

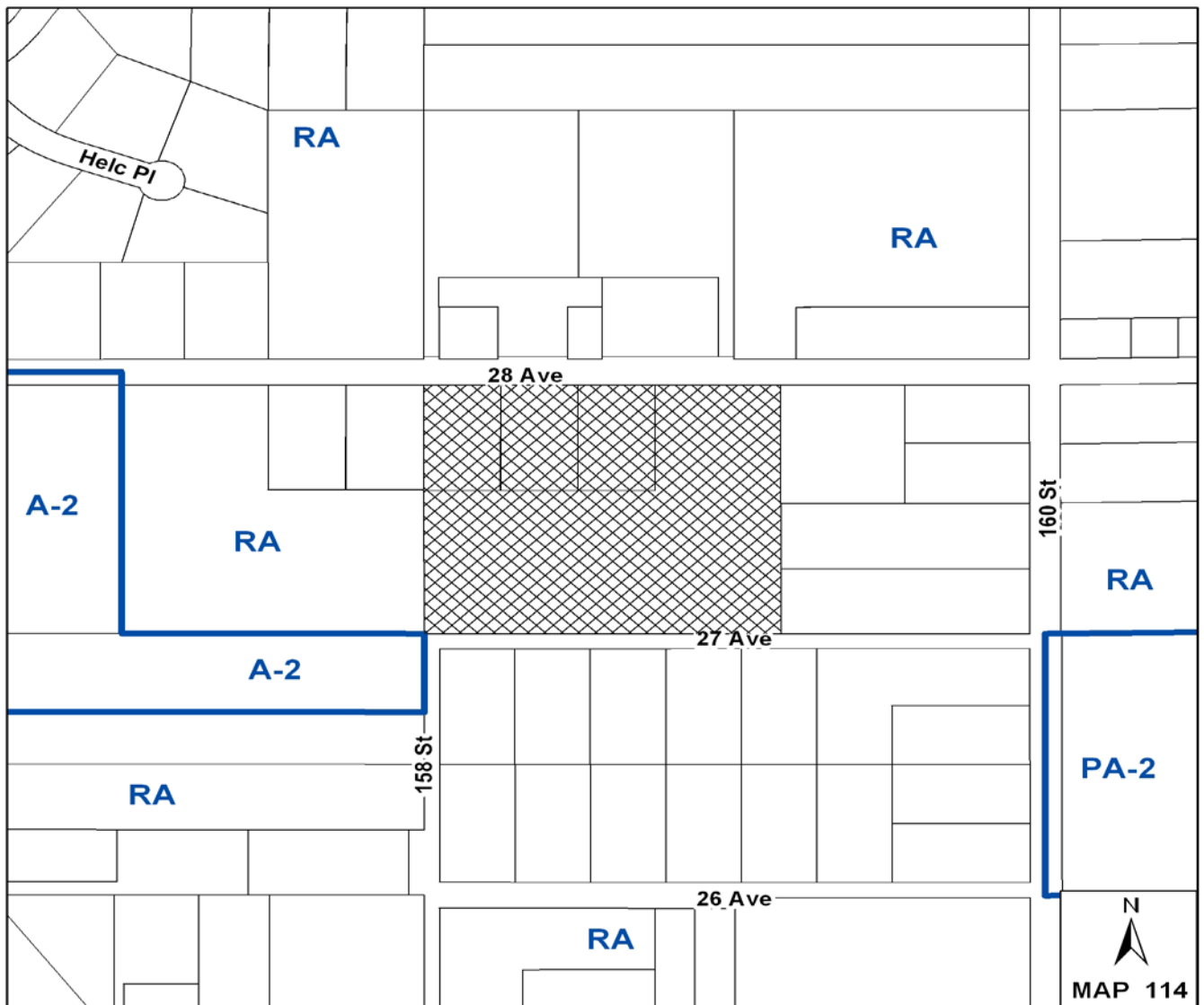
Proposal: OCP Amendment from Suburban to Multiple Residential and rezone from RA to RM-30. Development Permit to permit 147 townhouse units. DVP to vary setbacks.

