



Proposal: Rezone from RA to RM-15. Development Permit to permit the development of 48 townhouse units. Development Variance Permit to vary setbacks.

Recommendation: Approval to Proceed

Location: 6076 and 6118 - 138 St **Zoning:** RA

OCP Designation: Urban

NCP Designation: Townhouses **Owners:** Various Owners
(15 upa max.)

PROJECT TIMELINE

Completed Application Submission Date:	October 9, 2003
Planning Report Date:	January 26, 2004

The applicant is proposing:

- a rezoning from RA to RM-15;
- a Development Permit;
- a Development Variance Permit to vary the following by-law regulations:
 - the south side yard setback is reduced from 7.5 metres (25 ft.) to the following:
 - i. to 2.3 metres (7.5 ft.) for Building 10;
 - ii. to 4.2 metres (13.8 ft.) for Building 9; and
 - iii. 4.5 metres (15 ft.) for Building 8as shown on the site plan attached as Appendix IX; and

- rear east yard setback is reduced from 7.5 metres (25 ft.):
 - i. to 3.7 metres (12 ft.) for Building 8;
 - ii. to 3.4 metres (11.2 ft.) for Building 7; and
 - iii. to 3.6 metres (11.8 ft.) for Building 6,
 as shown on the site plan attached as Appendix IX

in order to permit the development of a 48-unit townhouse complex.

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Multiple Residential 15 Zone (RM-15)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7903-0371-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7903-0371-00 (Appendix IV), varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum side yard setback of the RM-15 Zone along the south property line only from 7.5 metres (25 ft.) to 2.3 metres (7.5 ft.) for Building 10, 4.2 metres (13.8 ft.) for Building 9, and 4.5 metres (15 ft.) for Building 8, as shown on the site plan attached as Appendix IX; and
 - (b) to reduce the minimum rear east yard setback of the RM-15 Zone from 7.5 metres (25 ft.) to 3.7 metres (12 ft.), for Buildings 8, 3.4 metres (11.2 ft.) for Building 7 and 3.6 metres (11.8 ft.) for Building 6 only;
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) input from the Department of Fisheries;
 - (d) submission of an acceptable tree survey and a statement regarding tree preservation;
 - (e) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (f) registration of a Section 219 Restrictive Covenant to specifically prohibit the conversion of the tandem parking spaces into livable space;
 - (g) registration of a Section 219 Restrictive Covenant for "no build" on a portion of 6076 - 138 Street until future consolidation with the adjacent property (6064 - 138 Street); and
 - (h) the applicant adequately address the impact of no indoor amenity space.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix III).
Parks, Recreation & Culture:	The proposed open space is acceptable. The applicant should provide a park development amenity contribution on a per-unit basis as per the NCP Stage II as approved by Council. At land clearing stage, the applicant should install temporary fencing at the property line bordering the existing park (Appendix V).
School District:	The proposed 48-unit townhouse development is projected to add 14 students to McLeod Road Elementary and 6 students to Sullivan Heights Secondary. Comments attached (Appendix VI).
Department of Fisheries and Oceans:	DFO has no objection to the proposed riparian setback variation (Appendix VII).

SITE CHARACTERISTICS

- **Existing Land Use** Two single family dwellings which will be removed.
- **Significant Site Attributes** A Class B Creek flows northwards along the east edge of the site. An area approximately 8,933 m² (2.2 acres) with significant vegetation will be set aside as a riparian leave strip setback area and dedicated as open space.
- **East:** Acreage with old single family dwelling, zoned RA, designated Urban in the Official Community Plan.
- **South:** Acreage with old single family dwelling, zoned RA, designated Urban in the Official Community Plan.
- **West:** Acreage with old single family dwelling, zoned RA, designated Urban in the Official Community Plan.
- **North:** Acreage with old single family dwelling, zoned RA, designated Urban in the Official Community Plan.

PLAN AND POLICY COMPLIANCE

OCP Designation:	Complies.
NCP Designation:	Complies.

DEVELOPMENT CONSIDERATIONS

Location & Land Use Context

- The subject site located at 6076 & 6118-138 Street, is designated Urban in the OCP and Townhouses (15 upa max.) in the South Newton NCP. The South Newton NCP provides for a number of higher density multiple

residential areas in the form of townhouses and apartments in addition to opportunity to preserve fish bearing water-courses. The proposed 48-unit townhouse development is in keeping with the NCP, and meets all the requirements of the RM-15 Zone, except for the south side yard setback and the rear (east) yard setback requirements for which a variance is sought.

