

CORPORATE REPORT

NO: R061 COUNCIL DATE: March 22, 2010

REGULAR COUNCIL

TO: Mayor & Council DATE: March 22, 2010

FROM: General Manager, Planning and Development FILE: 3900-30

SUBJECT: Proposed Zoning By-law Amendments to the C-8A and C-8B Zones

INTENT

The Planning and Development Department recommends that Council:

- 1. Receive this report as information;
- 2. Approve amendments to the Community Commercial A (C-8A) Zone and the Community Commercial B (C-8B) Zone in Surrey Zoning By-law, 1993, No. 12000, as documented in Appendix I to this report; and
- 3. Instruct the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related public hearing.

INTENT

The purpose of this report is to obtain Council approval of amendments to the Community Commercial A (C-8A) Zone and the Community Commercial B (C-8B) Zone by adjusting certain land uses to better reflect the vision for the future of Surrey.

BACKGROUND

In an effort to prevent the proliferation of adult entertainment stores throughout the commercial areas of Surrey, the C-R(4) Retail Commercial Zone Four was created under Surrey Zoning By-law, 1979, No. 5942. Concurrently, the 1,485-square metre (0.37 acre) property located at the north-east corner of 107A Avenue and King George Boulevard (10732/40/46 King George Boulevard as shown on Appendix II) was rezoned under Council initiative from C-R(1) Retail Commercial Zone One to C-R(4). By-law No. 11457, incorporating the new C-R(4) Zone, and By-law No. 11458 rezoning the site at 10732/40/46 King George Boulevard to C-R(4) both received final adoption on March 22, 1993.

The intent of C-R(4) Zone was to regulate the development of small scale retail commercial and personal service facilities, including adult entertainment stores and theatre 2 uses. The lot at 10732/40/46 King George Boulevard was selected as the only lot in Surrey for the C-R(4) Zone as the operator of the Adult Super Store, which was licensed at this location, was seeking expansion. The solution was to create a zone that would limit the floor area for adult entertainment store and theatre 2 uses to a maximum of 186 square metres (2,000 square feet), which was the size of the

operator's existing store. Furthermore, by specifying adult entertainment stores and theatre 2 uses in the C-R(4) Zone, it automatically precluded such uses from all other zones.

When Surrey Zoning By-law, 1993, No. 12000 was adopted on September 13, 1993, the C-R(4) Zone was converted to the Community Commercial A Zone (C-8A). The one lot zoned C-R(4) was converted to C-8A. There is still only this one property in Surrey zoned C-8A and it is a highly visible site in the Surrey City Centre (Appendix II).

Presently this C-8A-zoned property at 10732/40/46 King George Boulevard contains a single storey building that houses four commercial units. One of the retail units contains an adult entertainment store and theatre 2 use (licensed since 1988) and, recently, the same operator fitted out a second adult entertainment store in a second retail unit (licensed in May 26, 2009) and has also applied for a theatre 2 business licence. Another retail unit (which is approximately 332 square metres/3,573 square feet in size) is occupied by a pawn shop. The operator of this pawn shop has given notice of his intention to vacate this space and will be relocating to the recently rezoned site (CD By-law No. 16599) at 10595 King George Boulevard. The fourth unit (which is approximately 100 square metres/1,074 square feet in area) was previously occupied by a beauty hair salon, but is currently vacant.

DISCUSSION

Presently, the area of City Centre south of 108 Avenue on the east side of King George Boulevard consists of older commercial buildings that were built in the 1960s and 70s. The City Centre Land Use Plan designates the property at 10732/40/46 King George Boulevard and the adjacent lands for mixed commercial and residential uses at a density of 3.5 Floor Area Ratio (FAR). One block to the east is the 4-phase "Quattro" multi-family development which consists of two constructed and one approved, but not yet constructed, four-storey apartment buildings, and one proposed five-storey, wood-frame, apartment building (Application No. 7909-0222-00 scheduled for Public Hearing on March 22, 2010).

The redevelopment of this neighbourhood is made more attractive by virtue of it being located within easy walking distance of the Gateway SkyTrain Station at 108 Avenue and University Drive. However, factors such as the unfriendly physical condition of some of the existing buildings, combined with less than desirable "adult-only" land uses, project a negative image that hinder a faster pace of redevelopment.

The adult entertainment stores and the theatre 2 uses of the C-8A Zone are not appropriate in the context of the new City Centre vision. To achieve the City's goal of promoting development and redevelopment of older neighbourhoods by enhancing the physical environment, these two permitted land uses should be removed from the C-8A Zone. Once these two land uses are removed from the C-8A Zone, any existing lawful business can remain as a legal non-conforming use.

To ensure that the adult entertainment store and the theatre 2 uses are prohibited in the C-8A Zone and all other general commercial sites, it is proposed that these two land uses be incorporated in the C-8B Zone. The C-8B Zone currently permits secondhand stores and pawnshops, body rub parlours and social escort services. Currently, the only lot zoned C-8B in the City is located at 13535 King George Boulevard as shown on Appendix III. The owner of the C-8A zoned lot has been apprised of staff's concerns with the types of businesses operating and proposed at 10732/40/46 King George Boulevard.

