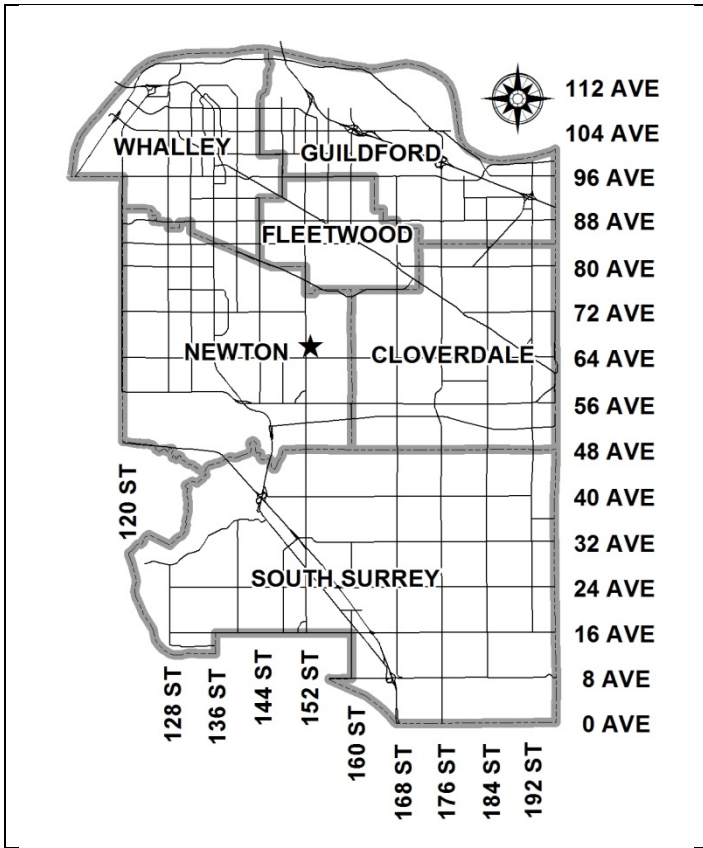


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0188-00

Planning Report Date: June 29, 2015

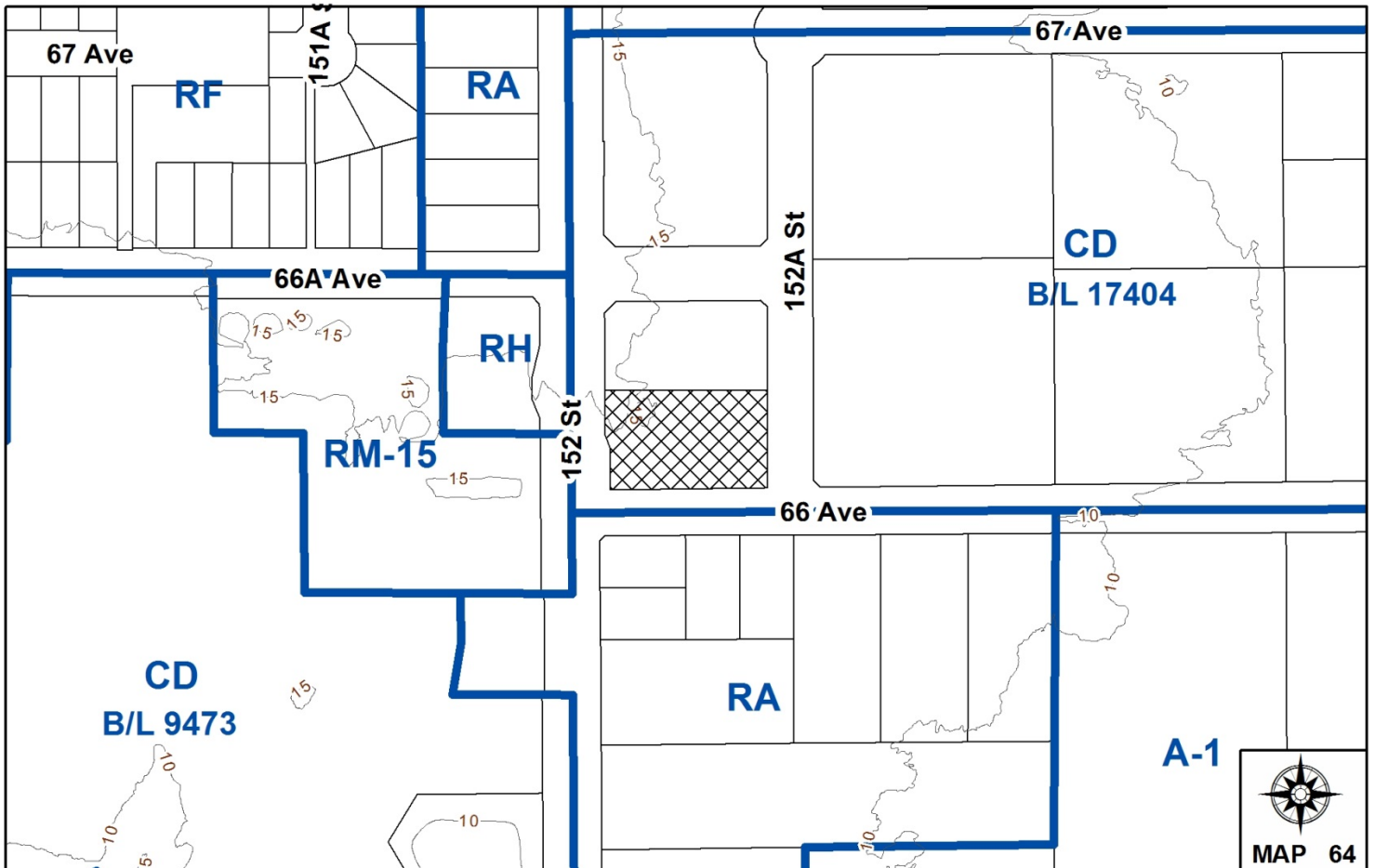


PROPOSAL:

- **Development Permit**
- **Temporary Use Permit**

to permit the development of a temporary parking lot to service a proposed banquet hall on a neighbouring property.

