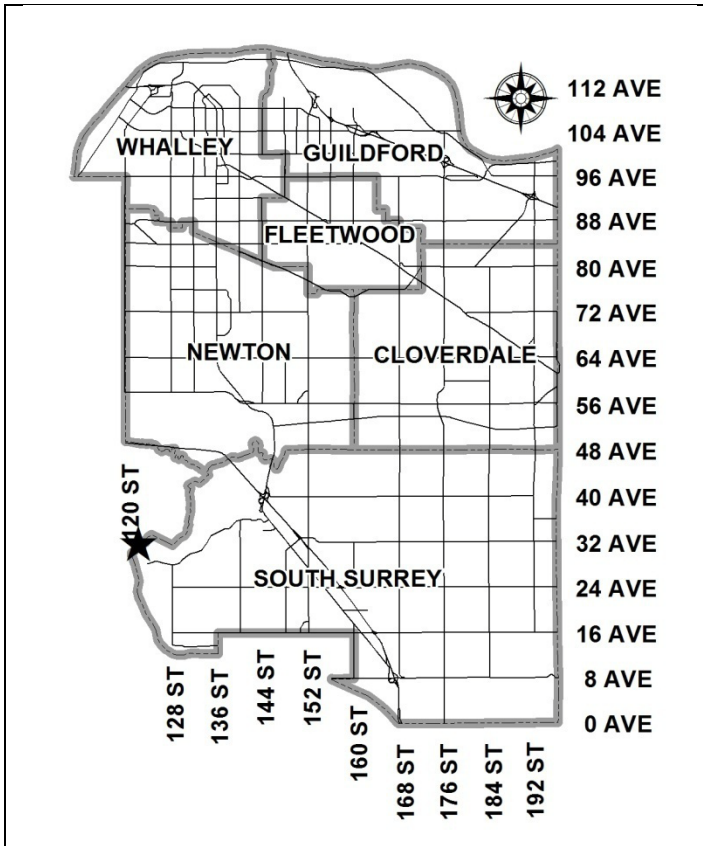


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0016-00

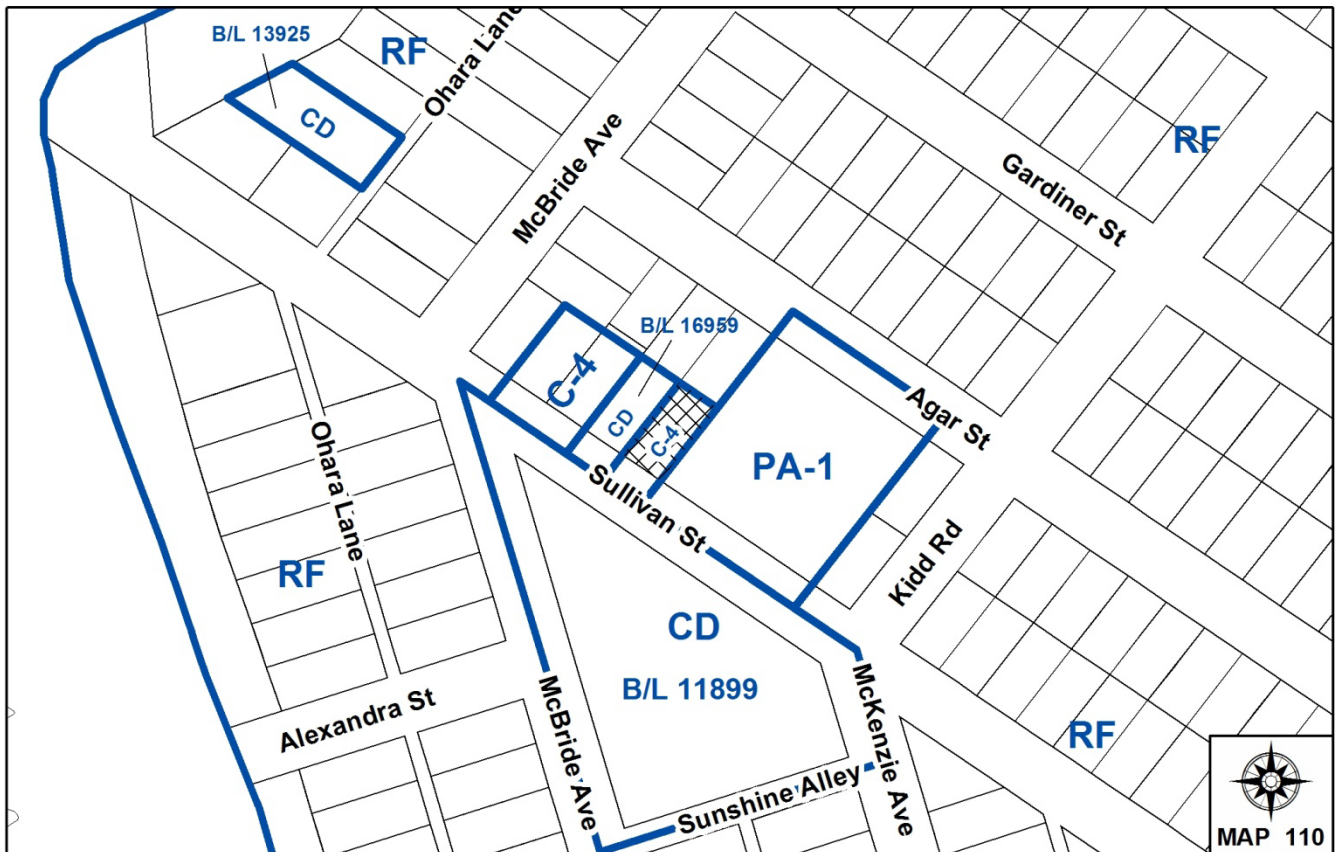
Planning Report Date: September 12, 2011



