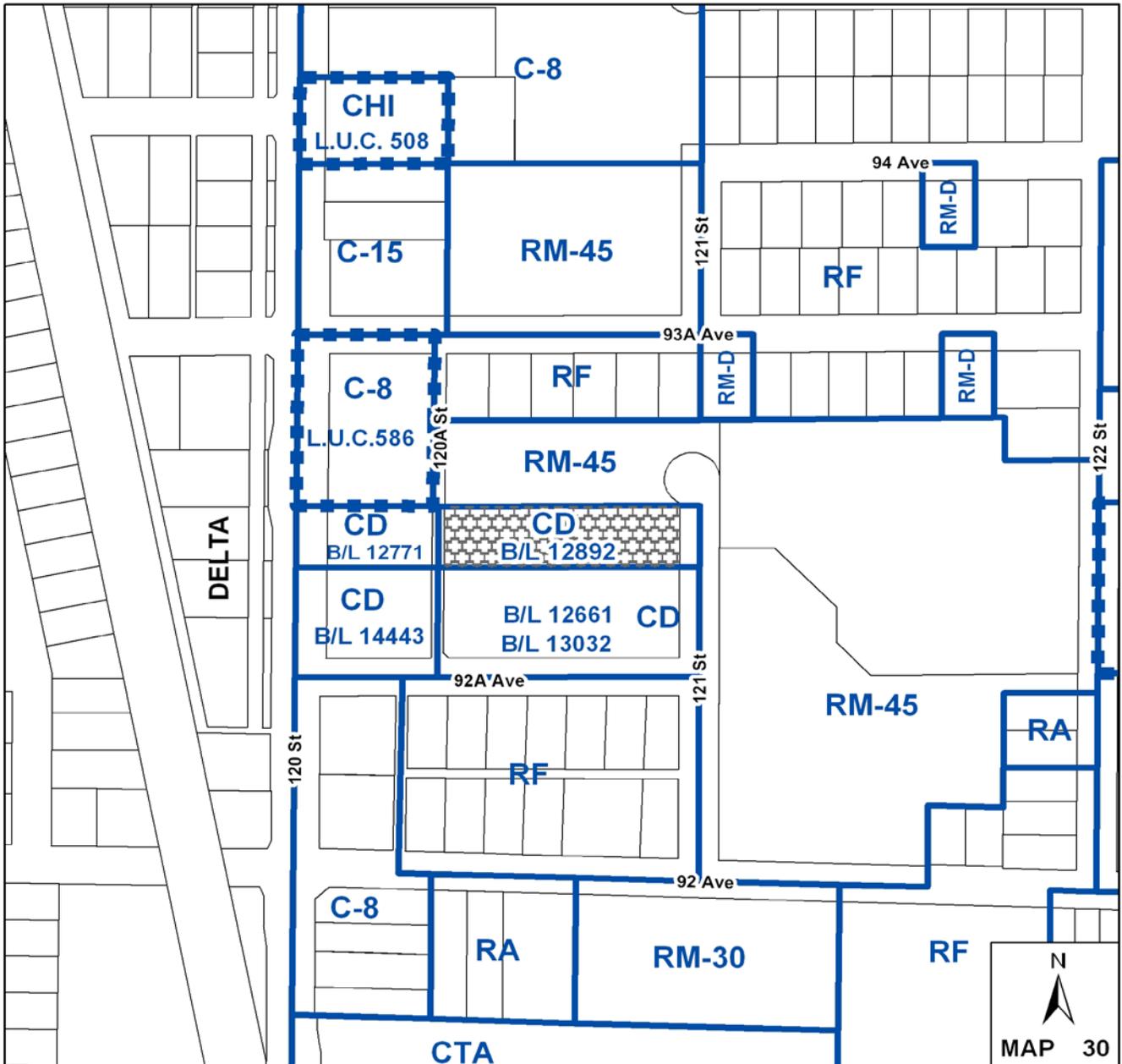


**Proposal:** Rezone from CD (By-law No. 12892) to a new CD Zone. Development Permit to allow for the development of 27 townhouse units. DVP to relax the outdoor amenity space requirement.

