

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7915-0444-00

Planning Report Date: May 2, 2016

PROPOSAL:

• Development Variance Permit

to relax the parking requirements for a proposed fitness facility (cross-fit gym).

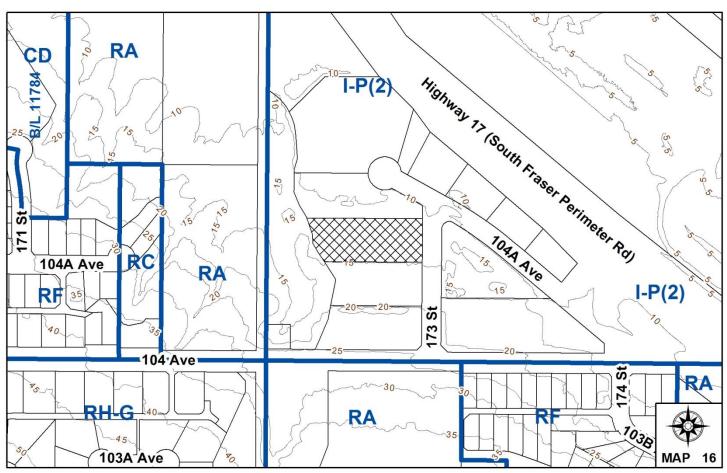
LOCATION: 10439 - 173 Street, Unit 102

OWNERS: G. Cal Holdings Inc.

Owners of Strata Plan BCS443

ZONING: I-P(2)

OCP DESIGNATION: Mixed Employment



RECOMMENDATION SUMMARY

• Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• Seeking to reduce the number of required on-site parking spaces from 31 to 10 for a proposed fitness facility (cross-fit gym) under Surrey Zoning By-law, 1979, No. 5942.

RATIONALE OF RECOMMENDATION

- Complies with the "Mixed Employment" designation in the Official Community Plan (OCP) and with the regulations of the I-P(2) Zone (Zoning By-law No. 5942), with the exception of parking.
- The occupant load of the proposed fitness facility (cross-fit gym) will be limited to 10 people at any one time (including employees), and thus the variance to reduce the required number of parking spaces from 31 to 10 is supportable.
- As a condition of issuance of the subject Development Variance Permit, a restrictive covenant limiting the maximum occupancy of the facility to no more than 10 people at any given time (including employees) will be registered on title of the subject unit (Unit 102). A sign indicating the maximum occupant load will also be mounted near the entrance of the unit. The maximum occupant load will be written in the Tenant Improvement Permit and the business license, both of which have been applied for in order to permit the operation of a cross-fit gym in the subject unit.

RECOMMENDATION

The Planning & Development Department recommends that:

- 1. Council approve Development Variance Permit No. 7915-0444-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to vary the Surrey Zoning By-law, 1979, No. 5942 to reduce the minimum required number of on-site parking spaces for a fitness facility (cross-fit gym) use from 31 to 10.
- 2. Council instruct staff to resolve the following issue prior to final approval:
 - (a) registration of a restrictive covenant limiting the occupant load for the proposed cross-fit gym in Unit 102 to a maximum of 10 people at any given time.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant warehouse building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Truck facility with industrial building	Mixed Employment	I-P(2)
East (Across 173 Street):	Vacant industrial lot (approved proposal to develop an industrial building, Application No. 7915-0236-00)	Mixed Employment	I-P(2)
South:	Warehouse building	Mixed Employment	I-P(2)
West:	Vacant treed lot	Suburban	I-P(2)

DEVELOPMENT CONSIDERATIONS

• The 5,019-square metre (1.2 ac.) subject lot is located at 10439 – 173 Street.

• The subject lot is designated "Mixed Employment" in the Official Community Plan (OCP) and is zoned "I-P(2) Industrial Park Zone (Two)" (Zoning By-law No. 5942). Since the lot is zoned I-P(2), the parking provisions of Surrey Zoning By-law No. 5942 are applicable.