PROPOSAL:

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

LOCATION: 12171 Sullivan Street
OWNER: Gayle Stephens
ZONING: C-4
OCP DESIGNATION: Urban
LAP DESIGNATION: Local Commercial



RECOMMENDATION SUMMARY

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

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, which will 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 street front local commercial node at this location.
- The proposed rezoning will not address the legal non-conforming aspects of the site, but is intended to increase the type and range of commercial uses. The site is expected to consolidate 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.
- The proposal is generally consistent with the CD Zone (By-law 16959) for the adjacent property to the west, which was established under Development Application No. 7908-0311-00.

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, dedications, 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 to ensure that future development will conform to the prevailing 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.

SITE CHARACTERISTICS

Existing Land Use: Two-storey building with commercial at grade and a residential unit above.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family home	Urban/Single Family Residential	RF
East:	Camp Alexandra	Urban/Institutional	PA-1
South (Across Sullivan Street):	Camp Alexandra	Urban/Institutional	CD (By-law 11899)
West:	One-storey commercial building	Urban/Local Commercial	CD (By-law 16959)

DEVELOPMENT CONSIDERATIONS

Background and Context

- The subject site at 12171 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 two-storey building on the property, which includes a commercial space on the main floor and a residential unit on the second floor.
- The Crescent Beach Land Use Plan identifies a small section east 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 four (4) properties designated within this local commercial node area, although only three (3) of these presently contain commercial use. 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 12159 Sullivan Street contains a one-storey commercial building with commercial space at the front and a residential unit at the back of the building. The property at 12159 Sullivan Street was rezoned from C-4 to CD (based on C-5) (By-law 16959) under Development Application No. 7908-0311-00.

Site History

- The existing commercial building on the site was built in 1987. A Development Variance Permit (DVP) application, Development Application No. 6987-0401, was made in September 1987. The building was built under Surrey Zoning By-law No. 5942, and the DVP application was to vary the front and west side yard setbacks of the "Local Commercial Zone (C-L)". The DVP was executed on October 9, 1987.

