



Corporate Report

2004

NO: R266

COUNCIL DATE: October 18,

REGULAR COUNCIL

TO: Mayor & Council DATE: October 13, 2004
FROM: General Manager, Planning and Development FILE: 5080-01
SUBJECT: A Policy for and By-law Amendments Related to Regulating Community Services
Uses in the City

RECOMMENDATION

It is recommended that Council

1. Receive this report as information;
2. Adopt the proposed policy, entitled "Policy for Consideration of Community Service Uses in the City Centre" (the "Policy"), documented in Appendix "A" to this report, to regulate and control community service uses in the City Centre;
3. Direct staff to develop a more detailed terms of reference for the community impact assessment referenced in the Policy contained in Appendix "A" to this report;

Approve text amendments to the Surrey Zoning By-law, 1993, No. 12000, as amended (the "Zoning Bylaw"), as documented in Appendix "B", to amend the definition of "City Centre" and to eliminate "community service" as a permitted use on lots located in the City Centre, as defined by Map D.1 in Schedule D of the Zoning By-law and zoned RMC-135, RMC-150, PA-1, PA-2, C-5, C-8, C-8A, C-8B, C-15, C-35, CHI, IB, IB-1, IB-2 or IL;

5. Approve text amendments to the Comprehensive Development By-laws related to lots in the City Centre, as documented in Appendix "C", to remove "community service" as a permitted use; and
6. Authorize the City Clerk to bring forward the necessary amendment by-laws for the required readings and to set a date for related Public Hearing.

PURPOSE

The purpose of this report is to seek Council approval for a new approach with respect to accommodating and regulating community service uses in the City Centre.

BACKGROUND

At the Tuesday, September 7, 2004 Regular Council –Land Use meeting, Council adopted the following resolution:

"That Council authorizes staff to undertake a review of the "community service" definition and other relevant aspects of the Surrey Zoning By-law with a view of providing a report to Council complete with recommendations, as necessary to ensure that the City is in a position to exercise reasonable control over the establishment of the various uses that are currently permitted under the "community services" use".

"Community service" is defined in the Zoning By-law as follows:

means a use by a non-profit society:

- (a) providing information, referral, counselling, advocacy or physical or mental health services on an out-patient basis;*
- (b) dispensing aid in the nature of food or clothing; or*
- (c) providing drop-in or activity space;*

but does not include churches, residential uses and independent group homes.

DISCUSSION

Community Service Definition Reflects a Range of Services Provided by Non Profit Organizations

The term "community service" is intended to encompass services and programs provided on a non-profit basis to assist and benefit Surrey residents. The definition was first introduced with the adoption of the current Zoning By-law in 1993, to enable non-profit groups to operate with more flexibility in responding to the changing needs of a growing and increasingly diverse population of the City. The previous zoning by-law had a much more restrictive approach. The definition reflects the often overlapping and integrated activities provided by social service groups that cannot be readily separated into distinct uses. The range of activities provided by non-profit organizations under the "community service" permitted use category includes:

- (a) Information, education, referral, counselling and health services to individuals (e.g., South Fraser Community Services Medical Clinic located at 10667 135A Street);
- (b) Drop-in activities and space (e.g., the Kla-how-eya Centre at 108 Avenue and King George Highway); and
- (c) Distribution of food and clothing resources (e.g., the Surrey Food Bank at 10732 135 Street).

The types of organizations providing community services on a non-profit basis include church groups and social service organizations/societies involved in the provision of a range of services to the community. Some of these programs and services are delivered under contract for the provincial government. The term "non-profit group" also includes associations and clubs providing administrative, educational and advocacy services for local, regional, national or international groups and interests. However if the organization is operating primarily on an administrative basis and not providing services to individuals from the property on which they are located, the use is typically accommodated under the "office" permitted use category in the Zoning By-law.

The definition of "community service", as such, remains valid and important to the delivery of social support

programs to Surrey residents and it is recommended that, at this time, the definition remain unchanged.

