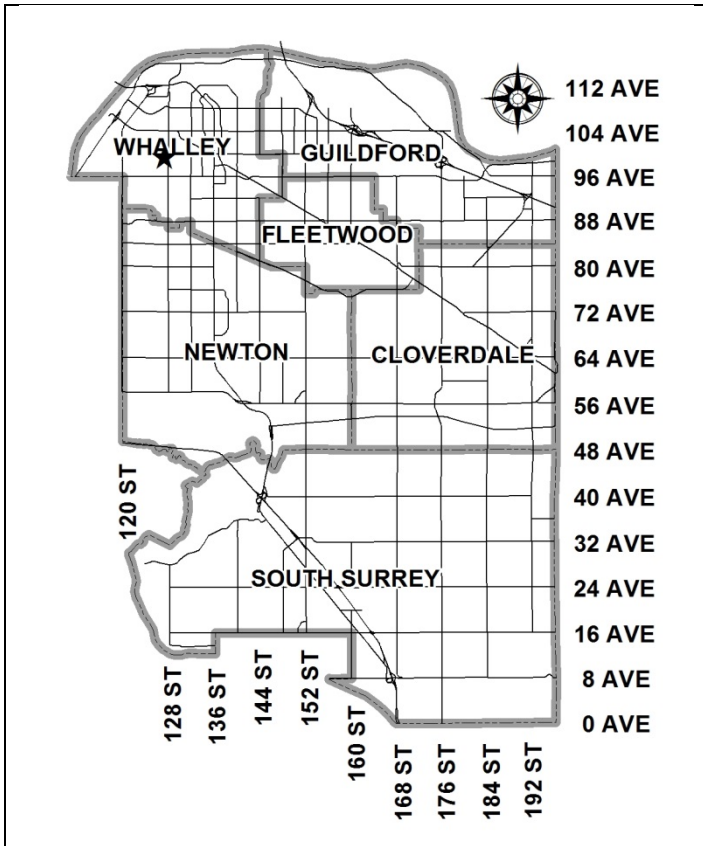


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0231-00

Planning Report Date: October 20, 2015



PROPOSAL:

- **Temporary Use Permit**

to permit a place of worship within the existing house for a period of 3 years.

LOCATION:

12658 - 100 Avenue

OWNER:

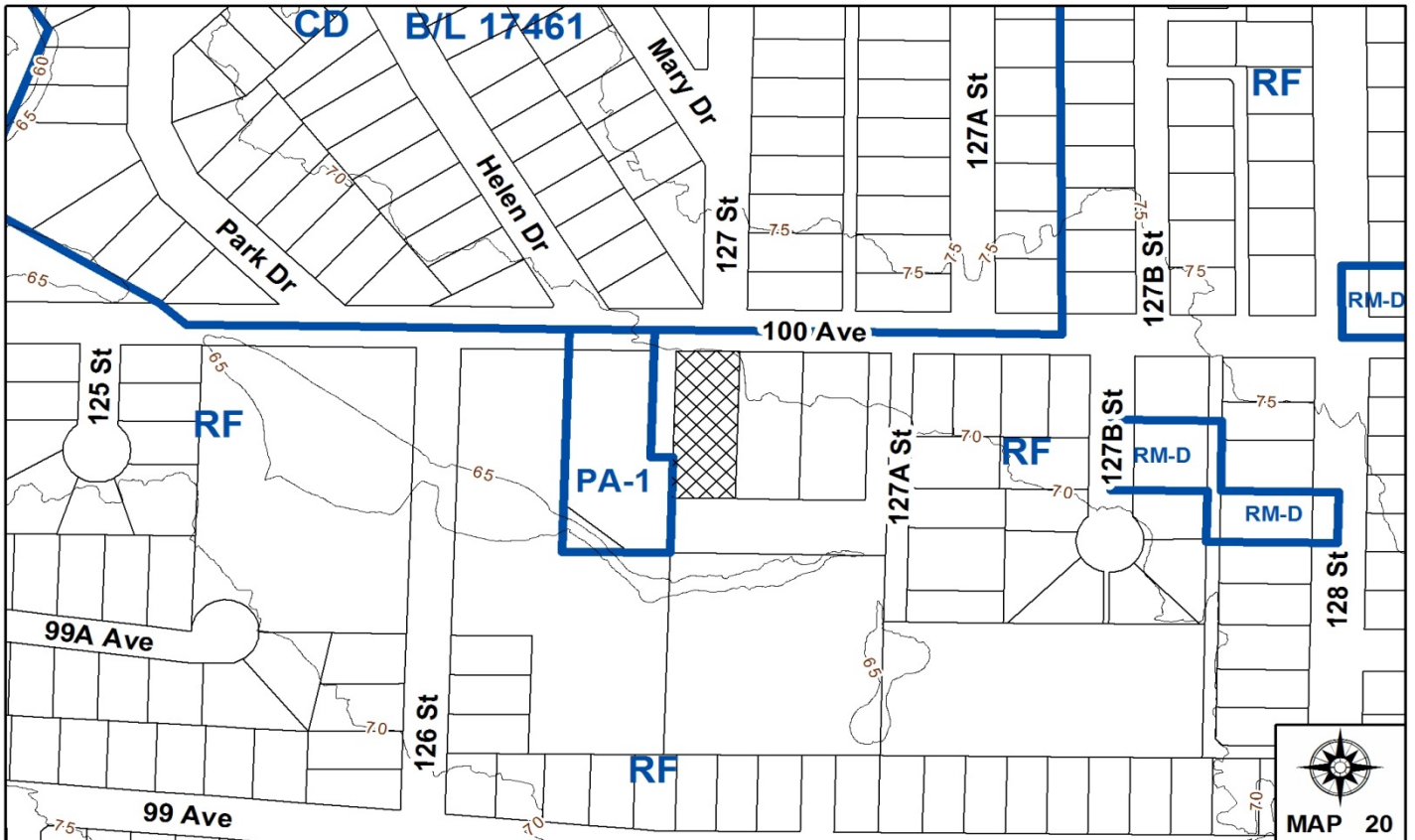
Islamic Association Of Western Canada

ZONING:

RF (PA-1 at Third Reading)

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Does not comply with the current RF zoning of the property.

RATIONALE OF RECOMMENDATION

- The same applicant is proposing a rezoning of the subject site to PA-1 to permit a 876-square metre (9,429 sq.ft.) religious assembly building with 51 parking spaces (Application No. 7913-0228-00). The Public Hearing for the proposed rezoning was held on June 29, 2015 and Council heard comments from those in support and those in opposition to the rezoning. The rezoning by-law received Third Reading and the applicant is required to fulfill a number of conditions before final adoption of the rezoning by-law can be considered.
- The applicant has now advised that fund-raising is required to enable completion of the proposed rezoning of the subject site to PA-1 and the construction of a new religious assembly building and is requesting a Temporary Use Permit (TUP) to permit the existing house on the property to be used for religious assembly purposes for a period of 3 years with a possible extension.
- Although the proposed TUP is similar to the proposed rezoning, by allowing the religious assembly use (albeit at a smaller scale) to take place within the existing single family dwelling, the expectation of the religious assembly use taking place within a new purpose built facility will not be realized for some time.
- The applicant did not indicate until after the Public Hearing for the rezoning, that the conditions of the rezoning cannot be fulfilled until sufficient funds are generated.
- The applicant explains that the intent of the TUP is to permit the existing building to be utilized for prayers and other community activities on a smaller scale until the new mosque can be constructed.
- With the proposed activities on the subject site, the applicant suggests that the neighbourhood will be safer and more secure.
- Staff have received some objections from the immediate neighbourhood to the proposed TUP.
- To address the applicant's security concerns for the site, the existing building can be used as a single family dwelling in accordance with the existing RF zoning.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

If, however, Council is supportive of the application, Council may refer the application back to staff to prepare the Temporary Use Permit for Council's consideration.

REFERRALS

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

Parks, Recreation & Culture: Parks has expressed concern that the proposed use may result in increased parking demand and potential overflow into the adjacent parking lot in Robson Park.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling, which is intended to be upgraded to assembly use occupancy per the BC Building Code.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 100 Avenue):	Single family dwellings.	Urban	CD (By-law 16156, amended by By-law 17461)
East:	Robson Park	Urban	RF
South:	Robson Park	Urban	RF
West (Across unopened road):	Southside Community Church	Urban	PA-1

DEVELOPMENT CONSIDERATIONSBackground:

- The subject site is located along the south side of 100 Avenue near 127 Street. The site is approximately 2,024 square metres (0.5 acre) in size. The site is designated Urban in the Official Community Plan (OCP), and is zoned "Single Family Residential Zone (RF)".
- The subject site is bounded by Robson Park to the east and south, Southside Community Church to the west (across the unopened road allowance), and the St. Helen's Park single family neighbourhood to the north.