Proposal

- The applicant has applied to rezone the subject site from C-4 to CD (based on C-5) in order to permit a wider range of commercial uses. The adjacent site, at 12159 Sullivan Street, was rezoned in 2009 from C-4 to CD (based on C-5) (By-law 16959). The table below outlines the permitted uses in the C-4 and C-5 Zones, and compares these uses with those permitted in the adjacent CD zoned site at 12159 Sullivan Street (By-law 16959) and those proposed in the CD Zone on the subject site:

Use	C-4	C-5	CD (By-law 16959)	Proposed CD Zone
Retail stores excluding the following: - Adult entertainment stores; - Auction houses; and - Secondhand stores and pawnshops	Retail uses limited to convenience store, video rental or florist shop	Permitted	Permitted	Permitted
Eating establishment excluding drive-through restaurants	Permitted, but no liquor license is allowed	Permitted	Not permitted	Permitted

Use	C-4	C-5	CD (By-law 16959)	Proposed CD Zone
Personal service uses limited to: - Barbershop; - Beauty parlour; - Cleaning and repair of clothing; and - Shoe repair shop	Permitted	Permitted	Permitted	Permitted
One dwelling unit provided that it is contained within the principal building and occupied by the owner or the owner's employee	Permitted	Permitted	Permitted, but the unit does not have to be occupied by the owner or owner's employee	Permitted, but the unit does not have to be occupied by the owner or owner's employee
Neighbourhood pub	Not permitted	Permitted	Not permitted	Not permitted
Office uses excluding social escort services and methadone clinics	Not permitted	Permitted	Permitted	Permitted
General service uses excluding funeral parlours, drive-through banks and vehicle rentals	Not permitted	Permitted	Permitted	Permitted
Indoor recreational facilities	Not permitted	Permitted	Not permitted	Permitted
Community services	Not permitted	Permitted	Permitted	Permitted
Child care centres	Not permitted	Permitted	Not permitted	Not permitted

- The current proposal, to rezone from C-4 to CD (based on C-5), will allow a wider range of commercial uses than were allowed for the adjacent site to the west. As per the above table, the proposed CD Zone permits eating establishments and indoor recreational facilities, whereas CD By-law No. 16959 does not. These uses are discussed below.
 - The eating establishment use was specifically excluded from CD By-law No. 16959 because the existing building on the site covers most of the site, meaning there is very limited parking. In contrast, the subject site accommodates five (5) off-street parking spaces, in accordance with the zoning regulations at the time of construction (By-law No. 5942). The site is considered to be well-suited to a small-scale eating establishment, including a coffee shop, deli, bistro, or bakery. The Crescent Beach Property Owners' Association (CBPOA) encourages this type of use on the site.
 - The C-5 Zone was recently amended on December 13, 2010 to include indoor recreational facilities as a permitted use. The indoor recreational use was added to the C-5 Zone in response to a large number of inquiries about locating indoor recreational facilities, such as taekwondo studios and yoga studios, in C-5 Zoned commercial buildings. Staff reviewed the C-5 Zone and determined that these types of facilities should be allowed in order to provide more complete communities that offer a variety of small-scale facilities within walking distance. The indoor recreational use was not included in CD By-law No. 16959, as it was not included in the C-5 Zone at that time. It is, however, considered to be an appropriate use for the subject site.
 - The child care centre use was excluded from CD By-law No. 16959 because of (a) concerns from the neighbours; (b) lack of outdoor play space; and (c) lack of parking. Consistent with CD By-law No. 16959, child care centres have been excluded from the proposed CD zone.

Legal Non-Conformity

- The existing commercial building conformed to the requirements of the C-L Zone (By-law No. 5942), except for the setbacks, for which a DVP was obtained. The table below provides a comparison of the density and siting regulations of the C-L Zone (By-law No. 5942), the C-4 Zone, the C-5 Zone, and the proposed CD Zone.