Environmental Impact, Tree Survey and Arborist Report

- A Class B creek (tributary of the Hyland Creek) flows northwards along the east edge of the subject site. The proposed townhouses are sited at a distance of between 20 metres (66 ft.) to 45 metres (148 ft.) from the top bank of this creek. The applicant retained Envirowest Consultants to seek riparian setback variation from the Ministry of Water Land and Air protection and Department of Fisheries from 30 metres (98 ft.) to an average of 20 metres (66 ft.) from top-of-bank. The consultant proposed a riparian setback which varied from 15 metres (49 ft.) for the south portion of the site to an average of more than 25 metres (82 ft.) on the north portion of the site (Appendix VIII). In return for the setback variation the applicant will set aside 8,933 square metres (2.2 Acres) of land around the creek as open space. The Ministry of Water Land and Air protection and Department of Fisheries support this proposal (Appendix VII).
- 23 trees are identified outside of the riparian setback area. Of those, three will be retained and 19 will be removed either because they are in poor condition or are located within building envelop of the development. The retained trees will be incorporated into the new landscaping for the site.

PRE-NOTIFICATION

Pre-notification letters were sent on October 20, 2003 and staff received the following comment:

- The main concern is that the type of townhouses proposed will be low cost and susceptible to crime.

(The site is designated Townhouses 15 upa max. in the South Newton NCP. The proposal is in keeping with the NCP designation. The design of the proposed townhouses is typical of any other townhouses in the South Newton NCP area. However, the unit type mix from duplex style, two-storey, to blocks of 6, three-storey, plus the architectural details provides the differentiation from the other townhouse developments in the area.)

DESIGN PROPOSAL AND REVIEW

- The proposed 48-townhouse development is a typical townhouse development comprising of two-storey and three storey blocks. There are nine duplex style units, with double garages at the main entrance, two four-unit blocks with double garages, three six-unit blocks with tandem garages, and one four-unit block with tandem garages. The garage type dictates the front elevation and roofing style of the units. The blocks with double garages have a paired gable over the double garages, while the units with tandem garages have the gable roof over the main entrance.
- The site gradually slopes in a north direction. All the units adjacent to the north and east property line have been sited to take advantage of the views to the creek and the green space, which will be protected around the creek, and to recognize the topography. The two-storey units along the north property line are designed with walkout basements to acknowledge the topography and to minimize any impact on future development on the adjacent property. The three storey units along 138 Street all have individual pedestrian entrances with a walkway from the street sidewalk to the main door. This enhances the street oriented residential character of 138 Street. The vehicular entries for those units are located off the internal drive isle.
- The overall site layout was developed to allow for continuity of street oriented elevations along 138 Street, all through to the future development on the adjacent property to the south. The realignment of 138 Street, onto the

property to the south (6064 - 138 Street), bisects the property. The portion on the north side of the future road has limited development potential independently - mainly due to the creek on the east edge of the property. This development is, therefore, required to provide a vehicular linkage to the property to the south, to connect with the 138 Street diversion, as shown in Appendix II. The main vehicular access to the site is from 138 Street, at the northern portion of the site. An internal drive isle will link the subject developments, to future development on the adjacent property to the south.

- The architectural character incorporates a craftsman style vocabulary and a combination of materials and colours highlighted as follows:
 - Covered entry porches with gable roofs;
 - Large painted fascia boards with shingle and lap siding;
 - Painted horizontal hardi-plank lap siding;
 - Painted shingle siding to gable ends and fireplace projections;
 - Variegated painted asphalt shingles in weathered wood colour for sloped roofing;
 - Large overhangs with wood fascia and brackets;
 - Unit entry doors and garage doors with raised panel profile;
 - Vinyl frame windows with mutton bars; and
 - Wood handrails and guardrails to entry porches and exterior decks.
- C. Kavolinas and Associates Inc. prepared the landscaping plan comprising of shrubbery, trees and ground cover and incorporates the existing trees which will be retained outside the riparian setback area (open space). The outdoor amenity area has children play equipment and seating benches. No indoor amenity is proposed for this development. The applicant has agreed to provide cash-in-lieu of indoor amenity based on the \$750.00 per unit.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To vary the minimum rear (east) yard setback requirement for four building blocks from 7.5 metres (25 ft.) to 3.7 metres (12 ft.) for Building 8, 3.4 metres (11.2 ft.) for Building 7 and 3.6 metres (11.8 ft.) for Building 6 only, as shown on the site plan attached as Appendix IX.

Applicant's Reasons:

- The new rear property line is caused by the creation a riparian setback area (open space) on the east side of the site. If the riparian area was not taken as a dedication, there would be no need for a setback relaxation at this location.

Staff Comments:

- Only six out of the 48 units are affected by a reduced back yard, due to the setback relaxation. The affected units will still benefit from the larger open space beyond the property line. In addition, the strata development has a common outdoor amenity area for all units to share.
- There are no other properties in the nearby area, which will be affected by the proposed relaxation.
- The new rear lot line is caused by the creation of an open space (riparian setback area) to comply with the B.C. Environment's Land Development Guidelines. Instead of registration of a restrictive covenant on the setback area established for stream protection, the applicant agreed to dedicate the setback area, amounting to 8,933 square metres (2.2 acres) for park purposes. Staff concurs with the applicant's statement that a

setback relaxation would not have been necessary had the riparian setback area not been dedicated to the City.

