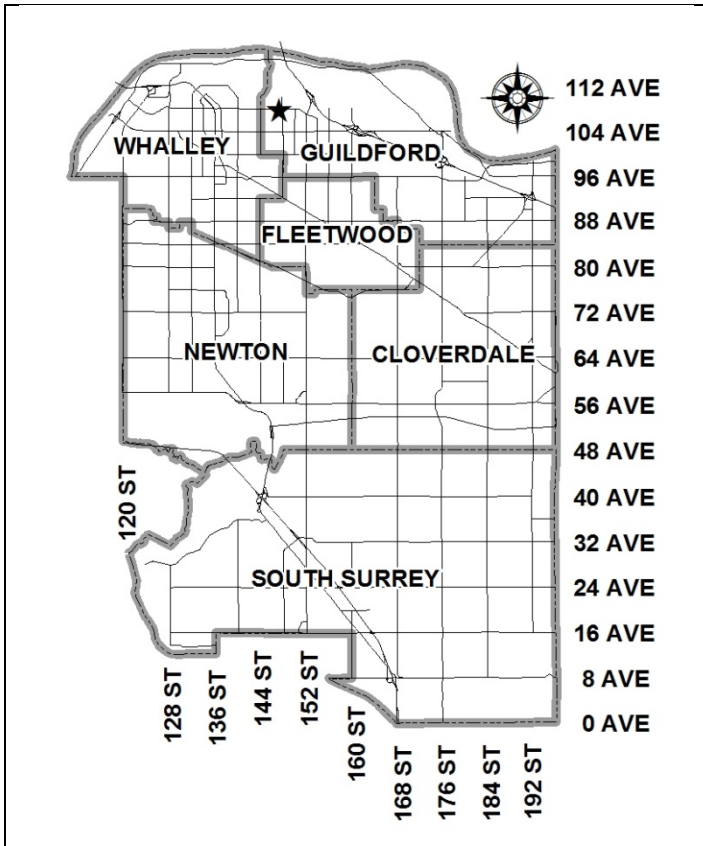


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0171-00

Planning Report Date: September 8, 2014



PROPOSAL:

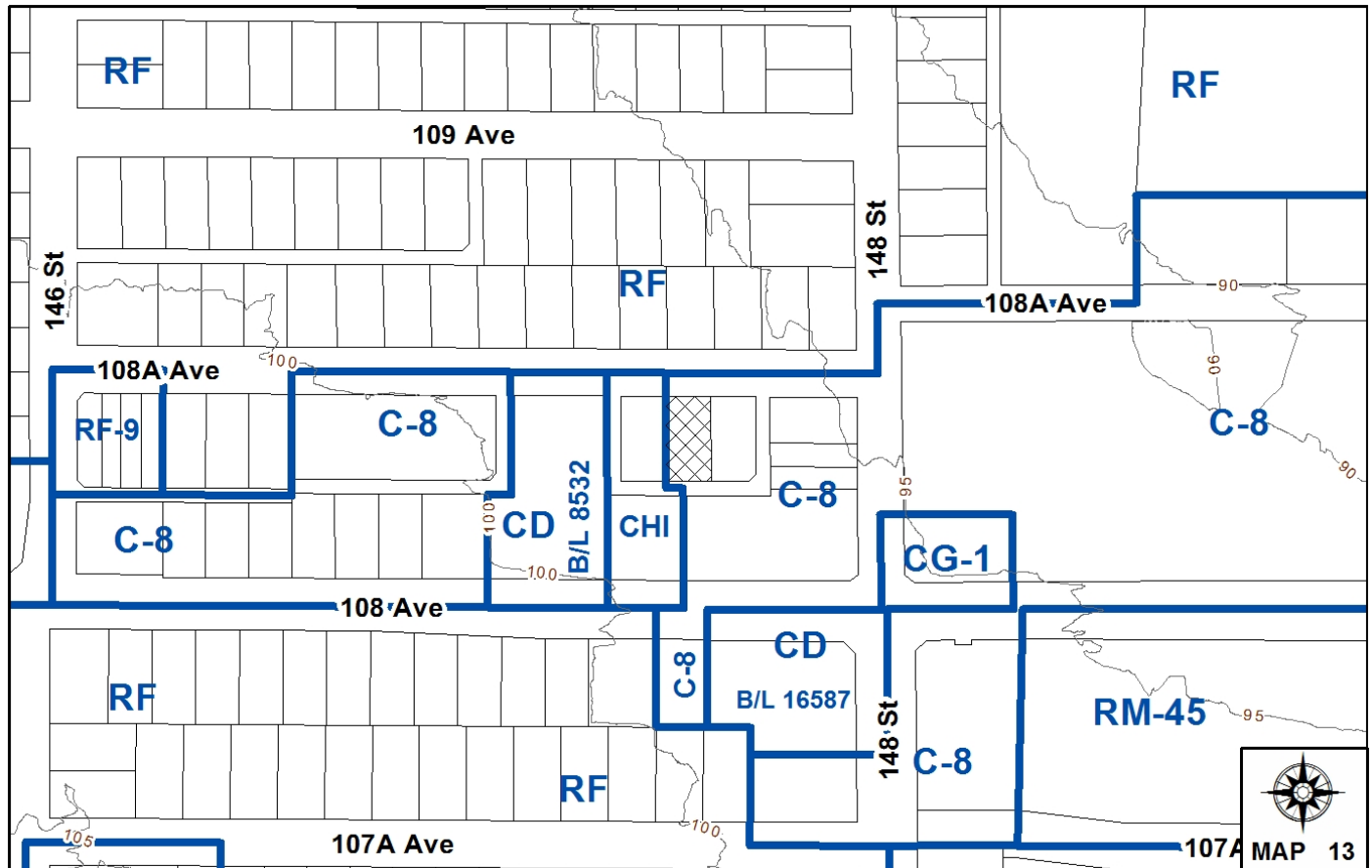
- **Development Variance Permit**
 in order to vary the off-street parking requirement for a proposed restaurant in an existing commercial building.

