

City of Surrey
PLANNING & DEVELOPMENT REPORT

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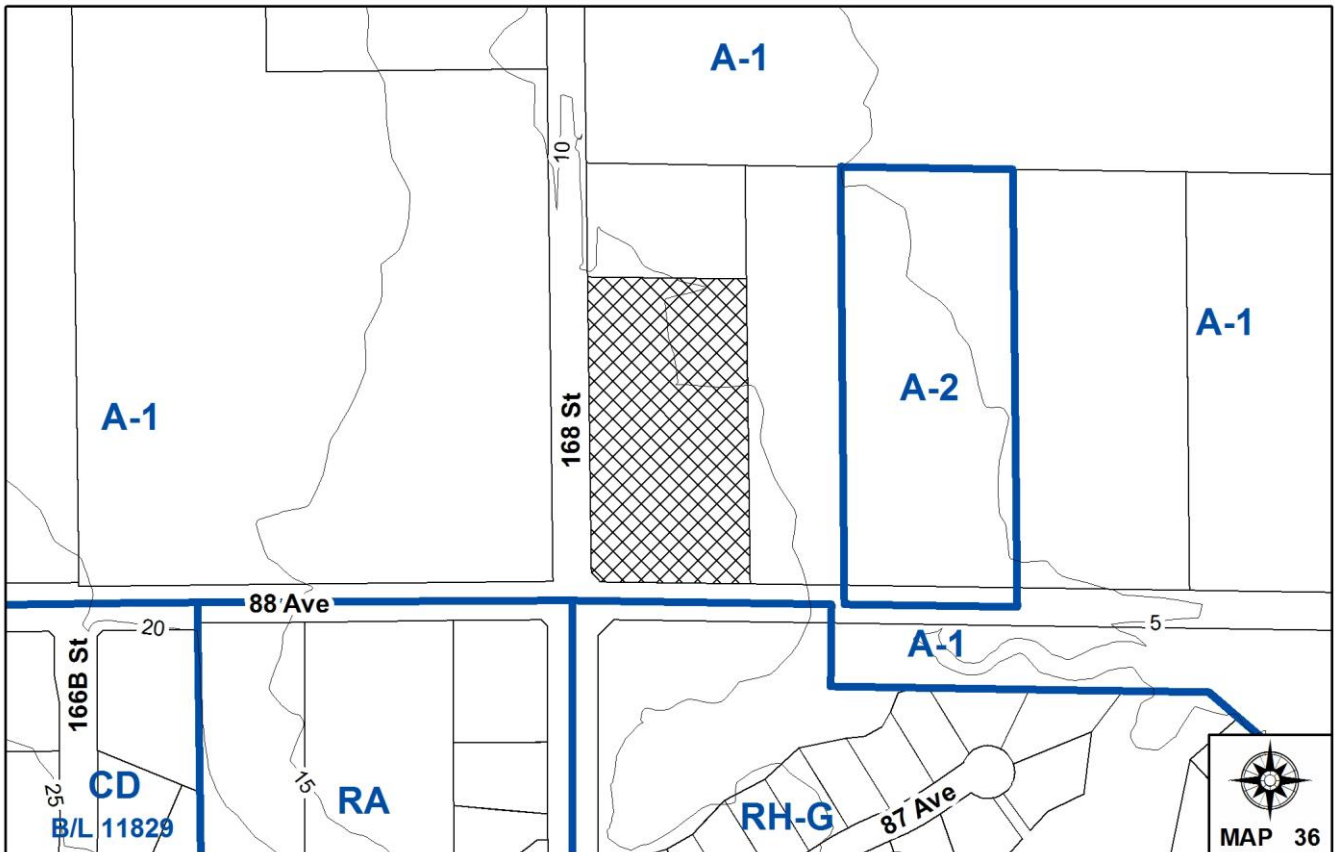
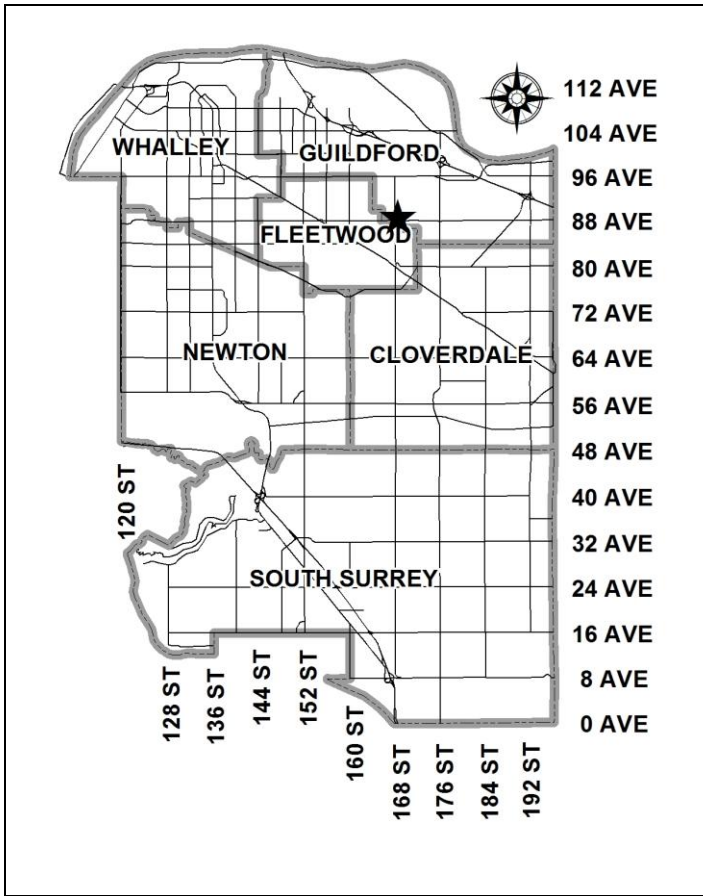
Planning Report Date: June 7, 2010

