

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7910-0244-00

Planning Report Date: December 13, 2010

PROPOSAL:

• Restrictive Covenant Amendment

in order to permit office use on the upper two floors in addition to the limited commercial uses currently allowed.

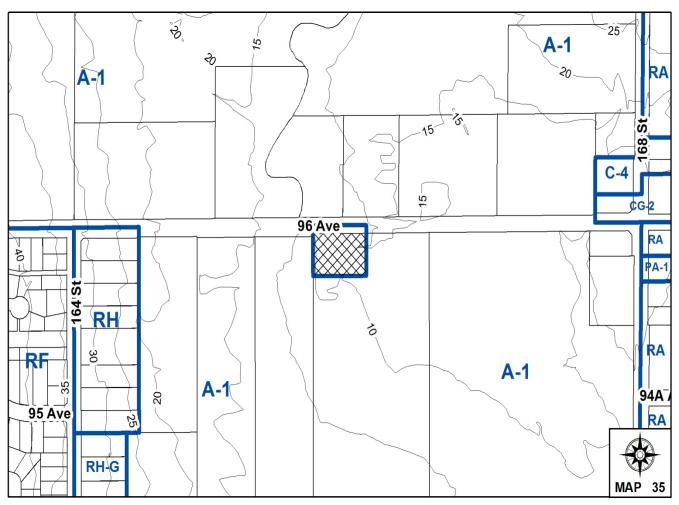
LOCATION: 16590 – 96 Avenue

OWNER: PLEA Community Services Society

of British Columbia, Inc. No. S14829

ZONING: C-8

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

• Set date for a Public Information Meeting in the form of a Public Hearing to solicit resident opinions on the proposed Restrictive Covenant amendment.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• Seeking to amend Restrictive Covenant BA452867 to increase the maximum allowed floor area from 372 sq.m. (4,000 sq.ft.) 474 sq.m. (5,100 sq.ft.) and to permit office uses on the upper two storeys.

RATIONALE OF RECOMMENDATION

• The proposed modifications to the Restrictive Covenant are minor and comply with the existing zoning.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a Public Information Meeting in the form of a Public Hearing be set to solicit opinions from area residents regarding the proposed Restrictive Covenant amendment.

- 2. Council instruct the City Clerk to extend the public notification boundaries to include the area between 164 Street and 168 Street from 96 Avenue south to 92 Avenue.
- 3. Council instruct staff to resolve the following issues prior to approval:
 - (a) the applicant submit a building permit for the attic space that has been converted into useable space;
 - (b) resolution of the design for the proposed exterior emergency stairs on the south side of the building to the satisfaction of the Planning and Development Department; and
 - (c) the applicant obtain a temporary highway license agreement with the Realty Division in order to allow the existing parking on City land, adjacent the subject site.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Parks, Recreation &

Culture:

Parks has no concerns with this application subject to the applicant

entering into a temporary license agreement for parking.

SITE CHARACTERISTICS

<u>Existing Land Use:</u> Commercial building resembling a Victorian-style single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 96 Avenue):	Tynehead Regional Park.	Conservation	A-1
East, South and West:	Bothwell Park.	Conservation	A-1

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 16590 96 Avenue, and is 4,034 square metres (1 acre) in size. The property is zoned "Community Commercial Zone (C-8)" and is designated Commercial in the Official Community Plan (OCP).
- The site is surrounded by Bothwell Park to the east, west and south, with Tynehead Regional Park across 96 Avenue to the north.
- The subject property was originally zoned Agricultural (A-1) and designated Suburban under the OCP. At that time the owners operated a home-based business from the Victorian-style building they constructed on the site.
- In 1986, the owners made application to the City (file: 5686-0040) to allow for the expansion of their home occupation involving the making and selling of handicrafts and conducting demonstrations, classes and shows in the building on the site. Council approved the rezoning application and associated OCP amendment in January 1987. The site was rezoned to Comprehensive Development Zone (CD-30) and was re-designated to Industrial. Under this CD-30 Zone, the manufacture, processing, assembly and service of clothing, garments, leather goods, engraving, furniture, jewellery and other similar products were permitted on the site. Some floor area limitations were also specified and the operators were permitted to live in the building.
- In 1989, the applicant requested an amendment to the CD-30 Zone to legalize an unauthorized expansion of the existing business (file: 5689-0192-00). The changes to the building included:
 - O An increase in the display and sales area from 37.2 square metres (400 sq. ft.) to 157.9 square metres (1,700 sq. ft.);
 - O An increase in the classroom size and demonstration area from 187.7 square metres (2,020 sq. ft.) to 334.4 square metres (3,600 sq. ft.);
 - o An increase in the number of employees from 2 to 4; and
 - o The elimination of the residence for the owner/operator.
- Planning Report No. 2389-0192-00/5689-0192-00 was considered by Council on October 12, 1993 to rezone the property from CD-30 to C-R(1) Retail Commercial Zone One (Zoning By-law No. 5942) with a Restrictive Covenant to be registered that would specify the limited uses permitted on the site. With the adoption of Zoning By-law No. 12000, the closest equivalent zoning was "Community Commercial Zone (C-8)".
- Council adopted an OCP amendment from Industrial to Commercial and the rezoning to C-8 in January 1995.
- In 2003, Development Application No. 7903-0411-00 was submitted to amend the Restrictive Covenant to allow for a non-profit women's resource centre which provides for counselling and training for women. However, the agreement for sale for this proposal did not proceed and on June 30, 2005, Council passed a resolution to close file no. 7903-0411-00.

