

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0376-00

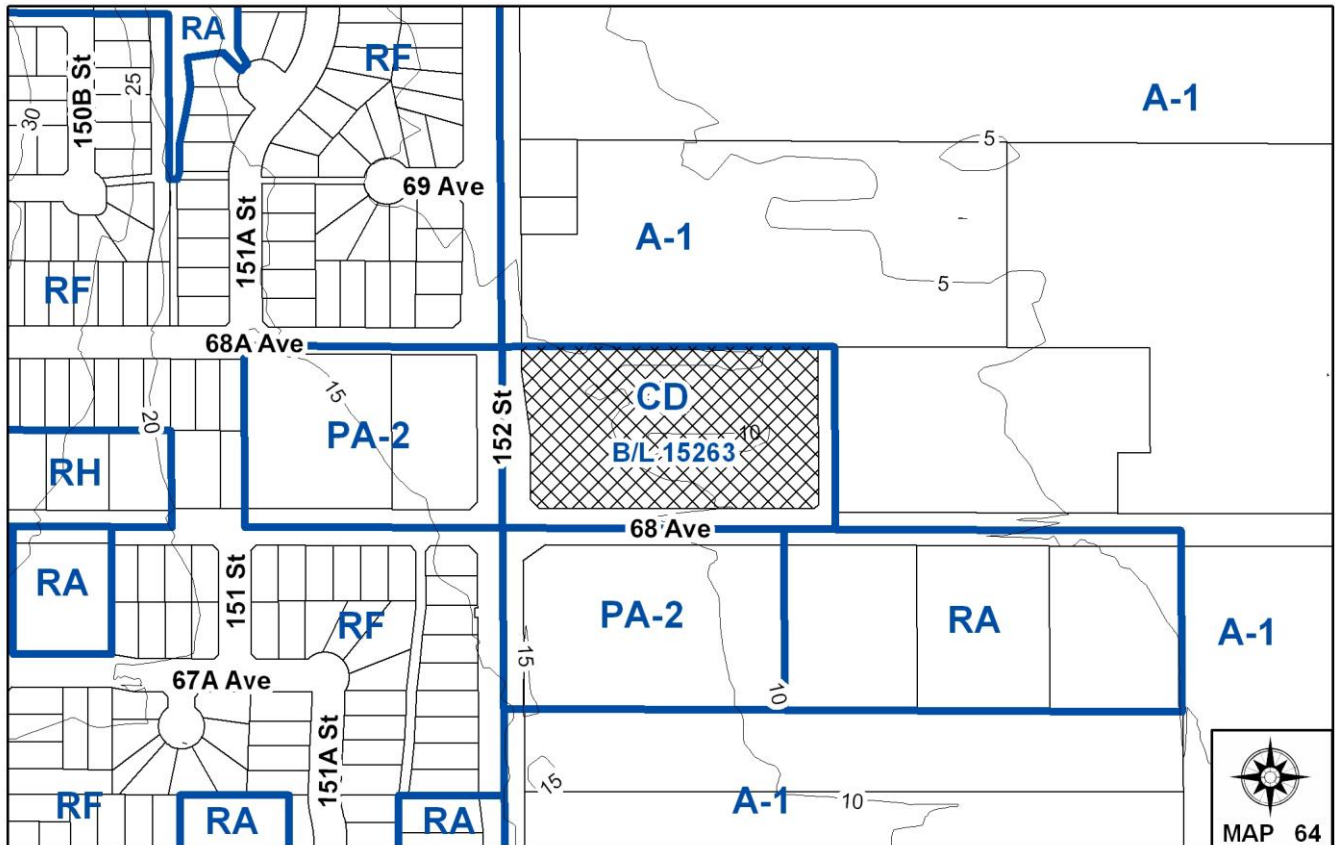
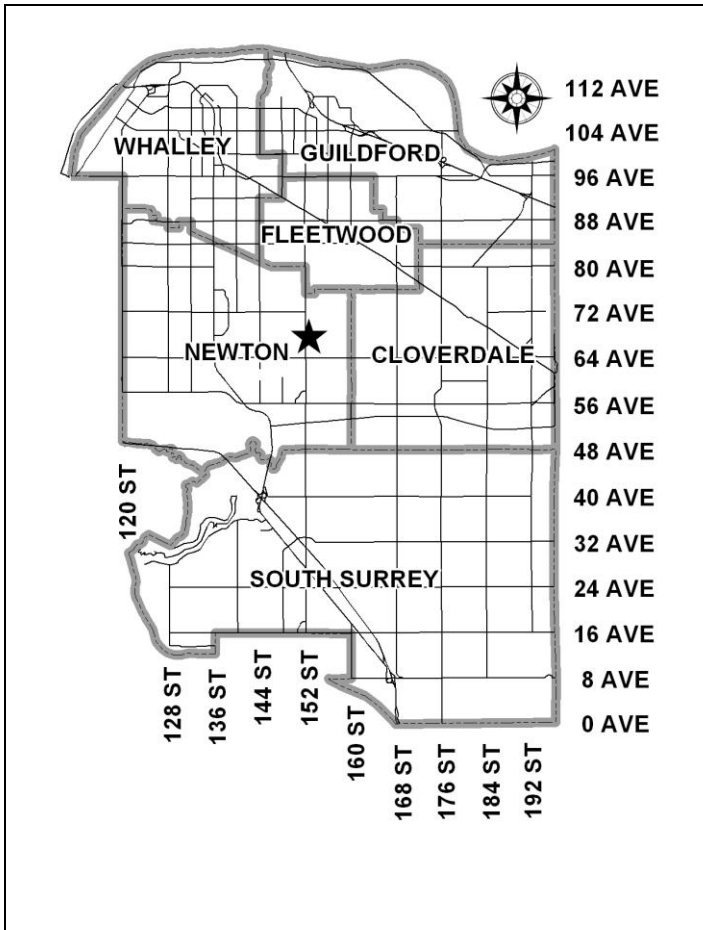
Planning Report Date: March 22, 2010

