

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**  
 File: 7908-0303-00

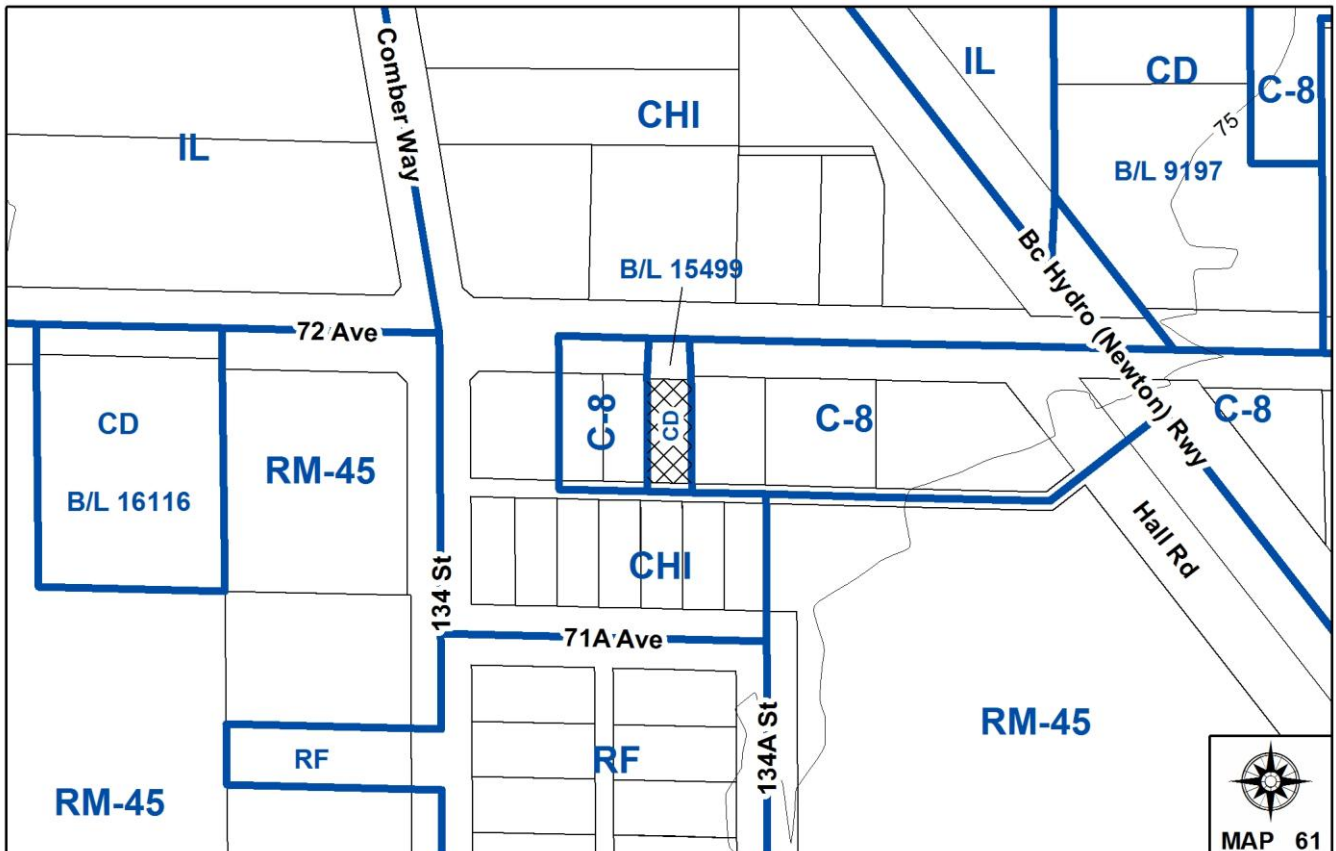
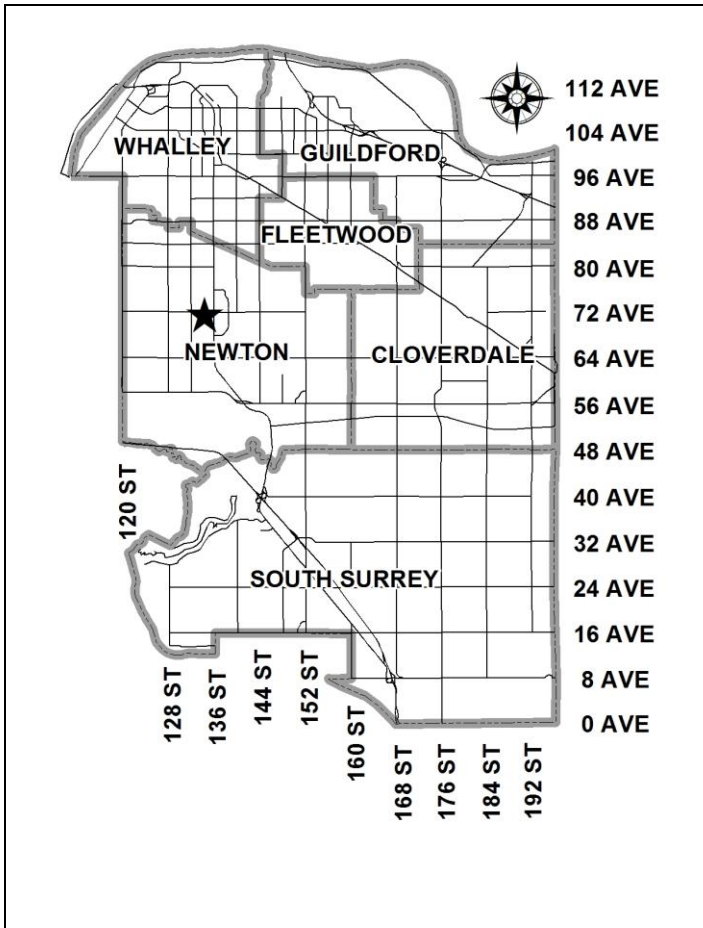
Planning Report Date: April 20, 2009

