

City of Surrey
PLANNING & DEVELOPMENT REPORT

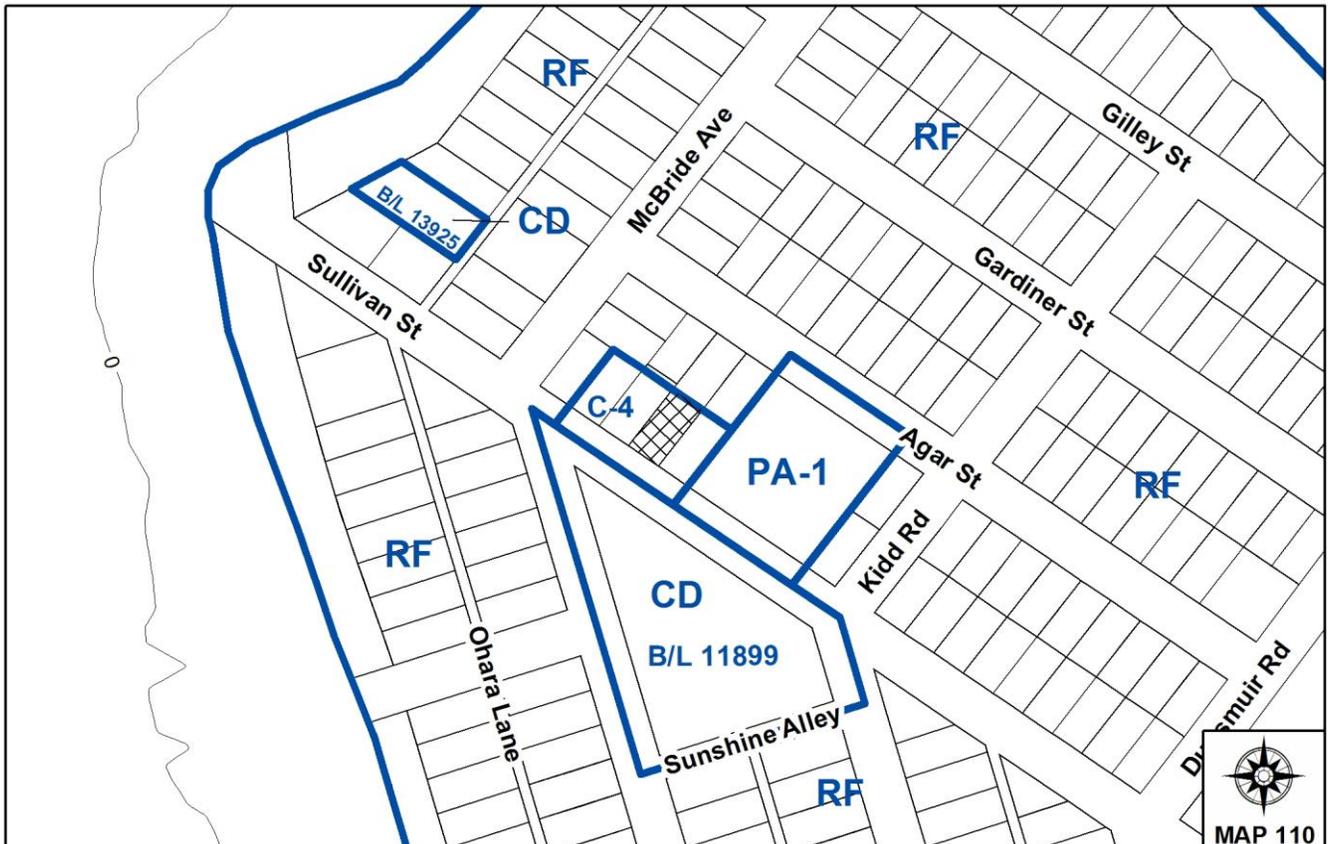
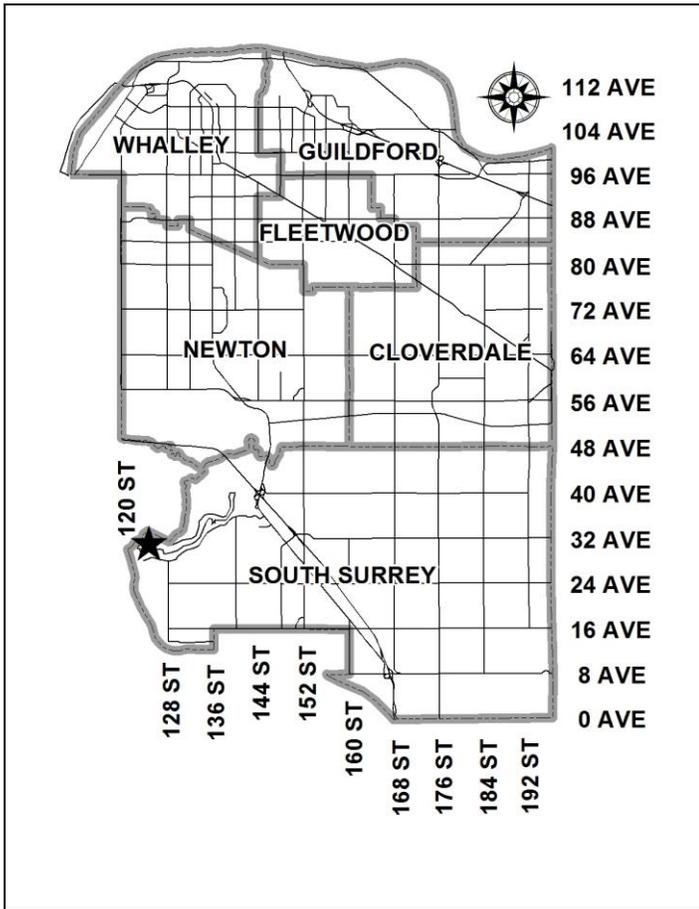
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Planning Report Date: June 15, 2009