- In 2013, the current owner of the subject site submitted Development Application No. 7913 0228-00, proposing to rezone the site from “Single Family Residential Zone” (RF) to “Assembly Hall 1 Zone” (PA-1), and a corresponding Development Variance Permit (DVP) to vary setbacks and landscaping requirements, to permit construction of a new religious assembly building (mosque). The proposed mosque is 876 square metres (9,429 sq.ft.) in size with capacity to accommodate a maximum of 300 people. As part of the proposal, the applicant intends to close and purchase the 10-metre (33 ft.) wide unopened road allowance located immediately to the west of the subject lot and consolidate it with the subject lot.
- At the April 13, 2015 Regular Council – Land Use Meeting, Council considered and initial Planning Report for the subject Development Application No. 7913-0228-00. Staff recommended that the application be denied based largely on the strong opposition expressed by area residents in the immediate neighbourhood.
- After considering the comments from two delegations in support of the application, Council passed the following motion [RES. R15-595]:

“That Application 7913-0228-00 be referred back to staff to complete the necessary design work with the applicant and provide additional planning comments at a future Land Use meeting.”
- In accordance with Council’s directive, an Additional Planning Report was presented to Council at the June 15, 2015 Regular Council – Land Use Meeting. At that meeting, Council granted First and Second Readings to the Rezoning By-law (No. 18471), introduced the corresponding DVP, and scheduled a Public Hearing for the rezoning for June 29, 2015.
- At the June 29, 2015 Public Hearing, Council heard a number of delegations both for and against the proposal. After the Public Hearing, Council granted Third Reading to the Rezoning By-law (No. 18471). The Rezoning By-law is at Third Reading and will be presented to Council for consideration of Final Adoption once all the conditions of approval are met, including engineering servicing requirements.

Current Proposal:

- The applicant is now requesting a Temporary Use Permit (TUP) to permit the existing single family dwelling on the property to be used for religious assembly purposes.
- The applicant explains that the intent of the TUP is to permit the existing building, once upgraded, to be utilized for prayers and other community activities on a smaller scale until the new mosque can be constructed. The applicant commented that by providing religious services on the subject site, this will help them arrange sufficient funds to start construction of the new, permanent building.
- The applicant hopes to use the existing dwelling for religious assembly purposes for the next 3-5 years. The applicant understands that a TUP is only valid for a maximum of 3 years, with the possibility of one 3-year extension, subject to Council approval. Once sufficient funding is secured, the applicant intends to demolish the existing dwelling, complete the rezoning application, and begin construction of the new, permanent mosque.

- The existing building, as a place of worship, is proposed to offer five daily prayers for 10 to 15 people, and Friday Prayer for 25 to 50 people. They also intend to use the space for community activities such as counselling, education, food drives, interfaith dialogue, senior assistance, sporting events and neighbourhood security watch. Special occasions with larger attendance, such as Eid, will be held elsewhere.
- Currently, the group rents various halls in Surrey for their monthly programs including the Newton Arena Multipurpose Room and the Fleetwood Community Centre. Currently this Islamic group does not hold any daily or weekly prayers.
- Under the current proposal, the upper floor and a portion of the lower floor of the house (approximately 222 square metres / 2,389 sq.ft.) will be used for religious assembly use. The remaining portion of the lower floor of the house (approximately 96 square metres / 1,033 sq.ft.) will be for residential use.
- The applicant is aware that a building permit and the associated works would be required to upgrade the building from a residential occupancy to an assembly occupancy, in accordance with the BC Building Code.
- The parking requirement under Zoning By-law No. 12000 is 7.5 spaces per 100 square metres (1,075 sq.ft) of gross floor area utilized for the religious assembly use, and 2 parking spaces for the residential use. The combined parking requirement for the proposal is therefore 19 parking spaces.
- The applicant has submitted a parking plan showing 29 parking spaces within the existing gravel area at the rear of the site. These spaces would be delineated by using wheel stops and located outside of the critical root zones of any protected trees.