LOCATION: 14752 - 108A Avenue

OWNER: Wayne K Young

ZONING: C-8

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The number of required parking spaces for an eating establishment is proposed to be reduced from 45 to 6.

RATIONALE OF RECOMMENDATION

- The applicant has obtained informal agreement from neighbouring commercial property owners to share off-site parking spaces after 5:00 pm, for an additional possible 60 parking spaces within close proximity to the site.
- The proposed restaurant will increase vitality in the community.
- The proposed restaurant is located in an older commercial neighbourhood that is anticipated to be redeveloped in the future and is therefore considered to be an interim use.
- Commercial and residential property owners in the area have not raised objections to the possibility of increased demand for on-street parking along 108A Avenue.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0171-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum number of off-street parking spaces for a 450-square metre (4,800 sq.ft.) eating establishment from 45 to 6.

REFERRALS

Engineering: The Engineering Department has identified the potential for on-street parking impacts on neighbouring streets due to the parking reduction. The applicant has canvassed commercial and residential property owners in the area and has received no objections to the anticipated increase in on-street parking demand.

SITE CHARACTERISTICS

Existing Land Use: Existing commercial building, undergoing tenant improvements.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 108A Avenue):	Existing single family dwellings	Urban	RF
East:	Existing eating establishment	Commercial	C-8
South:	Existing multi-tenant commercial building	Commercial	C-8
West:	Existing automobile service business	Commercial	CHI

DEVELOPMENT CONSIDERATIONS

- The 690-square metre (7,424-sq.ft.) subject site, located on the south side of 108A Avenue, is currently zoned "Community Commercial Zone (C-8)" and is designated Commercial in the Official Community Plan (OCP).
- The subject site is the location of an existing single storey commercial building with a gross floor area of approximately 450 square metres (4,800 sq.ft.). It has previously been used as a multi-tenanted building, most recently for a laundromat, bakery, and martial arts studio (see Appendix II). The building is currently occupied by Al-Baraka Restaurant, which has an active building permit for tenant improvements to convert the entire building into a single eating establishment with approximately 66 seats.

