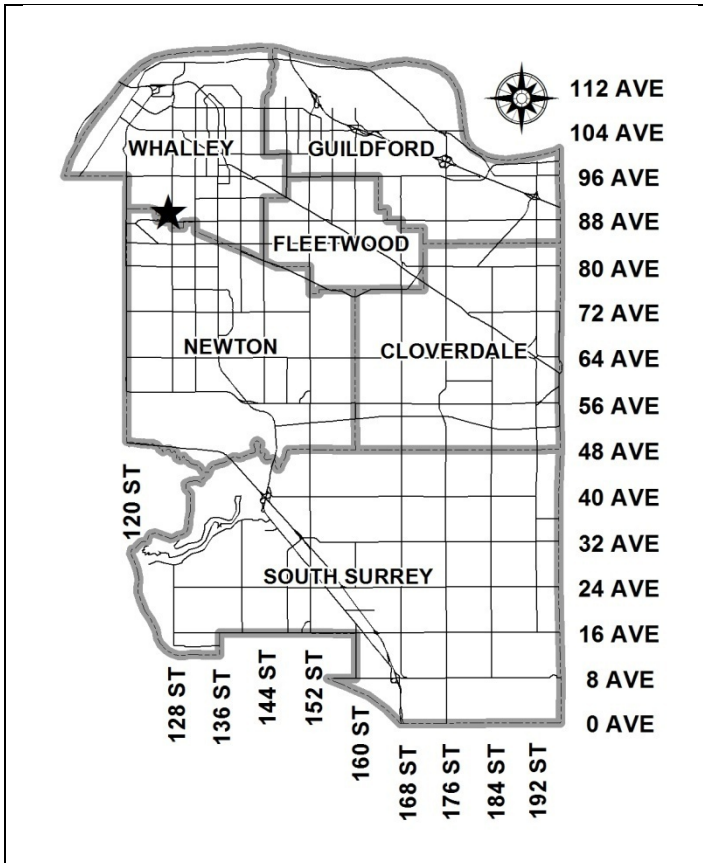


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0263-00

Planning Report Date: October 22, 2012

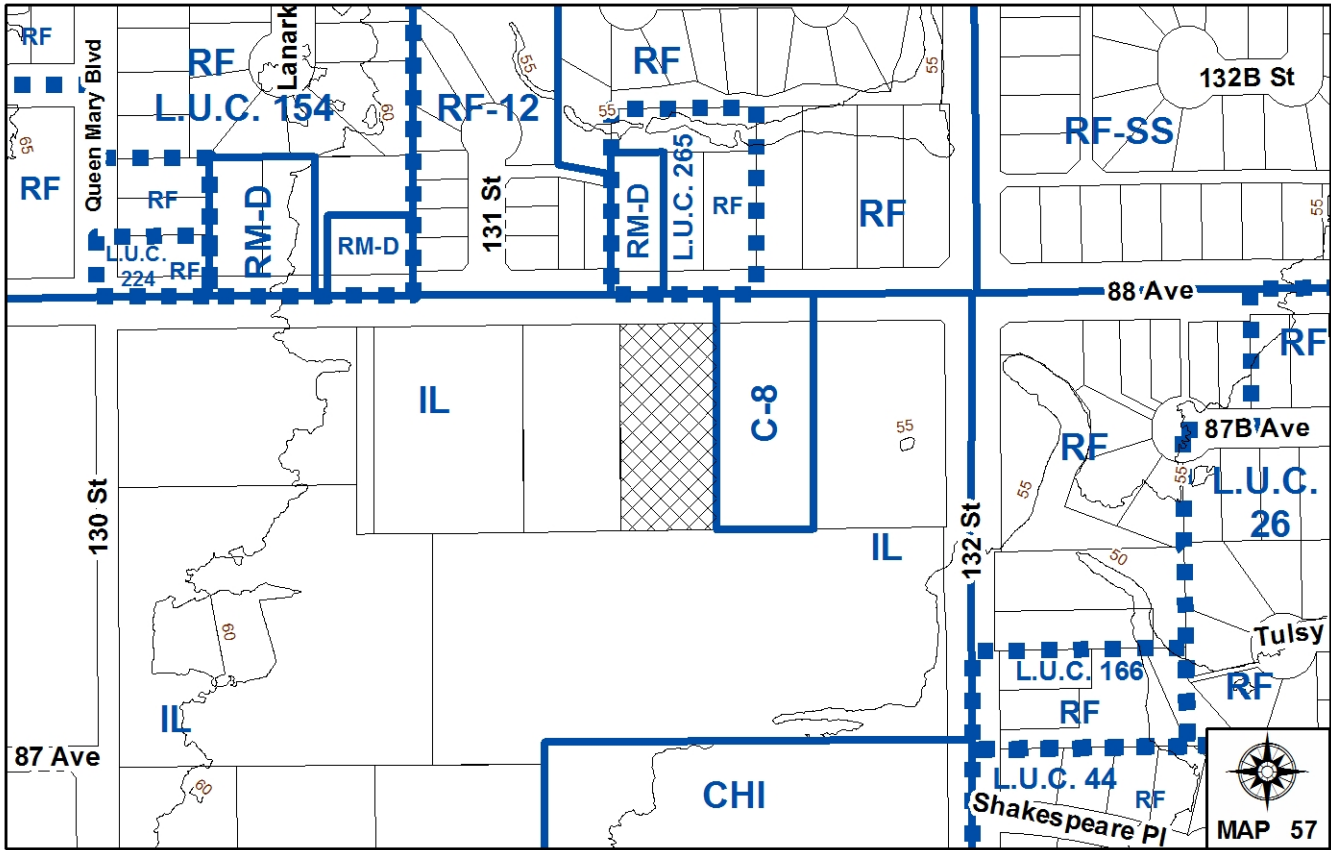


PROPOSAL:

- OCP Text Amendment
- Temporary Commercial Use Permit

in order to permit a consulting office for a psychic, in a portion of the building, for a period not to exceed two (2) years.

LOCATION: 13140 – 88 Avenue
OWNER: Jennifer Gill
ZONING: IL
OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends the application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed Temporary Commercial Use Permit (TUP) would allow an office use not currently permitted on IL-zoned properties.

RATIONALE OF RECOMMENDATION

- The Employment Lands Strategy Study (2008) states that: "Industrial land shall be protected for industrial use." In addition, the strategy encourages the type of office use sought by the applicant to locate within town centres and in commercial areas along major transportation corridors (e.g. King George Boulevard, No. 10 Highway and Scott Road/120 Street).
- The subject property and surrounding lands south of 88 Avenue are primarily industrial in nature and presently zoned "Light Impact Industrial (IL)". The adjacent property at 13160 – 88 Avenue is zoned "Community Commercial Zone (C-8)" but is currently occupied by an engineering and surveying office, which is permitted in the IL Zone.
- The applicant has not provided a long-term business plan for an alternate permanent location that would allow a psychic consulting office, after the requested Temporary Use Permit (TUP) expires.
- The proposed TUP, if approved, could set an undesirable precedent and contribute to eroding the industrial land base along 88 Avenue as well as permit further encroachment of office uses not considered appropriate for industrially designated properties within the surrounding neighbourhood.

RECOMMENDATION

The Planning & Development Department recommends the Temporary Commercial Use Permit (TUP) be denied.

Should Council see merit in the proposal, the application should be referred back to staff to prepare an amendment to the OCP to declare the subject property a Temporary Commercial Use Permit Area as well as draft a Temporary Commercial Use Permit for Strata Lot 10.

