

City of Surrey
PLANNING & DEVELOPMENT REPORT

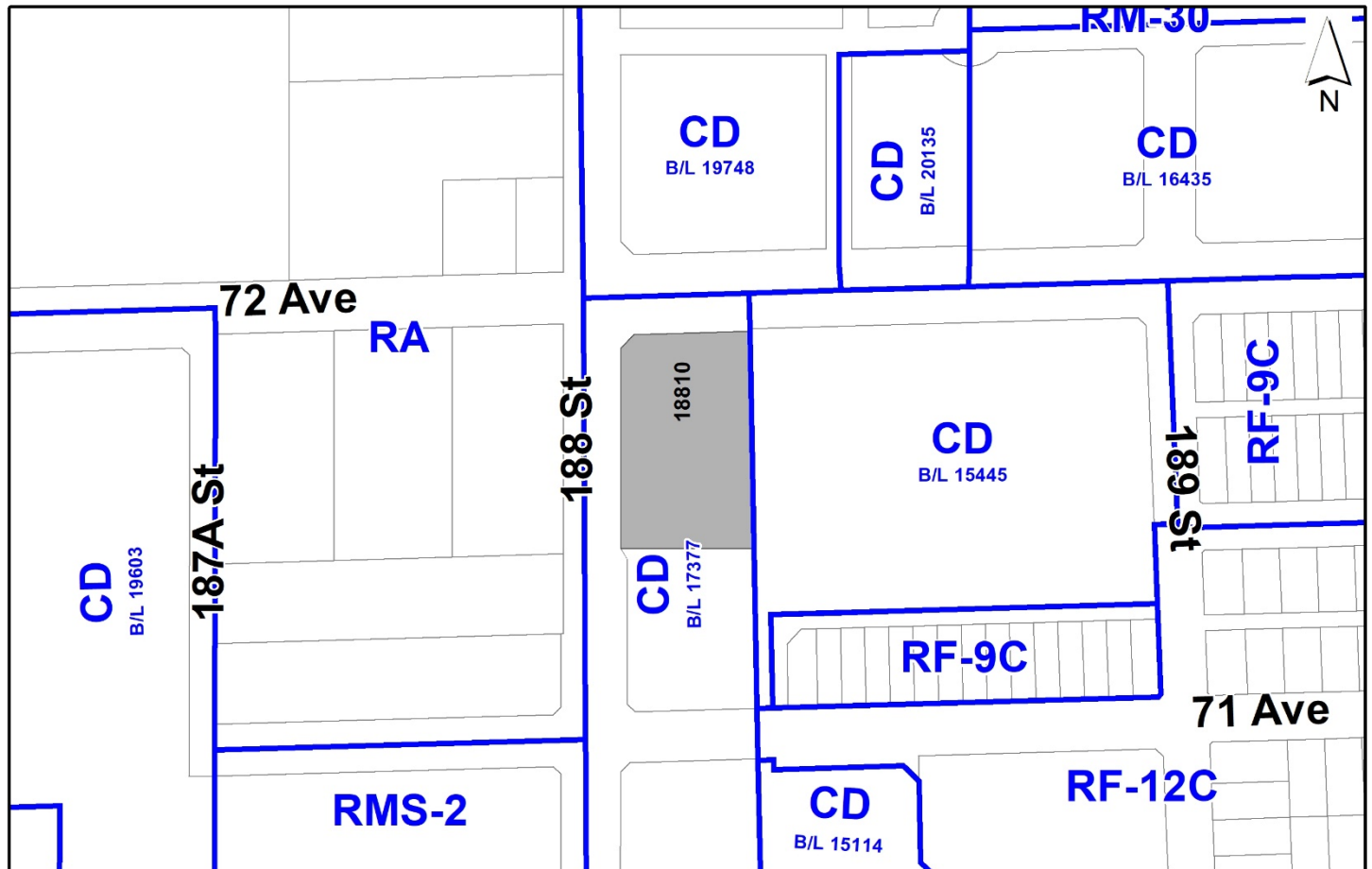
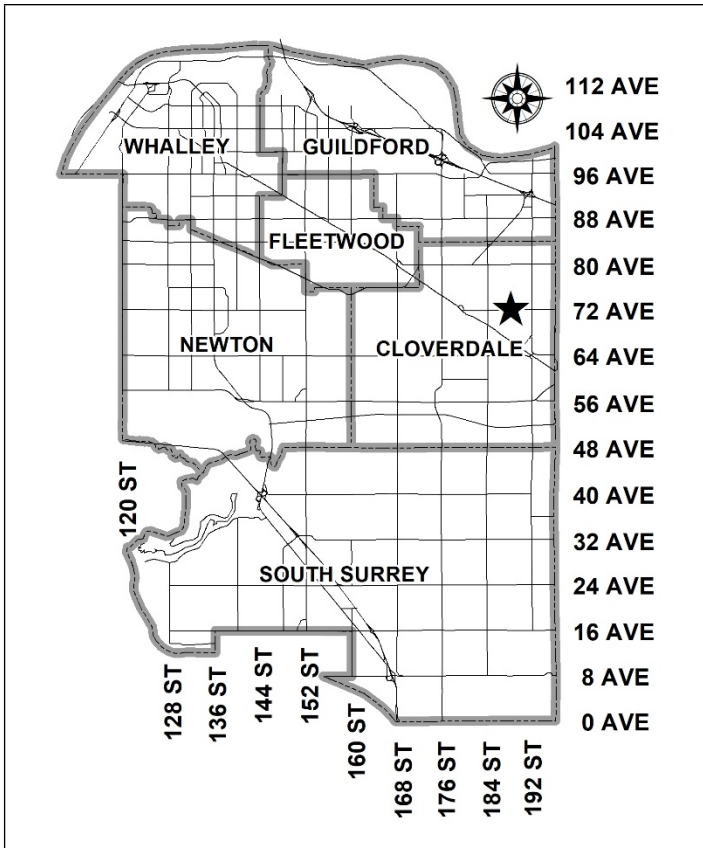
Application No.: 7922-0003-00

