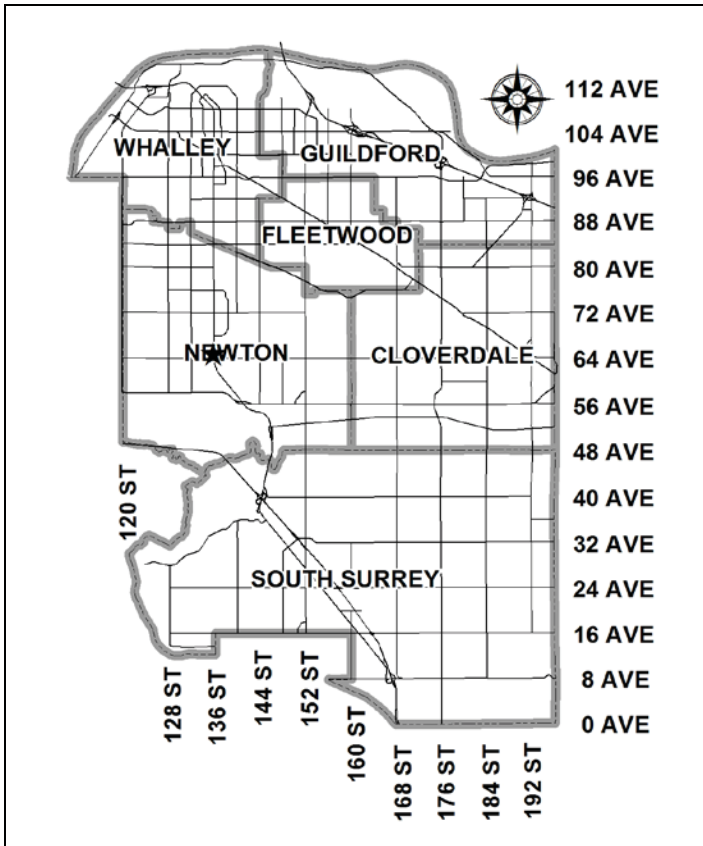


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0100-00

Planning Report Date: October 24, 2016



PROPOSAL:

- **Rezoning** from CD to CD (based on C-8) to permit additional uses within an existing commercial building.

LOCATION:

13545 - 64 Avenue

OWNER:

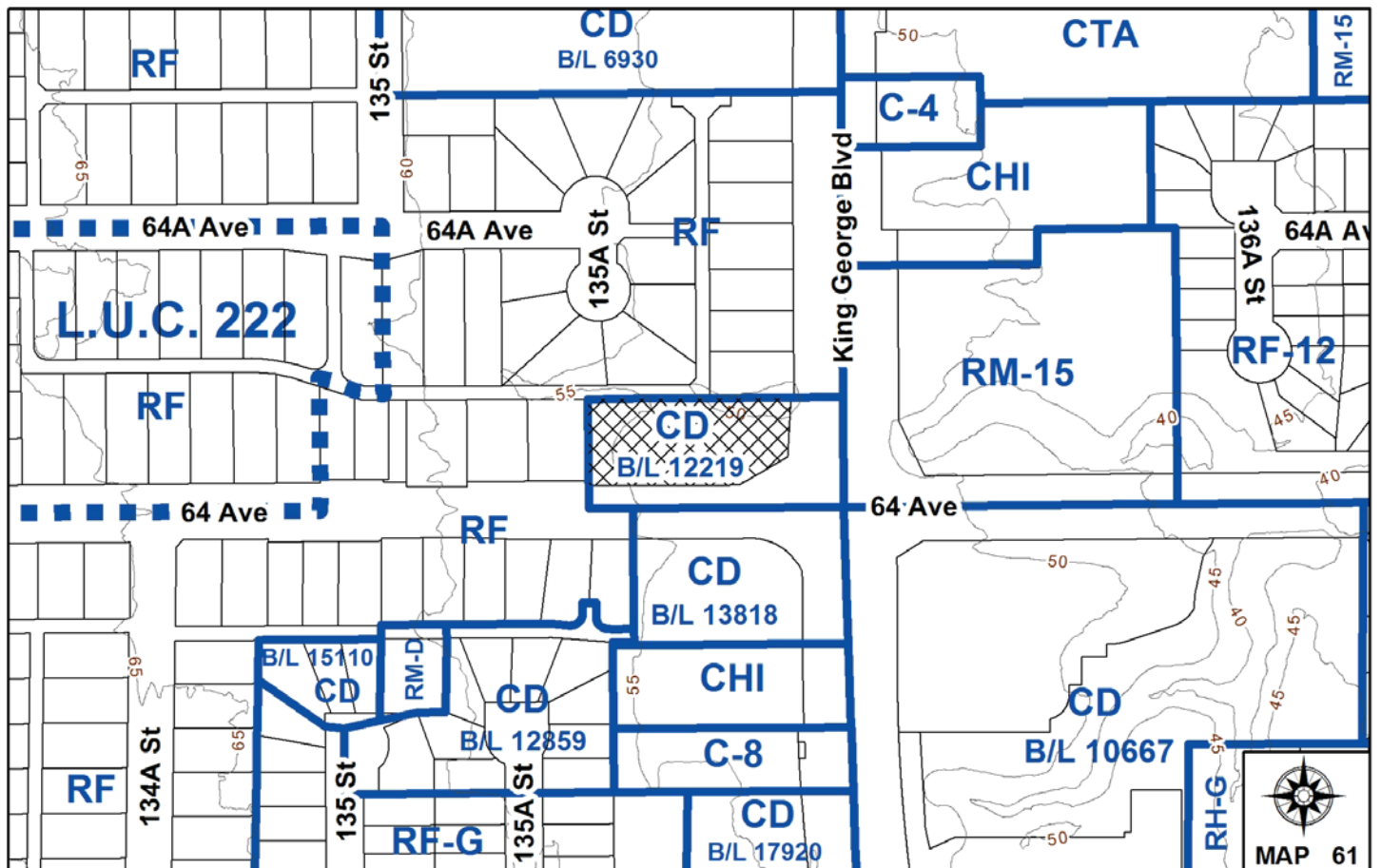
0739959 BC Ltd.