• In 2005, PLEA Community Services of B.C. submitted Application No. 7905-0124-00. They sought to modify the Restrictive Covenant (RC) in order to permit a community service use limited to a youth resource centre as a principal use on the site and a dwelling unit for a caretaker as an accessory use. A maximum of 372 square metres (4,000 sq. ft.) was permitted for the said usages. The RC amendment was approved on July 11, 2005.

• The approved RC continued to permit the retail sales of gifts, crafts, or craft products.

Current Proposal:

- According to the applicant, PLEA Community Services Society of B.C. currently operates
 programs which deliver support and services to children, youth, adults, and families who face
 significant challenges.
- Currently, a school day program takes place from the main floor of the building. The hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday. Educational courses are provided during the morning by Surrey School District teachers. Supervised activities take place in the afternoon either on- or off-site. There is some supervised evening and weekend programming. At all times, the youth are supervised and the capacity of each program is nine youth.
- The current proposal is to modify the existing Restrictive Covenant to:
 - o Allow office space on the upper two storeys; and
 - o Increase the floor area of the permitted uses from 372 square metres (4,000 sq. ft.) to 474 square metres (5,100 sq. ft.).
- According to the applicant, the office space is needed as administrative space to run PLEA's
 FolkStone Fraser and KidStart programs. The converted attic space may include a conference
 area.
- The applicant feels that this specific location serves PLEA well as it is close to the freeway and provides sufficient space for staff from different facets of PLEA to co-locate and work closely together.
- The proposed changes to the Restrictive Covenant are consistent with the uses permitted in the "Community Commercial Zone (C-8)".
- Two unauthorized changes have been made to the subject property:
 - 1. The surface parking has been expanded east, into a portion of Bothwell Park (Appendix III). Prior to final approval of the RC amendment, the applicant will be required to complete a temporary highway license agreement with the Realty Division to permit this parking encroachment. The applicant will eventually need to relocate the parking onto the subject site.
 - 2. The attic space of the existing building has been converted into habitable space without an approved Building Permit. The converted attic space will require an emergency exterior staircase in order to meet Building Code. The Planning and Development Department has some concerns about the visual impact of the staircase and will work with the applicant to resolve this design issue. The applicant will be

required to submit a Building Permit prior to consideration of final approval of the Restrictive Covenant Amendment.

- The amended RC will continue to permit the retail sales of gifts, crafts, or craft products, although PLEA currently does not include this use.
- The subject site is currently served by a septic system. The applicant has provided a letter from Ron Hein of Coast Mountain Earth Sciences, assuring that the existing septic system does not need to be upgraded or replaced to accommodate the proposed change in use for the subject site.
- As the proposed modification to the Restrictive Covenant involves a change in use, it is considered appropriate that the public be given an opportunity to express any concerns directly to Council. It is recommended that a Public Information Meeting in the form of a Public Hearing be scheduled, as was done with the previous Restrictive Covenant Amendment.
- Public Hearing notices for rezonings are typically forwarded to owners or properties within 100 metres (330 ft.) of the subject site or a minimum of 3 lots in each direction from the subject property. Based on this criteria, the notification area would not extend beyond Tynehead Regional Park or Bothwell Park.
- To ensure that there is adequate Public Notification, it is recommended that the notification area be extended to include the area between 164 Street and 168 Street, and between 92 Avenue and 96 Avenue.