- The subject lot was created in 2000 under Application No. 7999-0071-00 and on March 10, 2003 Council approved Development Permit No. 7902-0385-00 to permit a 2,147-square metre (23,100 sq. ft.) multi-tenant warehouse building. The building was subsequently stratified in 2003 under Strata Plan BCS 443.
- The existing warehouse building contains 9 units, 5 of which are vacant and the remaining 4 occupied by recycling, manufacturing, and catering businesses.
- The owner of vacant Unit 102 has applied for a Tenant Improvement Permit to accommodate a proposed cross-fit gym facility and Surrey CrossFit has applied for a business license to operate in the subject unit.
- The BC Building Code restricts the occupant load for Group D uses (business and personal services) to 30 people maximum at one time when two washrooms are provided. The proposed Tenant Improvement Permit work would include the construction of two washrooms in Unit 102, and thus the occupant load for the subject unit as dictated by the BC Building Code will be 30 people at any one time. However, the applicant is proposing to limit the occupant load to 10 people to support the requested parking relaxation (see By-law Variance section).
- Based on the parking requirements of Zoning By-law No. 5942, the proposed cross-fit gym use requires one (1) parking space for every nine (9) square metres (97 sq. ft.) of floor area. The 276-square metre (2,968 sq. ft.) Unit 102 therefore requires 31 parking spaces to accommodate the use. According to the applicant and the site plan provided (see Appendix II), there are 10 parking spaces available to the subject unit in the existing parking lot.
- The applicant has advised that the proposed cross-fit facility will not be able to accommodate more than 10 people at one time. The applicant has therefore requested a variance to reduce the number of required parking spaces from 31 to 10 for the subject unit (see By-law Variance Section).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

• To reduce the minimum required number of on-site parking spaces under Surrey Zoning By-law, 1979, No. 5942 from 31 to 10 for a proposed fitness facility (cross-fit gym).

Applicant's Reasons:

• The proposed cross-fit gym will not be able to accommodate more than 10 people at a time, and so 10 spaces is adequate (based on the assumption of one vehicle per person).

• There are 9 parking spaces in the existing parking lot allocated to Unit 102 and 1 additional parking space that can be shared with the adjacent Unit 101 so that 10 spaces could be accessed for Unit 102. The applicant is the owner of both Units 101 and 102, and has provided a letter supporting this parking stall sharing agreement (Appendix III).

Staff Comments:

- Zoning By-law No. 5942 provisions require 1 parking space per 9 square metres (97 sq. ft.) of gymnasium floor area, which equates to a requirement of 31 parking spaces for the proposed 276-square metre (2,968 sq. ft.) cross-fit gym.
- According to the applicant and the site plan provided (Appendix II), 9 parking spaces
 are allocated to Unit 102. The applicant is proposing to share 1 additional space with
 the adjacent Unit 101, which is currently occupied by a machine recycling and repair
 business, so that 10 parking spaces are available for the subject Unit 102.
- For manufacturing and industrial uses, Zoning By-law No. 5942 provisions require 3 parking spaces for every 100 square metres (1,076 sq. ft.) of display or retail sales area, plus 1 parking space for each 2 employees, plus 1 parking space for each vehicle owned, leased or operated by the company. The applicant (who is the owner of both the subject Unit 102 and the adjacent Unit 101) has advised staff that the existing machine recycling and repair shop operating in Unit 101 employs a maximum of 2 employees working at any one time. According to the applicant, there is no display or retail sales area in Unit 101, nor does the business operating in this unit use any company vehicles. This equates to a parking requirement of 1 space for the adjacent Unit 101. As per the site plan (Appendix II), there are currently 6 spaces allocated to Unit 101, which means that there is a surplus of 5 parking spaces for this unit.
- As per the letter provided by the applicant (Appendix III), the proposed cross-fit gym in Unit 102 would operate seven days a week from 6:00am 9:00pm. The peak hours for the gym would be 6:00am 7:30am and 5:00pm 9:00pm. The machine recycling and repair business in adjacent Unit 101 operates from Monday to Friday 7:30am 5:00pm.
- Given that the peak hours for the proposed cross-fit gym are outside of the hours of operation for the existing machine recycling and repair shop, the applicant's proposal to share 1 parking space between Units 101 and 102 is supportable.
- The BC Building Code restricts the occupant load for Group D uses (business and personal services) to thirty people maximum at any one time when two washrooms are provided, as is the case in the subject Unit 102. However, according to the applicant, the proposed cross-fit gym will not be able to accommodate more than 10 people at any one time.

• In order to ensure that the occupant load is limited to 10 people and to support the requested parking variance, staff are requiring that a restrictive covenant be registered on Title of the subject Unit 102. This restrictive covenant will indicate that, regardless of BC Building Code requirements, the occupant load for Unit 102 will be limited to no more than 10 people at any one time (including employees).