PROPOSAL:

- **Rezoning** from A-1 to CD (based on PA-2)
- **Heritage Revitalization Agreement**

in order to permit a private school to operate in the existing buildings on the subject property, including the historic, former Tynehead Elementary School building.

LOCATION: 8820 – 168 Street
OWNER: Gobind Marg Charitable Trust Society
ZONING: A-1
OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Contrary to OCP policies regarding the protection of agricultural areas and the enhancement of farming.

RATIONALE OF RECOMMENDATION

- The Agricultural Land Commission (ALC) supports the proposed school use provided it is contained within the footprint of the existing buildings on-site.
- Existing landscaping along all lot lines provides screening from adjacent properties. The owners also propose additional landscaping throughout the subject property.
- Consistent with OCP policies regarding the preservation of Surrey's heritage buildings.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "General Agricultural Zone (A-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date for Public Hearing be set.
2. a By-law be introduced to allow the property owner and the City of Surrey to enter into a Heritage Revitalization Agreement for the protection and maintenance of the heritage elements of the "West Wing" of the former Tynehead Elementary School building (Appendix IX).
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a road dedication plan to the satisfaction of the Approving Officer;
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (d) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect; and
 - (e) resolution of the unauthorized tree removal to the satisfaction of the General Manager, Planning & Development.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
Heritage Advisory Commission (HAC):	An information memorandum was reviewed by the HAC on July 27, 2005 and the HAC recommended that a Heritage Evaluation be conducted accordingly. The project was subsequently referred back to the HAC on May 4, 2010 and the HAC had no comments and recommended that the Heritage Revitalization Agreement (HRA) be forwarded to Council for their consideration (Appendix IV).
Agricultural Advisory Committee:	The project was considered at the July 14, 2005 AAC meeting and the proposed rezoning from A-1 to CD was supported to continue the use of the site as a school (Appendix V).

SITE CHARACTERISTICS

Existing Land Use: School building (former site of Tynehead Elementary School) within the Agricultural Land Reserve (ALR).