"Community Service" is a Permitted Use in Many Zones in the Zoning By Law and the Uses Allowed Under this Definition are Generally Located in all Communities Across the City

The Zoning By-law currently contains 15 zones that include "community service" as a permitted use in the zone. These zones cover hundreds of properties throughout the City. As such, community services may locate in a wide range of locations, buildings and properties throughout the City, without the need to proceed through a rezoning process. This approach has offered the potential for a dispersed pattern of community service uses across the City.

Zones that Include "Community Service" as a Permitted Use:

Downtown Zones	Commercial Zones	Institutional Zones	Business/ Industrial Zones
RMC-135 Multiple Residential Commercial 135 Zone	C-5 Neighbourhood Commercial Zone	PA-1 Assembly Hall 1 Zone	IL Light Impact Industrial Zone
RMC 150 Multiple Residential Commercial 135 Zone	C-8, C-8A, C-8B Community Commercial Zones	PA-2 Assembly Hall 2 Zone	IB Business Park Zone
	C-15 Town Centre Commercial Zone		IB-1, IB-2 Business Park 1&2 Zones
	C-35 Downtown Commercial Zone		
	CHI Highway Commercial Industrial Zone		

The flexibility afforded in the Zoning By-law, for community services to locate in a variety of zones, has helped to distribute such uses across the City. The exception to this is the City Centre, which has attracted a significant concentration of such uses. There is a higher density of social service uses within the City Centre boundary than in any other area in the City.

Concentration of Community Service Uses and Zones in the City Centre

The higher concentration of community service uses in the City Centre may, in part, be attributable to the number of lots in City Centre that are zoned to permit community service uses. Over 390 properties in the City Centre are zoned such that "community service" uses are permitted. A map illustrating the lots in City Centre that are zoned to permit "community service" uses is included as Appendix "D".

A number of socio-economic and accessibility factors in the City Centre also likely contribute to the higher concentration of community service uses in this area of the City. These include:

- Lower than average household income levels;
- Higher concentration of new immigrants;
- Affordable housing and older housing stock, both within and at the periphery of the City Centre;
- Availability of affordable and accessible commercial space suitable for the delivery of social programs and services; and
- Central location, accessible by Skytrain and transit and served by several highways and arterials roads.

The City Centre has at least 25 locations at which a community service use has been established, with many of these locations providing multiple programs/services.

There continues to be significant concerns, by both the City and the public, about the potential negative impacts of the concentration of social support services that are located in the City Centre area. This has led to increasing pressure from the public and business community for the City to better control the location, type and number of community service uses in the City Centre. This level of concern, with respect to community service uses, is not evident in any other community/area of the City.

There is a need to achieve a better balance between the need for community service uses in City Centre and the broader interests of the community in realizing the vision for the City Centre, as a vibrant, pedestrian friendly environment that is attractive to long term business investment.

Options for Regulating Community Services Uses in the City

The **Local Government Act**, R.S.B.C. 1996, c. 323, as amended, grants cities the authority to control the use of land within their jurisdiction through the adoption of a zoning by law. Therefore, to effectively manage the location of land uses, including community service uses in the City, Council's most effective mechanism is to amend the Zoning By law.

Three options, for regulating the location of new community service uses in the City, are described in the following sections, along with an evaluation of each option.

Option #1 - Status Quo Approach

Under this option "community service" uses would not be further restricted under the Zoning By-law. City staff, on an informal basis, would continue to encourage social service organizations to consider providing services in locations other than the City Centre to create a more equitable distribution of social service uses and programs across the City.

Pros:

- Is not disruptive to the on-going delivery of social services to those in the City Centre in need of these services. Over time, the concentration of social services in the City Centre may self correct, as the on-going development of City Centre creates a more blended or mixed population base. In addition the economic advantage of locating in the City Centre area will diminish as the City Centre develops and the economy of the City Centre forces up the price of land and rental rates rise to reflect the new energy in the area.