PRE-NOTIFICATION

Pre-notification letters were sent out on October 22, 2010 to the extended boundary and staff received no responses.

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. Proposed Building Plans and Elevations

Appendix III. Aerial Photo

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

ID/kms

<u>Information for City Clerk</u>

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

1. (a) Agent: Name: Ken Chow

Address: 1933 W. Broadway

Vancouver, BC

V6J 1Z3

Tel: 604-737-0333

2. Properties involved in the Application

(a) Civic Address: 16590 – 96 Avenue

(b) Civic Address: 16590 – 96 Avenue

Owner: Plea Community Services Society of British Columbia,

Inc. No. S14829

PID: 006-273-891

Lot 1 Section 36 Township 2 New Westminster District Plan 73579

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification in the form of a Public Hearing.

(b) Amend Restrictive Covenant BA452867

DEVELOPMENT DATA SHEET

Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	4,034.5 m ²	4,034.5 m ²
Road Widening area	n/a	n/a
Undevelopable area	n/a	n/a
Net Total	4,034.5 m ²	4,034.5 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		117.2 m ²
Paved & Hard Surfaced Areas		525.3 m ²
Total Site Coverage	50% max.	15.9%
SETBACKS (in metres)		
Front (North)	7.5 m	9.6 m
Rear (South)	7.5 m	23.0 m
Side #1 (East)	7.5 m	12.5 m
Side #2 (West)	7.5 m	45.8 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m max.	11.1 m
Accessory	4.5 m max.	n/a
NUMBER OF RESIDENTIAL UNITS	n/a	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail	n/a	n/a
Office		465.7 m ²
Total		465.7 m ²
FLOOR AREA: Industrial	n/a	n/a
FLOOR AREA: Institutional	n/a	n/a
TOTAL BUILDING FLOOR AREA		

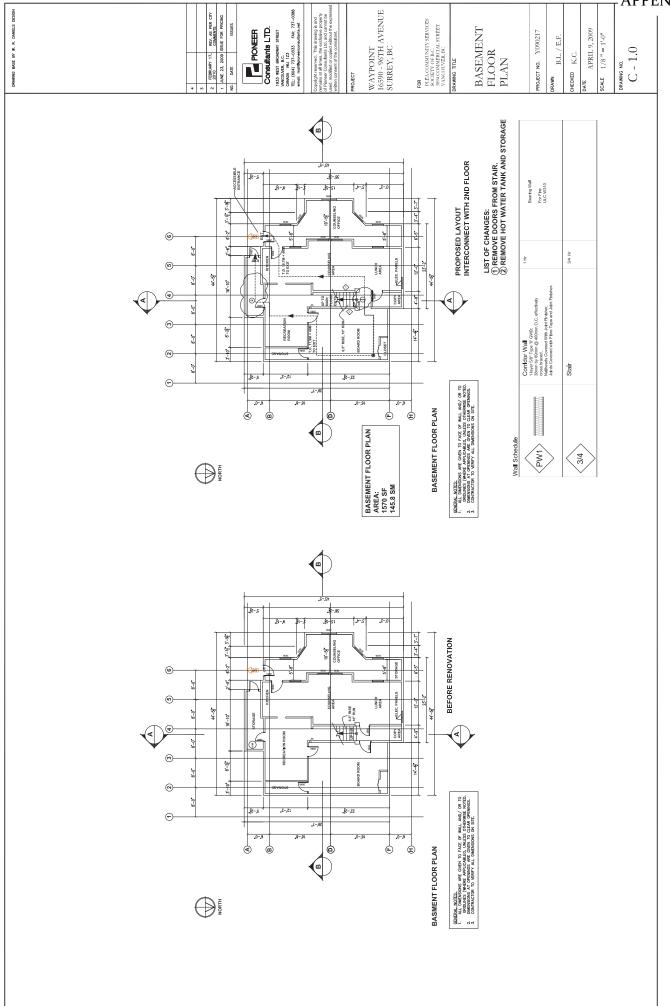
^{*} If the development site consists of more than one lot, lot dimensions pertain to the entire site.

