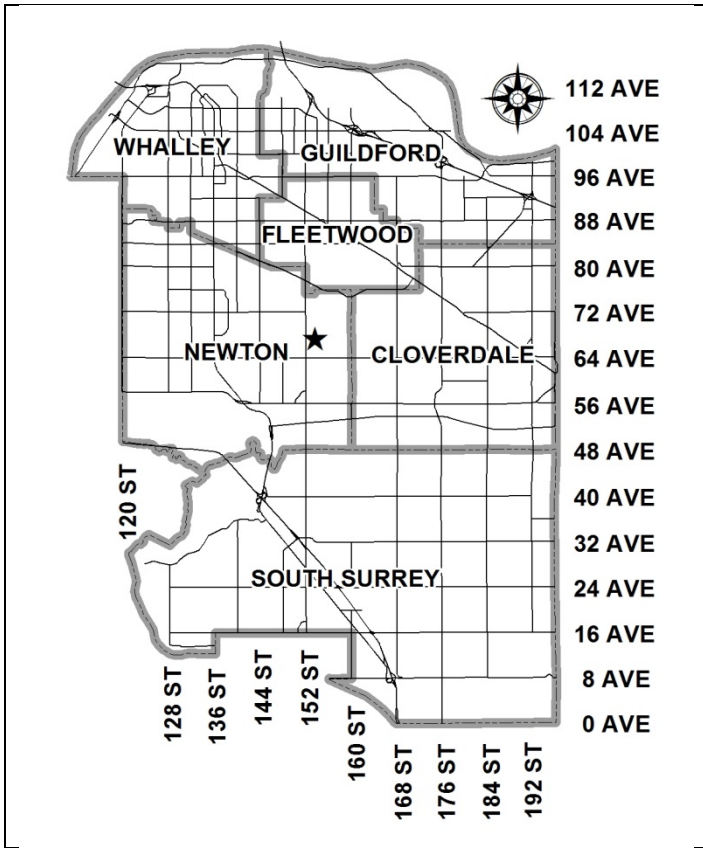


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0061-00

Planning Report Date: July 27, 2015

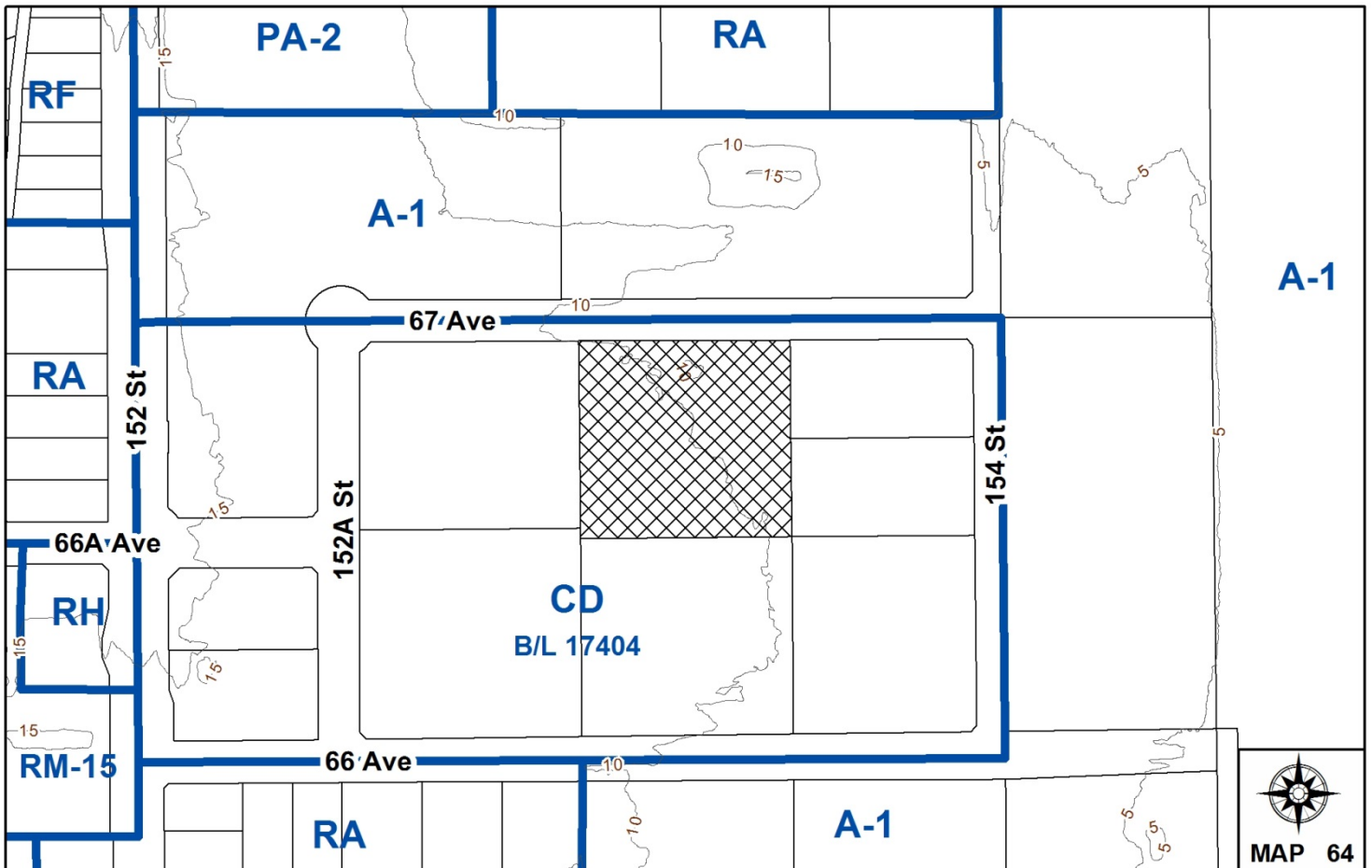


**PROPOSAL:**

- **Restrictive Covenant and Easement amendment**

in order to **allow businesses on a portion of the property to operate after 7:00 pm.**

**LOCATION:** 15336 - 67 Avenue  
**OWNER:** Sandhu Malri Holdings Inc  
**ZONING:** CD (By-law No. 17404)  
**OCP DESIGNATION:** Mixed Employment  
**NCP DESIGNATION:** Business Park



### RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application be referred back to the applicant to work with the owner of the property at 6638 – 152A Street to resolve all parking issues.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed extension in operating hours, which would allow business on the property to end at 10:00 pm rather than 7:00 pm, is contrary to the consent that was granted by the owners of the adjacent properties who are parties to a shared parking agreement. This parking agreement was registered on the titles of four properties in 2013, in the form of a restrictive covenant and easement.

### RATIONALE OF RECOMMENDATION

- The restrictive covenant and easement were registered on four properties to address a shared parking arrangement, as a condition of an earlier development permit application (No. 7912-0086-00). All of the parking on these properties is allocated to different users at different times of day in order to meet the Zoning By-law requirements for all four sites.
- The covenant and easement allow parking to be shared among the four properties, with specific restrictions on operating hours for each property. Businesses on the subject property are permitted to operate between 6:00 am and 7:00 pm. After 7:00 pm all parking on the property is available for use by a proposed future banquet hall at 6638 – 152A Street.
