



Proposal: Rezone from RF to CD and Development Permit to allow a local commercial building with 2 dwelling units above.

Recommendation: Denial

Location: 9161 - 140 Street

Zoning: RF

OCP Designation: Urban

LAP Designation: Urban
Residential

Owner: B & J Homes Ltd.

PROJECT TIMELINE

Completed Application Submission Date:	January 13, 2004
Original Planning Report Date:	April 5, 2004
Additional Information Submission Date:	June 29, 2004
Second Planning Report Date:	July 19, 2004

The applicant is proposing:

- a rezoning from RF to CD; and
- a Development Permit

in order to permit the development a local commercial building with two dwelling units on the second storey.

The Planning & Development Department recommends that this application be denied.

ADDITIONAL PLANNING COMMENTS

Background

- The proposal involves a rezoning from RF to CD in order to allow a 607-sq. m. (6,534 sq. ft.) commercial building with 2 dwelling units above. The proposed commercial component includes the following uses:
 - Eating establishment, including an eating establishment licensed by the Liquor Control and Licensing Act but excluding a drive-through restaurant; and
 - Personal service uses limited to barber shop, beauty parlour, cleaning and repair of clothing and shoe repair shop.
- As a result of the Pre-notification Letters sent to the neighbouring property owners on February 5, 2004, staff received numerous calls and petition letters (280 signatures) from the neighbourhood, indicating opposition to the proposal.
- Staff also received separate written petitions (450 names) indicating support to the proposal.
- A closer analysis of the submissions indicated that 95 neighbouring property owners (i.e., within 100-metre or 300-ft. radius) oppose the proposed development while 52 neighbours are in support of the proposal.
- Staff encouraged the applicants to conduct a Public Information Meeting. However, the applicants indicated that they did not intend to hold a meeting as 2 separate meetings had already been conducted in the past (although for an earlier and a different commercial application on the same site).
- Staff considered the proposal not appropriate for the following reasons:
 - The subject site is not identified as a commercial node in the Official Community Plan;
 - A similar proposal was considered by Council and was denied due to neighbourhood opposition at the Public Hearing. There is a continued opposition from the immediate neighbourhood; and
 - The subject application proposes more restricted uses than the previous application in response to the concerns expressed by the owner of the adjacent commercial development. However, staff have concern that should the project become financially not viable due to use limitations after construction, the owner would seek a zoning amendment to add more commercial uses.
- Based on the above, staff submitted the associated Planning Report with a denial recommendation (Appendix II) to the April 5, 2005 Regular Council - Land Use meeting. Following consideration of the Report, Council passed the following resolution:

"That application 7904-0007-00 be referred back to staff to require a market feasibility study to be undertaken by the applicant."

DISCUSSION

- Following Council's directive, staff advised the applicant to retain a consultant to conduct a market assessment,

covering the following information:

- Market demand for corner retail stores and incidental services;
 - Projected commercial floor area based on market demand;
 - Existing commercial floor area within the survey area; and
 - Impact assessment on the viability of existing commercial stores as a result of the proposed development.
- In response, the applicant commissioned H.D.L. Wood Industries, Inc, a marketing consultant, to conduct the study. The applicant submitted the market study, excerpts of which are attached as Appendix III, on May 26, 2004. The following are highlights of the study:
 - The study area is defined as: south of 94 Avenue; north of 90 Avenue, east of 138 Street and west of 142A Street. This area accommodates approximately 342 single family homes (Zone 1 as shown in Appendix IV);
 - A sampled interview was conducted covering 74 respondents, representing roughly 21% of the estimated number of homes in Zone 1;
 - 57% of the respondents indicated they do not shop locally;
 - While there are existing local stores at 88 Avenue and 140 Street and at 88 Avenue and King George Highway, 32 or 43% of the respondents stated they shop locally; but only 9 out of those who shop locally go to Ham's Market (located directly north of the subject site) on a weekly basis;
 - Zone 2 (also shown in Appendix IV) represents a smaller area with approximately 182 homes. Of the 38 respondents interviewed in Zone 2, 36 indicated business preferences including video store, beauty parlour, barber shop, shoe repair, dry cleaning/laundry and eatery;
 - 36 out of 38 respondents within Zone 2, or approximately 95% of the respondents appear to support commercial development in this neighbourhood;
 - The study concludes that existing and projected population within the area can support the proposed commercial development and the proposed development has no negative impact on the neighbouring commercial establishments.

Staff Comments on the Market Study

- Instead of providing information requested by staff in a conventional market study, the study undertaken by the applicant's consultant is a typical consumer preference survey.
- The study does not provide any quantitative information to ascertain floor area requirements for specific retail and services. To determine the "needs", the interviewers read through a short list of businesses (video store, beauty parlour, barbershop, shoe repair, dry-cleaning and repair, eatery, sweet shop, Subway) and asked the respondents to indicate if there is a need within their community and to rank the order of preference.
- During the interviews, the subject site was not mentioned to the respondents. Therefore, the needs and preference from the respondents may not be specific to the subject site.
- The study has confirmed that more than 50% of the residents do not shop locally.

- The study has not established the possibility of increased local shopping should the proposed development proceed.
- Although only 2 out of the 38 respondents within the smaller survey area (Zone 2) are opposed to a commercial establishment, a conclusion cannot be drawn to indicate that there is a strong support as the result is at odds with the petitions received earlier. Specifically, using the same Zone 2 boundaries over the area covered by the petitions, approximately 80 residents were opposed to the proposed commercial development. Appendix VI of the original Planning Report provides a complete result of the petitions received by staff.
- In an attempt to establish the validity of the result (although the consultant claimed that it was a systematic random sample), staff requested the locations of the respondents with a view to comparing it with those opposing the project. However, the consultant advised that in order to maintain confidentiality, the completed questionnaires were shredded as soon as the results were tabulated and therefore, specific information regarding location of respondents is no longer available.
- The study indicates that the proposal will not have any negative or positive impact on the nearby businesses. However, this conclusion is not supported by any quantitative analysis.

CONCLUSION

- The market study does not provide staff with sufficient information to demonstrate that there is a need for the businesses as proposed at the subject site in this neighbourhood. Staff, therefore, cannot accept the consultant's conclusion that there is a strong market demand for the proposal within the study area.
- Although the study provides some marketing information, it has not established that the project will succeed with the businesses being proposed.
- It is unlikely that the opposition to the proposal has dramatically changed between March and May 2004.
- Based on the above and in addition to the previous concerns raised by staff, (i.e. the subject site is not identified as a commercial node in the OCP; strong neighbourhood oppositions to the earlier proposal; and a concern that the restriction in uses will cause future zoning amendment to add more use) it is recommended that the application be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners
Appendix II.	Planning Report Dated April 5, 2004
Appendix III.	Excerpts of Market Study
Appendix IV.	Areas Covered by Market Study

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated February 24, 2004.

- Soil Contamination Review Questionnaire prepared by Baldev Brar, B & J Homes Ltd. and dated April 24, 2002.
- Letters and Petitions in Opposition to the Proposed Development.
- Letters in Support of the Proposed Development.
- Market Study by HDL Wood Industries and submitted May 26, 2004.

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: Yong Cho, Ankenman Associates Architects Inc.
 Address: Suite 200, 12321 Beecher Street
 Surrey, B.C. V4A 3A7
 Tel: 604-536-1600

2. Property involved in the Application

- (a) Civic Address: 9161 - 140 Street
- (b) Civic Address: 9161 - 140 Street
 Owner: B & J Homes Ltd.
 PID: 025-511-823
 Lot 1 Section 33 Township 2 New Westminster District Plan BCP1838

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