

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

Application No.: 7919-0094-00

Planning Report Date: May 25, 2020

**PROPOSAL:**

- **Rezoning** from RF to CD
- **Development Permit**

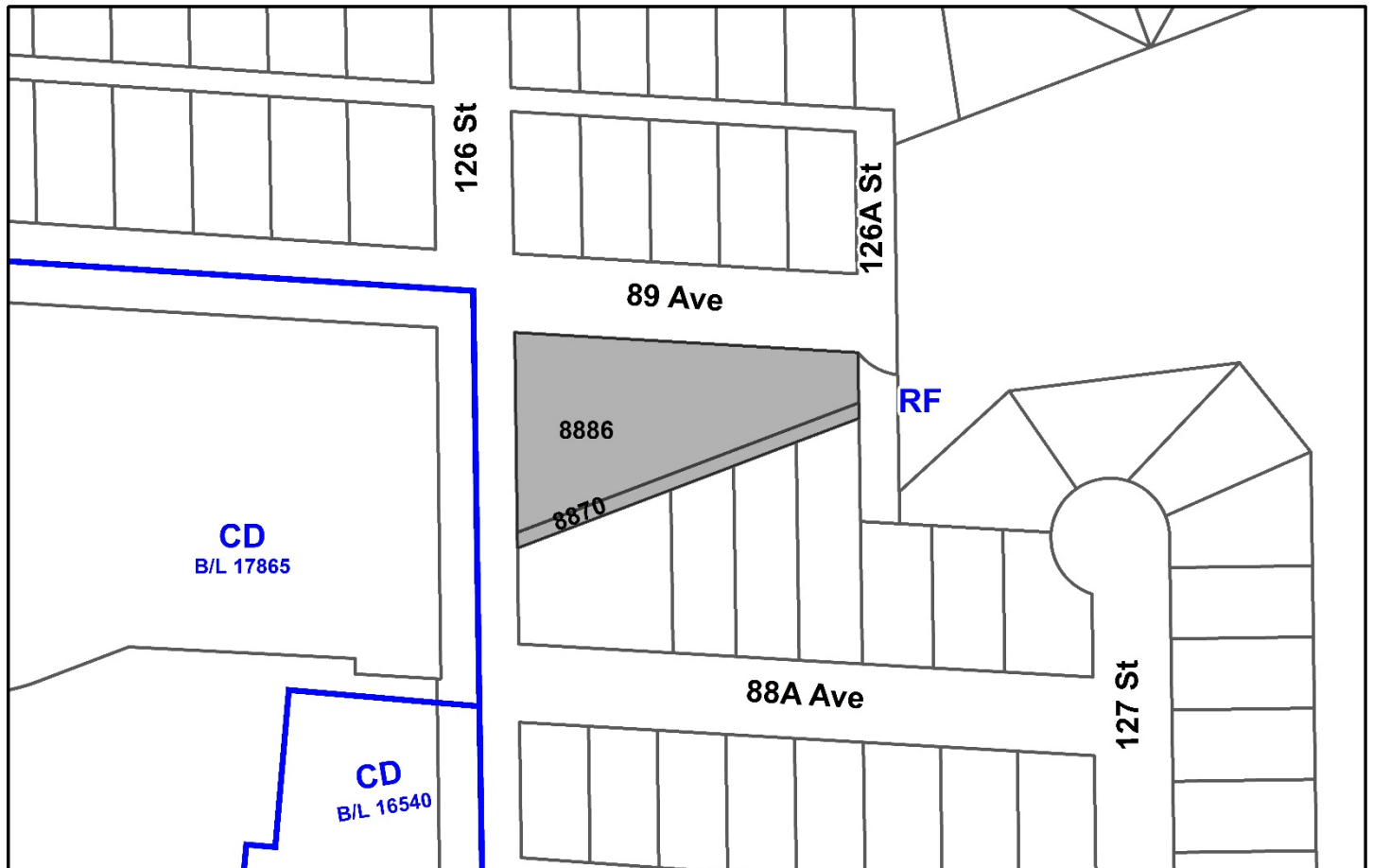
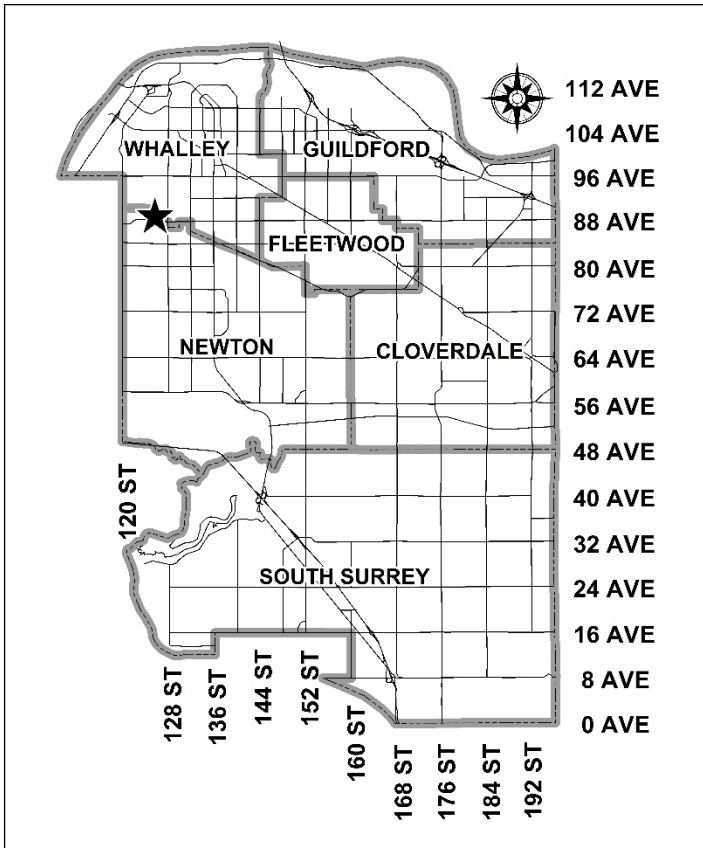
To permit a surface parking lot to store limousines and other passenger vehicles, or storage containers on the site.