Cons:

- Does not satisfy the immediate public and business concerns with the concentration of community service uses in the City Centre;
- Does not preclude more community service uses locating in City Centre before the trend shifts.

Option #2 - City Wide Restrictions on "Community Service" Uses

Under this approach, the Zoning By-law would be amended to eliminate "community service" as a permitted use in any zone. If an organization wanted to set up a new "community service" use it would be necessary for that organization to apply for a rezoning to a Comprehensive Development ("CD") Zone for the property on which they proposed to locate the community service use. Council would need to give the related by-law the necessary readings, hold a public hearing and adopt the rezoning by-law before the use could be established.

Pros:

- Council would have full control over the location of all new community service uses in the City;
- Would allow the public an opportunity to voice opinions and concerns, with respect to the location of new community service uses, as part of the public process associated with rezoning applications (i.e., pre-notification letters, development sign, public information meetings, public hearing, etc.).

Cons:

- Council would need to address a larger number of rezoning applications outside of City Centre that are consistent with the Council objective of dispersing community service uses throughout the community;
- The time constraints related to government funding of some community service uses may not allow the community service organization sufficient time to complete a rezoning process and, therefore, this approach may have the effect of reducing the amount of provincial and federal dollars that are appropriated to programs and

services in the City of Surrey. It may also have the effect of making access to services more difficult for those in need;

- All existing legal "community service" uses throughout the City would become legal non-conforming.

Option #3 – Restrictions in City Centre Only on "Community Service" Uses

Under this approach, the Zoning By-law would be amended to eliminate "community service" uses as a permitted use in the City Centre, as illustrated on Map D.1 of Schedule D of the Zoning By-law (see Appendix "E"). If an organization wanted to set up a new "community service" use in the City Centre it would be necessary for that organization to apply for a rezoning to a CD Zone for the property on which they proposed to locate the community service use. Council would need to give the related by-law the necessary readings, hold a public hearing and adopt the rezoning by-law before the use could be legally established. Community service uses would continue to be permitted outside of City Centre on lots in all zones where such a use is currently permitted.

Pros:

- Council would have full control over the location of all new community service uses in the City Centre, in support of the vision for City Centre;
- Would allow the public an opportunity to voice opinions and concerns, with respect to the location of new community service uses in the City Centre, as part of the public process associated with rezoning applications (i.e., pre-notification letters, development sign, public information meetings, public hearing, etc.);
- Would not affect the establishment of community service uses outside the City Centre, consistent with Council's stated objective of dispersing community service uses more evenly throughout the City;

Cons:

- Council will need to deal with more rezoning applications in the City Centre;
- The time constraints related to government funding of some community service uses may not allow the community service organization sufficient time to complete a rezoning process and, therefore, this approach may have the effect of reducing the amount of provincial and federal dollars that are appropriated to programs and services in the City of Surrey. It may also have the effect of making access to services more difficult for those in need;
- There is also a possibility that community service use providers will simply locate along the edge of City Centre, just beyond the City Centre boundary, creating new pressures in the new areas and without having any effect on the profile of the City Centre.

Recommended Approach – Draft Policy for Community Service Uses in the City

Based on the above evaluation, Option 3 is considered to be the most appropriate approach in that it balances the need to continue to provide opportunities for the establishment of community service uses throughout the City, with the vision for City Centre. However, it is important that guidelines be established that will provide guidance to those who may consider pursuing a rezoning of property in City Centre to allow for the establishment of a community service use. Appendix "A" contains a draft policy, entitled "Policy for the Consideration of Community Service Uses in the City Centre." It should be noted that the Policy calls for the preparation, by the applicant, of a community impact assessment that will document the potential effects of the proposed use on the City in general and the immediate neighbourhood within which it is located. At this time, a full terms of reference for the community impact assessment has not been completed, but as a minimum, such an assessment is to include a public consultation process, including input from key stakeholders in the immediate area and the

broader community. Staff will finalize the terms of reference for the community impact assessment and submit these for Council's consideration, subject to Council approval of the recommendations of this report.