(b) Requested Variance:

- To vary the side yard setback along the south property line from 7.5 metres to 2.3 metres (7.5 ft), 4.2 metres (13.8 ft.) and 4.5 metres (15 ft.), as shown on the site plan attached as Appendix IX.

Applicant's Reasons:

- The realignment of 138 Street, bisects the property on the south side of the subject site into two oddly shaped lots, with very limited development potential individually. As a result, the subject development was requested to prepare a development concept that would link it with a portion of the property to the south (the portion on the north side of the 138 Street diversion) by providing an internal vehicular (drive isle) connection and a right-of-way to allow the extension of a future drive isle onto the subject site from the property to the south.
- This arrangement will create two developments with the appearance of a single development. To achieve this form and appearance a relaxation to the south side setback is necessary to achieve a cohesive development.

Staff Comments:

- The subject development and the future development on a portion of the property to south of the subject site have to be linked, in order for the southerly property to achieve a reasonable development potential.
- In a single ground oriented multiple residential development, a typical separation between two blocks of buildings is 3.7 metres (12 ft.). The subject development and future development on the property to south will follow the pattern set by this development. Adequate separation between structures, to maintain the appearance of a single development will be maintained.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7903-0371-00
Appendix V.	Parks, Recreation & Culture Comments
Appendix VI.	School District Comments
Appendix VII.	Department of Fisheries & Oceans
Appendix VIII.	Site Plan Showing Riparian Setback and Open Space
Appendix IX.	Site Plan Showing Setback Variances

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated November 26, 2003.
- Tree Survey and Tree Preservation and Planting Plan prepared by C. Kavolinas & Associates Inc. and dated

December 2003.

- Soil Contamination Review Questionnaire prepared by Malkit Gill and dated July 21, 2003.

Murray Dinwoodie
General Manager
Planning and Development

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APPENDIX I

Information for City Clerk

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

1. (a) Agent: Name: Riad Yassin, Alpha Beta Developments Ltd.
 Address: #1208, 1030 West Georgia Street
 Vancouver, B.C. V6E 2Y3
 Tel: 604-662-7900

2. Properties involved in the Application

- (a) Civic Addresses: 6076 and 6118 - 138 Street
- (b) Civic Address: 6076 - 138 Street
 Owners: Gurcharan & Jasmen Dhaliwal
 PID: 002-547-708
 Lot 11 Section 9 Township 2 New Westminster District Plan 42277
- (c) Civic Address: 6118 - 138 Street
 Owner: Malkit and Parvinder Gill
 PID: 010-765-999
 Lot 2 Section 9 Township 2 New Westminster District Plan 2840

3.

- (a) Introduce a By-law to rezone the property.
- (b) Proceed with Public Notification for Development Variance Permit No. 7903-0371-00.

DEVELOPMENT DATA SHEET

Proposed Zoning: RM-15

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Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	n/a	20,062 m ²
Road Widening area	n/a	256 m ²
Undevelopable area	n/a	7,092 m ²
Net Total	n/a	12,714 m ²
LOT COVERAGE (in % of net lot area)	45%	29.4%
Buildings & Structures	n/a	23.4%
Paved & Hard Surfaced Areas	n/a	52.8%
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	7.5 m
Rear	7.5 m	3.7 m (variance required)
Side #1 (North)	7.5 m	7.5 m
Side #2 (South)	7.5 m	2.2 m (variance required)
BUILDING HEIGHT (in metres/storeys)		
Principal	11 m	9.5 m (3 storey)
Accessory	11 m or 4.5 m	n/a
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +	n/a	48 units
Total		
FLOOR AREA: Residential	7,628.4 m ²	7,872 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	7,628.4 m ²	7,872 m ²

* If the development site consists of more than one lot, lot dimensions pertain to the entire site.

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
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DENSITY		
# of units/ha /# units/acre (gross)	n/a	24 upha/9.7 upa
# of units/ha /# units/acre (net)	n/a	38 upha/15.3 upa
FAR (gross)		
FAR (net)	n/a	0.39
	0.6	0.62
AMENITY SPACE (area in square metres)		
Indoor	144 m ²	0
Outdoor	144 m ²	150 m ²
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed	96 stalls	96 stalls
Residential Visitors	10	10
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls	1	1
Number of small cars	27	6
Tandem Parking Spaces: Number / % of Total Number of Units	n/a	42%
Size of Tandem Parking Spaces width/length	3.2 m x 12.2 m	3.2 m x 12.2 m

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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