

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7906-0263-00

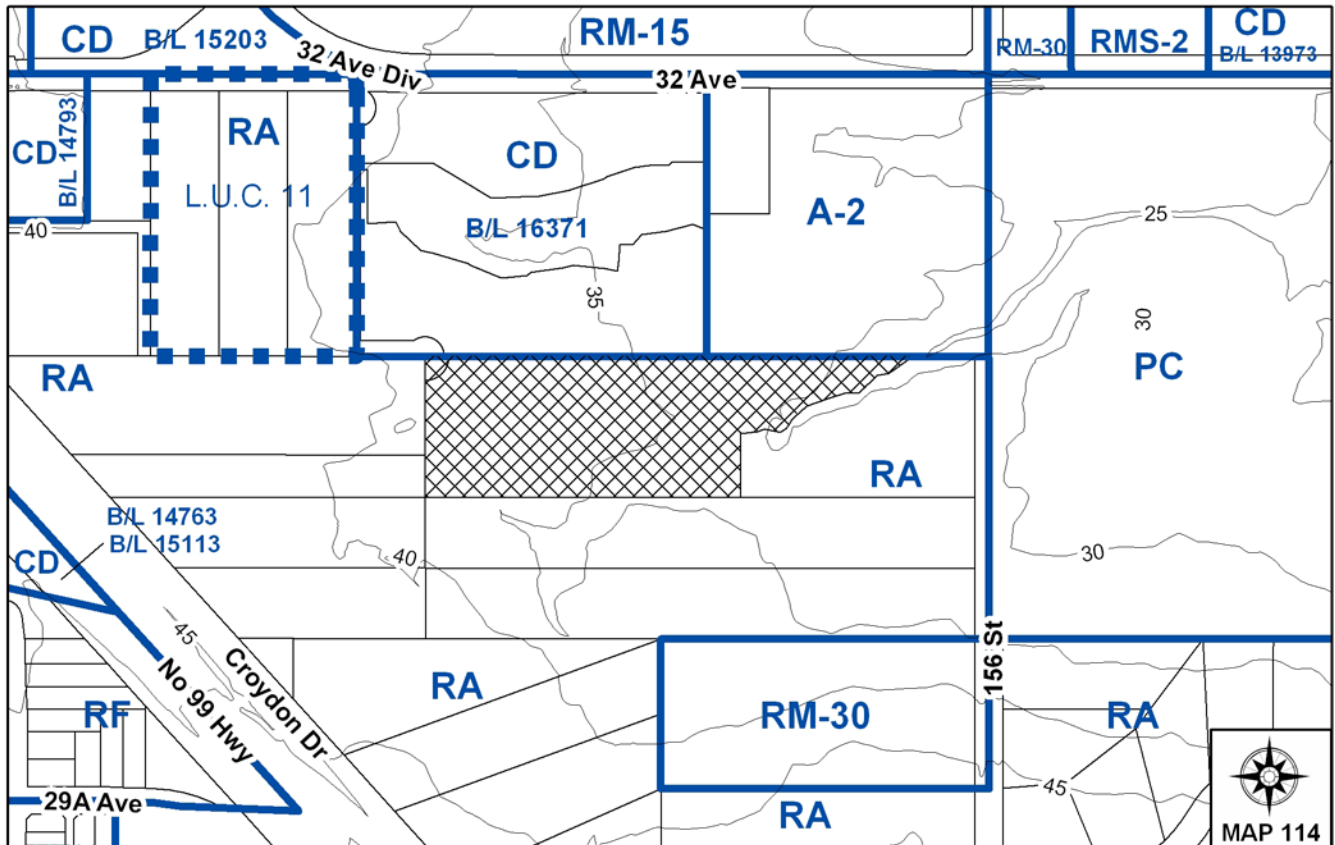
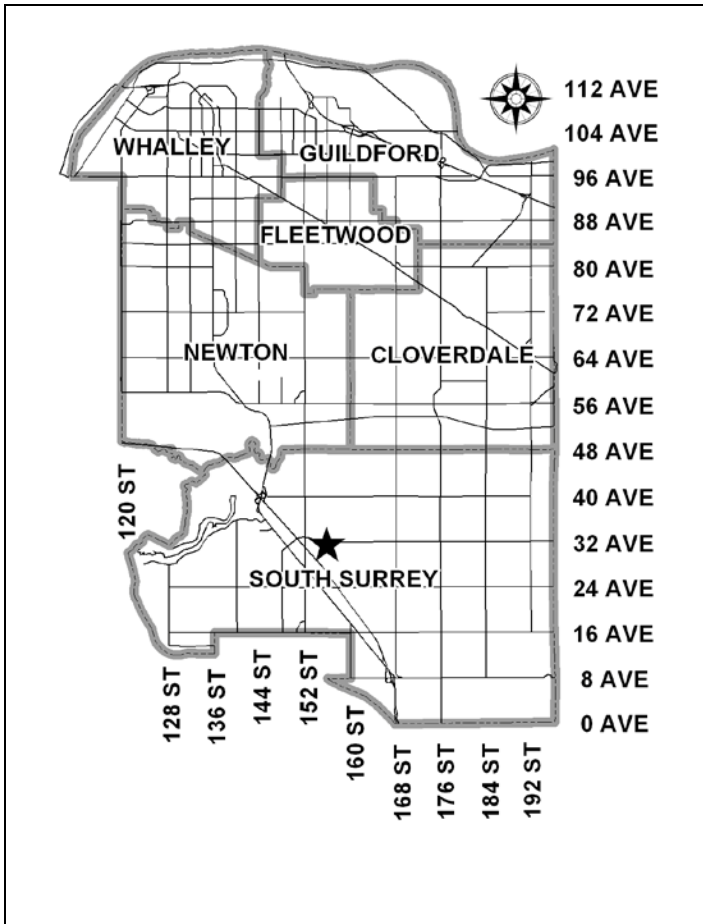
Planning Report Date: January 14, 2008