ZONING:

CD (By-law No. 12219)

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposal complies with the site's OCP Designation.
- The proposed rezoning will expand the type of commercial uses permitted on the property. The proposed uses are complementary to other existing commercial uses in the area of King George Boulevard between 62 Avenue and 64 Avenue, which is a Commercial Node.
- The applicant intends to retain the existing building and make further tenant improvements to accommodate potential tenants. No modifications of the existing building exterior or site will be made.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 12219) to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
 - (b) registration of a Section 219 Restrictive Covenant to restrict business hours between 6:00 a.m. and 11:00 p.m.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

School District The proposed addition of liquor store use on the subject site would be in close geographic proximity to Henry Bose Elementary and Panorama Ridge Secondary School. Henry Bose Elementary is oriented to a different street, thereby somewhat mitigating friction between these uses. The subject site and Panorama Ridge Elementary School share 64 Avenue as street frontage, thereby increasing the potential for friction between these two uses.

The School District expresses general concern with any business selling or serving liquor (particularly around school hours) in close proximity to any schools.

Parks, Recreation & Culture: Parks has no objection to the proposal.

SITE CHARACTERISTICS

Existing Land Use: A 2-storey multi-tenant commercial building to be retained.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Unconstructed lane right-of-way and single family residential	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
East (Across King George Boulevard):	Townhouses	Urban	RM-15
South (Across 64 Avenue):	Gas station and single family residential	Urban	CD (By-law No. 13818) and RF
West:	Single family residential	Urban	RF

DEVELOPMENT CONSIDERATIONS

Context

- The subject property is located at 13545 – 64 Avenue at the northwest corner of 64 Avenue and King George Boulevard intersection in Newton. The site is designated "Urban" in the Official Community Plan (OCP) and zoned "Comprehensive Development Zone (CD)" (By-law No. 12219), which was adopted September 18, 1995.
- The site is 3,208 square metres (34,530 sq.ft.) in area and has an existing 919 square metre (9,892 sq.ft.) 2-storey, multi-tenant building which was approved under Development Permit Application No. 7992-0484-00.
- A Class B watercourse (Mattu Creek) is located along a portion of the north property line. The required 15 metre (50 ft.) setback from the creek (south of the creek) is fully fenced.
- The site is bordered to the north and east by single family residential lots and townhouses to the east, across King George Boulevard. Across 64 Avenue, directly from the site is a gas station, and to the east, is the vacant site of the former Surrey Public Market. The site is located in proximity to commercial nodes located along the east and west side of King George Boulevard between 62 Avenue and 64 Avenue.
- The site has exclusively been used for office uses for many years, including the former location of Provincial government offices which occupied the majority of the building and recently vacated the premises.
- Under the current CD By-law No. 12219, business hours are restricted to the time between 6:00am and 11:00pm.