PROPOSAL:

- **Rezoning** from CD to CD (based on IB)
- **Development Permit Amendment**

in order to clarify the permitted range of industrial and ancillary retail uses to allow expansion of a temple use within the existing assembly/wedding palace building, and allow the addition of domes to the temple and adjustments to the fascia signage for the industrial units.

LOCATION: 15255 and 15299 – 68 Avenue
OWNER: All Owners Under Strata Plan BCS2221
ZONING: CD (By-law No. 15263)
OCP DESIGNATION: Industrial
NCP DESIGNATION: Business Park



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit Amendment.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The owner (Strata Plan BCS2221) proposes to convert banquet hall space (the Wedding Palace) to expand the existing gurdwara (temple) on the property. Additionally, the owners seek amendments to the existing Development Permit to add domes to the gurdwara building and adjust the permitted fascia signage for industrial units.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with NCP Designation.
- The conversion of wedding banquet space to an expanded gurdwara in the Wedding Palace building recognizes the existing function of this assembly space and does not generate any impact or concern, as parking requirements for either use are in compliance with the Zoning By-law.
- City staff have requested that zoning amendments be undertaken as part of this proposal in order to address numerous violations related to zoning, business license and building permit requirements associated with many businesses operating in this complex.
- The rezoning will clarify some items in the current zone that have been problematic to interpret, including the amount of retail space that is permitted for each individual unit, and the manner in which associated retail space can be accommodated. Mezzanine construction will now be prohibited.
- Through the rezoning process, all businesses on the site will be brought into compliance with the new zone.
- Overall, the proposed zoning changes will limit uses in many units with the intention of strengthening the "business park" character of the site and will restrict retail and other commercial uses.
- City staff have worked cooperatively with representatives of the strata and there is general agreement on this approach.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 15263) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit Amendment No. 7907-0376-00, which will amend Development Permit No. 7902-0340-00, in accordance with the attached drawings (Appendix II).
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) registration of a Section 219 Restrictive Covenant on each Strata Lot to prevent future construction of mezzanine floor area;
 - (b) registration of a Section 219 Restrictive Covenant on each Strata Lot to provide notice to future strata owners of the restrictions on associated retail areas permitted for industrial uses, and the physical separation requirements between retail and other uses;
 - (c) all units with existing associated retail components be brought into compliance with the proposed By-law;
 - (d) completion of all outstanding landscaping requirements;
 - (e) satisfactory resolution of all outstanding building permit and business license deficiencies; and
 - (f) confirmation by the Fire Department regarding acceptable occupant load for the expanded assembly hall use.

