

NO: L001

COUNCIL DATE: April 15, 2019

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## REGULAR COUNCIL – LAND USE

**TO: Mayor & Council** **DATE: April 11, 2019**

**FROM: General Manager, Planning & Development** **FILE: 1160-13601**  
**General Manager, Corporate Services**

**SUBJECT: 1160 King George Boulevard (Pacific Inn) Rezoning**

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## RECOMMENDATION

The Planning & Development Department and the Corporate Services Department recommend that Council:

1. Receive this report for information;
2. Authorize the City Clerk to introduce a By-law to rezone the subject property from "Comprehensive Development Zone (CD By-law No. 9577)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing; and
3. Authorize the City Clerk to introduce a By-law to amend "Comprehensive Development Zone (CD By-law No. 9577)" and a date be set for Public Hearing.

## INTENT

The purpose of this report is to obtain Council approval to rezone the subject property, 1160 King George Boulevard (the "Property"), in order to bring the existing building on the site into zoning compliance. The proposed Comprehensive Development Zone (CD) is attached as Appendix "I". The existing Comprehensive Development Zone (CD By-law No. 9577) is proposed to be amended in order to remove references to the subject property. The proposed Comprehensive Development Zone (CD) amendment is attached as Appendix "II".

## BACKGROUND

The Property is the site of the existing Pacific Inn Hotel. Beginning in early 2018, staff have been in discussions with the current ownership group regarding proposed extensive interior and exterior renovations, to allow the site to become a DoubleTree by Hilton hotel. Throughout these discussions, various renovation options were considered, taking into account all associated requirements.

As a result, Development Permit application 7918-0442-00 was submitted to the City proposing exterior renovations that were significantly different from the drawings from the existing Development Permit (6791-0119-00). It was subsequently decided that proposed exterior renovations should reflect the existing Development Permit drawings and, as such, a

Development Permit would no longer be required. It is the current intent of the Pacific Inn owners to apply for a building permit to accommodate the proposed interior and exterior renovations.

### **Zoning Compliance**

During the preliminary review of the proposed renovations to the hotel, it was determined that the existing building was not in conformance with the existing CD By-law No. 9577. The nonconformance issue is with respect to density, as the floor area ratio of the existing building is 0.65, which exceeds the maximum allowable floor area of 0.5 under the existing CD Zone currently regulating the site.

In order to accommodate the unauthorized construction of additional guest rooms and hotel space during the original construction, a Development Permit Amendment was issued on June 24, 1991. It is the current position of staff that this Development Permit Amendment does not reflect the provisions outlined in the Local Government Act of BC.

In order to facilitate the issuance of the aforementioned building permit to allow for the renovations, staff propose rezoning the site to a new Comprehensive Development Zone in order to bring the existing building into zoning compliance.

Staff have confirmed with Legal Services that unless the building complies with the current zoning, which it does not, it would not be possible to issue the required building permits allowing the renovations to proceed.

## **DISCUSSION**

### **Past Development Permit Applications**

In May 1989, Rezoning By-law No. 9577 was adopted and Development Permit No. 6787-300-00 was issued to allow for the development of a hotel.

On March 6, 1991, a building permit was issued to allow for the construction of the Pacific Inn Hotel.

On March 25, 1991, a Development Permit Amendment application was received by the City to amend the CD Zone and building permit in order to allow for 25 additional hotel rooms and additional floor space.

On April 26, 1991, a stop work order was issued as construction was not proceeding in accordance with the approved building permit drawings.

On May 14, 1991, a staff report was brought forward to Council (Appendix "III") presenting three options to address and rectify the additional floor area. The preferred option, and direction given by Council, was to proceed to amend the Development Permit. In discussing the options in the staff report, staff noted that CD By-law No. 9577 specified that the project shall be "approximately in the location and form" and that the CD By-law did not address density.

The option to amend the building permit was presented to avoid time delays involved with rezoning. On June 24, 1991, a building permit amendment was issued to reflect the revisions to

the hotel during construction which included additional hotel floor area and guest suites. The drawings attached to this Development Permit amendment (6791-0119-00) are reflective of the existing Pacific Inn site and building.