- The owner of the subject property would like to extend the permitted operating hours on a portion of his property in order to accommodate a potential tenant. All of the parking on the subject property, however, is currently allocated to the neighbouring lot in the evening for its banquet hall use. Therefore, the future banquet hall on the neighbouring lot will have insufficient parking, based on the Zoning By-law requirements, if the operating hours are changed on the subject lot.
- The owner of the banquet hall site does not support the amendment to the shared parking agreement if it affects the size of the proposed banquet hall. Changing the operating hours for the subject property will impact the size of the banquet hall if no other solution can be found to account for the loss in available evening parking. Under the current circumstances, the City's Legal Division is of the opinion that Council does not have the authority to approve the proposed amendment to the shared parking agreement.

RECOMMENDATION

1. The Planning & Development Department recommends that this application be referred back to the applicant to work with the owner of the property at 6638 – 152A Street to resolve the parking deficiency issue.

REFERRALS

Engineering: The Engineering Department requires that all Zoning By-law parking requirements be met, as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Two newly-constructed multi-tenant business park buildings, approved under development permit application no. 7912-0331-00.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 67 Avenue):	Vacant land	Mixed Employment / Business Park	A-1
East and South:	Vacant land	Mixed Employment / Business Park	CD (By-law No. 17404)
West:	Vacant land, development permit approved (application no. 7913-0059-00) and building permit in-process.	Mixed Employment / Business Park	CD (By-law No. 17404)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property, located in the East Newton Business Park, was created in 2011 under rezoning and subdivision application No. 7908-0128-00. In 2012, both this lot and Lot 5 (6638 – 152A Street), which is kitty-corner to the southwest, were under development permit application. The development permit application numbers were 7912-0331-00 and 7912-0086-00 respectively (see Appendix IV for a map).