**Recommendation:** Denial

**Location:** 9277 - 121 Street      **Zoning:** CD (By-law No. 12892)

**OCP Designation:** Multiple Residential      **Owner:** Doon Developments Ltd., Inc. No. 469310



## PROJECT TIMELINE

Completed Application Submission Date: December 6, 2005  
Original Planning Report Date: January 30, 2006  
Revised Submission Date: May 1, 2006  
Planning Report Date: June 12, 2006

## PROPOSAL

The applicant is proposing:

- a rezoning from CD (By-law No. 12892) to a new CD; and
- a Development Permit

in order to permit the development of 27 townhouse units.

## RECOMMENDATION

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

## 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).

Parks: Support is conditional on applicant providing money-in-lieu of indoor amenity space and adequately addressing concerns that the project will place pressure on existing Parks and Recreation facilities in the area (Appendix V).

School District: **School Impacts:**

### **Projected number of students from this development:**

Elementary students = 7 students  
Secondary students = 3 students  
Total new students = 10 students

### **School Catchment Area/Current Enrollment/School Capacity:**

Kirkbride Elementary School = 430 enrolled/530 capacity  
L.A. Matheson Secondary School = 1,252 enrolled/1,400 capacity

**Projected number of students from development approvals in the last 12 months (not including subject project) in the subject school catchment areas:**

Elementary students = 0 students  
Secondary students = 2 students  
Total new students = 2 students

**Approved Capacity Projects and Future Space Considerations**

*There are no new capital projects proposed at the elementary school and no new capital projects identified for the secondary school. Space utilization options are being considered to reduce capacity shortfall at Kwantlen Park Secondary and space surplus at LA Matheson Secondary.*

*The proposed development will not have an impact on these projections.*

(Appendix Vi)

**DEVELOPMENT CONSIDERATIONS**

**Background**

- The subject property located at 9277-121 Street in Kennedy Heights is designated Multiple Residential in the Official Community Plan and is currently zoned Comprehensive Development Zone (CD) (By-law No. 12892).
- On April 28, 1997, under Application No. 7996-0115-00, Council approved a rezoning of the subject property from Multiple Residential 45 Zone (RM-45) to CD Zone (By-law No. 12892) and issued Development Permit No. 7996-0115-00 in order to permit development of a 4-storey, 55-unit apartment building.
- CD By-law No. 12892 permits the development of multiple unit residential buildings, with a maximum density of 142 units per hectare (58 units per acre) and a maximum floor area ratio (FAR) of 1.3.
- Development Permit No. 7996-0115-00 expired on April 28, 1999, but a new Development Permit (No. 7999-0089-00), to allow the same 55-unit apartment building that was permitted under Development Permit No. 7996-0115-00, was issued by Council for another two years on July 19, 1999. This second Development Permit (No. 7999-0089-00) expired on July 19, 2001.

- In 2005, the applicant decided not to proceed with the development of an apartment building on the site but chose, instead, to develop townhouses which necessitated the submission of a rezoning application to rezone the site from the current CD Zone (By-law No. 12892) to a new CD Zone that would permit townhouses.
- The applicant initially proposed to construct 29 townhouse units, in a total of 6 buildings. Four of the buildings were four-storeys in height and two of the buildings (one fronting 121 Street and one fronting the lane/120A Street) were three storeys in height.
- The Planning Report with respect to the application was reviewed by Council at the January 30, 2006 Regular Council – Land Use meeting.
- In the January 30, 2006 Planning Report, the Planning & Development Department recommended that the application be denied as the density/building form combination proposed by the developer was inappropriate.
- The proposed development is based, generally, on the RM-30 Zone. However, the developer is proposing densities (floor area ratio and units per acre) that are substantially more than the RM-30 Zone would permit on the site. Further, the applicant also wishes to apply some of the requirements, such as setbacks, from the existing CD Zone (By-law No. 12892) on the site to the townhouse proposal.
- With the sliding density scale, under the provisions of the RM-30 Zone, the subject site would be permitted a maximum density of 18 units per acre and a maximum floor area ratio (FAR) of 0.56. The applicant, however, proposed to construct 29 townhouse units on the site which would result in a density of 30 units per acre and an FAR of 1.1.
- In other words, the applicant is proposing apartment densities but in a townhouse building form.
- Although the proposed units per acre and FAR density are appropriate for the site if they are accommodated in an apartment building form, achieving this density in a townhouse building form compromises the design of the development, creates livability issues and results in negative impacts on adjoining properties.
- Some of the concerns created by this inappropriate density/building form outlined in the original Planning Report were as follows:
  - The proposed site layout and number of units resulted in reduced setbacks that did not provide for adequate screening between the subject site and the adjoining multiple residential developments.
  - The proposed site layout proposed that the tandem garages for the units on the southern part of the site extend up to the southern property line further reducing the ability to plant large trees along the southern property line to help screen the project.
  - The reduced setbacks proposed did not allow for adequate outdoor privacy space for the townhouse units.
  - The proposed site layout did not provide adequate separation between the townhouse units on the western side of the site and the adjacent commercial lane, thereby compromising the livability of these units.