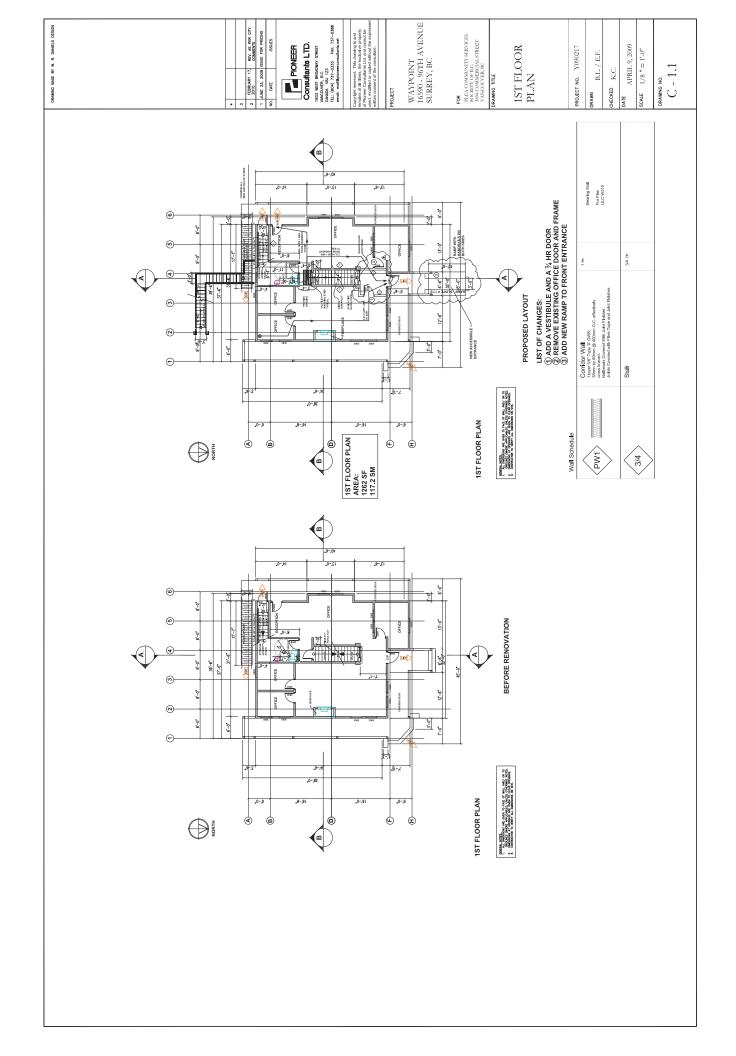
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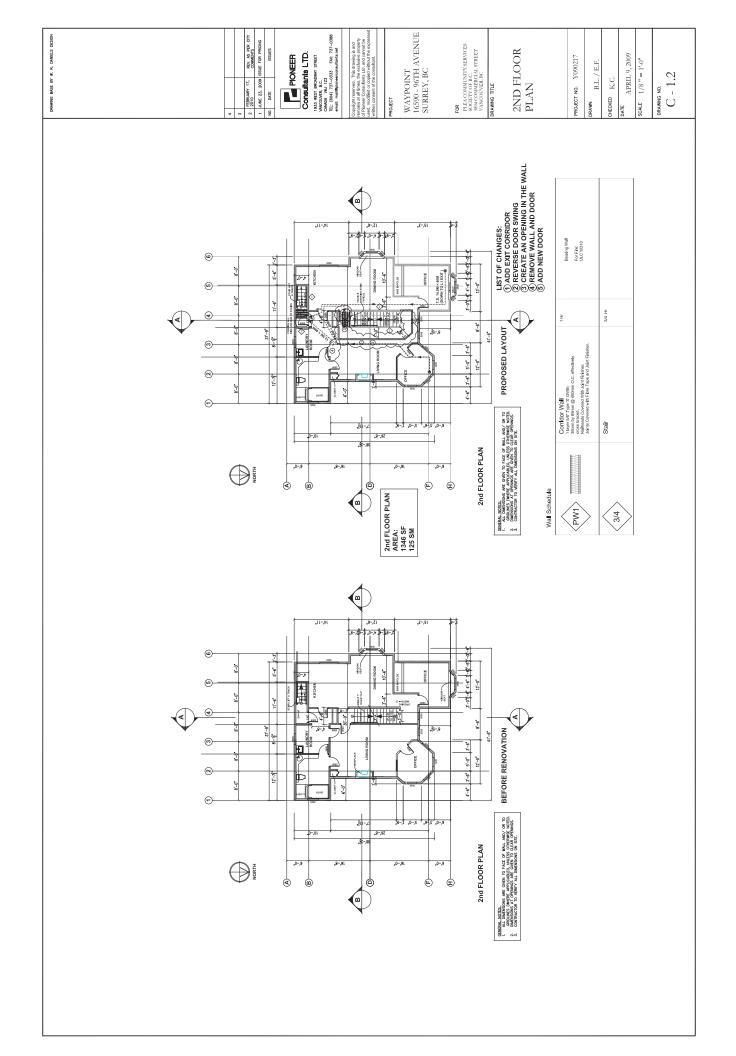
Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		0.079
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	12	6 provided 10 available on adjacent lot
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces		
width/length	12	12

