



Corporate Report

NO: C008

COUNCIL DATE: May 18, 2005

COUNCIL-IN-COMMITTEE

TO: Mayor & Council DATE: **May
11,
2005**

FROM: General Manager,
Planning and
Development FILE: 5080-01

SUBJECT: **Community Impact Statements Prior to the
Establishment of New Community Service Uses in the
City Centre**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Approve amendments, as documented in Appendix I of this report, to Business License By-law, 1999, No. 13680 that will require the preparation of a Community Impact Statement and related study as part of a business license application for the establishment of a community service use in City Centre and will require that Council approve the issuance of such a business license;
3. Approve the policy attached to this report as Appendix II, entitled "Policy for Consideration of Business License Applications for Community Service Uses in City Centre" that includes a Terms of Reference for the preparation of a Community Impact Statement and related study; and
4. Direct the City Clerk to bring forward for the required readings the necessary by law amendments.

INTENT

The purpose of this report is to respond to Council's direction relative to requiring the preparation of a Community Impact Statement and related study as part of the process of considering any application for a new community service use in the City Centre area.

BACKGROUND

On October 18, 2004, at its Regular Council – Public Hearing meeting, Council received Corporate Report No. R266 entitled "A Policy and By-law Amendments Related to Regulating Community Services Uses". A

copy of that report is attached as Appendix III. The report outlined several options that could be considered for the regulation of community service uses in the City and recommended that Council consider a policy to regulate community service uses in the City Centre through a rezoning process. Council resolved at that meeting to refer the report to a Council in Committee meeting for further consideration.

At the November 15, 2004 Council-In-Committee meeting, staff provided a presentation on each of the following options that were discussed in the subject report:

- Option 1: Maintain the status quo – continue with current regulations;
- Option 2: Require rezoning for "community service" uses locating anywhere in the City;
- Option 2a: Require rezoning for "community service" uses locating in the City Centre; and

Option 3: Require rezoning for higher impact "community service" uses locating anywhere in the City. This approach would also require a change to the definition of "community service" in the Zoning By-law.

In response to the report and presentation, Council adopted the following resolution:

"That Council direct staff to:

Prepare a report to Council on by-law amendments for requiring the preparation by the applicant and consideration by Council of a community impact study prior to the issuance of a business license or building permit for any new community service uses within the City Centre lands; and

Withhold the processing and issuance of any building permit or business license within the City Centre lands until the above study and report are considered by Council".

Whalley BIA –Delegation to Council

At the Council-in-Committee meeting of January 17, 2005, the Executive Director of the Whalley BIA made a presentation to Council during which she indicated her organization's support, in principle, for by-law amendments requiring community service uses to prepare a Community Impact Statement and related study, prior to a business license being issued by the City to the organization. She indicated that a recent survey of Whalley BIA member businesses resulted in 92% of the members indicating that they would like food, shelter and other social services located throughout Surrey, not just in the Whalley area. On this basis, she advised Council that the Whalley BIA supports the concept of social services being located throughout the City and supported the use of community impact studies as a tool for assessing the potential impact of community service use applications, prior to the issuance of City approval allowing the use to be established in the City.

Community Services Review – Inventory of Community and Government Services

Staff has recently completed a comprehensive inventory of social service agencies located throughout the City to gain a more complete understanding of the distribution of these facilities across the City. An inventory of government services, including municipal, provincial and federal offices was also developed.

The maps, attached as Appendix IV to this report, illustrate the significant clustering of community service

organizations in the City Centre. This applies to both social service and government organizations. However, smaller clusters of social services and government agencies can also be found in Newton, Guildford and Cloverdale. Fleetwood and South Surrey appear to have the fewest number of government agencies and social services.

DISCUSSION

Provisions of the Community Charter

Section 60(1) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") provides:

"An application for a business license may be refused in any specific case, but:

- (a) the application must not be unreasonably refused, and
- (b) on request, the person or body making the decision must give written reasons for the refusal".

Under this provision of the *Community Charter*, Council may, if it chooses, require the applicant for a business license for a community service use to submit a Community Impact Statement and related study for Council's consideration, prior to Council determining whether a business license should be issued for the use. The requirement for the submission of a Community Impact Statement and related study, as part of the business license application, would need to be embodied as a provision in the City's Business License By-law. This By-law would also need to specify that the issuance of the business license for a community service use to be located in City Centre, as defined in the By-law, would be subject to Council approval.

