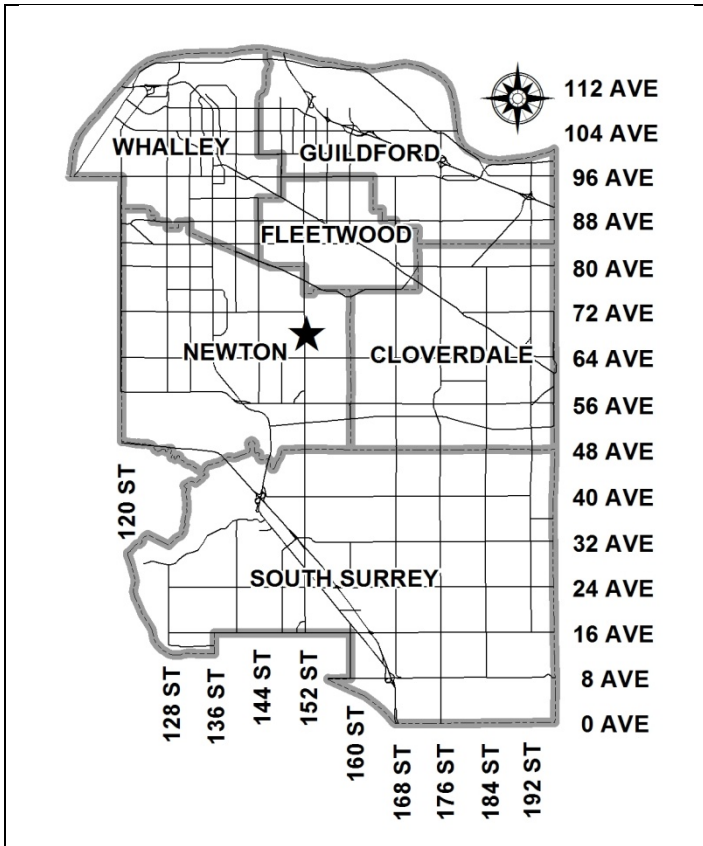


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0070-00

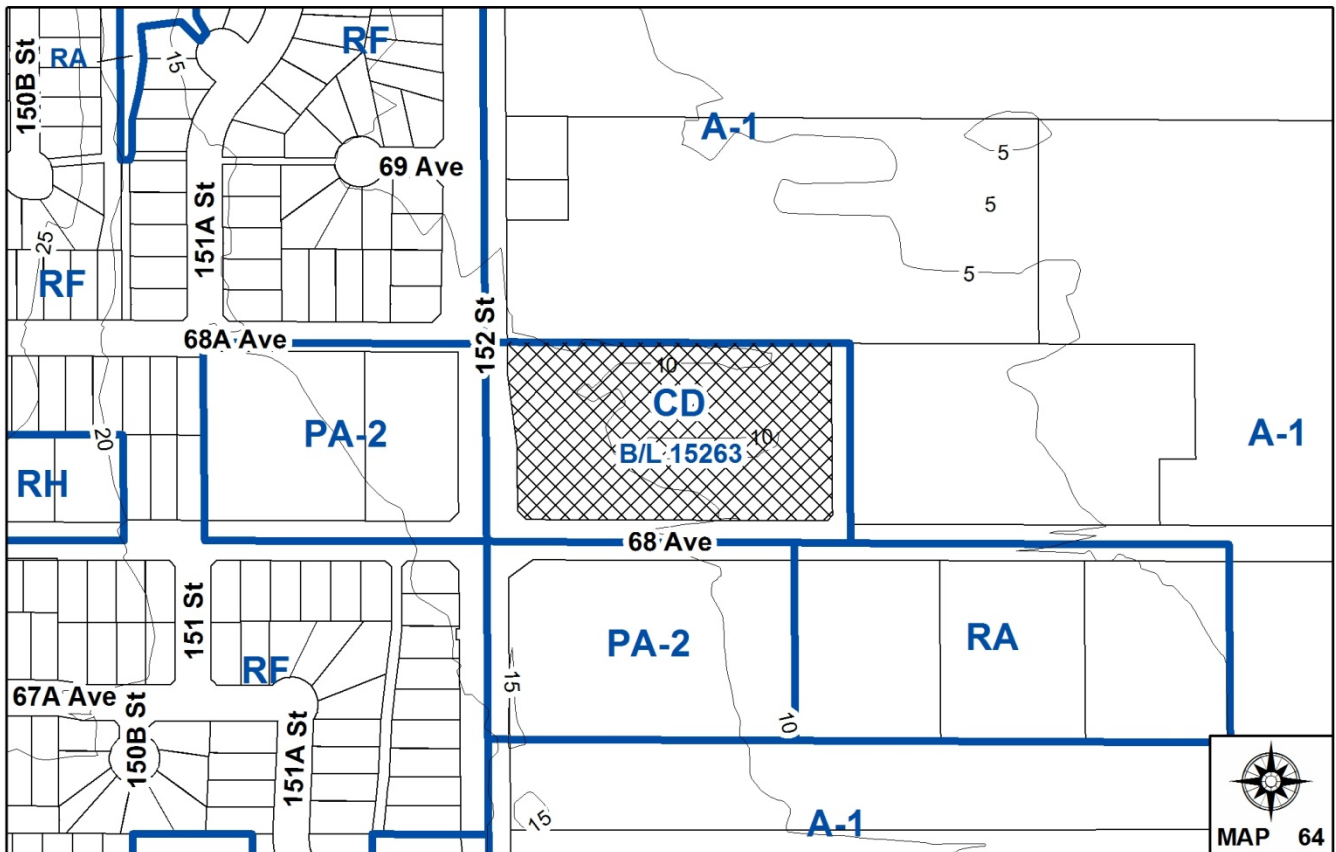
Planning Report Date: November 5, 2012



PROPOSAL:

- Amend CD By-law No. 17159 in order to permit the sale of eyeglasses in conjunction with an optometry office, for strata lots 25-27.

LOCATION: 15255 and 15299 - 68 Avenue
OWNER: Owners of Strata Lots BCS 2221
ZONING: CD (By-law No. 17159)
OCP DESIGNATION: Industrial
NCP DESIGNATION: Business Park



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amending CD By-law No. 17159

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The existing CD By-law permits retail uses only if they are accessory to a light impact industrial use. One exception has previously been made, to allow a pharmacy to operate in conjunction with a medical clinic on a portion of the site (strata lots 25 – 27). As part of this same medical business, which also includes an optometry office, the strata corporation proposes that retail sales of eyeglasses be permitted.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with NCP Designation.
- While typically retail uses are not encouraged in industrial or business park areas, in this case the proposed retail supports a legitimate professional office use. The retail component of the business will be limited to no more than 23 m² (250 ft²) of floor area within strata lots 25 – 27 (units 125 – 127).

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Comprehensive Development By-law No. 17159 and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue prior to final adoption:
 - (a) ensure that all signage on the subject site complies with the City's Sign By-law.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Existing strata development consisting of one multi-unit business park building and one building containing an assembly hall and banquet hall.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North and East:	Agricultural lots	Industrial in the OCP, Business Park in the East Newton Business Park NCP.	A-1
South (Across 68 Avenue):	Assembly hall	Industrial in the OCP, Existing Church in the East Newton Business Park NCP.	PA-2
West (Across 152 Street):	Assembly hall	Urban in the OCP.	PA-2

DEVELOPMENT CONSIDERATIONSHistory and Context

- The subject site is located within the East Newton Business Park Neighbourhood Concept Plan (NCP) area.
- The site was originally developed under Application No. 7902-0340-00, under CD By-law No. 15263, which was based on the IB Zone.

- In 2007, the strata corporation made an application to rezone (Application No. 7907-0376-00) to allow additional floor area to be used for the existing assembly hall. Through the process of reviewing the application, staff discovered that the original CD Zone was difficult for both the City and the strata owners to interpret, and challenging for the City to enforce. The confusion arose largely with administering the permitted accessory uses, including accessory retail.
- Under Application No. 7907-0376-00, the zoning was amended not only to allow the expansion of the assembly hall, but also to place strict limitations on accessory uses. The new CD Zone (By-law No. 17159) was approved on March 14, 2011. The existing CD By-law No. 17159 is attached as Appendix III.