	C-L (By-law 5942)	C-4 (By-law No. 12000)	C-5 (By-law No. 12000)	Existing Building	Proposed Zone
FAR	1.0	0.4	0.5	0.73	0.5
Lot Coverage	50%	40%	50%	36%	50%
Yards & Setbacks	Front: 7.5 m Side: 3.0 m Rear: 7.5 m	Front: 7.5 m Side: 3.0 m Rear: 7.5 m	Front: 7.5 m Side: 7.5 m Rear: 7.5 m	Front: 1.2 m* Side West: 0.18 m* Side East: 3.9 m Rear: 13.3 m * DVP Granted	Front: 7.5 m Side: 3.0 m Rear: 7.5 m
Parking	5 spaces	Approx. 7 spaces, depending on use	Approx. 7 spaces, depending on use	5 spaces	5 spaces

- The existing building has been determined to be legal non-conforming, as it does not conform to the current zoning (C-4, By-law No. 12000), but it conformed to the previous zoning (C-L, By-law No. 5942). The existing building does not conform to either the C-4 or the C-5 Zone in terms of FAR, setback or parking requirements.
- The intent of the rezoning is to allow additional uses, not to legalize the non-conforming building, as there are no building alterations or renovations required to allow the additional uses. Therefore, the rezoning need not address the legal non-conformity, and the existing building will remain non-conforming. However, the CD Zone will bring the parking into conformity by stipulating that five (5) parking stalls are required on the site. The parking requirements are discussed in the "Parking" section of this report.
- 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, to increase the permitted 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 legal non-conformity.

Neighbourhood Consultation

- The applicant attended the Crescent Beach Property Owner's Association (CBPOA) meeting on March 2, 2011, in order to provide information to the association and receive feedback on the proposal. At the meeting, the CBPOA expressed support for the proposal, and advocated for a bakery, deli, or small grocery store use.

Parking

- There are five (5) off-street parking spaces on site. This was the minimum requirement under the previous C-L Zone (By-law No. 5942). Depending on the use, the site requires approximately 7 parking spaces; two (2) for the dwelling unit and five (5) for the commercial space.
- The floor area of the ground floor commercial space is approximately 156 square metres (1,680 sq. ft.). If the restaurant had a maximum of 150 square metres (1,614 sq. ft.), it would only require three (3) parking spaces. Because the space is slightly larger than 150 square metres (1,614 sq. ft.), the 10 parking spaces per 100 square metres (1,076 sq. ft.) parking ratio would apply, meaning approximately 16 parking spaces would be required.
- Even though the typical parking requirement is not being met, the number of parking stalls is considered to be sufficient for the following reasons:
 - 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 commercial conditions and allowed a significant reduction in parking predicated on walking trips.
 - The guideline in the Crescent Beach Land Use Plan for parking in the Sullivan Street Commercial Node is that most of the parking in the area should be provided as short term on-street parking. In addition to the five (5) off-street parking stalls, on-street parking is available to customers. There are approximately 30 parking stalls on surrounding roads along adjacent property frontages that provide for parking areas to service this commercial strip, including two fronting the subject property.
 - The same range in the number of parking stalls would be required for the C-4 Zone and the C-5 Zone. The exact number of stalls depends on the commercial use. Rezoning the site to CD (based on C-5) does not affect the number of required parking stalls.
 - The CBPOA and the neighbouring residents did not raise any concerns about the proposal regarding increased traffic or lack of parking.
- Because staff consider the off-street parking to be sufficient, the CD Zone will require five (5) parking stalls, consistent with the existing parking lot on the site.

PRE-NOTIFICATION

Pre-notification letters were sent out on February 11, 2011 and staff received the following comments:

- Five (5) telephone calls were received from residents in the area with questions about the proposal. None of the respondents expressed concern regarding the proposal.

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

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

HK/kms

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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: Gayle Stephens
 Address: 12171 Sullivan Street
 Surrey, BC
 V4A 3B4

