

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0209-00

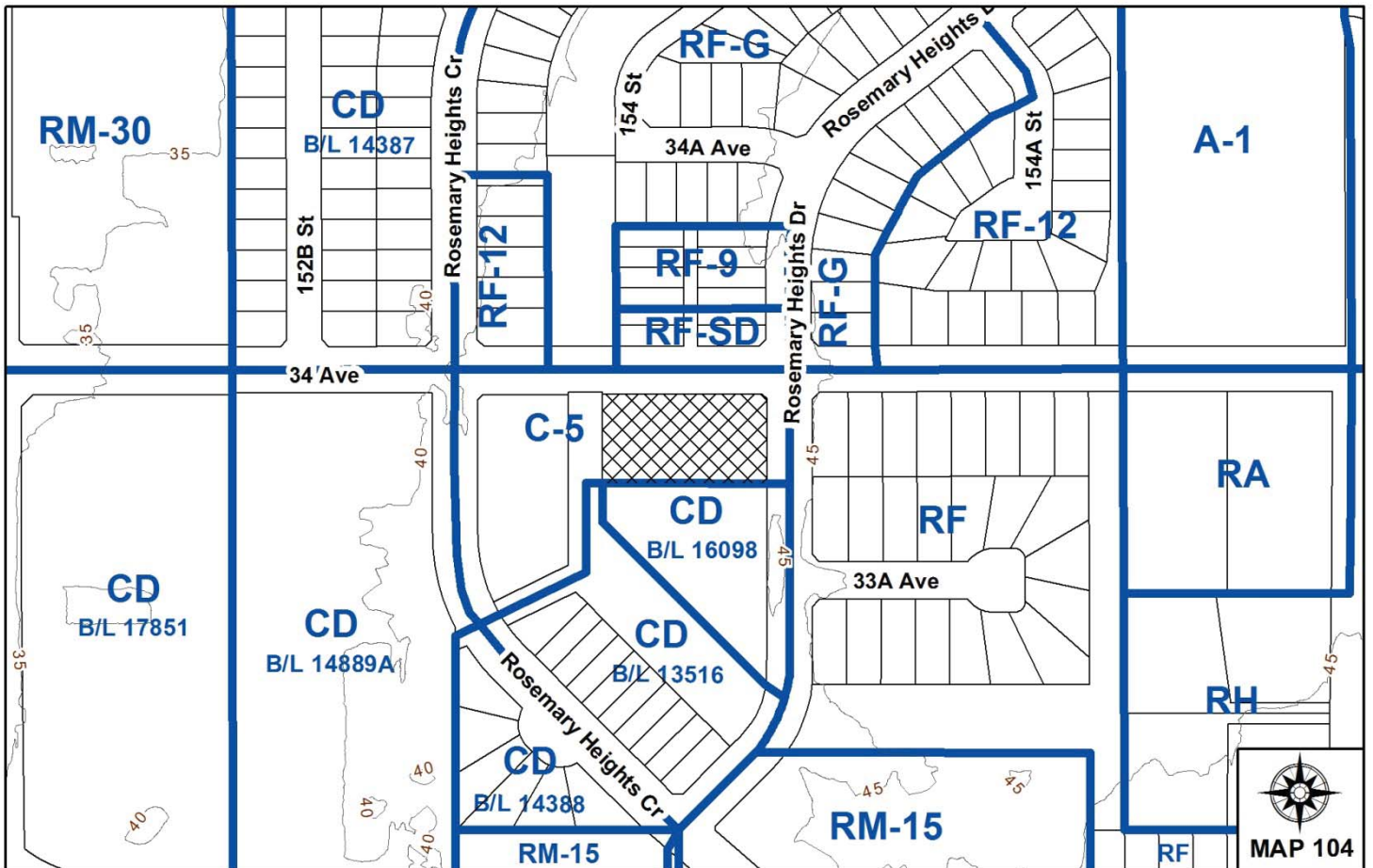
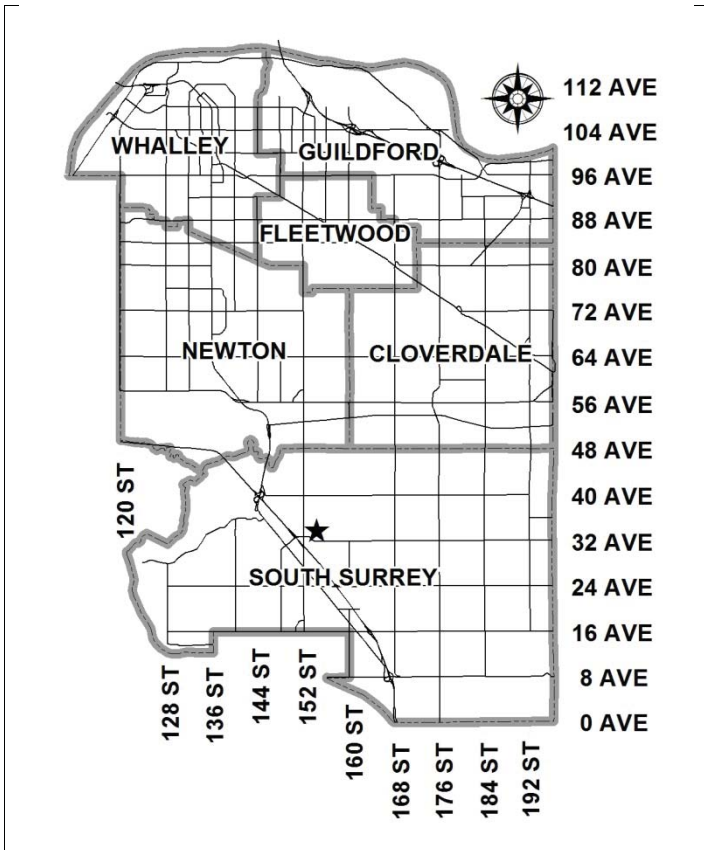
Planning Report Date: September 11, 2017

