

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0336-00

Planning Report Date: April 25, 2022

PROPOSAL:

- **Temporary Use Permit**

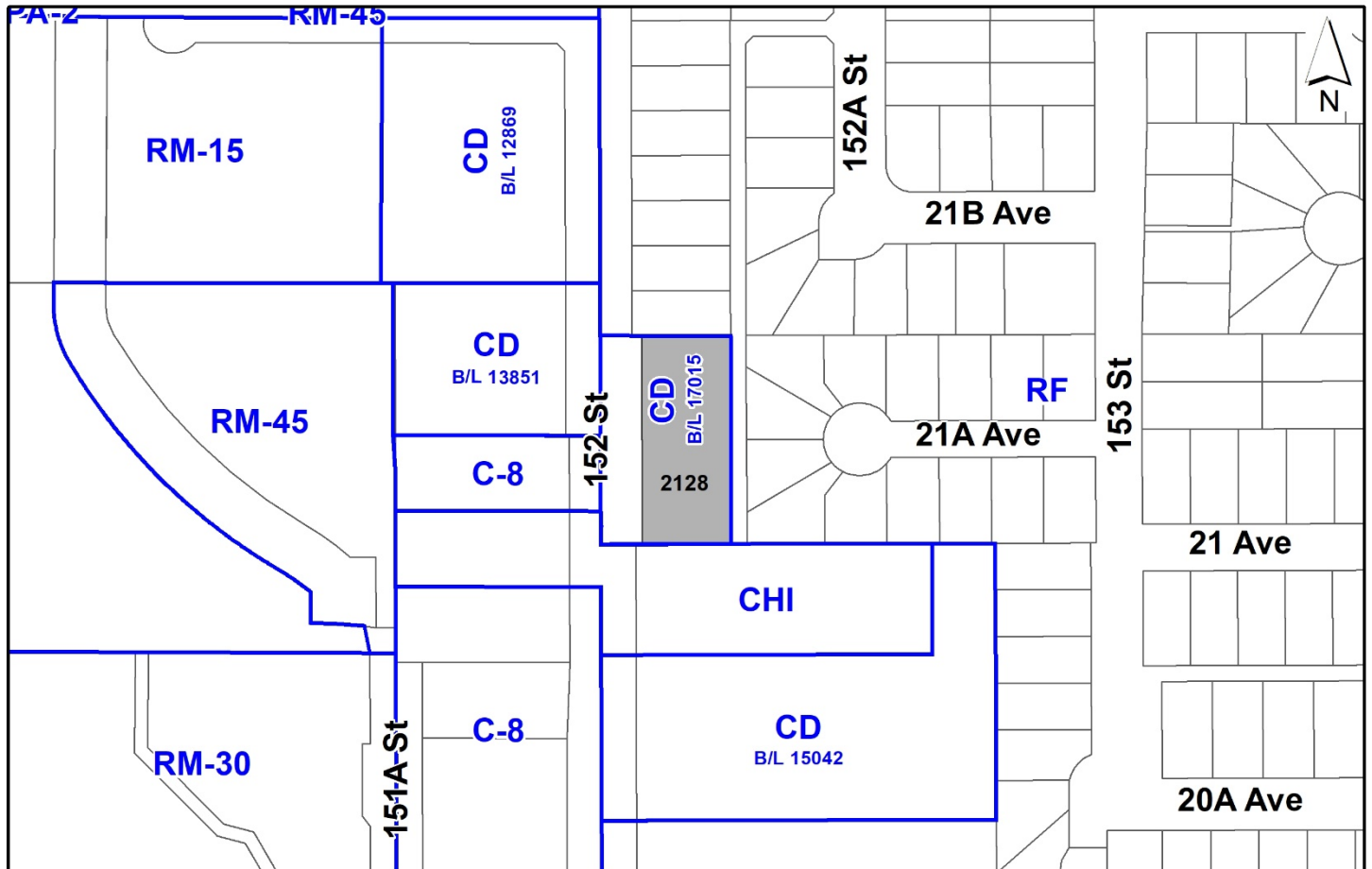
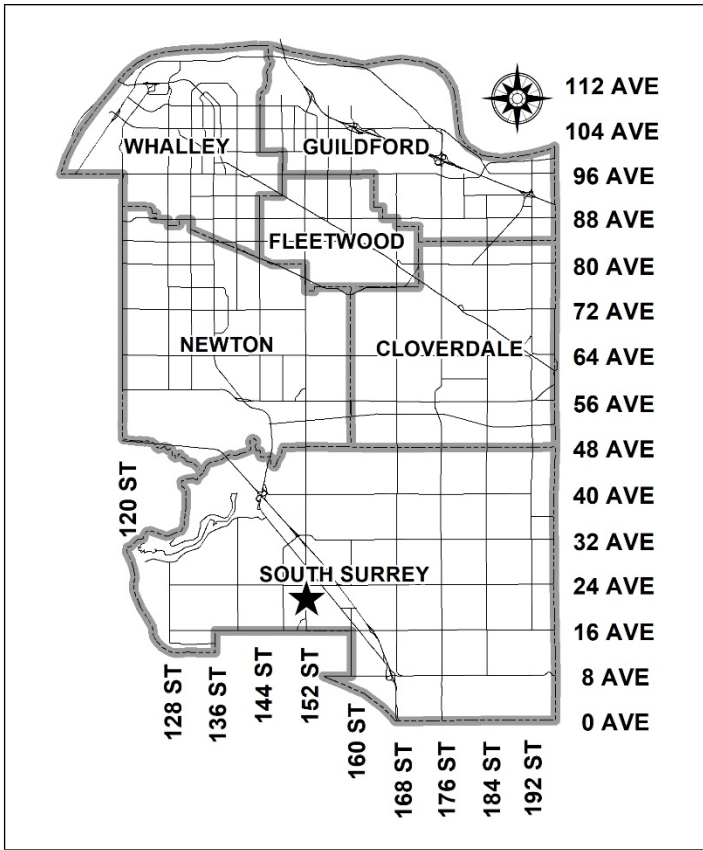
to allow a temporary community garden on half of the property and to allow a temporary surface parking lot to allow the outdoor display of 32 passenger vehicles on the other half of the property for a period not to exceed three (3) years

