility. In 1998, when the site was rezoned to CD/88 (and a 0.67 floor area ratio), a number of concerns were identified in the staff report, however, overall it was felt that an increase to 30 children could be successfully accommodated. While this initial increase was successful, it is expected that another increase could adversely impact the surrounding neighbourhood.

Analysis

Outdoor Play Space

The earliest and greatest concern with the application is the lack of outdoor play space which was identified by Community Care Facilities Licensing (Richmond Health Department).

One option that the applicant identified was to eliminate 1, 2 or all 3 parking spaces in front of the facility to convert it to outdoor play space. However, the Health Department has indicated that the conversion of the parking area to play area will not provide the quantity or quality of space required to fulfill licensing's requirements. This option is also not supported by City staff because the facility would have reduced or no parking on-site, which is contrary to the Zoning & Development Bylaw and could set an undesirable precedent.

Another option proposed by the applicant to increase the amount of outdoor play space is for the facility to use the outdoor space on the adjacent townhouse site to the south. However, Mr. McDermid has not obtained any firm commitment from the strata council of this development that they are willing to give him the outdoor area in the northeast corner of their site.

Staff have a number of reservations about this option. For one thing, the proposal to locate the required outdoor play space on the adjacent townhouse development would have to be secured by either a boundary realignment or a long term lease. Unfortunately, this townhouse development was approved at its maximum permitted density (0.55 floor area ratio), so there does not appear to be any surplus land for the strata council to give away without putting itself into a non-conforming status. Secondly, when this townhouse development was completed, the strata council received the City's approval not to install any play equipment in the four outdoor play areas on their site and instead the developer paid toward improvements to the King George Park. This may indicate a preference not to have outdoor play space on the townhouse site.

Impacts on the Neighbourhood

With more children attending the facility there are concerns about the number of cars accessing the facility as well as the increase in the noise and activity outside the building. In order to ensure that the neighbourhood was aware of this proposed zoning text amendment, staff recommended that the applicant install a sign on the property similar to what is required for a rezoning application. Unfortunately, Mr. McDermid declined installing a sign stating that the neighbourhood supported his application.

Traffic

The expansion to the facility will not likely impact the existing McNeely School traffic operation as the hours of operation do not coincide (McNeely traffic am peak occurs from 8:30 - 8:45 am and pm peak occurs from 2:50 - 3:15 pm. Meanwhile, Lesco Montessori Preschool starts at 9:00 am and ends at 3:30 pm.).

However, additional children will need to be dropped off and picked up which will impact the surrounding residential neighbourhood. It is possible that some of the children will live close-by and will be walked to the facility however, planning should consider the least impact scenario (particularly if no on-site parking is contemplated).

Ambient Noise

While the sound of children's play is by no means offensive, in a residential neighbourhood, you would expect that you would hear it from a few children playing at different times throughout the day. An increase in the number of children at the facility will result in an increase in the volume as well as the duration of ambient noise which may be problematic for the surrounding homes. Staff are unconvinced that the adjacent property owners have accepted the applicant's response to this issue.

Financial Impact

None.

Conclusion

The proposal is to amend the zoning to permit an increase in the number of children that can be accommodated at a child care facility. The number of children has been increased already through an earlier rezoning and no complaints have been received about the existing facility.

However, there are licensing issues with the lack of and quality of the outdoor play space. As it stands, the Richmond Health Department will not approve this application.

Additionally, an increase in the number of the children attending the facility will increase the amount of traffic and ambient noise in the surrounding neighbourhood. Staff do not believe that the use would be compatible and are also concerned about the precedent that is set for operators of other child care facilities located in single family neighbourhoods.

Therefore it is recommended that the application be denied.

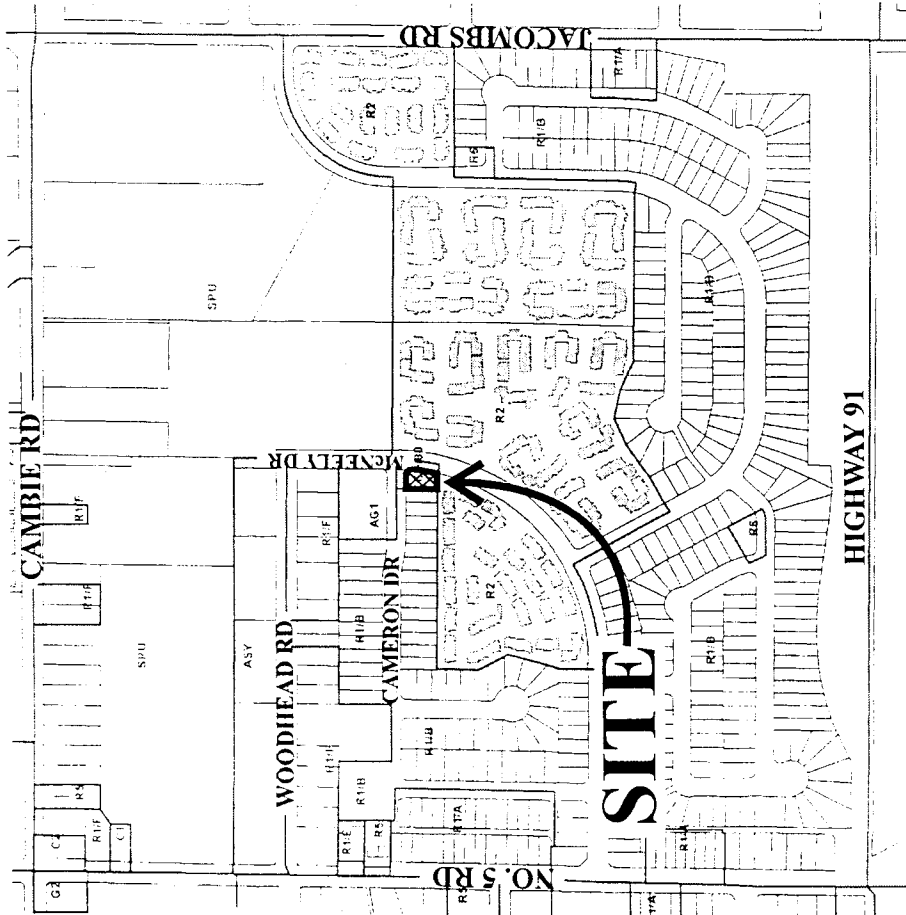
The applicant has been advised of staff's concerns regarding the impact on the neighbourhood, the lack of outdoor play space and the precedent in approving this application. In spite of these concerns (and the fact that the Health Department will not approve the application without the required and proper amount of outdoor play space), the applicant has requested that the zoning text amendment be considered by the Planning Committee and Council. Copies of the applicant's submissions to Mayor and Council have been previously circulated and are available at the City Clerk's Department.