REFERRALS

Engineering: The Engineering Department has no objection to the project.
 Surrey By-laws & Licensing Services: By-laws and Licensing reviewed the proposed CD By-law and has no objection.

Surrey Fire Department: No objection, however, the Fire Department requires the occupant load for the expanded assembly hall use to be confirmed by the applicant.

SITE CHARACTERISTICS

Existing Land Use: One assembly hall and banquet hall building (wedding palace) and one multi-unit industrial building.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North and East:	Agricultural lands.	Industrial/Business Park	A-1
South (Across 68 Avenue):	Church.	Industrial/Existing church	PA-2
West (Across 152 Street):	Church.	Urban/Institutional	PA-2

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the north side of 68 Avenue in the East Newton Business Park area. The site is designated "Industrial" in the Official Community Plan (OCP) and "Business Park" in the East Newton Business Park Neighbourhood Concept Plan (NCP).
- The site was rezoned and a Development Permit was granted in 2005 under file number 7902-0340-00. Two buildings were constructed on the site. Near the corner of 68 Avenue and 152 Street is a three-storey "Wedding Palace" building containing both assembly hall (church/gurdwara) and banquet hall uses. To the east is a two-storey stratified industrial building containing 46 strata units. Approximately half of the units are currently occupied.
- The subject site is zoned "Comprehensive Development" (CD By-law #15263), which is based on the IB zone. The intent of the zone was to develop a business park containing some additional uses to provide wedding services. The applicant is proposing to rezone the property to permit the existing church use to be expanded from 700 m² (7,500 ft²) to 1,450 m² (15,500 ft²). This will allow the existing gurdwara to expand its space on the site. However, in addition the applicant proposes further zoning changes to the industrial uses on the site in order to bring the development more into compliance with the intended business park use.
- The applicant's proposal also includes an amendment to the existing Development Permit to allow the addition of domes to the gurdwara/Wedding Palace building and enable adjustments to the allowable fascia signage for industrial units. Details of the rezoning and Development Permit amendment are outlined below.

Rezoning

- The key purpose of the application is to enable expansion of the existing temple use from 700 m² (7,500 ft²) to 1,450 m² (15,500 ft²).
- Additionally, further zoning amendments are proposed to address problems experienced in recent years due to confusion regarding what uses are permitted under the existing zone. The confusion has primarily related to the floor area permitted for retail uses and the floor area permitted for accessory uses.

- As a result of this lack of clarity, there are a number of businesses within this site that do not possess the requisite permits and business licenses. The additional zoning amendments proposed with this application are the result of collaboration between the representatives of the strata corporation and City staff to address confusion related to the current zoning, grant some amendments that the strata has requested, and ensure that all businesses are brought into compliance with a more easily interpreted zone.
- The changes introduced in the new CD Zone will be as follows:
 - Expansion of maximum permitted floor area for assembly hall use from 700 m² (7,500 ft²) to 1,450 m² (15,500 ft²);
 - Establishment of a cap for maximum floor area for banquet hall use within the Wedding Palace building, at 1,300 m² (14,000 ft²);
 - Clarification of restrictions for retail floor area permitted in conjunction with a light industrial or wholesale operation: limited to a maximum of 50% of the floor area of the unit for small units, and 33% for larger units, to a maximum of 93 m² (1,000 ft²) total;
 - Separation requirements to physically delineate light industrial uses from associated retail areas within the unit;
 - Introduction of a definition for "wholesale use";
 - Elimination of wedding-related retail uses;
 - Addition of pharmacy as a permitted accessory use to a medical clinic, limited to one only;
 - Restriction of units that are currently vacant to strictly industrial/business park-type uses only;
 - Acceptance of non-industrial uses (ancillary commercial) in existing units only; and
 - Prohibition of further mezzanine construction.