LOCATION: 2128 - 152 Street

ZONING: CD (Bylaw No. 17015)

OCP DESIGNATION: Multiple Residential

TCP DESIGNATION: Low-Rise Mixed Use and Low-Rise Residential



RECOMMENDATION SUMMARY

- Approval for Temporary Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not comply with the site's Town Centre Designation of Low-Rise Mixed Use and Low-Rise Residential.
- The proposal does not comply with the site's OCP designation of Multiple Residential.
- However, as a temporary use, it would not prevent the property from developing as Multiple Residential in the future.

RATIONALE OF RECOMMENDATION

- There were two previously issued Temporary Use Permits (TUP) issued on the subject site to allow a temporary surface parking lot for 76 passenger vehicles. The vehicle parking was associated with a car dealership located on the adjacent property to the south at 2090 - 152 Street.
- TUP No. 7914-0169-00 was issued by Council on June 15, 2015, and TUP No. 7918-0223-00 was issued by Council on November 19, 2018.
- Section 497 of the Local Government Act restricts the term of a temporary use permit to a maximum of 3 years and gives the option to apply for an additional term of up to 3 years.
- The proposed TUP proposes to remove over half of the existing surface parking stalls and proposes to locate a community garden on the eastern half of the property. Staff consider the proposal to be substantively different from the previous TUPs as the primary use of the site will shift to a community garden from a surface parking lot.
- The applicant proposes the subject TUP to allow for an active community amenity use on a portion of the site while ultimate development options for the subject site are explored.
- The proposed interim use will not hinder future development of the site under the Semiahmoo TCP designation.
- Staff consider the interim use to be appropriate as the applicant is providing a neighbourhood amenity in the form of a community garden, while scaling back the vehicle storage use on the site. The community garden will be managed by a reputable community garden operator.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Temporary Use Permit No. 7921-0336-00 (Appendix II) for a period not to exceed three (3) years to proceed to Public Notification.
2. Council instruct staff to resolve the following issue prior to final approval:
 - (a) Execution of a Good Neighbour Agreement with the City to address any potential noise, lighting, and other issues of conflicting use associated directly or indirectly with the surface parking lot and community garden.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	TCP Designation	Existing Zone
Subject Site	Temporary Surface Parking lot used in conjunction with an adjacent car dealership.	Low-Rise Mixed Use and Low-Rise Residential	CD (Bylaw No. 17015)
North:	Single family residential	Low-Rise Residential	RF
East:	Single family residential	Low-Rise Mixed Use & Townhouse Residential	RF
South:	Car dealership	Low-Rise Mixed Use	CHI
West (Across 152 St):	Multi tenant-office and retail uses	Low-Rise Mixed Use	C-8 and CD (Bylaw No. 13851)