LOCATION: 6611 - 152A Street
OWNER: Elegant Holdings Ltd
ZONING: CD (By-law No. 17404)
OCP DESIGNATION: Mixed Employment
NCP DESIGNATION: Business Park



RECOMMENDATION SUMMARY

- Approval to draft Development Permit.
- Approval for Temporary Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Temporary Use Permit is proposed in order to allow parking as a primary use on the subject property. The parking is intended to be used by a neighbouring property so that the proposed banquet hall on that lot can meet its parking requirement.

RATIONALE OF RECOMMENDATION

- The proposed project is identical to the one approved by Council in March, 2013 under application no. 7913-0086-00. The Development Permit approved under 7912-0086-00 expired in March, 2013 and the Temporary Use Permit will expire in March, 2016. Consequently, Council's re-approval of the DP and TUP is required to allow the project to proceed.
- The staff report under the previous application, no. 7912-0086-00, outlining the project background and rationale is included in Appendix VII.
- This application will proceed in tandem with application no. 7915-0148-00, which proposes a Development Permit and Development Variance Permit for a two-storey industrial building with banquet hall at 6638 – 152A Street (Lot 5). The applicant does not propose to provide all of the required parking on Lot 5, so a TUP is proposed on the subject site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7915-0188-00 [generally in accordance with the attached drawings (Appendix II).
2. Council cancel Temporary Use Permit No. 7912-0086-00 in recognition that the permit was never used.
3. Council approve Temporary Industrial Use Permit No. 7915-0188-00 (Appendix IV) to proceed to Public Notification.
4. Council instruct staff to resolve the following issues prior to approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
 - (c) submission of a landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Vacant lot that was created and zoned under application No. 7908-0128-00.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Vacant lot.	Mixed Employment/ Local Commercial	CD (By-law No. 17404)

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East (Across 152A Street):	Vacant (Lot 5) and under application (No. 7915-0148-00) for a DP for an industrial building with banquet hall. Application is proceeding in conjunction with the current application.	Mixed Employment/ Business Park	CD (By-law No. 17404)
South (Across 66 Avenue):	Existing single family homes.	Mixed Employment/ Business Park	RA
West (Across 152 Street):	Existing single family homes and townhouses within the East Newton South Neighbourhood Concept Plan area.	Urban/ Townhouse (max. 15 upa)	RH and RM-15

DEVELOPMENT CONSIDERATIONS

Background, Context, and Proposal

- The current proposal was approved by Council in March, 2013 as part of application No. 7912-0086-00. Because Development Permits and Development Variance Permits laps if construction has not begun within two years, the approved Development Permit expired in March, 2015. The owner has re-applied for the same proposal.
- Application No. 7912-0086-00 also included a Development Permit and Development Variance Permit for the two-storey industrial building with banquet hall at 6638 – 152A Street. For the current proposal, rather than including both properties under one application, they will be two separate applications proceeding concurrently. Application No. 7915-0148-00 for the industrial and banquet hall building (Lot 5) must be considered in conjunction with the subject application.
- The proposed parking on the subject property was and still is needed to allow the proposed banquet hall to meet its minimum requirement. The Temporary Use Permit that was approved in March, 2013 is valid for three years. Because the TUP was never utilized and because there is now less than one year left before the permit lapses, it is appropriate to cancel the existing TUP and approve a new TUP for a three-year term as part of the current proposal.
- Approval of the TUP is listed as a condition of approval of the Development Permit on Lot 5 (application no. 7915-0148-00). Because application no. 7915-0148-00 is proceeding

concurrently with the subject application and because development of the two properties will be inter-dependent, the applications must be given final approval at the same Council meeting.

- Please see Appendix VII for the Planning report for application no. 7912-0086-00, which explains the proposal, context, and parking sharing arrangement. Appendix VI shows an explanation of the shared parking agreement, which remains valid even though the earlier Development Permit has expired.

PRE-NOTIFICATION

- Pre-notification letters were mailed on June 16, 2015 and staff have received no responses.

TREES

- According to the arborist report submitted for application No. 7912-0086-00, the property contained two (2) trees: one Douglas fir and one sitka spruce, both of which were proposed for removal.
- Four (4) replacement trees were required and 23 trees were proposed to be planted on-site.
- As a condition of final approval of the Development Permit the applicant will be required to submit an updated arborist report to confirm that the number of by-law-sized trees on the property has not changed since 2012.

ADVISORY DESIGN PANEL

The proposal was presented to the Advisory Design Panel (ADP) as part of the review process for application No. 7912-0086-00, but was not re-referred for the current application.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Landscape Plan
Appendix III.	Engineering Summary
Appendix IV.	Temporary Industrial Use Permit No. 7915-0188-00
Appendix V.	CD By-law No. 17404
Appendix VI.	Map including details of proposed parking sharing agreement
Appendix VII.	Staff report for application no. 7912-0086-00 (no appendices)

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MJ/da

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(the "City")

TEMPORARY INDUSTRIAL USE PERMIT

NO.: 7915-0188-00

Issued To: ELEGANT HOLDINGS LTD
("the Owner")

Address of Owner: 110, 13571 - Commerce Pky
Richmond, BC V6V 2R2

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 028-737-890
Lot 4 Section 14 Township 2 New Westminster District Plan BCP49715

6611 - 152A Street

(the "Land")

3. The temporary use permitted on the Land shall be:
 - (a) Short-term parking for up to 34 vehicles weighing less than 5,000 kilograms [11,023 lbs] G.V.W.
4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
5. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
6. This temporary use permit is not transferable.

