

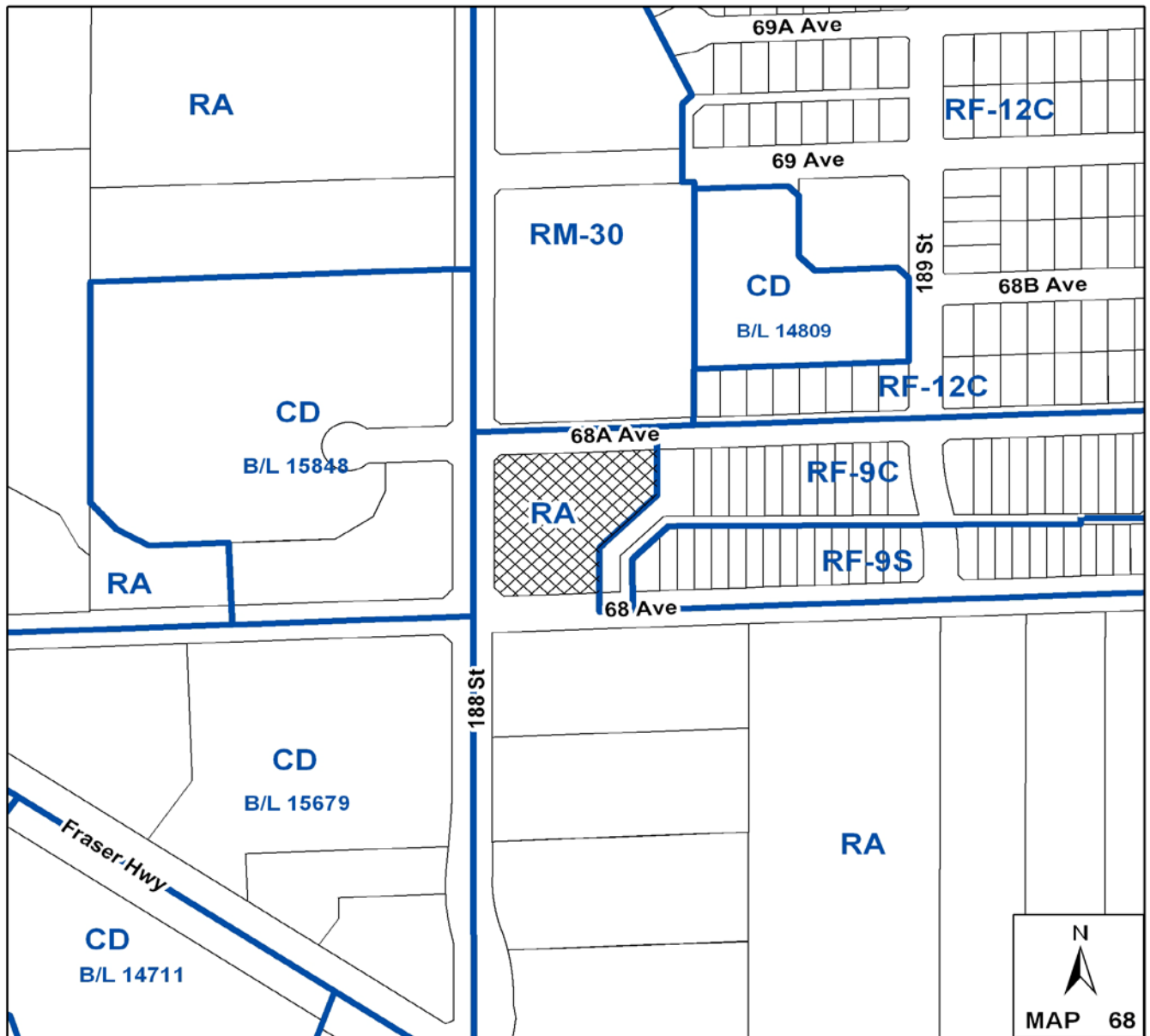
Proposal: Rezone from RA to C-5. Development Permit to permit a 2-storey commercial building. Development Variance Permit to vary the front (188 Street) yard building setback and building height and to vary the Sign By-law.

Recommendation: Approval to Proceed

Location: 6820 - 188 Street **Zoning:** RA

OCP Designation: Urban

NCP Designation: Neighbourhood Commercial **Owner:** MGN Enterprises Inc.



PROJECT TIMELINE

Completed Application Submission Date: June 8, 2006
Planning Report Date: April 2, 2007

PROPOSAL

The applicant is proposing:

- a rezoning from RA to C-5;
- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations:
 - to vary the front (188 Street) yard building setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.);
 - to increase the principal building height of the C-5 Zone from 9.0 metres (30 ft.) to 10.1 metres (33 ft.); and
 - to vary the Sign By-law to permit two (2) identification signs on the building

in order to permit the development of a 2-storey commercial building.