**PROPOSAL:**

- **Rezoning** from CD (By-law No. 15499) to CD (based on C-8)
- **Development Permit**
- **Development Variance Permit**

in order to permit the relocation of a pawn shop within an existing building to be renovated including an addition.

**LOCATION:** 13438 - 72 Avenue  
**OWNER:** Common Exchange Ltd., 448271  
**ZONING:** CD (By-law No. 15499)  
**OCP DESIGNATION:** Commercial  
**LAP DESIGNATION:** Commercial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The existing commercial building on the subject site is existing non-conforming with respect to parking requirements, building setbacks and landscaping. A Development Variance Permit (DVP) is proposed to allow the building to be altered and renovated in its existing siting and also to allow the existing parking arrangement to be retained.

### RATIONALE OF RECOMMENDATION

- The subject proposal is not introducing a new pawnshop business to the area, as it is a proposed relocation of an existing pawnshop business from a neighbouring building. As a condition of final approval, the applicant is required to provide assurance to the satisfaction of the City that the existing non-conforming pawnshop in a leased building will cease operation and forfeit the legal non-conforming status.
- The subject proposal will actually reduce the total floor area dedicated to pawnshop use in this area, as currently the "Common Exchange" pawnshop operation occupies 2 buildings and the proposal will result in the pawnshop operation being consolidated into 1 building.
- Staff has received no objections to the proposal from the Surrey RCMP, School Board, or from the City's Parks, Recreation & Culture and By-laws and Licensing Services Departments.
- As part of the proposal, the applicant proposes to upgrade the existing building on the site which is outdated and in need of a renovation.
- The proposed variances are to accommodate existing conditions and will only apply to the existing building. The variances will not apply to any future redevelopment of the subject site.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 15499) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7908-0303-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7908-0303-00, (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard setback of the CD Zone from 7.5 metres (25 ft.) to 6.4 metres (21 ft.);
  - (b) to reduce the minimum west side yard setback of the CD Zone from 7.5 metres (25 ft.) to 0 metre;
  - (c) to reduce the minimum east side yard setback of the CD Zone allowed from 7.5 metres (25 ft.) to 0 metre;
  - (d) to reduce the minimum rear yard setback of the CD Zone from 7.5 metres (25 ft.) to 1.7 metres (5 ft.);
  - (e) to reduce the required number of off-street parking stalls under the Zoning By-law from 10 stalls to 7 stalls; and
  - (f) to waive the landscaping requirement of the CD Zone to provide a continuous landscaping strip of not less than 1.5 metres (5 ft.) in width along the developed sides of the lot which abut a highway.
4. 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) registration of a Section 219 Restrictive Covenant to require any future redevelopment on the subject site to be in full compliance with the building setbacks, landscaping and parking requirements of the Zoning By-law; and
  - (c) the applicant provide assurance to the satisfaction of the City to prevent the continuation of the non-conforming pawnshop use at 13424 - 72 Avenue and forfeit the legal non-conforming status.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
School District:	No objections.
Parks, Recreation & Culture:	No objections.
Surrey RCMP:	No objections.
Surrey By-laws & Licensing Services:	No objections.

SITE CHARACTERISTICS

Existing Land Use: Commercial building currently used as a storage space for a neighbouring pawnshop operation.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North (Across 72 Avenue):	Retail commercial building.	Commercial/Commercial	CHI
East:	Retail commercial building.	Commercial/Commercial	C-8
South:	Retail commercial building.	Commercial/Commercial	CHI
West (Across):	Existing non-conforming pawnshop operation "Common Exchange".	Commercial/Commercial	C-8

DEVELOPMENT CONSIDERATIONSBackground and Site Context

- The subject site (13438 – 72 Avenue) is located on the south side of 72 Avenue, just east of 134 Street. The site is currently zoned "Comprehensive Development Zone (CD) (By-law No. 15499) and is designated Commercial in both the Official Community Plan (OCP) and the Newton Local Area Plan (LAP).

- The site was rezoned from C-8 to CD (By-law 15499) in 2007. The CD Zone permits all of the uses permitted under the "Community Commercial Zone (C-8) but also allows the storage of goods and articles from the existing pawnshop located on the neighbouring site to the west (13424 – 72 Avenue).
- The neighbouring pawnshop "Common Exchange" is an existing non-conforming use under that site's C-8 Zoning. It is considered a legal non-conforming use because it was in operation prior to 1998 when, in conjunction with the establishment of the C-8B Zone, amendments were made to the Zoning By-law to exclude secondhand stores and pawnshops as permitted uses in all other zones (including C-8).

### Subject Proposal

- The operators of the Common Exchange pawnshop currently lease the neighbouring building at 13424 – 72 Avenue but they are the owners of the subject site. They wish to relocate their pawnshop business from the neighbouring site to the subject site. As part of this relocation they also propose to renovate the existing building on the subject site and add additional height. The proposed height addition will be open to the first floor and as such does not result in any additional floor area, but does allow for higher racking for storage of pawnshop items.
- Since the site's existing CD Zoning (By-law No. 15499) only allows for the storage of goods and articles from a neighbouring pawnshop but does not permit an actual pawnshop business, a rezoning is required. The only standard zone that permits a pawnshop business is the "Community Commercial B Zone (C-8B)"; however that zone also permits other inappropriate uses. As such, a new CD Zone is proposed which will allow a pawnshop in addition to the standard C-8 Zone uses.

### Proposed CD Zone

- The proposed CD Zone to accommodate the subject proposal is identical to the C-8 Zone with the following exceptions:
  - A pawnshop has been added as a permitted use;
  - The maximum Lot Coverage has been increased from 50% to 65%; and
  - The maximum Floor Area Ratio has been reduced from 0.80 to 0.65.