Recommendation: Approval to Proceed

Location: 15810, 15838, 15870 and **15912** - 28 Ave **Zoning:** RA

OCP Designation: Suburban
NCP Designation: Res. Medium Density 10-15 upa to 20-30 upa

Owner: Polygon Development 200 Ltd.



PROJECT TIMELINE

Completed Application Submission Date: May 9, 2006
Application Revision & Re-submission Date: January 1, 2007
Planning Report Date: January 22, 2007

PROPOSAL

The applicant is proposing:

- an OCP amendment from Suburban to Urban;
- a rezoning from RA to RM-30;
- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations (Appendix VIII):
 - to reduce the minimum westerly front yard setback for buildings and structures from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.); and
 - to reduce the minimum southerly side yard setback for buildings and structures from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.)

in order to permit the development of 147 townhouse units.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by redesignating the property from Suburban to Multiple Residential and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the *Local Government Act*.
3. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Multiple Residential 30 Zone (RM-30)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council authorize staff to draft Development Permit No. 7906-0200-00 in accordance with the attached drawings (Appendix III).
5. 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) registration of a Section 219 Restrictive Covenant to specifically identify the allowable tandem parking arrangement and to prohibit the conversion of the tandem parking spaces into livable space;
- (d) registration of a reciprocal agreement for use and maintenance of indoor amenity space;
- (e) endorsement from Department of Fisheries & Oceans; and
- (f) completion of required acquisition by the City of off-site lands and completion of construction and maintenance agreement for parks and drainage for infrastructure required of habitat compensation, park acquisition and drainage detention in Area A as per the Morgan heights NCP and in accordance with City Policy.

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).

School District:

School Impacts:

Projected number of students from this development:

Elementary students = 24 students
 Secondary students = 12 students
 Total new students = 36 students

School Catchment Area/Current Enrollment/School Capacity:

Sunnyside Elementary School = 270 enrolled/290 capacity
 Semiahmoo Secondary School = 1,626 enrolled/1,300 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 = 26 students
 Total new students = 26 students

Approved Capacity Projects and Future Space Considerations

A new elementary school site has been approved for acquisition in the north west Grandview Area to serve development east of Highway No. 99. A majority of new growth in the current Sunnyside catchment is east of Highway No. 99 in NW Grandview area. A boundary move from Sunnyside to the new Pacific Heights Elementary was implemented in 2006. the proposed development will not have an impact on these projections.

(Appendix V)

Department of Fisheries and Oceans:

Support. There is an orange coded watercourse located along the northern property line along 28 Avenue. The applicant is working with the Department of Fisheries and Oceans (DFO) to either retain the watercourse or replace the habitat on the adjacent detention pond site. The approved NCP allows this watercourse to be eliminated, provided that adequate replacement habitat is secured elsewhere in the NCP. However, the applicant is exploring retention and realignment of this watercourse on the site. DFO endorsement will be required prior to final approval for either option

SITE CHARACTERISTICS

- **Existing Land Use** One acre residential zone (RA)
- **Significant Site Attributes** The site consists of four (4) residential acreage properties and contains few trees, most of which are located along 28 Avenue and are proposed to be retained. The site has a gentle slope from the northeast corner down to the southwest corner. The site is impeded on the north boundary by a Class "B" watercourse that is required to either be retained or compensated through a Habitat Balance Plan.
- **East:** Property under the control of the applicant, shown for park and a community drainage detention pond in the NCP. This area will required to be acquired by the City for a combination of detention pond for storm water, park and replacement habitat. The site will include a passive area as well as an active park area. Further south, single family residential acreage homes, zoned RA, designated Suburban in the OCP and Park in the Grandview Heights NCP Area #1 (Morgan Heights).
- **South:** Across 27 Avenue, single family residential acreage homes, zoned RA, designated Suburban in the OCP. This area is designated Medium-High Density (20-30 upa) in the Grandview Heights NCP Area #1 (Morgan Heights).