PROPOSAL:

- **Rezoning** from C-4 to CD (based on C-5) in order to permit additional commercial uses in an existing non-conforming commercial building in Crescent Beach.

LOCATION: 12159 Sullivan Street
OWNER: Deja Enterprises Ltd., Inc. No. 151770
ZONING: C-4
OCP DESIGNATION: Urban
LAP DESIGNATION: Local Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The intent of the rezoning is to slightly expand the range of permitted commercial uses on the site.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the Crescent Beach Land Use Plan.
- The proposed rezoning will increase the permitted uses allowed on the property, and is intended to increase the ability of the commercial space to be leased. The proposed expansion in the range of allowable commercial uses will therefore enhance the commercial viability of the site, as well as the vibrancy of the Sullivan Street Commercial Node. The proposal is consistent with the spirit and intent of the Crescent Beach Land Use Plan, to establish and enhance the commercial street front local commercial node at this location.
- The proposed rezoning will not address the non-conforming aspects of the site, such as setbacks or parking, but is intended only to increase the type and range of commercial uses. The site is expected to be consolidated with adjoining sites in the future in accordance with the intended local commercial node for this portion of Sullivan Street. A Restrictive Covenant will be registered on title to ensure future development will conform to the zoning requirements.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Local Commercial Zone (C-4)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
 - (b) registration of a Section 219 Restrictive Covenant to address existing building non-conformity and ensure future development will conform to the prevailing zoning regulations at that time.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

Parks, Recreation & Culture: No concerns.

SITE CHARACTERISTICS

Existing Land Use: One-storey commercial building.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family home.	Urban/Single Family Residential	RF
East:	Two-storey commercial building.	Urban/Local Commercial	C-4
South (Across Sullivan Street):	Camp Alexandra	Urban/Institutional	CD
West:	City Park (Games Court).	Urban/Local Commercial	C-4