Current Proposal

- The applicant is seeking to rezone the subject site from CD Zone (based on "Neighbourhood Commercial Zone [C-5]") to CD Zone (based on "Community Commercial Zone [C-8]") to expand on the permitted personal service uses and to add liquor store as a use. The applicant intends to retain the existing building and to make tenant improvements to accommodate potential new tenants.

- Under the C-8 Zone, permitted uses which are more parking intensive, and cannot be immediately accommodated on the existing site, were omitted from the proposed CD By-law.
- The applicant submitted a geotechnical report completed by Able Geotechnical Ltd. which indicated that the existing building is at a safe setback from the creek, and erosion and slope stability are not an issue for the existing building.
- The parking requirements are unaffected as the proposed additional uses are considered retail and personal service uses, which are currently accounted for under the current CD By-law.
- Both a Hazard Lands and Sensitive Ecosystem Development Permit (DP) may be required at the time of a building permit application to redevelop the existing building or to make alterations to the site.

Policy and Site Evaluation

- The suitability of a site for a private liquor store is determined using the City of Surrey's Locational Guidelines for Private Liquor Stores (Policy No. O-59), which requires that a private liquor store not be located:
 - Within 1 kilometre (0.6 mile) of another private liquor store; or
 - Within 400 metres (1/4 mile) of a school, public children's park, public playground, public library or public recreation centre.
- Based on the criteria above, the subject site is located more than 1 kilometre (0.6 mile) of other private liquor stores, and the site is located more than 400 metres (1/4 mile) from Panorama Ridge Secondary School. Henry Bose Elementary School and Heritage Woods Park are located less than 400 metres (1/4 mile) from the subject site "as the crow flies", but greater than 400 metres (1/4 mile) along established roadways and walkways.
- South of the subject site, within the commercial node along King George Boulevard between 62 Avenue and 64 Avenue, there are existing C-8 Zone properties which permit a liquor store use.
- A potential liquor store operator on the subject site would be subject to obtaining an existing Licensee Retail Store permit issued by the Provincial Liquor Control and Licensing Branch (LCLB). It should be noted that the LCLB placed a moratorium until July 21, 2022 on new Licensee Retail Store permits; however, existing permits may be sold and/or transferred to new locations.

CD By-law

- The applicant is proposing a CD Zone that will be based on the C-8 Zone. The following is a table outlining the differences between the C-8 Zone and the proposed CD Zone.

Permitted Uses	C-8 Zone	Proposed CD Zone
	<ul style="list-style-type: none"> • Retail stores • Personal service • General Service • Beverage container return centres • Eating establishments • Neighbourhood pubs • Liquor store • Office • Parking facilities • Automotive service • Indoor recreational facilities • Entertainment uses • Assembly halls • Community services • Child care centres • One dwelling unit 	<ul style="list-style-type: none"> • Retail stores • Personal service • General service • Eating establishments • Liquor store • Office • Child care centres • One dwelling unit

- In comparing the proposed uses to the existing CD By-law No. 12219, only two new uses are being introduced: personal service uses (except body rub parlours) and liquor store.
- No changes are proposed to the permitted density, lot coverage, yards and setbacks, height of buildings, or subdivision requirements. Under Special Regulations, the restriction of emitted noise from permitted uses and structures is added to the proposed By-law to be consistent with the current C-8 Zone.
- Under the existing CD By-law, a provision for the restriction of business hours between 6:00 a.m. and 11:00 p.m. is applicable to the subject site. As the Zoning By-law deals with permitted land use(s) only and does not speak to hours of operations, this provision has been excluded from the proposed By-law. However, to ensure continuity with existing restrictions applicable to the subject site, the applicant will be required to enter into a restrictive covenant to limit the hours of operations between 6:00 a.m. and 11:00 p.m.

PRE-NOTIFICATION

Pre-notification letters were mailed out on September 29, 2015 to 93 property owners within 100 metres (328 ft.) of the subject site, and to the East Newton Residents Association and the Newton Community Association. A development proposal sign was also installed on October 2, 2015. To date, staff has received one (1) phone call inquiring general information for the proposal, and one (1) email expressing the following opposition to the proposal (staff comments in italics).