REFERRALS

Engineering: Should Council refer the application back to staff, the Engineering Department will undertake a detailed review of the proposal.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant industrial building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North: (Across 88 Avenue):	Duplex and single family dwelling.	Urban	RM-D and L.U.C. No. 265 (underlying RF)
East:	Engineering & Surveying Office.	Industrial	C-8
South:	Industrial building.	Industrial	IL
West:	Industrial building.	Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located on the south side of 88 Avenue between 130 Street and 132 Street. The property is designated "Industrial" in the Official Community Plan (OCP) and presently zoned "Light Impact Industrial (IL)".
- The property is stratified and currently occupied by a two-storey industrial building with a gross floor area of 2,178 square metres (23,444 sq. ft.). A review of By-laws & Licensing Division records indicate the existing on-site businesses include warehouse operations, manufacturing/machine shops (e.g. cabinet makers) and a bottle depot which are permitted land uses within the IL Zone. In contrast, the subject psychic consulting office is presently operating without a valid business license and cannot be accommodated within the limited range of office uses permitted under the IL Zone.

- The unauthorized psychic consulting office currently occupies roughly 93 square metres (1,000 sq. ft.) of Strata Lot 10 at 13140 – 88 Avenue and offers palm reading as well as psychic consulting services for walk-in clients. The remaining available floor area in Strata Lot 10 (83 square metres/ 891 sq. ft.) is presently occupied by a bottle return depot. Strata Lot 10 is a ground-oriented unit with a second-floor office and located at the north end of the existing building.

Business License Information

- The applicant previously operated the psychic consulting business from a single family dwelling located within the Corporation of Delta at 7643 – 120 Street. The business remained in operation for roughly 9 years (2001 – 2010) and previously obtained a business license under the category of home occupation (tarot card/palm reader) before relocating to 13140 – 88 Avenue in August, 2011.
- Following an investigation by By-laws & Licensing Division in September, 2011 after identifying several unauthorized signs on-site, the By-law Enforcement Officer discovered the applicant was operating without a business license. The applicant later contacted the Planning & Development Department in October, 2011 to discuss the possibility of rezoning the subject property to permit a broader range of office uses. At that time, City staff advised the applicant the proposed rezoning would not likely be supported given the office use was not considered appropriate for industrial areas. Although the applicant inquired about a Temporary Use Permit (TUP) to allow extra time to establish a permanent client base, City staff recommended the applicant consider relocating the business to a more suitable zone that allows a broader range of office uses.

Applicant's Rationale in Support of the TUP

- The proposed TUP would enable the existing business (Psychic Paula) to remain in operation for a period of two years and thereby permit the applicant to establish a strong client base in Newton.

Arguments Against the TUP

- The "Industrial" designation in the Official Community Plan (OCP) is primarily intended for industrial activities. In contrast, the applicant requests a Temporary Use Permit (TUP) to allow an office use on-site which City staff consider to be better suited in a commercial area.
- The Employment Lands Strategy Study (2008) states that: "Industrial land shall be protected for industrial use." In addition, the strategy encourages the type of office use sought by the applicant within town centres and in commercial areas on major transportation corridors (e.g. King George Boulevard, No. 10 Highway and Scott Road/120 Street).
- The subject property and surrounding lands south of 88 Avenue are primarily industrial in nature and presently zoned "Light Impact Industrial (IL)". The adjacent property at 13160 – 88 Avenue is zoned "Community Commercial Zone (C-8)" but occupied by an engineering and surveying office which coincidentally is one of the few office uses permitted in the IL Zone.
- Under the Zoning By-law, the following limited office uses are permitted within the IL Zone:
 - Architectural and landscape architectural offices;
 - Engineering and surveying offices;
 - General contractor offices;
 - Government offices; and