**LOCATION:** 8870 - 126 Street

8886 - 126 Street

**ZONING:** RF

**OCP DESIGNATION:** Urban



## RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that this application be denied.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

## RATIONALE OF RECOMMENDATION

- The applicant has not been forthcoming with City staff, BC Hydro staff, or neighborhood residents, regarding the nature of the proposed use on the site. Proposals have changed from limousine parking and other passenger vehicle parking, to container storage, to a nursery use with a parking lot. The applicant has not responded to requests by staff to confirm which use they wish to pursue.
- The applicant has not provided sufficient information for City staff to process the development application.
- Area residents have raised concerns regarding parking and/or storage use on the site given the close proximity to single family homes and anticipated nuisance impacts such as increased noise, garbage, unsightliness, and traffic. Staff have received two petitions in opposition to the proposed development.
- The applicant hired a third-party consulting firm to assist in addressing neighborhood comments and concerns. Unfortunately, the applicant has failed to follow up with the consulting firm to sufficiently address the neighbourhood concerns.
- The applicant has indicated that they are unwilling to complete engineering works and services associated with a proposed rezoning of the site. Attempts to meet with the applicant to discuss such requirements have been unsuccessful.
- The applicant has proceeded to demolish an onsite structure, without a permit, and has cleared the site of vegetation, potentially removing bylaw sized trees. This issue is under investigation by City staff.

## RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

However, If Council determines that there is some merit to a proposed Rezoning and Development Permit to facilitate limousine and/or other passenger vehicle parking on the site, the application should be referred back to staff to confirm the proposed use with the applicant, and then to complete the land development application review process, including the necessary referrals and notifications, and any resultant conditions of approval, and then to prepare Application No. 7919-0094-00 for Council's consideration at a future Regular Council – Land Use meeting.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Vacant single family zoned lot encumbered by a BC Hydro Statutory Right of Way with green coded Class C ditches east of the property	Urban	RF
North (Across 89 Avenue):	Single family dwellings	Urban	RF
East:	City owned lots encumbered by a BC Hydro Statutory Right of Way	Urban	RF
South:	Single family dwellings	Urban	RF
West (Across 126 Street):	Commercial shopping centre	Commercial	CD (By-law No. 16540)