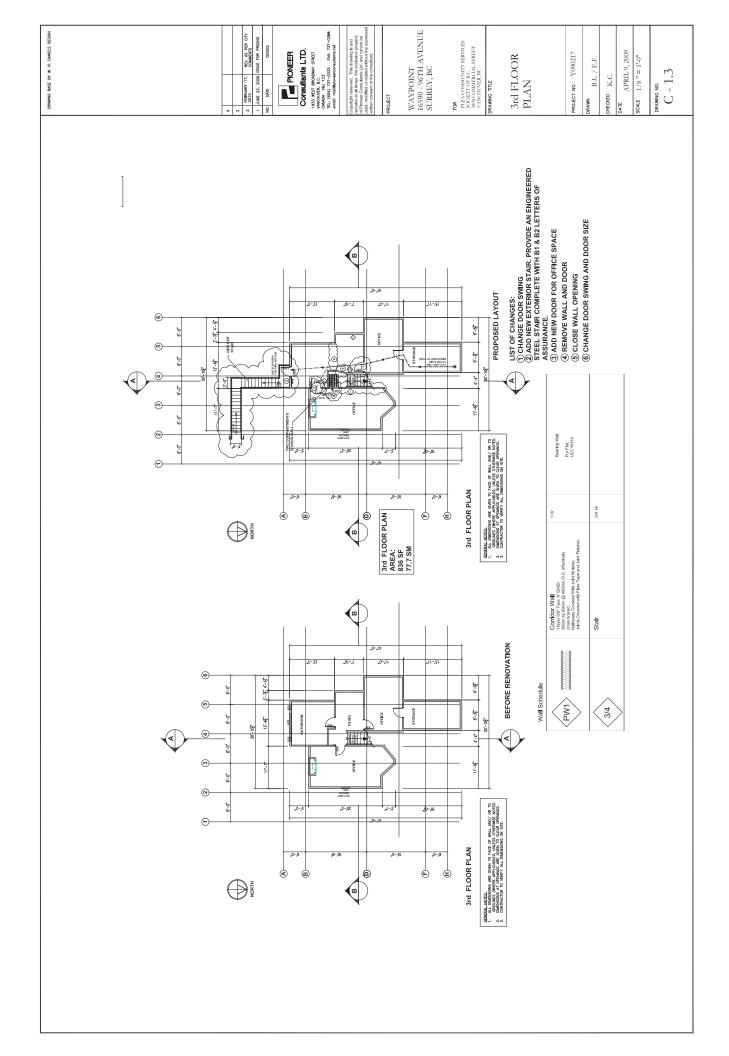
Heritage Site NO Tree Survey/Assessment Provided	NO
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