### Evaluation of Proposed Rezoning

- Existing legal non-conforming use status:
  - The subject proposal is not intended to introduce a new pawnshop business to the area, as it is a proposed relocation of an existing pawnshop business from a neighbouring building. The existing Common Exchange pawnshop business currently has legal non-conforming status under the Local Government Act, and may be continued as a non-conforming use indefinitely, provided that the use is not discontinued for a continuous period of 6 months.

- The applicant has advised staff that they have a registered lease on the property at 13424 - 72 Avenue and an option at the end of this year to extend the lease for an additional 5 years. Their intention, after the pawnshop is relocated, is to continue to occupy the building as a "Nationwide Payday Advance" business, which is a permitted use under the site's C-8 zoning. However, the owner of the property has indicated opposition to the proposed relocation and rezoning. The owner does not wish to give up the legal non-conforming status of the pawnshop use on the property. Therefore, to ensure the proposal does not result in 2 side-by-side pawnshops, the applicant will be required to provide assurance to the satisfaction of the City to prevent the continuation of the non-conforming pawnshop use at 13424 - 72 Avenue, as a condition of final adoption of the rezoning by-law.
- Merits of the proposal:
  - The subject proposal will actually reduce the total floor area dedicated to pawnshop use in this area, as currently the "Common Exchange" pawnshop operation occupies 2 buildings. The neighbouring building at 13424 – 72 Avenue contains the sales area for the pawnshop business and the subject building contains all the storage of goods for the pawnshop business. The subject proposal will result in the pawnshop business being confined to the subject building only.
  - The proposed pawnshop location has been evaluated on the basis of the City's "Locational Guidelines for Secondhand Stores and Pawnshops" approved by Council in 1998. The guidelines state that a secondhand store or pawnshop should not be located within 400 metres of an existing secondhand store, pawnshop, school, children's park or playground, SkyTrain Station, body rub parlour, social escort service, or residences.
  - The subject site is not within 400 metres (1,150 ft.) of a SkyTrain Station, body rub parlour, or social escort service.
  - The subject site is 250 metres (820 ft.) from another legal non-conforming pawnshop located at 7155 King George Highway, however, the proposal is not intended to add another pawnshop to the area it is to relocate an existing pawnshop from the building next door.
  - The site is 350 metres (1,150 ft.) from W.E. Kinvig Elementary School and 360 metres (1,180 ft.) from Unwin Park, measured property to property line as the crow flies. The actual driving or walking distance between the proposed pawnshop location and the park and school is over the suggested 400 metre minimum separation specified in the Guidelines. The School Board and the Parks, Recreation & Culture Department have no objections to the proposal.
  - The closest residences are located approximately 30 metres (100 ft.) from the proposed pawnshop site; however they are separated by a row of commercial buildings. The subject pawnshop "Common Exchange" has been in operation in the building next door for several years and staff have received minimal responses to the pre-notification letters sent out as part of the application review process.

- The Surrey RCMP and City's By-laws & Licensing Services Department have advised that they have no objections to the proposal.
- The proposed increased lot coverage from 50% to 65% is to accommodate the footprint of the existing building on the site. The subject site is small (494 square metres/5,318 sq.ft.) and the existing building is legal non-conforming with respect to lot coverage, setbacks, parking and landscaping. A Development Variance Permit is proposed to accommodate the existing building setbacks, parking provision, and landscaping. This DVP, which will be discussed later in this report, will apply to the existing building only and will not apply to any future redevelopment of the site. Lot coverage cannot be varied through a DVP and as such the higher lot coverage must be built into the CD Zone. However; the higher lot coverage would not be achievable without the associated reduced setbacks and parking requirements which will only apply to the existing building.
- The maximum floor area ratio has been reduced from 0.80 to 0.65 to ensure that the proposed second storey of the building is not converted to usable floor area. The current floor area ratio of the existing single storey building on the site is 0.65. The proposed height increase is to be open to the first floor to allow higher racking storage only and not intended to result in any additional floor area.
- As part of the proposal, the applicant proposes to upgrade the existing building on the site which is outdated and in need of a renovation.