If such a provision were incorporated in the By-law, it would also be necessary for Council to adopt as policy a standard Terms of Reference for the preparation of a Community Impact Statement and related study and a procedure that would be followed in considering such business license applications.

Staff has reviewed the *Local Government Act*, R.S.B.C. 1996, c. 323 and the *Community Charter* in relation to the prerogatives of the City relative to requiring a Community Impact Statement and related study to be prepared, prior to the issuance of a building permit and have found no provision that would allow the City to implement such a process at the building permit application stage.

Draft Guidelines for Preparing a Community Impact Statement and Related Study

A draft policy that documents the Terms of Reference for the preparation of a Community Impact Statement and related study for a new or relocated community service use in City Centre, is attached as Appendix II. The draft policy calls for the preparation, by the applicant, of a Community Impact Statement and related study that documents the potential effects of the proposed use on the City, in general, and the immediate neighbourhood within which the facility is proposed. The assessment would involve a public consultation process, including input from key stakeholders in the immediate area as well as from the broader community.

Based on these draft Terms of Reference, a Community Impact Statement and related study completed by a duly qualified professional, would need to include, but would not be limited to, the following elements:

- A business/community services plan for the proposed program(s) or service(s);
- A description and location of other community services in the area of the proposed use;
- A description of the potential benefits and impacts of the use on the neighbourhood and on the broader community; and
- A summary of the public consultation that was undertaken with the owners of the immediately adjacent properties and with representatives of the broader community and business sectors, the level of community support for the use, a summary of the concerns that were raised during this consultation process and the means by which the concerns will be addressed by the applicant/operator of the proposed community service use.

Business License Application Process

Based on the policy attached as Appendix II, entitled "Policy for Consideration of Business License Applications for Community Service Uses in City Centre", when an application for a business license to locate a community service use in the City Centre area was received by the City, the applicant would be directed to retain the services of a consultant to prepare a Community Impact Statement and related study for the proposed use in accordance with the Terms of Reference, which form part of that policy. The area that would be subject to this policy would be that area defined as "City Centre" in Schedule D of the Zoning By-law (see D.1 Map of Surrey City Centre attached as Appendix V). When a Community Impact Statement and related study is submitted, staff would review the statement and prepare a Corporate Report, complete with recommendations for Council's consideration. When Council receives such a Corporate Report, Council could exercise any of three alternative courses of action. These alternative courses of action are:

1. Authorize staff to issue a business license for the proposed use, subject to the applicant complying with the requirements of all other by-law requirements of the City; or
2. Direct staff not to issue the business license and state the reasons for not issuing the business license; or
3. Refer the matter back to staff and the applicant for additional information or dialogue with the community and a further report back to Council on the matter.

Legal Services has reviewed this report and has no concerns.

CONCLUSION

Based on the above, it is recommended that Council:

- Approve amendments, as documented in Appendix I, to Business License By-law, 1999, No. 13680 that will require the preparation of a Community Impact Statement and related study as part of a business license application for the establishment of a community service use in City Centre and will require that Council approve the issuance of such a business license;
- Approve the policy attached to this report as Appendix II, entitled "Policy for Consideration of Business License Applications for Community Service Uses in City Centre" that includes a Terms of Reference for the preparation of a Community Impact Statement and related study; and
- Direct the City Clerk to bring forward for the required readings the necessary by-law amendments.

Murray Dinwoodie
General Manager
Planning and Development

MDD:saw

Attachments:

- Appendix I Proposed Amendments to Business License By-law, 1999, No. 13680
- Appendix II Policy for Consideration of Business License Applications for Community Service Uses in City Centre
- Appendix III Corporate Report No. R266 (without attachments)
- Appendix IV Community Services Maps
- Appendix V D.1 – Map Surrey City Centre

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Appendix I

Proposed Amendments to Business License By-law, 1999, No. 13680

The following amendments are proposed to Business License By-law, 1999, No. 13680, as amended:

1. Under Interpretation, Section 2, insert the following definition after "Commercial Kennel" and before "Contractor":

"Community Service" means a use by a non-profit society:

- (a) providing information, referral, counselling, advocacy or physical or mental health services on an out-patient basis;
- (b) dispensing aid in the nature of food or clothing; or
- (c) providing drop-in or activity space;

but does not include churches, residential uses and independent group homes.