### Context & Background

- The two subject properties, that comprise the subject site, are approximately 3,183 square metres in total area and located at 8870 and 8886 – 126 Street.
- The site is designated "Urban" in the Official Community Plan (OCP) and zoned "Single Family Residential Zone (RF)". The site is adjacent single family residential lots to the north and south, a City owned greenway to the east, and a commercial shopping centre to the west.
- The site is entirely encumbered by a BC Hydro right-of-way, which preclude any buildings or structures.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant proposes to rezone the subject site to a "Comprehensive Development Zone (CD)" in order to allow for uses would not require any buildings or structures. Proposed uses include surface parking for limousines and other passenger vehicles, container storage, or a nursery. The applicant has wavered in terms of which use they wish to pursue. A Development Permit is also required for any such use on the site.
- In speaking with staff from BC Hydro and neighborhood residents, they also confirm that the applicant has not been forthcoming with the proposed use of the lands and has changed the proposal from limousine parking. to container storage, to a nursery use with a surface parking lot.
- The site plan provided with the application reflects a limousine parking use, with a surface parking lot accommodating thirty-three (33) parking stalls, including twenty nine (29) limousine parking stalls and four (4) parking stalls for staff or other company cars. The stalls are laid out as standard or tandem parking with two driveway entrances proposed from 89 Avenue.
- The two subject lots that comprise the application are intended to be consolidated. The property at 8870 – 126 Street is currently owned by the City, and the applicant intends to purchase this lot.
- As per COSMOS, there is a Class C watercourse running north/south adjacent the eastern property line of the subject site, in addition to potential adjacent wetlands and previously infilled watercourses along the west and south property lines. At this time, an Ecosystem Development Plan has not been submitted. Should this application be referred back to staff, an Ecosystem Development Plan will be a requirement of the application.

### Referrals

Engineering: As the Planning Department is recommending denial for this application, the requirements are preliminary and may not be fully encompassing due to the uncertainty of the proposed land use as part of the application. Should Council determine that there is merit in allowing the application, the project will be subject to completion of Engineering servicing requirements as outlined in Appendix III.

**Parks, Recreation & Culture:**

Parks staff recommends that the arborist report be updated to reflect the current use and layout and that all city trees within 10 metres of the property line be inventoried, regardless of size. All efforts to retain city trees must be exhausted before removal is considered. The applicant must install a fence 0.25 metres from the southern property line and staff recommend that all fencing adjacent to parkland be permeable and not higher than 1.2 metres. The applicant shall also construct a multi-use pathway along the 89 Avenue frontage.

**BC Hydro:**

Should Council determine there is merit in allowing the subject application to proceed, BC Hydro approval will be required.

**Transportation and Servicing Requirements**

- As the subject application includes rezoning, works and services are required. The following is a general, high-level summary of the works and services required for the subject site:

**Transportation**

- 89 Avenue – Limited Local.
  - No dedication is required, ultimate 20.0 metre road allowance has been achieved.
  - 3m x 3m corner cut at 126 Street.
  - Register 0.5 metre Statutory Right of Way (SROW) along the frontage.
  - Construct the south side of 89 Avenue with ultimate 10.5 metre pavement (5.25 metre from curblines), barrier curb and gutter, 3.0 metre asphalt multi-use pathway at property line, 1.8 metre boulevard with street lighting, street trees etc.
    - Unique cross section to accommodate minimum 3.0 metre multi-use pathway.
  - Dedicate necessary lands to achieve a 14.0 metre cul-de-sac to complete 89 Avenue.
- 126 Street – Collector.
  - Dedicate approximately 1.5 metre to achieve ultimate 12.0 metre from curblines.
  - 3 metre x 3 metre corner cut at 89 Avenue
  - Register 0.5 metre Statutory Right of Way (SROW) along the frontage.
  - Construct east side of 126 Street with 1.8 metre sidewalk at property line, boulevard with street lighting, street trees, etc.
    - Existing pavement width is acceptable

### Works and Services.

- Construct access letdowns as required, with locations to be determined.
- Provide water and sanitary service connections to service the proposed development.
- Storm Connection may be required pending ultimate land use, which includes the installation of onsite stormwater management feature per the Cruikshank and Grenville Integrated Stormwater Management Plan.
- Register applicable restrictive covenants as determined through detailed design.
- The applicant must provide more information on design vehicle type and demonstrate that the drive aisle on site is conducive to the proposed one - way operation.
- Minimum 6.0 metre on site queuing distance from both driveways is required.
- Westerly driveway must be located a minimum of 25.0 metres from the western property line.
- Minimum 9.0 metre spacing between both driveways.
- Minimum 4.5 metre concrete letdown for driveways (for one-way function).

