

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7911-0083-00

Planning Report Date: May 30, 2011

**PROPOSAL:**

- **Rezoning** from CTA to CD (based on C-T(1))  
 (By-law No. 5942)

to allow for the continued use of the restaurant and tourist trailer park permitted under the old C-T (1) zone and to allow for manufactured homes on site.

**LOCATION:**

8076 and 8078 King George Boulevard

**OWNER:**

The Owners Strata Plan NW2658

**ZONING:**

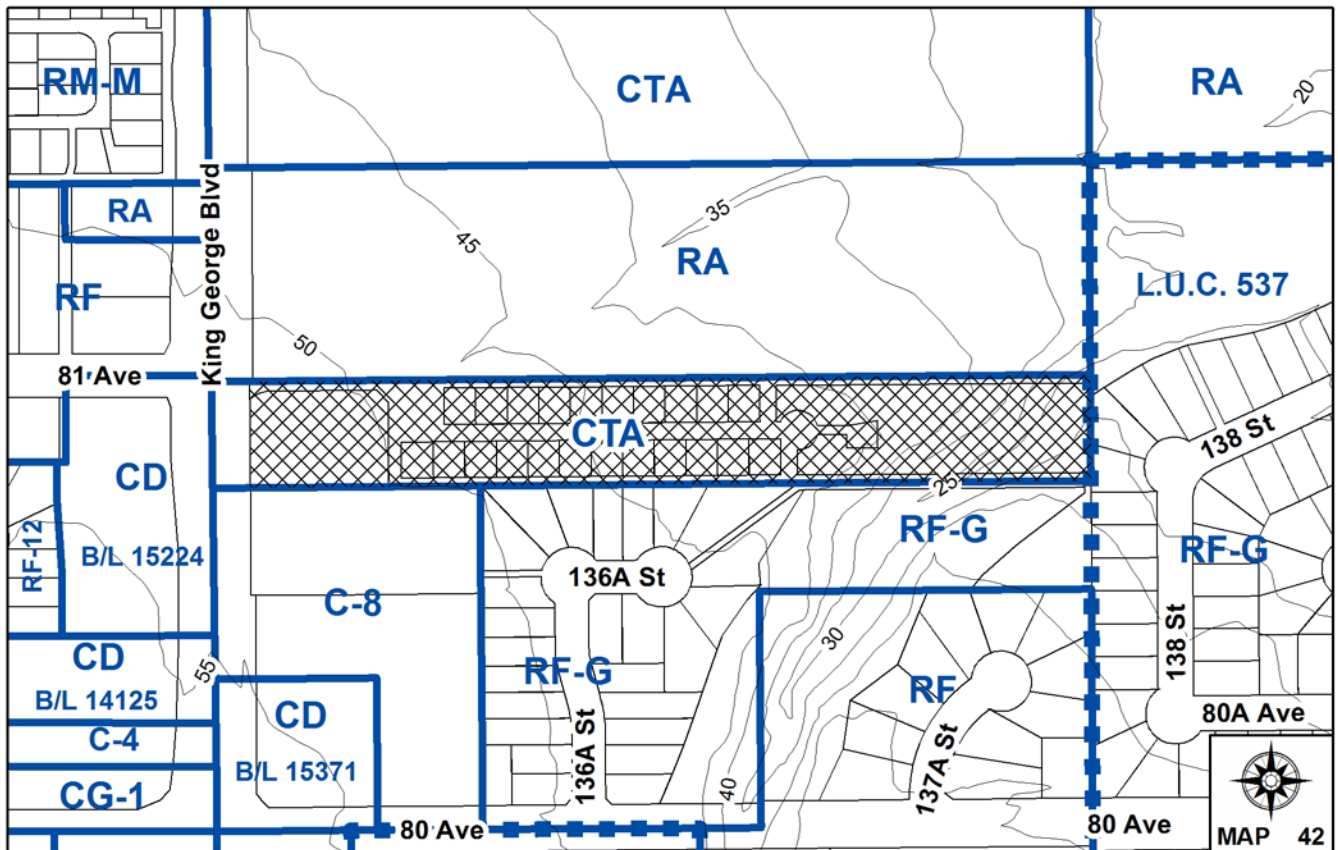
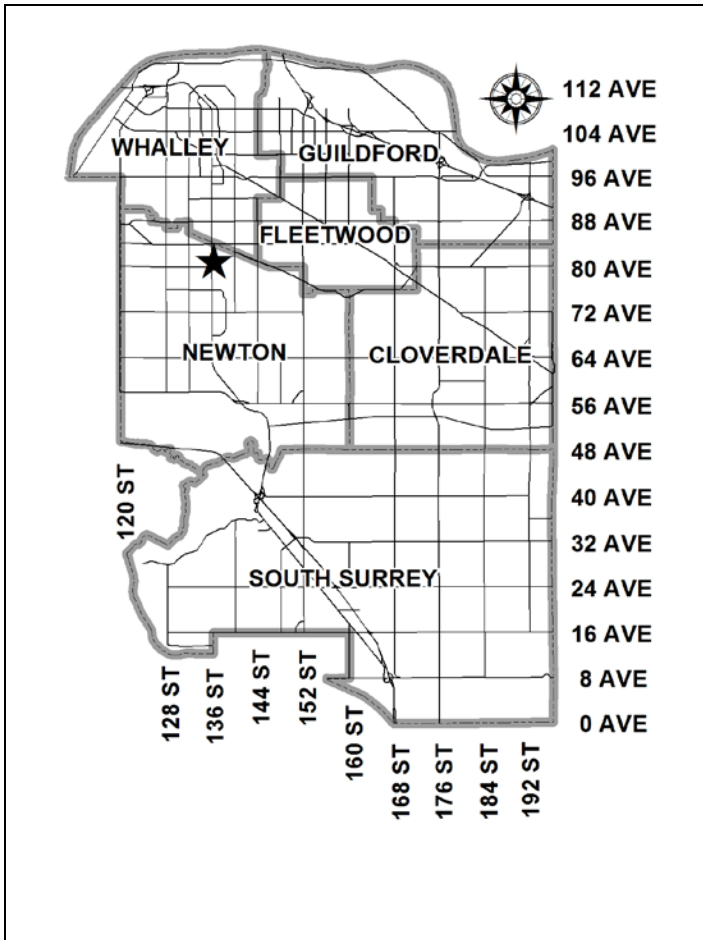
CTA