### PRE-NOTIFICATION

Pre-notification letters were sent on January 19, 2009 and staff has received the following comments:

- Staff received one phone call from a nearby resident who was concerned with the proposed pawnshop use as it would devalue neighbouring properties.

*(The subject proposal is not intended to introduce a new pawnshop to this area it is a proposed relocation of an existing pawnshop business from the building next store to the subject site. The subject proposal actually reduces the total floor area dedicated to pawnshop use in the area as the current pawnshop operation currently occupies 2 buildings, the sales area is in the building next store and the subject building is currently used to store goods bought and sold at the pawnshop. The applicant is proposing an exterior renovation to the existing building on the site which will make it more visually appealing from the street and improve the overall aesthetic of the area).*

- Staff received a letter and phone call from a representative for the owner of the building next door (13424 – 72 Avenue) which currently houses the pawnshop business to be relocated. The letter indicates that the owner is opposed to this proposal because once the existing pawnshop relocates it would be difficult to lease or sell their commercial building with an undesirable pawnshop next door. In addition, the letter states that the owner does not wish to give up a pawnshop as a legal non-conforming use on their site and that once the existing pawnshop vacates they would be entitled to continue to use it as a legal non-conforming pawnshop, thus resulting in 2 side-by-side pawnshops. The letter indicates that for those reasons, the proposal is contrary to City policy against the further expansion of pawnshops.

*(The applicant has a registered lease on the building at 13424 - 72 Avenue and an option at the end of this year to extend the lease for a for a further 5 years and intends to occupy the building as a Nationwide Payday Advance business. As such, the owner of the property at 13424 - 72 Avenue does have a tenant for at least 5 more years. However, in light of this letter, the applicant will be required to provide assurance, to the satisfaction of the City, to prevent the continuation of a non-conforming pawnshop use at 13424 - 72 Avenue as a condition of final adoption of the rezoning by-law.)*

- Staff has received 3 letters of support from neighbouring business owners.

### DESIGN PROPOSAL AND REVIEW

- In addition to adding a second storey to the building, the applicant proposes exterior renovation to improve the appearance of the building.
- The entire building will be repainted with a more modern colour scheme (grey/tan).
- The street fronting elevation will be updated by replacing all of the existing windows and doors, removing the existing yellow canopy and replacing it with a new black vinyl canopy, introducing new cladding materials (concrete block and horizontal aluminum siding) and by adding a decorative timber trellis feature. New fascia signage will be installed onto the timber trellis and will consist of non-illuminated individual channel letters. The signage will be externally illuminated from behind the trellis creating unique "lantern effect" at night. The height addition will include windows to match the ground level window configuration.
- The site currently does not have any landscaping and no new landscaping is proposed due to the existing surface parking arrangement which does not provide any opportunity for new landscaped areas to be created.

### ADVISORY DESIGN PANEL

- The proposed building renovation/addition was not presented to the Advisory Design Panel but was reviewed by staff and found to be acceptable.

### BY-LAW VARIANCES AND JUSTIFICATION

- The existing building on the subject site is legal non-conforming with respect to building setbacks, parking, and landscaping requirements. The applicant is not proposing to replace the existing building, or to change the siting of the building or add floor area, but the applicant is proposing a substantial alteration to the building including adding height and, as such, a Development Variance Permit (DVP) is required to accommodate the existing building siting, parking arrangement, and landscaping deficiencies under the proposed CD Zone.