RECOMMENDATION

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 "Neighbourhood Commercial Zone (C-5)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7906-0256-00 in general accordance with the attached drawings (Appendix III).
3. Council approve Development Variance Permit No. 7906-0256-00, (Appendix VIII) varying the following to proceed to Public Notification:
 - (a) to reduce the minimum front (188 Street) yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.);
 - (b) to increase the principal building height of the C-5 Zone from 9.0 metres (30 ft.) to 10.1 metres (33 ft.); and
 - (c) Section 25(4) of the Sign By-law is waived to permit two identification signs on the building.

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 finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) submission of revised architectural and landscape drawings incorporating more permeable materials and reassessment of grading within the parking area to allow for improved drainage to the satisfaction of the City Architect and City Landscape Architect;
 - (d) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (e) registration of a Section 219 Restrictive Covenant to restrict the number of eating establishments on site to two and to restrict the maximum floor area of each such premise to 150 square metres (1,615 sq.ft.);
 - (f) discharge of the existing Section 219 Restrictive Covenant registered on title; and
 - (g) the demolition of any existing buildings and structures on the subject property to the satisfaction of Building Division staff.

REFERRALS

- Engineering: The Engineering Department has no objection to the project and has indicated that a Servicing Agreement is not required. However, the applicant is required to pay cash-in-lieu for a future roundabout at the intersection of 68 Avenue and 188 Street (Appendix IV).
- Parks: No concerns, but has provided recommendations of interface landscaping with the Clayton Greenway to the applicant (Appendix V).

SITE CHARACTERISTICS

- **Existing Land Use** Acreage lot, single family residence demolished.
- **East:** Proposed Clayton Greenway, small single family residential lots and coach houses, zoned RF-9C and designated 10 - 15 upa (Medium Density) and Special Residential (i.e. live/work) lots, zoned RF-9S, designated 10-15 upa (Special Residential) in the East Clayton NCP.

- **South:** Across 68 Avenue, single family residences on large acreage lots, zoned RA, designated Neighbourhood Commercial in the East Clayton NCP.
- **West:** Across 188 Street, new 4-storey apartment and 3-storey townhouse development under construction, completed under Application No. 7904-0317-00, zoned CD (By-law No. 15848) designated 22-45 upa (Highway Density) in the East Clayton NCP Extension - West of 188 Street. South of 68 Avenue is the new Clayton Crossing shopping centre, zoned CD (By-law No. 15679), designated Commercial in the OCP.
- **North:** Across 68A Avenue, existing townhouse development, zoned RM-30, designated 22-45 upa (High Density) in the East Clayton NCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

NCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject property, 6820-188 Street, is located in East Clayton and encompasses an area of 5,723 square metres (1.4 acres). The lot was created under Application No. 7904-0179-00, which created this subject property as a remainder lot with a 42 single family small lot subdivision to the east and provided dedication of a portion of the Clayton Greenway.
- There is currently a Restrictive Covenant registered on title of the subject property which required that the existing house on the remainder lot be connected to municipal services. Since the house has been demolished and the property is to be redeveloped, it is recommended that this covenant be discharged.
- The property is currently zoned One-Acre Residential Zone (RA), designated Neighbourhood Commercial in the East Clayton Neighbourhood Concept Plan (NCP) and designated Urban in the Official Community Plan (OCP).

East Clayton NCP Principles

- The intent of the Neighbourhood Commercial designated property is to provide retail and service uses which feature small scale commercial services and which would cater to the everyday needs of local residents.
- Neighbourhood commercial uses are to be located within a 400-metre (5 minute) walking distance from residents. The proposed development is mostly surrounded by residential development, making this location suitable for residents to have their everyday service needs addressed.