**OCP DESIGNATION:**

Urban

**LAP DESIGNATION:**

Suburban Residential Half Acre/Open Space



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- In 1993, with the introduction of Zoning Bylaw 12000, the zoning of the Braeside Village site was converted from "Tourist Commercial One Zone" (C-T(1)) (Zoning Bylaw 5942) to "Tourist Commercial Accommodation Zone" CTA zone.
- The present CTA zone does not, however, recognize manufactured homes as a permitted use, despite the fact mobile homes have existed on the site since 1987.
- The proposed rezoning, initiated by the City, will allow for permanent manufactured homes on the site and may assist long term residents seeking to refinance or sell their homes.

RECOMMENDATION

1. a By-law be introduced to rezone the subject site from "Tourist Accommodation Zone (CTA)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.

REFERRALS

This application was not referred to any departments for formal comment and review.

SITE CHARACTERISTICS

Existing Land Use: 24-lot bare land strata consisting of a commercial restaurant, 22 mobile/manufactured homes and a tourist trailer park consisting of 5 house trailers.

Adjacent Area:

| Direction                            | Existing Use   | OCP/NCP Designation  | Existing Zone                |
|--------------------------------------|--|--|------------------------------|
| North:                               | Large undeveloped treed site.  | Urban/Suburban Residential (1/2 Acre)  | RA                           |
| East:                                | Single family residential gross density lots   | Urban/Urban Residential Open Space   | RF-G (under LUC No. 537)     |
| South:                               | Commercial development (on King George Boulevard), small lot residential subdivision and Greenbelt around Bear Creek area. | Urban, Commercial/ Highway Commercial, Suburban Residential 1/2 Acre, Open Space | C-8, RF-G City Greenbelt 42H |
| West: (across King George Boulevard) | Commercial plazas  | Urban/Urban Residential  | CD                           |