Planning Report Date: January 31, 2022

PROPOSAL:

- Amend CD By-law No. 17377, as amended, to permit a tattoo studio in an existing building with retail, office, and service uses.

LOCATION: 18810 - 72 Avenue
ZONING: CD By-law No. 17377
OCP DESIGNATION: Commercial
NCP DESIGNATION: Neighbourhood Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - Amending CD By-law No. 17377, as amended.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Commercial designation in the Official Community Plan (OCP).
- The proposal complies with the Neighbourhood Commercial designation in the East Clayton Neighbourhood Concept Plan (NCP).
- A tattoo studio is defined as a Personal Service Use as per the Zoning By-law. The site's existing CD Zone (By-law No. 17377) currently limits the permitted personal services uses to barbershops, beauty parlors, cleaning and repair of clothing, and shoe repair shops.
- Although not a permitted Personal Service Use within the existing CD Zone (By-law No. 17377), a tattoo studio is compatible with the intent of the CD Zone and the surrounding existing businesses.
- The business will make use of two (2) retail/personal service units that are currently vacant. No new additions or exterior alterations to the building are proposed at this time. Subject to further review from the Building Division, a Tenant Improvement Permit may be required for interior renovations to ensure compliance to BC Building Code.
- The proposed CD By-law amendment will allow a successful small business to relocate to Surrey.
- The applicant has demonstrated community support for the proposal.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to amend Comprehensive Development By-law No. 17377 and a date be set for Public Hearing.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation	Existing Zone
Subject Site	Two-storey retail/commercial/office building.	Neighbourhood Commercial in the East Clayton NCP	CD (By-law No. 17377)
North (Across 72 Avenue):	5 storey mixed use building and 96 townhouse units currently under construction.	Mixed Use Commercial/Residential (4-5 Storeys) in the East Clayton NCP (North Extension)	CD (By-law No. 19748)
East:	Live-work townhouses and townhouses.	10-15 upa Special Residential and 15-25 upa (Medium-High Density) in the East Clayton NCP	CD (By-law No. 15445)
South:	Live-work townhouses and townhouses	22-45 upa (High Density) in the East Clayton NCP	CD (By-law No. 17377)
West (Across 188 Street):	Single family dwelling on an acreage lot, under Development Application No. 7917-0212-00 (Third Reading) for three (3) mid-rise mixed-use buildings and 31 townhouses.	Mixed Use Commercial / Residential in the West Clayton NCP	RA