- The site layout, coupled with the narrowness of the subject lot, created a crowded canyon-like effect between the two banks of 4-storey townhouses.
  - The proposed site layout did not allow for the creation of any meaningful or functional outdoor amenity space.
  - The proposal did not provide for any indoor amenity space.
  - Visitor parking was proposed to be located in the setback areas.
- However, rather than deny the application, after considering the comments made by the applicant and by staff, City Council passed the following resolution (No. R06-160):

*"That application 7905-0383-00 be referred back to staff to meet with the applicant to work out a suitable development in keeping with the area."*

- In response to Council's resolution, the applicant met with Planning & Development Department staff to address issues and concerns and has now submitted revised site, architectural and landscaping plans.

### Current Proposal

- During the Regular Council – Land Use meeting of January 30, 2006 suggestions to the applicant were made to consider a senior's housing development or care-facility for the site rather than townhouses.
- The applicant has chosen not to pursue senior's housing or a care facility for the site and has indicated that he wishes to proceed with the rezoning of the site to a CD Zone that would permit townhouses.
- The Planning & Development Department suggested that, to address the concerns outlined in the original Planning Report, the project be redesigned to create a single-loaded drive aisle and to re-orient the units at the western end of the site so that they are not impacted by the adjacent commercial lane.
- The applicant has indicated, however, that a redesign of the project creating a single-loaded drive aisle would result in a reduction in the number of townhouse units that could be accommodated on the site. The applicant indicated that he was not amenable to reducing the number of townhouse units by more than two.

### REVISED DESIGN PROPOSAL

- As with the original application, the current project consists of 6 individual buildings, placed along the perimeter of the site, with a 6.1-metre (20 ft.) wide east-west drive aisle running through the site from 121 Street to 120A Street.
- As with the original application, four of the buildings are oriented toward this central drive aisle, one building is oriented to 121 Street, which is a cul-de-sac lined with multiple residential developments, and one building continues to be oriented toward 120A Street which acts as a service lane for commercial uses fronting 120 Street/Scott Road.

- However, in an attempt to address the concerns raised at the January 30, 2006 Regular Council – Land Use meeting, the applicant has removed two townhouse units from the proposal, reducing the number of units from 29 to 27 and reducing the floor area ratio (FAR) from 1.09 to 1.05 (Appendix III).
- The applicant removed one unit from the western block of units along the north side of the site and one unit from the eastern block of units along the southern portion of the site.
- Removing two units has allowed the blocks of townhouse units along the southern property line to be opened up to create more open space between the southern blocks and more open space adjacent to the eastern edge of the eastern block of units along the north property line.
- All the proposed buildings fronting the internal driveway will still be four storeys in height, while the buildings fronting 121 Street and the lane (120A Street) will be three-storeys in height.
- The buildings will be set back 1.1 metres (3.6 ft) from the central driveway, which will result in a separation of 8.2 metres (27 ft.) between the townhouse units that face the central driveway.
- The applicant has made major changes to the design of the buildings to reduce the mass of the structures and to create greater articulation and architectural detailing.
- As with the original application, the ground-level of the four-storey units will consist of enclosed parking for residents, in either a tandem or side-by-site arrangement. Living areas such as living rooms and kitchens will occupy the second floor of each building while bedrooms will be located on the third and fourth floors of each building.
- The three-storey units fronting 121 Street and the lane (120A Street) will consist of enclosed parking, in a tandem arrangement, on the ground floor, main living area on the second floor and bedrooms on the upper floor.
- The buildings will be clad in horizontal vinyl siding.
- The base of the buildings will be dark blue, with the upper levels being a combination of light and dark grey.
- As the buildings have a Tudor look to them, the gables and gable ends will be painted dark red to provide additional contrast.
- The doors to each unit will be painted orange or dark red to accentuate the doorways and to provide extra punch to enliven the pedestrian level of the complex.
- The roofs will be clad in black asphalt shingles.
- Each unit will continue to have two parking spaces within either side-by-side or tandem garages, for a total of 54 resident parking spaces.