DEVELOPMENT CONSIDERATIONSSite Context

- The Braeside Village property (8076, 8078 King George Boulevard) is located on the east side of the King George Boulevard between 80 and 81 Avenue in Newton. The site is designated "Suburban" in the Official Community Plan (OCP) and "Suburban Residential 1/2 Acre" and "Open Space" in the 1986 Newton Local Area Plan (LAP).
- The site is divided into 24 bare land strata lots and contains three distinct uses. The commercial Kalmar Restaurant, located at 8076 King George Boulevard on strata lot 23, directly fronts King George Boulevard.

- The Braeside Village complex, tucked in behind the restaurant, is comprised of 22 older mobile homes on strata lots 1 to 22. Strata lot 24, at the eastern end of the site, is a tourist trailer park which currently has 5 house trailers or recreational vehicles (RVs).
- The eastern end of the property is an undeveloped green space, which backs, in part, onto Bear Creek Park. An arm of Bear Creek flows through a steep ravine at the eastern tip of the property. Both the creek and the ravine are protected by a 1987 Ministry of Environment (MOE) covenant.

### Development History

- In 1986, the Braeside Village site was first zoned "Tourist Commercial One Zone" (C-T(1)) under Zoning Bylaw, 1979, No. 5942 to allow for a 51 stall recreational RV park and a restaurant due to the anticipated demand for RV parks during EXPO '86.
- Following EXPO, the City received an application to convert the majority of the site into a seniors' mobile home park, leaving the restaurant and 5 tourist trailer pads at the east end of the site. Given the strong demand for such sites, and the fact most occupants wanted to own their pads rather than be subject to rental increases, the City accepted the strata title subdivision.
- In 1987, a Development Variance Permit (DVP) was issued for the site to relax side yard setbacks for the mobile home pads. In October 1987, the bare land strata plan for the property was signed, providing for the present configuration of uses. In February 1988, a final DVP was issued reducing the minimum distance between a mobile home and a carport addition under the Surrey Mobile Homes and Trailer Regulation and Control By-law 1980 No. 6142.

### Zoning

- In 1993, with the introduction of Zoning Bylaw No. 12000, the zoning of the Braeside Village site was changed from "Tourist Commercial One Zone" (C-T(1)) to "Tourist Commercial Accommodation Zone" CTA zone.
- While the original C-T(1) zone allowed for all of the present uses including the restaurant, mobile homes and tourist trailer park on site; the present CTA zone only allows for a restaurant and tourist trailer park. It does not recognize or 'permit' the mobile home or manufactured home use on site. The existing mobile homes on site are therefore considered "legal non-conforming uses" under Zoning Bylaw No. 5942.
- While the zoning of the property has not been an issue in the past, recent tightening of regulations in the financial sector has resulted in Braeside mobile home owners experiencing difficulty securing mortgages and insurance from organizations like the Canada Housing and Mortgage Corporation (CHMC).
- Consequently many Braeside residents have been unable to sell or refinance their mobile homes, causing residents a great deal of distress.

### Proposal

- The City has initiated the rezoning of the Braeside Village property, on behalf of residents, to allow for 'Manufactured Homes'. The rezoning effectively should rectify the situation created by the rezoning of the site in 1993 and assist residents seeking to refinance or sell their homes. It should be noted that in rezoning the site, the City has not entered, or carried out any inspections on site.