The City Solicitor has reviewed the proposed Zoning By-law amendments and finds them satisfactory.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the Community Commercial A (C-8A) Zone and the Community Commercial B (C-8B) Zone in Surrey Zoning By-law, 1993, No. 12000, as documented in Appendix I to this report; and
- Instruct the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related public hearing.

Jean Lamontagne General Manager Planning and Development

DC/kms/saw Attachments:

Appendix I Proposed Amendments to Surrey Zoning By-law No. 12000

Appendix II Map of Lot Zoned C-8A in City Centre

Appendix III Map of Lot Zoned C-8B

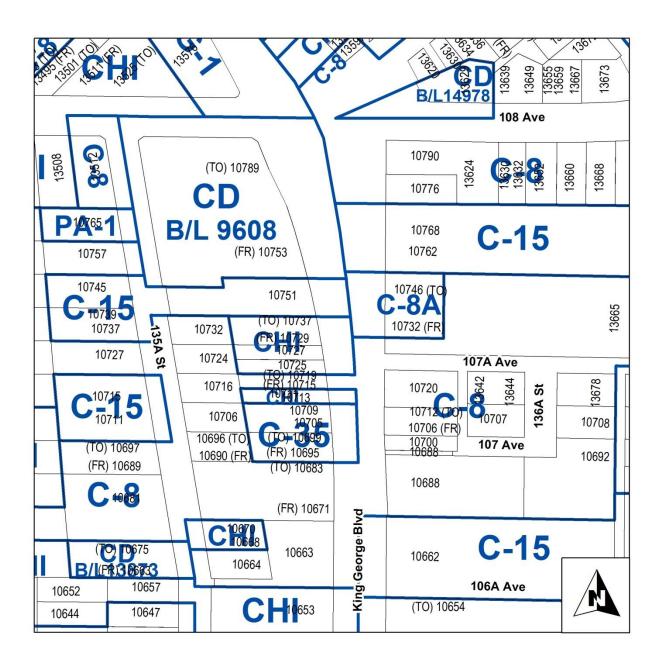
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PROPOSED AMENDMENTS TO SURREY ZONING BY-LAW NO. 12000

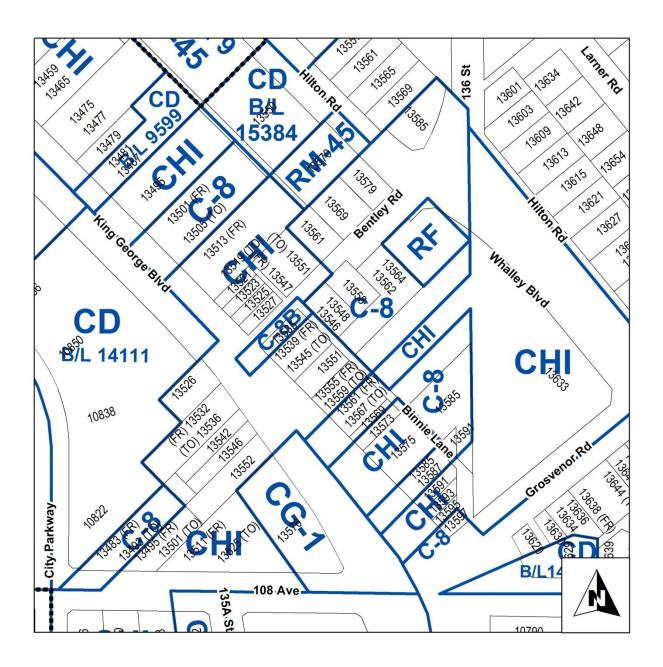
The following amendments are proposed to Surrey Zoning By-law, 1993, No. 12000, as amended:

- 1. In Part 36A Community Commercial A Zone (C-8A):
 - Amend Section A. Intent by deleting "including *adult entertainment stores* and *theatre* 2 uses".
 - Amend Section B. Permitted Uses by deleting Section B.1 in its entirety and replacing it with the following:
 - "1. *Retail stores* excluding the following:
 - (a) *adult entertainment stores*;
 - (b) *theatre 2* uses;
 - (c) secondhand stores; and
 - (d) pawnshops."
- 2. In Part 36B Community Commercial B Zone (C-8B):
 - Amend Section A. Intent by inserting "adult entertainment stores and theatre 2 uses," immediately after "including" and before "secondhand stores".
 - Amend Section B. Permitted Uses by:
 - Deleting Section B.1 in its entirety and replacing it with the following:
 - "1. *Retail stores* including the following:
 - (a) adult entertainment stores and theatre 2 uses provided that the total floor area of the adult entertainment stores and theatre 2 uses on the lot, including but not limited to sales area, projection room, seating areas, viewing areas, storage areas, and foyer, does not exceed 186 square metres [2,000 sq.ft.]; and
 - (b) secondhand stores and pawnshops."
 - Amending Section B.9 by deleting "and adult entertainment stores"

MAP OF LOT ZONED C-8A IN CITY CENTRE



Map of City-Owned Lot Zoned C-8B



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