### Parkland and/or Natural Area Considerations

- Immediately east of the subject sites is a Class C watercourse, located within a City-owned lot.
- Given the topography of the site, there is concern of potential wetlands or filled in watercourses on the west and south property lines.
- An Ecosystem Development Plan has not been submitted. Should this application be referred back to staff, an Ecosystem Development Plan will be a requirement of the application.

### POLICY & BY-LAW CONSIDERATIONS

#### Regional Growth Strategy

- The site is designated as General Urban in the Regional Growth Strategy (RGS), which could accommodate the land uses identified by the applicant.

## Official Community Plan

### Land Use Designation

- The site is designated Urban in the Official Community Plan (OCP), which could accommodate the land uses identified by the applicant.

## PUBLIC ENGAGEMENT

- Pre-notification letters (for a proposed limousine parking use) were sent on April 23, 2019 and again on April 23, 2020. A Development Proposal Sign request letter was also sent to the applicant on April 23, 2019 but a sign was never installed. The subject development was also sent to the Whalley Community Association and staff received no response. To date, staff received five (5) responses from neighbouring residents as outlined below (*staff comments in italics*):
  - Residents expressed opposition to a commercial use on the site as the area is predominantly residential. Residents had concern that the proposed commercial use could reduce adjacent property values and would come with a variety of nuisance impacts including:
    - Excessive noise, and health hazards from fumes associated with vehicles running throughout the evening;
    - Increase in garbage dumping, crime, and general unsightliness; and
    - Cause increased traffic along 89 Avenue, which is a busy corridor with pedestrians.
- Prior to application submission, staff were advised that the applicant canvassed the neighborhood and received general support for a parking or storage use on the site. However, area residents have since submitted petitions (dated May 17, 2019 and August 23, 2019, respectively) containing between 7 and 33 signatures in opposition to the proposed paved surface parking use.

*(Given that the subject site is fully encumbered by the BC Hydro Right-of-Way, there may be merit for exploring uses on the lands that do not require building and structures. However, the applicant has not been responsive in providing consistent details on the proposal or in offering solutions to address neighbourhood concerns).*

## DEVELOPMENT PERMITS

### **Sensitive Ecosystems (Streamside Areas) Development Permit**

- As per COSMOS, there is a Class C watercourse running north/south adjacent the eastern property line of the subject site, in addition to potential adjacent wetlands and previously infilled watercourses along the west and south property lines. At this time, an Ecosystem Development Plan has not been submitted. Should this application be referred back to staff, an Ecosystem Development Plan will be a requirement of the application. The Development Permit's purpose is to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.

## Form and Character Development Permit

### Landscaping

- The proposed site paving to accommodate the proposed uses on the site requires a Development Permit for Form and Character.
- The applicant has submitted a landscaping plan which includes emerald cedar hedges along the south and west property boundaries where the subject lots abut residential properties.
- A six-foot black chain link fence has also been proposed around the perimeter of the site with an option for installing fence slats to further screen the property.
- Staff have recommended a more robust planting plan including along the 89 Avenue frontage to better respond to neighbourhood concerns but have not received a response from the applicant.

### TREES

- The applicant has cleared the site, without a tree cutting permit, possibly including mature trees. This issue is under investigation by City staff. Should Council determine that there is some merit in allowing the subject application to proceed, the applicant will be required to submit an updated Arborist Report, detailed Landscape Plan and Tree Survey for the subject site, and address any infractions under the City's Tree Protection By-law.

### STAFF ANALYSIS OF PROPOSAL AND RECOMMENDATION

- The subject site is fully encumbered by the BC Hydro right-of-way, which precludes any buildings or structures on the site. Exploring uses that do not require buildings or structures in order to provide the owner with some utility of the site, has merit, however the applicant has not been responsive in providing the necessary information for staff to complete the development application review process for any one particular use.
- In addition, although the applicant did indicate some level of neighbourhood support in advance of submitting a development application, the pre-notification process has resulted in localized concerns and opposition. This includes two neighbourhood petitions signed by seven (7) and thirty three (33) persons, respectively.
- The applicant has not received approval from BC Hydro for land uses under the power lines and has not been forthcoming with BC Hydro staff as to the nature of the proposed land use.
- The applicant hired a third-party consulting firm in order to assist in address neighborhood comments and concerns. Unfortunately, the applicant failed to follow up with the consulting firm in order to sufficiently address the concerns from the neighbourhood.