Current Proposal

- The strata corporation now proposes accessory retail for one business within the multi-unit building. The retail would be limited to the sale of prescription lenses and glasses, and permitted only in conjunction with a licensed optometry office.
- The existing business occupies three strata lots and consists of a medical clinic, optometry clinic, and pharmacy. The pharmacy is permitted under the existing CD By-law No. 17159; the pharmacy use is limited in size, permitted only in these units, and only in conjunction with a medical clinic.
- A similar approach is proposed for the retailing of eyeglasses: the use would be limited to a maximum of 23 m² (250 ft²) and permitted only as an accessory use to an optometry office, which is only permitted in strata lots 25 – 27.
- Allowing this proposed accessory retail is not anticipated to contribute to the confusion that existed prior to the 2007 rezoning application.
- A recent visit to the site revealed signage that had been erected in contravention of the Sign By-law. As a condition of rezoning, the strata corporation will be required to ensure that all signage on the site complies with the Sign By-law.

PRE-NOTIFICATION

Pre-notification letters were sent on August 14, 2012. Staff received correspondence from two other strata owners as a result of the notification.

- A response was received from one business owner who does not support the proposed amendment. He operates a similar business in the building, which has a license to sell eyeglasses on the basis that at least 50% of the business is wholesale, while the remaining 50% can be retail. He does not believe that strata lots 25 – 27 should be allowed to retail eyeglasses without also including a wholesale component.

(The existing CD By-law No. 17159 does not permit businesses that are purely retail in nature to operate on this site. The property is designated for business park use, making it an inappropriate location for retail businesses. The zone permits light impact industrial businesses, including wholesale, to

include an accessory retail component. Because the retail use currently proposed is also considered to be accessory and will be limited to a maximum floor area of 23 m², it can be permitted without encouraging a large expansion of retail businesses at this location.)

- Staff received one phone call from a strata owner who supports the proposal, saying that he is in favour of changes that will bring increased business to the site.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Proposed Layout Showing Retail Location
Appendix III.	Existing CD By-law No. 17159
Appendix IV.	Proposed CD By-law Amendment

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

MJ/kms

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. 11/1/12 12:31 PM

Information for City Clerk

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

1. (a) Agent: Name: Aman Bains
 Terra Group Investments Inc
 Address: 208 - 13049 - 76 Avenue
 Surrey, BC
 V3W 2V7

 Tel: 604-657-1376

2. Properties involved in the Application

- (a) Civic Address: 15255 and 15299 - 68 Avenue
- (b) Civic Address: 15255 and 15299 - 68 Avenue
 Owner: All Owners in Strata Plan BCS2221
 Strata Lots 1-47, Section 14 Township 2 New Westminster District, Strata Plan
 BCS2221, Together With an Interest in the Common Property in Proportion to
 the Unit Entitlement of the Strata Lot as Shown on Form V.

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to amend CD By-law No. 17159.

TENANT IMPROVEMENTS

PARKING SPACE:
MULTIPLE LOCATIONS IN
PARKING LOT.