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Agricultural lands within the ALR.	Agricultural	A-1
East:	Agricultural lands within the ALR.	Agricultural	A-1
South (Across 88 Avenue):	City parkland and suburban lots.	Suburban	RH-G
West (Across 168 Street):	Agricultural lands within the ALR.	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

Building History

- In 1908, the Surrey School Board acquired a 700-square metre (7,535 sq.ft.) parcel located at the northeast corner of Davis Road (88 Avenue) and Coast Meridian Road (168 Street). This parcel, which in later years was expanded to include adjacent parcels, became the site upon which the former Tynehead Elementary School is currently located.
- School Board records indicate that the former Tynehead Elementary School was originally a 495.5-square metre (5,335 sq.ft.) building constructed in 1909 (Figure 1). As shown in Figure 2, a series of additions were completed to expand the school to its current size of 1,596 square metres (17,180 sq. ft.).
- On December 4, 2000, Council placed the original portion of the former Tynehead Elementary School called the 'West Wing' (Building Two; see Appendix II) on the Surrey Heritage Register. The main character-defining elements of the 'West Wing' and the surrounding lands are as follows:
 - prominent corner location at 168 Street and 88 Avenue;
 - continuous educational and community use;
 - institutional form, scale and massing as expressed by its one-storey plus full basement height and rectangular plan;

Courtesy of Surrey Archives



Figure 1: Tynehead Elementary School



Figure 2: Tynehead Elementary School - West Wing (est. 2000)

- medium-pitch hipped roof, projecting front extension with hipped roof, and front-gabled porch;
 - wood-frame construction, with original wooden drop siding and cedar shingle cladding at the basement level underneath the stucco, which was subsequently installed; and
 - fenestration, including banked symmetrical windows with original wooden framing, and six-paned wooden sash windows on both floors.
- The former Tynehead Elementary School was deemed to be surplus to its needs by the Surrey School Board and was consequently closed in 2004. In 2005, the school was purchased by the Gobind Marg Charitable Trust Society, the applicant, with the intention to operate a private school on the subject site.

Current Proposal

- The subject property is located at 8820 - 168 Street at the northeast corner of 88 Avenue and 168 Street. The property is zoned General Agriculture (A-1) and designated Agricultural in the Official Community Plan (OCP). The site is located within the Agricultural Land Reserve (ALR).
- The subject property contains two buildings (see Appendix II). Building One (Annex) is a single-storey structure which is attached via a breezeway to Building Two consisting of the two-storey heritage structure of the former Tynehead Elementary School. The heritage building contains classrooms as well as offices and a gymnasium.
- The applicant has agreed to maintain and preserve the 'West Wing' (Building Two) of the former Tynehead Elementary School through a Heritage Revitalization Agreement (Appendix IX).
- The current development application was submitted on June 10, 2005, however, the file has been delayed due to a number of reasons, including delays by the applicant in providing information including a conservation plan pertaining to the heritage building.
- The applicant is proposing to utilize the existing buildings on the subject site for a private school for a maximum of 240 students (8 classrooms with 30 students each). The school will offer courses to all age groups including adults; however, students under the age of 18 will represent the largest enrolment. The assembly hall (former gymnasium) will be used in association with the private school for educational, prayer and religious study purposes.
- The private school will offer a number of courses and activities related to educational and religious studies including:
 - Reading and learning from the holy scriptures of Sikh faith;
 - Sikh history education;
 - Spiritual practice encompassing rules and regulations of worship;
 - Kirtan music (tabla and harmonium instruments, and the singing of hymns);
 - Punjabi language courses; and
 - Yoga, drama and martial arts.