- The applicant has proceeded to demolish an onsite structure, without a permit, and has cleared the site of vegetation, potentially removing bylaw sized trees. This issue is under investigation by City staff.
- As the subject application includes rezoning, works and services are required. This includes frontage works along both 89 Avenue and 126 Street. A general, high-level, summary of the works and services required for the subject site are identified previously in this report. The applicant has indicated that they are unwilling to undertake any works associated with rezoning. Attempts to meet with the applicant to discuss such requirements have been unsuccessful.
- In considering the applicant's unwillingness to provide the necessary information for staff to process a development application, or to complete any requirements associated with rezoning, or to respond adequately to concerns raised by the surrounding neighbourhood, the Planning and Development Department is recommending that the proposal be denied.
- Staff do not support container storage on the subject site due to the residential interface.
- If Council determines that there is merit in allowing an application to facilitate limousine and/or other passenger vehicle parking to proceed on the subject site, Council may refer the application back to staff to complete the application review process and to prepare the Rezoning By-law and Development Permit for Council's consideration at a future Regular Council-Land Use meeting.
- Staff would ensure that the following requirements are addressed before presenting the Rezoning By-law and Development Permit for Council's consideration:
  - clarify the proposed use and provide a detailed site plan;
  - the applicant would be required to address all works and services requirements of rezoning;
  - ensure that all Parks comments are addressed;
  - the applicant to undertake a Public Information Meeting;
  - the applicant to provide an appropriate, detailed landscape buffer proposal (and corresponding securities) to screen the site from neighbouring residential properties;
  - submission of an Ecosystem Development Plan and Impact Mitigation Plan;
  - the applicant to provide information on site lighting and security measures;
  - the applicant to provide a list of vehicles, including type of vehicles and their weight, proposed to be parked on site;
  - the applicant to clarify proposed hours of operation, to address neighbourhood concerns about late night noise;
  - the applicant to enter into a Good Neighbor Agreement with the City to ensure that the business operates in accordance with a set of rules and regulations that mitigate impact to the surrounding residential neighborhood.

**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

- Appendix I.        Site Plan
- Appendix II.     Aerial Photo
- Appendix III.    Engineering Summary