SUBJECT SPACE:
TENANT
IMPROVEMENTS
PROPOSED OFFICE

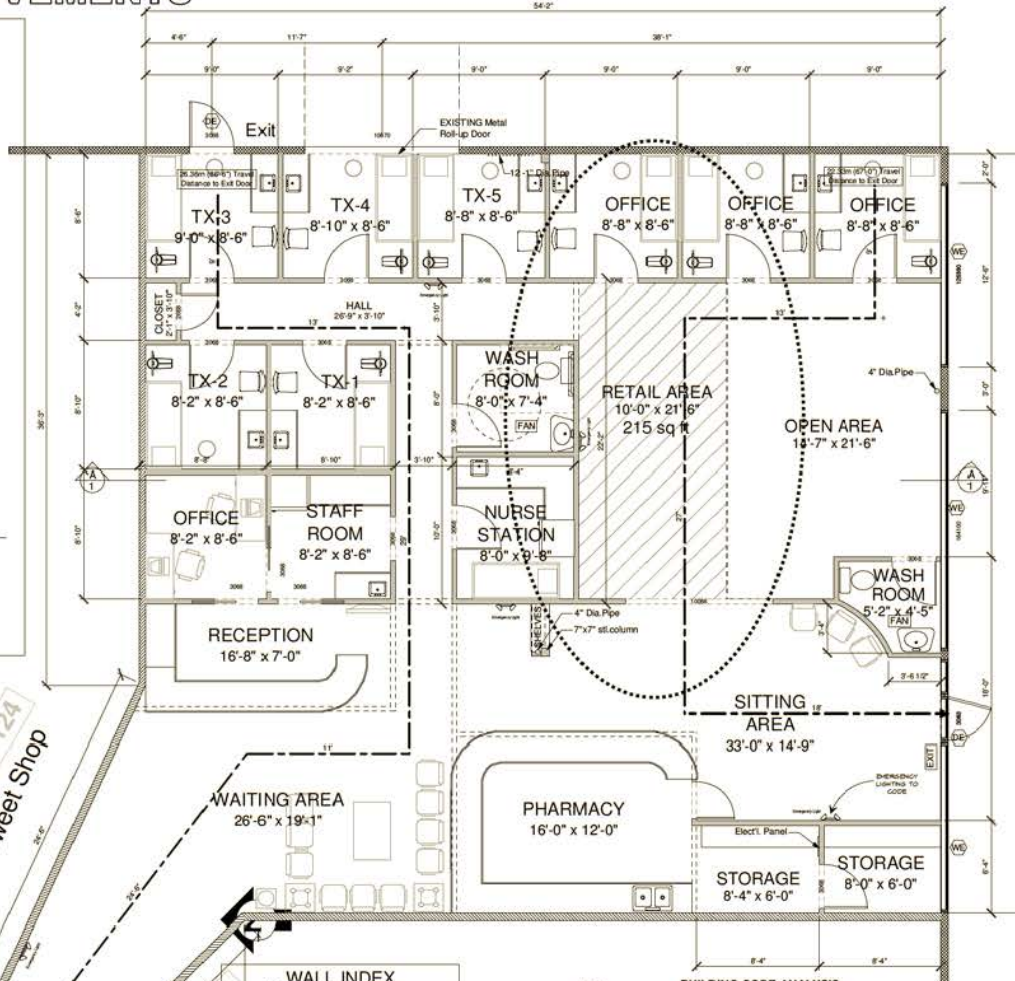
152 STREET

153 STREET



SITEPLAN
Scale : NTS

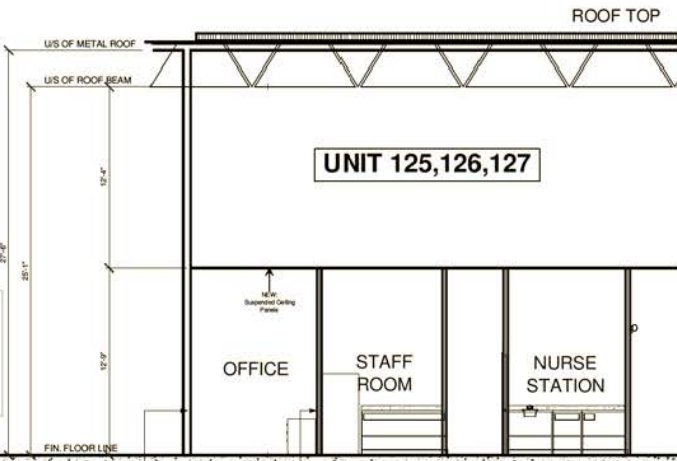
68 Avenue



Bahia Sweet Shop
UNIT 124

Bahia Sweet Shop
UNIT 124

Golden Star Video
UNIT 125



Cross Section A1
Scale : 1/4" = 1'-0"