PRE-NOTIFICATION

Pre-notification letters were sent to nearby property owners on September 2, 2015 and the Development Proposal Sign was installed on September 16, 2015. Staff received 3 responses (1 email, 1 letter, and one phone call), including a response from the South Westminster Ratepayers Association. The respondents provided the following comments (*staff comments in italics*):

- One resident expressed concern that the applicant's rezoning of the subject site was granted Third Reading despite the neighbourhood opposition to the project and feels that approval of the requested Temporary Use Permit would "rub salt in the wounds" to those in opposition.
- The resident expressed concern about increased traffic, insufficient on-site parking, illegal construction, and proximity to a fish-bearing watercourse.

(As part of the rezoning application no. 7913-0228-00, the applicant hired a traffic consultant to assess the impacts of the proposed mosque with 300 attendees. The study found that traffic generated by the mosque would have negligible impact on the existing traffic in the neighbourhood and on the local network.

Under the current TUP proposal, 19 parking spaces are required to accommodate the proposed use. The applicant has provided a parking plan showing that 29 parking spaces can be accommodated within the gravel area at the rear of the property.

Two stop work orders were issued on January 16, 2013, and February 5, 2013, respectively. A building permit for a previous addition to the house was issued on August 12, 2013 and the Stop Work orders were lifted shortly thereafter. The owner has not called for an inspection.

The proposed use is located more than 30 metres / 100 ft. from Robson Creek, therefore no additional watercourse protection measures are necessary for the proposed development.)

- The South Westminster Ratepayers Association are concerned about the previous unauthorized use on the site. They would like to ensure that the occupants follow all the rules such as abiding by the uses permitted for the lot, complying with the parking requirements, and mitigating any impacts of off-site parking (e.g. no parking in the Robson Park parking lots).

(If the Temporary Use Permit is supported by Council, the applicant would be responsible for upgrading the existing house to meet the BC Building Code requirements for assembly occupancy, and would be required to upgrade the service connections. The proposed use would require 19 parking spaces, and the applicant has provided a parking plan that demonstrates they can achieve 29 parking spaces on the existing gravel surface lot.)

APPLICANT'S RATIONALE

- The applicant has provided a written rationale as to why Council should consider supporting the proposed TUP (Appendix IV).
- The applicant has proposed the following prayer times for the proposed temporary mosque, which are not expected to conflict with the Sunday prayers offered at the neighbouring church:
 - Five daily prayers (anticipated attendance of 10 to 15 people each) ranging throughout the day, depending on the daylight hours, from:
 - 3:00 a.m. to 12:00 a.m. in June;
 - approximately 6:00 a.m. to 6:00 p.m. in December; and
 - Friday Worship (anticipated attendance of 25 to 50 people):
 - 1:00 p.m. to 2:00 p.m. during summer months (May – October);
 - 12:00 p.m. to 1:00 p.m. during winter months (November – April).
- The applicant advises that special events with larger attendance, which occur approximately 3 to 4 times per year, will be held elsewhere until the permanent new facility is constructed. The mosque intends to coordinate a number of community services including counselling, education, food drives, interfaith dialogue, senior assistance, sporting events and neighbourhood security watch.

- With the proposed activities on the subject site, the applicant suggests that the neighbourhood will be safer and more secure.
- The applicant understands the engineering servicing upgrades required for the proposed temporary use, as well as the renovations required to the existing house in order to comply with the BC Building Code requirements for assembly occupancy.

PROJECT EVALUATION

- The following provides an analysis of the advantages and disadvantages of the proposed development.

Advantages of the Proposed Development

- The proposed Temporary Use Permit (TUP) would permit the existing building to be utilized for prayers and other community activities on a smaller scale until the new mosque can be constructed. The Muslim population in Surrey is reportedly growing at a steady rate and is in need of more worship places. The temporary space would help partially bridge the gap until the new facility is complete.
- By providing temporary religious services on the subject site, this will provide the applicant time to generate sufficient funds to finalize the rezoning and to start construction of the new, permanent building.

Disadvantages of the Proposed Development

- The original rezoning application (No. 7913-0228-00), currently at Third Reading, to permit a religious assembly use on the site in a new, permanent, purpose built facility, was met with mixed reactions from the immediate residential neighbourhood. Concerns included the scale of the proposed development, traffic, parking, previous unauthorized use and construction on the property, and impacts on Robson Park.
- The proposed Temporary Use Permit (TUP) would permit the same religious assembly use (albeit at a smaller scale) without the community benefits of a new purpose-built building that will be realized through completion of the rezoning application.
- Staff have received some objections from the immediate neighbourhood to the proposed TUP.
- Although the proposed 29 parking spaces exceed the 19 parking spaces required in the Zoning By-law, there is concern that there may be spill-over into the parking lots provided for Robson Park off 100 Avenue to the east and west of the subject site.