*approved by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

ELM/cm

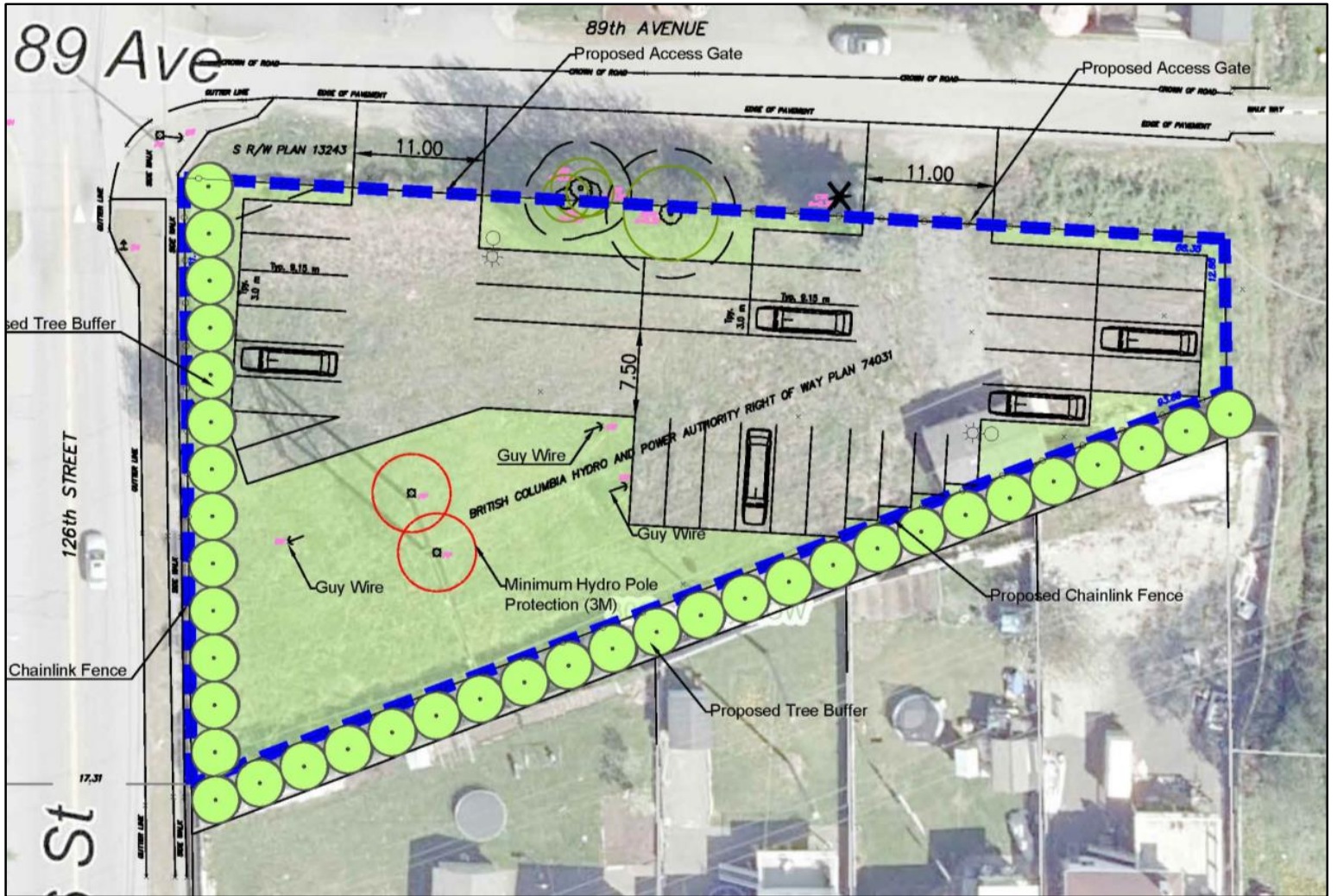
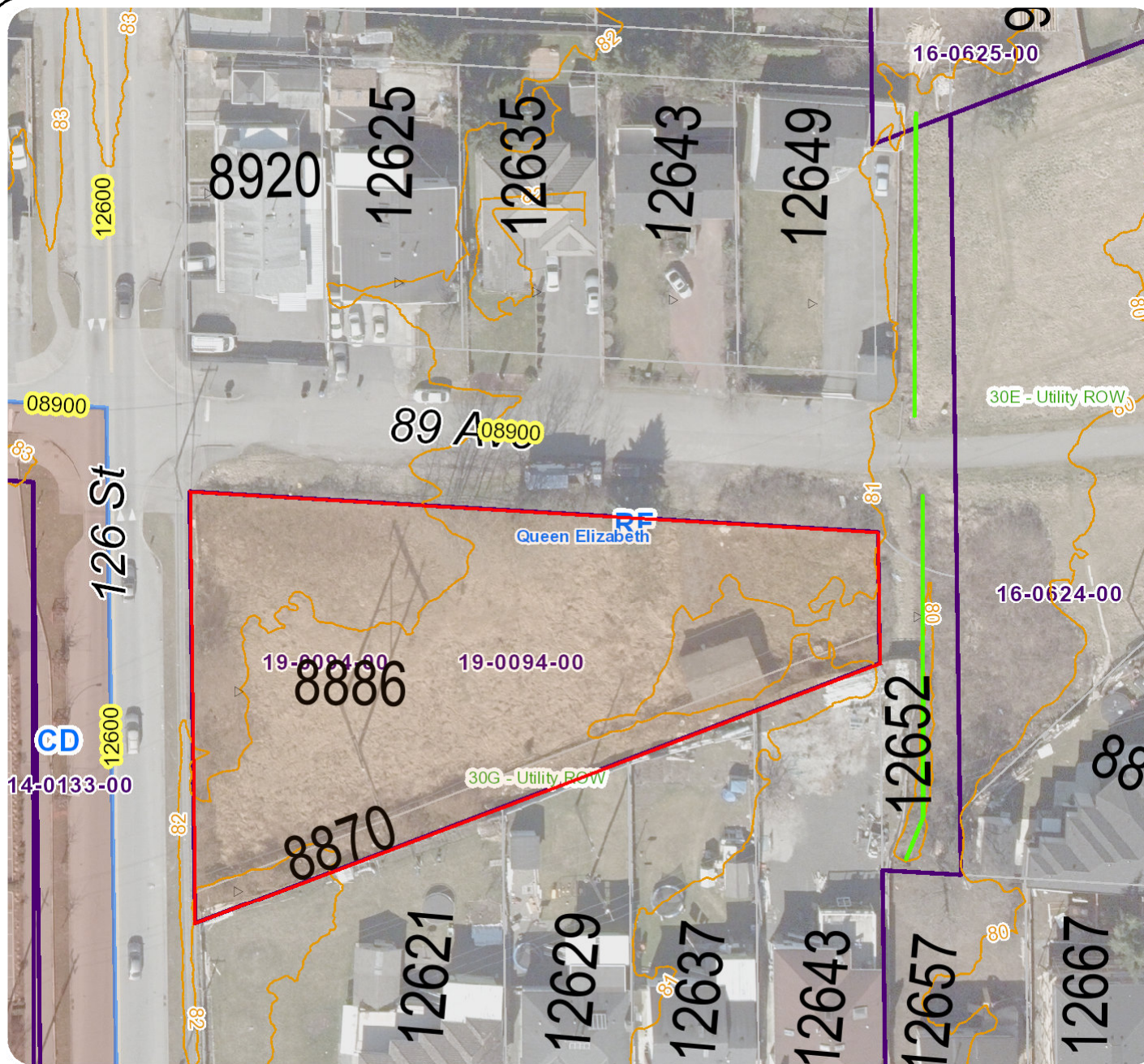