SECTION A1

Ground Floor
Scale : 1/8" = 1'-0"

WALL INDEX

EXISTING WALL	Steel Studs 1/2" GWB each side
EXISTING WALL TO BE REMOVED	Steel Studs Type "X" DWB Each Side
EXISTING EXTERIOR WALL	Concrete Tilt Up Panels Plus Insulation
EXISTING DEMOLISH WALL	Steel Studs Type "X" DWB Each Side

DOOR & WINDOW INDEX

DE	DOOR - EXISTING
WE	WINDOW - EXISTING

CIVIC ADDRESS: 125-127, 15299-68 Avenue, Surrey
BUILDING CODE: 2006 BCBC
BUILDING AREA: 47158.5 sf (4,381 sq.m)
BUILDING HEIGHT: 2 Storey
SPRINKLERED: YES
OCCUPANCY (BLDG): E
INTENDED USE: MEDICAL
BUILDING TO COMPLY: D: 3.2.2.54
OCCUPANT LOAD:

10	Staff
10	Clients
20	Persons
284.56	3062.98 sf
0.00	0.00 sf
0.00	0.00 sf
284.56	3062.98 sf
80.00	861.11 sf
0.00	28.11%

EXIST. GROUND FLOOR AREA: 284.56 m
EXIST. UPPER FLOOR AREA: 0.00 m
EXIST. MEZZANINE FLOOR AREA: 0.00 m
TOTAL AREA: 284.56 m
TOTAL RETAIL AREA: 80.00 m
NEW WASHROOMS: 0.00
No. of EXISTING WASHROOMS: 0.00
NEW WASHROOMS: 2 NEW WASHROOMS (incl. 1 ACCESSIBLE)
PARKING: Staff
 10 x 0.5 = 5
PARKING: Based on area
 284.56 / 100 x 2.7 = 7.6
PARKING: Total Required 12.6

BUILDING CODE ANALYSIS

CIVIC ADDRESS: 125-127, 15299-68 Avenue, Surrey
BUILDING CODE: 2006 BCBC
BUILDING AREA: 47158.5 sf (4,381 sq.m)
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 284.56 / 100 x 2.7 = 7.6
PARKING: Total Required 12.6



ARCHITECTURAL DESIGNER:
APEX DESIGN GROUP INC
 100-1000 150th Street, Surrey, BC V4N 1M3
 604-592-5050
 100-1000 150th Street, Surrey, BC V4N 1M3
 604-592-5050
 100-1000 150th Street, Surrey, BC V4N 1M3
 604-592-5050

ARCHITECTS/DESIGNERS STAMP:

STRUCTURAL ENGINEERS STAMP:

DR. GARRY SARAN
MEDICAL/PHARMACY
 Legal Description
 Unit 125, 126, 127, 15299-68 Avenue, Surrey

Appendix II
Siteplan & Section A-1
 Plan Number
 Sheet Number
 Plot Date

CITY OF SURREY

BY-LAW NO. 17159

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: COMPREHENSIVE DEVELOPMENT ZONE (CD)
 (SURREY ZONING BY-LAW, 1993, NO. 12000, AMENDMENT BY-LAW,
 2004, NO. 15263)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Strata Lots 1-47 Section 14 Township 2 New Westminster District Strata Plan BCS2221,
 Together with an Interest in the Common Property in Proportion to the Unit Entitlement
 of the Strata Lot as Shown on Form V

15255 and Unit Nos. 101 to 212, 15299 - 68 Avenue

(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 *comprehensive design* of an *industrial* business park consisting of *light impact industrial uses*, offices, limited retail and service uses and an *assembly hall* on strata lots created in accordance with the Strata Property Act, 1998 SBC c.43, as amended. For the purposes of this Zone, the term strata lot shall also include common property. Strata Plan BCS2221 shall not be modified in any way.