PROPOSAL:

- **Development Variance Permit**

to reduce the number of required on-site parking spaces to accommodate the expansion of a restaurant.

LOCATION: 15350 - 34 Avenue
OWNER: Rosemary Developments Ltd.
ZONING: C-5
OCP DESIGNATION: Urban
NCP DESIGNATION: Neighbourhood Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing a Development Variance Permit in order to reduce the rate at which parking for an eating establishment is calculated.

RATIONALE OF RECOMMENDATION

- Zoning By-law No. 12000 requires a total of 54 parking spaces be provided to accommodate the existing restaurant, the proposed restaurant expansion, and all other uses on-site.
- Currently, only 42 spaces are provided on site, which would leave a deficit of 12 parking spaces.
- In support of the proposed variance the applicant commissioned a parking study, which concluded that there is sufficient parking available within the Rosemary Centre complex and on the surrounding streets to accommodate the additional parking requirements for the restaurant expansion.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7917-0209-00 (Appendix II), to reduce the rate at which parking for an eating establishment between 150 square metres (1,615 sq. ft.) and 950 square metres (10,225 sq. ft.) in gross floor area is calculated from 10 parking spaces per 100 square metres (1,075 sq. ft.) to 5.5 parking spaces per 100 square metres (1,075 sq. ft.), to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial building.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 34 Avenue):	Semi-detached dwellings	Urban/Single Family Small Lots	RF-SD
East (Across Rosemary Heights Drive):	Single family dwellings	Urban/Single Family Residential	RF
South:	Multi-family residential building	Urban/Garden Apartments (3-Storeys)	CD (By-law No. 16098)
West:	Park & Multi-tenant commercial building	Urban/ Park-Open Space & Neighbourhood Commercial	C-5

DEVELOPMENT CONSIDERATIONSBackground Information & Current Proposal

- The subject property is designated "Urban" in the Official Community Plan (OCP), "Neighbourhood Commercial" in the Rosemary Heights Central Neighbourhood Concept Plan (NCP), and is zoned "Neighbourhood Commercial Zone (C-5)".
- The C-5 Zone permits a range of neighbourhood commercial uses including retail stores, personal service uses, eating establishments, neighbourhood pub, office uses, general service uses, indoor recreational facilities, community services, and child care centres.
- The property contains a multi-tenant commercial building with approximately 1,364 square metres (14,682 sq. ft.) of total floor area. The current uses are comprised of a combination of general service uses, personal service uses, office uses (including medical offices), a child care centre, and the existing restaurant.