PROPOSAL:

- Rezoning from RA to CD
- Development Permit

in order to permit the development of a live/work development consisting of two, 4-storey apartment buildings.

LOCATION: 15422 - 31 Avenue
OWNER: 0743323 B.C. Ltd., Inc. No. 0743323
ZONING: RA
OCP DESIGNATION: Industrial/Suburban
NCP DESIGNATION: Live & Work or Business Park Areas



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to reduce indoor amenity space.
- Approval to draft Development Permit.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with NCP Designation.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve the applicant's request to reduce the amount of required indoor amenity space from 444 square metres (4,780 sq.ft.) to 106 square metres (1,144 sq.ft.).
3. Council authorize staff to draft Development Permit No. 7906-0263-00 in accordance with the attached drawings (Appendix II).
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 subdivision layout to the satisfaction of the Approving Officer;
 - (c) approval from the Ministry of Transportation;
 - (d) input from Senior Government Environmental Agencies;
 - (e) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (f) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (g) resolution of all urban design and architectural design issues to the satisfaction of the Planning and Development Department;
 - (h) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
 - (i) registration of a Section 219 Restrictive Covenant requiring fire sprinklers to NFPA standards and to release and indemnify the City from liability;
 - (j) registration of a Section 219 Restrictive Covenant to specifically identify the allowable tandem parking arrangement, as well as to ensure that tandem underground parking spaces are reserved for 2 or more bedroom units only, and to require any 2 parking spaces provided in a tandem arrangement to be held by the same owner;
 - (k) the applicant adequately address the impact of reduced indoor amenity space;

- (l) registration of a Section 219 Restrictive Covenant providing notice to future owners of the live/work uses on the site;
- (m) the applicant undertake a Building Code review to ensure minimum building standards for live/work uses are met and that the buildings are constructed to these standards from the outset;
- (n) final design and alignment of the east-west strata road extending from 31 Avenue, to be confirmed between the subject site and the property to the north;
- (o) registration of a Section 219 Restrictive Covenant to ensure that the "work" area for the ground floor storefront units will not be occupied as a secondary suite; and
- (p) registration of a Section 219 Restrictive Covenant to require a minimum of 1,385 m² (15,000 sq.ft.) of "work" space to be provided on the site, and to ensure that only the occupants of the residential units may undertake a permitted business use in the "work" portions of the ground floor storefront units or in the business centre components.

REFERRALS

Engineering:

A preliminary Engineering review has been undertaken for this project and has been deemed to be satisfactory. The Engineering Department has no objection to the project proceeding at this time subject to the completion of detailed Engineering servicing requirements being completed (Appendix III). The applicant is aware that detailed requirements are in the process of being finalized and has agreed to fulfill these requirements in full prior to final adoption of the Rezoning By-law.

School District:

Projected number of students from this development:

6 Elementary students at Sunnyside Elementary School
4 Secondary students at Semiahmoo Secondary School

(Appendix IV)

Parks, Recreation & Culture:

Parks, Recreation & Culture supports the proposal including the proposed dedication of the riparian areas.

Department of Fisheries and Oceans:

The Department of Fisheries and Oceans (DFO) has agreed to riparian setbacks ranging from 15 metres (50 ft.) to 35 metres (115 ft.) from the top of bank of Morgan Creek and the unnamed Class B tributary which run through the site. The riparian area will be dedicated to the City as parkland.

Min. of Transportation:

Preliminary approval from the Ministry of Transportation (MOT) has been withheld while a traffic impact review for this area is conducted. The property owner understands that final adoption of the rezoning by-law will be withheld pending final approval from MOT and has indicated in writing that he will address all MOT requirements prior to final adoption of the Rezoning By-law.