2. Insert, after Christmas Tree Sales, Section 46, and before Contractors, Section 47, the following new Section 46.1:

Community Services

- 46.1 (1) Every applicant for a license to operate a community service within the boundaries of the area shown on Map D.1 Surrey City Centre of Schedule D to Surrey Zoning By-law, 1993, No. 12000, as amended, must complete and submit a community impact statement and related study for consideration by Council prior to issuance of the business license by the Inspector.
- (2) The community impact statement and related study required in Subsection (1) must be prepared based on the "Policy for the Consideration of Business License Applications for Community Service Uses in the City Centre" as adopted by Council.

Appendix II

POLICY FOR CONSIDERATION OF BUSINESS LICENSE APPLICATIONS FOR COMMUNITY SERVICE USES IN THE CITY CENTRE

Purpose

The purpose of this policy is to document the requirements for the development of a Community Impact Statement and related study and a process for assessing each business license application for a community service use proposed for a location in the City Centre area.

Area To Which This Policy Applies

This policy will apply to every application for a business license for a community service use to be located in the City Centre area. The City Centre area is illustrated on Map D.1, as contained in Surrey Zoning By-law, 1993, No. 12000, as amended.

Requirement For Community Impact Statement and Related Study

1. Every application for a new business license for a community service use proposed to be located within the City Centre, or for transferring an existing business license for a community service use from a location within the City to a new location within the City Centre, or for expanding a community service use on the site of the existing community service use within the City Centre, must include, as part of the application, a Community Impact Statement and related study.
2. The preparation of the Community Impact Statement and related study is to be based on the "Terms of Reference for Preparing a Community Impact Statement" that are contained in Appendix "A" to this policy.
3. Applicants are to meet with Planning and Development Department staff, prior to commencing the preparation of the Community Impact Statement and related study to review the policy, process and content requirements of the Community Impact Statement and related study.
4. Planning and Development Department staff may provide the applicant with a listing of properties in the area of the proposed use, the owners and occupants of which should be consulted during the preparation of the Community Impact Statement and related study.
5. The applicant is to advise Planning and Development Department staff of any scheduled public information meeting(s) in relation to the preparation of the Community Impact Statement and related study, to enable City staff to observe the meetings.
6. Upon completion of the Community Impact Statement and related study, the applicant is to provide a copy of the Community Impact Statement and related study, and supporting materials, to the Planning and Development Department staff for review and for use in preparing a Corporate Report to Council.
7. Planning and Development Department staff will prepare and forward for Council's consideration, a Corporate Report on the Community Impact Statement and related study, and related business license application, complete with a recommendation as to whether the business license should be issued and, if not, giving reasons for not supporting the issuance of the business license.
8. If Council denies the application for a business license, City staff will forward written notice to the applicant of the decision, including the reasons for the refusal of the business license.

Appendix "A"

TERMS OF REFERENCE FOR PREPARING A COMMUNITY IMPACT STATEMENT

What are Social Impacts?

- Community/social impacts are the consequence or changes expected to be experienced by individuals, groups and communities in response to any public or private action that alters the way in which people live, work, play, relate to one another, organize their needs and generally cope as members of society.
- The term includes cultural and economic changes/impacts.
- Impacts can vary:
 - From desirable to adverse;
 - In duration from short-term to long-term;

- o In intensity and severity of the impacts; and
- o With each stage of the project's development and implementation.

What is a Community Impact Statement?

- It is a statement based on a study that forecasts or estimates the social consequences that are likely to follow from a specific business operation. It documents and assesses the anticipated changes that may affect the quality of the human environment.
- The forecasted impact is the difference between the anticipated future with the business and the future without the business.
- A community impact statement and related study also identifies means to mitigate the anticipated adverse impacts of a business and proposes actions and other means that may enhance positive aspects.
- It is a tool to better understand the social and other consequences of businesses, both positive and negative, to assist in planning and decision-making.