CONCLUSION

- While there are advantages and disadvantages to the proposed development, staff feel that on balance the disadvantages outweigh the advantages. Staff, therefore, recommend that the project be denied.

- If, however, Council is supportive of the application, Council may refer the application back to staff to prepare the Temporary Use Permit for Council's consideration.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Aerial Photo of Site and Proposed Parking Plan
Appendix III.	Engineering Summary
Appendix IV.	Applicant's Rationale for the Temporary Use Permit

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

SL/dk

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KD 10/15/15 9:45 AM

Information for City Clerk

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

1. (a) Agent: Name: Haroon Raza

Address: 6363 - 121 Street, Unit 105
Surrey BC V3X 3K6

Tel: 778-710-1000

2. Properties involved in the Application

(a) Civic Address: 12658 – 100 Avenue

(b) Civic Address: 12658 – 100 Avenue

Owner: Islamic Association Of Western Canada

PID: 008-981-663

Lot 105 Section 32 Block 5 North Range 2 West New Westminster District Plan 28368



Enter Map Description

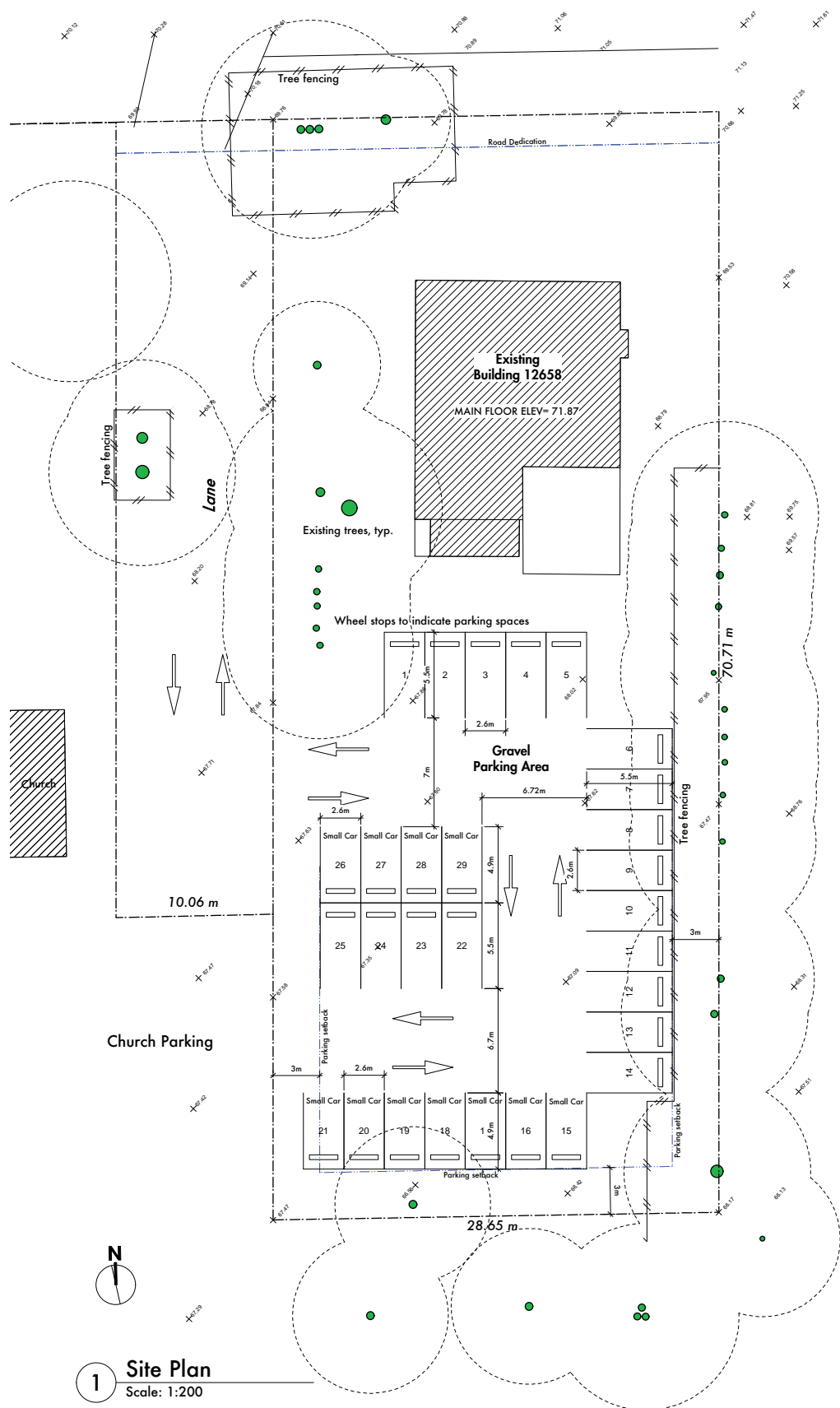
Scale: 1:750

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



Map created on: 08/10/2015

100th Avenue



Studio Senbel, arch. inc.
2,548 Victoria Drive
Vancouver, B.C. V5L 4E2
T: 604.605.6995 F: 604.605.6993
swr@studiosenbel.com

notes

issue

1 10/5/15 T.U.P. appl.

drawing

Site Plan

page no.

A1.1

1 Site Plan
Scale: 1:200



TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

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

DATE: **October 13, 2015** PROJECT FILE: **7815-0231-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 12658 100 Avenue**

TEMPORARY USE PERMIT

The Engineering Department understands this application is being recommended for denial. Should Council choose to support the application, the following requirements are to be addressed as a condition of issuance of the Temporary Use Permit:

- Confirm driveway access treatment through detailed design.
- Abandon the existing water and sanitary service connections as they are over 30 years old.
- Provide a minimum 150 mm sanitary service connection, complete with inspection chamber to service the site.
- Provide an adequately sized water service connection complete with water meter.
- Provide a storm service connection, complete with inspection chamber, if run-off from the proposed parking surface is not contained onsite. A stormwater management plan (SWMP) must be completed to the satisfaction of Surrey Engineering to assess the 5 year post development flows (minor system) and 100 year post development flows (major system) within the catchment. The applicant may propose a plan that will ensure the proposed parking surface is pervious or drains into an adequately designed onsite infiltration system. ***Onsite detention is required on this site to mitigate channel erosion downstream of the site within Robson Creek: 100 m³/ha with a release rate of 0.017 m³/s/ha. A restrictive covenant (RC) must be registered on title to address this requirement.***