It was the opinion of staff in 1991 was that the CD By-law did not address density, based on the fact that the allowable density was not explicitly written into the text of the CD Zone. However, because drawings are attached to the CD By-law, and provide the siting and elevations of the building, the density can be extrapolated from the drawings. It is now the opinion of staff that the existing CD By-law does address density. Division 7, Section 490 (3) in the Local Government Act outlines that: “a Development Permit must not...vary the use or density of the land from that permitted in the bylaw...”. In order to amend density, a rezoning is required.

### **Current Renovation Proposal**

The property was acquired by the current owners in October 2017 with the intent to renovate and operate the hotel as a DoubleTree by Hilton. Subsequent to the acquisition, the extent of the required interior and exterior renovations were determined to be more significant than originally anticipated due to building envelope failure, resulting in the hotel being closed. The hotel is currently closed pending the submission, approval and issuance of building permits. The owners are targeting late 2020 for the re-opening of the hotel.

The exterior renovations, and building permit submissions for the exterior works, must comply with the existing Development Permit drawings. Should substantial changes be proposed to the exterior of the existing hotel, a subsequent Development Permit application for the building’s Form and Character would be required to be brought forward to Council for consideration and approval.

### **Proposed Comprehensive Development (CD) Zone**

The proposed Comprehensive Development (CD) Zone is generally reflective of the existing Comprehensive Development Zone (CD By-law No. 9577), with the exception of density. The primary difference is the increase in floor area ratio from 0.50 in the existing zone to 0.65 in the proposed CD By-law. The existing CD By-law No. 9577 is based on the former City of Surrey Zoning By-law No. 5942.

In order to bring the proposed CD By-law into conformance with the current Zoning By-law No. 12000, some of the language has been updated to be reflective of current language. The permitted uses are to remain the same, which allow for tourist accommodation and accessory uses including eating establishments and personal service uses (Appendix “I”).

### **Proposed Amendment to Comprehensive Development Zone (CD By-law No. 9577)**

The existing Comprehensive Development Zone (CD By-law No. 9577) is proposed to be amended to reflect the removal of the subject property (1160 - King George Boulevard) from the Zone. The Zone will remain the same in all other respects (Appendix “II”).

## Referrals

The proposed rezoning was referred to the Engineering Department. There are no requirements associated with the rezoning.

The proposed rezoning was referred to the Ministry of Transportation and Infrastructure. There are no requirements with respect to the rezoning.

## SUSTAINABILITY CONSIDERATIONS

This report supports the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to Sustainability Charter 2.0 theme of Economic Prosperity and Livelihoods. Specifically, this work supports the following Desired Outcomes ("DO"):

- Economy DO5: Locally owned companies are thriving, creating a robust local economy and retaining wealth and jobs in the community;
- Economy DO12: The city is a destination for visitors, which generates tourism and revenue.

## CONCLUSION

It is in the interest of both the City of Surrey and the property owner to bring the existing building into zoning compliance. The proposed rezoning is considered a necessary amendment to allow the issuance of a building permit for the proposed renovations to the building.

The hotel is a desired facility in Surrey, and in particular South Surrey, as there are limited hotels in the area. Should Council authorize rezoning of 1160 King George Boulevard, the existing building on the site will be brought into zoning compliance which will allow for the continued success of the hotel.

*Original signed by*  
Jean Lamontagne  
General Manager, Planning & Development

*Original signed by*  
Rob Costanzo  
General Manager, Corporate Services

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Appendix "I" – Proposed CD Bylaw No. 9577 Amendment

Appendix "II" – Proposed CD Bylaw

Appendix "III" - Manager's Report dated May 6, 1991

CITY OF SURREY

BYLAW NO. \_\_\_\_\_

A bylaw to amend "Surrey Zoning By-law, 1979, No. 5942,  
Amendment By-law, 1988, No. 9577".

