

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0360-00

Planning Report Date: January 14, 2019

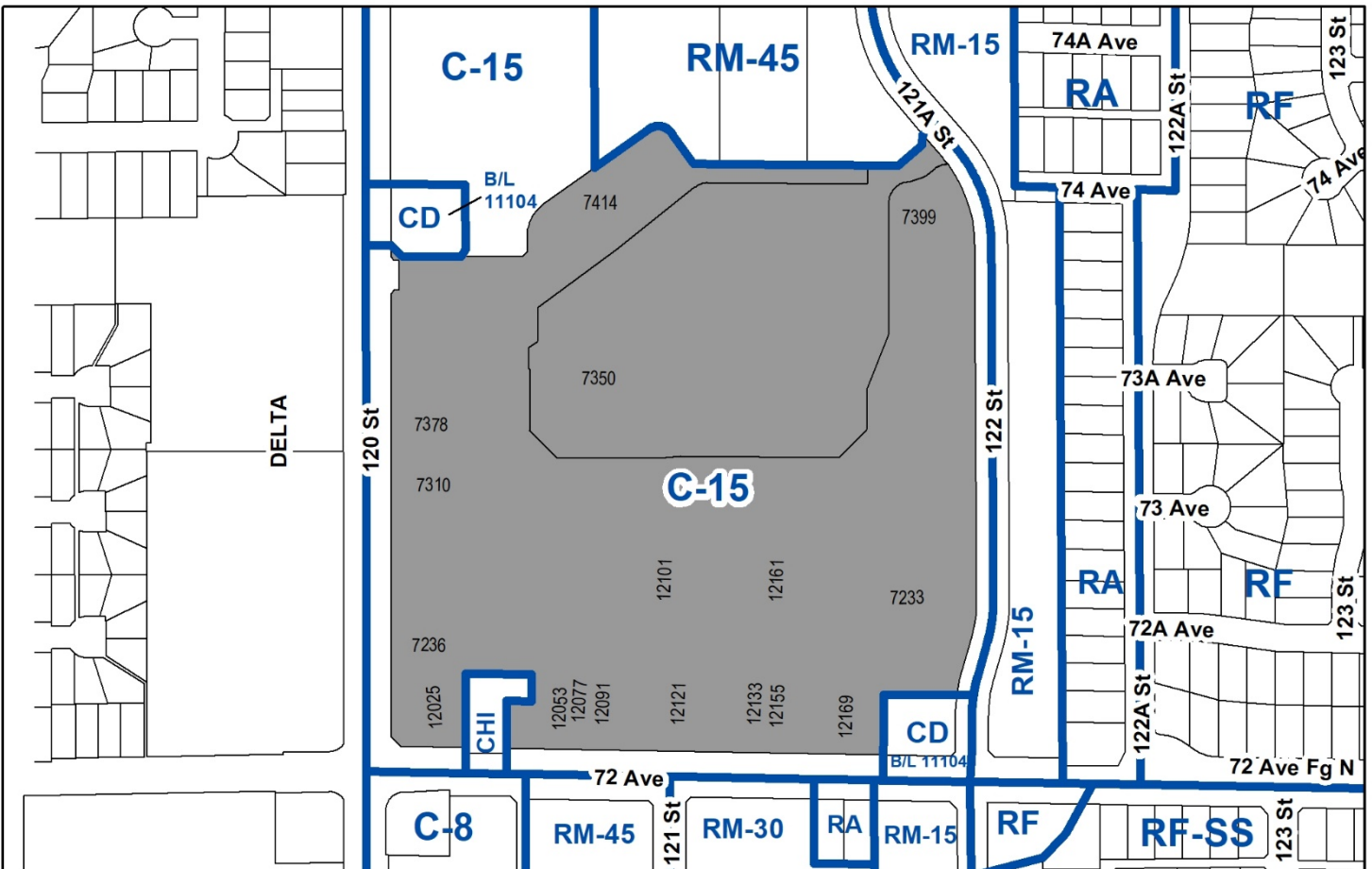
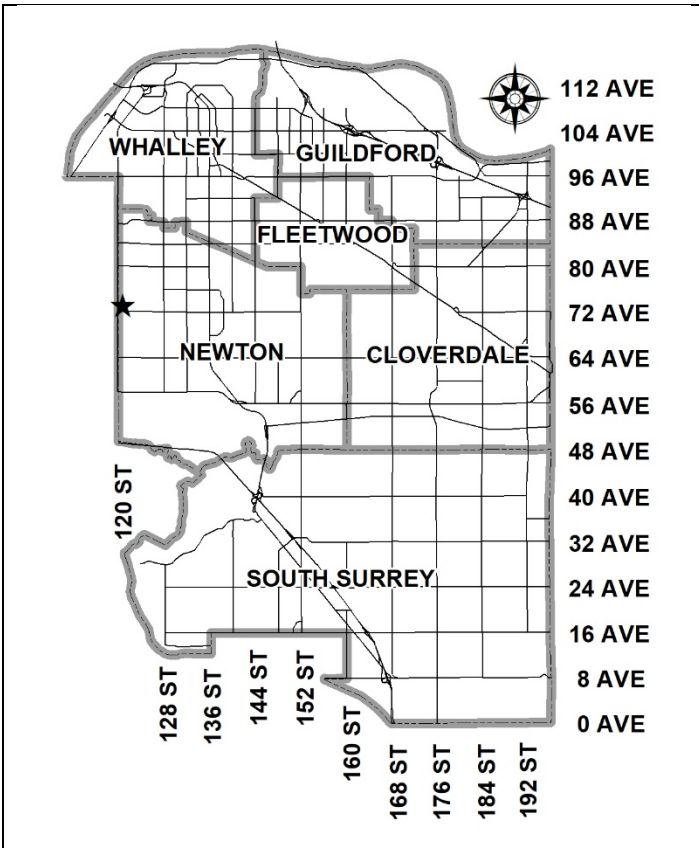
PROPOSAL:

- **Rezoning** from C-15 to CD (based on C-15) to allow for more than six arcade machines in an existing Cineplex arcade.

LOCATION: 12101 – 72 Avenue
 7350 – 120 Street

ZONING: C-15

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposed rezoning complies with the subject site's Official Community Plan (OCP) Commercial designation.
- The proposed rezoning to a Comprehensive Development Zone (CD) will facilitate an increase in the number of arcade machines than is currently allowed under an Entertainment Use.
- The increased number of arcade machines will be limited to 20 and will be tied to the existing movie theatre use.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Town Centre Commercial Zone" (C-15) 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.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Surrey Fire Department: A referral to Surrey Fire Department is not required.

Parks, Recreation & Culture Department: A referral to the Parks, Recreation & Culture Department is not required.

Surrey RCMP: Surrey RCMP have no concerns.

Surrey By-laws and Licensing: Surrey By-laws and Licensing have no concerns.

SITE CHARACTERISTICS

Existing Land Use: Strawberry Hill Shopping Centre.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Townhouses, apartment building, commercial buildings and R.A. Nicholson Park (City)	Commercial/Multiple Residential	RM-45, C-15, CD (By-law No. 11104)

Direction	Existing Use	OCP Designation	Existing Zone
East (Across 122 Street):	Townhouses.	Multiple Residential	RM-15
South (Across 72 Avenue):	Commercial buildings, apartment buildings, townhouses, and single family dwellings.	Commercial/Multiple Residential	C-8, RM-45, RM-30, RA, RM-15
South (adjacent site):	Commercial building and gas station	Commercial	CHI, CD (By-law No. 11104)
West (Across 120 Street):	Commercial shopping mall in the City of Delta.	N/A	N/A