- **West:** Lands under application (File No. 7906-0289-00) by the same developer and is a companion project to this one. The area is similarly designated a combination 10-15 upa and 20-30 upa in the Grandview Height NCP Area #1 (Morgan Heights). Single family residential acreage homes, zoned RA, designated Suburban in the OCP.
- **North:** This area is part of the North Grandview Heights NCP and is designated as Cluster Housing (6-8 upa). Across 28 Avenue, single family residential acreage homes, zoned RA, designated Suburban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Suburban. Needs amendment to Multiple Residential.
NCP Designation: Medium-High Density Residential. Complies.

JUSTIFICATION FOR PLAN AMENDMENT

- The proposal complies with the Grandview Heights Neighbourhood Concept Plan Area #1 (Morgan Heights) as the subject property is within two density designations: "Medium Density (10 – 15 UPA)" and "Medium – High Density (20 – 30 UPA)".
- It is understood that all applications within the NCP area will be required to amend the OCP.

DEVELOPMENT CONSIDERATIONS

- The site, located in the Grandview Heights Neighbourhood Concept Plan Area #1 (Morgan Heights), is split designated "Medium Density (10 – 15 UPA)" and "Medium – High Density (20 – 30 UPA)". (Appendix IX). The NCP was approved by Council on September 12, 2005.
- The subject site is proposing 148 townhouse units comprised of one (1) concierge suite and 147 three-bedroom units. Units range in size from 162.2 sq. m. to 206 sq. m. (1746 sq. ft. to 2226 sq. ft. The proposal meets the allowable blended density (based on a calculation of actual site area compared to NCP designated area) for the site of between approximately 15 to 23 UPA. The project site is proposing an approximate UPA of 15.
- The lands fronting 28 Avenue are designated "Medium Density (10 – 15 UPA)". Permitted Uses within the 10 – 15 UPA lands allows single detached homes, duplexes, townhomes, and rowhouses. The NCP is specific regarding the frontage along 28 Avenue illustrating single detached homes to soften the transition across 28 Avenue to a lower density area. The developer has taken special care to generate a look and feel of lower density by proposing duplex type units with wide separation between units and significant breaks fronting 28 Avenue. Arguments for this type of transition as opposed to traditional single family lots include:

- Driveways – The NCP does not prohibit driveways on 28 Avenue. The attached plan, with duplex units with garages off an internal road in the back, gives a better street presentation along 28 Avenue and is safer for moving vehicles and pedestrian traffic.
- Streetscape – Eliminating driveways and creating front porches with connected walkways to the sidewalk achieve a stronger streetscape.
- Habitat – The developer is seeking to create a larger setback area along 28 Avenue (up to 12 metres) to generate additional environmental habitat compensation area by retaining and diverting the existing watercourse. This would further soften the transition across 28 Avenue.
- Trees – There is a significant stand of trees along 28 Avenue that the developer would like to retain. While these trees are primarily affecting the companion project (File #7906-0289-00), the developer will be planting sizeable trees to emulate what is occurring along 28 Avenue across 158 Street.

Zoning: RM-30

- The project is being re-zoned to the "Multiple Residential 30 Zone (RM-30)" and complies with all the requirements of the zone with the exception of a proposed reduction to the required yards and setbacks for a limited number of units. A Development Variance Permit has been requested to deal with this issue and is discussed later in this report.
- The density of the project, 14.8 UPA and 0.65 FAR, fit within the allowable density of the RM-30 Zone of 30 UPA and .9 FAR, based on the lot area of 4.0 hectares (9.96 acres).
- Lot coverage for the project is 45% and the allowable coverage of the RM-30 Zone is 45% based on the lot area of 4.0 hectares (9.96 Acres).
- Height of buildings and parking meet all requirements of the RM-30 Zone.