- The existing restaurant (Tap Restaurant), located in Unit 101 of the building, has a gross floor area of approximately 133 square metres (1,432 sq. ft.), with an additional 49 square metre (531 sq. ft.) outdoor patio.
- The applicant applied for a Tenant Improvement Permit on March 2, 2016 for an 80 square metre (862 sq. ft.) expansion to the existing restaurant within Unit 103 of the building. With the addition, the restaurant will require 26 parking spaces. In total, 54 spaces are required on-site to accommodate the existing restaurant, the proposed restaurant expansion, and the other businesses within the building. The subject property provides a total of 42 parking spaces on site.
- The applicant is proposing a Development Variance Permit (DVP) to reduce the rate at which parking for an eating establishment between 150 square metres (1,615 sq. ft.) and 950 square metres (10,225 sq. ft.) in gross floor area is calculated from 10 parking spaces per 100 square metres (1,075 sq. ft.) to 5.5 parking spaces per 100 square metres (1,075 sq. ft.).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the rate at which parking for an eating establishment between 150 square metres (1,615 sq. ft.) and 950 square metres (10,225 sq. ft.) in gross floor area is calculated from 10 parking spaces per 100 square metres (1,075 sq. ft.) to 5.5 parking spaces per 100 square metres (1,075 sq. ft.).

Applicant's Reasons:

- The restaurant is centrally located within a residential community. A large percentage of customers walk in from the surrounding homes, especially during the day.
- A large portion of the restaurant's business occurs after 6pm when the other businesses in the building have closed for the day and all parking spaces are available.
- Although the restaurant has a patio space that must be included in calculating the total required number of parking spaces, the patio is only open in the summer and doesn't allow for an increase in the restaurant's total occupancy.
- There are short-term (on-street) parking stalls in front of the building that are available for use by customers.
- Tap Restaurant's contract with the owner of Rosemary Heights Centers contains an exclusivity clause that does not allow any other restaurants in the building, a use which has a high parking rate requirement by floor area.
- A letter of support for the proposed variance has been provided with signatures from the tenants of the other occupied units in the building.

Staff Comments:

- The applicant provided a parking study undertaken by WSP Canada Inc., which assesses the parking demand at the subject property (Rosemary Centre Building A), Rosemary Centre Building B at 3388 Rosemary Heights Crescent, which is connected by a pedestrian walkway, and for on-street parking in the vicinity of the site.
- Parking counts were undertaken for Rosemary Centre Buildings A and B and nearby on-street parking spaces on a Wednesday and Saturday in late July 2017 at midday and in the evening.
- The parking study concluded that there is sufficient parking available within the Rosemary Centre complex and on the surrounding streets to accommodate the additional parking requirements for the restaurant expansion.
- Staff supports the requested variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary
Appendix II. Development Variance Permit No. 7917-0209-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

Information for City Clerk

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

1. (a) Agent: Name: Les Pereira
 Tap Restaurant
 Address: 15350 – 34 Avenue, Unit 101
 Surrey, BC V3Z 0R7

2. Properties involved in the Application
 - (a) Civic Address: 15350 – 34 Avenue

 - (b) Civic Address: 15350 – 34 Avenue
 Owner: Rosemary Developments Ltd.
 PID: 025-560-352
 Lot 1 Section 26 Township 1 New Westminster District Plan BCP3190

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0209-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0209-00

Issued To: ROSEMARY DEVELOPMENTS LTD.

(the "Owner")

Address of Owner: 13484 – 13A Avenue
Surrey, BC V4A 1C4

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: 025-560-352
Lot 1 Section 26 Township 1 New Westminster District Plan BCP3190
15350 – 34 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Table C.1 of Part 5, Off-Street Parking and Loading/Unloading, the rate at which parking is calculated for an Eating Establishment is reduced from 10 parking spaces to 5.5 parking spaces per 100 square metres (1,075 sq. ft.) of gross floor area, balconies, terraces and decks, where this total area is greater than or equal to 150 square metres (1,625 sq. ft.) but less than 950 square metres (10,225 sq. ft.).
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached 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.