7. This temporary use permit shall lapse on or before three years from date of issuance.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .

ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

TO THE CITY OF SURREY:

I, _____ (Name of Owner)

being the owner of _____

(Legal Description)

known as _____

(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)

CITY OF SURREY

BY-LAW NO. 17404

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: GENERAL AGRICULTURE ZONE (A-1)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 012-119-849

Lot 1 Section 14 Township 2 New Westminster District Plan 1368

15361 - 66 Avenue

Parcel Identifier: 007-118-589

Lot 4 Section 14 Township 2 New Westminster District Plan 1368

15309 - 66 Avenue

Parcel Identifier: 013-479-709

Lot 6 Except: Parcel "B" (By-law Plan 62482), Section 14 Township 2 New Westminster District Plan 1368

6680 - 152 Street

Parcel Identifier: 012-119-865

Lot 5 Except: Firstly: Parcel C (Bylaw Plan 62482); Secondly: Part Dedicated Road on Plan LMP20652; Thirdly: Part Dedicated Road on Plan LMP37447; Section 14 Township 2 New Westminster District Plan 1368

15231 - 66 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 industrial business parks consisting of *light impact industrial* uses, offices and service uses. These uses shall be carried out such that no nuisance is apparent outside an enclosed *building*.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses within Blocks A, B and C as shown on the Survey Plan prepared by Joginder Riar B.C.L.S. and dated May 4, 2011, attached hereto and forming part of this By-law as Schedule A.

1. Block A:

- (a) *Light impact industry;*
- (b) Office uses excluding *social escort services* and *methadone clinics*;
- (c) *General service uses* excluding *drive-through banks*;
- (d) *Warehouse uses*;
- (e) *Distribution centres*;
- (f) *Accessory uses* including the following:
 - 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. *Recreational facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - iii. *Eating establishments* limited to a maximum of 200 seats and excluding *drive-through restaurants*;
 - iv. *Community services*;
 - v. *Assembly halls* limited to *churches*, provided that:

- a. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
 - b. The *church* accommodates a maximum of 300 seats; and
 - c. There is not more than one *church* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall be only one *church* within the strata plan;
- vi. *Child care centre*; and
- vii. *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
- a. Contained within a *principal building*;
 - b. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
 - c. Restricted to a maximum number of:
 - 1. One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - 2. Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - 3. Notwithstanding Sub-sections B.1.(f)vii.c.1. and c.2., the maximum number shall be 2 *dwelling units* per *lot* and where the *lot* has been subdivided by a strata plan then there shall be a maximum of 2 *dwelling units* within the strata plan; and
 - d. Restricted to a maximum floor area of:
 - 1. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - 2. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and

3. Notwithstanding Sub-sections B.1.(f)vii.d.1. and d.2., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.
2. Blocks B₁, B₂ and B₃:
 - (a) *Light impact industry;*
 - (b) Office uses excluding *social escort services* and *methadone clinics*;
 - (c) *General service uses* excluding *drive-through banks*;
 - (d) *Warehouse uses*;
 - (e) *Distribution centres*;
 - (f) *Accessory uses* including the following:
 - 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. *Recreational facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - iii. *Eating establishments*, excluding *drive-through restaurants* provided that:
 - a. There is a maximum of 1 *eating establishment* in Block B₁, 1 *eating establishment* in Block B₂ and 1 *eating establishment* in Block B₃; and
 - b. Each *eating establishment* does not exceed a floor area of 2,137 square metres [23,000 sq.ft.];
 - iv. *Community services*;
 - v. *Assembly halls* limited to *churches*, provided that:
 - a. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
 - b. The *church* accommodates a maximum of 300 seats; and

- c. There is not more than one *church* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall be only one *church* within the strata plan;
 - vi. *Child care centre*; and
 - vii. *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
 - a. Contained within a *principal building*;
 - b. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
 - c. Restricted to a maximum number of:
 - 1. One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - 2. Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - 3. Notwithstanding Sub-sections B.2(f)vii.c.1. and c.2., the maximum number shall be 2 *dwelling units* per *lot* and where the *lot* has been subdivided by a strata plan then there shall be a maximum of 2 *dwelling units* within the strata plan; and
 - d. Restricted to a maximum floor area of:
 - 1. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where the *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - 2. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
 - 3. Notwithstanding Sub-sections B.2(f)vii.d.1. and d.2., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.
3. Block C:
- (a) *Light impact industry*;

- (b) Office uses excluding *social escort services* and *methadone clinics*;
- (c) *General service uses* excluding *drive-through banks*;
- (d) *Warehouse uses*;
- (e) *Distribution centres*;
- (f) *Recycling depots* provided that:
 - i. The use is confined to an enclosed *building*; and
 - ii. The storage of used tires is prohibited.
- (g) *Automotive services uses*;
- (h) Automobile painting and body work.
- (i) *Accessory uses* including the following:
 - 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. *Recreational facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - iii. *Community services*;
 - iv. *Assembly halls* limited to *churches*, provided that:
 - a. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
 - b. The *church* accommodates a maximum of 300 seats; and
 - c. There is not more than one *church* on a *lot* and where a lot has been subdivided by a strata plan then there shall be only one *church* within the strata plan;
 - v. *Child care centre*; and
 - vi. *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
 - a. Contained within a *principal building*;

- b. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
- c. Restricted to a maximum number of:
 - 1. One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - 2. Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - 3. Notwithstanding Sub-sections B.3.(i)vi.c.1. and c.2., the maximum number shall be 2 *dwelling units* per *lot* and where the *lot* has been subdivided by a strata plan then there shall be a maximum of 2 *dwelling units* within the strata plan; and.
- d. Restricted to a maximum floor area of:
 - 1. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - 2. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
 - 3. Notwithstanding Sub-sections B.3(i)vi.d.1. and d.2., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.75.