- Provide a water quality/sediment control facility as a component of the on-site drainage system. An RC must be registered on title to address this requirement. Note that specific Erosion and Sediment control measures may be required to address lot grading work undertaken between 2012 and 2013.

A Servicing Agreement is not required for the proposed Temporary Use Permit; however, a processing fee of \$1,349.25 (GST included) is required to complete SWMP reviews and administer the legal documents. Proposed works associated with the driveway access, and sanitary and storm sewer connections can be constructed subject to issuance of City Road and Right-of-Way Permits through the Building Permit review process and referral to Engineering. This will include payment of securities and permit fees. City crews will complete the water service replacement at the applicant's costs.



Rémi Dubé, P.Eng.
Development Services Manager

RATIONALS FOR TUP APPLICATION

12658-100th AVENUE, SURREY, BC

- **Why you are requesting the TUP?**

The TUP has been requested to use the existing building for the prayers and other community activities on a smaller scale until we build the new mosque.

We believe that by engaging the local Muslim community and providing religious services on a smaller scale will help us to arrange at least 1/3 of the required funds to start the development work on the new building project.

Assembly hall shall be used to offer the five daily prayers by 10 to 15 people and Friday Prayer by 25 to 50 people. These services will not conflict with Sunday prayers offered at the neighboring Church. In addition to the daily prayers, the assembly hall shall provide a major platform to undertake the following community activities and services on regular basis. Following activities shall be provided on a smaller scale and shall also support City of Surrey's efforts to improve the community services.

1- Food Drives

Food drives shall be organized on monthly basis to support the local Food Banks. This service will assist particularly Surrey Food Bank in their efforts to feed 15,000 people every month (Ref. Surrey Food Bank).

2- Youth Counseling and Education

This service will be provided on monthly basis in the small groups of 10 to 15 youths at a time.)

Youth shall be engaged in regular monthly programs and sports activities to bring them closer to the Islamic and Canadian values. These regular programs will provide them healthy opportunities and restrain them from being involved in drugs and any immoral activities.