- Under Surrey Zoning By-law, 1993 No. 12000, eating establishments (restaurants) with a floor area less than 950 square metres (10,225 sq.ft.) and greater than 150 square metres (1,615 sq.ft.) require a minimum of 10 parking spaces for every 100 square metres (1,075 sq.ft.) of gross floor area. As the applicant proposes that the existing building on the subject site will be comprised entirely by a single restaurant, forty-five (45) parking spaces must be provided. The site currently has six (6) on-site parking spaces, with an additional four (4) parking spaces located on a portion of the parking lot within the road right-of-way. There is no opportunity to provide additional parking spaces on the site.
- The applicant has provided letters of support from four (4) surrounding business owners (representing five (5) properties) who have offered an informal agreement that they would make parking spaces available for use by the patrons of Al Baraka Restaurant after 5:00 pm, for an approximate total of sixty (60) off-site parking spaces. In addition to the six (6) existing on-site parking spaces, the applicant has possible access to sixty-six (66) total parking spaces.
- The applicant has also obtained signatures from four (4) residential property owners on the north side of 108A Avenue, indicating that they understand the scope of the variance requested by the applicant and have no concerns that restaurant customers may park their vehicles on 108A Avenue (see Appendix III for a location of supporting businesses and residences).
- While these informal agreements with the surrounding property owners are certainly positive, they provide no guarantee that the off-site parking spaces will be available to the restaurant patrons on an ongoing basis. The applicant has indicated, furthermore, that their proposed hours of operation will be from 11:30 am until late in the evening.
- The Zoning By-law permits parking spaces for non-residential uses to be located on an abutting lot, however a registered agreement is required.
- Staff advised the applicant that they should attempt to secure a formal shared parking agreement with one or more of the adjacent commercial property owners to ensure that they have continuous access to sufficient parking. The applicant has been unable to secure such an agreement allowing for the guaranteed use of off-site parking spaces with any of the adjacent commercial properties.
- Transportation Engineering staff have identified the potential impact the parking shortfall will have on the neighbourhood, as it is reasonable to anticipate that the restaurant patrons will park their vehicles on 108A Avenue in front of the existing single family residences.
- The applicant contends that this restaurant is intended to serve as a gathering place for members of their community. As this is a close-knit community that lives primarily within walking distance of the restaurant location, according to the applicant, the majority of patrons will travel to the restaurant by foot as opposed to using their vehicles.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the minimum number of required parking spaces in the Zoning By-law for a 450-square metre (4,800 sq.ft.) eating establishment from 45 to 6.

Applicant's Reasons:

- The applicant has obtained signed letters from the four (4) surrounding business owners (representative of five (5) commercial properties) adjacent to the subject site. These property owners have indicated that they have a number of parking spaces that can be used by Al-Baraka Restaurant after 5:00 pm.
- The owners have also secured signatures from four (4) residential property owners on the north side of 108A Avenue, indicating that they understand the scope of the requested variance and that restaurant customers may park their vehicles on the fronting street (108A Avenue).
- The restaurant is primarily intended to serve residents of the immediate community. As such, the majority of customers will walk or use public transit rather than drive to the business.

Staff Comments:

- The peak business hours and therefore peak parking demands for the restaurant will be during off-business hours for the adjacent commercial businesses, and typically will not compete with on-site and off-site parking for these adjacent businesses.
- The proposed tenant improvements will significantly enhance the viability of the proposed restaurant, and will increase vitality in the community.
- The proposed restaurant is located in an older commercial neighbourhood that is anticipated to be redeveloped in the medium to long-term. The use is therefore considered to be an interim use.
- However, the lack of a formal, secure parking arrangement suggests that it may not be possible to ensure that these off-site parking spaces will be available on an ongoing basis. Should these off-site parking spaces become unavailable in the future, patrons will be required to park on the street. This will have an impact on the surrounding residential neighbourhood. The applicant has demonstrated that there does not appear to be any objections to the potential for increased demand for on-street parking amongst the residential and commercial property owners in the area.
- Staff are mindful that neighbouring commercial properties in the area have minimal off-street parking, and may be seeking similar parking variances in the future. Staff will evaluate these requests on a case-by-case basis taking into consideration observed on-street parking demands at that time.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Photo of Location for Proposed Restaurant
- Appendix III. Location of Proposed Restaurant and Indications of Support
- Appendix IV. Development Variance Permit No. 7914-0171-00