- As the number of units has been reduced, the number of visitor parking spaces have been reduced from 6 to 5, in accordance with the minimum requirements of Zoning By-law No. 12000.
- Two visitor parking spaces were relocated from the 121 Street entry and located in the openings between the buildings that resulted from the removal of two townhouse units.
- As a result, the 121 Street entry area was redesigned with an intensely landscaped entry that consists of dense landscaping, stone walls and seating.
- The asphalt central drive aisle will be broken-up through the use of decorative paving across the driveway entries and across the drive aisle in the centre of the site.
- The applicant is not proposing to provide any indoor amenity space.
- Other than a few benches scattered throughout the site, the applicant is not proposing to provide any outdoor amenity space.

### EVALUATION OF REVISED PROPOSAL

- Although the applicant has undertaken some minor changes to the site layout, the number of proposed units has only been reduced by 2, from 29 to 27.
- As a result, the revised plan results in a density of 28 units per acre and an FAR of 1.05, densities which are still far about the densities permitted in the RM-30 Zone.
- The revised proposal does not adequately address the fundamental issue that the combination of the proposed townhouse building form and density are not appropriate for the site. As a result, most of the design concerns and issues identified in the January 30, 2006 Planning Report and during the January 30, 2006 Regular Council – Land Use Meeting have not been adequately addressed as described below.

#### 1. Original Planning Issue

The original proposed site layout and number of units resulted in reduced setbacks that did not provide for adequate screening between the subject site and the adjoining multiple residential developments.

#### Staff Response to Revised Proposal

- The seven proposed townhouse units along the northern property line and the 12 proposed townhouse units along the southern property line are located 4.3 metres (14 ft.) from the north property lines respectively, whereas under the RM-30 Zone, which allows dense townhouse developments, a minimum setback of 7.5 metres (25 ft.) would be required. The applicant has based the proposed building siting on the side yard setbacks permitted under the current CD Zone (By-law No. 12892) for the site that was written to accommodate a four-storey apartment building.

- The end walls of the units facing 121 Street and 120A Street are set back 2.7 metres (9 ft.) from the north and south property lines whereas under the RM-30 Zone, a minimum setback of 7.5 metres (25 ft.) would be required.
- The reduced side yard setbacks do not allow an adequate space in which to plant substantial landscaping that can screen and buffer the proposed project from the existing 4-storey apartment building to the south and the existing three-storey apartment building to the north.

## 2. Original Planning Issue

The original proposed site layout showed that the tandem garages for the units on the southern part of the site extended up to the southern property line further reducing the ability to plant large trees along the southern property line to help screen the project.

### Staff Response to Revised Proposal

- As the parking garages extend to the southern property line, there will be no opportunity to plant large trees along the southern property line as there will be no substantial depth of soil in which to grow. As a result, only small shrubs and trees can be planted along the southern property line (the applicant proposes only grass) which will do little to screen the proposed units and the associated outdoor amenity space from the existing apartment building to the south.

## 3. Original Planning Issue

The reduced setbacks originally proposed limited the amount of outdoor privacy space for the townhouse units.

### Staff Response to Revised Proposal

- For the units along the northern property line, privacy spaces consist of second floor decks while for the units along the southern property line, privacy spaces consist of ground level patios accessed from the second level of the units.
- Given the reduced setbacks and the garages extending to the property line, there is little opportunity to screen these privacy spaces from the adjacent apartment buildings.
- Furthermore, for the units along the north property line, other than the proposed deck areas, the remaining "yard" space will be sloped and unusable.