NCP Environmental Habitat Compensation Requirements

- There is one (1) watercourse (Class 'B') located on the northern portion of the site along 28 Avenue. A portion of this watercourse is located within the City required road widening. The developer, as a requirement of DFO is required to compensate for the loss of this watercourse and is related habitat attributes.
- The Grandview Heights Area #1 (Morgan Heights) NCP establishes the requirement for environmental protection and compensation, which is to be implemented and finalized in a detailed way at the development application stage.
- The fundamental premise of the proposed approach for protection of habitat under this NCP is that habitat areas lost to development would be compensated by the creation of new, and more valuable replacement habitat developed in this area. These new habitat areas would replace habitat which may have more limited value (i.e. road side ditches to be eliminated in the future due to required road upgrading), and would establish new contiguous habitat zones that could be better integrated with passive parks, existing retained creeks, required drainage ponds, and

protected tree stands. In this way, a habitat balance would be restored and multiple benefits could be realized.

- Based on this premise, a preliminary, conceptual Habitat Balance (Losses vs. Gains) and Compensation Plan was prepared by Phoenix Environmental as a basis for future planning, and was included in the NCP. The conceptual plan is based on habitat balance of a 1:1 ratio, and was presented to the Department of Fisheries and Oceans (DFO) prior to completion of the NCP. While DFO representatives did not provide final approval due to the necessarily conceptual level of information at that time, DFO did agree to consider this approach and principle of maintaining a habitat balance in order to off-set protected habitat which may be eliminated. The need for future work and details at the development stage were noted in the NCP to complete this habitat balance requirement.
- Detailed planning is on-going to address the habitat compensation and balance requirements in this NCP. Morgan Heights Development Corporation has been working to confirm the required habitat balance in Area B, which includes all of the land east of 160 Street (Appendix XII). A second group of developers, including the subject developer, has been actively working with City staff and DFO in Area A, which is located west of 160 Street to address similar habitat balance requirements. Additionally, as some of the new habitat is proposed on City parkland, further discussions are being held to clarify financial compensation requirements associated with establishing these encumbrances on City land.

Morgan Heights "Area A"

- The developers in "Area A", including Polygon, Amacon, Adera, and Equitas, have retained Phoenix Environmental Services to prepare an environmental Habitat Compensation and Balance Plan. The plan includes the creation of new habitat within a passive park space, on private developable land including this application and within some future development lands. The plan has been reviewed by DFO and City staff and vetted through the Environmental Review Committee (ERC). On the strength of the creation of larger, contiguous, and more valuable habitat zones, DFO has agreed to a minimum habitat balance ratio of approximately 1.2 to 1, to compensate for habitat lost.
- Through a collaborative effort with Phoenix Environmental, City staff, the Department of Fisheries & Oceans and developers, a required Habitat Balance Plan has been developed to a satisfactory level to proceed to a more detailed stage. The plan is based on the 1.2 to 1 ratio prescribed by DFO, and will be achieved through a variety of means, including:
 - Utilization of Best Management Practices for storm water management whereby, storm water can be controlled without compromising the habitat compensatory value of the land;
 - Utilizing portions of City Parkland for new habitat and integrating this with passive park spaces and required drainage detention facilities;
 - Creation of contiguous habitat areas within private townhouse developments; and
 - Achieving an overall habitat balance over the entire NCP Area, utilizing any available surplus in either Area A or B.

- Overall, this approach is expected to allow developments within "Area A" to realize development as per the NCP.

NCP Habitat Balance and Drainage Implementation Requirements

- In accordance with the NCP, the City must have all lands required for drainage detention secured prior to final approval by Council. The applicant is working with other developers to secure the adjacent site, at 15940 28 Avenue, for both community drainage detention and habitat compensation area requirements. This land must be conveyed to the City prior to final adoption by Council. The applicant is aware of this requirement.
- As noted above, use of City land for habitat compensation works must comply with City Policy No. P-15 (Appendix XI).
- As part of the discussions around financial compensation value, habitat areas must have maintenance and infrastructure agreements in place, including bonding and/financial security, and necessary license agreements with the City prior to final approval by Council.

PRE-NOTIFICATION

Pre-notification letters were sent on August 21, 2006 and staff received the following comments:

- Concern regarding the perception that single family dwellings would front 28 Avenue.

