



Proposal: Rezone from CG-1 to C-15 to facilitate the decommissioning of an existing gas station.

Recommendation: Approval to Proceed

Location:	15196 - 104 Avenue	Zoning:	CG-1
OCP Designation:	Town Centre		
LAP Designation:	Commercial	Owner:	172965 Canada Ltd.

PROJECT TIMELINE

Completed Application Submission Date:	November 14, 2003
Planning Report Date:	April 19, 2004

The applicant is proposing:

- a rezoning from CG-1 to C-15

in order to facilitate the decommissioning of an existing gas station.

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "Self-Service Gasoline Station Zone (CG-1)" (By-law No. 12000) to "Town Centre Commercial Zone (C-15)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) submission of a road dedication plan to the satisfaction of the General Manager, Engineering and the Approving Officer;
 - (b) registration of a Section 219 Restrictive Covenant to ensure that upon opening of the redeveloped gas station at 10376 - 152 Street, the operation on the subject site will be closed for business and the remediation process will begin; and
 - (c) approval from the Ministry of Water, Land & Air Protection upon satisfactory site remediation.

SITE CHARACTERISTICS

- **Existing Land Use** The subject site accommodates an ESSO gasoline station, a kiosk and a car wash facility, all of which will be demolished at remediation stage.
- **East:** Across 152 Street is an existing gas station site, which is the subject of a rezoning from CG-1 to CD to allow redevelopment (under File No. 7900-0305-00), to be considered by Council in conjunction with the subject application.
- **South, North and West:** Guildford Mall zoned C-8, designated Town Centre in the OCP.

PLAN AND POLICY COMPLIANCE

- OCP Designation: Complies
- LAP Designation: Complies

JUSTIFICATION FOR PLAN AMENDMENT

DEVELOPMENT CONSIDERATIONS

- • The 1,980 sq. m. (0.49-acre) site is located at the south-west corner of 152 Street and 104 Avenue in the Guildford Town Centre, where a gas station, kiosk and a car wash facility have been operating for approximately 20 years.
- • The applicants are seeking a rezoning of the subject site from CG-1 to C-15, with the intent of closing and de-commissioning the existing gas station and in the long run, developing the site based on the C-15 Zone. The proposed zone conforms with the Town Centre designation in the OCP and the Commercial designation in the Local Area Plan.
- • The proposed rezoning and the subsequent de-commissioning of the existing gas station is a compromise drawn

between staff and the representatives of Imperial Oil Ltd., to enable the applicants to proceed with their separate rezoning application across 152 Street (under File No. 7900-0305-00) where a proposed redevelopment of another gas station site, with a drive-through restaurant, is being pursued in conjunction with this application.

- The proposed removal of the existing gas station from a prominent corner (152 Street and 104 Avenue) is considered a significant improvement in the Guildford Town Centre where the ultimate goal is to achieve a more urban character that is defined by high density, pedestrian-friendly residential and commercial establishments. The proposed rezoning to C-15 Zone is consistent with the overall objective of establishing commercial activities in the Town Centre that are not automobile-oriented. It is for this reason that staff can support the rezoning of the easterly site.
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- In the absence of specific development proposal for the subject site, a Development Permit is not being required at this time. The applicants have also indicated that a Development Permit is quite premature at this stage, considering that the remediation process, which is mandatory for gas stations that are being de-commissioned, takes a significant amount of time to complete.
- The applicants have agreed to register a Section 219 Covenant as a condition of rezoning their easterly site (at 10376 – 152 Street under application File No. 7900-0305-00), primarily to achieve, among other things, the following conditions:
 - Upon issuance of a building permit for the easterly site, the owners are required to close business operation on the subject site and immediately proceed with the demolition of existing structures, including the removal of the existing underground tanks;
 - The owners will proceed with the required remediation process for the subject site; and
 - The owners will, as part of the remediation process, maintain the subject site into a park-like condition.
- Maintaining the subject site into a park-like condition is considered appropriate given that the site is located at the corner of 152 Street and 104 Avenue, a prominent corner in the Town Centre. A similar treatment was accomplished at a former ESSO gas station at the north-west corner of Fraser Highway and 152 Street.
- As a condition of Final Adoption of the rezoning by-law for the subject site and in accordance with the Waste Management Act, the applicants are required to acquire full approval from the Ministry of Water, Land and Air Protection (MWLAP) on the completed site remediation process.

PRE-NOTIFICATION

Pre-notification letters were sent on June 12, 2003, advising the neighbouring property owners within the 100-metre radius (300-ft.) of the proposed redevelopment of the easterly site and the subsequent de-commissioning of the existing gas station on the westerly site. Staff received a letter from a property owner (currently based in New York) who expressed concern about the “continuing commercial sprawl all over the neighbourhood”.

(Both sites are in the middle of the Guildford Town Centre where large scale commercial establishments have been established. Neither the immediate redevelopment of the easterly site based on proposed CD Zone, nor the ultimate redevelopment of the westerly site based on C-15 Zone constitute commercial sprawl. These sites are already designated for commercial uses in both the OCP and the LAP.)

Staff also received a letter of support for the proposal from an adjacent business proprietor.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

INFORMATION AVAILABLE ON FILE

- Soil Contamination Review Questionnaire prepared by Ed Citton dated April 7, 2004.

Murray Dinwoodie
General Manager
Planning and Development

JDM/kms/brb

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APPENDIX I

Information for City Clerk

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

1. (a) Agent: Name: Ed Citton
 Address: 3232 Underhill Avenue
 Burnaby, B.C. V5A 3C7
 Tel: 604-313-8043
2. Property involved in the Application
 - (a) Civic Address: 15196 – 104 Avenue
 - (b) Civic Address: 15196 – 104 Avenue
 Owner: 172965 Canada Ltd.
 PID: 010-525-980
 Lot 3 Block 25 Plan 19505
3.
 - (a) Introduce a By-law to rezone the property.