DEVELOPMENT CONSIDERATIONS

Background and Context

- The subject site at 12159 Sullivan Street is located on the north side of Sullivan Street, is zoned "Local Commercial Zone (C-4)", and is designated "Local Commercial" in the Crescent Beach Land Use Plan. There is a one-storey commercial building on the property, which includes two commercial units and ancillary space in the rear. Currently, the commercial units are vacant.
- The Crescent Beach Land Use Plan identifies a small section west of McBride Avenue, on Sullivan Street, as a small-scale commercial node (Appendix IV). This local commercial area is intended for a mix of commercial and residential uses, with commercial uses oriented to serving the convenience shopping needs of residents and visitors.
- There are five (5) properties designated within this local commercial node area, although only three (3) of these presently contain commercial uses. The property on the northeast corner of McBride Avenue and Sullivan Street (12141 – Sullivan Street) is zoned "Single Family Residential (RF)". There is a single family dwelling on this property. The remaining four (4) properties are zoned "Local Commercial (C-4)". One of these properties is a City-owned Games Court (12151 – Sullivan Street). The property at 12147 – Sullivan Street contains a two-storey commercial building that includes a restaurant on the main floor, and a residential unit on the second floor. The property at 12171 – Sullivan Street is also developed with a two-storey commercial building with commercial space on the main floor and residential space on the second floor. The most recent business operating in the commercial space was a convenience store, but it is presently vacant.

Site History

- The subject property is zoned "Local Commercial Zone (C-4)" under Zoning By-law No. 12000. Prior to the adoption of By-law No. 12000, the property was zoned "Local Commercial Zone (C-L)" under the previous Zoning By-law No. 5942.
- Records from the B.C. Assessment Authority from 1984 indicate that at that time there were two buildings on the property; a 14 square metre (150 sq. ft.) ice cream parlour at the front of the property, and a 103.5 square metre (1,114 sq. ft.) residence at the rear of the property. Sometime between 1984 and 1992, these two buildings were joined into one large structure. There are no records of building permits for this construction.
- The existing development does not conform to the C-4 Zone in terms of density, lot coverage, setbacks, off-street parking, landscaping, or lot dimensions. The building also encroaches onto the property to the north, at 12180 Agar Street, and onto the property to the west, at 12151 – Sullivan Street.
- From 1986 to 1990, a business license was issued for a take-out restaurant, and from 1990 to 1996, a business license was issued for a 50 seat restaurant to this address. Since 1996, no business licenses have been issued.

- In 1999, the Building Division received a building permit application to undertake internal renovations to the existing building to provide for an 18-seat restaurant and a residential unit. Staff at that time determined that the existing building could be considered "existing non-conforming", and that a building permit could be issued to undertake internal renovation works subject to two conditions: (1) that the owner obtain encroachment agreements with the owners of abutting properties on which the building encroaches; and (2) the owner bring the building into compliance with the BC Building Code. The 1999 building permit application was closed in 2002. Then in 2003, another application was made. A building permit was issued in 2003, and the building was inspected and granted final acceptance in 2004. Encroachment agreements are now registered on title, and the building meets BC Building Code requirements.
- Since 1996, no business license has been issued, and the City has no record of a business operating on the property.
- The existing building includes a 163 square metre (1752 sq. ft.) commercial suite, an 88.5 square metre (953 sq. ft.) commercial (office) suite, and a 118 square metre (1269 sq. ft.) residential suite (Appendix II). The total building area is 369.5 square metres (3974 sq. ft.). The Floor Area Ratio is 0.768 and the site coverage is 76.8 percent.

Proposal

- The C-4 Zone permits the following commercial uses:
 - retail stores limited to convenience stores, video rental stores, and florist shops;
 - eating establishments; and
 - personal service uses limited to barbershops, beauty parlours, cleaning/clothing repair shops, and shoe repair shops.
- The previous and current owners have attempted to lease the commercial space during the past several years, without success, and the current owner has advised the City that the existing zoning is too restrictive. The owner therefore seeks to rezone the subject site to expand the range of allowable commercial uses. The additional uses proposed include:
 - office uses;
 - general services uses;
 - community services; and
 - additional retail uses (Appendix V).

The additional uses proposed are all permitted under the "Neighbourhood Commercial Zone (C-5)", however a "Comprehensive Development Zone (CD)" is proposed (based on C-5) in order to refine the proposed uses in response to the site and to address comments from the community, as discussed below.

- The rationale for allowing additional uses is to increase the ability of the commercial space to be leased, and thus increase the viability of the site, as well as the vibrancy of the commercial node. Of the three (3) commercial sites within the commercial node, there is only one (1) business operating; the commercial space in the other two (2) sites is vacant. The node is currently not successful in attracting businesses, and the addition of allowable uses to this site will help this objective.