 Tel: 604-583-1616

2. Properties involved in the Application
 - (a) Civic Address: 12171 Sullivan Street

 - (b) Civic Address: 12171 Sullivan Street
 Owner: Gayle Stephens
 PID: 008-057-371
 Lot 5 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	Existing Building	Proposed in CD By-law
LOT AREA* (in square metres)		
Gross Total	460 m ²	460 m ²
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)	35%	50%
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	1.28 m	1.28 m
Rear	13.29 m	13.29 m
Side #1 (W)	0.06 m	0.06 m
Side #2 (E)	3.91 m	3.91 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9 m	2 storeys
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom	1	
Three Bedroom +		
Total	1	1
FLOOR AREA: Residential		180 m ²
FLOOR AREA: Commercial		180 m ²
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		360 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)	0.72	0.5
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		3
Industrial		
Residential Bachelor + 1 Bedroom		2
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	7	5
Number of disabled stalls	1	1
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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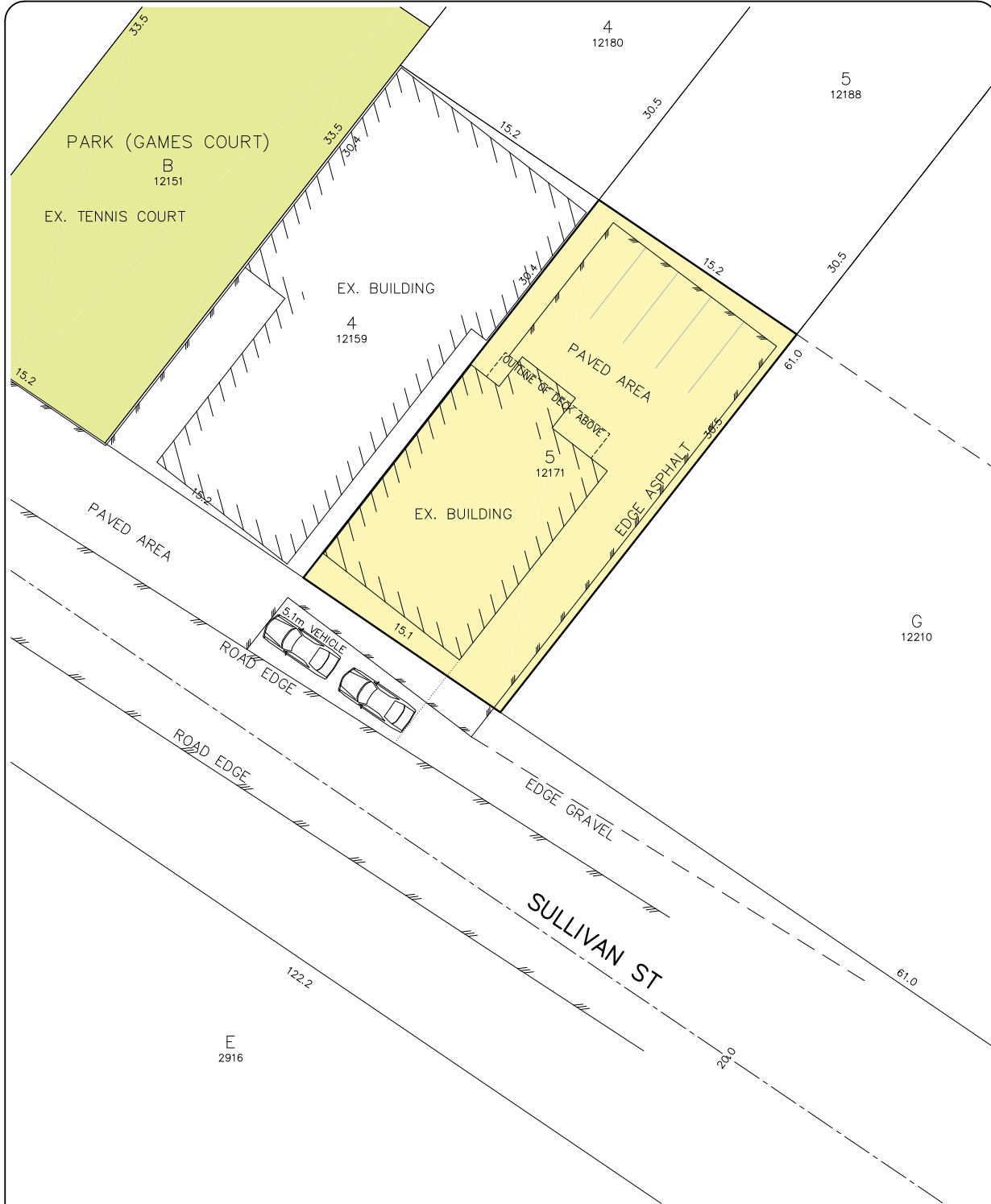
Planning & Development Department
 14245 - 56 Avenue, Surrey,
 British Columbia, Canada V3W 1K2
 Tel. (604) 591-4441 Fax. (604) 591-2507