DEVELOPMENT CONSIDERATIONS

Background and Site Context

- The subject site, on which the Strawberry Hill Shopping Centre is currently located, is situated at the north-east corner of 120 Street and 72 Avenue, is designated Commercial in the Official Community Plan (OCP) and is zoned "Town Centre Commercial Zone (C-15)".
- The Strawberry Hill Shopping Centre was developed to serve as a retail, office, recreation, and service commercial facility servicing a portion of the Newton community. The Shopping Centre contains 35 units totaling 3,138 square metres (337,846 sq. ft.) of floor area.
- One of the units is currently occupied by Cineplex Theatres, which includes a small dedicated arcade area containing five arcade machines.
- Under the site's "Town Centre Commercial Zone (C-15)" Zone, the movie theatre is permitted as it is classified as an "entertainment use". Under the C-15 Zone the "entertainment use" excludes "arcades" as a permitted use.
- The Surrey Zoning By-law No. 12000 defines "arcades" as a "premises where 6 or more devices or machines are mechanically, electronically, or otherwise operated, and which is used or intended to be used for the amusement and enjoyment of the public, but shall not include a carnival ride or a premises licensed under the Liquor Control and Licensing Act, R.S.B.C., as amended, where minors are not permitted". To this end, the existing five arcade machines associated with the entertainment use would not be classified as an arcade and therefore, are permitted under the C-15 Zone.

Proposal

- The applicant is proposing to rezone application to rezone the Strawberry Hills Shopping Centre from "Town Centre Commercial Zone (C-15)" to "Comprehensive Development Zone (CD)" to permit arcades with a maximum of 20 machines as a permitted use associated with the existing entertainment use currently permitted on the site.
- The proposed CD Zone would be based on the existing C-15 Zone, with the addition of arcades "up to a maximum of 20 machines" as a permitted use. No other changes to the C-15 Zone are proposed.
- The proposal will not result in construction on the subject property, other than interior tenant improvements in the existing Cineplex Complex to accommodate up to 20 arcade machines. In this regard the use is considered ancillary to the functioning of the arcade and is not considered to be a principal use on the site.

Proposed CD By-law

- The proposed CD By-law (Appendix III) is based on the "Town Centre Commercial Zone (C-15)" with the following variation:
 - Permitted Uses – Under the existing C-15 Zone, *arcades* are excluded. Since *arcades* are defined as any premises with 6 or more machines, the CD Zone permits *arcades* provided:
 - i. the arcade only operates in conjunction with a movie theatre; and
 - ii. the number of devices and/or machines on the premises does not exceed 20.

PRE-NOTIFICATION

- Pre-notification letters were mailed on November 14, 2018 to the owners of 1,209 properties within 100 meters (300 ft.) of the subject property and to the Newton Community Association. A development proposal sign was installed on November 26, 2018. In response staff have received five phone calls and two emails from residents. One phone call and two emails that were received were in opposition to the proposed rezoning, while the remaining correspondence was seeking clarification on the proposal.
- Concerns with the proposed rezoning primarily relate to users of the Cineplex Cinemas and the nuisance they cause to neighbouring residential complexes. Staff comments are provided below in italics.
 - Two (2) residents expressed concerns with shopping centre users using residential parking across the street from the shopping centre.

(The subject site currently provides a sufficient number of parking spaces to accommodate the existing and proposed uses on site. Under the Surrey Zoning By-law, the required number of parking spaces for a given use is based on floor area. Therefore, as the proposed rezoning is not associated with an expansion in floor

area, the proposed rezoning will not generate any additional required parking spaces.)

- Two (2) residents expressed concerns that it will increase activity and noise in the area.

(The existing Cineplex Cinema has 5 arcade machines, as permitted under the C-15 Zone. The proposal will allow for up to 20 arcade machines, which is consistent with other movie theatre arcades. In April, 1998, under Development Application No. 7996-0195-00, Council approved an expanded arcade at the Guildford movie theatre, similar to what is being proposed under the subject application. The increased number of arcade machines is meant to be an ancillary entertainment use to the cineplex and is not expected to generate a significant increase in activity than is already generated by the movie theatre.

SUSTAINABLE DEVELOPMENT CHECKLIST

A Sustainable Development Checklist was not submitted by the applicant as it was deemed unnecessary in relation to the proposed rezoning.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary (Confidential)
Appendix II.	Site Plan
Appendix III.	Proposed CD By-law