- The school will also provide a venue for the student population to participate in sporting activities, hold youth forums, and offer peer counselling. Family members may often congregate for recitals and other performances, whereby students are given the opportunity to apply theory and knowledge into practice. The school also hosts a six-week festival during the summer, on the precepts and teachings of the founder of Sikhism.
- The proposed rezoning of the subject property will allow the Gobind Marg Charitable Trust Society to offer classes for Kindergarten to Grade 3 students within the confines of the Independent School Act (ISA). Schools regulated by the ISA have freedom to approach the curriculum from their own perspective, but must meet specified learning outcomes of the British Columbia curriculum depending upon the type of school. An independent school authority must apply to the Inspector of Independent Schools for a Certificate of Group Classification to operate an independent school in the province. To date, the application has not been submitted to the Inspector of Independent Schools, but it is the applicant's intent.
- The total floor area of the existing buildings on the subject property is 1,596 square metres (17,180 sq. ft.) with a floor area ratio (FAR) of approximately 0.12 and a lot coverage of 10%.
- There are approximately 75 parking stalls located on the subject site, including sufficient space for drop-off / pick-up, as well as bus loading / unloading on the property, if needed. The parking is in compliance with the parking requirements of the Zoning By-law. A large gravel parking area at the northeast corner of the subject property can provide additional parking for the school.
- The owners of the subject property, Gobind Marg Charitable Trust Society, also share ownership of the property directly to the north at 8894 - 168 Street. The Society states that they intend to submit a development application for a Temporary Use Permit (TUP) to allow overflow vehicle parking on the site during the Society's summer festival. The overflow parking would only be required for a six- to eight-week period during the summer, and would help eliminate vehicles parked along 88 Avenue or 168 Street. The adjacent property is also located within the Agricultural Land Reserve, and thus, the owners would require approval from Council and from the Agricultural Land Commission for the proposed vehicle parking on the site.
- VanArbor Vegetation Consulting Ltd. prepared the Arborist Report, which has been reviewed by City staff. The chart below provides a summary of the tree retention and removal by species:

Tree Species	Total No. of Trees	Total Proposed for Retention	Total Proposed for Removal
Scots Pine	9	8	1
Cherry	1	1	0
Colorado Spruce	5	5	0
Douglas Fir	22	22	0
Locust	3	2	1
TOTAL	40	38	2

- According to the tree summary, 40 trees are currently identified on the subject site. The applicant proposes to remove two (2) trees and retain the remaining 38. The two (2) trees proposed for removal are either dead or in poor condition and pose a high risk hazard.

- The 22 Douglas Fir trees are located along the north property line. Staff have visited the site as a result of a recent removal of two (2) By-law sized trees on the subject property as well as the removal of two (2) By-law sized trees on the abutting property to the north, which is co-owned by the Gobind Marg Charitable Trust Society. The trees were removed without tree permits, and City staff confirm that the owners are required to plant eight (8) by-law sized replacement trees on either the subject property or the abutting property to the north. Tree replacement securities are also required. The owners have agreed to resolve the issue with staff prior to Final Approval of the rezoning application.
- The owners propose to plant additional landscaping on the subject site as per the landscape plan (Appendix VI). The owners propose to plant eight (8) cherry trees along the south property line adjacent to 88 Avenue and add 150 square metres (1,615 sq.ft.) of grass throughout the site.

Rezoning and Non-Farm Use

- The owners intend to expand the school facility in the long-term future, if the proposed rezoning is approved. The applicant has provided a preliminary plan proposing to remove Building One (non-heritage building) and construct a 1,953-square metre (21,025 sq.ft.) building at the northeast corner of the subject site to provide more classrooms and facilities for the private school (Appendix X). A maximum floor area ratio (FAR) of 0.22 and lot coverage of 20%, which is specified in the proposed CD By-law, will limit any future expansion on the subject property.
- A letter received from the Agricultural Land Commission (ALC) via the owner, dated August 31, 2007, states that the ALC has no objection to the continued use of the subject property for a school within the footprint of the existing buildings on the site (Appendix VIII).
- However, the proposed rezoning, if approved, will accommodate more uses than a school and more building floor area than currently exists.
- The ALC has advised that the rezoning can proceed, however any expansion of the footprint of the existing buildings permitted by the proposed CD By-law cannot be exercised without ALC approval of the increased non-farm use.
- Accordingly, no building permits can be issued for any expansion of the existing buildings without prior approval by the ALC for an expanded non-farm use.