Expansion of Assembly Hall

- The applicant has proposed to remove a demising wall on the second storey of the Wedding Palace assembly and banquet hall building, making the entire second floor available for assembly hall use.
- Currently the zone restricts the assembly hall use, which is limited to a church only, to a maximum floor area of 700 m² (7,500 ft²) per lot. The expanded floor area is proposed to be 1,450 m² (15,500 ft²). Presently the second floor has the maximum 700 m² of assembly hall use and the remainder is used for banquet facilities. The applicant's proposal will reduce the area in the building devoted to banquet hall and increase the assembly hall use without the construction of any additional floor area.
- Parking requirements for the banquet hall use are 10 spaces per 100 m² (1,075 ft²), while for the assembly hall use parking is required at 7.5 spaces per 100 m² (1,075 ft²). The proposed shift in floor area from banquet hall to assembly hall will theoretically have the effect of decreasing overall demand for parking on the site, although the current situation remains a challenge. Nevertheless, it is expected that parking demand will be improved due to the overall zoning changes proposed.

Establishment of Cap for Banquet Floor Area

- As the allowable floor area for the temple use within the Wedding Palace building is being expanded, the portion of the building used for dining will correspondingly shrink. In acknowledgement of the challenge of providing enough parking for all users of the site, the

maximum floor area that may be used for the banquet hall will be capped at 1,300 m² (14,000 ft²). This reflects the revised floor plan for the building.

Limitation on Associated Retail Floor Area

- The existing CD By-law #15263 states that retail use is permitted on the site only in conjunction with a light industrial or wholesale operation, however the by-law does not give any specifications regarding the permitted size of the associated retail portion of the industrial business. The lack of clarity has resulted in the establishment of more retail-oriented businesses than was intended. It is felt that the establishment of a limitation on permitted retail area is necessary to bring the site more closely into compliance with its original intent and would be beneficial both to the City and to existing business owners in terms of providing clarity.
- Through consultation between staff and strata representatives, a sliding scale was established as follows:
 - Retail space associated with an industrial unit shall not exceed 50% of the main floor of a business, to a maximum of 47 m² (500 ft²) when the main floor of the business is less than 112 m² (1,200 ft²). This provision will apply to businesses that occupy a single strata unit.
 - Retail space associated with an industrial unit shall not exceed 33% of the main floor of a business, to a maximum of 93 m² (1,000 ft²) when the main floor area of the business is 112 m² (1,200 ft²) or greater. This provision will apply to businesses that have consolidated more than one strata unit, and is intended to ensure that associated retail uses are small in scale.
- Retail will be permitted only in conjunction with a light industrial or wholesale business. The retail limits were chosen in order to ensure that adequate area can be provided for the primary (industrial/wholesale) operation, without unduly impacting those businesses that are already operating on the site. All businesses will be required to comply with these retail restrictions, and to demonstrate compliance prior to final approval of the rezoning.
- Parking has also become a problem on the site, and the shortage of available parking is likely related to the fact that a larger percentage of the site is being used for retail and other commercial-type uses than was originally intended. The limitation on retail should serve to reduce the overall demand for parking on the site in the long run.