Context & Background

- The subject property is 2,762 square metres in area and is located mid-block on the east side of 152 Street, between 20 Avenue and 22 Avenue. The property is designated Multiple-Residential in the OCP, split-designated Low-Rise Mixed Use and Low Rise Residential in the Semiahmoo Town Centre Plan (TCP) and zoned Comprehensive Development (CD) (By-Law No. 17015).
- The subject property was redesignated from Urban to Multiple-Residential in the OCP as part of Development Application No. 7909-0061-00. Through the application, the site was rezoned from Single Family Residential Zone (RF) to Comprehensive Development Zone (CD based on Multiple Residential 30 Zone) and a Development Permit was issued to allow the development of 31 townhouse and apartment units. Development Permit No. 7909-0061-00 was issued on June 07, 2010; however, the multi-family project was never constructed. Consequently, the Development Permit has lapsed, and a new Development Permit is required to develop the property under the current CD zoning.

- In 2014, the applicant purchased the Volkswagen dealership that is located directly to the south of the subject property, however, many of the dealership's vehicles were stored off-site at a property that was not included with the purchase of the dealership. The owners made a TUP application in order to store the off-site vehicles on the subject property until a permanent storage location or alternative shipping arrangements were found.
- TUP No. 7914-0169-00 to allow for a temporary surface parking lot for 76 passenger vehicles on the subject site, was issued by Council on June 15, 2015. TUP No. 7914-0169-00 was intended to store vehicles in association with the car dealership on the adjacent property to the south.
- During the three year term of TUP No. 7914-0169-00, the applicant was unable to find alternative arrangements for the storage of their vehicles and applied for an extension of the TUP to allow for more time to find an alternative location to store the vehicles. TUP No. 7918-0223-00 was issued by Council on November 19, 2018.
- During the term of TUP No. 7918-0223-00, the policy context of the site and surrounding properties changed significantly with the adoption of the Semiahmoo Town Centre Plan (TCP) update. The TCP Plan update resulted in an extension of the TCP area to include the subject site and the surrounding properties. Previously, the TCP boundary had terminated at 20 Avenue. The TCP update established new land use designations for the area, including higher residential densities and more diverse land uses. With the adoption of the plan on January 31, 2022, the applicant is proposing a new temporary use permit while they explore the future development potential of their site.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing a Temporary Use Permit (TUP) to allow approximately half of the site to be used for a community garden and approximately half the site to be used for a surface parking lot for the storage and display of 32 passenger vehicles that weigh less than 5,000 kg (gross vehicle weight) associated with the adjacent car dealership.
- The TUP shall be issued for a period not to exceed three (3) years in duration and may be extended only once under the legislative requirements of section 497 Local Government Act.
- Staff have determined that the uses proposed under the subject TUP application have substantially changed from previous TUP Nos. 7914-0169-00 and 7918-0223-00, as the applicant proposed to eliminate over half of the approved parking stalls and convert that area to a community garden. As the temporary use has substantively changed from the previously issued TUPs, Council may consider issuance of the subject TUP.
- The proposal will convert the eastern half of the surface parking lot to a community garden. The garden will consist of planter boxes located on the existing asphalt. A fence will be installed through the centre of the site to separate the garden and vehicle storage uses.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on March 16, 2022, with a correction sent April 4, 2022, and the Development Proposal Signs were installed on March 23, 2022. Staff received five responses from neighbouring residents. Their feedback is noted as follows (*staff comments in italics*):

Four respondents reside on properties that share a property line with the rear lane that runs parallel to 152 Street, behind the subject site. The lane is approximately 230 metres long and dead ends by the community garden. These respondents were concerned about the garden creating traffic and parking issues in the lane. This was the primary concern from respondents.