Context & Background

- The subject site is located at 18810 – 72 Avenue at the southeast corner of 72 Avenue and 188 Street in East Clayton. The site is designated ‘Commercial’ in the OCP, ‘Neighbourhood Commercial’ in the East Clayton NCP, and is zoned ‘Comprehensive Development Zone (CD)’ (By-law No. 17377, as amended) (Appendix II).
- The subject site consists of one (1) single-storey commercial building along the west portion of the property, fronting 188 Street. There is a two (2) storey commercial building along the north portion of the property, fronting 72 Avenue. The proposed tattoo studio will be located within two (2) units in the north building. One (1) of the neighbouring units to the east is currently vacant, while the neighbouring westerly unit is leased for a liquor store (Development Application 7915-0204-00).

- The site's existing CD Zone (By-law No.1733) is divided into three (3) blocks (Appendix II). The subject building is within Block A, which permits commercial uses. Block B (18819 – 188 Street) permits live-work townhouses, while Block C (18818 – 188 Street) permits townhouses.
- The commercial component in Block A of the existing CD By-law No. 17377 is based upon the "Neighbourhood Commercial Zone (C-5)", which limits the permitted personal services uses to barbershops, beauty parlors, cleaning and repair of clothing, and shoe repair shops.
- In keeping with the C-5 Zone upon which it is based, the permitted personal service uses in Block A of CD Zone (By-law No. 17377) were limited to barbershops, beauty parlors, cleaning and repair of clothing, and shoe repair shops. Similar to the C-5 Zone, the existing CD Zone does not currently permit a tattoo studio as a Personal Service Use.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing an amendment to CD By-law No. 17377 (Appendix II), to permit a tattoo studio in the existing building.
- The proposed tattoo studio is intended to occupy two (2) vacant commercial retail units (CRUs) in the 1-storey building fronting 72 Avenue.
- Should the CD By-law amendment be approved, the applicant will be subject to further review from the Building Division and possibly a Tenant Improvement Permit for interior renovations, for compliance to BC Building Code.

Referrals

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

Transportation Considerations

- The proposed tattoo studio is replacing a former yoga and fitness studio in both CRU units. The former yoga and fitness studio required 5 parking spaces as per Part 5 of the Zoning By-law, while the proposed tattoo studio requires 3 parking spaces.
- The new CRU tenant has lower parking requirements than the previous CRU tenant.

POLICY & BY-LAW CONSIDERATIONS

CD By-law

- The CD By-law which regulates the site (By-law No. 17377) was approved by Council on July 9, 2012, as part of Development Application No. 7905-0359-00. CD By-law No. 17377 is based upon the C-5 Zone.

- The permitted Personal Service Uses in the existing CD Zone (By-law No. 17377) are consistent with those permitted in the C-5 Zone upon which it is based, and are limited to barbershops, beauty parlors, cleaning and repair of clothing, and shoe repair shops. The existing CD Zone (By-law No. 17377) does not include a tattoo studio as a permitted Personal Service Use within Block A (Appendix II).
- The applicant proposes to amend CD By-law No. 17377, as amended, to add a tattoo studio as a permitted use within Block A (Appendix II).
- No other changes are proposed to the CD Zone.
- Staff support the proposed amendment to CD By-law No. 17377 to permit a tattoo studio, as it is considered a compatible use with other personal service uses permitted under the current CD Zone and other existing businesses in this commercial complex.

PUBLIC ENGAGEMENT

- Pre-notification postcards were sent on January 17, 2022, and the Development Proposal Sign were installed on January 28, 2022.
- At the time of writing of this report, Staff had received one response to the prenotification postcards. The neighbouring resident was in opposition to the project.

The resident in opposition referenced concerns regarding the hours of operation of the tattoo studio, given disruptions that have been caused from the late operational hours of the neighbouring liquor store.

The applicant has indicated that the hours of operation will be approximately 10 AM to 10 PM seven (7) days a week. Tattoo studios are similar to other Personal Service uses in terms of operation, with a small number of service providers similar to a barber, esthetician or massage therapist. Tattoo appointments are long in nature and must be made well in advance. As such, the studio is not a walk-in business, and there are only a few customers in the studio at a time. The applicant has indicated a maximum of four (4) or five (5) customers can be serviced at a single time, however, there may be days where there is a maximum of four (4) or five (5) customers a day.