Physical Retail Space Separation Requirements

- In order for the retail floor area limitations to be clearly understood and enforced, the new CD Zone will also specify physical separation requirements between light industrial and associated retail uses, as follows:
 - For single units, smaller than 112 m² (1,200 ft²), retail floor area must be separated from the industrial portion of the unit by a wall at least 1.2 m (4 ft) in height, which may contain a door. This provision is in recognition of the fact that small businesses may employ only one staff member who would be required to monitor the entire unit.
 - For businesses larger than 112 m² (1,200 ft²), industrial and associated retail area must be again separated by a wall at least 1.2 m (4 ft) in height, except where a unit has a ceiling height of greater than 3.7 m (12 ft), in which case the uses shall be separated by a wall at least 1.8 m

(6 ft) in height. In larger units it is likely that staff will consist of more than one person and visual connectivity between the different parts of the business becomes less significant. Emphasis is placed on providing a clear division between the areas that are accessible to the public and those that are not.

Elimination of Wedding-Related Retail Uses

- The existing CD zone was intended to accommodate a small amount of wedding-related business in the industrial building to complement the assembly hall and banquet hall uses in the Wedding Palace building. The by-law currently allows a maximum of 743 m² (8,000 ft²) of wedding retail, limited to one specialty convenience store and one fabric and wedding planning store.
- At present, none of the businesses occupying the building complies with either of these retail uses. In the interest of encouraging more business park users and eliminating the potential for more commercial businesses on the site, with a consequent increase in demand for parking, staff and the applicant have agreed to eliminate wedding-related retail uses from the zone.

Definition of Wholesale Use

- The Zoning Bylaw does not currently define a "wholesale use", though reference is made to this type of use in a number of different zones. The fact that there is no clear definition has led to difficulty in interpreting the existing CD By-law on this site.
- For the purposes of the new CD Zone, "wholesale use" will be defined as "the sale of goods to retailers, businesses, institutions or government agencies for their own use or for resale and excludes retail sale to the public".

Addition of Pharmacy as a Permitted Accessory Use to a Medical Clinic

- Medical clinics are permitted on the subject site, as they are considered to be an office use. The applicant has proposed to add a pharmacy as a permitted use, to be operated in conjunction with a proposed medical clinic in strata lots 25-27 (units 125-127). The pharmacy use itself will be limited to a maximum size of 50 m² (500 ft²).
- This addition is considered complementary to a permitted office use, and can be accommodated within the business park model.

Limitation of Uses in Vacant Strata Units

- Both the applicant and staff note that the number of commercial businesses currently on the site is substantially greater than what was anticipated when the site was first developed as a business park. The existing CD By-law permits a number of service commercial uses, though limits them to accessory uses only, which means that by definition they may not occupy more than 49% of the total floor area on the site. These uses include barbershops, beauty parlours, clothing cleaning and repair, shoe repair, recreational facilities, eating establishments, community services, child care centres and assembly halls. The Wedding Palace uses also fall within the "accessory" category. At present, the combined service commercial and Wedding Palace uses exceed the 49% threshold for uses ancillary to industrial uses.

- Therefore, under the proposed CD By-law, vacant units will be zoned to allow only the primary business park uses and none of the uses currently classified as accessory. The uses permitted in these units under the new CD By-law will be as follows:
 - Light impact industrial (including up to 50% retail floor area, as outlined above);
 - Office;
 - General service; and
 - Warehouse.
- This limitation will again serve to minimize parking impacts in the long run without unduly impacting existing businesses. See Appendix IV for a table showing the specific uses permitted in each unit on the subject site.
- Section 219 Restrictive Covenants will be required to be registered on all units to provide notice to all existing and future owners of the limitations on associated retail space and requirements for separation between retail areas and industrial/wholesale areas within a unit.

Allowance for Existing Ancillary Service Commercial Uses

- For units currently occupied by businesses considered to be "accessory" service commercial under the existing zone, the full range of accessory uses, as noted above, will continue to be permitted. Under the new zone, these uses will be permitted outright and will not be listed as "accessory". By permitting the uses only in certain units, the maximum floor area that can be occupied by them is limited and the term "accessory" is no longer needed.
- Units presently occupied by light industrial, office, general service and warehouse businesses will be given the same treatment as vacant units, with a limited number of uses permitted under the new bylaw.
- This arrangement has been established as a result of consultation with the strata in order to most effectively limit the number of "accessory" commercial-type uses on the site, while still allowing all existing businesses to operate legally now and into the future. As part of this arrangement, all businesses will be required to ensure that their building permits and business licenses are approved and up to date prior to final approval of the rezoning.