original signed by Ron Hintsche

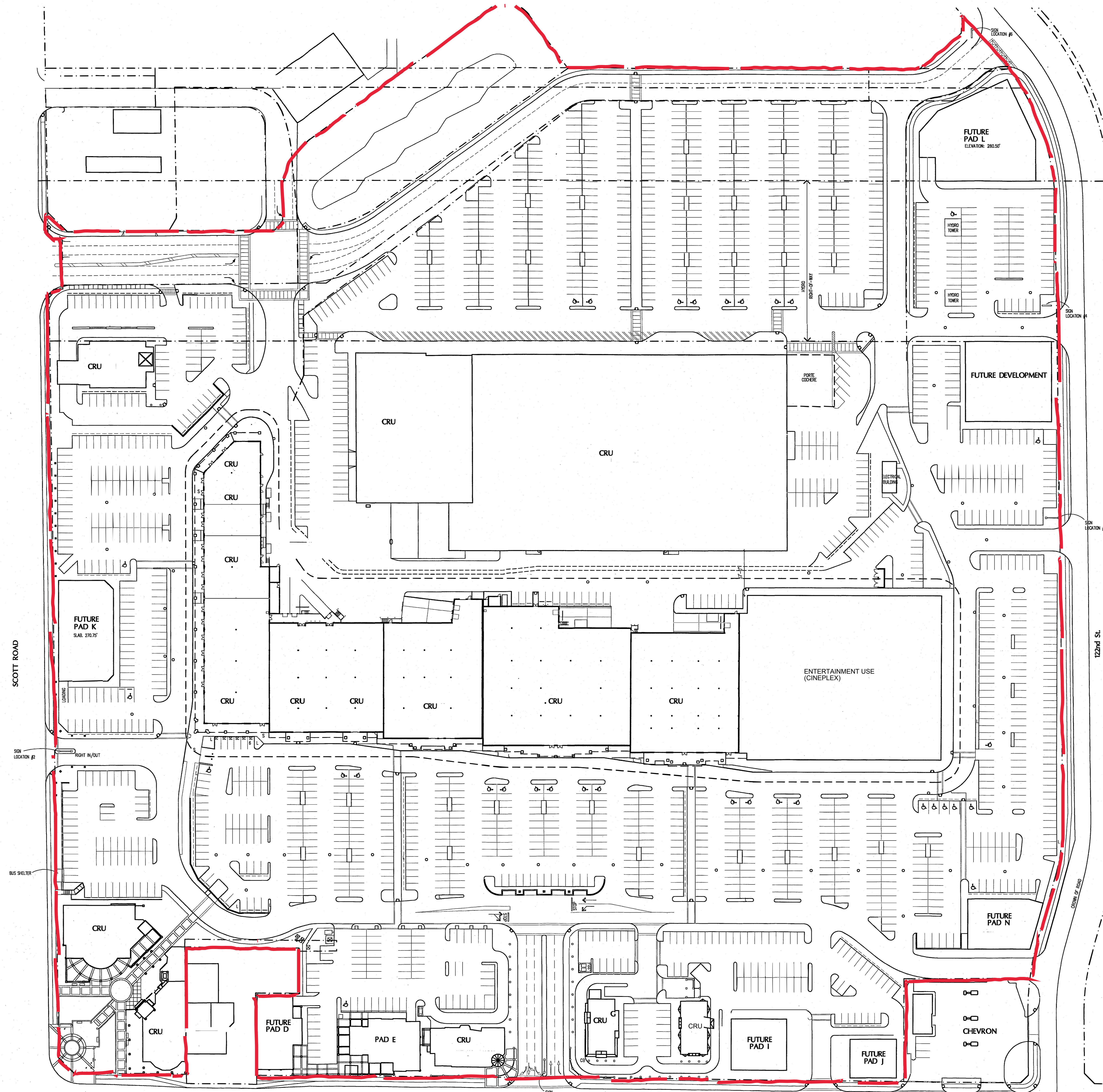
Jean Lamontagne
General Manager
Planning and Development

KS/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

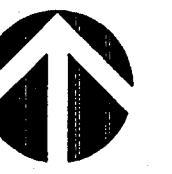
Appendix II

COPYRIGHT RESERVED. ALL PARTS OF THIS DRAWING ARE THE EXCLUSIVE PROPERTY OF B. JAMES WENSLEY ARCHITECT LTD. AND SHALL NOT BE USED WITHOUT THE ARCHITECT'S PERMISSION. ALL DIMENSIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO PROCEEDING WITH THE WORK.