B. Permitted Uses

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

- 1. The permitted uses on Strata Lots 1 to 47 inclusive are as follows:

- (a) *Light impact industry* including wholesale and retail sales of products produced on the strata lot or as part of the wholesale operation, provided that:
 - i. The *gross floor area* used or intended to be used for retail sales and display to the public shall not exceed a maximum of:
 - a. 50% of the main floor of a business to a maximum of 47 square metres (500 sq.ft.) when the *gross floor area* of the main floor of the business is less than 112 square metres (1,200 sq.ft.);
 - b. 33% of the main floor of a business to a maximum of 93 square metres (1,000 sq.ft.) when the *gross floor area* of the main floor of the business is 112 square metres (1,200 sq.ft.) or more.
 - ii. The area used or intended to be used for retail sales and display is a physically distinct area, and is separated from the rest of the activities by a physical barrier as follows:
 - a. The physical barrier shall be a wall a minimum of 1.2 metres (4 ft.) in height and may contain a door.
 - b. Notwithstanding Sub-Section 2.B.1.a.ii.a. above, when the gross floor area of the main floor of the business is 112 square metres (1,200 sq.ft.) or more and the ceiling of the unit is 3.7 metres (12 ft.) or more, the physical barrier shall be a wall a minimum of 1.8 metres (6 ft.) in height and may be made of glass in the uppermost 0.6 metres (2 ft.). This wall may also contain a door.
 - iii. For the purpose of this Zone, wholesale means the sale of goods to retailers, businesses or institutions for their own use or for resale, and excludes retail sale to the public.
- (b) Office uses excluding *social escort services* and *methadone clinics*;
- (c) *General service uses* excluding *drive-through banks*; and
- (d) *Warehouse uses*.
- 2. In addition to 2.B.1. above, the following uses are also permitted on strata lots 12, 19, 22-23, 30 and 35-36:
 - (a) *Personal service uses* limited to the following:

- i. Barbershops;
 - ii. Beauty parlours;
 - iii. Cleaning and repair of clothing; and
 - iv. Shoe repair shops;
- (b) Indoor *recreational facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - (c) *Eating establishments*, excluding *drive-through restaurants*;
 - (d) *Community services*; and
 - (e) *Child care centre*.
3. In addition to 2.B.1 above, the following use is also permitted on strata *lots 25-27*:
- (a) *Accessory uses* limited to pharmacy use in conjunction with a medical office as permitted under Sub-section 2.B.1.b of this By-law, provided that there is not more than one pharmacy occupying one strata lot and the pharmacy does not exceed a total gross area of 50 square metres [500 sq. ft.] and excluding a *methadone clinic*.
4. In addition to 2.B.1. above, the following uses are also permitted on strata *lot 47*:
- (a) *Eating establishments*, excluding *drive-through restaurants*, provided that the *eating establishment* does not exceed a total floor area of 1,300 square metres [14,000 sq.ft.];
 - (b) *Assembly halls* limited to *churches*, provided that:
 - i. There is not more than one *church* on a *Lot*; and
 - ii. The church does not exceed a total floor area of 1,450 square metres [15,500 sq. ft.];
 - (c) *Dwelling units*, provided that the *dwelling units* are:
 - i. Contained within a *principal building*;
 - ii. Occupied by the owner or a caretaker, for the protection of the uses permitted on the *Lands*;
 - iii. Restricted to a maximum number of two *dwelling units*; and
 - iv. Restricted to a maximum floor area of 140 square metres [1,500 sq. ft.] for the first *dwelling unit* and 90 square metres [970 sq. ft.] for the second *dwelling unit*.

C. Lot Area

Not applicable to this Zone.

D. Density

1. The *floor area ratio* shall not exceed 0.45.
2. Notwithstanding Sub-section D.1 of this By-law, and with the exception of Strata Lots 9-10, 24 and 28-33, the creation of additional floor area within a strata lot, including creation of a mezzanine, is not permitted. For the purposes of this By-law, a mezzanine is defined as an intermediate floor assembly between the floor and ceiling of any storey and includes an interior balcony.

E. Lot Coverage

The *lot coverage* shall not exceed 45%.

F. Yards and Setbacks

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

Use	<i>Setback</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal and Accessory Buildings and Structures</i>		7.5 m [25 ft.]	7.5 m [25 ft.]	7.5 m* [25 ft.]	7.5 m [25 ft.]