E. Lot Coverage

The *lot coverage* shall not exceed 60%.

F. Yards and Setbacks

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

Use	Setback	Front Yard	Rear Yard	Side Yard	Side Yard on Flanking Street
<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.].

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 [40 feet].
2. *Accessory buildings and structures:* The *building height* shall not exceed 6 metres [20 feet].

H. Off-Street Parking

1. Refer to Table C.3, Part 5 Off-Street Parking and Loading/Unloading of 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 *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 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 metre [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 ground*. 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 *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 152 Street 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 in Blocks A and B.
3. In Block C, area for outdoor display and storage of any goods, materials or supplies, and areas for parking of trucks and trailers associated with the uses and operations allowed on the *lot* other than the loading spaces in front of loading doors shall:
 - (a) Not be located within any front or *side yard*;
 - (b) Not exceed a total area greater than the *lot* area covered by the *principal building*; and
 - (c) Be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fencing and/or substantial *landscaping* strips of not less than 2.5 metres [8 ft.] in height and not less than 1.5 metres [5 ft.] in width. No display or storage of material shall be piled up to a height of 2.5 metres [8 ft.] within 5 metres [16 ft.] of the said screen and in no case shall these materials be piled up to the height of more than 3.5 metres [12 ft.].
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:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
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, 2011, No. 17330, 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, 2011, No. 17404."

READ A FIRST TIME on the 9th day of May, 2011.

READ A SECOND TIME AS AMENDED on the 12th day of September, 2011.

PUBLIC HEARING HELD thereon on the 30th day of May, 2011.

PUBLIC HEARING HELD FOR AMENDED BY-LAW thereon on the 3rd day of October, 2011

READ A THIRD TIME AS AMENDED ON THE 3rd day of October, 2011.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 17th day of October, 2011.

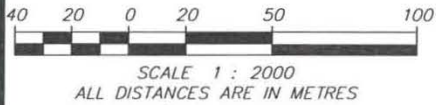
_____ MAYOR

_____ CLERK

SURVEY PLAN TO ACCOMPANY CITY OF SURREY REZONING BYLAW # 17404
OF LOT 1, LOT 4, LOT 5 EXCEPT FIRSTLY: PARCEL C (BYLAW PLAN 62482); SECONDLY: PART
DEDICATED ROAD ON PLAN LMP20652; THIRDLY: PART DEDICATED ROAD ON PLAN LMP37447;
AND LOT 6 EXCEPT PARCEL "B" (BYLAW PLAN 62482),
ALL OF SECTION 14, TOWNSHIP 2, NEW WESTMINSTER DISTRICT, PLAN 1368

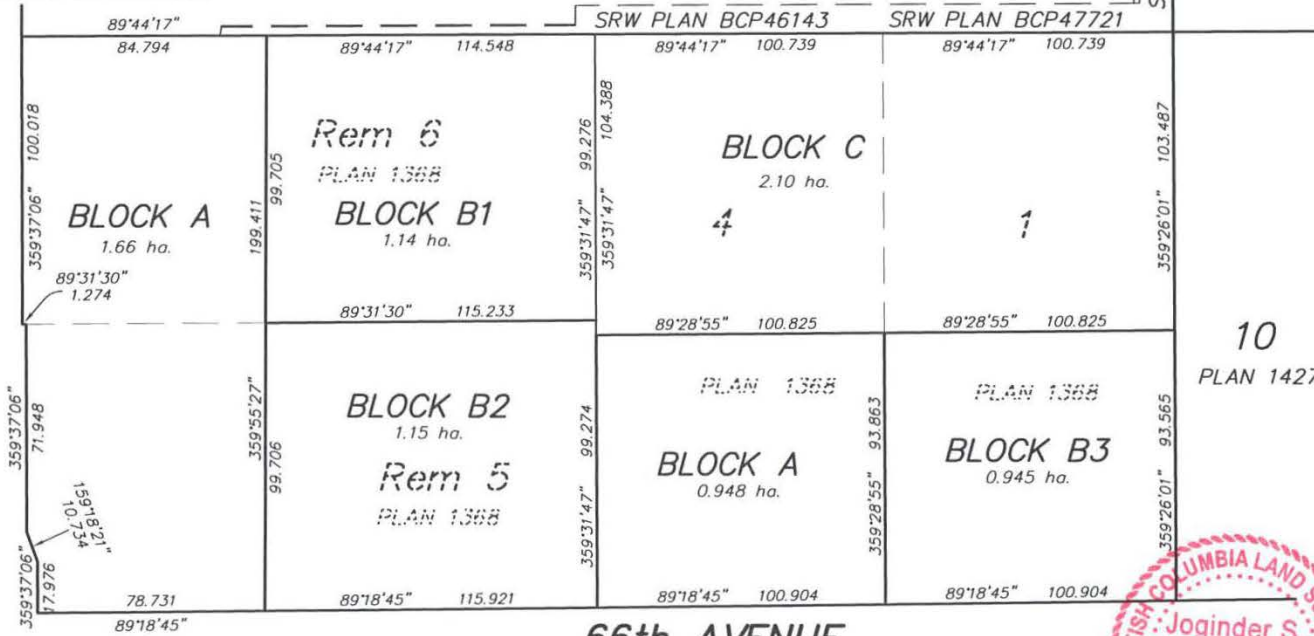
CITY OF SURREY

GRID BEARINGS ARE DERIVED FROM
 CONTROL MONUMENTS 5025 AND 5026



Rem S 1/2
 A
 PLAN 7513

152nd STREET



9
 PLAN 1427

10
 PLAN 1427

66th AVENUE

MURRAY & ASSOCIATES
 201-12448 82nd AVENUE
 SURREY, B.C.
 V3W 3E9
 (604) 597-9189

BRITISH COLUMBIA LAND SURVEYORS
 Certified Correct Dated this
 4th DAY OF MAY, 2011
 No. 863
 Joginder S. Riar
 B. C. L. S.
 FILE 9155-06