(a) Requested Variances

- To reduce the minimum front yard setback of the CD Zone from 7.5 metres (25 ft.) to 6.4 metres (21 ft.).
- To reduce the minimum west side yard setback of the CD Zone from 7.5 metres (25 ft.) to 0 metre (0 ft.).
- To reduce the minimum east side yard setback of the CD Zone from 7.5 metres (25 ft.) to 0 metre (0 ft.).
- To reduce the minimum rear yard setback of the CD Zone from 7.5 metres (25 ft.) to 1.7 metre (5 ft.).
- To reduce the required number of off-street parking stalls under the Zoning By-law from 10 stalls to 7 stalls.
- To waive the landscaping requirement of the CD Zone to provide a continuous landscaping strip of not less than 1.5 metres (5 ft.) in width along the developed sites of the lot which abut a highway.

Applicant's Reasons

- The applicant intends to add height and renovate the existing building in its existing location and retain the existing parking and landscaping arrangement.

Staff Comments

- The proposed variances will only apply to the existing building and will not apply to any future redevelopment of the subject site. A separate restrictive covenant will be required to be registered prior to final adoption of the rezoning by-law to require any future redevelopment of the site to meet the required building setbacks, parking, and landscaping requirements specified under the CD Zone.
- The proposed building setbacks are the same for all of the existing buildings in this block on 72 Avenue.
- The City's Transportation Engineer has reviewed the proposed number of off-street parking stalls and is willing to accept the reduction as an existing condition since the existing building is being retained and no new floor area is being added.
- The applicant has submitted a letter indicating that he has operated the Common Exchange pawnshop for several years and that the pawnshop operation does not demand the same number of parking stalls as other retail businesses. He is comfortable that the current 7 parking stalls on the site will be sufficient to accommodate regular business operations and does not anticipate a parking shortage.

- The small size of the site (494 square metres/ 5,318 sq.ft.), combined with the reduced front yard building setback and the tight turning movements in the front parking area, does not allow for a 1.5 metre (5 ft.) landscaping strip along 72 Avenue. Additional landscaping will be required when the site is redeveloped, likely in conjunction with neighbouring properties.
- Staff supports the proposed variances.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan, Building Elevations Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7908-0303-00
Appendix V.	Proposed CD By-law

#### INFORMATION AVAILABLE ON FILE

- Complete Set of Architectural and Landscape Plans prepared by Peter J. Dandyk Architect Inc. dated March 25, 2009.

Jean Lamontagne  
General Manager  
Planning and Development

RG/kms

v:\wp-docs\planning\plncom09\03191522rg.doc  
KMS 3/19/09 4:26 PM

Information for City Clerk

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

1. (a) Agent:      Name:                Peter J. Dandyk  
                         Address:                #205, 1205 - 56 Street  
                                                Delta, BC  
                                                V4L 2A6  
                         Tel:                        604-943-1213
  
2.      Properties involved in the Application
  - (a)      Civic Address:                13438 - 72 Avenue
  
  - (b)      Civic Address:                13438 - 72 Avenue  
                 Owner:                        Common Exchange Ltd., 448271  
                 PID:                                010-307-273  
                 Lot 12 Except Part Dedicated Road on Plan BCP30531 Section 17 Township 2  
                 New Westminster District Plan 17937
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to rezone the property.
  
  - (b)      Proceed with Public Notification for Development Variance Permit No. 7908-0303-00.

## DEVELOPMENT DATA SHEET

**Proposed Zoning: CD**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		494 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures	65%	65%
Paved & Hard Surfaced Areas		
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front	7.5 m	6.4 m
Rear	7.5 m	1.7 m
Side #1 (East)	7.5 m	0 m
Side #2 (West)	7.5 m	0 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	12 m	6.7 m
Accessory	4.5 m	n/a
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
<b>FLOOR AREA: Residential</b>		
<b>FLOOR AREA: Commercial</b>		
Retail		
Office		
Total	321 m <sup>2</sup>	318 m <sup>2</sup>
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>	321 m <sup>2</sup>	318 m <sup>2</sup>

*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

## Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.65	0.65
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	10	7
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	10	7
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
---------------	----	---------------------------------	----