The garden will not take vehicular access from the lane. There is currently a 1.8 m high fence and cedar hedging along the shared property line with the lane preventing access from the lane to the site. The fence and hedges will be retained. The good neighbour agreement will include a clause stating that access to the site from the lane is prohibited. The residents were directed to contact Bylaw Enforcement if they have future concerns with vehicles parking illegally in the lane.

One respondent was concerned that the site will remain a commercial use and will not be developed under the site's multiple residential land use designation.

The Semiahmoo Town Centre Plan was given stage 2 approval by Council on January 31, 2022. The applicant has stated they are currently exploring development options for their site. The TUP will provide an active use and community benefit for the site while development options are explored.

Two residents were concerned about parking and traffic generated from the community garden. One resident submitted that one parking space per garden plot should be provided.

The Zoning Bylaw does not specifically list parking requirements for a community garden. Staff accepted the five parking stalls proposed by the applicant, which is stated as sufficient based on the garden operator's experience. It is unlikely that every garden plot will be in use at the same time, so providing one parking space per garden plot will result in over-parking. Being located in the Semiahmoo Town Centre, it is realistic to expect that some users may also access the garden by walking, biking or public transportation.

One resident indicated that this is an inappropriate location for a community garden and was concerned that the garden will attract vermin.

Can You Dig It has conducted preliminary research with a local food bank and has identified food security concerns within the Semiahmoo Town Centre community. The operator is experienced in creating urban style community gardens, within raised planter beds and has identified a need for the use within the community.

The applicant will be responsible for keeping the premises in a clean and orderly state, including deterring vermin. Staff find that the proposed use will not be a greater attractor of vermin than private gardens. The operator has indicated that they actively monitor their community gardens for vermin. One measure that they take to deter vermin in the garden will be ensuring that only yard waste is disposed of in the on-site compost.

INFORMATION ATTACHED TO THIS REPORT

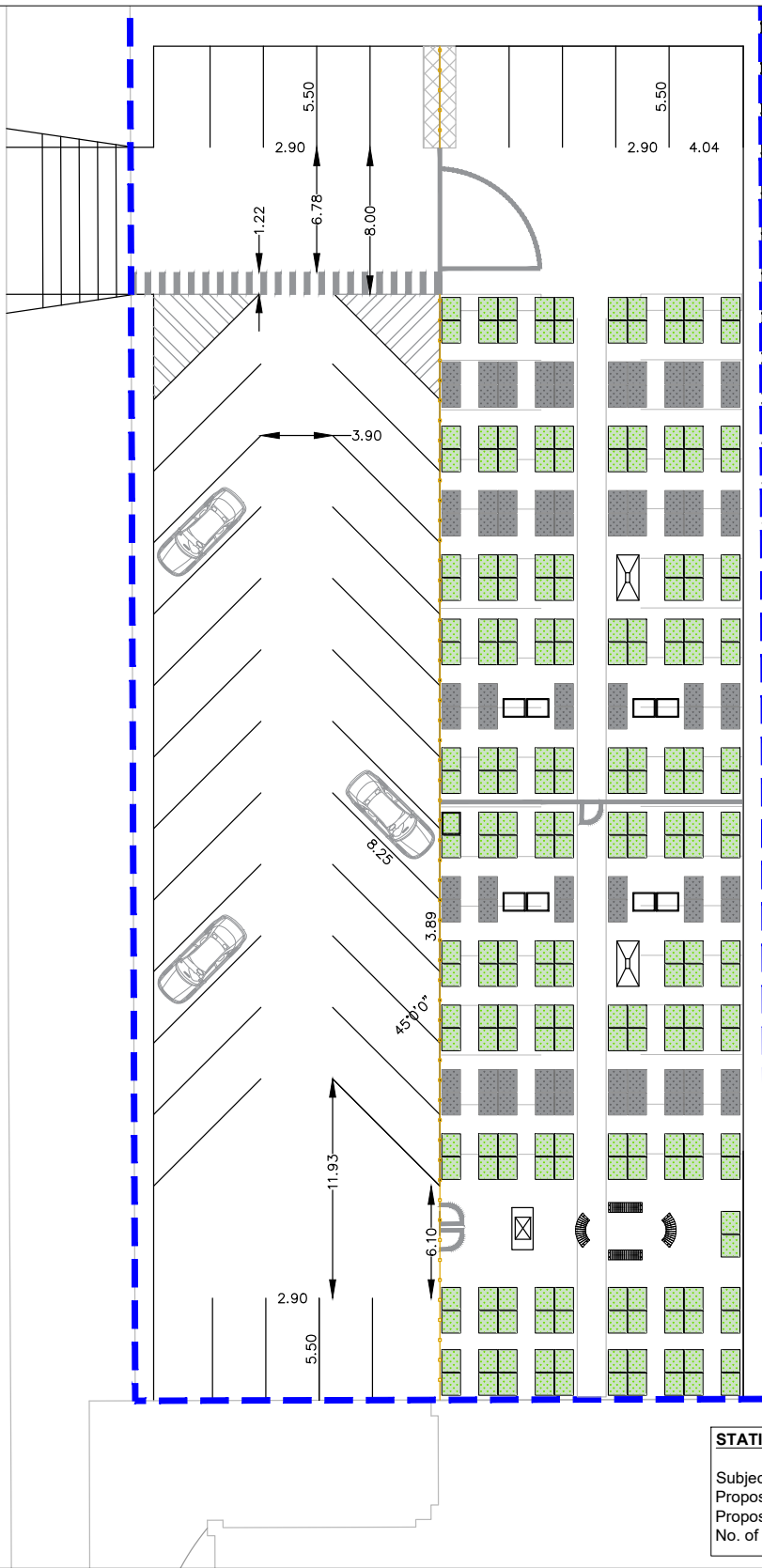
The following information is attached to this Report:

- Appendix I. Site Plan
- Appendix II. Temporary Use Permit 7921-0336-00

approved by Shawn Low

Jeff Arason
Acting General Manager
Planning and Development

BD/cm



STATISTICS	
Subject Property:	2,759 m ²
Proposed Parking:	1,367 m ²
Proposed Community Garden:	1,215 m ²
No. of Parking Stalls:	37

CLIENT: Trotman Automotive Group			
PROJECT: 2128 152 Street, Surrey			
DRAWING TITLE: Preliminary Parking and Community Garden Layout			
PROJECT No. 21-2225	DATE: March 28, 2022	DRAWING: 01	SCALE: 1:250

Pacific Land Resource Group Inc.

Suite 212 - 12992 - 76 Avenue
 Surrey, British Columbia
 Canada V3W 2V6

Tel: 604-501-1624
 Fax: 604-501-1625

www.pacificlandgroup.ca
info@pacificlandgroup.ca

CITY OF SURREY

(the "City")

TEMPORARY USE PERMIT

NO.: 7921-0336-00

Issued To:

(the "Owner")

Address of Owner:

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations, or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 028-281-594
Lot 1 Section 14 Township 1 New Westminster District Plan BCP45500

2128 – 152 Street

(the "Land")

3. The authority to issue Temporary Use Permits is granted to municipalities under Sections 492 and 493 of the *Local Government Act* R.S.B.C. 2015, c.1. Pursuant to Implementation, II(c) Implementation Instruments, Temporary Use Permits of Surrey Official Community Plan, 2013, No. 18020, as amended, the entire City of Surrey is designated a Temporary Use Permit area.
4. The temporary use permitted on the Land shall be for a community garden and surface parking lot.
5. The temporary use permitted on the Land shall be in accordance with the appearance and location of the buildings, structures, access, and parking as shown on Schedule A which is attached hereto and forms part of this permit.
6. The temporary use shall be carried out according to the following conditions:
 - (a) The community garden use shall be limited to the eastern half of the lot.

- (b) Access to the community garden shall only be permitted from 152 Street. Access from the lane is prohibited.
 - (c) Parking is restricted to 32 vehicles that weigh less than 5,000 kilograms [11,000 lbs.] GVW;
 - (d) Upon the termination of this Temporary Commercial Use Permit any vehicles and lighting shall be removed and concrete barriers placed across the access driveways into the site; and
 - (e) The storage of vehicles on the Land shall only be operated in conjunction with the car dealership located on the adjacent property to the south at 2090/2092 152 Street and is restricted to the western half of the property.
7. The temporary use shall be carried out according to the following conditions:
8. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
9. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
10. This temporary use permit is not transferable.
11. This temporary use permit shall lapse on or before three years from date of issuance

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .

ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

TO THE CITY OF SURREY:

I, _____ (Name of Owner)

being the owner of _____
(Legal Description)

known as _____
(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

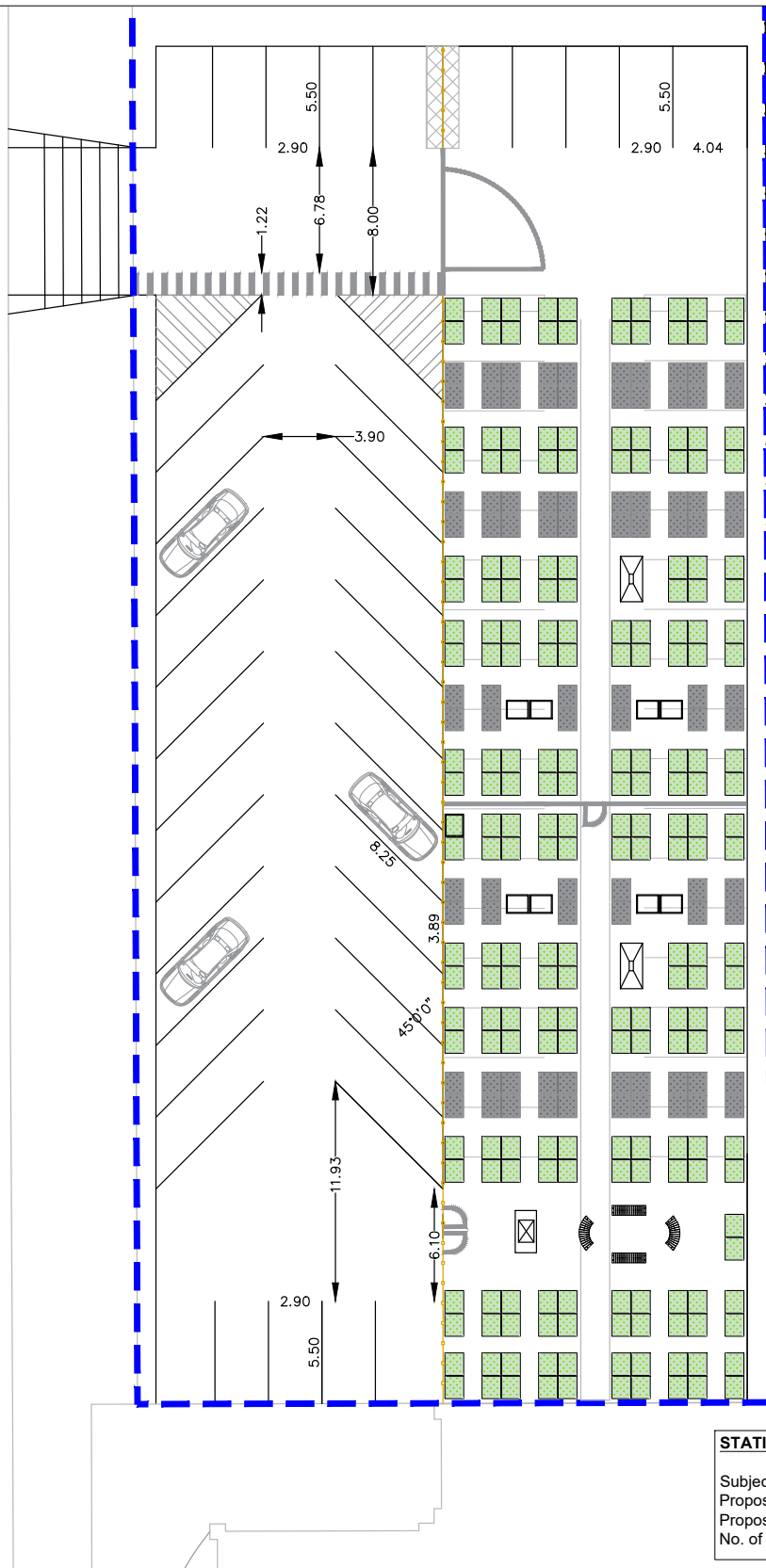
all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)



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