## 4. Original Planning Issue

The original proposed site layout did not provide adequate separation between the townhouse units on the western side of the site and the adjacent commercial lane, thereby compromising the livability of these units.

### Staff Response to Revised Proposal

- Although the road along the west side of the subject site has been given a street designation of 120A Street, this road is actually an 8.0-metre (26 ft.) wide commercial lane that acts as a service entry for those properties to the west of the subject site that front 120 Street (Scott Road).
- The proposed units on the west end of the subject site are situated only 4.3 metres (14 ft.) from this commercial lane which is not adequate to ensure that livability of these units is not compromised. The units proposed for the west end of the site will not only be adjacent to a commercial lane with commercial vehicles, but will overlook the rear of the commercial properties along 120 Street which consist of unlandscaped surface parking lots and unscreened garbage containers.
- Further, the outdoor privacy spaces for these western units abut the commercial lane directly with no opportunity for significant landscape screening. The applicant proposes to screen the privacy areas with a narrow laurel hedge and wooden picket fence which do not provide adequate screening or separation.

### 5. Original Planning Issue

The original site layout, coupled with the narrowness of the subject lot, did not provide much separation between the two rows of townhouses fronting the internal drive aisle. Consequently, a canyon-like effect was created that compromised the livability of the project.

### Staff Response to Revised Proposal

- Although the applicant's architect has improved the design, architectural detailing and articulation of the proposed buildings and, although it appears that the applicant has increased the gap between the blocks on either side of the drive aisle to 8.2 metres (27 ft.), the canyon-like effect created by the banks of 4-storey townhouse units along the internal drive aisle has not been completely eliminated.
- A single-loaded drive aisle has been the typical design response in other dense townhouse projects faced with a similar lot width constraint. However, this solution is not acceptable to the applicant due to the resultant loss of units to approximately 18.

### 6. Original Planning Issue

The original proposed site layout did not allow for the creation of any meaningful or functional outdoor amenity space, especially for a family-oriented development.

### Staff Response to Revised Proposal

- Although the development data sheet provided by the project architect indicates that the applicant is providing the required 81 square metres (872 sq. ft.) of outdoor amenity space, the only open space on the site consists of two small landscaped triangles at the entry on 121 Street and two space spaces between the blocks of buildings on the north and south sides next to the visitor parking spaces. Each of these four areas contain a

bench for seating, but contain no other facilities.

- Two of the four benches are located within the setback area. Under the regulations of Zoning By-law No. 12000, outdoor amenity spaces are not permitted to be located within required setback areas.
- The applicant has indicated that, in his opinion, the open space provided on the site is adequate and constitutes meaningful outdoor amenity area. The Planning & Development Department staff disagree, especially as the townhouse units (each containing 3 bedrooms) are family-oriented. The applicant should work with staff to provide compensation to mitigate this lack of outdoor amenity facilities.
- Further, Parks, Recreation and Culture has also expressed concerns that the proposal will put pressure on existing Parks, Recreation and Culture facilities in the area and that the applicant needs to meet with Parks, Recreation and Culture staff to address these concerns

### 7. Original Planning Issue

The proposal did not provide for any indoor amenity space.

#### Staff Response to Revised Proposal

- Although the applicant is required to provide 81 square metres (872 sq. ft.) of indoor amenity space (3 square metres/32 sq. ft. for each of the 27 proposed dwelling units), the revised proposal still does not include any indoor amenity space. As a result, the applicant will be required to provide money-in-lieu to mitigate the lack of indoor amenity space in accordance with Council Policy O-48.
- To this point, the applicant has not agreed to comply with the Council policy, citing a previous contribution for affordable housing when the site was rezoned in the mid-1990s. At this point, staff have not been able to confirm that a contribution for affordable housing was actually made for this site, although it is likely.

### 8. Original Planning Issue

The original site plans and landscaping plans did not provide adequate grading information or required cross-sections to demonstrate conclusively that the proposed site grading is acceptable or feasible.

#### Staff Response to Revised Proposal

- A revised grading plan was finally submitted on June 8, 2006. Given that the tandem garages will extend to the southern property line, the revised grading plan does not demonstrate that the proposed grading of the site can be achieved without significant impact on the property to the south.