Objective of the Community/ Social Impact Study

- In general, the objective of Community/Social Impact Statement and related study is to evaluate and document the anticipated positive and potential negative impacts of a proposed business, in terms of the impacts and benefits on the immediate neighbourhood and broader community, as follows:
- The study is intended to identify all potential impacts, such as:
 - o Identify those who may be negatively impacted, and how;
 - o Identify means to mitigate negative impacts;
 - o Identify potential positive impacts;
 - o Identify those who may be positively impacted and how;
 - o Identify how the benefits may be enhanced; and
- Identify means of on-going dialogue and problem resolution between the business proponents and those potentially impacted during the planning, construction, and operational phases of the business.

Preparation of the Community Impact Study

- The community impact statement and related study should be prepared by a consultant who is not directly linked to the organization and who can complete the study in a professional and impartial manner.

Description of the Business

- Provide a detailed description of the proposed business. If the business is phased, each phase should be described, and should include:
 - o Basic data on the population and area to be served;
 - o The persons or groups involved as clients of the business; and
 - o The location/context of the business.

Comparative Analysis

- Profile and review of similar businesses, specifically 2 to 3 businesses located in other communities in the Lower Mainland. This will include the following:
 - o A description of the programs, number and type of persons assisted and operational aspects;
 - o Community links and partnership with other agencies that have been formed;
 - o The regulatory requirements with which these businesses must comply;
 - o A summary of the feedback from City staff, about problems with these businesses and how the businesses are being received in the community;
 - o A summary of the issues, opportunities, and resolutions with these businesses; and
 - o A list of issues identified for consideration in relation to the proposed business.

Public and stakeholder consultation

- Request the consultant to propose a methodology for gathering input and resolving concerns from all potentially impacted parties. Community consultation is a critical part of a Community Impact Statement and related study.
- Provide opportunities for input from the residents, businesses and community organizations in the area of the proposed business and from the broader community.
- The process should include a public information meeting (s) as well as separate meetings with key stakeholder groups and individuals.
- The minimum area for the public notification of meetings is a radius of 100 meters from the proposed location of the business and the notices of meetings should be distributed to both property owners and tenants of properties in that area.
- The key stakeholder meetings should include, but not be limited to:
 - Immediate neighbours (property owners and tenants);
 - Social service organizations in the area;
 - Surrey RCMP;
 - Community and business associations; and
 - Community organizations providing similar services.

Identification and Discussion of Issues Identified through the Public Consultation Process

- The Community Impact Statement and related study is to document the consultation process, including:
 - Groups and individuals consulted;
 - The concerns/issues raised;
 - Means or options identified through the process, by the individuals and groups, to mitigate/resolve the concerns;
 - The level of support for the project through a survey or other quantifiable means; and
 - Aspects of the project identified as having a positive effect and means to ensure such aspects are enhanced and sustained.

Analysis and Recommendations

- The Community Impact Statement and related study is to provide recommendations:
 - as to how the business is to be implemented and operated to ensure the continued acceptance of the proposed business by the neighbours and the broader community; and
 - regarding a means for on-going dialogue and problem resolution with the community including, but not limited to:
 - Good Neighbour Agreement(s), including the content of such agreements; and
 - Community Advisory Committee, including the persons and groups to be included and the general terms of reference for such a committee.

Deliverables

- A Community Impact Statement and related study in support of an application for a business license for a community service use in City Centre.

Appendix III



Corporate Report

NO: R266

COUNCIL DATE: Oct 18/04

TO: **Mayor & Council** DATE: **October 13, 2004**
FROM: **General Manager, Planning and Development** FILE: **5080-01**
SUBJECT: **A Policy for and By-law Amendments Related to Regulating Community Services
Uses in the City**