3- Interfaith Dialogue & Cooperation

For a healthy Canadian society it is important to develop better understanding of various faiths and communities. This mosque will be a centre for interfaith understanding and cooperation. Our leadership has been engaged across Canada to promote multiculturalism and multi-faith society. When our leader Imam Syed Soharwardy walked across Canada and lead **Multi-Faith Walk Against Violence** the entire Surrey City Council welcomed him when he walked through Surrey. This mosque will continue to promote peace and harmony among all citizens of Surrey, British Columbia and Canada.

4- Neighborhood Security Watch

The neighborhood is experiencing safety issues on regular basis. A dedicated team shall be appointed to look after the neighborhood safety and security watch with assistance and guidance from the City's law enforcement department.

During the period of last 12 months, proposed property has become a target of 3 major safety related incidents. All 3 incidents have been reported to police and are on record. In first incident a break-in was reported with a severe damage to the pumps room. In 2nd and 3rd incidents two cars were stolen from the property. These 3 incidents on a single property clearly show the major safety concerns.

Regular movements on the property for five times a day from early morning to late night shall ensure a comprehensive safety watch for the neighborhood. There is no doubt that proposed facility shall make the neighborhood safer and secure.

5- Seniors Assistance

Seniors support and assistance shall be available to the neighborhood residents.

6- Cleaning Drives

Weekly and monthly cleaning drives shall be organized to keep the neighborhood clean and beautiful. This service will complement the City's regular cleaning services.

7- Sports events

Sports events and programs shall be organized in small groups of 10 to 15 kids on monthly basis for the kids and youth living in the neighborhood to support the City's healthy initiative.

8- The Canadian Values

We believe we can be the best Canadian and the best Muslim at the same time. This mosque will lead the efforts to help new immigrants to understand the Canadian values of freedom and equality among all peoples which is in fact a very Islamic value as well. Our spiritual leader Imam Syed Soharwardy established **Muslims Against Terrorism** (www.m-a-t.org) in 1998. He is the first and only Muslim who walked across Canada against violence and terrorism. We are the first Muslim organization in Canada which issued formal religious edicts (Fatwa) against terrorism, misogyny, domestic violence, honour killings, underage marriages and forced marriages.

• **When you plan to complete the rezoning application and build the mosque?**

Our plan is to use the existing building for next 3 – 5 years to arrange the required funds for the development of the new building. At a minimum we would like to arrange 1/3 of the estimated 3 million overall project cost to start the development work.

• **Who is your engineer for the Rezoning Application?**

Our engineering for this application is Mr. Sharif Sunbal, who has also represented us in our rezoning application.

• **The hours of operation and peak assembly times.**

The hours of operation for five daily prayers changes throughout the year.

- Morning Prayer: From 3:00am to 4:00am in summer, and 5:00am to 6:00am in winter.
- Noon Prayer: From 1:00pm to 2:00pm in summer, and 12:00pm to 1:00pm in winter.
- Afternoon Prayer: From 5:00pm to 6:00pm in summer, and 4:00pm to 5:00pm in winter.
- Evening Prayer: From 8:00pm to 9:00pm in summer, and 5:00pm to 6:00pm in winter.
- Night Prayer: From 10:00pm to 11:00pm in summer, and 7:30pm to 8:30pm in winter.

- Peak assembly time: Our peak assembly time will be on Friday between 12:00pm to 1:00pm during winter time and between 1:00pm to 2:00pm during summer time.

**These services will not conflict with Sunday prayers offered at the neighboring Church.*

• **The maximum number of attendees.**

We anticipate 40-50 attendees at max to attend our Friday Prayer, which will be held once a week. In our daily five prayers, we anticipate 10 to 15 attendees at max.

- **How you plan to convert the house, e.g. where the assembly use will take place.**
The upper portion of the house is already converted into a big hall under a previous permit issued by City of Surrey. This hall will be used for all the activities.
- **Any other relevant information.**
There are more than 75 Muslim families living in 1,000 meters radius of the proposed facility, who will be main users of this facility on regular basis. Due to the close proximity, they will be encouraged and asked to attend this facility on foot and avoid using any transport. This will also help to address any hypothetical parking and traffic issues.

It took us nearly 3 years to come to this point and we have severe pressure from the local Muslim community to start the prayer activities on a smaller scale until we start work on the new building.

We understand and acknowledge the opposition reservation about this project and are ready to work with them to mitigate and resolve those minor issues. We have also agreed to form a “Good Neighbourhood Agreement” with the City of Surrey.