Jenny Beran, MCIP
Planner, Urban Development

JMB:jmb

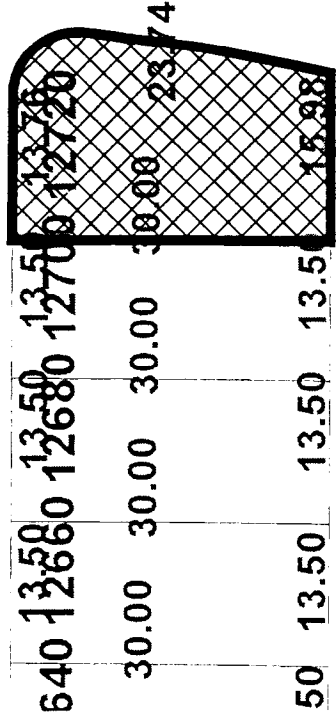
City of Richmond



SITE

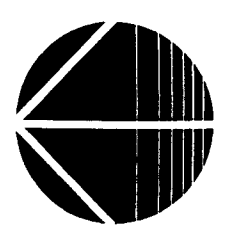
CAMERON DR

MCNEELY DR



12331 12331

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2331



ZT 03-234207

Original Date: 05/28/03

Revision Date:

Note: Dimensions are in METRES

291.88 COMPREHENSIVE DEVELOPMENT DISTRICT (CD/88)

The intent of this zoning district is to accommodate child care facilities with accessory residential accommodation.

291.88.1 PERMITTED USES

CHILD CARE programme limited to a maximum of 30 children;
ACCESSORY RESIDENTIAL USE;
ACCESSORY USES, but excluding **secondary suites**.

291.88.2 PERMITTED DENSITY

.01 Maximum Number of Dwelling Units: One.

Bylaw 6972
1999/01/18

→ .02 Maximum **Floor Area Ratio**: 0.67; together with an additional 50 m² (538.21 ft²) for use as attached off-street parking.

For the purposes of this subsection, **floor area ratio** shall not be deemed to include:

- (i) Covered areas of the principal **building** which are open on one or more sides, but limited to a maximum of 30 m² (322.93 ft²); and
- ii) **accessory buildings**.

291.88.3 MAXIMUM LOT COVERAGE: 40%**291.88.4 MINIMUM SETBACKS FROM PROPERTY LINES**

.01 **Front Yard**: 6 m (19.685 ft.).

.02 **Side Yard**: 1.2 m (3.937 ft.); or in the case where the **side property line** abuts a **public road**: 3 m (9.843 ft.).

.03 **Rear Yard**: 6 m (19.685 ft.); or in the case of a **corner lot** on which the **side yard** setback abutting a **public road** is maintained at a minimum of 6 m (19.685 ft.): 1.2 m (3.937 ft.).

Portions of the principal **building** which are less than 2 m (6.562 ft.) in height, and **accessory buildings** of more than 10 m² (107.64 ft²) in area may be located within the **rear yard** setback area but no closer than:

- (i) 3.0 m (9.843 ft.) to a property line which abuts a **public road**, or
- (ii) 1.2 m (3.937 ft.) to any other property line.

There is no property line setback requirement for an **accessory building** which has an area of 10 m² (107.64 ft²) or less.

291.88.5 MAXIMUM HEIGHTS

- .01 **Buildings:** 2½ storeys, but in no case above the **residential vertical envelope**.
- .02 **Structures:** 20 m (65.617 ft.).
- .03 **Accessory Buildings:** 5 m (16.404 ft.).

291.88.6 MINIMUM LOT SIZE

- .01 **Lot Width:** 15 m (49.213 ft.).
- .02 **Lot Area:** 540 m² (5,812.70 ft²).

291.88.7 MINIMUM BUILDING SEPARATION SPACE

- .01 1.2 m (3.937 ft.).

291.88.8 OFF-STREET PARKING

Off-street parking shall be provided, developed and maintained in accordance with Division 400 of this Bylaw.

12720 CAMERON DR

