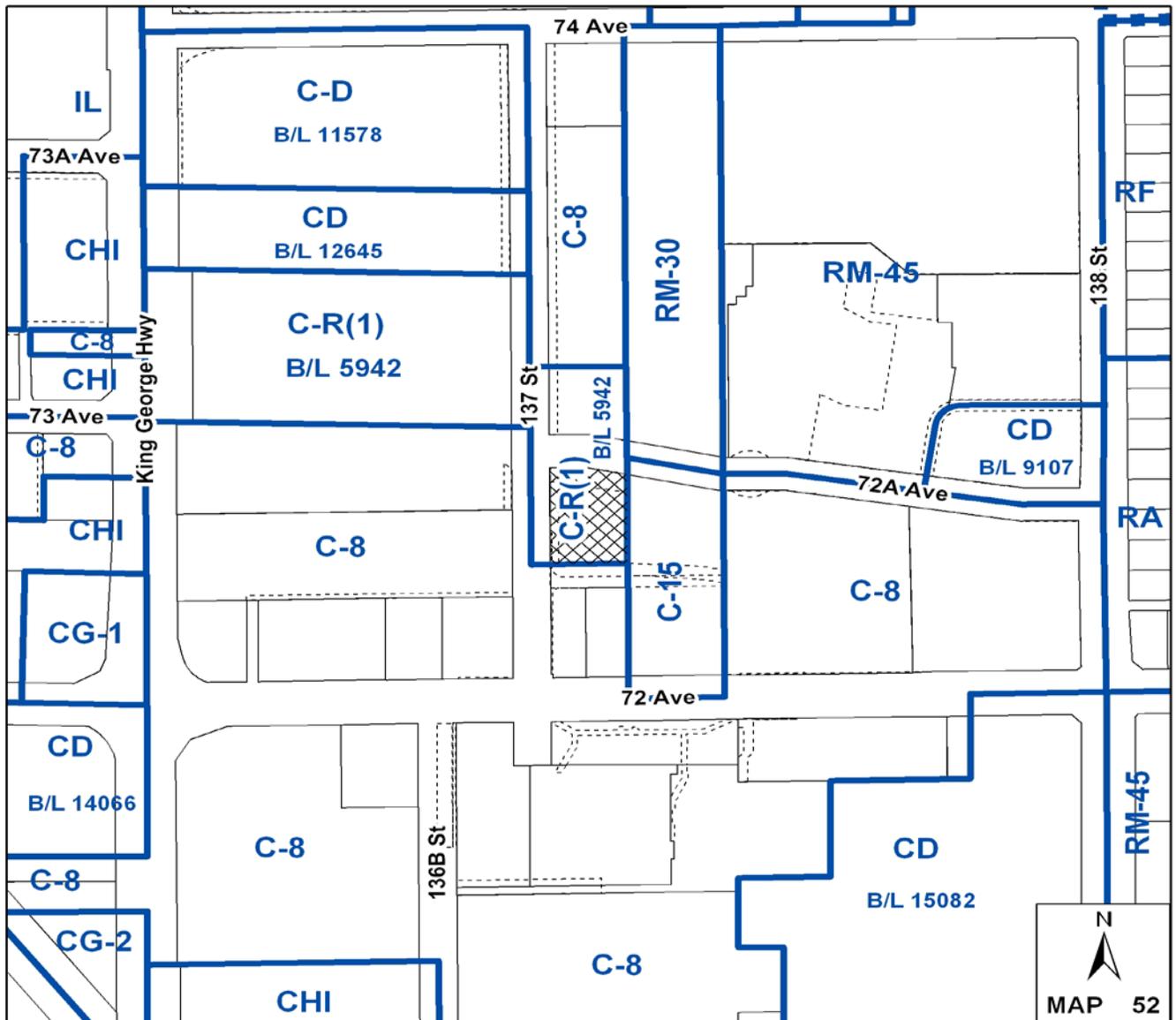


Proposal: Development Permit to permit the construction of a multi-tenant commercial building. Development Variance Permit to vary setbacks and number of off-street parking stalls.

Recommendation: Approval to Proceed

Location: 7238 - 137 Street **Zoning:** C-R(1) (By-law No. 5942)

OCP Designation: Town Centre **LAP Designation:** Commercial Office **Owner:** 687833 B.C. Ltd.