Implementation of the Proposed Approach

Text Amendment to Eliminate Community Services as a Permitted Use in the City Centre Area

If Council adopts Option 3, as is recommended, it will be necessary to amend the text in each of several zones in the Zoning By-law to specifically reference the fact that "community service" uses are not a permitted use in the City Centre.

A summary of the proposed text amendments to the Zoning By-law is contained in Appendix "B".

Text Amendment to the Definition of City Centre

The current definition "*City Centre*" in the Zoning By-law states:

City Centre

for the purpose of Part 5 Off-Street Parking and Loading/Unloading means the area as shown on Schedule D.1.

This definition is being used to define the City Centre in many other contexts, not only in Part 5 of the Zoning By-law. Legal Services has advised that the existing definition of City Centre should be deleted and replaced with the following definition:

City Centre

means the area as shown on Map D.1 in Schedule D of this By-law.

It is recommended that Council approve this housekeeping amendment, which is included in Appendix "B".

Text Amendments to Several CD By-laws Related to Lots in the City Centre

Several CD Zones on lots in City Centre include community services as a permitted use. These CD Zones must also be amended. A staff review indicates seven such CD Zones, the locations of which are shown on the map in Appendix "F". Further review by staff, indicates that there are two categories of CD By-laws, which permit community service uses as follows:

Category A – CD By-laws that allow "community service" as an incidental use, but were adopted by Council to permit a commercial or commercial/residential development not directly related to the immediate establishment of a community service use.

In this case, removing "community service" as a permitted use has little impact on the overall operation or use of the property. An example is CD By-law No. 12660 that governs the Gateway development on 108 Avenue and 134 Street. The primary uses are residential and commercial/office uses. "Community service" is one of a series of alternative uses permitted by the zone on the site.

Category B – The "community service" use component of the by-law was the integral and primary aspect of the development for which the CD By-law was adopted.

CD By-laws in this category were approved on the basis that community services would be provided on site, as a direct result of adoption of the by-law and, as such, the public has already had the opportunity to apprise Council of its concerns through the public hearing process, in relation to the community service use that was proposed. In such cases, the community service use should continue as a permitted use and the CD By-law should not be amended. An example, is CD By-law No. 14533, created to facilitate the development of a Filipino Community Centre at 13674 Grosvenor Road. The intended use was to accommodate assembly hall uses, as well as community service uses, which would facilitate activity and drop-in programming space and other social support services. Another example is CD By-law No. 13873, adopted by Council to accommodate the temporary homeless shelter at 10667 – 135A Street. In this circumstance, the homeless shelter and related services to persons who are homeless, were the reason for the rezoning process.

Appendix "C" lists only the CD By-laws that fall within "Category A", which should be amended to eliminate "community service" as a permitted use.

Legal Non-Conforming Status

Community service uses currently legally established in the City Centre area, other than those covered by the "Category B" CD By-laws referenced above, will become "legal non conforming" uses if Council adopts the recommended amendments to the Zoning By-law. As a "legal non-conforming" use, the community service use may continue for an indefinite time, unless the use ceases for a period of six months or more, at which time the legal non-conforming status ends. Any subsequent uses on the land must conform to the amended provision of the Zoning By-law. A legal non-conforming use cannot be expanded on the lot on which they are located beyond the area that was legally occupied by the use at the point in time when the legal non-conformity occurred.

Rezoning Fees for "Community Service" Uses in City Centre

These changes will affect non-profit groups wishing to expand or relocate their services in the City Centre. Surrey's current application fee for a rezoning to a CD Zone involves a base fee of \$3,360 for the application and \$730 for the related public hearing, for a total cost of \$4,090 for existing buildings. Where a new building is proposed, there is an additional fee of \$0.137 per sq. m. of floor area.

Given that the proposed text amendments affect only properties in the City Centre, Legislative Services will notify the owners of the affected properties by mail, informing them of the proposed by-law amendment, in addition to the normal public hearing notification in the local newspaper.