Schedule A



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

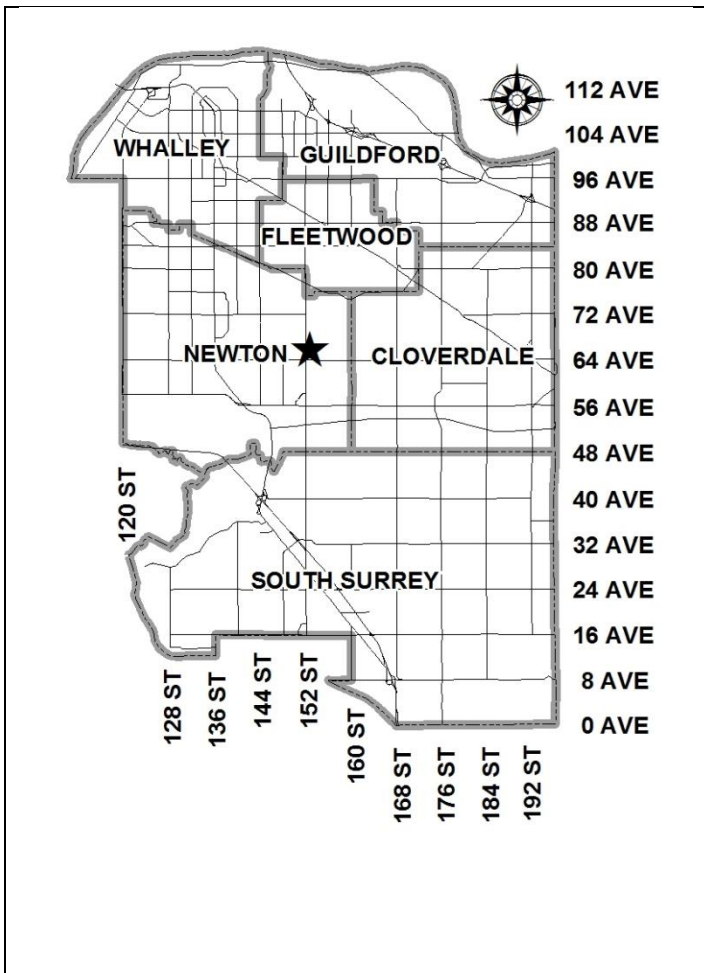


Appendix VII

CITY OF SURREY PLANNING & DEVELOPMENT REPORT

File: 7912-0086-00

Planning Report Date: February 25, 2013



PROPOSAL:

- **OCF text amendment** to declare a temporary use permit area
- **Development Permit**
- **Temporary Use Permit** for parking
- **Development Variance Permit** for building height and parking

in order to permit the development of an industrial/business park building with second-storey banquet hall.

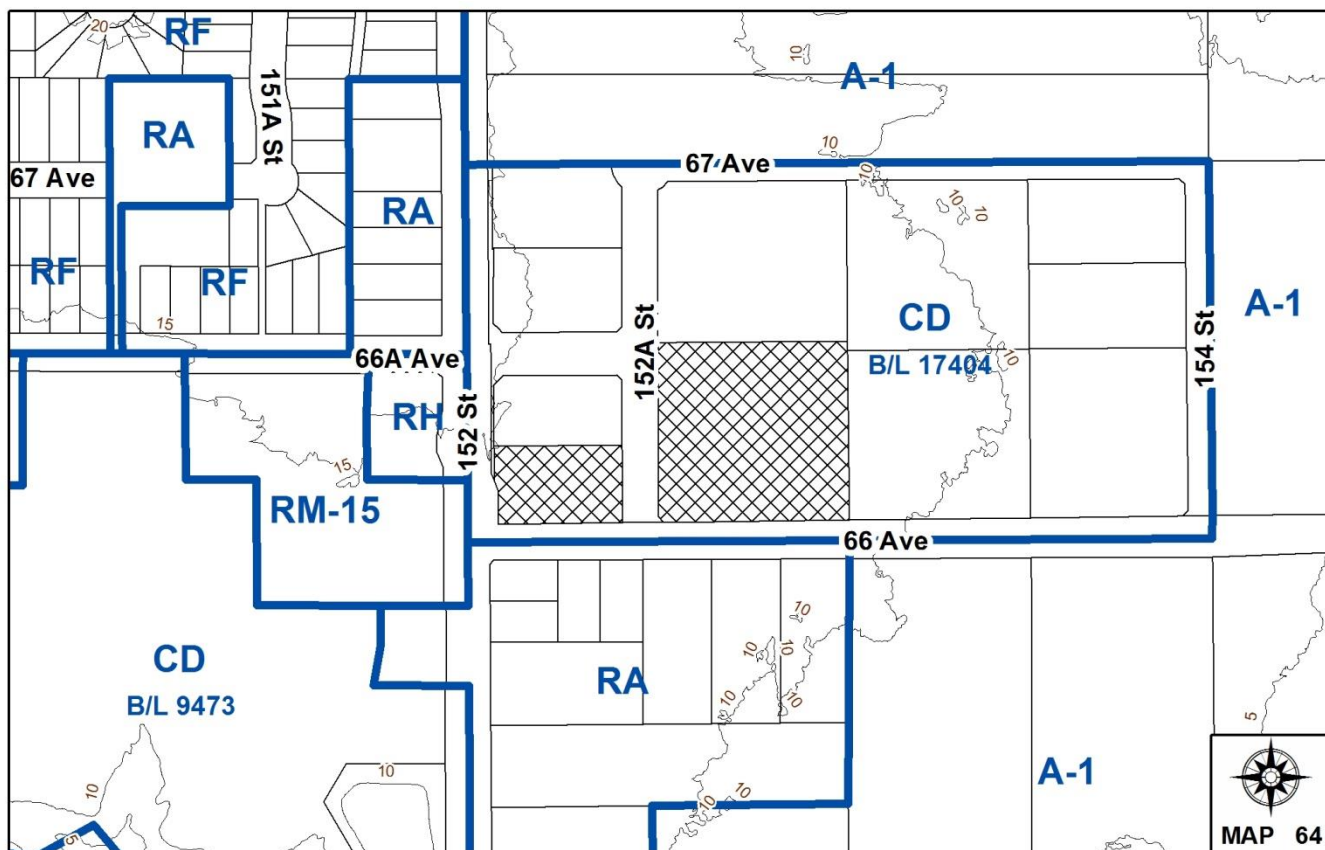
LOCATION: 6611 - 152A Street
6638 - 152A Street