- The resident opposes the liquor store use in the existing office building on site and its proximity to family-oriented amenities in the area, such as public schools, a fast food restaurant, and religious and social institutions. The resident opined that a liquor store use is more appropriately located in a mall or liquor served at a pub/restaurant.

(The proposed liquor store use is located on a site that complies with the City Policy No. O-59, as it is located more than 400 metres from a school, public children's park, public playground, public library or public recreation centre by walking distance. The Parks Recreation and Culture Department have not raised any concerns about the proposal.)

SUSTAINABLE DEVELOPMENT CHECKLIST

The applicant prepared and submitted a sustainable development checklist for the subject site on August 27, 2015. The table below summarizes the applicable development features of the proposal based on the seven (7) criteria listed in the Surrey Sustainable Development Checklist.

Sustainability Criteria	Sustainable Development Features Summary
1. Site Context & Location (A1-A2)	<ul style="list-style-type: none"> • The site is located on a Frequent Transit Route (King George Boulevard).
2. Density & Diversity (B1-B7)	<ul style="list-style-type: none"> • The proposal is consistent with the OCP for the site.
3. Ecology & Stewardship (C1-C4)	<ul style="list-style-type: none"> • A Class B watercourse (Mattu Creek) is located on the subject site. It is full fenced and no encroachment is proposed under this application.
4. Sustainable Transport & Mobility (D1-D2)	<ul style="list-style-type: none"> • There is an existing pedestrian linkage to a transit stop on 64 Avenue.
5. Accessibility & Safety (E1-E3)	<ul style="list-style-type: none"> • The parking area will be gated after business hours.
6. Green Certification (F1)	<ul style="list-style-type: none"> • N/A
7. Education & Awareness (G1-G4)	<ul style="list-style-type: none"> • Public Notification has taken place. • Surrounding residents have the opportunity to voice their concerns through the notification process, including at a future Public Hearing.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Engineering Summary
- Appendix III. Proposed CD By-law

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

DH/da

Information for City Clerk

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

1. (a) Agent: Name: Balbir Singh Gellon
 0739959 BC Ltd.
 Address: 13545 - 64 Avenue
 Surrey, BC V3W 1Y2

2. Properties involved in the Application

- (a) Civic Address: 13545 - 64 Avenue

- (b) Civic Address: 13545 - 64 Avenue
 Owner: 0739959 BC Ltd.
 Director Information:
 Balbir Singh Gellon
 Charanjit Kaur Gellon

Officer Information as at November 8, 2015:

Balbir Gellon (President)

PID: 018-269-834

Lot 1 Section 17 Township 2 New Westminster District Plan LMP 10362

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the property.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD (based on C-8)

Required Development Data	Minimum Required / Maximum Allowed	Existing
LOT AREA* (in square metres)		
Gross Total		3,208 sq.m
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	50%	18%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	4.5 m	4.6 m
Rear	4.3 m	43.3 m
Side #1 (N)	4.5 m	13.5 m
Side #2 (S)	4.5 m	4.6 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9m	9m
Accessory		
FLOOR AREA: Commercial		
Retail		454 sq.m
Office		465 sq.m
Total		919 sq.m
TOTAL BUILDING FLOOR AREA		919 sq.m
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)	0.50	0.36
FAR (net)		
PARKING (number of stalls)		
Commercial		32
Total Number of Parking Spaces		32
Number of disabled stalls		1

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **November 9, 2015** PROJECT FILE: **7815-0100-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 13545 64 Avenue**

REZONE

Property and Right-of-Way Requirements

- Dedicate 4.942 m on 64 Avenue for the ultimate 30.0 m wide Arterial road standard.
- Register a 0.5 m wide Statutory Right-of-Way (SRW) on 64 Avenue and King George Boulevard frontages for Service Connection Works and Maintenance Access to Sidewalk.
- Register a SRW over the creek setback area for Storm Water and Riparian Area Preservation with Section 219 Covenant.

Works and Services

- Construct bus pad on 64 Avenue behind existing sidewalk to current standard.
- Relocate existing gate at entrance as required to provide adequate queuing distance from new property line.
- As part of the Hazard Lands DP process, provide geotechnical assessment of the water course banks adjacent to the existing building to confirm slope stability; establish stable setback from the ravine and complete works if required.
- Install water quality/sediment control inlet chamber as a component of the on-site drainage system before discharge at the inspection chamber.
- Confirm size, age and condition of existing service connections, relocate to the new property line and/or upgrade as required.