RECOMMENDATION

It is recommended that Council

1. Receive this report as information;
2. Adopt the proposed policy, entitled "Policy for Consideration of Community Service Uses in the City Centre" (the "Policy"), documented in Appendix "A" to this report, to regulate and control community service uses in the City Centre;
3. Direct staff to develop a more detailed terms of reference for the community impact assessment referenced in the Policy contained in Appendix "A" to this report;
4. Approve text amendments to the Surrey Zoning By-law, 1993, No. 12000, as amended (the "Zoning Bylaw"), as documented in Appendix "B", to amend the definition of "City Centre" and to eliminate "community service" as a permitted use on lots located in the City Centre, as defined by Map D.1 in Schedule D of the Zoning By-law and zoned RMC-135, RMC-150, PA-1, PA-2, C-5, C-8, C-8A, C-8B, C-15, C-35, CHI, IB, IB-1, IB-2 or IL;
5. Approve text amendments to the Comprehensive Development By-laws related to lots in the City Centre, as documented in Appendix "C", to remove "community service" as a permitted use; and
6. Authorize the City Clerk to bring forward the necessary amendment by-laws for the required readings and to set a date for related Public Hearing.

PURPOSE

The purpose of this report is to seek Council approval for a new approach with respect to accommodating and regulating community service uses in the City Centre.

BACKGROUND

At the Tuesday, September 7, 2004 Regular Council –Land Use meeting, Council adopted the following resolution:

"That Council authorizes staff to undertake a review of the "community service" definition and other relevant aspects of the Surrey Zoning By-law with a view of providing a report to Council complete with recommendations, as necessary to ensure that the City is in a position to exercise reasonable control over the establishment of the various uses that are currently permitted under the "community services" use".

"Community service" is defined in the Zoning By-law as follows:

means a use by a non-profit society:

- (a) *providing information, referral, counselling, advocacy or physical or mental health services on an out-patient basis;*
- (b) *dispensing aid in the nature of food or clothing; or*
- © *providing drop-in or activity space;*

but does not include churches, residential uses and independent group homes.

DISCUSSION

Community Service Definition Reflects a Range of Services Provided by Non Profit Organizations

The term "community service" is intended to encompass services and programs provided on a non-profit basis to assist and benefit Surrey residents. The definition was first introduced with the adoption of the current Zoning By-law in 1993, to enable non-profit groups to operate with more flexibility in responding to the changing needs of a growing and increasingly diverse population of the City. The previous zoning by-law had a much more restrictive approach. The definition reflects the often overlapping and integrated activities provided by social service groups that cannot be readily separated into distinct uses. The range of activities provided by non-profit organizations under the "community service" permitted use category includes:

- (a) Information, education, referral, counselling and health services to individuals (e.g., South Fraser Community Services Medical Clinic located at 10667 – 135A Street);
- (b) Drop-in activities and space (e.g., the Kla-how-eya Centre at 108 Avenue and King George Highway); and
- (c) Distribution of food and clothing resources (e.g., the Surrey Food Bank at 10732 – 135 Street).

The types of organizations providing community services on a non-profit basis include church groups and social service organizations/societies involved in the provision of a range of services to the community. Some of these programs and services are delivered under contract for the provincial government. The term "non-profit group" also includes associations and clubs providing administrative, educational and advocacy services for local, regional, national or international groups and interests. However if the organization is operating primarily on an administrative basis and not providing services to individuals from the property on which they are located, the use is typically accommodated under the "office" permitted use category in the Zoning By-law.

The definition of "community service", as such, remains valid and important to the delivery of social support programs to Surrey residents and it is recommended that, at this time, the definition remain unchanged.

"Community Service" is a Permitted Use in Many Zones in the Zoning By Law and the Uses Allowed Under this Definition are Generally Located in all Communities Across the City

The Zoning By-law currently contains 15 zones that include "community service" as a permitted use in the zone. These zones cover hundreds of properties throughout the City. As such, community services may

locate in a wide range of locations, buildings and properties throughout the City, without the need to proceed through a rezoning process. This approach has offered the potential for a dispersed pattern of community service uses across the City.