Proposed Comprehensive Development Zone

- The proposed CD Zone is based upon the Assembly Hall 2 Zone (PA-2) with minor modifications to the Permitted Uses, Density and Setbacks sections. Whereas the PA-2 Zone permits principal uses of assembly hall, private school, child care and community services, the proposed CD Zone only permits a private school limited to a maximum of 240 students as the principal use (Appendix VIII).
- In order to accommodate the applicant's request to have an assembly hall for educational and religious study purposes, the proposed CD Zone permits an assembly hall, not exceeding a floor area of 298 square metres (3,205 sq. ft.), as an accessory use located within the principal building (heritage building).
- Given that the site is within the ALR, agricultural and horticultural uses are also included in the proposed CD Zone.

- The PA-2 Zone permits a maximum floor area (FAR) ratio of 0.50; however, in order to limit the size of future additions on the subject property, the proposed CD By-law proposes a maximum FAR of 0.22. This would allow the owners to construct an additional 1,380 square metres (14,855 sq.ft.) of floor space on the subject site for a maximum floor area of 2,977 square metres (32,045 sq.ft.). The heritage building (Building Two) will be preserved as required in the proposed Heritage Revitalization Agreement.
- The PA-2 Zone requires 7.5-metre (25 ft.) setbacks along the front, rear and flanking street side yards, and a 3.6-metre (12 ft.) setback along the east side property line. The proposed CD Zone proposes to increase the east side yard setback from 3.6 metres (12 ft.) to 7.5 metres (25 ft.). All other setbacks maintain the 7.5-metre (25 ft.) requirement of the PA-2 Zone. The increased setback along the east property line is in order to provide greater separation between the subject property and the agricultural property to the east, and to protect trees and landscaping from future development. It is acknowledged that the flanking street side yard setback will be non-conforming due to the required 168 Street road widening. The non-conforming setback is acceptable.
- The PA-2 Zone permits a maximum building height of 9 metres (30 ft.) for the principal building and 4 metres (13 ft.) for accessory buildings and structures. The maximum building height in the proposed CD Zone will be consistent with the PA-2 Zone, but will also allow buildings for agricultural and horticultural uses to be a maximum height of 12 metres (40 ft.).
- A table illustrating the differences between the PA-2 Zone and the proposed CD Zone is as follows:

	PA-2 Zone	Proposed CD Zone
Use	<ol style="list-style-type: none"> 1. Assembly halls, including churches. 2. Private schools. 3. Child care centres. 4. Community services. 5. Accessory uses, including the following: <ol style="list-style-type: none"> (a) One (1) or 2 dwelling units for the accommodation of official, manager or caretaker of the principal use provided that such use is limited in area to 260 square metres (2,800 sq.ft.) either accommodated in one separate building or within the principal building. 	<ol style="list-style-type: none"> 1. Private schools. 2. Agriculture and horticulture. 3. Accessory uses, including the following: <ol style="list-style-type: none"> (a) One (1) dwelling unit for the accommodation of official, manager or caretaker of the principal use provided that such use is limited in area to 90 square metres (970 sq.ft.) and accommodated within the principal building. (b) Assembly hall provided that such use is associated with the private school, and is limited in area to a maximum of 298 sq. m.(3,205 sq. ft.) and is located within the principal building.
FAR	0.50	0.22
Lot Coverage	40%	20%
Setbacks	East side: 3.6 metres (12 ft.) All other sides: 7.5 m (25 ft.)	7.5 metres (25 ft.)*
Building Height	9 metres (30 ft.)	9 metres (30 ft.) except for agricultural/horticultural buildings.

* Existing buildings will be non-conforming along 168 Street due to required road widening.

PRE-NOTIFICATION AND PUBLIC INFORMATION MEETINGS

Pre-notification letters were initially sent out on November 1, 2005. As a result of an amendment to the proposal, pre-notification letters were subsequently revised and sent out on February 15, 2006. At the time, staff received a number of comments and concerns regarding the following:

- Vehicle traffic and noise;
- Improper use of the facilities as a temple; and
- Works conducted on site to the existing buildings without proper permits;

The development proposal was again amended to its current proposal, and revised pre-notification letters were sent out on April 21, 2008, resulting in the following comments from neighbours:

- Concerns on the unsightliness of the site and that the building is currently being used as a religious facility for prayer services on Sundays without proper zoning and permits. There are also concerns expressed regarding the parking of large trucks and trailers on the property;

(The owners have admitted that a greater commitment to site clean-up and maintenance may be needed, and have agreed to adhere to this responsibility. By-law staff have been apprised of the complaints of neighbours and have responded accordingly by meeting with the owners).