- The applicant is proposing a rezoning from One-Acre Residential Zone (RA) to Neighbourhood Commercial Zone (C-5), a Development Permit and a Development Variance Permit in order to permit development of a 2-storey commercial building. The proposal complies with the land use intended under the East Clayton NCP.
- The commercial building has been designed to ultimately incorporate two restaurants with a maximum floor area of 150 square metres (1,615 sq.ft.) each and commercial retail units on the first floor, with office space intended for the second floor. The C-5 Zone permits uses such as retail stores, personal service uses, eating establishments, office uses, general service uses, community services and child care centres. The C-5 Zone also permits a neighbourhood pub. However, any owner/applicant proposing a neighbourhood pub will be required to comply with the provincial regulations of the Liquor Control and Licensing Branch (LCLB) and would require a separate consultation process (Appendix III).
- Due to the concern about adequate on-site parking, a Restrictive Covenant will be registered on title of the property to restrict the maximum number of eating establishments to two, each with a maximum floor area of 150 square metres (1,615 sq.ft.). By restricting eating establishments to a maximum of 150 square metres (1,615 sq.ft.), the Zoning By-law only requires 3 parking spaces per eating establishment.
- The commercial retail units generally range in size from 61.6 square metres (662 sq.ft.) to 100 square metres (1,075 sq.ft.), with the proposed office units ranging in size from 67.0 square metres (721 sq.ft.) to 105.0 square metres (1,130 sq.ft.). The ultimate size and arrangement of the units may differ once tenants occupy the units.
- The proposed floor area ratio (FAR) is 0.47, which is under the maximum 0.50 FAR permitted under the C-5 Zone.
- The proposed development intends to provide 75 parking stalls and one loading space located at the rear of the building. The development would be required to provide a total of 62 stalls. Of this total, 17 are "small car" stalls and 4 are for disabled persons. This meets the parking requirements of the Zoning By-law. Four (4) bicycle stalls are proposed to be located outside, adjacent the walkway leading to and from the Clayton Greenway. This exceeds the minimum 2 bicycle stalls required under the Zoning By-law. The surface parking will be accessed from 68 and 68A Avenues.
- The proposed Clayton Greenway is located to the east of the property. A walkway is proposed leading from the commercial building, through the parking area to the Greenway.
- One fascia sign per commercial premise is proposed. The design of the signs reflect sign bands with raised painted lettering with lighting from ceiling soffits above. Two identification signs for the building will be located above the entry/exit at the west and east elevations and will incorporate painted wooden sign bands with raised painted lettering set into brick. A Development Variance Permit will be required for these two additional signs (see By-law Variance Section).

Tree Preservation and Tree Replacement

- The development application was submitted prior to final adoption of Tree Protection By-law No. 16011 and is covered by the one-year grace period.
- Under the new Tree Protection By-law, tree replacement is required at specified ratios. Protected trees are to be replaced at a ratio of 2:1, while Alder and Cottonwood trees are to be replaced at a ratio of 1:1.
- The applicant has submitted an arborist assessment prepared by Randy Greenizan, Certified Arborist. The report has identified seven (7) protected trees on the subject property. All seven trees are proposed for removal (Appendix VI). Staff have indicated that a Horse Chesnut tree located near 68A Avenue should be retained if possible. Further information and consideration are required.
- Based upon the replacement ratio of 2:1, 14 replacement trees will be required on site. A total of 32 trees are being proposed throughout the proposed development, including Paper Birch, Daybreak Cherry, Western Hemlock and Western Red Cedar. The proposed tree replacement complies with Tree Protection By-law No. 16011.

PRE-NOTIFICATION

Pre-notification letters were sent on August 8, 2006 and staff received 1 letter from one household with the following comments:

- The residents are in opposition to the proposed rezoning from a residential zone to commercial zone.

(Prior to the East Clayton NCP being approved by Council, a lengthy and substantial public consultation process was conducted with area residents. The subject property is designated Neighbourhood Commercial in the NCP and the applicant is only proposing to develop the subject property as per the NCP designation.)

DESIGN PROPOSAL AND REVIEW

- Under the East Clayton NCP, the main design characteristics of commercial development should include: reduced front setbacks to encourage a strong pedestrian orientation and parking accommodated on the street, in underground structures and in parking areas accessed via the rear are encouraged. The siting of the proposed commercial building reflects a 3.0-metre (9.8 ft.) building setback from 188 Street, with all parking at the rear of the site. However, this will require Council approval of a Development Variance Permit (see By-law Variance Section of the report).
- The massing and form of the proposed 2-storey building incorporates elements of the surrounding residential character, including compatibility in height and building materials such as hardiplank siding and brick and high profile duroid for the roofing material.

- Proposed exterior building materials include painted stucco wall cladding and painted hardiplank siding, with brick for the columns. The proposed roof material is high profile duroid.
- The proposed building reflects a reduced (3.0-metre/10 ft.) front yard building setback which reinforces a strong pedestrian presence along 188 Street.
- Each of the commercial retail units will have direct access at ground level, which will also add to the strong pedestrian feel. A covered walkway of stamped concrete and masonry unit pavers is proposed around the building to allow pedestrians ease of movement, with weather protection. The office units will be accessed mainly through an elevator and staircase at the lobby of the building, with secondary staircases at the north and south portions of the building.
- The proposed development is proposing plaza areas at the northwest and southwest corners of the subject property, which will be finished in stamped concrete and masonry unit pavers.
- A walkway in stamped concrete and masonry unit pavers, with a trellis element, is proposed leading from the rear of the building to the Clayton Greenway. The columns of the trellis will be individually lit with wall sconces.
- Edge landscaping is proposed along all street frontages at a minimum of 1.5 metres (4.9 ft.) in width.
- No fencing is proposed along the eastern property line, as recommended by Parks Department staff. However, a landscape buffer is proposed to provide adequate screening of the parked vehicles and to provide a definitive line between private property and public space.