Zones that Include "Community Service" as a Permitted Use:

Downtown Zones	Commercial Zones	Institutional Zones	Business/ Industrial Zones
RMC-135 Multiple Residential Commercial 135 Zone	C-5 Neighbourhood Commercial Zone	PA-1 Assembly Hall 1 Zone	IL Light Impact Industrial Zone
RMC 150 Multiple Residential Commercial 135 Zone	C-8, C-8A, C-8B Community Commercial Zones	PA-2 Assembly Hall 2 Zone	IB Business Park Zone
	C-15 Town Centre Commercial Zone		IB-1, IB-2 Business Park 1&2 Zones
	C-35 Downtown Commercial Zone		
	CHI Highway Commercial Industrial Zone		

The flexibility afforded in the Zoning By-law, for community services to locate in a variety of zones, has helped to distribute such uses across the City. The exception to this is the City Centre, which has attracted a significant concentration of such uses. There is a higher density of social service uses within the City Centre boundary than in any other area in the City.

Concentration of Community Service Uses and Zones in the City Centre

The higher concentration of community service uses in the City Centre may, in part, be attributable to the number of lots in City Centre that are zoned to permit community service uses. Over 390 properties in the City Centre are zoned such that "community service" uses are permitted. A map illustrating the lots in City Centre that are zoned to permit "community service" uses is included as Appendix "D".

A number of socio-economic and accessibility factors in the City Centre also likely contribute to the higher

concentration of community service uses in this area of the City. These include:

- Lower than average household income levels;
- Higher concentration of new immigrants;
- Affordable housing and older housing stock, both within and at the periphery of the City Centre;
- Availability of affordable and accessible commercial space suitable for the delivery of social programs and services; and
- Central location, accessible by Skytrain and transit and served by several highways and arterials roads.

The City Centre has at least 25 locations at which a community service use has been established, with many of these locations providing multiple programs/services.

There continues to be significant concerns, by both the City and the public, about the potential negative impacts of the concentration of social support services that are located in the City Centre area. This has led to increasing pressure from the public and business community for the City to better control the location, type and number of community service uses in the City Centre. This level of concern, with respect to community service uses, is not evident in any other community/area of the City.

There is a need to achieve a better balance between the need for community service uses in City Centre and the broader interests of the community in realizing the vision for the City Centre, as a vibrant, pedestrian friendly environment that is attractive to long term business investment.

Options for Regulating Community Services Uses in the City

The *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, grants cities the authority to control the use of land within their jurisdiction through the adoption of a zoning by law. Therefore, to effectively manage the location of land uses, including community service uses in the City, Council's most effective mechanism is to amend the Zoning By law.

Three options, for regulating the location of new community service uses in the City, are described in the following sections, along with an evaluation of each option.

Option #1 – Status Quo Approach

Under this option "community service" uses would not be further restricted under the Zoning By-law. City staff, on an informal basis, would continue to encourage social service organizations to consider providing services in locations other than the City Centre to create a more equitable distribution of social service uses and programs across the City.

Pros:

- Is not disruptive to the on-going delivery of social services to those in the City Centre in need of these services. Over time, the concentration of social services in the City Centre may self correct, as the on-going development of City Centre creates a more blended or mixed population base. In addition the economic advantage of locating in the City Centre area will diminish as the City Centre develops and the economy of the City Centre forces up the price of land and rental rates rise to reflect the new energy in the area.

Cons:

- Does not satisfy the immediate public and business concerns with the concentration of community service uses in the City Centre;
- Does not preclude more community service uses locating in City Centre before the trend shifts.

Option #2 – City Wide Restrictions on "Community Service" Uses

Under this approach, the Zoning By-law would be amended to eliminate "community service" as a permitted use in any zone. If an organization wanted to set up a new "community service" use it would be necessary for that organization to apply for a rezoning to a Comprehensive Development ("CD") Zone for the property on which they proposed to locate the community service use. Council would need to give the related by-law the necessary readings, hold a public hearing and adopt the rezoning by-law before the use could be established.

Pros:

- Council would have full control over the location of all new community service uses in the City;
- Would allow the public an opportunity to voice opinions and concerns, with respect to the location of new community service uses, as part of the public process associated with rezoning applications (i.e., pre-notification letters, development sign, public information meetings, public hearing, etc.).

Cons:

- Council would need to address a larger number of rezoning applications outside of City Centre that are consistent with the Council objective of dispersing community service uses throughout the community;
- The time constraints related to government funding of some community service uses may not allow the community service organization sufficient time to complete a rezoning process and, therefore, this approach may have the effect of reducing the amount of provincial and federal dollars that are appropriated to programs and services in the City of Surrey. It may also have the effect of making access to services more difficult for those in need;
- All existing legal "community service" uses throughout the City would become legal non-conforming.