The resident also express concern regarding traffic caused from short-stay parking, and a general shortfall of parking in the immediate area.

At the time of Development Application No. 7905-0359-00, which created the neighbourhood commercial block at the corner of 72 Avenue and 188 Street (subject site), 42 surface parking stalls were developed to service the future retail, office, and personal service uses within the two (2) commercial buildings. The tattoo studio is replacing a yoga and fitness studio and has a lower parking demand than the previous use. The tattoo studio does not require short-stay parking, as the appointments do not have a quick turnaround time. Staff anticipate that the parking demand for the tattoo studio can be accommodated with the 42 surface parking stall at the rear of the commercial buildings.

- Staff received six (6) responses from members of the public in support of the proposed CD By-law Amendment and the tattooing business.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Plan
Appendix II. Proposed Amendment to CD By-law No. 17377

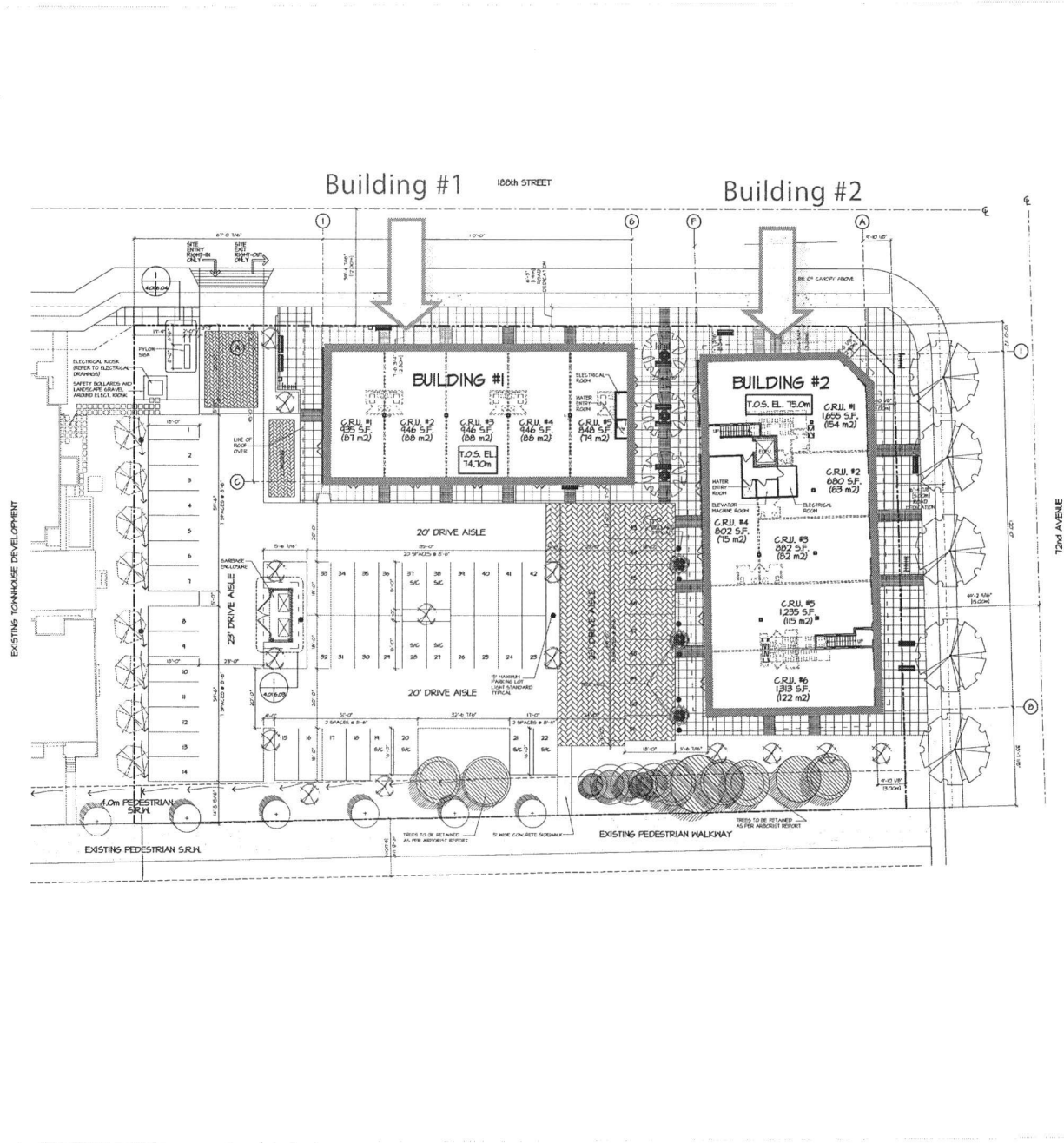
approved by Ron Gill

Ron Gill
Acting General Manager
Planning and Development

SC/cm

Site Plan

18810 72nd Avenue, Surrey, BC



This plan is for information only and is not intended to be used as a basis for any construction or other project. It is subject to change without notice. The user of this plan is advised to consult with the appropriate authorities for all requirements and regulations.

CITY OF SURREY

BY-LAW NO. 17377

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended

As amended by Bylaw No: 18399, 04/13/15; 18514, 09/28/15

.....

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

.....

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: ONE-ACRE RESIDENTIAL ZONE (RA)
 TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 004-459-652
 Parcel "A" (J146245E) Lot 3 Section 16 Township 8 New Westminster District Plan 4502
 18808 – 72 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 development of a neighbourhood scale shopping node and low impact retail, office or service uses as an optional use, within medium *density*, *ground-oriented multiple residential buildings* and related *amenity spaces* which are to be developed in accordance with a *comprehensive design*, where *density* bonus is provided.