- At 6638 – 152A Street (Lot 5), the proposal was for a two-story building with industrial units on the ground floor and a large banquet hall on the second floor. The applicant was unable to meet the required amount of parking on Lot 5 alone. In order to address the deficiency, a comprehensive parking agreement was established among the owners of the following four properties within the business park (see Appendix IV):
  - 6638 – 152A Street (**Lot 5**: banquet hall property);
  - 15336 / 15358 – 67 Avenue (**Lot 7**: subject of the current application);
  - 15315 – 66 Avenue (**Lot 11**: east of the banquet hall and south of the subject site); and
  - 6611 – 152A Street (**Lot 4**: across 152A Street, west of the banquet hall).
- The latter two properties remain vacant. Development Permits were approved in 2013 on the former two properties, although only the subject property proceeded to construction. The two-story building with banquet hall on Lot 5 was not built and the Development Permit lapsed in March of 2015. A new application (7915-0148-00) proposes to renew the Development Permit with no significant changes. Application no. 7915-0148-00 was recently considered by Council on June 29, 2015 and was granted approval to proceed. The application has not yet been finalized.
- Proceeding concurrently with application no. 7915-0148-00 is application no. 7915-0188-00, which proposes a Temporary Use Permit for 34 parking stalls on Lot 4. This parking was included in the original parking agreement but was never constructed. The availability of this parking will be necessary in order for the banquet hall to meet its parking requirement.

#### Covenant and Easement for Shared Parking

- As a condition of approval of Development Permit No. 7912-0086-00 (original application for the banquet hall) a restrictive covenant and easement were required to be registered on all four properties to secure the shared parking arrangement. Details of the shared parking arrangement are as follows (see Appendix V):

#### *Parking allocation:*

- Lot 5 (banquet hall property) will provide 177 parking stalls on-site:
  - 77 stalls would be available during the day for the use of the ground-floor industrial units;
  - 50 stalls would be allocated to Lot 7 during the day;
  - 50 stalls would be allocated to Lot 11 during the day; and
  - Banquet hall would have access in the evening to all 177 on-site stalls, plus 62 stalls each from Lots 7 and 11, plus 34 stalls from Lot 4, which fulfills their total parking requirement of 335 stalls.
- Lot 7 (subject property) has provided 62 parking stalls on-site:
  - All 62 stalls are available during the day for the use of the two multi-tenant buildings, but are insufficient to meet the total parking requirement for the two buildings;
  - Businesses would have access to 50 stalls on Lot 5 during the day, which fulfills their total parking requirement of 112 stalls; and
  - All 62 stalls are allocated to Lot 5 in the evenings.

- Lot 11 must provide at least 62 parking stalls on-site:
  - All 62 stalls (or more) would be available during the day for the businesses on the lot, but would likely not fulfill the total parking requirement for future development on that lot;
  - Businesses would have access to 50 stalls on Lot 5 during the day; and
  - All 62 (or more) stalls would be allocated to Lot 5 in the evenings.
- Lot 4 would construct at least 34 parking stalls on-site:
  - All 34 stalls (or more) would be available during the day for the future businesses on the lot;
  - Businesses would not have access to any additional daytime parking; and
  - All 34 stalls (or more) would be allocated to Lot 5 in the evenings.

*Operating hours:*

- Lot 5 (banquet hall property):
  - Ground- floor industrial units would have operating hours restricted to daytime only (6:00 am – 7:00 pm); and
  - Second - floor banquet hall would have operating hours restricted to evenings only (7:00 pm - 6:00 am).
- Lot 7 (subject property):
  - Operating hours are restricted to daytime use only (6:00 am – 7:00 pm)
- Lot 11:
  - Operating hours are restricted to daytime use only (6:00 am – 7:00 pm)
- Lot 4:
  - Operating hours are restricted to daytime use only (6:00 am – 7:00 pm)