- In addition to the restrictive covenant, the maximum occupant load of 10 people will be indicated on a sign mounted near the entrance of Unit 102 and in the Tenant Improvement Permit (which has been applied for). It will also be written in the business license to be issued to Surrey CrossFit, which has applied for a business license to operate in the subject unit.
- The Engineering Transportation Division has reviewed this application, and has no objection to the variance.
- Staff support the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

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

Appendix III. Parking Stall Sharing Letter from Owner of Units 101 and 102

Appendix IV. Development Variance Permit No. 7915-0444-00

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

<u>Information for City Clerk</u>

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

1. (a) Agent: Name: G. Cal Holdings Inc

> Address: 11087 - 157 Street

> > Surrey, BC V₄N₁B₉

Tel: 604-880-4242 - Cellular

Properties involved in the Application 2.

> Civic Address: (a) 10439 - 173 Street, Unit 102

> (b) Civic Address: 10439 - 173 Street, Unit 102

> > G. Cal Holdings Inc. Owner:

> > > Owners of Strata Plan BCS443

PID: 025-697-081

Strata Lot 2 Section 7 Township 9 New Westminster District Strata Plan BCS443 Together With An Interest In The Common Property In Proportion To The Unit

Entitlement Of The Strata Lot As Shown On Form V.

- Summary of Actions for City Clerk's Office 3.
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0444-00 and bring the Development Variance Permit forward for indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once all outstanding conditions are satisfied.

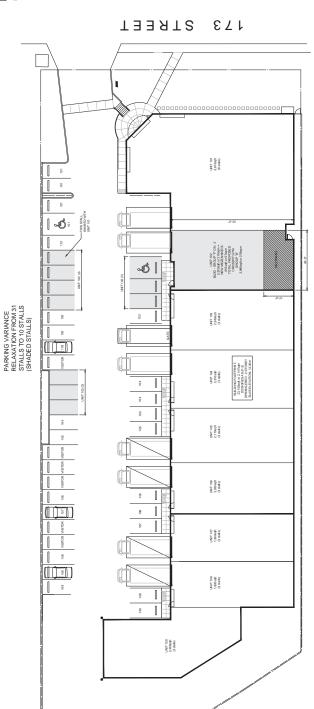
Appendix ΙI

TENANT IMPROVEMENT PROPOSED CROSS FIT TRAINING LOCATION PLAN,
PROJECT INFORMATION UNIT #102 10439 173rd STREET SURREY, BC V4N 5H3 A1.0

larry podhora / architect







British Columbia Building Code (2012) Analysis

City Of Surrey - Zoning Bylaw Analysis

1 LOCATION PLAN

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LEGAL DESCRIPTION: LOT 2, SEC 7, TWP 9, PLAN 58C443h

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PERSONAL SERVICE SHOPS -4.81qm PER PERSON (2781qm)
TOTAL OCCUPANT LOAD = -00 PEOPLE (SEE SECTION 2.480VE)