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

* One (1) *side yard setback* may be reduced to 3.6 metres [12 ft.] if the *side yard* abuts land which is *commercial* or *industrial*.

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 12 metres [140 ft.].
2. *Accessory buildings and structures:* The *building height* shall not exceed 6 metres [20 ft.].

H. Off-Street Parking

1. Refer to Table C.3, Part 5 Off-Street Parking and Loading/Unloading, Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet *vehicles*.

I. Landscaping

1. All developed portions of the *Lands* 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 *Lands* which abut a *highway*, a continuous *landscaping* strip of not less than 3 metres [10 ft.] in width shall be provided from back of curb or projected future curb location. This *landscaping* strip shall consist of an earth berm of not less than 0.7 metres [2 ft.] in height which shall be planted with maintenance-free ground cover or grass and trees at a spacing of not less than 7.5 metres [25 ft.] which shall have an initial planting trunk diameter of not less than 4.75 centimetres [2 in.] measured 1.5 metres [5 ft.] above *finished grade*. The trees chosen shall be capable of attaining a height of not less than 6 metres [20 ft.] in 10 years.
3. A *landscaping* screen shall be created along all *lot lines* separating the developed portion of the *lot* from a *highway* which is developed with *residential lots* opposite the developed portion of the *lot*. This *landscaping* screen shall consist of an earth berm of not less than 1 metre [3 ft.] in height and a width of not less than 2.5 metres [8 ft.] and the planting of a hedge, capable of attaining a height of 2 metres [6 ft.] within 3 years with hedging trees planted at intervals assuring complete visual screening within 3 years.

J. Special Regulations

1. *Land* and *structures* shall be used for the uses permitted in this Zone only if such uses:
 - (a) Constitute no unusual fire, explosion or safety hazard;
 - (b) Do not emit noise in excess of 70 dB measured at any point on any boundary of the *lot* on which the use is located, provided that where a *lot* abuts a *lot* other than an *industrial lot* the noise level shall not exceed 60 dB; and
 - (c) Do not produce heat or glare perceptible from any boundary of the *lot* on which the use is located.

2. Outdoor storage of any goods, materials or supplies is specifically prohibited.
3. Garbage containers and *passive recycling containers* shall not be located within any required *setback*.
4. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

K. Subdivision

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

Lot Size	Lot Width	Lot Depth
2,000 sq. m. [0.5 acre]	30 metres [100 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 IB 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, 2007, No. 16494, as may be amended or replaced from time to time, and the development cost charges shall be based on the IB 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. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act R.S.B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17159."

READ A FIRST AND SECOND TIME on the 22nd day of March , 2010.

PUBLIC HEARING HELD thereon on the 12th day of April, 2010.

READ A THIRD TIME on the 12th day of April, 2010.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 14th day of March, 2011.

_____ MAYOR

_____ CLERK

BY-LAW NO. _____

A by-law to amend "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17159"

.....

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

- 1. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17159" is hereby amended as follows:

Delete Section 2.B.3 and replace with the following:

“3. In addition to 2.B.1 above, the following uses are also permitted on strata *lots* 25-27:

(a) *Accessory uses* limited to the following:

- i. Pharmacy use, in conjunction with a medical office as permitted under Sub-section 2.B.1.(b) of this Zone, excluding *methadone clinics*, provided that there is not more than one pharmacy occupying one strata lot and the pharmacy does not exceed a *gross floor area* of 50 square metres [500 sq.ft.]; and
- ii. Retail sale of prescription eyeglasses, in conjunction with an optometry office as permitted under Sub-section 2.B.1.(b) of this Zone, provided that the *gross floor area* used or intended to be used for retail sales and display to the public shall not exceed a maximum of 23 square metres [250 sq.ft.].

- 2. This By-law shall be cited for purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17159, Amendment By-law, 2012, No. _____."

PASSED FIRST AND SECOND READING on the _____ th day of _____, 20 .

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

PASSED THIRD READING 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