Current Proposal

- The owner of the subject property has found it difficult to secure tenants with the requirement for reduced operating hours.
- A youth basketball training facility, AthElite Basketball Academy, is interested in occupying approximately 1,500 m<sup>2</sup> (16,145 ft<sup>2</sup>) in one of the constructed buildings, but are requesting to operate in the evening. The use falls under the Zoning By-law definition as a recreational facility, which is permitted as an accessory use under the current CD zoning.
- To accommodate the basketball facility, the owner proposes to amend the restrictive covenant and easement to allow the business to operate until 10:00 pm.
- The recreational facility would have a parking requirement of 3 spaces per 100 m<sup>2</sup> of floor area (3 spaces per 1,075 ft<sup>2</sup>). With the proposed size of 1,500 m<sup>2</sup> (16,145 ft<sup>2</sup>), the facility would need a total of approximately 45 parking stalls.
- The applicant provided an unsolicited parking study that recommended a rate of 1 space per 100 m<sup>2</sup> (1,075 ft<sup>2</sup>) based on a limited number of participants, age demographics, and assumptions about pick-up and drop-off for practice activities. Staff are unable to support

this recommendation because the basketball academy has programs that would likely result in overlapping demands with higher attendance for some events.

- The applicant suggests that if the basketball facility occupies the proposed floor area, some parking stalls could be added to the 62 existing by decommissioning some of the overhead doors that would no longer be needed. Approximately 6-8 stalls could be gained in this fashion.

### Implications of Proposal

- Because four properties are involved in the parking agreement, any changes to the arrangement must be supported by the owners of all four properties. In this case, the owner of Lot 11 supports the proposal. The owner of Lots 4 and 5 supports the proposed amendment to the operating hours *on the condition that the size of the proposed banquet hall on Lot 5 will not be affected.*
- If operating hours are extended on the subject property as proposed, *the size of the proposed banquet hall on Lot 5 must be decreased* in order to meet Zoning By-law requirements for parking. The banquet hall would no longer have access to approximately 40 parking stalls on the subject property between 7 and 10 pm each evening, which they would require at their current proposed size.
- It is important for the banquet hall to provide the minimum amount of parking required by the Zoning By-law, to avoid impacts to the surrounding neighbourhood. There has been concern that any parking shortfall in this business area will result in “overflow” parking in the residential area across 152 Street. This would create conflict between residents and business park users on those streets.
- Residents of the neighbourhood west of 152 Street objected to the banquet hall proposal when it was presented to Council in 2013. Their objections were related to increased traffic and noise associated with the banquet hall.
- The 6-8 stalls that the applicant suggests could be gained by modifying some of the overhead doors on the large recreational unit do not compensate for the loss of evening parking to the banquet hall.

### Referral Recommendation

- The applicant’s proposed changes to the parking agreement would leave the proposed banquet hall on Lot 5 with insufficient parking to meet Zoning By-law requirements and their operational needs.
- The current parking agreement established among the four properties was completed after much effort had been made by Transportation Engineering staff to facilitate a solution to the parking issue.
- Because the owner of Lots 4 and 5 does not support the amendment to the shared parking agreement if it affects the size of the proposed banquet hall, the City’s Legal Division is of the opinion that Council does not have the authority to approve the proposed amendment to the parking agreement.

- It is suggested, therefore, that the application be referred back to the applicant to work with the owner of 6638 – 152A Street (the banquet hall site) to resolve the parking deficiency.

#### PRE-NOTIFICATION

- Pre-notification letters were mailed to surrounding property owners on April 27, 2015. Staff have 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
Appendix III.	Engineering Summary
Appendix IV.	Map of Properties Involved in Parking Agreement
Appendix V.	Parking Agreement Details (Map)