(The applicant proposes the development of duplex units along 28 Avenue to maintain the appearance of single-family dwellings. Two unit types and modules have been developed with variable setbacks and massing in order to avoid repetitive design, and mimic single-family dwelling forms. Additionally, the proposal incurs positive benefits in terms of eliminating all driveways from 28 Avenue, and ensuring the proposed landscaping along 28 Avenue will be in common ownership, is will be properly maintained by the strata.)

- Concerns raised about the amount of traffic generated on 28 Avenue.

(The proposal does not create any vehicular access points on 28 Avenue. The overall density of the project is at the lower range of the approved density in the NCP, therefore overall traffic generation from this site and onto the surrounding road network is well within the anticipated tolerances for 28 Avenue, which is designated as a major collector road, and is consistent with the approved road network plans for the area.)

- Concerns regarding the amount of trees being cut down, leaving the land barren.

(Of the 74 protected trees, the applicant proposes to retain 17 trees. Efforts have been made to ensure these are retained throughout the site, and within the proposed common open space. The applicant is also exploring retention of additional trees along 28 Avenue along the existing riparian area, which may be retained, subject to further exploration in coordination with the Department of Fisheries. Additional tree removal is unavoidable, given the necessary road works, site servicing and regarding requirements, and construction of units and driveways. The applicant is proposing substantial tree

planting in the form of 395 new trees, as well as additional shrubbery, ground cover, and landscaping features to ensure an adequate replanting level.)

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the *Local Government Act*, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

DESIGN PROPOSAL AND REVIEW

Site and Building Design

- The overall site design presents a strong street presence along the public edges, 28 Avenue and 158 Street, where front doors, porches and walkways all add eyes on the street.
- Four (4) buildings have setbacks of 6.0 metres providing some articulation along both 27 Avenue and 158 Street. Two buildings with 6.0 metre setbacks, along 27 Avenue, are at the corner of the proposed park helping define public park space from private space. The applicant will need a Development Variance Permit for setbacks, which is discussed below.
- Low transparent fencing along with low landscaping provides the definition between public and private space along the public edges.
- Building materials consist of high quality asphalt roof shingles, vinyl siding, vinyl windows, wood trim, accent wood shingle walls and feature stone veneer walls.
- Two colour schemes will be employed through out the development, with the primary exterior colours being in the "sand" and "clay" colour range.
- The indoor amenity space for the project is provided at the entrance to the project from 158 Street, is 603 sq. m. (6495 sq. ft.), includes an outdoor pool, is designed to reflect the overall character of the townhouse community, and will be shared with the companion project, File # 7906-0289-00, to the west across 158 Street. Cash-in-lieu for the deficit of By-law required indoor amenity space will be a requirement of the other project as will a shared access agreement across strata's for shared use.
- Outdoor amenity space is provided for the project in the area surrounding the Clubhouse. The space is also connected to an internal walking path for residents to access the adjoining park space to the East. The amount of outdoor space provided is approximately 1719 sq. m. (18,500 sq. ft.), significantly more than what is required by By-law (441 sq. m.) and is situated where a significant stand of trees will be retained.

Traffic and Access

- Vehicle access to the site will be off the newly dedicated and constructed 158 Street and is aligned with the companion project, File #7906-0289-00 providing one main intersection for safer vehicular movements on and off 158 Street.
- Traffic calming measures will be implemented at the entrances to both projects to allow ease and safety to pedestrian traffic. This is also the location of an internal pedestrian walkway that joins both projects together giving access to the Clubhouse and park beyond.
- An Emergency and Fire Access is provided along 158 Street, north of the main entrance of the site.

Landscaping and Tree Evaluation

- The proposed landscape plan for the project includes the provision of a variety of trees to complement the existing stands of trees, as well as shrubs, various ground cover and a tree lined internal pedestrian walkway.
- Hard landscaping includes a 1.2 m. (4 ft.) high picket fence along the East property line to define park space and private space, an asphalt pedestrian walkway throughout the site, a rock feature/dry creek bed defining separation between private backyard space, and a water feature at the entrance to the clubhouse.
- There were a total of 74 protected trees identified in the Arborist Report and listed in the Tree Preservation Summary (Appendix VI). 17 trees are proposed to be retained, or approximately 23% of all protected trees. Of the trees that will be retained, 13 Fir, 2 Cedar and 2 Big Leaf Maple, all are of significant size.
- The applicant proposes to provide 395 replacement trees on the site; greater than the required 358. The total number of trees, replacement and protected, proposed for the project is 412; 2.8 trees per townhouse unit.