### Proposed CD Zone

- The proposed CD Zone will allow for the continued use of the restaurant and tourist trailer park permitted under the old C-T (1) zone and allow for 'Manufactured Homes' on site.
- Under Zoning Bylaw No. 5942, a mobile home was defined as a "structure manufactured as a unit designed to be transported on its own wheels or by other means, and arriving at the site ready for occupancy apart from incidental operations and connections".
- Under the present bylaw, "Manufactured Homes" are defined as factory built dwelling units certified prior to placement on lots having been built:
  - as a modular home in accordance with CSA A277 building regulations; or
  - as a mobile home in accordance with CAN/CSA Z240 building regulations, andarriving at the lot ready for occupancy apart from incidental operations and connections.
- While mobile homes on site will continue to be 'legal, non conforming uses' under Zoning Bylaw No. 5942, the inclusion of "Manufactured Homes" as permanent, permitted uses under the new zone will ensure that any mobile homes damaged by fire or removed from the site may be replaced by manufactured homes in accordance with the current standards.
- This is important for both mortgage and insurance purposes as, under the *Local Government Act*, a non-conforming use may not be repaired or replaced if 75% or more of its value above its foundations are destroyed except in accordance with the Bylaw.
- The amending bylaw will therefore provide residents the opportunity to replace their existing homes in the advent of fire, damage or destruction. Further, it will not take away the rights of the owners on site regarding the continuous use of mobile homes permitted under Zoning Bylaw No. 5942.
- The C-T (1) zone on the Braeside property initially allowed for motels, campsites, the accessory sale of convenience items for site occupants and a single family dwelling units for site operator. However as none of these uses were ever established on-site, they have not been included in the proposed zone.
- The proposed CD zone does, however, retain the relevant sections from the original C-T (1) zone regulating density, building height, landscaping, setbacks and subdivision which have remained unchanged to the present.

### PRE-NOTIFICATION

Pre-notification letters were sent out for this project on April 21, 2011. To date, staff have received one (1) telephone call from a resident outside the strata asking about the proposed development and the status of the creek area at the eastern tip of the property.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners, Action Summary and Project Data Sheets Strata Plan

Appendix II. Proposed CD By-law

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

HP/kms

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APPENDIX IInformation for City Clerk

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

1. (a) Agent:      Name:                  Planning & Development Department, City of Surrey  
                          Address:                14245 – 56 Avenue  
                                                         Surrey, BC  
                                                         V3X 3A2  
                          Tel:                      604-591-4441
  
2.        Properties involved in the Application
  - (a)      Civic Addresses:        8078 and 8076 King George Boulevard
  
  - (b)      Civic Address:            8078 King George Boulevard  
             Owner:                        The Owners Strata Plan NW2658  
             Lot:                            Strata Lots 1 to 23 Section 28 Township 2 New Westminster District  
    Strata Plan NW2658 Together with an Interest in the Common  
    Property in Proportion to the Unit Entitlement of the Strata Lot as  
    Shown on Form 1
  
  - (y)      Civic Address:            8076 King George Boulevard  
             Owner:                        The Owners Strata Plan NW2658  
             Lot:                            Strata Lot 24 Section 28 Township 2 New Westminster District  
    Strata Plan NW2658 Together with an Interest in the Common  
    Property in Proportion to the Unit Entitlement of the Strata Lot as  
    Shown on Form 1
  
3.        Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to rezone the property.

CITY OF SURREY

BY-LAW NO. \_\_\_\_\_

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended  
.....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: TOURIST ACCOMMODATION ZONE (CTA)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Strata Lots 1 to 23 Section 28 Township 2 New Westminster District Strata Plan NW2658  
Together with an Interest in the Common Property in Proportion to the Unit Entitlement  
of the Strata Lot as Shown on Form 1 and the common property of Strata Plan NW2658

8078 King George Boulevard

Strata Lot 24 Section 28 Township 2 New Westminster District Strata Plan NW2658  
Together with an Interest in the Common Property in Proportion to the Unit Entitlement  
of the Strata Lot as Shown on Form 1

8076 King George Boulevard

(hereinafter referred to as the "*Lands*")

- 2. The following regulations shall apply to the *Lands*:

**A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate the development of an *eating establishment* excluding a *drive-through restaurant*, *lots for manufactured homes* and a *tourist trailer park*.

The *Lands* are divided into Blocks A, B and C as shown on the Survey Plan attached hereto and forming part of this By-law as Schedule A, certified correct by Montgomery C. Brisson, B.C.L.S. on the 27th day of April, 2011.