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THE CITY COUNCIL of the City of Surrey, ENACTS AS FOLLOWS:

- 1. "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law 1988, No. 9577" is hereby amended as follows:

SCHEDULE "A", Schedule of Permitted Uses, is amended by deleting the following:

"Lot 1: Tourist Commercial Zone Two (C-T(2)), provided, however,  
that the uses permitted within this lot shall not include:

Tourist Trailer Parks  
Campsites"

- 2. This Bylaw shall be cited for purposes as "Surrey Zoning Bylaw, 1979, No. 5942,  
Amendment Bylaw 1988, No. 9577, Amendment Bylaw, 2019, No. \_\_\_\_\_"

PASSED FIRST READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PASSED SECOND READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PASSED THIRD READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the  
Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

CITY OF SURREY

BYLAW NO. \_\_\_\_\_

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

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. "Surrey Zoning By-law, 1993, No. 12000", as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, 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: COMPREHENSIVE DEVELOPMENT ZONE (CD By-law No. 9577)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 014-735-334  
 Lot 1 Section 12 Township 1 New Westminster District Plan 82140  
 1160 - 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 *tourist accommodation*.

**B. Permitted Uses**

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

- 1. *Tourist accommodation*.
- 2. *Accessory uses* including the following:
  - a. *Eating establishments*, excluding *drive-through restaurants*; and
  - b. *Personal service uses* excluding *body rub parlours*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

The *floor area ratio* shall not exceed 0.65.

**E. Lot Coverage**

The *lot coverage* shall not exceed 23%.

**F. Yards and Setbacks**

*Buildings and structures* shall be sited in accordance with the following minimum *setbacks*:

<b>Use</b>	<b>Setback</b>	<i>North Yard</i>	<i>South Yard</i>	<i>East Yard</i>	<i>West Yard</i>
<i>Principal Buildings</i>		0.5 m (1.5 ft.)	19.0 m (62 ft.)	14.0 m (45 ft.)	19.0 m (62 ft.)
<i>Accessory Buildings and Structures</i>					

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

**G. Height of Buildings**

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

1. *Principal and Accessory Buildings and Structures*: The *building height* shall not exceed 16.5 metres [54 ft.].

**H. Off-Street Parking**

1. Resident and visitor *parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning By-law, 1993, No. 12000", as amended. Notwithstanding this, the minimum number of parking stalls shall be 394.
2. Notwithstanding Sub-section A.3(d) of Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning By-law, 1993, No. 12000", as amended, the *Parking Facility Underground* may be located up to 0.0 metres [0 ft.] from the north *lot line*.

**I. Landscaping**

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width shall be provided within the *lot*.
3. 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*.
4. 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. Subdivision**

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

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
19,000 sq.m. [4.6 ac.]	50 metres [164 ft.]	50 metres [164 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of "Surrey Zoning By-law, 1993, No. 12000", as amended.

**K. Other Regulations**

In addition to all statutes, bylaws, 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 for the CTA Zone 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 and Loading/Unloading 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 Bylaw, 2012, No. 17850", as amended.
8. *Building* permits shall be subject to "Surrey Development Cost Charge Bylaw, 2016, No. 18664", as may be amended or replaced from time to time, and the development cost charges shall be based on the CTA Zone.
9. Tree regulations are set out in "Surrey Tree Protection Bylaw, 2006, No. 16100", as amended.
10. Development permits may be required in accordance with the "Surrey Official Community Plan By-law, 2013, No. 18020", as amended.

3. This Bylaw shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment Bylaw, 2019, No. \_\_\_\_\_."

PASSED FIRST READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PASSED SECOND READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

PASSED THIRD READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 2019.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK



MANAGER'S REPORT AMENDMENT TO DEVELOPMENT PERMIT  
 SOUTH SURREY HOTEL LTD.  
 KING GEORGE HIGHWAY @  
 12 AVENUE, EAST SIDE

NO.

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**REGULAR COUNCIL - Administration Decision**

TO: Acting Municipal Manager

DATE: May 6, 1991

FROM: Director of Planning

FILE: 6791-0119

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**RECOMMENDATION**

The Director of Planning recommends:

1. that Council approve the amendment of Development Permit 6787-300-0 as indicated in the attached plans.

**BACKGROUND**

In May of 1989, a by-law rezoning the subject site to C-D Zone was given final approval, and Development Permit 6787-300-0 was issued providing for the development of a tourist hotel, a seniors hotel, a gas bar, a recreational facility and a commercial building.

On March 6, 1991, a building permit was issued for the tourist hotel structure. On March 25, 1991 applications were received to amend the C-D zone and the development permit to permit 25 additional rooms, additional banquet space and other plan adjustments. On April 26, 1991, a stop work order was issued by the Permits and License Department because the construction was not proceeding according to the approved plans. The applicant requested assistance.