PROJECT TIMELINE

Completed Application Submission Date: July 29, 2005
Application Revision & Re-submission Date: March 22, 2006
Planning Report Date: May 8, 2006

PROPOSAL

The applicant is proposing:

- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations:
 - front yard setback for the upper level is reduced from a minimum of 2 metres (6.6 ft.) to 1.3 metres (4.3 ft.), for the northeast corner of the building only (Appendix VI);
 - side yard setback on a flanking street (137 Street) for the upper level is reduced from 2 metres (6.6 ft.) to 1.22 metres (4 ft.); and
 - the number of required off-street parking stalls is reduced from 79 stalls to 62 stalls

in order to permit the development of a two-storey multi-tenant commercial building.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7905-0242-00 in accordance with the attached drawings (Appendix III).
2. Council approve Development Variance Permit No. 7905-0242-00, (Appendix VI) varying Part XXXIV Section H. Yards and Setbacks (By-law No. 5942) as follows, to proceed to Public Notification:
 - (a) to reduce the front yard setback on the upper level from a minimum of 2 metres (6.6 t.) to 1.3 metres (4.3 ft.), for the northeast corner of the building only;
 - (b) to reduce the side yard on a flanking street on the upper level from 2 metres (6.6 ft.) to a minimum of 1.22 metres (4 ft.); and
 - (c) to reduce the number of required off-street parking stalls from 79 stalls to 62 stalls.
3. Council instruct staff to resolve the following issues prior to approval:
 - (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; and

- (b) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect.

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 IV).

The Works & Services for this site will be addressed as a condition of Building Permit.

Fire Department: No concerns (Appendix)

SITE CHARACTERISTICS

- **Existing Land Use** Surface parking lot utilized by the businesses located at 13711, 13717 and 13719 - 72 Avenue.
- **East:** A commercial building on a lot, zoned C-15, designated Town Centre in the Official Community Plan (OCP).
- **South:** A commercial building on a lot, zoned C-8, designated Town Centre in the OCP.
- **West:** Across 137 Street an office building on a site zoned C-8 and a vacant lot under development (Surrey Project No. 7905-0042-00) for a commercial centre, designated Commercial in the OCP and proposed for rezoning to a CD Zone (Third Reading).
- **North:** A multi-tenant commercial building and a lot under construction on a lot, zoned C-R(1) (By-law No. 5942) and recently approved for development under Development Permit No. 7905-0148-00, designated Commercial in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- The site is designated "Town Centre" in the OCP and is within the Newton Town Centre.

- The subject site, along with the properties on the east side of 137 Street to the north were rezoned from RS (By-law No. 5942) to C-R(1) (By-law No. 5942) in 1993, under project No. 5688-0551-00. As part of that development, a Development Permit (6788-0551-00) was issued to permit the development of 6 commercial buildings, totaling approximately 5,400 square metres (58,100 sq.ft.) (Buildings A, B1, C, B2, D and E in Appendix VII). The Development Permit No. 6788-0551-00 includes regulations for the siting of all the buildings. The subject site is identified as Building E in the approved Development Permit.
- The previous Development Permit envisioned that Building E (subject site) would be developed alone on a fee simple lot, while Buildings A, B1, C, B2 and D would be developed as a phased development.
- Construction of Buildings A, B1, C and B2 were completed in two phases. However, the owner elected not to proceed with the third phase. As a result, the Development Permit No. 6788-0551-00 expired for Building D. Recently a new Development Permit was issued for Building D which is now under construction.
- In the interim, the subject site was developed as a surface parking lot. The applicant is, seeking a new development permit to allow the construction of a similar size commercial building, as originally envisioned in the previous Development Permit for Building E. The proposed building is sited similarly to the previous Development Permit, but has a slightly wider footprint and varied design. As part of the proposed development, the applicant is also seeking reduced front and side yard setbacks, and a reduced number of off-street parking spaces. These variances are discussed later in this report

Restrictive Covenant and Easement

- As noted above, the subject site has been developed for a surface parking lot to serve the properties at 13711, 13713, and 13719-72 Avenue. An easement with a section 219 restrictive covenant has been registered on title, which requires that 47 stalls be provided on this site at all times to serve the businesses on 13711, 13713, and 13719-72 Avenue. This restriction prohibits the development on majority of the site and necessitates the location of the building at the northwest corner of the building.

DESIGN PROPOSAL AND REVIEW

- The 2-storey building is proposed to be sited towards the northwest corner of the site, fronting the intersection of 137 Street and 72A Avenue and utilizing the two exiting driveways, one on 72A Avenue and the other on 137 Street. The ground floor commercial space is oriented towards the 137 Street and 72A Avenue frontages, with large expanses of glazing facing both 137 Street and 72A Avenue. The upper floor is pulled closer to the road, which provides a weather protection corridor (sheltering arcade) along the street facings frontages.
- The building walls are clad in horizontal metal sidings and window glazing, on the second level elevation, and a combination of acrylic stucco wall and aluminum framed storefront glazing, at the lower level. The lower level wall is anchored by cultured stone cladded columns on the north and east elevation. The columns are extended as colonnades beyond the building along 137 Street.

- No freestanding sign is proposed. Instead, a single sign is proposed on the upper level of the building, with additional individual business sign area above the glazing and at the main entrances to the building. Guidelines for fascia sign design are also provided and will be part of the Development Permit.
- DMG Landscape Architects prepared the landscaping plan comprising of shrubbery, trees and ground cover, and incorporates existing trees along 137 Street and 72A Avenue. Parallel parking and pavers replace the current streetscape treatment with angle parking and pavers. Decorative colonnades extend south words beyond the building to complement the overall landscaping.