Option #3 – Restrictions in City Centre Only on "Community Service" Uses

Under this approach, the Zoning By-law would be amended to eliminate "community service" uses as a permitted

use in the City Centre, as illustrated on Map D.1 of Schedule D of the Zoning By-law (see Appendix "E"). If an organization wanted to set up a new "community service" use in the City Centre it would be necessary for that organization to apply for a rezoning to a CD Zone for the property on which they proposed to locate the community service use. Council would need to give the related by-law the necessary readings, hold a public hearing and adopt the rezoning by-law before the use could be legally established. Community service uses would continue to be permitted outside of City Centre on lots in all zones where such a use is currently permitted.

Pros:

- Council would have full control over the location of all new community service uses in the City Centre, in support of the vision for City Centre;
- Would allow the public an opportunity to voice opinions and concerns, with respect to the location of new community service uses in the City Centre, as part of the public process associated with rezoning applications (i.e., pre-notification letters, development sign, public information meetings, public hearing, etc.);
- Would not affect the establishment of community service uses outside the City Centre, consistent with Council's stated objective of dispersing community service uses more evenly throughout the City;

Cons:

- Council will need to deal with more rezoning applications in the City Centre;
- The time constraints related to government funding of some community service uses may not allow the community service organization sufficient time to complete a rezoning process and, therefore, this approach may have the effect of reducing the amount of provincial and federal dollars that are appropriated to programs and services in the City of Surrey. It may also have the effect of making access to services more difficult for those in need;
- There is also a possibility that community service use providers will simply locate along the edge of City Centre, just beyond the City Centre boundary, creating new pressures in the new areas and without having any effect on the profile of the City Centre.

Recommended Approach – Draft Policy for Community Service Uses in the City

Based on the above evaluation, Option 3 is considered to be the most appropriate approach in that it balances the need to continue to provide opportunities for the establishment of community service uses throughout the City, with the vision for City Centre. However, it is important that guidelines be established that will provide guidance to those who may consider pursuing a rezoning of property in City Centre to allow for the establishment of a community service use. Appendix "A" contains a draft policy, entitled "Policy for the Consideration of Community Service Uses in the City Centre." It should be noted that the Policy calls for the preparation, by the applicant, of a community impact assessment that will document the potential effects of the proposed use on the City in general and the immediate neighbourhood within which it is located. At this time, a full terms of reference for the community impact assessment has not been completed, but as a minimum, such an assessment is to include a public consultation process, including input from key stakeholders in the immediate area and the broader community. Staff will finalize the terms of reference for the community impact assessment and submit these for Council's consideration, subject to Council approval of the recommendations of this report.

Implementation of the Proposed Approach

Text Amendment to Eliminate Community Services as a Permitted Use in the City Centre Area

If Council adopts Option 3, as is recommended, it will be necessary to amend the text in each of several zones in the Zoning By-law to specifically reference the fact that "community service" uses are not a permitted use in the City Centre.

A summary of the proposed text amendments to the Zoning By-law is contained in Appendix "B".

Text Amendment to the Definition of City Centre

The current definition "City Centre" in the Zoning By-law states:

City Centre

for the purpose of Part 5 Off-Street Parking and Loading/Unloading means the area as shown on Schedule D.1.

This definition is being used to define the City Centre in many other contexts, not only in Part 5 of the Zoning By-law. Legal Services has advised that the existing definition of City Centre should be deleted and replaced with the following definition:

City Centre

means the area as shown on Map D.1 in Schedule D of this By-law.

It is recommended that Council approve this housekeeping amendment, which is included in Appendix "B".

Text Amendments to Several CD By-laws Related to Lots in the City Centre

Several CD Zones on lots in City Centre include community services as a permitted use. These CD Zones must also be amended. A staff review indicates seven such CD Zones, the locations of which are shown on the map in Appendix "F". Further review by staff, indicates that there are two categories of CD By-laws, which permit community service uses as follows:

Category A – CD By-laws that allow "community service" as an incidental use, but were adopted by Council to permit a commercial or commercial/residential development not directly related to the immediate establishment of a community service use.