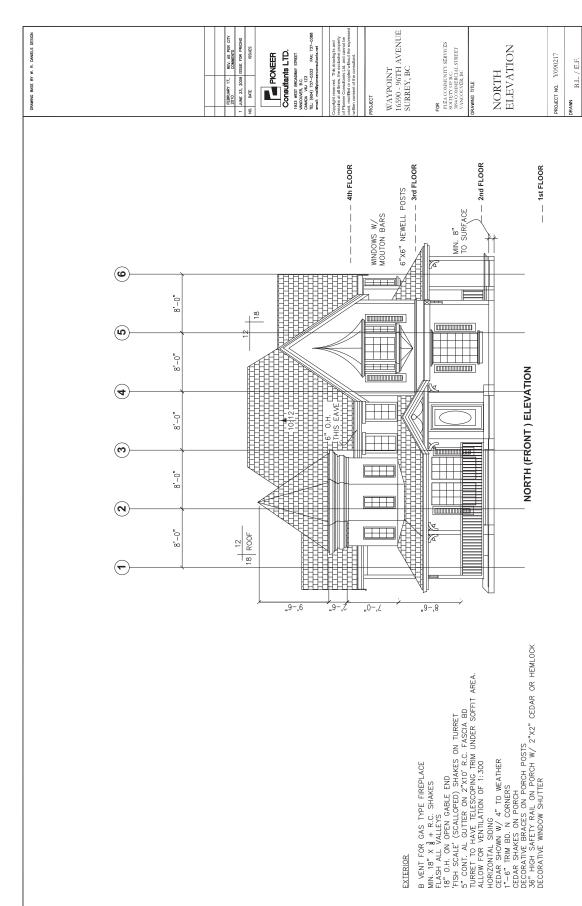
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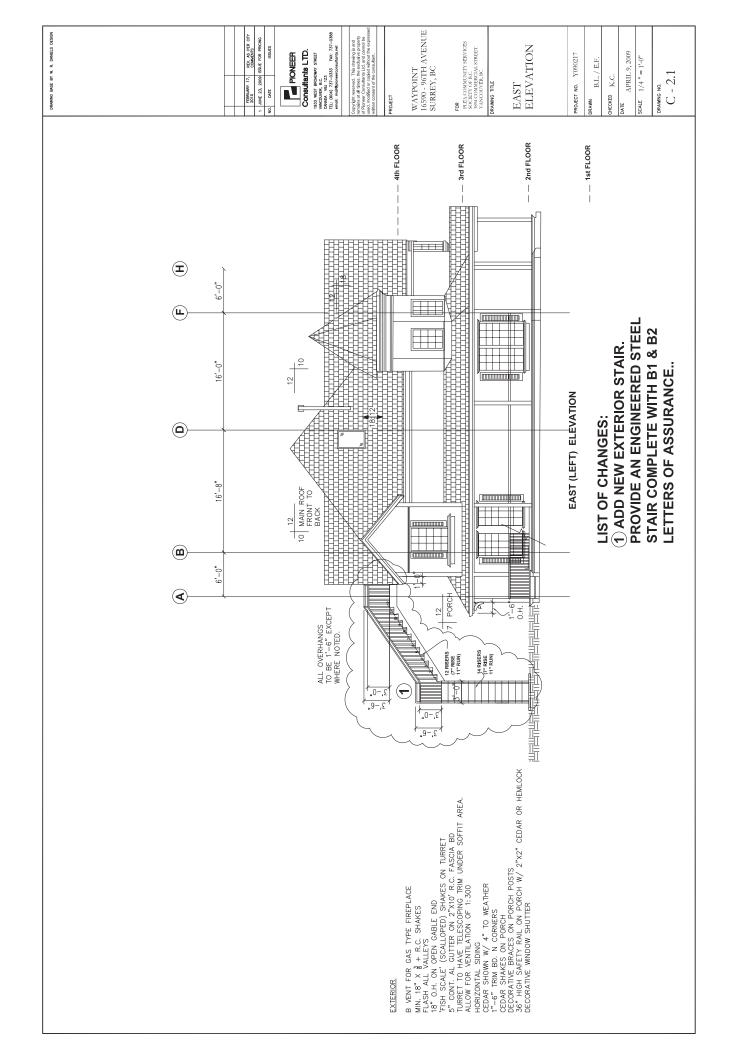
EXTERIOR