ADVISORY DESIGN PANEL

ADP Meeting Date: April 13, 2006

ADP comments and suggestions have been satisfactorily addressed (Appendix V).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To vary the front yard setback (along 72A Avenue), on the upper level, from a minimum of 2 metres (6.6 ft.) to 1.3 metres (4.3 ft.), for the northeast corner of the building and the side yard on a flanking street (137 Street), on the upper level, from a minimum of 2 metres (6.6 ft.) to 1.22 metres (4 ft.).

Applicants Reasons:

- The existing parking easement restricting the available site area and limits the flexibility in the siting of the building.
- The relaxation is to maintain a similar streetscape on 72A Avenue and 137 Street, established for the buildings (1.2 m/4 ft. from the front property line on the upper level and 2.74 m/9 ft. on the lower level) in previous developments. In addition, a 1-metre (3 ft.) road dedication on 137 Street is required and has been provided, which further limits the development area and hence the requested variance.
- The building is sited similarly to the previous approved Development Permit.

Staff Comments:

- The existing site constraints (parking easement, 137 Street road dedication, and existing driveway locations) supports the reduced setbacks;
- The proposed variance reflects the same setback of the existing commercial buildings to the north along 72A Avenue;

- A reduced setback is supportable in the Town Centre, to encourage active pedestrian environment, and is warranted, given the high level of glazing and articulation of the street elevation and quality of landscaping; and
- The reduced setback applies only to the upper storey, which retains a public space at the ground floor and achieves a weather protection corridor.

(b) Requested Variance:

- To reduce the number of required off-street parking stalls from 79 stalls to 62 stalls.

Applicant's Reasons:

- The easement restriction (which takes up 47 stalls) is the main reason why there is shortage of parking for this site;
- The site is being used mostly for parking and there are no cases of parking shortage at the present time and the addition of the new building is not expected to have a dramatic change to the status quo;
- The site is in a town centre; and
- The proposed number of parking stalls is only 2 stalls short of the parking requirement of the Zoning By-law No. 12000.

Staff Comments:

- Based on the parking requirement of the 'old' Zoning By-law No. 5942, the proposed building would require 32 stalls. However, with the 47 stalls required as a result of the parking easement with the adjacent site to the south, a total of 79 stalls are required.
- It is noted that under the 'new' Zoning By-law No. 12000 this development would require only 17 stalls. The reduced requirement was established after a parking review was conducted. In addition to the 47 stalls required by the easement, a total of 64 stalls would be needed for this development.
- A summary of the proposed parking relative to the existing zoning and in comparison to parking requirement under Zoning By-law No. 12000, is shown below:

	Parking Required (Zoning By-law No. 5942 Scenario)	Parking Required (Zoning By-law No. 12000 Scenario)	Proposed Parking Provided for the Site
Easement /RC stalls required	47	47	47
Parking for proposed development	32	17	15
Total	79	64	62

- Based on the above analysis, the amount of parking deficit is only two stalls in the Zoning By-law No. 12000 scenario.
- Since the site is located in a town centre of town and well served by public transit, the parking variance is supportable.
- The Engineering Department does not have any concerns about the proposed parking variance.

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.	Contour Map
Appendix III.	Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	ADP Comments and Applicant's Response
Appendix VI.	Development Variance Permit No. 7905-0242-00
Appendix VII.	Site Plan Approval under Project No. 6788-0551-00
Appendix VIII.	Existing Parking Restrictive Covenant Plan

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated April 24, 2006.
- Soil Contamination Review Questionnaire prepared by Maciej Dembek dated July 29, 2005.

How Yin Leung
Acting General Manager
Planning and Development

AGA/kms

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DEVELOPMENT DATA SHEET

Existing Zoning: C-R(1)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		2,323 m ²
Road Widening area		274 m ²
Undevelopable area		0
Net Total		2,049 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	50%	22%
Paved & Hard Surfaced Areas	n/a	72%
Total Site Coverage	n/a	94%
SETBACKS (in metres)		
Front	2 m (uniform)	1.2 m (& up to 0.3 at the NE corner (variance required))
Rear	7.5 m	27.17 m
Side #1 (East)	3 m	20.31 m
Side #2 (West)	2 m (uniform)	1.2 m (variance required)
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	7.62 m (2 storeys)
Accessory	4 5 m	n/a
NUMBER OF RESIDENTIAL UNITS		
Bachelor	n/a	
One Bed	n/a	
Two Bedroom	n/a	
Three Bedroom +		
Total	1	0
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		427 m ²
Office		568 m ²
Total	2,049 m ²	995 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	2,049 m ²	995 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
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	1	0.395
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	79	62 (variance required)
Number of disabled stalls	1	3
Number of small cars	16	4
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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CONTOUR MAP FOR SUBJECT SITE