**B. Permitted Uses**

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

1. Block A  
*Eating establishment* excluding *drive-through restaurant*.
2. Block B  
One *manufactured home* on each *strata lot*.
3. Block C
  - (a) *Tourist trailer park*; and
  - (b) *Open space*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

1. Block A
  - (a) Notwithstanding the definition of *floor area ratio* in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended, *floor area ratio* shall be based on the area of the *strata lot*; and
  - (b) The *floor area ratio* shall not exceed 0.50.
2. Block B
  - (a) One (1) *manufactured home* may be permitted on each *strata lot*; and
  - (b) The number of *dwelling units* shall not exceed 22.
3. Block C  
The number of *house trailers* shall not exceed 5.

**E. Lot Coverage**

Not applicable to this Zone.

**F. Yards and Setbacks**

1. Block A

All buildings and structures shall be sited in accordance with the following minimum setbacks:

|                              | <i>Setback*</i> | <i>Front Yard</i> | <i>Rear Yard</i> | <i>Side Yard</i>  |
|------------------------------|-----------------|-------------------|------------------|-------------------|
| <b>Use</b>                   |                 |                   |                  |                   |
| All Buildings and Structures |                 | 20 m<br>[65 ft.]  | 18 m<br>[59 ft.] | 7.5 m<br>[25 ft.] |

\* Notwithstanding the definition of *setback* in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended, *setback* shall be measured to the boundary of the strata lot.

2. Block B and Block C

Not applicable.

**G. Height of Buildings**

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. Block A

The building height shall not exceed 10 metres [33 feet].

2. Block B

The building height shall not exceed 4.5 metres [15 feet].

3. Block C

Not applicable.

**H. Off-Street Parking**

Notwithstanding the provisions for commercial, residential and visitor parking spaces as stated in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended, minimum parking shall be provided as follows:

1. Block A

Thirty-one parking spaces.

2. Block B
  - (a) One (1) *parking space* per strata lot; and
  - (b) Six (6) visitor *parking spaces*.

3. Block C

Not applicable.

## I. Landscaping

1. Block A
  - (a) The boulevard areas of *highways* abutting a lot shall be seeded or sodded with grass on the side of the *highway* abutting the lot, except at *driveways*; and
  - (b) *Landscaping* shall be provided within the minimum required *front yard*.
2. Block B and Block C
  - (a) The separation between the uses on Block B and Block C shall be maintained through establishment of a buffer area consisting of:
    - i. A 7.5 -metre [25 ft.] wide *landscaping strip*; or
    - ii. A 3 -metre [9.8 ft.] wide *landscaping strip* with a decorative fence of no less than 1.5 metres [5 ft.] in height;
  - (b) All developed portions of the lot not covered by *buildings, structures* or paved areas should be landscaped including the retention of mature trees. This *landscaping* shall be maintained; and
  - (c) Garbage containers and *passive recycling containers* shall be screened to a height of at least 2.5 metres [8 ft.] by *buildings, a landscaping screen, a solid decorative fence, or a combination thereof*.

## J. Special Regulations

Garbage containers and *passive recycling containers* shall not be located along the boundary of any *residential lot*.

## K. Subdivision

Strata *lots* created through subdivision in this Zone shall conform to the following minimum standards:

|         | <b>Strata Lot Size</b>      | <b>Lot Width</b>      | <b>Lot Depth</b>       |
|---------|-----------------------------|-----------------------|------------------------|
| Block A | 2,770 sq. m.<br>[0.6 acres] | 35 metres<br>[115 ft] | 60 metres<br>[197 ft.] |
| Block B | 244 sq. m.<br>[2625 sq.ft]  | 14 metres<br>[45 ft]  | 16 metres<br>[52 ft.]  |
| Block C | 5,400 sq. m.<br>[1.3 acres] | 40 metres<br>[131 ft] | 130 metres<br>[427 ft] |

## L. Other Regulations

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements of the C-5 Zone for Block A and the CTA Zone for Blocks B and C, as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions, of Surrey Zoning By-law, 1993, No. 12000, as amended
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking, of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building By-law, 1987, No. 9011, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2010, No. 17111, as may be amended or replaced from time to time,

and the development cost charges shall be based on the C-5 Zone for Block A and the CTA Zone for Blocks B and C.