The *Lands* are divided into Blocks A, B and C as shown on the Survey Plan attached hereto and forming part of this By-law as Schedule A, certified correct by Gene Paul Nikula, B.C.L.S. on the 8th day of March 2011.

B. Permitted Uses

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

1. Block A

- (a) The following uses are permitted provided that the *gross floor area* of each individual business does not exceed 370 square metres [4,000 sq.ft.]:
- i. *Retail stores* excluding *adult entertainment stores*, auction houses and *secondhand stores* and *pawnshops*.
 - ii. *Personal service uses* limited to the following:
 - a. Barbershops;
 - b. Beauty parlours;
 - c. Cleaning and repair of clothing; ~~and~~
 - d. Shoe repair shops; and
 - e. Tattoo studio.
 - iii. *Eating establishments* excluding *drive-through restaurants*;
 - iv. *Office uses* excluding *social escort services* and *methadone clinics*
 - v. *General service uses* excluding funeral parlours, *drive-through banks* and *vehicle rentals*;
 - vi. *Indoor recreational facilities*;
 - vii. *Community services*; and
 - viii. *Liquor store*.

2. Block B

- (a) *Ground-oriented multiple unit residential buildings*;
- (b) The following uses may be permitted only in association with the uses permitted under Sub-section B.2 (a) for *dwelling units* adjacent 188 Street only, provided that the floor area occupied by non-residential uses does not exceed 30% of the floor area of the

dwelling unit including *basement*, garage or carport and further provided that such uses shall not be a singular use on the *lot* and shall be operated by the occupant of the said *dwelling unit*:

- i. *Personal service uses* limited to the following:
 - a. Barbershops;
 - b. Beauty parlours;
 - c. Cleaning and repair of clothing; and
 - d. Shoe repair shops;
- ii. Office uses excluding *social escort services* and *methadone clinics*;
- iii. *General service uses* excluding the following:
 - a. Funeral parlours;
 - b. Banks and *drive-through banks*;
 - c. Veterinary clinics; and
 - d. *Adult educational institutions*;
- iv. *Retail stores* excluding the following:
 - a. *Adult entertainment stores*;
 - b. *Secondhand stores* and *pawnshops*;
 - c. *Convenience stores*;
 - d. *Retail warehouses*; and
 - e. Flea markets.

3. Block C

- (a) *Ground-oriented multiple unit residential buildings.*

C. Lot Area

Not applicable to this Zone.