OWNER: Elegant Holdings Ltd

ZONING: CD (By-law No. 17404)

OCF DESIGNATION: Industrial

NCP DESIGNATION: Business Park



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - OCP Text Amendment;
- Approval to draft Development Permit.
- Approval for the Development Variance Permits and Temporary Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not accommodate all the required parking on the development site. Shared parking is required with neighbouring lots, including Lot 4 (6611 – 152A Street) where a parking lot will temporarily comprise the primary use. Lots 7 and 11 to the east will also share parking with the banquet hall when those sites are developed.
- A height variance is requested in order to allow the ground floor to reasonably accommodate industrial businesses, while also permitting the second-storey banquet hall to have a ceiling height appropriate to the scale of the floor area. The proposed building height is 12.6 m (41.5 ft) while the zone permits a maximum height of 12 m (40 ft).

RATIONALE OF RECOMMENDATION

- The proposed height variance will support the development of the East Newton Business Park for light industrial businesses. Though CD By-law No. 17404 permits a range of light industrial, office and service uses, it is particularly important to ensure that some light industry can be accommodated in order to preserve the industrial character of the area.
- The applicant proposes an arrangement that includes parking sharing with neighbouring sites in order to meet the required minimum parking for the banquet hall and ground floor businesses. All of the parking sharing will be with lots that are not yet developed. Development is anticipated soon on Lots 7 (15336 – 67 Avenue) and 11 (15315 -68 Avenue), at which point the sharing arrangement with those lots will be put in place. Development is not planned in the near future on Lot 4 (6611 – 152A Street), so the applicant proposes a Temporary Use Permit to allow parking as a primary use on this lot. The parking on Lot 4 will be constructed as part of the current application.
- The Zoning By-law permits a developer to provide a minimum of 75% of the total parking required for each individual use on a site when differing peak hours between those uses can be demonstrated. In this case, the applicant proposes to provide 50% of the requirement when the sum total of required parking is considered for all four lots involved in the parking sharing arrangement. The variance is justified on the basis that business hours will be restricted in all the developments that are affected.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by declaring the subject site a Temporary Use Area and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. Council authorize staff to draft Development Permit No. 7912-0086-00 generally in accordance with the attached drawings (Appendix II).
4. Council approve Development Variance Permit No. 7912-0086-00 (Appendix V) varying the following, to proceed to Public Notification:
 - (a) to vary the maximum building height of CD By-law No. 17404 from 12.0 metres (40 ft.) to 12.6 metres (41.5 ft.); and
 - (b) to vary the minimum parking required in a parking sharing arrangement from 75% to 50%.
5. Council approve Temporary Use Permit No. 7912-0086-00 (Appendix VII) to proceed to Public Notification.
6. Council instruct staff to resolve the following issues prior to approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
 - (d) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
 - (e) registration of access and parking easements to accommodate the proposed shared parking arrangements with Lots 4, 7 and 11;
 - (f) registration of Section 219 Restrictive Covenants to limit hours of operation of all businesses impacted by the shared parking arrangements;
 - (g) registration of a Section 219 Restrictive Covenant to prohibit future enclosure of the second-floor balconies; and

- (h) registration of a Section 219 Restrictive Covenant to ensure that neither an occupancy permit nor a business licence is issued for the banquet hall until all shared parking is constructed and available for use on Lots 7 and 11.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements. Specific requirements are outlined in a separate document that will be submitted to Council on February 25, 2013.

Parks, Recreation & Culture: The Parks Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Vacant lots were recently created and zoned under application no. 7908-0128-00.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North and east:	Vacant lots that were created as part of the same application as the subject property (application no. 7908-0128-00)	Industrial in the OCP. Business Park in the East Newton Business Park NCP.	CD (By-law No. 17404)
South (Across 66 Avenue):	Existing single family homes on large lots.	Industrial in the OCP. Live/Work or Business Park in the East Newton Business Park NCP.	RA
West (Across 152 Street):	Existing multi-family and single-family residential.	Urban in the OCP. Townhouses (max 15 upa.) in the East Newton South NCP.	RM-15 and RH

DEVELOPMENT CONSIDERATIONS

- The subject property is designated “Industrial” in the Official Community Plan (OCP) and “Business Park” in the East Newton Business Park Neighbourhood Concept Plan (NCP).
- This development permit application is among the first to be submitted within the East Newton Business Park NCP area. The only previous development is farther north, where a

church and a wedding/business park complex exist at the corner of 68 Avenue and 152 Street.

- Since the subject application was made, one additional application for business park development has been submitted (application no. 7912-0331-00) at 15336 – 67 Avenue (Lot 7). When it has been approved and constructed, this development will share parking with the subject site. Parking arrangements are outlined in more detail below.