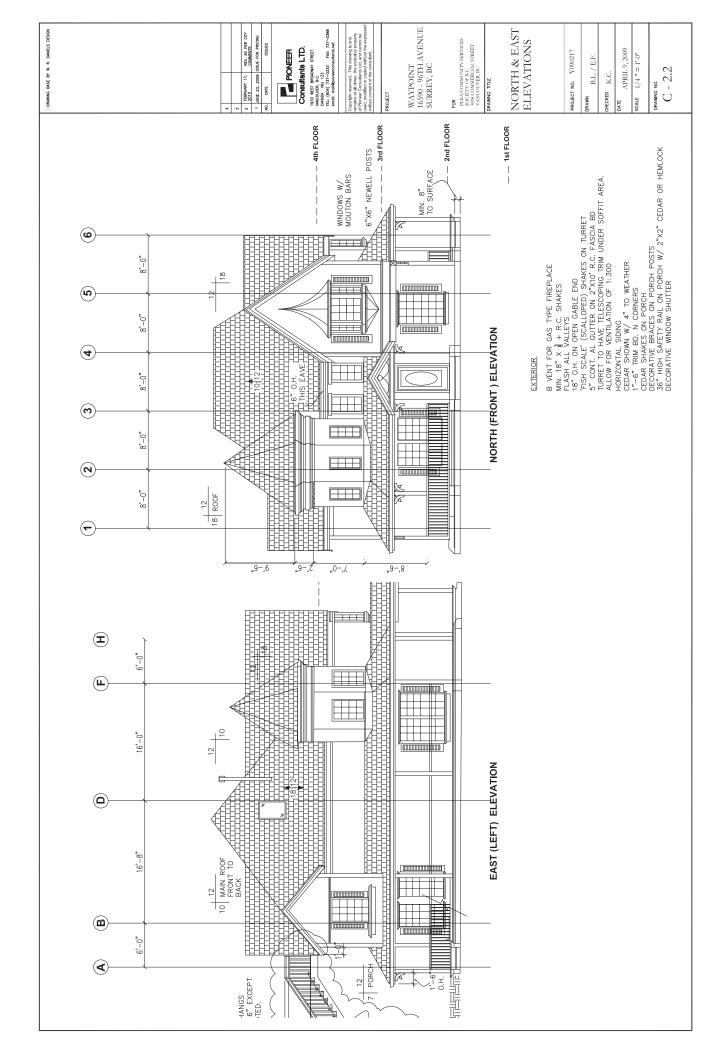
APRIL 9, 2009

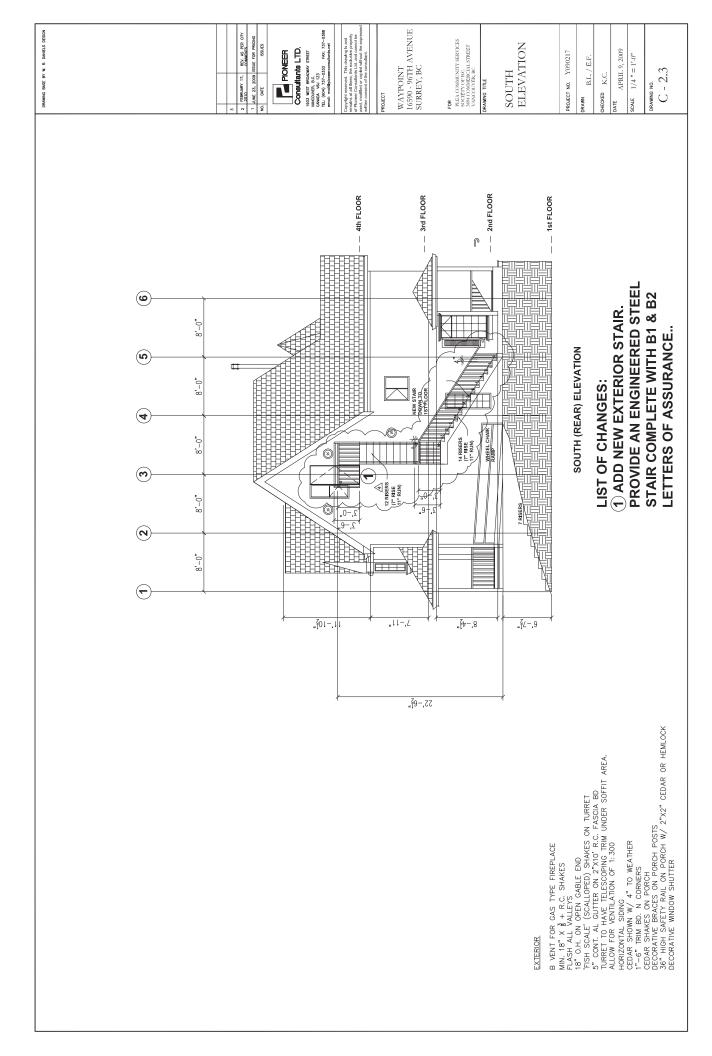
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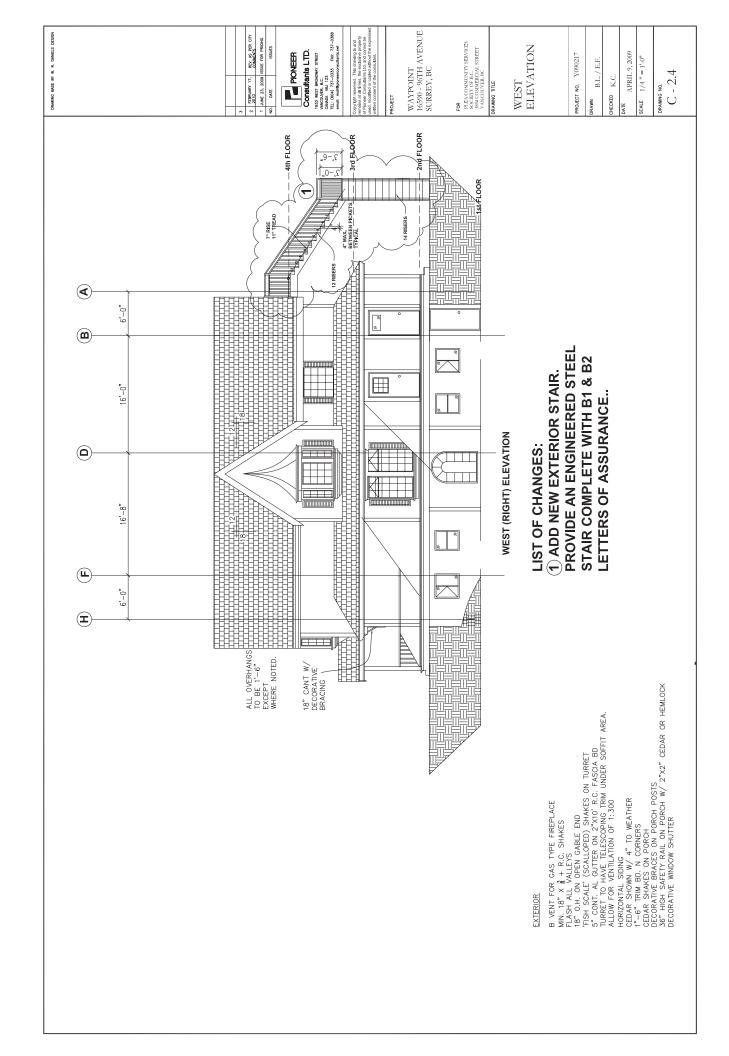