D. Density

1. Block A

The *density* shall not exceed a *floor area ratio* of 0.1 or a *building area* of 300 square metres [3,230 sq.ft.] whichever is smaller. The *floor area ratio* may be increased to a maximum *floor area ratio* of 0.45 if amenities are provided in accordance with Schedule G of Surrey Zoning By-law, 1993, No. 12000, as amended.

2. Block B

(a) The *unit density* shall not exceed 2.5 *dwelling units* per hectare [1 u.p.a.]. The maximum *density* may be increased to that prescribed in Sub-section D.2(b) of this Zone if amenities are provided in accordance with Schedule G of Surrey Zoning By-law, 1993, No. 12000, as amended.

(b) i. The *floor area ratio* shall not exceed 0.90; and

ii. The *unit density* shall not exceed 63 *dwelling units* per hectare [25 u.p.a.].

3. Block C

(a) The *unit density* shall not exceed 2.5 *dwelling units* per hectare [1 u.p.a.]. The maximum *density* may be increased to that prescribed in Sub-section D.3(b) of this Zone if amenities are provided in accordance with Schedule G of Surrey Zoning By-law, 1993, No. 12000, as amended.

(b) i. The *floor area ratio* shall not exceed 0.86; and

ii. The *unit density* shall not exceed 55 *dwelling units* per hectare [22 u.p.a.].

E. Lot Coverage

Block A: The *lot coverage* shall not exceed 28%.

Block B: The *lot coverage* shall not exceed 47%.

Block C: The *lot coverage* shall not exceed 41%.

F. Yards and Setbacks

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

1. Block A

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

- (a) *Front Yard* (North): 2.9 metres [10 ft.] to the *building* face except 0.30 metre [1 ft.] to the *building* face at the northwest corner of the *Lands* and 0.8 metres [3 ft.) to the roof;
- (b) *Rear Yard* (South): 7.5 metres [25 ft.];
- (c) *Side Yard* (East): 7.5 metres [25 ft.]; and
- (d) *Side Yard* on a *Flanking Street* (West): 1.9 metres [6 ft.]; and 0.0 metre [0 ft.] to the roof.

2. Block B

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

- (a) *Front Yard* (South): 3.4 metres [11 ft.] to the *building* face; and 2.5 metres [8 ft.] to the *balcony*;
- (b) *Rear Yard* (North): 3.6 metres [12 ft.];
- (c) *Side Yard* (East): 7.5 metres [25 ft.] to the *building* face; and 6.9 metres [23 ft.] to the *balcony*; and
- (d) *Side Yard* on a *Flanking Street* (West): 2.4 metres [8 ft.].

3. Block C

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

- i. *Front Yard* (North): 3.3 metres [11 ft.]; except 2.5 metres [8 ft.] to the *building* face and 0.9 metres [3 ft.] to the *balcony* at the northwest corner of the *lands*;
 - ii. *Rear Yard* (South): 2.9 metres [10 ft.];
 - iii. *Side Yard* (East): 7.5 metres [25 ft.] to the *building* face; and 6.8 metres [22 ft.] to the *balcony*; and
 - iv. *Side Yard* on a *Flanking Street* (West): 4.7 metres [15 ft.] to the *building* face; and 2.9 metres [10 ft.] to the *balcony*.
- (b) Notwithstanding Sub-section E.17(b) of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended, a maximum of 10 risers may encroach into the *building setback* area.

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. Block A

- (a) Principal buildings: The *building height* shall not exceed 9.3 metres [31 feet].
- (b) Accessory buildings and structures: The *building height* shall not exceed 4 metres [13 feet].

2. Blocks B and C

- (a) Principal buildings: The *building height* shall not exceed 13 metres [43 feet].
- (b) Accessory buildings and structures:
 - i. *Indoor amenity space buildings*: The *building height* shall not exceed 11 metres [36 ft.]; and
 - ii. *Other accessory buildings and structures*: The *building height* shall not exceed 4.5 metres [15 feet].

H. Off-Street Parking

1. Block A

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

2. Blocks B and C

- (a) Resident and visitor *parking spaces* shall be provided as stated in Table C.6, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
- (b) All required resident *parking spaces* shall be provided as *underground parking* or as *parking within building envelope*.

