

Re: LETTER FROM THE ARMENIAN CULTURAL ASSOCIATION OF B.C. THAT APPEARED ON  
THE AGENDA FOR THE DECEMBER 1, 1975 MEETING OF COUNCIL (Item 4a)  
PROPOSED PARKING LOT SUBLEASE

Appearing of last week's Agenda was a request from the Armenian Cultural Association of B.C. to sublease a parking lot from a bank which is leasing the lot in question from the Municipality. Following is a report from the Director of Planning on this matter.

We are not recommending that the Zoning By-law be amended to allow joint use of parking areas where the minimum requirements for each use are not met.

RECOMMENDATIONS:

1. THAT the Armenian Cultural Association of B.C. be advised that the terms of the lease between the Royal Bank and the Municipality preclude the sub-letting of the Corporation-owned parking area, and that the Zoning By-law does not provide for dual usage of required parking spaces by more than one user; and
2. THAT Mr. K. Yaghdjian be furnished with a copy of this report.

\* \* \* \* \*

PLANNING DEPARTMENT  
DECEMBER 4, 1975

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR OF PLANNING  
SUBJECT: ARMENIAN CULTURAL ASSOCIATION B.C.  
PROPOSED PARKING LOT SUBLEASE

Appearing on the Council agenda at the December 1 meeting was a letter from Mr. K. Yaghdjian, Chairman of the Armenian Cultural Association, concerning that organization's wish to sublease parking facilities from the Royal Bank branch at McKay and Kingsway.

The Association's proposal to operate a hall in the building at 6016 McKay will require that provision be made for meeting the applicable zoning requirements, including the provision of off-street parking spaces. The pertinent requirement amounts to 1 parking space per 100 square feet of floor area in areas without fixed seats which are intended to be used for assembly purposes. To date there has been no application for Preliminary Plan Approval for this use, and hence we are not able to determine the total number of spaces required. However it is apparent that it will not be possible to meet this parking requirement on the site, and the Association therefore proposes to take advantage of the provisions of Section 800.5(2) of the Zoning Bylaw, which allows credit to be given for suitable parking spaces located not more than 400 feet from the building being served.

Of particular significance is the qualification underscored in the following extract quoting this Section:

"Except in the case of dwellings located in residential districts off-street parking spaces may be provided and used collectively by two or more buildings or uses, provided that the total number of parking spaces when used together is not less than the sum of the requirements for the various individual uses, and that such parking facilities shall be located not more than 400 feet from any building or use to be served."

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This stipulation ensures that the collective minimum parking requirements as set out in the Bylaw for the various benefitting uses will be met at all times. Assignment of the same set of required parking spaces for more than one use for the purpose of satisfying minimum Bylaw requirements is not permitted under the Bylaw, despite the fact that the individual users at a given point in time may claim that their respective activities do not generate parking needs at the same time of day. Clearly, business policies relating to hours of operation may change widely in the future, and it is quite conceivable that there would be the desire to hold meetings or events in a public assembly area during daylight hours, during normal business hours. The result, if double assignments of parking spaces were allowed, would be an overlap in parking demands creating non-conformity with minimum requirements, and producing increased traffic congestion on the streets.

The Bank owns Lots A and B, as shown on the attached sketch, and leases from the Municipality the easterly  $\frac{1}{2}$  of Lot 5, for parking purposes. In connection with the proposition that the Bank would agree to sublease its parking area to the Association as mentioned in Mr. Yaghdjian's letter, the Municipal Solicitor has advised that in addition to a clause in the lease with the Municipality providing that the Lessee will not assign or sublet without leave in writing, the lease with the Municipality contains the further clause that the demised premises shall be used as a free customer parking lot in connection with its banking business and for no other purpose. It is therefore his opinion that this last clause makes it impossible for the bank to sublet to the Association.

#### RECOMMENDATION

On the basis of the foregoing, it is recommended that:

1. the Armenian Cultural Association of B.C. be advised that the terms of the lease between the Royal Bank and the Municipality preclude the sub-letting of the Corporation-owned parking area, and that the Zoning Bylaw does not provide for dual usage of required parking spaces by more than one user, and
2. that Mr. K. Yaghdjian be furnished with a copy of this report.

  
A. L. Parr,  
DIRECTOR OF PLANNING.

*AP*  
DGS:cm  
Attach.

c.c. Municipal Solicitor  
Land Agent  
Chief Licence Inspector

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