Background

- The subject lots were created and zoned for business park use under CD By-law no. 17404. The rezoning was finalized on October 17, 2011 and subdivision plans were signed on November 22, 2011.
- CD By-law No. 17404 was utilized in order to address the non-industrial uses that are permitted in the IB Zone. Specifically, CD By-law no. 17404 does not permit retail uses, where the IB Zone allows some accessory retail. The CD Zone also limits the number of banquet halls, which are considered eating establishments, to a maximum of three over the 11 lots created as part of that application. Each banquet hall may have a maximum floor area of 2,137 square metres (23,000 sq.ft.) and must be accessory to a principal use.
- The subject application was presented to Council previously, on July 23, 2012 (see Appendix X for report). At that time, staff recommended that the application be referred back for further work with the applicant to increase the ground floor ceiling height. Council resolution R12-1644 required the ceiling height of the ground floor to be raised to 16 feet 3 inches from the previous 14 feet 7 inches. The applicant's latest submission shows a ceiling height of 16 feet, which staff consider to meet the intent of the Council resolution.
- When the previous report was written, detailed engineering comments had not yet been provided, but staff had identified a potential deficiency in proposed parking.
- The subject application has recently been amended to include a DVP for building height, in accordance with the Council resolution. Also, as part of an arrangement to address parking requirements, the following application amendments were made:
 - an additional lot (Lot 4, 6611 – 152A Street) has been included in the application;
 - a TUP for parking on Lot 4 has been added; and
 - a DVP has been added to allow the applicant to provide 50% of the total parking required for all individual uses in a shared parking arrangement, rather than the 75% required in the Zoning By-law.

DESIGN PROPOSAL AND REVIEW

Building Design

- The applicant proposes a development permit for a two-storey building at 6638 – 152A Street (Lot 5).

- The proposed building is L-shaped with a banquet hall, including two balconies, occupying the second floor. The ground floor is proposed to be demised into 17 units, each with an individual entrance. The units range in size from 130 square metres (1,409 sq.ft.) to 188 square metres (2,019 sq.ft.).
- Ground-floor units facing 66 Avenue and 152A Street have entrances from the parking area and no overhead doors.
- Units on the north and east sides of the building will each have an entry door and an overhead loading door facing the rear parking area.

Building Height

- The building is proposed to be 12.6 metres (41.5 ft), which exceeds the maximum height of 12.0 metres (40 ft) in CD By-law No. 17404.
- The second floor (banquet hall) ceiling height is proposed to be 7.1 metres (23.4 ft). According to the applicant, the tall ceiling is required to establish proportions appropriate to the large floor area of the banquet hall.
- With the second floor proposed to be overheight, the ground floor ceilings were originally proposed at 4.4 metres (14.6 ft) in order for the building to remain within the maximum allowable height.
- Staff were concerned that the 4.4 metre ceiling height would make the ground floor units unappealing to potential light industrial businesses, and recommended that the ceilings be raised to 5.5 metres (18.0 ft). As a result, Council passed Resolution No. R12-1644 asking the applicant to increase the ground floor ceiling height, recognizing that a height variance would consequently be required. The current proposal for a 4.9 metre (16.0 ft) ceiling is considered to be in compliance with Council’s resolution.
- The variance for building height can be supported on the basis that it will make the ground floor units more attractive to a variety of future businesses, including light industrial. Because the building character and configuration of this initial development will influence future development in the East Newton Business Park, it is very important to ensure that the building can accommodate appropriate light industrial and business park users.

Tree Retention

- The applicant has submitted arborist reports for both of the subject lots. In total, all nine (9) bylaw-sized trees on the two lots are proposed to be removed. Details are provided in the tables below:

Lot 5:

Tree species	No. to be removed	No. to be retained	Replacement trees required
Alder/cottonwood	7	0	7
Total	7	0	7

Lot 4:

Tree species	No. to be removed	No. to be retained	Replacement trees required
Douglas Fir	1	0	2
Sitka Spruce	1	0	2
Total	2	0	4

- On Lot 4, the douglas fir and sitka spruce trees were both assessed by Arbortech Consulting to be in very poor condition.

Parking

- On February 18, 2013, Council authorized an amendment to the Zoning By-law parking rates for banquet halls to proceed to Public Hearing. This proposed change increases the parking requirement per 100 square metres (1,075 sq.ft) of floor area for banquet halls from 10 to 14. The proposed amendment also requires that the ratio of 14 parking spaces per 100 square metres of floor area be extended to include balconies.
- Under the new requirements, 335 parking spaces will be required to accommodate the proposed banquet hall, including the balconies. 77 spaces are required to service the businesses on the ground floor of the building.
- The peak hours for the banquet hall are expected to occur on evenings and weekends, while the peak for the ground floor businesses can be expected during typical daytime business hours, Monday to Friday.
- The applicant proposes to construct 177 parking stalls on the subject property, leaving a deficiency of 158 stalls, which the applicant has arranged to share with three neighbouring properties. Properties at 6611 – 152A Street, 15336 – 67 Avenue, and 15315 – 66 Avenue will each provide some parking to meet the banquet hall's deficiency of 158 spaces. For simplicity, these lots will be referred to in this report by their legal lot numbers (Lots 4, 7 and 11 respectively). Appendix VIII shows the locations of these three lots relative to the site of the proposed business park/banquet hall development (Lot 5).
- The parking sharing arrangement is as follows. See Appendix IX for an illustrated explanation:

Lot 4:

- This lot has been included as part of the subject application. A temporary use permit (TUP) is proposed on Lot 4 to allow 34 parking spaces to be constructed on a temporary gravel lot. Because the property is currently undeveloped, a TUP is required to allow parking as a primary use.
- When Lot 4 develops in the future, 34 permanent stalls must continue to be available in the evenings for use by the banquet hall on Lot 5. This means that a restrictive covenant will be required on Lot 4 to restrict business hours to only daytime use for businesses needing those 34 stalls.