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

MJ/da

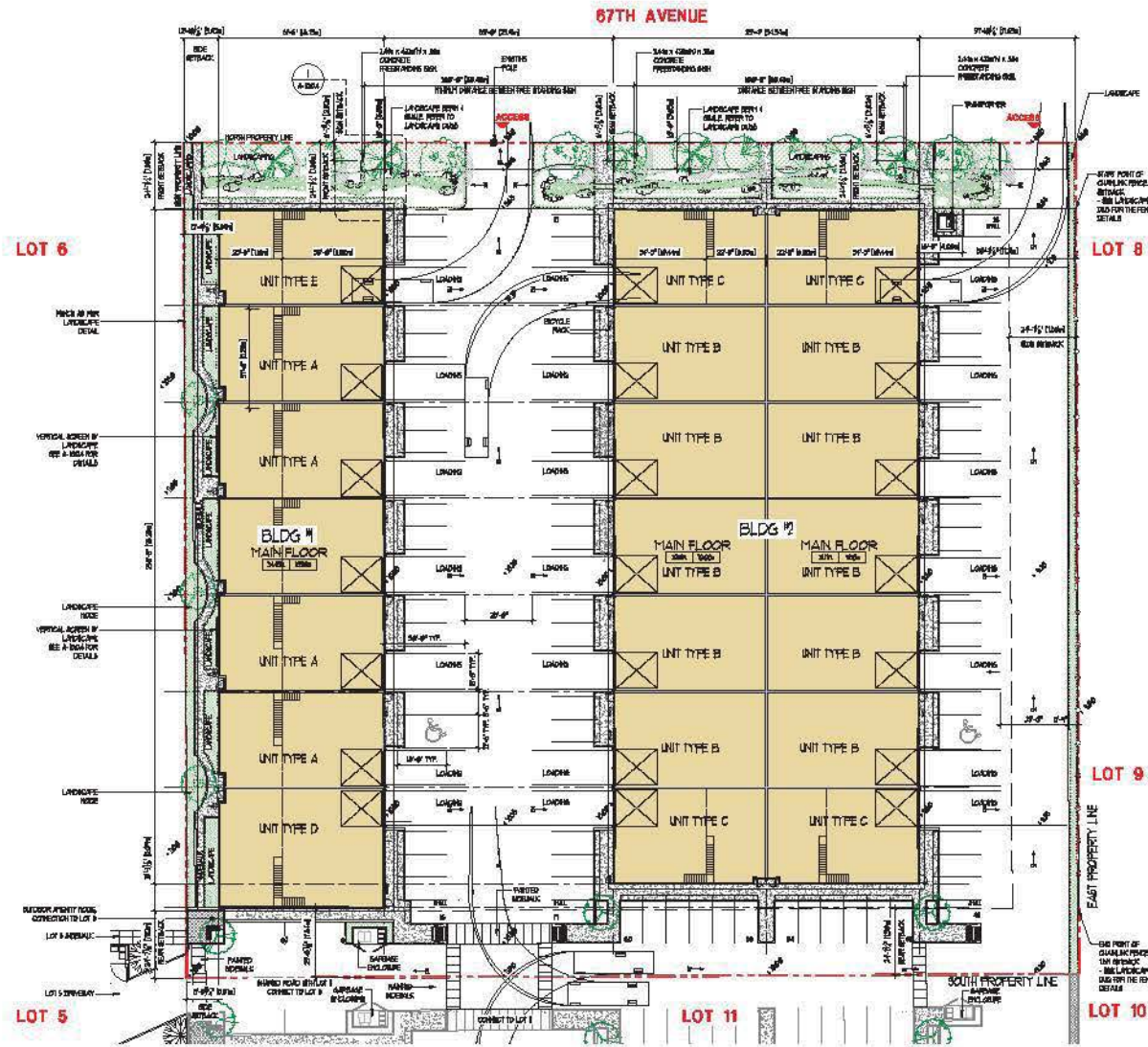
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Information for City Clerk

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

1. (a) Agent:      Name:                  Jarnail Purewall  
    Sandhu Malri Holdings Inc  
    Address:                # 320, 6832 - King George Blvd  
    Surrey, BC V3W 4Z9  
  
    Tel:                        604-501-0392 - Home  
    604-501-0392 - Cellular
  
2.        Properties involved in the Application
  - (a)      Civic Address:                15336 - 67 Avenue
  
  - (b)      Civic Address:                15336 - 67 Avenue  
    Owner:                          Sandhu Malri Holdings Inc  
    PID:                                  028-737-911  
    Lot 7 Section 14 Township 2 New Westminster District Plan BCP49715
  
3.        Summary of Actions for City Clerk's Office  
  
    No action required.