- Utility company offices.
- According to By-laws & Licensing Division, the tarot card/palm reading operation is defined as a "psychic consulting business" and presently categorized as an office use. However, the office uses allowed within the IL Zone are limited and cannot accommodate the psychic consulting business which is considered more appropriate for commercial designated properties that permit a broader range of office uses (e.g. C-5 Zone, C-8 Zone, C-15 Zone, etc.).
- The applicant previously indicated the subject property is ideal given the high traffic volume on 88 Avenue and proximity to adjacent residential properties to the north, enabling the applicant to establish a strong clientele base. However, the applicant has been unable at this time to provide a long-term business plan. Furthermore, the applicant has confirmed she is presently not actively seeking an alternate permanent location that would allow a psychic consulting business after the proposed TUP expires.
- In addition, a routine inspection by the Surrey Fire Department suggests the applicant may be residing within the portion of Strata Lot 10 presently occupied by the psychic consulting business. However, City staff were unable to locate a Tenant Improvement Permit or Building Permit record that permits a dwelling unit within Strata Lot 10. Therefore, City staff suggest the applicant relocate the psychic consulting business to a more suitable zone or pursue the option of operating the business from a residence, as a home occupation, subject to obtaining a business license.

CONCLUSION

- The proposed TUP, if approved, could set an undesirable precedent and contribute to eroding the industrial land base on 88 Avenue as well as permit further encroachment of office uses not considered appropriate for industrially-designated properties in the surrounding neighbourhood and is, therefore, not supported.
- Should Council see merit in the proposal, the application should be referred back to staff to prepare an amendment to the OCP to declare the subject property a Temporary Commercial Use Permit Area as well as draft a Temporary Commercial Use Permit for Strata Lot 10.

PRE-NOTIFICATION

Pre-notification letters were sent on September 18, 2012 and staff received no responses.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary
Appendix II. Site Plan

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

MRJ/kms

\\file-server\1\net-data\csdc\generate\areaproduct\save\25374277093.doc
.10/18/12 9:29 AM

Information for City Clerk

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

1. (a) Agent: Name: Pauline Mitchell
 Address: 13140 – 88 Avenue, Unit 1
 Surrey, BC
 V3W 3K3
 Tel: 604-593-2199

2. Properties involved in the Application
 - (a) Civic Address: 13140 – 88 Avenue

 - (b) Civic Address: 13140 – 88 Avenue
 Owner: Jennifer Gill
 PID: 018-934-731
 Strata Lot 10 Section 29 Township 2 New Westminster District Plan LMS933 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