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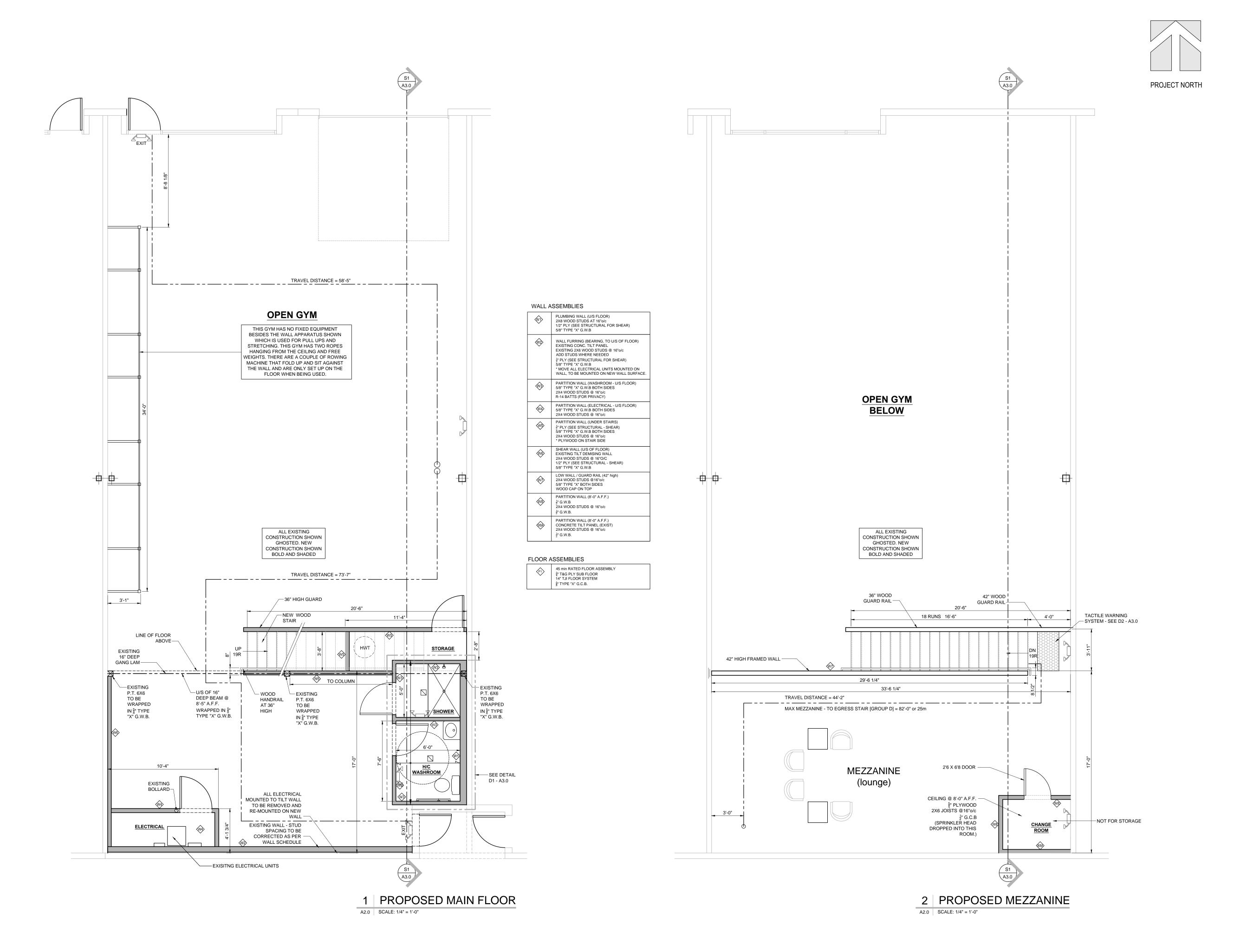
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P. 604.294.6662 F. 604.294.6665 www.krahn.com ABBOTSFORD OFFICE 400 - 34077 GLADYS AVE, ABBOTSFORD, BC, V2S 2E8 P. 604.853.8831 F. 604.850.1580 www.krahn.com

6 05/12/2016 PERMIT RE-SUBMIT - W/R REMOVED 5 01/29/2016 PERMIT RE-SUBMIT 4 01/11/2016 PERMIT RE-SUBMIT 3 12/09/2015 PERMIT REVISED - CITY COMMENTS 2 10/19/2015 ISSUED FOR PERMIT 1 10/02/2015 ISSUED FOR CLIENT REVIEW NO: DATE: (d/m/y) DESCRIPTION: ISSUES & REVISIONS:

larry podhora / architect 400 - 34077 GLADYS AVE, ABBOTSFORD, BC, V2S 2E8

PROJECT NAME:

TENANT IMPROVEMENT PROPOSED CROSS FIT TRAINING

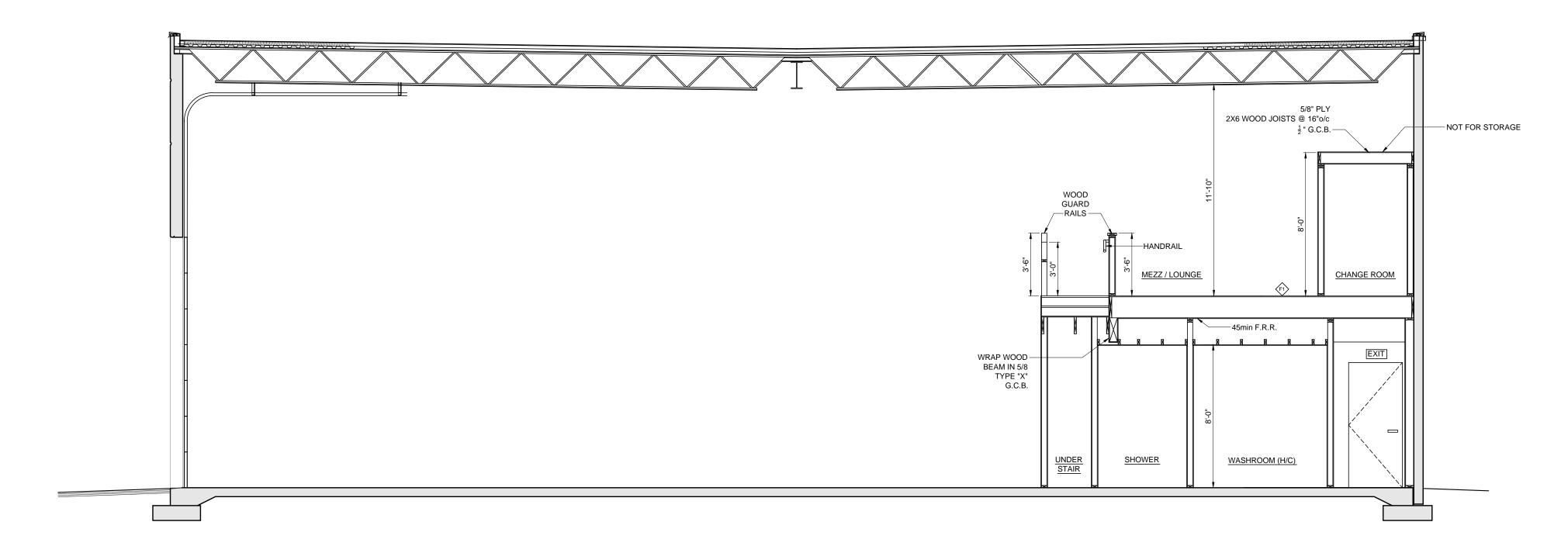
P. 604.853.8831 F. 604.850.1580

PROJECT ADDRESS: UNIT # 102 10439 173rd STREET SURREY, BC V4N 5H3

PROPOSED MAIN FLOOR AND MEZZANINE PLAN

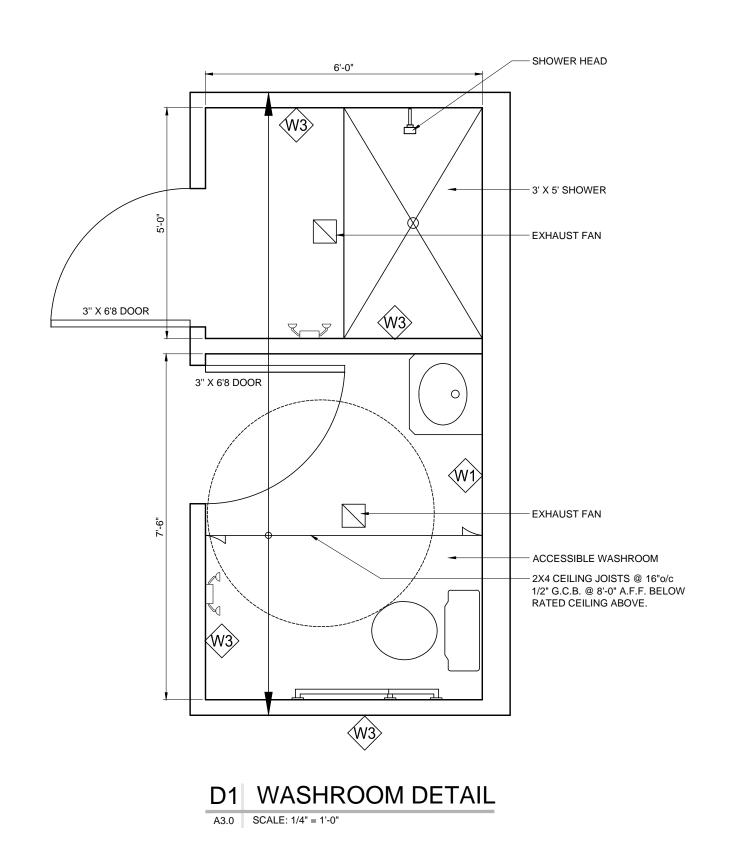
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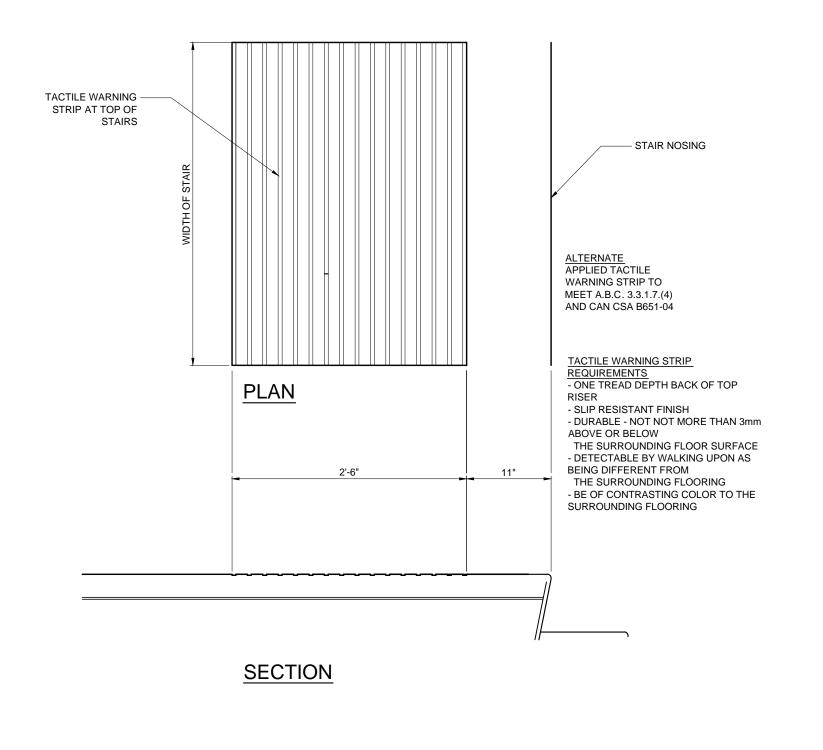
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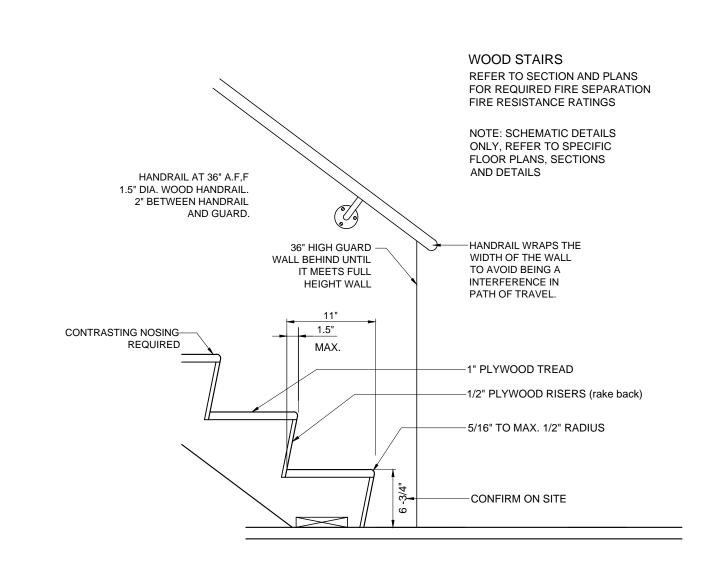


S1 BUILDING SECTION

A3.0 SCALE: 1/4" = 1'-0"







D2 TACTILE WARNING STRIP

A3.0 SCALE: 1/4" = 1'-0"

D3 STAIR DETAIL (WOOD)

A3.0 SCALE: 1/4" = 1'-0"



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ABBOTSFORD OFFICE
400 - 34077 GLADYS AVE, ABBOTSFORD, BC, V2S 2E8
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1		ISSUED FOR PERMIT ISSUED FOR CLIENT REVIEW
		PERMIT REVISED - CITY COMMENTS
4	01/11/2016	PERMIT RE-SUBMIT
5	01/29/2016	PERMIT RE-SUBMIT
6	05/12/2016	PERMIT RE-SUBMIT - W/R REMOVED