PROPOSED SUBDIVISION LAYOUT

File No: 79 -0 -00
 MAP #: 110
 EXIST. ZONE: C-4
 PROP. ZONE: C-4



CIVIC ADDRESS: 12171 SULLIVAN ST., SURREY, BC
 LEGAL: LOT 5, DISTRICT LOT 52, N.W.D., PLAN 3340



GROSS SITE AREA: 460sqm 0.11ac)



#200-9128-152nd. ST. Surrey, BC V3R 4E7 • TEL 604-583-1616
 Website: www.hyengineering.com • FAX 604-583-1737

H.Y.#:113288 ALTERNATIVE#01 DATE: 18 MAR/11 SCALE : 1:250

Please dimension lot frontages & areas, name existing roads and indicate north
 Preferred scales: 1:500, 1:1000, 1:2500, 1:10,000 Metric
 Larger format drawings may be attached as required

H.Y. DWG. No. E: \PROJECTS\113288\PLANNING\AL.T01.DWG

INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Acting Development Services Manager, Engineering Department**

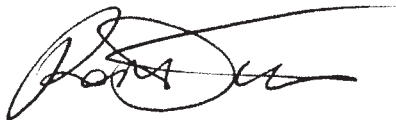
DATE: **May 25, 2011** PROJECT FILE: **7811-0016-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 12171 Sullivan St**

REZONE***Works and Services***

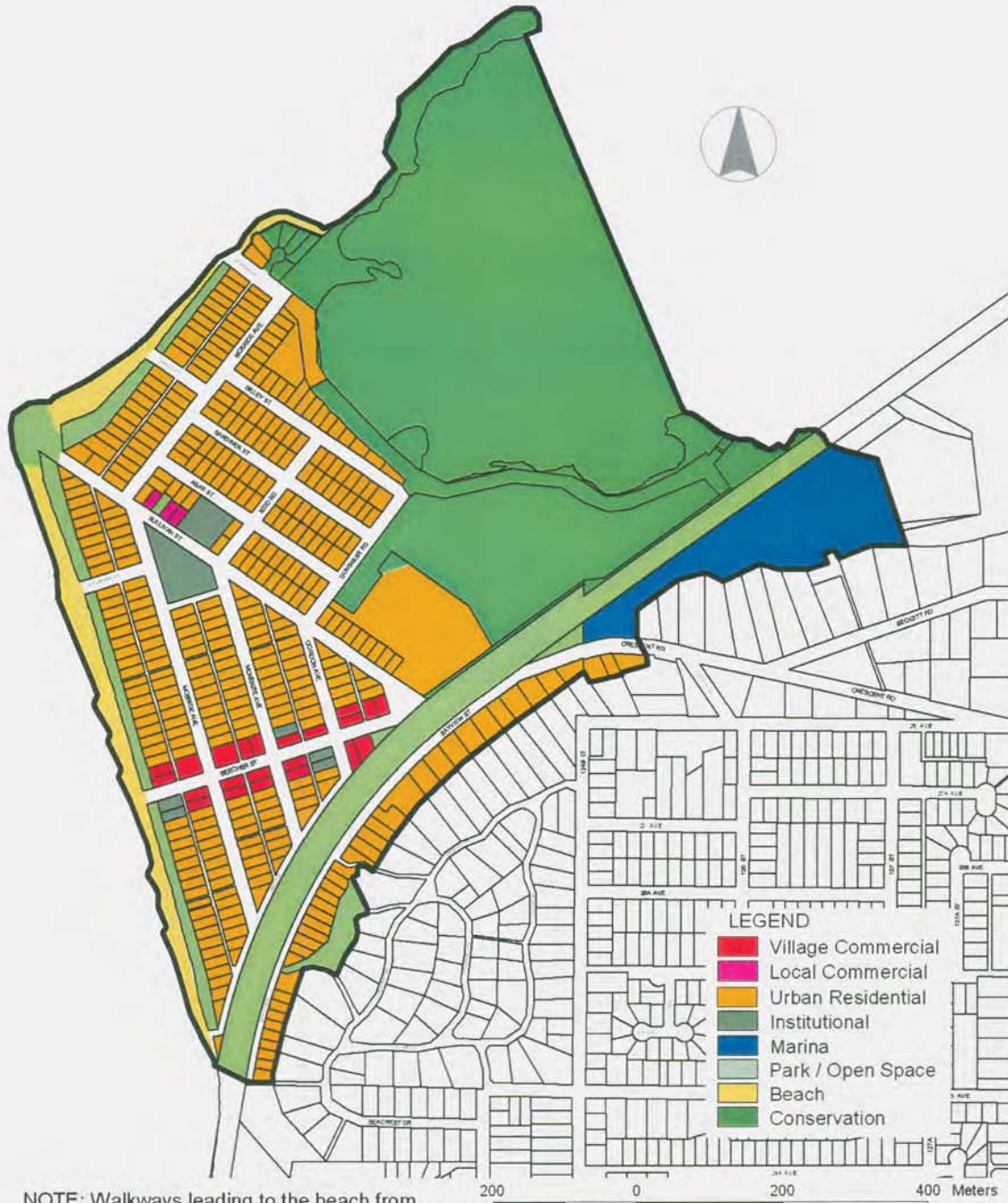
- Construct pavement widening across Sullivan Street frontage including parallel parking bays and bike rack.
- Upgrade service connections.