The original permit was issued prior to the 1990 D.C.C. deadline and there appears to have been some confusion in communication between the applicant, his agent and Municipal Officials as to how and when such plans could and should be changed.

**DISCUSSION**

Existing Plans

The first phase, which is the tourist hotel, was to consist of 125 rooms, 90-seat restaurant, a deli-lounge of 130 seats, an atrium lounge of 20 seats, banquet rooms of 500 seats, and associated commercial space of approximately 6,000 square feet.

320 parking spaces were to be provided for the tourist hotel out of a total of 645 spaces for the entire project, with parking agreements between the four properties involved. With a reduction factor of 25% for combining two or more uses whose peak parking occurs at different times, the 645 spaces met the requirements of the Zoning By-law (although not the requirements of the Ministry of Highways).

#### Revisions

The revised plans for the tourist hotel provide for an additional 25 rooms, an additional 75 seat conference room, the enclosure of a corridor and the covering of a patio. The parking has been revised to 440 spaces, but this includes 70 spaces in a portion of the hotel property in front of a commercial building on an adjacent property. The increased number is to meet their own calculated needs as well as Ministry of Highways' requirements. It exceeds by-law requirements for the hotel.

#### Design Issues

The footprint of the building is virtually unchanged and the main layout concern is that the revised proposal now allocates to the hotel, parking areas which might have otherwise been used to serve future commercial buildings. However, the parking areas are on the hotel lot and owned by the applicant and, therefore, must reasonably be considered as available to meet the hotel parking requirements.

The main impact of the changes is to fill out the volume of building mass by enclosing what had previously been open areas and continuing the second floor to provide additional rooms. In flat two-dimensional representation, the elevations do not appear significantly altered. But the three-dimensional effect will be a somewhat more "blocky" appearance and, therefore, some loss of textural quality may result.

However, the design is still acceptable and the changes will improve the economic viability of the project, improvements which the applicant believes to be absolutely necessary. There is no doubt in my mind that the hotel will function better as a result and therefore, if there is a small loss in exterior design quality, I am inclined to accept the trade-off. The hotel's location is such that the design changes are likely to be too subtle to have much of an impact on passing highway traffic.

#### Process Issues

The question of how to approve such significant revisions has been examined. Three ways of approving the revisions were considered.

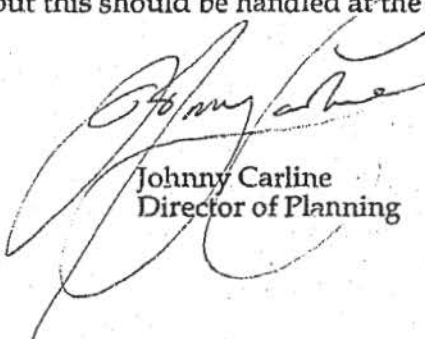
1. Amend both the C-D Zone and the Development Permit. The C-D Zone is silent on the matter of density for this project. It specifies only that the project shall be developed in approximately the location and form indicated on its attached plans. It is therefore not necessary to amend the C-D Zone in this instance, and the rezoning process would cause work on the project to be stopped for a period of at least two months.

2. Amend the Development Permit only. The C-D Zone specifies that the project shall be "approximately in the location and form" indicated on its attached plans. The form of a development can be amended by means of the development permit provided that such amendment does not alter the use or density as established in the Zoning By-law. This does not affect use, as noted above, the C-D By-law is silent on density. Amending the development permit would avoid the time delays involved in the rezoning process.
3. The Director of Planning initial the revisions under the existing building permit. The development permit provides for minor changes to be made. However, we do not consider that an additional 25 rooms, which is a 20% increase, and an additional banquet room constitutes a minor change. Although this course of action would be the most expedient, I considered it being beyond the scope of my authority.

### CONCLUSION

The applicant wishes to make changes to his hotel plans but has got into a bit of a mess in going about it, resulting in a stop work order being in effect. The changes are acceptable and, because of the specific wording of the C-D By-law, can be approved by an amendment to the development permit.

Other approvals and technical issues, including payment of additional D.C.C.'s may have to be resolved but this should be handled at the staff level.



Johnny Carline  
Director of Planning

RH/kms  
PLNLT1360

Attachment