SEA

larry podhora / architect 1952 BRACKMAN WAY, NORTH SAANICH, BC, V8L 0C2 400 - 34077 GLADYS AVE, ABBOTSFORD, BC, V2S 2E8 P. 604.853.8831 F. 604.850.1580

PROJECT NAME:

TENANT IMPROVEMENT PROPOSED CROSS FIT TRAINING

UNIT # 102 10439 173rd STREET SURREY, BC V4N 5H3

PROPOSED MAIN FLOOR AND MEZZANINE PLAN

SCALE:	AS NOTED
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PROJECT NO:	150560-A

A3.0

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G.CAL HOLDINGS INC

March 16, 2016 Transportation Department City of Surrey C/O Rebecca Chaster Planning and Development

Dear Sir

As the owner of #101 we agree to share one additional parking stall to meet #102 requirements .

Machinex Recycling Equipment Unit 101 business hours are from 7:30 AM till 5:00 PM Monday thru Friday

The number of employees can vary from 2 to 4 depending on out of town work.

Hyack Athletics Gym Unit 102 business hours are from 6:00 Am till 9PM Monday thru Sunday

The number of employees can vary from 1 to 2

Sincerely yours,

Gordon McKellar President

11087-157 St

Surrey ,B.C.

V4N IB9

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0444-00

Issued To: G. CAL HOLDINGS INC

("the Owner")

Address of Owner: 11087 - 157 Street

Surrey, BC V4N 1B9

Issued To: Owners of Strata Plan BCS443

("the Owner")

Address of Owner: 10439 - 173 Street

Surrey, BC V₄N ₅H₃

- 1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
- 2. This development variance 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: 025-697-081

Strata Lot 2 Section 7 Township 9 New Westminster District Strata Plan BCS443 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V.

10439 - 173 Street, Unit 102

(the "Land")

- 3. Surrey Zoning By-law, 1979, No. 5942, as amended is varied as follows:
 - (a) In Section D.5 of Part 5, Off-Street Parking, the number of required off-street parking spaces is reduced from 31 to 10 for a fitness facility (cross-fit gym) (see Schedule A).

4.	This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.	
5.	The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.	
6.	This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.	
7.	The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.	
8.	This development variance permit is not a building permit.	
	ORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 . D THIS DAY OF , 20 .	
	Mayor – Linda Hepner	
	City Clerk – Jane Sullivan	
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Schedule Α

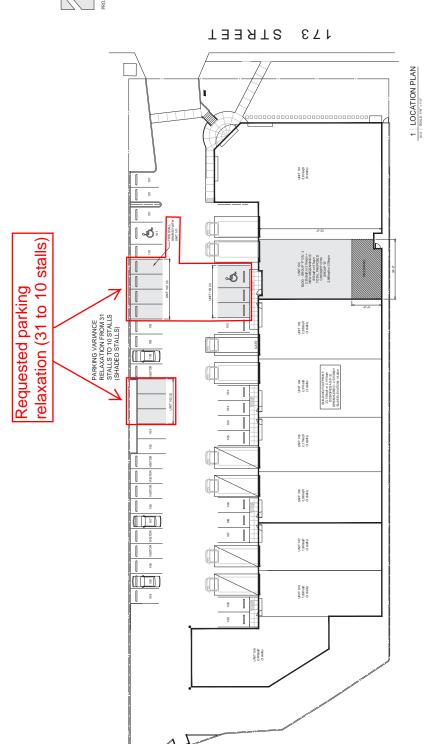
LOCATION PLAN, PROJECT INFORMATION

UNIT #102 10439 173rd STREET SURREY, BC V4N 5H3









British Columbia Building Code (2012) Analysis

City Of Surrey - Zoning Bylaw Analysis

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3. 3.1.3. MULTIPLE OCCUPANCY REQUIREMENTS

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EXSTYG BUILDING: 2.3.100at or 2.470am
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LEGAL DESCRIPTION: LOT 2, SEC 7, TWP 8, PLAN SBC443N

AS PER 31.17.1. - OCCUPANT LOAD TABLE
PERSONAL SERVICE SHOPS -4.81qm PER PERSON (2781qm)
TOTAL OCCUPANT LOAD = -00 PEOPLE (SEE SECTION 2.480VE)

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larry podhora / architect

TENANT IMPROVEMENT PROPOSED CROSS FIT TRAINING

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11. 3.8. BUILDING REQ'S FOR PERSONS w/DISABILITIES

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