STRATA PLAN OF ~~PHASE~~ LOT 18, EXCEPT PHASE 1 LMS 933,
SEC. 29, TP. 2, N.W.D., PLAN 47922

STRATA PLAN LMS 933
PHASE 2



B3A1

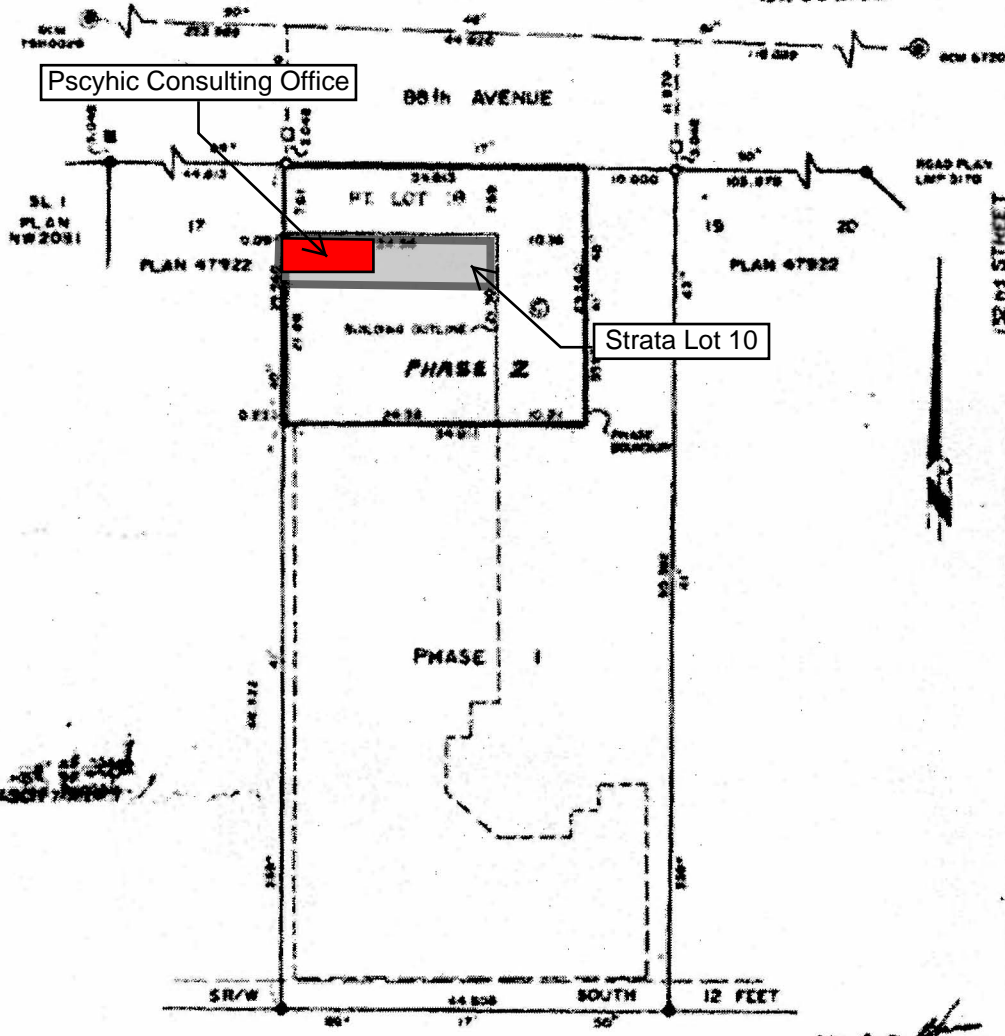
DEPOSITED AND REGISTERED IN
THE LAND TITLE OFFICE
AT
VICTORIA, B.C.
THIS 5. DAY OF SEPT. 1994

INTEGRATED SURVEY AREA NO. 1 (SURREY)
THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES
PRIOR TO COMPUTATION OF U.T.M. COORDINATES
MULTIPLY BY CORRECTION FACTOR OF 0.999875

SRMS MEASURES DERIVED FROM CONTROL MONUMENTS FSN0025 & ST00

REGISTRATION

DN 332116



Psyhic Consulting Office

Strata Lot 10

S.R./R. PLAN 15907 (PLANS W11482)
SL 4 PLAN NW203

- L.C. DENOTES LANTERN MARKED PROPERTY
- 7 DENOTES SQUARE METRES
- WT DENOTES WITNESS
- SL DENOTES STRATA LOT
- ⊙ DENOTES STANDARD CONCRETE CONTROL MONUMENT FOUND
- ⊕ DENOTES COMMON PROPERTY
- ⊖ DENOTES LEAD PLUS FOUND
- DENOTES LEAD PLUS SET
- ⊙ DENOTES STANDARD IRON POST FOUND
- ⊕ DENOTES STANDARD IRON POST SET
- C/V/C ADDRESSES
- 1340 88th AVENUE, SURREY, B.C.
- V29 295

I, CHRISTOPHER J. JAMES, OF SURREY,
BRITISH COLUMBIA LAND SURVEYOR, HEREBY
CERTIFY THAT THE BUILDING ERRECTED ON
THE PARCEL DESCRIBED ABOVE IS WHOLLY
WITHIN THE EXTERNAL BOUNDARIES OF
THAT PARCEL.
DATED AT SURREY, B.C.
THIS 5th DAY OF JULY 1993

CHRISTOPHER J. JAMES
BRITISH COLUMBIA LAND SURVEYOR
2028 GORDON AVENUE,
CRESCENT BEACH,
SURREY, B.C. V4A 3J6
PHONE: 938-3801

THE ADDRESS FOR SERVICE OF DOCUMENTS
ON THE STRATA CORPORATION IS:
THE OWNERS, STRATA PLAN _____
1340 88th AVE., SURREY, B.C. V2W 2W5
THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

FILE NO 1444