

NO: **L007**

COUNCIL DATE: **October 3, 2011**

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council**

DATE: **October 3, 2011**

FROM: **General Manager, Planning and Development**

FILE: **5790-17650**

SUBJECT: **Strata Title Conversion of the Commercial Building with
Two Residential Suites Located at 5790 - 176A Street**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Resolve not to approve the issuance of a Certificate of Approval related to its authority under Section 242(6) of the *Strata Property Act*, S.B.C.1998, c.43 (the "*Strata Property Act*") for the strata conversion of the commercial building with two residential suites located at 5790 - 176A Street (the "Property") as illustrated in Appendices I and II attached to this report; and
2. Instruct the City Clerk to forward a copy of this report and the related Council resolution to the owner of the Property.

BACKGROUND

The Planning and Development Department received an application from the owner of the Property to strata-title the existing building on the Property that contains a commercial component on the first floor and two residential suites on the second floor. The owner is proposing to strata title the property into three units, with the commercial component being one of the strata title units and each of the two residential suites being strata titled as separate units. The map attached as Appendix I illustrates the location of the Property. In accordance with the *Strata Property Act*, City Council approval is required for the strata conversion of any existing occupied building.

DISCUSSION

The building on the Property was constructed in 1974. In 2007, a building permit was issued for the addition of a second storey to the building that would contain two residential suites. The first floor in the building was upgraded as part of this same building permit. On December 21, 2010, the building permit for this work was concluded with the final inspection approval being issued.

Staff is concerned with the proposed stratification of this existing building. Although the current building meets the requirements of the current zoning for the lot, it is not consistent with the Cloverdale Town Centre Plan. The lot on which the building is located fronts on 176A Street in the heart of the commercial district of Cloverdale. The current building is set back from 176A Street with on-site surface parking at the front of the building on 176A Street, as illustrated in the photograph, which is attached to this report as Appendix II. The Town Centre Plan calls for this site to be redeveloped with a commercial building in line with the commercial buildings to the south (i.e., with minimal setback from 176A Street. The conversion of this fee simple lot and its mixed use building into a strata-titled property will reduce the potential for future redevelopment of this Property in that each of the owners of the proposed strata-titled lots would need to agree with the other owners to such a redevelopment.

Staff has consulted with the Cloverdale Business Improvement Association and the Cloverdale District Chamber of Commerce, who have confirmed that they are not in support of the Property being strata-titled. On this basis, staff has concluded that the strata conversion of this Property will detract from the potential for planned and orderly development in the Cloverdale Town Centre.

Information if Council is Inclined to Grant a Certificate of Approval

The City's policy regarding the strata conversion of rental residential units requires that the vacancy rate in Surrey should be 4% or greater for rental residential units. In this regard, the rental vacancy rate in Surrey, according to CMHC statistics available at the time of the strata title application (statistics are published annually) was 4.2%.

Photographs of the subject building are attached as Appendix II. The property is zoned "Town Centre Commercial Zone" (C-15) Zone and is subject to the provisions of Development Permit No. 7907-0035-00. The building has been certified by a registered professional architect as being of reasonable quality for the age of the building. The architect further advised that with proper maintenance the building has a life expectancy exceeding 50 years.

In accordance with Council Policy, the owner has notified the existing tenants in the building of the owner's intention to strata-title the building. No concerns have been received by the City from the tenants concerning the strata-title application.

CONCLUSION

Based on the above discussion, it is recommended that Council

- Resolve not to approve the issuance of a Certificate of Approval related to its authority under Section 242(6) of the *Strata Property Act* for the strata conversion of the commercial building with two residential suites located at 5790 - 176A Street, as illustrated in Appendices I and II attached to this report; and

- Instruct the City Clerk to forward a copy of this report and the related Council resolution to the owner of the Property.

A handwritten signature in black ink, appearing to read "Jean Lamontagne". The signature is fluid and cursive, with a long horizontal stroke extending to the left and a large loop at the bottom.