SITE PLAN  
SCALE 1:500

Project Data:	Survey By-Law Requirements	Proposed or Provided
Name	Warehouse Development	
Civic Address	15336, East Newton Business Park Surrey, B.C.	
Legal Description	Lot 7, Sec 14, TWP 2, PL 1368, NW D	
Lot Area	9490.3 m <sup>2</sup> - 102,152.7 sf	
Building Areas	Building 1 (Type A Units)	
	Main Floor	1,475 m <sup>2</sup> - 15,860 sf
	Mezzanine	560 m <sup>2</sup> - 6,020 sf
Total Floor Area	2,035 m <sup>2</sup> - 21,880sf	
Building 2 (Type B Units)	Main Floor	2,630 m <sup>2</sup> - 28,325 sf
	Mezzanine	294 m <sup>2</sup> - 3,160 sf
	Total	2,924 m <sup>2</sup> - 31,485 sf
Total Floor Area for Building 1 & 2	4,969 m <sup>2</sup> - 53,365 sf	
Zoning Data:		
Current Zone	CD - Comprehensive Development	IL - Light Impact Industrial Zone
Permitted Uses	As Per NCP East Newton Business Park	Warehouses Offices
Lot Area	9490.3 m <sup>2</sup> - 102,152.7 sf	
Density - FAR		Total Floor Area/Gross Lot Area 4,969m <sup>2</sup> / 9490.3m <sup>2</sup> = 0.52
Lot Coverage		Main Floor Area/Gross Lot Area 4,105m <sup>2</sup> /9490.3m <sup>2</sup> = 43%
Setbacks	7.5m from front, rear & side yard flanking the street	Front/North: 7.50m - 24.61ft Side/East: 17.71m - 56.10ft Rear/South: 7.50m - 24.61ft Side/West: 3.61m/11.84ft
	3.6m from side yard not flanking the street	9.75m - 32.00ft
Height of Buildings		62 parking stalls provided on site
Off-Street Parking	50% of GFA for general use parking req'd: 4969x50%x3/100 = 75	50 time-shared parking stalls provided off-site - on lot 5
	50% of GFA for warehouse parking req'd: 4969x50%x1/100 = 25	Total req'd parking stalls: 100 Total req'd accessible parking stalls: 2
Landscaping	see plans	Total 112 parking stalls provided including: 108 regular parking stalls 4 small parking stalls

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REVISION DATE	AS SHOWN
PROJECT No.	2020-001
DWG.	JM
DATE	JUN 2020
SCALE	AS SHOWN

Warehouse Development

15336 East Newton Business Park  
Surrey, B.C.

JM Architecture Inc.  
15336 East Newton Business Park  
Surrey, B.C.

Project No. 2020-001  
Product No. A-1003

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

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

DATE: **July 20, 2015** PROJECT FILE: **7815-0061-00**

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RE: **Engineering Requirements (Commercial/Industrial)  
Location: 15336 - 67 Avenue**

**RC/EASEMENT AMENDMENT**

The following issues are to be addressed as a condition of the RC/Easement Amendment:

***Works and Services***

- Provide adequate parking under the Zoning Bylaw for the current Land Use.



Rémi Dubé, P.Eng.  
Development Services Manager

LR

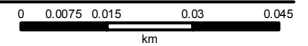




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Map created on: 13/05/2015





# Details of parking agreement



**Lot 4**  
 -minimum 34 parking stalls on-site for daytime use  
 -no access to additional off-site stalls  
 -all 34 stalls (minimum) allocated to Lot 5 for evening use  
 -business hours restriction: 6am - 7pm only

**Banquet hall property  
 Lot 5**  
 -177 parking stalls on-site  
 -77 on-site stalls available for daytime use by ground-floor industrial businesses  
 -50 stalls allocated to Lot 7 for daytime use  
 -50 stalls allocated to Lot 11 for daytime use  
 -access to all stalls on Lots 4, 7, and 11 for evening use  
 -business hours restrictions:  
     -6am - 7pm only for ground floor industrial businesses  
     -7pm - 6am only for banquet hall

**SUBJECT PROPERTY  
 Lot 7**  
 -62 parking stalls on-site for daytime use  
 -access to 50 daytime stalls on Lot 5  
 -all 62 stalls allocated to Lot 5 for evening use  
 -business hours restriction: 6am - 7pm only

**Lot 11**  
 -minimum 62 parking stalls on-site for daytime use  
 -access to 50 daytime stalls on Lot 5  
 -all 62 stalls (minimum) allocated to Lot 5 for evening use  
 -business hours restriction: 6am - 7pm only

Enter Map Description

Scale: 1:1,320

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