- 9. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
- 10. Surrey Tree Protection By-law, 2006, No. 16100, as amended.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, \_\_\_\_\_, No. \_\_\_\_\_."

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

READ A THIRD TIME ON THE \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

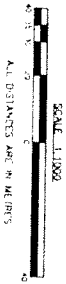
RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

# SCHEDULE A

SURVEY PLAN TO ACCOMPANY CITY OF SURREY CD BYLAW NUMBER \_\_\_\_\_  
 OF STRATA PLAN NWS2658 LYING IN SECTION 28 TOWNSHIP 2  
 NEW WESTMINSTER DISTRICT  
 BCOS 92G.016



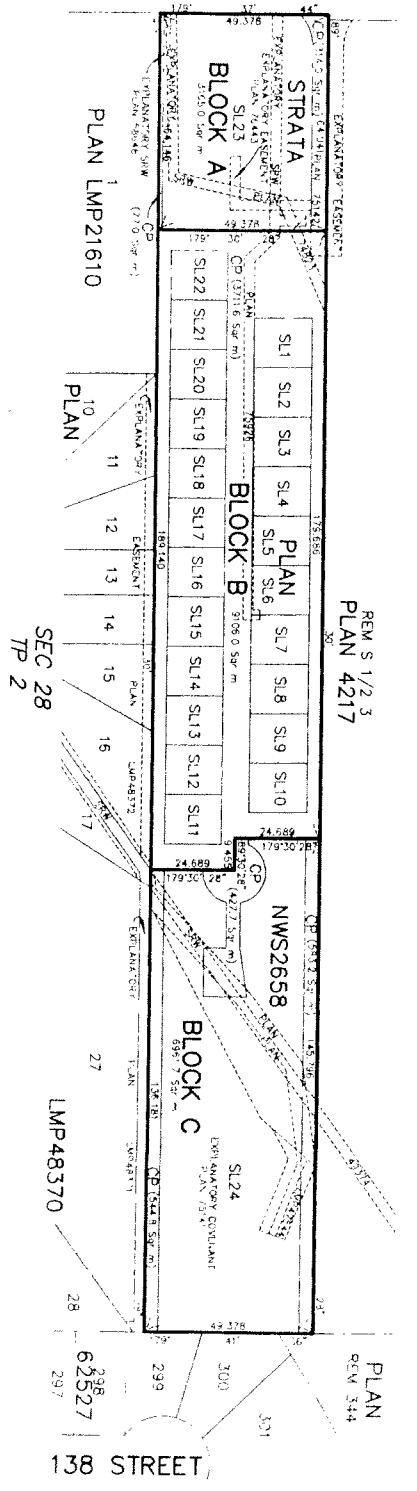
GRID BEARINGS ARE DERIVED FROM STRATA PLAN NWS258

### LEGEND

CP COMMON PROPERTY

| BLOCK   | DESCRIPTION  | AREA       |
|---------|--|------------|
| BLOCK A | STRATA LOT 23 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2774 Sq m  |
|         | STRATA LOT 22 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 7770 Sq m  |
|         | PORTION OF COMMON PROPERTY SEC 28 TP 2 NMO STRATA PLAN NWS2658 | 3340 Sq m  |
|         | STRATA LOT 1 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 35830 Sq m |
|         | STRATA LOT 2 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 2464 Sq m  |
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|         | STRATA LOT 5 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 2464 Sq m  |
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|         | STRATA LOT 7 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 2464 Sq m  |
| BLOCK B | STRATA LOT 8 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 2464 Sq m  |
|         | STRATA LOT 9 SEC 28 TP 2 NMO STRATA PLAN NWS2658               | 2464 Sq m  |
|         | STRATA LOT 10 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
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|         | STRATA LOT 15 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 16 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 17 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
| BLOCK C | STRATA LOT 18 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 19 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 20 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
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|         | STRATA LOT 25 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 26 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |
|         | STRATA LOT 27 SEC 28 TP 2 NMO STRATA PLAN NWS2658              | 2464 Sq m  |

KING GEORGE BOULEVARD



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