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

Mayor – Linda Hepner

City Clerk – Jane Sullivan

SKETCH PLAN SHOWING PARKING STALLS ON LOT 1, SECTION 26, TOWNSHIP 1, N.W.D., PLAN BCP3190

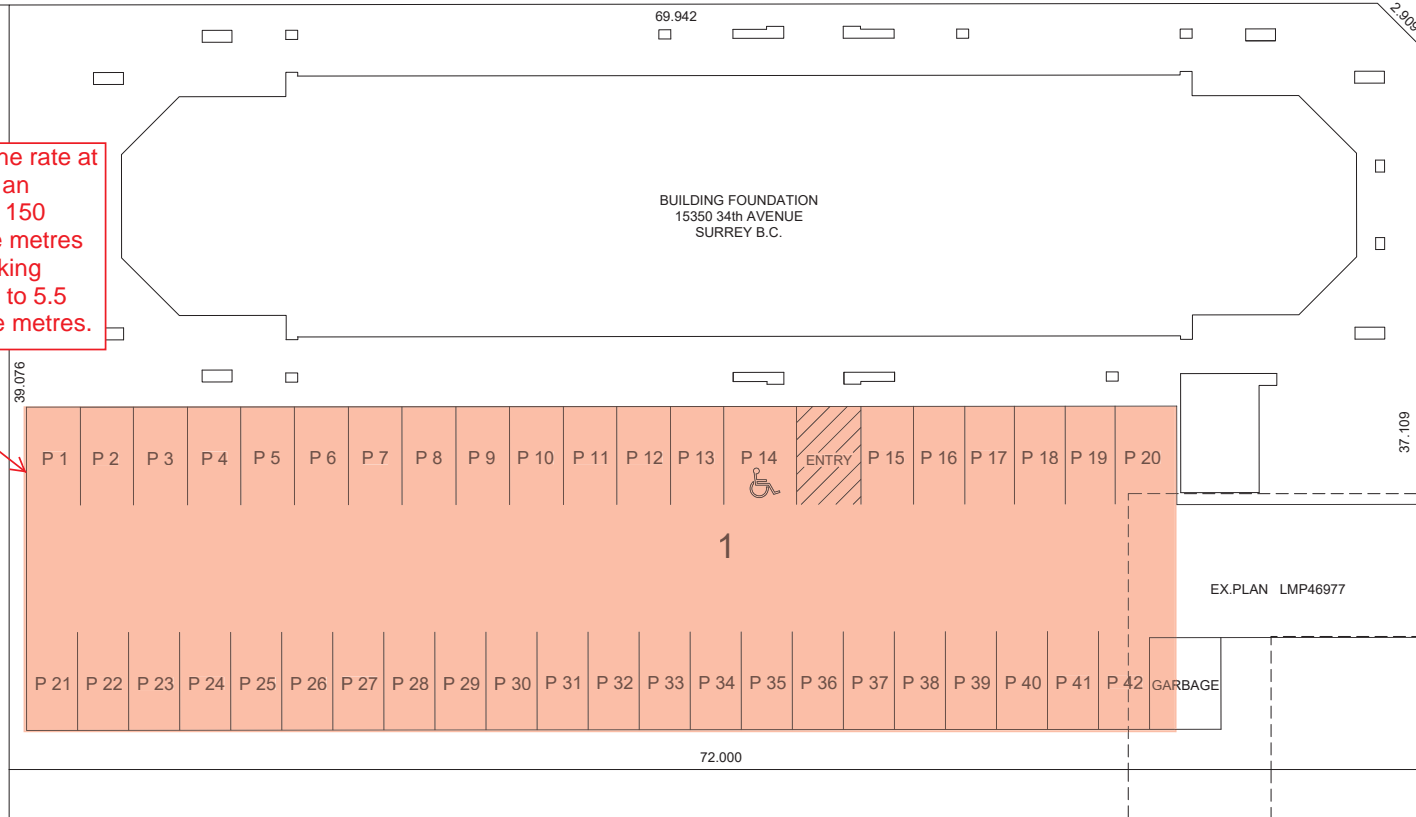
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34th AVENUE

Proposed variance to reduce the rate at which parking is calculated for an Eating Establishment between 150 square metres and 950 square metres in gross floor area from 10 parking spaces per 100 square metres to 5.5 parking spaces per 100 square metres.

2



ROSEMARY HEIGHTS DRIVE

EX.PLAN LMP46977

1

2

OLSEN & ASSOCIATES
BRITISH COLUMBIA
LAND SURVEYORS
204-15585 24th AVE.,
SURREY, B.C.
V4A 2J4
email info@olsensurveying.ca

This plan to be used for Municipal and/or Mortgage purposes only and is not to be used to define boundaries.

The plan above shows the registered dimensions of the above described property.