In this case, removing "community service" as a permitted use has little impact on the overall operation or use of the property. An example is CD By-law No. 12660 that governs the Gateway development on 108 Avenue and 134 Street. The primary uses are residential and commercial/office uses. "Community service" is one of a series of alternative uses permitted by the zone on the site.

Category B – The "community service" use component of the by-law was the integral and primary aspect of the development for which the CD By-law was adopted.

CD By-laws in this category were approved on the basis that community services would be provided on site, as a direct result of adoption of the by-law and, as such, the public has already had the opportunity to apprise Council of its concerns through the public hearing process, in relation to the community service use that was proposed.

In such cases, the community service use should continue as a permitted use and the CD By-law should not be amended. An example, is CD By-law No. 14533, created to facilitate the development of a Filipino Community Centre at 13674 Grosvenor Road. The intended use was to accommodate assembly hall uses, as well as community service uses, which would facilitate activity and drop-in programming space and other social support services. Another example is CD By-law No. 13873, adopted by Council to accommodate the temporary homeless shelter at 10667 – 135A Street. In this circumstance, the homeless shelter and related services to persons who are homeless, were the reason for the rezoning process.

Appendix "C" lists only the CD By-laws that fall within "Category A", which should be amended to eliminate "community service" as a permitted use.

Legal Non-Conforming Status

Community service uses currently legally established in the City Centre area, other than those covered by the "Category B" CD By-laws referenced above, will become "legal non conforming" uses if Council adopts the recommended amendments to the Zoning By-law. As a "legal non-conforming" use, the community service use may continue for an indefinite time, unless the use ceases for a period of six months or more, at which time the legal non-conforming status ends. Any subsequent uses on the land must conform to the amended provision of the Zoning By-law. A legal non-conforming use cannot be expanded on the lot on which they are located beyond the area that was legally occupied by the use at the point in time when the legal non-conformity occurred.

Rezoning Fees for "Community Service" Uses in City Centre

These changes will affect non-profit groups wishing to expand or relocate their services in the City Centre. Surrey's current application fee for a rezoning to a CD Zone involves a base fee of \$3,360 for the application and \$730 for the related public hearing, for a total cost of \$4,090 for existing buildings. Where a new building is proposed, there is an additional fee of \$0.137 per sq. m. of floor area.

Given that the proposed text amendments affect only properties in the City Centre, Legislative Services will notify the owners of the affected properties by mail, informing them of the proposed by-law amendment, in addition to the normal public hearing notification in the local newspaper.

The Legal Services Division has reviewed this report and proposed text amendments.

CONCLUSION

Based on this report it is recommended that Council

- Adopt the proposed Policy, entitled "Policy for Consideration of Community Service Uses in the City Centre", documented in Appendix "A" to this report to regulate and control community service uses in the City Centre;
- Direct staff to develop a more detailed terms of reference for the community impact assessment referenced in the Policy contained in Appendix "A" to this report;
- Approve text amendments to the Zoning By-law, as documented in Appendix "B", to amend the definition of "City Centre" and to eliminate "community service" as a permitted use on lots located in the City Centre, as defined by Map D.1 in Schedule D of the Zoning By-law and zoned RMC 135, RMC-150, PA-1, PA-2, C-5, C-8, C-8A, C-8B, C-15, C-35, CHI, IB, IB 1, IB-2 or IL;

- Approve text amendments to the CD By-laws related to lots in the City Centre, as documented in Appendix "C", to remove "community service" as a permitted use; and
- Authorize the City Clerk to bring forward the necessary amendment by-laws for the required readings and to set a date for related public hearing.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

BB:saw

Attachments

Appendix "A" – Policy for Consideration of Community Services in the City Centre Area

Appendix "B" – Proposed Text Amendments to the Zoning By-law

Appendix "C" – Proposed Text Amendments to CD By-laws in the City Centre

Appendix "D" – Map of Existing Zones in the City Centre that permit Community Services

Appendix "E" – Map of City Centre

Appendix "F" – Map of Lots Covered by CD Zones in City Centre

Appendix IV



Map D.1 - Surrey City Centre

Appendix V



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