- The proposed additional uses comply with the intent of the "Local Commercial" designation in the Crescent Beach Land Use Plan, in that they are small in scale and intended to serve the convenience shopping and service needs of the neighbourhood.

Proposed Comprehensive Development (CD) Zone

- The proposed CD Zone reflects generally the C-5 Zone, with the following exceptions:
 - the allowable residential unit is not restricted to owner occupancy only;
 - eating establishments (restaurants) have been eliminated to address parking issues;
 - the child care use has been eliminated to address the community's request; and
 - the neighbourhood pub use has been eliminated, as the site is not considered an appropriate location for this use.
- Under both the C-4 and C-5 Zones, one residential dwelling unit is permitted, provided that the unit is contained within the principal building and that it is occupied by the owner or owner's employee. In the CD By-law, the provision that the dwelling unit must be occupied by the owner or owner's employee has been removed to allow more flexibility in terms of residential tenancy. The Sullivan Street Commercial Node is anticipated to include mixed commercial and residential uses as per the Crescent Beach Land Use Plan, and therefore this change to the provisions for the dwelling unit is considered appropriate.
- Eating establishments have been removed, as these require a substantially higher parking ratio than the other commercial uses allowed. Parking is an issue in Crescent Beach, and the site can only accommodate two (2) on-site parking spaces (remaining parking is on-street). The neighbourhood pub use has been removed as this is not an appropriate location for a neighbourhood pub. Finally, the child care use has been removed, in order to address the concerns of the Crescent Beach Property Owners Association (CBPOA) in relation to noise and the lack of need for another centre, given that there is an existing child care centre in the nearby Camp Alexandra.
- The setback requirements in the proposed CD Zone are 2.0 metres (6.6 ft.) front yard setback, 7.5 metres (25 ft.) rear yard setback, and 3.0 metres (10 ft.) side yard setbacks. The side and rear yard setback requirements are based on the C-4 Zone. The front yard setback requirement of 2.0 metres (6.6 ft.) is the recommended front yard setback in the Crescent Beach Land Use Plan for commercial nodes on Sullivan Street and Beecher Street.

Existing Non-Conformity

- The existing building has been determined to be existing non-conforming, as it does not conform to either the C-4 Zone or the C-5 Zone in terms of density, lot coverage, setbacks, off-street parking, landscaping, lot dimensions, or floodproofing. The intent of the CD Zone is to allow additional uses, not to legalize the existing non-conforming building, as there are no building alterations or renovations required to allow the additional uses. Therefore, the CD By-law need not address the existing non-conformity, and the existing building will remain non-conforming.

- It is anticipated that in the future the site will eventually redevelop. Redevelopment will likely involve lot consolidation with neighbouring properties within the Sullivan Street Commercial Node. This rezoning in order to increase the permitted commercial uses is intended to facilitate commercial viability and increase the likelihood of future redevelopment of the commercial node.
- In order to address the non-conformity issue, one of the conditions of the rezoning will be for the applicant to register a Section 219 Restrictive Covenant on title, which will explain that by rezoning, the City is not legalizing the existing building. The covenant will indicate that the current building is non-conforming, and that any new building has to conform to the CD Zone.
- The Assistant City Solicitor has reviewed this issue and supports the recommended approach to addressing the existing non-conformity.

Neighbourhood Consultation

- The applicant attended the Crescent Beach Property Owner's Association (CBPOA) meeting on March 5, 2009, in order to provide information to the association and receive feedback on the proposal. At that meeting, there was a general endorsement of the proposal by members present for an expanded use in order to attract a tenant. However, members of the association raised some concern about the future height of the building and any possible additions. The applicant confirmed that no renovations or additions to the existing building were proposed, and that any new building or redevelopment of the site in the future would have to conform to the zoning.
- Members of the association expressed concern over the potential child care uses because of noise and lack of need for another centre, given that there is an existing child care centre in the nearby Camp Alexandra. To address CBPOA concerns, the child care use has been removed from the permitted uses in the CD Zone.
- One (1) CBPOA member raised concern over the potential veterinarian clinic use due to noise resulting from dogs barking. The veterinarian clinic use, however, is not expected to generate an unreasonable level of noise relative to other commercial uses, and therefore the applicant seeks to retain this use in the proposed CD Zone.
- The CBPOA did not raise any concerns about the proposal regarding increased traffic or lack of parking.