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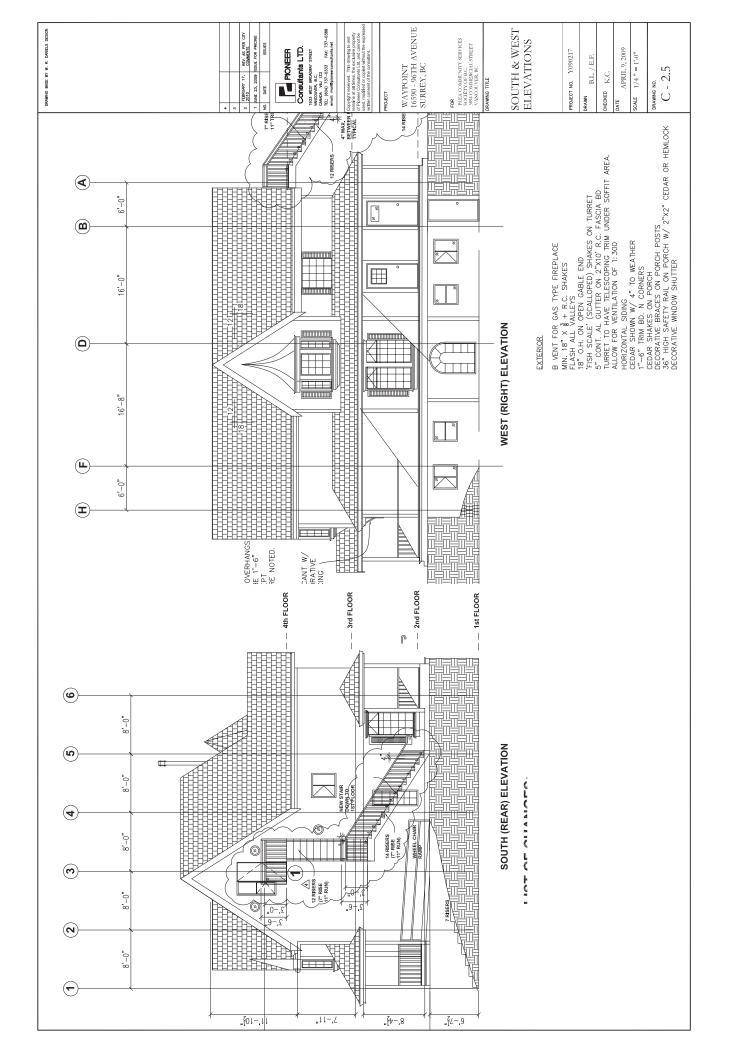
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Map created on:Monday, 06 December 2010