LEGAL DESCRIPTION:
LOT 1, SECTION 19, TOWNSHIP 2,
NEW WESTMINSTER DISTRICT, PLAN LMP 5880

STREET ADDRESS:
12101 - 72ND AVENUE, SURREY, BRITISH COLUMBIA



NO.	REVISION	DATE



B. JAMES WENSLEY ARCHITECT LTD.

625 - 1090 West Broadway Street, Vancouver, B.C. V6E 2V7
Tel: (604) 685-3529 fax: (604) 685-4574 email: b.j.w@wensley.ca

CONSULTANTS:
STRUCTURAL: SEAD JONES CHRISTOFFERSEN
MECHANICAL: M.E.L. ENGINEERING LTD.
ELECTRICAL: FALCON ENGINEERING
LANDSCAPE:

DRAWING TITLE: **SITE PLAN**

PROJECT NO: 9570	DRAWN BY: BJB
SCALE: 1"=50' -0"	ISSUED BY: BJB
DATE:	

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: TOWN CENTRE COMMERCIAL ZONE (C-15)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 017-964-075

Lot 1 Except: Part Subdivided by Plan LMP45199; Section 19 Township 2 New Westminster District Plan LMP5880

12101 - 72 Avenue

Parcel Identifier: 024-736-074

Lot 2 Section 19 Township 2 New Westminster District Plan LMP45199

7350 - 120 Street

(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 retail and service commercial facilities, offices, recreation and associated uses as well as residential uses developed in a comprehensive manner.

B. Permitted Uses

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

1. *Retail stores* excluding the following:
 - i. *adult entertainment stores; and*
 - ii. *second-hand stores and pawnshops.*
2. *Personal service uses* excluding *body rub parlours*.
3. *General service uses* excluding *drive-through banks*.
4. *Eating establishments* excluding *drive-through restaurants*.
5. *Neighbourhood pubs*.
6. *Liquor store*.
7. *Office uses* excluding:
 - i. *social escort services; and*
 - ii. *methadone clinics.*
8. *Tourist accommodation*.
9. *Indoor recreational facilities*.
10. *Parking facilities*.
11. *Entertainment uses* excluding *adult entertainment stores*, but including *arcades*, provided that:
 - i. the arcade only operates in conjunction with a movie theatre; and
 - ii. the number of devices and/or machines on the premises does not exceed 20.
12. *Assembly halls*.
13. *Community services*.
14. *Child care centres*.
15. *Multiple unit residential building* may be provided subject to such use forming an integral part of the commercial uses on the *lot*.
16. *Cultural Uses*.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 1.50 provided that not more than 67% of the developed floor area may be used as a *multiple unit residential building*.

E. Lot Coverage

The *lot coverage* shall not exceed 80%.

F. Yards and Setbacks

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

Use	Setback	Front Yard	Rear Yard	Side Yard	Side Yard on Flanking Street
<i>Principal and Accessory Buildings and Structures</i>		2.0 m. [7 ft.]	7.5 m. [25 ft.]	3.0 m.* [10 ft.]	2.0 m. [7 ft.]

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

* The *side yard setback* may be reduced to 0.0 metre if the *side yard* adjoins a *lot* other than a *residential lot*.

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 *height* shall not exceed 14 metres [45 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4.5 metres [15 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. No parking shall be permitted within the *front yard* or within any *side yard* which abuts a *flanking street*.
3. *Tandem parking* may be permitted for company fleet vehicles in all commercial, industrial and mixed-use developments.

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 *setbacks* 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 Part.
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. *Amenity space* for the *multiple unit residential building* shall be provided on the *lot* as follows:
 - (a) Outdoor *amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit* and shall not be located within the required *setbacks*; and

- (b) Indoor *amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit*, of which a maximum of 1.5 square metres [16 sq. ft.] per *dwelling unit* may be devoted to a *child care centre*.

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. [0.5 acres]	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, bylaws, 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-15 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 Bylaw, 2012, No. 17850, as amended.

8. *Building* permits shall be subject to Surrey Development Cost Charge Bylaw, 2018, No. 19478, as may be amended or replaced from time to time, and the development cost charges shall be based on the C-15 Zone.
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 Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
11. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, 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