Parking

- The existing building covers most of the site, and therefore there is a limited opportunity for on-site parking. The Zoning By-law requires ten (10) spaces to serve the existing commercial floor space and residential unit. However, due to the existing building size and location, only two (2) parking spaces are proposed to be provided on-site, in a tandem arrangement. Three (3) additional parking spaces are proposed fronting the building and within the Sullivan Street road allowance (Appendix II).
- The two (2) tandem parking spaces are intended for the residential unit. Residential units require a minimum of two (2) stalls. The Engineering Department can support the tandem parking arrangement for the residential unit.

- The three (3) on-street parking spaces are intended to serve the two (2) commercial units. Eight (8) parking spaces would normally be required to serve these commercial units. However, the Engineering Department can support the parking relaxation on the following basis:
 - The Sullivan Street commercial area needs to have additional uses to add vitality, and the existing lot constraints need to be recognized, which prevent additional on-site parking.
 - The proposed commercial uses exclude an eating establishment, which has the greatest potential to generate a parking shortage.
 - Crescent Beach is a unique community with businesses that have a very strong local orientation, and many residents will access this area by foot. The City in specific circumstances has recognized these types of local neighbourhood conditions and allowed a significant reduction in parking predicated on walking trips.
 - There are approximately 30 stalls on surrounding roads along adjacent property frontages that provide for parking areas to service this commercial strip.

PRE-NOTIFICATION

Pre-notification letters were sent out on February 10, 2009 and staff received the following comments:

- Staff received two (2) telephone calls from area residents who asked if the applicant was proposing to add a second storey to the existing building. These callers are against any additions to the existing building.

(Staff informed the callers that the rezoning was to allow additional commercial uses only, and that there were no changes proposed to the existing building.)

- Staff received one (1) telephone call from an area resident concerned that if the building was removed, a new building could be constructed to a zero lot line.

(Staff informed the caller that any new building constructed on the lot would have to conform to the CD Zone, including setback requirements. The setback requirements in the CD Zone are 2.0 metres (6.6 ft.) front yard setback, 7.5 metres (25 ft.) rear yard setback, and 3.0 metres (10 ft.) side yard setbacks. The side and rear yard setback requirements are based on the C-4 Zone. The front yard setback requirement of 2.0 metres (6.6 ft.) is the recommended front yard setback in the Crescent Beach Land Use Plan for commercial nodes on Sullivan Street and Beecher Street).

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 and Main Floor Plan
- Appendix III. Engineering Summary
- Appendix IV. Crescent Beach Land Use Plan
- Appendix V. Proposed CD By-law

Jean Lamontagne
General Manager
Planning and Development

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Information for City Clerk

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

1. (a) Agent: Name: Laura Jones, Pacific Land Resource Group Inc.
 Address: #101 - 7485 - 130 Street
 Surrey, BC
 V3W 1H8
 Tel: 604-501-1624

2. Properties involved in the Application

(a) Civic Address: 12159 Sullivan Street

(b) Civic Address: 12159 Sullivan Street
 Owner: Deja Enterprises Ltd., Inc. No. 151770
 PID: 010-968-415
 Lot 4 District Lot 52 Group 2 New Westminster District Plan 3340

3. Summary of Actions for City Clerk's Office

(a) Introduce a By-law to rezone the property.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD (Based on C-5)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		462 m ²
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	40%	77%
SETBACKS (in metres)		
Front	2 m	1.61 m
Rear	7.5 m	0 m
Side #1 (East)	3 m	0.19 m
Side #2 (West)	3 m	0 m
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed	1	1
Two Bedroom		
Three Bedroom +		
Total	1	1
FLOOR AREA: Residential		118 m ²
FLOOR AREA: Commercial		
Retail		163 m ²
Office		88.5 m ²
Total		251.5 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		369.5 m ²

** 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)	0.5	0.77
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	8	0
Industrial		
Residential Bachelor + 1 Bedroom	2	2
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	10	2
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
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