## CONCLUSION

- The applicant has indicated that he wishes to construct townhouses, and not an apartment building, on the subject site.
- The applicant has also indicated that he feels he has worked diligently with staff to address the concerns outlined in the January 30, 2006 Planning Report and were raised at the January 30, 2006 Regular Council – Land Use meeting and is not prepared to make further changes to the proposal.
- The applicant, therefore, requests that Council support the application and instruct staff to prepare the necessary CD By-law and conditions of approval to permit the development to proceed in its current form and density.
- While the applicant has reduced the number of units from 29 to 27 and undertaken some minor design modifications to address the concerns related to the original proposal, the overall site configuration is in essence the same site configuration as originally proposed. It should be noted that the RM-30 Zone sets a maximum density of 18 upa and 0.5 FAR for this size of site, but the proposed density is 28 upa and 1.05 FAR.
- While a townhouse project may have some merit at this location, the combination of density and building form proposed by the applicant still results in the same concerns with respect to livability and impact on adjacent properties. Specifically, lack of functional open spaces, canyon-like effect, little opportunity for landscaping and minimal setbacks.
- Significant effort has been devoted by staff on this project but little improvement on the project has been achieved.
- It is recommended, therefore, that Council deny the application.

## 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.	Proposed Site Plan, Building Elevations and Floor Plans
Appendix IV.	Engineering Summary
Appendix V.	Parks, Recreation & Culture Comments
Appendix VI.	School District Comments
Appendix VII.	Original Planning Report dated January 30, 2006

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated January 27, 2006.
- Soil Contamination Review Questionnaire prepared by Joe Dhaliwal dated December 6, 2005.
- CD By-law No. 12892

How Yin Leung  
Acting General Manager  
Planning and Development

GAG/kms

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Information for City Clerk

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

1. (a) Agent:      Name:                      Joe Dhaliwal c/o Doon Developments Ltd.  
                         Address:                      #305 - 9288 - 120 Street  
                                                              Surrey, B.C.  
                                                              V3V 4B8  
                         Tel:                                      604-503-0505

2.      Properties involved in the Application

(a)      Civic Address:                      9277 - 121 Street

(b)      Civic Address:                      9277 - 121 Street  
            Owner:                                      Doon Developments Ltd., Inc. No. 469310  
            PID:    023-202-386  
            Lot B Section 31 Township 2 New Westminster District Plan LMP24981

3.      Summary of Actions for City Clerk's Office

## DEVELOPMENT DATA SHEET

**Proposed Zoning: CD**

Required Development Data	RM-30	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total	n/a	3,863 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures	38%	39%
Paved & Hard Surfaced Areas		27%
Total Site Coverage		66%
<b>SETBACKS</b> ( in metres)		
Front (East) 121 Street	7.5 m	4.3 m
Front (West) 120A Street	7.5 m	4.3 m
Side #1 (North)	7.5 m	2.7 m
Side #2 (South)	7.5 m	2.7 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	13.0 m	11.0 m
Accessory		
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		27
Total		27
<b>FLOOR AREA: Residential</b>		
<b>FLOOR AREA: Commercial</b>		n/a
Retail		
Office		
Total		
<b>FLOOR AREA: Industrial</b>		n/a
<b>FLOOR AREA: Institutional</b>		n/a
<b>TOTAL BUILDING FLOOR AREA</b>	2,163 m <sup>2</sup>	4,068 m <sup>2</sup>

## Development Data Sheet cont'd

<b>Required Development Data</b>	<b>Minimum Required / Maximum Allowed</b>	<b>Proposed</b>
<b>DENSITY</b>		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)	44 uph/18 upa	71 uph/28 upa
FAR (gross)		
FAR (net)	0.56	1.05
<b>AMENITY SPACE (area in square metres)</b>		
Indoor	81 m <sup>2</sup>	zero
Outdoor	81 m <sup>2</sup>	zero
<b>PARKING (number of stalls)</b>		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed	54	54
Residential Visitors	5	5
Institutional		
Total Number of Parking Spaces		59
Number of disabled stalls		1
Number of small cars		2
Tandem Parking Spaces: Number / % of Total Number of Units		40/74%
Size of Tandem Parking Spaces width/length		3.96 m x 6.7 m

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