ADVISORY DESIGN PANEL

ADP Meeting Date: January 15, 2007.

Some of the ADP suggestions have been satisfactorily addressed except the following which will be addressed before final approval.

Form and Character

1. Resolve colour scheme variation with the Planning and Development Department.

Landscape and Site Plan

1. Further study and augment pedestrian circulation network and develop hierarchy. Establish clear arrival points. Look more carefully at visitor parking locations and consider wayfinding devices

to specific units within the complex. Coordinate with traffic calming devices such as speed humps, and allow for drainage.

2. Resolve landscaping with the Planning and Development Department (i.e. Arborist's report, tree retention, replacement trees, street edge treatment, fence details, project signage and lighting, special paving at vehicular entry inside the property line). Site irrigation is encouraged.
3. Ensure access for wheelchair users vs. site slopes.

CPTED

1. Consider fire truck movements throughout site.
2. Site signage for emergency vehicles within the complexes (i.e. numbering on the garage doors, clear).
3. Avoid use of glazed doors with deadbolts.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To reduce the westerly front yard setback for buildings and structures from 7.5 metres (25.0 ft.) to a minimum of 6.0 metres (19.7 ft.) as shown in Schedule A in the attached DVP (Appendix VIII).
- To reduce the southerly side yard setback for buildings and structures from 7.5 metres (25.0 ft.) to a minimum of 6.0 metres (19.7 ft.) as shown in Schedule A in the attached DVP (Appendix VIII).

Justification for Variance:

- The proposed reduction only applies to the 14 of the 147 units (10%) and enables articulation of buildings along 27 Avenue to provide a stronger street presence, improve the relationship of the front units to the street, and enhance the pedestrian environment along the road. Units have been designed with street-orientation in mind, and will have individual walkways from the sidewalk to individual units. The architectural treatment and landscaping have been designed in keeping with this concept.

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.	School District Comments
Appendix VI.	Summary of Tree Survey and Tree Preservation
Appendix VII.	ADP Comments and Applicant's Response
Appendix VIII.	Development Variance Permit No. 7906-0200-00
Appendix IX.	OCP Amendment Map
Appendix X.	City Policy No. P-15
Appendix XI.	Grandview Heights NCP Area #1 (Morgan Heights)

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated July 19, 2006.
- Tree Survey Plan dated June 12, 2006.
- Arborist Report dated June 12, 2006.
- Environmental Report prepared by Keystone Env. dated March 12, 2006.
- Soil Contamination Review Questionnaire prepared by Polygon Development 200 Ltd. dated May 5, 2006.

How Yin Leung
Acting General Manager
Planning and Development

BDP/kms

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DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: RM-30

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA (in square metres)		
Gross Total		44,314.65
Road Widening area		4,006.53
Undevelopable area		n/a
Net Total		40,308.12
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	45%	45%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	6.0 m*
Rear	7.5 m	7.5 m
Side #1 (N,S,E, or W)	7.5 m	7.5 m
Side #2 (N,S,E, or W)	7.5 m	6.0 m*
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal	13 m	11 m
Accessory	11 m	
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		1
Two Bedroom		
Three Bedroom +		142
Total		
FLOOR AREA: Residential		26,699 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		26,699 m ²

*** DVP to relax setbacks is proposed.**

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)	75 upha/30 upa	36 upha/15 upa
FAR (gross)		
FAR (net)	.90	.65
AMENITY SPACE (area in square metres)		
Indoor	444 m ²	617.8 m ²
Outdoor	444 m ²	1,718.65 m ²
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed	296.0	328
Residential Visitors	29.6	30
Institutional		
Total Number of Parking Spaces	325	358
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		n/a
Size of Tandem Parking Spaces width/length		n/a

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