Lot 7:

- This lot is currently under application (no. 7912-0331-00). The proposal is for a multi-tenant industrial building with 62 parking spaces. All of this parking will be required in the future for evening use by the banquet hall on Lot 5.

- A restrictive covenant will be required on Lot 7 to restrict business hours to daytime use only.
- The proposed development on Lot 7 actually generates a requirement for approximately 110 daytime parking spaces. During the day, approximately 50 parking spaces on Lot 5 will be available to the businesses on Lot 7.
- Because Lot 7 is currently under application and will not be constructed before the subject development is complete, a restrictive covenant is required on Lot 5 to ensure that neither an occupancy permit nor a business licence is issued for the banquet hall before *all* shared parking (on Lots 4, 7 and 11) is constructed and available for use.

Lot 11:

- The arrangement with Lot 11 is similar to that with Lot 7, though an application has not yet been submitted for Lot 11. The owner of Lot 11 intends to develop this site soon, in a manner almost identical to Lot 7. 62 parking spaces can be anticipated, again with all parking being used in the evening by the banquet hall on Lot 5.
- As with Lot 7, Lot 11 is expected to generate a parking requirement of approximately 110 daytime parking spaces, of which approximately 50 will be obtained from Lot 5.
- A restrictive covenant will be required on Lot 11 to restrict business hours to daytime use only.

Lot 5:

- A restrictive covenant will be registered to limit the hours of the banquet hall to evenings and weekends only. This will ensure that daytime parking is sufficient to meet the requirements of the ground floor businesses, plus future businesses on Lots 7 and 11.
 - The hours of ground floor businesses will be limited to daytime use only.
 - A restrictive covenant is required to ensure that neither an occupancy permit nor a business licence is issued for the banquet hall before all shared parking is available for use on the three other lots.
- In situations where individual uses generate peak parking demand at different times, the Zoning By-law allows the applicant to provide a minimum of 75% of the total required parking. In other words, 25% shared parking is typically permitted between uses with different hours of peak demand.
 - In this case, the anticipated total parking requirement for all sites involved in the parking agreement will be 666 (335 + 77 + 110 + 110 + 34). 335 parking stalls are proposed to be constructed in total on all four lots, equaling 50% of the total, which is not in compliance with the Zoning By-law. This provision of the Zoning By-law is therefore proposed to be varied to allow the applicant to provide a minimum of 50% of the required parking, down from 75%, in recognition that the daytime and evening will each only demand 50% of the total required.

PRE-NOTIFICATION

Pre-notification letters were mailed out on February 20, 2013.

ADVISORY DESIGN PANEL

- The application was presented to the Advisory Design Panel (ADP) twice: on May 31 and June 28, 2012.
- On May 31, 2012, the panel recommended changes primarily to the building orientation, configuration of entries to the banquet hall, balcony design, and parking configuration. The recommendation also included a referral back to the panel for further review.
- The project was resubmitted to the ADP on June 28, 2012. The proposal had been amended to address the panel's comments about the banquet hall entries, balcony design, and parking, but the building orientation was not changed. The panel's recommendations would put the building into compliance with the design guidelines for the area, and would accommodate loading doors on the rear of the building. The applicant maintains, however, that the proposed orientation allows for a more optimal design of the banquet hall space, and for a greater number of parking spaces to be constructed on the site.
- On June 28, 2012 the ADP again recommended that the application be revised, primarily because the panel remained unsatisfied with the building orientation. Additional comments related to vehicle and pedestrian circulation, balconies, building entrances, and exterior materials.
- Staff acknowledge that the building orientation recommended by the ADP is more consistent with the design guidelines than the applicant's proposal. Staff believe, however, that the applicant's willingness to increase the main floor ceiling height is more critical to functioning of the building and are willing to accept the building orientation as proposed.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Increase building height from 12.0 metres (40 ft) to 12.6 metres (41.5 ft) to allow higher ground-floor ceilings.

Applicant's Reasons:

- The slightly higher ceiling height on the ground floor should increase the utility of these units for industrial businesses. The applicant maintains that proposed ceiling height of 7.1 metres (23.4 ft) for the banquet hall cannot be decreased because it is appropriate for the large scale of the floor area.

Staff Comments:

- Staff think that it is extremely important for developments in the East Newton Business Park to accommodate light industrial businesses, in order to maintain the integrity of the industrially-designated land. The proposed building height of 12.6 metres (41.5 ft) will facilitate a ground-floor ceiling height that is in keeping with Council's July 23, 2012 resolution.

(b) Requested Variance:

- Vary the Zoning By-law to allow the applicant to provide a minimum of 50%, rather than 75%, of the total parking spaces required when the parking is shared between uses with differing peak hours

Applicant's Reasons:

- The applicant and neighbouring property owners propose to limit the business hours of all affected developments through registration of restrictive covenants. These restrictions will ensure that adequate parking is provided for both daytime and evening/weekend uses without conflict.

Staff Comments:

- The shared parking arrangement allows for an efficient use of land while the business hour restrictions provide appropriate assurance that parking requirements can be met for all peak demand times.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Site Plan, Building Elevations, Landscape Plans and Perspective
Appendix III.	OCP Text Amendment By-law
Appendix IV.	ADP Comments
Appendix V.	Development Variance Permit No. 7912-0086-00
Appendix VI.	CD By-law No. 17404
Appendix VII.	Temporary Use Permit No. 7912-0086-00
Appendix VIII.	Map showing lot numbers for lots involved in parking sharing arrangement.
Appendix IX.	Map including details of easements and RC's required for parking sharing.
Appendix X.	Previous planning report for 7912-0086-00, dated July 23, 2012 (no appendices)

INFORMATION AVAILABLE ON FILE

(All the following are optional depending on the individual case)

- Complete Set of Architectural and Landscape Plans prepared by Sanford Design Group and M2 Landscape Architecture, respectively, dated February 13 and 18, 2013.

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development