The Legal Services Division has reviewed this report and proposed text amendments.

CONCLUSION

Based on this report it is recommended that Council

- Adopt the proposed Policy, entitled "Policy for Consideration of Community Service Uses in the City Centre", documented in Appendix "A" to this report to regulate and control community service uses in the City Centre;

- Direct staff to develop a more detailed terms of reference for the community impact assessment referenced in the Policy contained in Appendix "A" to this report;
- Approve text amendments to the Zoning By-law, as documented in Appendix "B", to amend the definition of "City Centre" and to eliminate "community service" as a permitted use on lots located in the City Centre, as defined by Map D.1 in Schedule D of the Zoning By-law and zoned RMC 135, RMC-150, PA-1, PA-2, C-5, C-8, C-8A, C-8B, C-15, C-35, CHI, IB, IB 1, IB-2 or IL;
- Approve text amendments to the CD By-laws related to lots in the City Centre, as documented in Appendix "C", to remove "community service" as a permitted use; and
- Authorize the City Clerk to bring forward the necessary amendment by-laws for the required readings and to set a date for related public hearing.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

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Attachments

Appendix "A" - Policy for Consideration of Community Services in the City Centre Area

Appendix "B" - Proposed Text Amendments to the Zoning By-law

Appendix "C" - Proposed Text Amendments to CD By-laws in the City Centre

Appendix "D" - Map of Existing Zones in the City Centre that permit Community Services

Appendix "E" - Map of City Centre

Appendix "F" - Map of Lots Covered by CD Zones in City Centre

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Appendix "A"

Policy for Consideration of Community Service Uses in the City Centre

To address concerns about the concentration of *community services* in the City Centre and to exercise reasonable control over the type and location of community services in the City Centre area, the following will apply:

- *Community service* uses in the City Centre will in general only be permitted subject to Council approval through a rezoning process.

Community Service as defined in the Surrey Zoning By-law, 1993, No. 12000, as amended:

"means a use by a non-profit society:

- (a) *providing information, referral, counselling, advocacy or physical or mental health services on an out-patient basis;*
- (b) *dispensing aid in the nature of food or clothing; or*
- (c) *providing drop-in or activity space;*

but does not include churches, residential uses and independent group homes".

The City Centre area is illustrated in Map D.1 in Schedule D of the Surrey Zoning By-law, 1993, No. 12000, as amended.

Each application for a rezoning to permit a "community service" use in the City Centre area must include a Community Impact Assessment completed by a duly qualified professional. The Community Impact Assessment must include, but will not be limited to, the following elements:

- A business/community services plan for the proposed program or services;
- A description and location of other community services in the area of the proposed use;
- A description of the potential benefits and impacts of the use on the neighbourhood and on the broader community; and
- A summary of the public consultation that was undertaken with the owners of the immediately adjacent properties and with representatives of the broader community and business sectors, the level of community support for the use, a summary of the concerns that were raised during this consultation process and the means by which the concerns will be addressed by the applicant/operator of the proposed community service use.

Appendix "B"

Proposed Amendments to the Surrey Zoning By-law, 1993, No. 12000

The following amendments are proposed to Surrey Zoning By-law, 193, No. 12000, as amended:

1. Part 1 – Definitions

Delete the paragraph under "City Centre" and insert the following:

"means the area as shown on Map D.1 of Schedule D of this By-law".

2. Part 26 - Multiple Residential Commercial 135 Zone (RMC-135)

Delete paragraph 3(i) of Section B – Permitted uses and insert the following:

3.(i) *Community services*, provided the use is located outside the *City Centre*.

3. Part 27 - Multiple Residential Commercial 150 Zone (RMC-150)

Delete paragraph 3(i) of Section B - Permitted Uses and insert the following:

3.(i) *Community services*, provided the use is located outside the *City Centre*.