ADVISORY DESIGN PANEL

ADP Meeting Date: February 21, 2007

ADP comments and suggestions have generally been addressed (Appendix VII). However, staff have indicated to the applicant that further consideration be given to improved drainage on site and to incorporate more pervious materials. The applicant has indicated that pervious materials can be considered and incorporated where appropriate and grading within the parking area may be adjusted to improve internal drainage.

In addition, minor revisions will be required for the proposed sign concept.

BY-LAW VARIANCES AND JUSTIFICATION (Appendix VIII)

(a) Requested Variance:

- To vary the front (188 Street) building setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.).

Applicant's Reasons:

- The reduced building setback is proposed at 188 Street to provide more pedestrian orientation along the street edge and to provide human scale.

Staff Comments:

- Planning staff are supportive of the proposed building setback variance as it complies with the intent of the design guidelines for neighbourhood commercial buildings in the East Clayton NCP.

(b) Requested Variance:

- To increase the maximum principal building height of the C-5 Zone from 9.0 metres (30 ft.) to 10.1 metres (33 ft.).

Applicant's Reasons:

- A 3-storey townhouse development and a 4-storey apartment building are currently under construction to the west and northwest, across 188 Street. The proposed height of the commercial building is less than the height of the buildings approved for these developments.

Staff Comments:

- The proposed building height increase is not considered to be excessive. The proposed commercial building is compatible with the height of the existing 2-storey townhouses to the north across 68A Avenue and with the 2-storey single family to the east, east of the Clayton Greenway. The height will be less than what has been approved for the developments to the west and northwest.
- Planning staff support the variance.

(c) Requested Variance:

- To waive Section 25(4) of Sign By-law No. 13656 to allow two (2) identification signs to the building, with one for the west (188 Street) elevation and one along the rear (east) elevation.

Applicant's Reasons:

- The signs at the front (188 Street) frontage and at the rear (east) elevation are required in order to identify the building and to provide customers a reference point.

Staff Comments:

- No free-standing signs are proposed for this project.
- The two additional signs are considered to be a minor addition and have been designed to blend in with the design of the building. Planning staff support this 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.	Proposed Site Plan, Typical Floor Plans and Elevations, Landscape Plan
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	Summary of Tree Survey and Tree Preservation
Appendix VII.	ADP Comments and Applicant's Response
Appendix VIII.	Development Variance Permit No. 7906-0256-00
Appendix IX.	East Clayton NCP

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated February 16, 2007.
- Arborist Report dated December 21, 2006.
- Soil Contamination Review Questionnaire prepared by Simira Zomparelli dated June 9, 2006.

How Yin Leung
Acting General Manager
Planning and Development

PL/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: Simira Zomparelli
 Address: 5020 Frances Street
 Burnaby, B.C.
 V5B 1T3
 Tel: 604-240-3508

2. Properties involved in the Application
 - (a) Civic Address: 6820 - 188 Street

 - (b) Civic Address: 6820 - 188 Street
 Owner: MGN Enterprises Inc.
 PID: 026-439-522
 Lot 43 Section 16 Township 8 New Westminster District Plan BCP20050

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7906-0256-00.

DEVELOPMENT DATA SHEET

Proposed Zoning: C-5

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		5,723 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	50%	31.6%
SETBACKS (in metres)		
Front (188 Street)	7.5 m	3.0 m
Rear (East)	7.5 m	23.7 m
Side #1 (North) (68A Avenue)	7.5 m	7.5 m
Side #2 (South) (68 Avenue)	7.5 m	7.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	10.1 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		n/a
FLOOR AREA: Commercial		
Retail		1,307.5 m ²
Office		1,378.4 m ²
Total		2,685.9 m ²
FLOOR AREA: Industrial		n/a
FLOOR AREA: Institutional		n/a
TOTAL BUILDING FLOOR AREA		2,685.9 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)		n/a
FAR (gross)		
FAR (net)	0.50	0.47
AMENITY SPACE (area in square metres)		n/a
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	62	75
Industrial		n/a
Residential Bachelor + 1 Bedroom		n/a
2-Bed		
3-Bed		
Residential Visitors		n/a
Institutional		n/a
Total Number of Parking Spaces	62	75
Number of disabled stalls		4
Number of small cars	16	17
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