Prohibition of Future Mezzanine Construction

- Nine units in the industrial building have constructed mezzanine areas above the first floor. While mezzanines are currently permitted under the building code, the construction of this additional floor area has led to increased demand for the parking on site. As part of this rezoning process, the construction of additional floor area within all units will be prohibited.

Development Permit

- Details of the proposed Development Permit amendment are as follows:
 - Allow five additional domes to be installed on the roof of the assembly hall building; and
 - Amend signage plan for the industrial building, primarily to change fascia sign locations for first floor units.

Domes

- The original Development Permit for the site (#7902-0340-00) allowed for one dome to be installed on the roof of the Wedding Palace building, located above the main entrance. The applicant now proposes the addition of five (5) more domes: one to be located on each of four corner of the roof, with one larger dome on the centre of the roof.
- The building is 11.6 m (38ft) in height, with the domes adding an extra 7.2 - 12.8 m (24 - 42 ft). The City's Zoning By-law permits over-height elements such as domes, as long as the area of the over-height features does not exceed 1% of the total site area. The applicant has confirmed that the domes will occupy only 0.7% of the site area.

Signage

- The original Development Permit requires signs for first-floor businesses in the industrial building to be in a recessed location immediately above the doorways of the units, which puts them under the overhang for the covered pedestrian walkway that encircles the building. The strata suggests that signage has poor visibility in these locations, and instead should be located underneath the second-storey windows and thus outside of the covered walkway.
- In addition to the fascia signage changes, the strata proposes to install one pylon sign on each street frontage. These signs will be required to comply with the City's Sign By-law.

Parking

- Staff and the applicant recognize that there is at times a high demand for parking on the subject site. This parking problem has arisen largely because more commercial-type uses have become established on the site than was originally intended. There is presently no opportunity to increase the number of parking stalls available, therefore a number of measures are being taken as part of the current application to decrease parking demand:
 - Floor area for the assembly hall use to be increased, with a corresponding decrease in floor area for the banquet hall;
 - Floor area available for retail associated with industrial to be limited to 50% or 33% depending on the unit size;
 - Wedding-related retail to be eliminated;
 - Further construction of mezzanines to be prohibited; and
 - Personal service, eating establishments, recreational facilities, community services and child care to be restricted to a limited number of units only.

Landscaping

- Some elements of the landscaping from the original Development Permit have not yet been completed. All outstanding landscaping requirements must be addressed prior to final approval of the rezoning. These requirements include but are not limited to the following:
 - Planting of trees and shrubs that are missing or in poor health, based on original landscaping plan;
 - Installation of decorative fencing;
 - Removal of garbage and debris from planting beds;

- Construction of garbage enclosures; and
- Completion of landscaping edge treatment, particularly adjacent to the north property line.

PRE-NOTIFICATION

Pre-notification letters were sent out on November 4, 2009 and staff have not received any response from neighbours.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Site Plan, Building Elevations and Signage Details
Appendix III.	Proposed CD By-law
Appendix IV.	Table Illustrating Proposed Uses On Each Strata Lot

Jean Lamontagne
General Manager
Planning and Development

MJ/kms

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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: Gerry Blonski
 Address: #1A, 12468 – 82 Avenue
 Surrey, BC
 V3W 3E9
 Tel: 604-572-3608

2. Properties involved in the Application
 - (a) Civic Addresses: 15255 – 68 Avenue and Units 101 to 216, 15299 – 68 Avenue

 - (b) Civic Address: 15255 – 68 Avenue and Units 101 to 216, 15299 – 68 Avenue
 Owner: All Owners in Strata Plan BCS2221
 Strata Lots 1 – 47, Section 14 Township 2 New Westminster District, Strata Plan BCS2221, Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V.

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.