A Mini Servicing Agreement is required prior to Rezone.



Rémi Dubé, P.Eng.
Acting Development Services Manager

HB



NOTE: Walkways leading to the beach from Gordon, MacKenzie and McBride Avenues, and the Beecher, Alexandra, Target and Wickson Streets road ends are all designated Park / Open Space.

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FIGURE 12. CRESCENT BEACH LAND USE DESIGNATION MAP

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: LOCAL COMMERCIAL ZONE (C-4)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 008-057-371
Lot 5 District Lot 52 Group 2 New Westminster District Plan 3340
12171 Sullivan St

(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 a neighbourhood scale commercial node, which may include a *dwelling unit*.

B. Permitted Uses

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

- 1. *Retail stores* excluding *adult entertainment stores*, auction houses and *secondhand stores* and *pawnshops*;
- 2. *Personal service uses* limited to the following:
 - (a) Barbershops;
 - (b) Beauty parlours;

- (c) Cleaning and repair of clothing; and
 - (d) Shoe repair shops;
3. *Eating establishments* excluding *drive-through restaurants*;
 4. Office uses excluding *social escort services* and *methadone clinics*;
 5. *General service uses* excluding funeral parlours, *drive through banks* and *vehicle rentals*;
 6. *Indoor recreational facilities*;
 7. *Community services*; and
 8. One *dwelling unit* is permitted as an *accessory use* provided that the *dwelling unit* is contained within the *principal building*.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.5.

E. Lot Coverage

The *lot coverage* shall not exceed 50%.

F. Yards and Setbacks

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

Use	Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>
<i>Principal Building</i> and <i>Accessory Buildings</i> and <i>Structures</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	3.0 m. [10 ft.]

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 buildings: The *building height* shall not exceed 9 metres [30 feet].
2. Accessory buildings and structures: The *building height* shall not exceed 4 metres [13 feet].

H. Off-Street Parking

1. The minimum number of *parking spaces* provided shall be 5.

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. Screen planting at least 1.5 metres [5 ft.] high shall be provided along the rear *lot line*.
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. Special Regulations

1. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent to the rear *lot line*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any provision in this Zone.

K. Subdivision

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

Lot Size	Lot Width	Lot Depth
460 sq. m. [4,950 sq. ft.]	15 metres [50 ft.]	30 metres [100 ft.]

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

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 for the C-5 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, 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, 2011, No. 17330, as may be amended or replaced from time to time, and the development cost charges shall be based on the C-5 Zone.
9. Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
11. Floodproofing regulations are as set out in Part 8 Floodproofing, of Surrey Zoning By-law, 1993, No. 12000, 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

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