4. Part 31 - Assembly Hall 1 Zone (PA-1)

Delete paragraph 4 of Section B – Permitted Uses and insert the following:

4. *Community services*, provided the use is located outside the *City Centre*.

5. Part 32 - Assembly Hall 2 Zone (PA-2)

Delete paragraph 4 of Section B – Permitted Uses and insert the following:

4. *Community services*, provided the use is located outside the *City Centre*.

6. Part 35 - Neighbourhood Commercial Zone (C-5)

Delete paragraph 1(g) of Section B – Permitted Uses and insert the following:

- 1.(g) *Community services*, provided the use is located outside the *City Centre*; and

7. **Part 36 - Community Commercial Zone (C-8)**

Delete paragraph 14 of Section B – Permitted Uses and insert the following:

14. ***Community services***, provided the use is located outside the ***City Centre***.

8. **Part 36A - Community Commercial A Zone (C-8A)**

Delete paragraph 11 of Section B – Permitted Uses and insert the following:

11. ***Community services***, provided the use is located outside the ***City Centre***.

9. **Part 36B - Community Commercial B Zone (C-8B)**

Delete paragraph 11 of Section B – Permitted Uses and insert the following:

11. *Community services*, provided the use is located outside the *City Centre*.

10. **Part 37 - Town Centre Commercial Zone (C-15)**

Delete paragraph 13 of Section B – Permitted Uses and insert the following:

13. *Community services*, provided the use is located outside the *City Centre*.

11. **Part 38 - Downtown Commercial Zone (C-35)**

Delete paragraph 13 of Section B – Permitted Uses and insert the following:

13. *Community services*, provided the use is located outside the *City Centre*.

12. **Part 39 - Highway Commercial Industrial Zone (CHI)**

Delete paragraph 13 of Section B – Permitted Uses and insert the following:

13. *Community services*, provided the use is located outside the *City Centre*.

13. **Part 47 - Business Park Zone (IB)**

Delete paragraph 5(d) of Section B – Permitted Uses and insert the following:

- 5.(d) *Community services*, provided the use is located outside the *City Centre*;

14. **Part 47A - Business Park 1 Zone (IB-1)**

Delete paragraph 3(c) of Section B – Permitted Uses and insert the following:

- 3.(c) *Community services*, provided the use is located outside the *City Centre*;

15. **Part 47B - Business Park 2 Zone (IB-2)**

Delete paragraph 3(c) of Section B – Permitted Uses and insert the following:

3.(c) *Community services*, provided the use is located outside the *City Centre*;

16. **Part 48 - Light Impact Industrial Zone (IL)**

Delete paragraph 10(c) of Section B – Permitted Uses and insert the following:

10.(c) *Community services*, provided the use is located outside the *City Centre*;

Appendix "C"

**Proposed Amendments to the
CD-By-laws in the City Centre**

The following amendments are proposed:

1. **By-law No. 14109**

B. - Permitted Uses – delete Block A(m) Community services

2. **By-law No. 12660**

A. - Permitted Uses - delete Block 1, Blocks 2 & 3 and insert the following:

Block 1: All uses allowed in Section B, Permitted Uses of Part 38 Downtown Commercial Zone C-35, "Surrey Zoning By-law, 1993, No. 12000," as amended, except that no residential uses, residential structures of any kind or *community service* uses shall be permitted

Block 2 & 3: All uses allowed in Section B, Permitted Uses of Part 38 Downtown Commercial Zone C-35, "Surrey Zoning By-law, 1993, No. 12000," as amended, except no *community service* uses shall be permitted and except all uses other than residential shall not exceed a ratio of 20% of the total floor area of all buildings or structures used for residential purposes.

3. **By-law No. 12833**

B. - Permitted Uses - delete 2(j) Community services

4. **By-law No. 13882**

B. - Permitted Uses - delete 13. Community services

5. **By-law No. 14978**

B. - Permitted Uses - delete 12. Community Services

Appendix "D"



Map D.1. Surrey City Centre

Appendix "E"



Appendix "F"



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