original signed by Judith Robertson

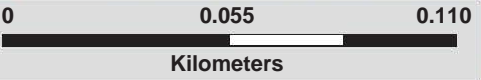
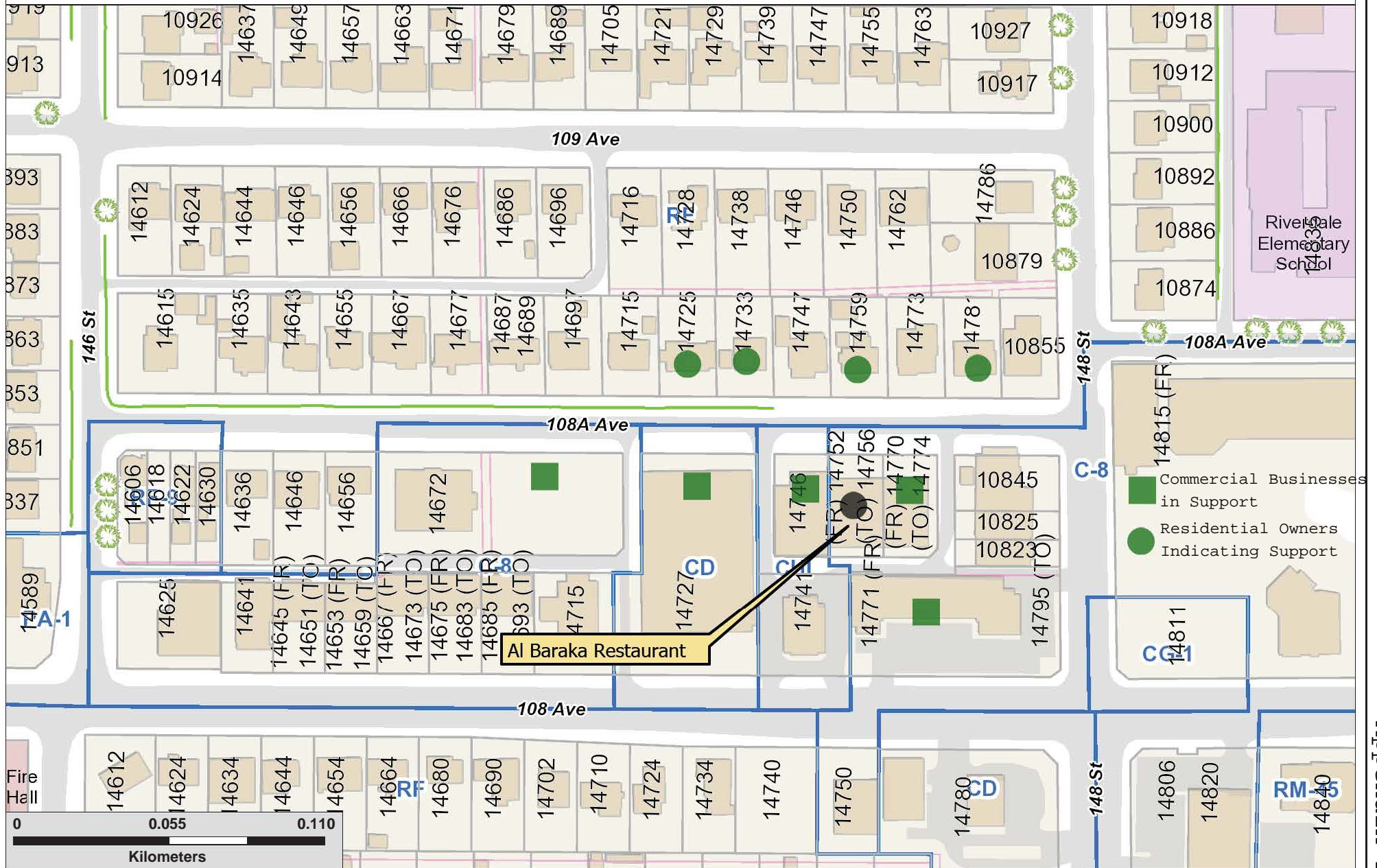
Jean Lamontagne
General Manager
Planning and Development

CA/da

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Location of Proposed Al Baraka Restaurant



The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca.

Enter Map Description

Scale: 1: 1,826
Map created on: August-25-14

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0171-00

Issued To: WAYNE K YOUNG

("the Owner")

Address of Owner: 2228 - E 61st Avenue
Vancouver, BC V5P 2K3

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: 010-588-086

Lot 19 Section 18 Block 5 North Range 1 West New Westminster District Plan 19832

14752 - 108A Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section C of Part 5 Off-Street Parking and Loading/Unloading, the minimum number of off-street parking spaces for a 450-square metre (4,800 sq.ft.) eating establishment is reduced from 45 to 6.
4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
5. 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.
6. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

7. 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 – Dianne L. Watts

City Clerk – Jane Sullivan