A Servicing Agreement (Mini) is required prior to Rezoning.

DEVELOPMENT VARIANCE PERMIT

There are no engineering requirements relative to issuance of the Development Variance Permit.



Rémi Dubé, P.Eng.
Development Services Manager

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CITY OF SURREY

BYLAW NO. _____

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: COMPREHENSIVE DEVELOPMENT ZONE (CD) (BY-LAW NO. 12219)
 (SURREY ZONING BY-LAW, 1993, NO. 12000, AMENDMENT BY-LAW,
 1994, No. 12219)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 018-269-834
 Lot 1 Section 17 Township 2 New Westminster District Reference Plan LMP10362

13545 - 64 Avenue

(hereinafter referred to as the "*Lands*")

2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of a community shopping centre serving a community of several neighbourhoods.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

1. The following uses are permitted provided that the gross floor area of each individual business does not exceed 370 square metres (4,000 sq.ft.):

- (a) *Retail stores* excluding the following:
 - i. *adult entertainment stores*; and
 - ii. *secondhand stores and pawnshops*;
- (b) *Personal service uses* excluding *body rub parlours*;
- (c) *General service uses* excluding the following:
 - i. funeral parlours;
 - ii. *drive-through banks*; and
 - iii. vehicle rentals;
- (d) *Eating establishments* excluding *drive-through restaurants*;
- (e) *Liquor store*;
- (f) Office uses excluding the following:
 - i. *social escort services*; and
 - ii. *methadone clinics*; and
- (g) *Child care centres*.

2. *One dwelling unit* provided that the *dwelling unit* is:

- (a) Contained within the *principal building*; and
- (b) Occupied by the owner or the owner's employee, for the protection of the businesses permitted on the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.50.

E. Lot Coverage

The *lot coverage* shall not exceed 50%.

F. Yards and Setbacks

Buildings and structures shall be sited in accordance with the following minimum setbacks:

Use	Setback	Front Yard (East)	Rear Yard (West)	Side Yard (North)	Side Yard on Flanking Street (South)
<i>Principal Buildings and Accessory Buildings and Structures</i>		4.5 metres [15 ft.]	4.3 metres [141 ft.]	13.5 metres [44 ft.]	4.5 metres [15 ft.]

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. Principal buildings: The building height shall not exceed 9 metres [13 ft.].
2. Accessory buildings and structures: The height shall not exceed 4 metres [13 ft.].

H. Off-Street Parking and Loading/Unloading

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet vehicles.

I. Landscaping

1. All developed portions of the lot not covered by buildings, structures or paved areas shall be landscaped including the retention of mature trees. This landscaping shall be maintained.
2. Along the developed sides of the lot which abut a highway, a continuous landscaping strip of not less than 1.5 metres [5 ft.] in width shall be provided within the lot.
3. The boulevard areas of highways abutting a lot shall be seeded or sodded with grass on the side of the highway abutting the lot, except at driveways.

4. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all *lot lines* separating the developed portion of the *lot* from any *residential lot*.
5. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *residential lot*, to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. Garbage containers and *passive recycling containers* shall not be located within any required setback adjacent any *residential lot*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.
3. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.
4. Land and *structures* shall be used for the uses permitted in this Zone only if such uses do not emit noise in excess of 70 dB(A) measured at any point on any boundary of the *lot* on which the use is located.

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
2,000 sq. m. [0.5 acre]	30 metres [100 ft.]	30 metres [100 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.

L. Other Regulations

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the C-8 Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building By-law, 2012, No. 17850, as amended.
8. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
9. Development permits may be required in accordance with the Surrey *Official Community Plan* By-law, 2013, No. 18020, as amended.
10. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act S.B.C. 2002, c. 75, as amended, and the Child Care Licensing Regulation set out under B.C. Reg 95/2009, as amended.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, _____, No. _____."

PASSED FIRST READING on the _____ th day of _____, 20 .

PASSED SECOND READING on the _____ th day of _____, 20 .

PUBLIC HEARING HELD thereon on the _____ th day of _____, 20 .

PASSED THIRD READING on the _____ th day of _____, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ th day of _____, 20 .

_____ MAYOR

_____ CLERK