- Another neighbour expressed concerns about traffic and parking in the area, particularly during the summer festival hosted by the subject school;

(The Society advises that it has staff to manage traffic and parking to and from the site during the festival to ensure safety and to reduce disruptions to the neighbourhood. They have also worked with the Fire Department to ensure access within the site is adequate during emergency situations.)

- A neighbour was concerned about the potential damage to a row of mature Douglas Fir trees located along the north property line;

(The owners propose to protect and maintain the existing Douglas Fir trees and all other trees and landscaping on the subject property. The owners also propose to install additional trees and landscaping throughout the site. The two Douglas Fir trees that were removed without permits from the subject site and the two removed from the site to the north are being addressed and resolution will be a condition of the subject application)

- The proposed development application should not be considered as the owners have not respected the heritage building, the property or the residents in the area.

(The owners have agreed to enter into a Heritage Revitalization Agreement with the City to protect and maintain the heritage building.)

Public Information Meetings

- The applicant held a Public Information Meeting (PIM) on October 26, 2005 at the subject property. The purpose of the PIM was to solicit comments from the community on the proposed rezoning application; however, no residents attended the meeting. A City staff member was in attendance at the PIM as an observer.
- A second Public Information Meeting was held at the subject property on September 8, 2008 between 6:00 p.m. and 8:00 p.m. The purpose of the meeting was to garner comments from the neighbourhood as a result of the applicant’s revised development proposal to allow a private school with 240 students.
- According to the consultant’s summary, a total of 122 people completed the sign-in sheet at the meeting. Of these, 66 were Surrey residents, while the remaining 56 were residents from Delta, Burnaby, Langley and Abbotsford. The summary also states that 16 of the 66 Surrey residents (24%) were those that lived in the general neighbourhood of the subject property.
- A total of 35 attendees completed a comment sheet at the Public Information Meeting. However, only 21 of the comment sheets were completed by Surrey residents. Two (2) signed letters of support were also received at the meeting; however, one (1) was from a non-Surrey resident. Of the 21 comment sheets, the following was the breakdown of their responses:

	Support Proposal	Opposed	Unspecified	Total
Rezoning Application	15	2	4	21

- The following responses were denoted on the comment sheets from those who support and oppose the development proposal:

Support Proposal	Oppose Proposal
<ul style="list-style-type: none"> • Important to our history and culture to have educational facilities like this • Supports religious education • Positive influence on our children • Improves surrounding community • Supports multi-culturalism • An avenue to learn the Punjabi language 	<ul style="list-style-type: none"> • No effort from the property owner to act as a good neighbour or be community-oriented • Concerns regarding the appearance and cleanliness of the subject property

- The consultant’s summary also acknowledged that a group of concerned area residents and property owners (approximately ten) were in attendance at the commencement of the Public Information Meeting. They inquired about the development proposal, the Society’s purpose, its membership, and plans for the subject site.
- The applicant and agent for the proposed development application requested that the residents denote their issues and concerns on the comment sheets in order to relay this information to Council. Many of these concerned citizens did not complete a comment sheet; however, they have previously discussed their concerns with staff via letters and telephone calls, and their comments and concerns were denoted in the Pre-Notification section.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Survey Plan
Appendix III.	Engineering Summary
Appendix IV.	Heritage Advisory Commission Minutes from May 4, 2010
Appendix V.	Agricultural Advisory Committee Minutes from July 14, 2005
Appendix VI.	Landscape Plan
Appendix VII.	ALC Letter dated August 31, 2007
Appendix VIII.	Proposed CD By-law
Appendix IX.	Heritage Revitalization Agreement By-law
Appendix X.	Potential Future Expansion Site Plan

Jean Lamontagne
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