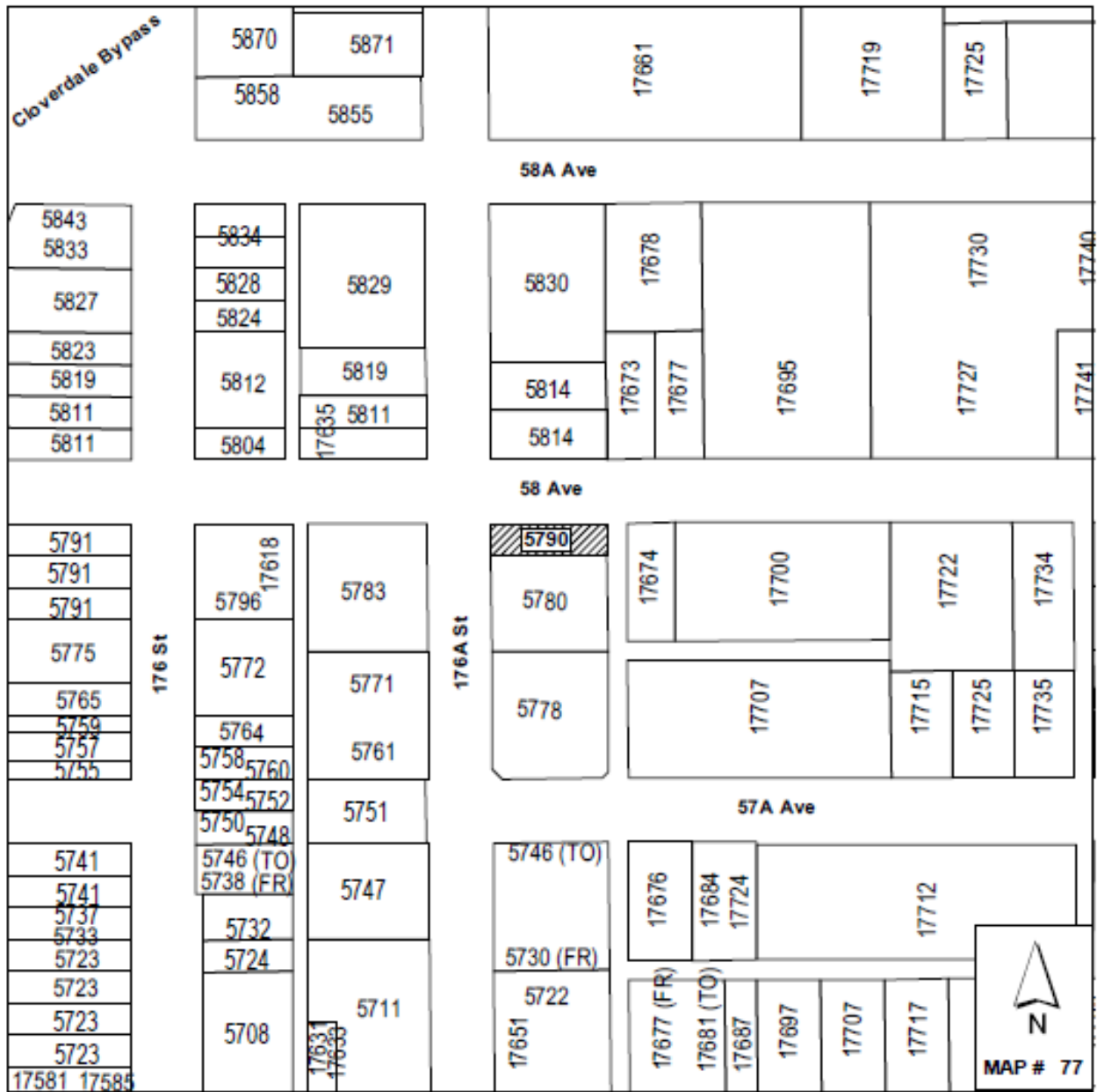
Jean Lamontagne
General Manager,
Planning and Development

HH:saw

Attachments:

Appendix I Map of 5790 – 176A Street

Appendix II Photographs of Building at 5790 – 176A Street Proposed for Strata Conversion













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