- (c) *Tandem parking* is permitted, subject to the following:
- i. *Dwelling units* with *parking spaces* provided as *tandem parking* are permitted directly adjacent to an arterial roadway only if there is an internal access to the parking area;
 - ii. *Parking spaces* provided as *tandem parking* must be enclosed and attached to each *dwelling unit*; and
 - ii. *Parking spaces* provided as *tandem parking* must be held by the same owner.
- (d) Notwithstanding Sub-sections 2.(b) and 2(c)ii., one unenclosed *parking space* in a *tandem parking* arrangement is permitted for a maximum of 50 % of the *dwelling units* in Block C.

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. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
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.
5. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *residential lot*, 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. Block A
 - (a) Garbage containers and *passive recycling containers* shall not be located within any required *setback*; and
 - (b) The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.

2. Blocks B and C

(a) *Amenity space* shall be provided on the *lot* as follows:

- i. Outdoor *amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit* and shall not be located within the required *setbacks*; and
- ii. Indoor *amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit*.

(b) *Child care centres* shall be located on the *lot* such that these centres:

- i. Are accessed from a *highway*, independent from the access to the residential uses permitted in Section B of this Zone; and
- ii. 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:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
3,050 sq. m. [0.75 acre]	50 metres [164 ft]	69 metres [226 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions of 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 for Block A and the RM-30 Zone for Blocks B and C 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 RM-30 Zone for the residential portion and the C-5 Zone for the commercial portion.
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.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2011, No. 17377."

READ A FIRST AND SECOND TIME on the 14th day of March, 2011.

PUBLIC HEARING HELD thereon on the 4th day of April, 2011.

READ A THIRD TIME AS AMENDED ON THE 9th day of July, 2012.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 9th day of July, 2012.

_____ MAYOR
 _____ CLERK

**SURVEY PLAN TO ACCOMPANY CITY OF SURREY
BYLAW NO. 17377 OVER PARTS OF PARCEL "A"
(J146245E) LOT 3 SECTION 16 TOWNSHIP 8
NEW WESTMINSTER DISTRICT PLAN 4502**

FOR THE PURPOSE OF REZONING
B.C.G.S. 92G017
CITY OF SURREY

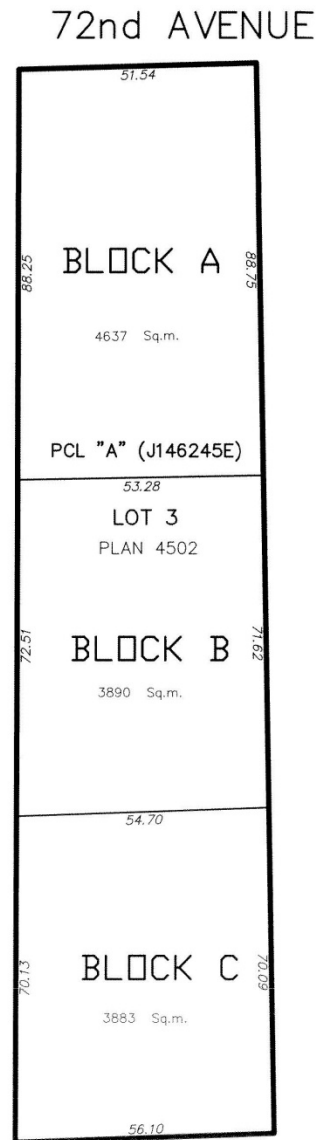
LEGEND

SCALE
1:1250

*-property dimensions are derived
from Land Title Office records*

BOOK OF REFERENCE

ZONE	LEGAL DESCRIPTION	TOTAL AREA
BLOCK A	PART PCL "A" (J146245E) LOT 3 SEC 16 TP 8 NWD PLAN 4502	4637m ²
BLOCK B	PART PCL "A" (J146245E) LOT 3 SEC 16 TP 8 NWD PLAN 4502	3890m ²
BLOCK C	PART PCL "A" (J146245E) LOT 3 SEC 16 TP 8 NWD PLAN 4502	3883m ²



Certified correct according to LTD records
This 08th day of March 2011

Gene Paul Mikula
GENE PAUL MIKULA B.C.L.S. 803

**THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED**

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