Figure 1 - Revised Site Plan





**Legend**

**Fish Class (Open Channels)**

- A
- - - AO
- B
- C
- Unknown

**Fish Class (Water Bodies)**

- A
- AO
- B
- C
- Unknown

**Water Courses**

- River
- Creek
- - - Ditch

**Intersection Search**

**Early Copy Lots**

- Early Copy Lots

**Address Points**

- △ Address Points

**Important Trees Internal**

- Decommissioned
- Operating

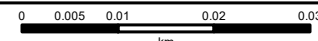
**Heritage Sites Internal**

- Inventory
- Registered
- Registered and Protected

**Heritage Routes**

- + Railway, Registered
- Road, Inventory
- Road, Registered
- Road, Registered and Protected
- Trail, Registered and Protected
- Park Outdoor Recreation Facilities

Scale: 1:786



Map created on: 2020-05-13

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca

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

FROM: **Development Engineer, Engineering Department**

DATE: **May 14, 2020** PROJECT FILE: **7819-0094-00**

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RE: **Engineering Requirements (Commercial)  
Location: 8886 126 Street**

### REZONE

As the Planning Department is recommending denial for this application the following requirements are preliminary and may not be fully encompassing due to the uncertainty of the proposed land use as part of the rezone.

#### ***Property and Right-of-Way Requirements***

- Dedicate 1.942 m along 126 Street along with a 3 x 3 m corner cut at the intersection of 126 Street and 89 Avenue.
- Dedicate necessary lands to achieve a 14.0 m radius cul-de-sac along 89 Avenue.
- Provide a 0.5 m Statutory Right-of- Way along 126 Street and 89 Avenue.

#### ***Works and Services***

- Construct the east side of 126 Street to the Collector Road Standard.
- Construct the south side of 89 Avenue to the Limited Local Road Standard along with 11.0 m radius cul-de-sac and 3.0 m asphalt Multi-Use-Pathway.
- Construct access letdowns as required, with locations to be determined.
- Provide water and sanitary service connections to service the proposed development.
- Storm Connection may be required pending ultimate land use, which includes the installation of onsite stormwater management features per the Cruikshank and Grenville Integrated Stormwater Management Plan.
- Register applicable restrictive covenants as determined through detailed design.

A Servicing Agreement is required prior to Rezone.



Jeff Pang, P.Eng.  
Development Engineer  
CE4