SITE CHARACTERISTICS

Existing Land Use: Vacant land.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Phased townhouse/apartment live/work development partially under construction.	Industrial/Live & Work or Business Park Areas	CD
East:	The site to the east, which has been subdivided, will contain a community detention pond.	Suburban/Multiple Residential (15-25 upa)	RA
South:	Vacant land.	Industrial and Suburban/Business Park and Multiple Residential (15-25 upa)	RA
West:	Single family dwelling.	Industrial/Business Park	RA

DEVELOPMENT CONSIDERATIONSSite Context and Subject Proposal

- The subject site is approximately 2.64 hectares (6.52 acres) in size, and is designated as a "Live & Work or Business Park Area" in the Rosemary Heights Business Park Neighbourhood Concept Plan (NCP), which was approved by Council on July 21, 1999. The site is also designated Industrial in the Official Community Plan (OCP).
- The subject site was recently created through a subdivision, which also created a new lot on the east side of Morgan Creek for a community detention pond that is currently under construction. This lot is in the process of being conveyed to the City for drainage purposes.
- To the north of the site is a comprehensively designed live/work development on 2 lots consisting of 43 townhouse units in the first phase and either 45 townhouse units or three, 4-storey apartment buildings in the second phase. The live/work development to the north incorporates office uses and general service type uses such as accountants and lawyers offices along with the residential uses. To the west and southwest of the site are acreage properties designated for Business Park uses in the Rosemary Heights Business Park NCP, and to the south and southeast of the site are acreage properties designated for Multiple Residential development at a density of 15 to 25 units per acre in the North Grandview Heights NCP.
- The applicant for the subject site proposes a comprehensive live-work development that is consistent with the live & work designation in the NCP. The development is comprised of 2, 4-storey apartment buildings providing a total of 148 residential units. Incorporated into one end of each apartment building, is a 2-storey business centre providing a total of approximately

1,162 m² (12,500 sq.ft.) of office space. In addition to these business centres, 10 of the ground floor "store-front" residential units will include a 20 square metre (215 sq.ft.) workspace, specifically designed for small home based businesses. A Restrictive Covenant will ensure the proposed work uses will be provided on the site.

- The development features underground parking. Surface stalls are provided to serve the work component.

Environmental and Riparian Protection

- The site is encumbered by 2 protected watercourses; Morgan Creek, which runs through the southeast portion of the property, and an unnamed tributary, which runs through the southwest portion of the property.
- Due to the environmental sensitivity of these watercourses, the application was reviewed by the Environmental Review Committee (ERC) and the Department of Fisheries and Oceans (DFO) to ensure preservation of the watercourses and riparian areas. The applicant proposes to dedicate 3.83 acres (1.55 hectares) of riparian habitat to the City, which is based on a setback line that ranges from 15 metres (50 ft.) to 35 metres (115 ft.) to the top of bank of the watercourses. The proposed dedication area was reviewed by the committee and by DFO and was supported.

The Live/Work Concept

- Live/work is an innovative concept that provides opportunities for residents to operate their businesses from their homes. The live/work model can significantly reduce commuting time and is therefore desirable from both an environmental and sustainability perspective. In addition, live/work provides further variety in the housing stock and greater affordability for small business entrepreneurs.
- Under the proposed live/work arrangement, all residents will be provided the opportunity to use the office facilities within the business centre component of the apartment complex, the cost of which would be mandatory included in their strata maintenance fees. Therefore, whether these business amenities are utilized or not, each resident must pay for them, thus discouraging a resident with no intention of undertaking a business of making use of such facilities.
- The business centres will provide offices with internet connections and phone lines, meeting rooms, a lobby/reception area, business and IT support, video conferencing space, minimal kitchen amenities, fax and copying facilities, along with reception and support staff. The business centres will be for the exclusive use of the owners of the residential units and non-occupants of the project will not be permitted to utilize/operate a business use. A Restrictive Covenant is required to ensure this restriction is adhered to.
- The maintenance, operational and support services, will be paid for by the strata corporation. The additional built-in workspace provided in 10 of the ground floor residential units will be for the exclusive use of the owner/occupant of those units. A Restrictive Covenant is required to ensure these workspaces are not occupied as a secondary suite.

- Since this live/work development is proposed to permit business uses and is located in the Rosemary Heights Business Park NCP, the applicant is required to register a restrictive covenant on title to advise the property owners that commercial uses are allowed on the site, prior to final adoption of the Rezoning By-law. This will ensure that owners unlikely to make use of the work facilities are less likely to reside in the project.
- To make the live/work type of development immediately ready, the owner is required to construct the buildings, from the start, to conform to the BC Building Code requirements associated with the commercial uses permitted under the CD Zone. This will also encourage the work component as increased costs for those upgrades will be incurred. In order to maintain the full flexibility of uses permitted in the zone, buildings must be constructed to comply with the Building Code regulations applicable to the most stringent use permitted from the outset. Accordingly, an analysis by a building code consultant should be submitted with the building permit application in order to confirm that the method of construction proposed will safely, and feasibly, accommodate any of the permitted non-residential uses allowed in the zone.

Proposed CD By-law

- The proposed CD Zone is split into Blocks A, B and C. Blocks B and C, which cover the riparian areas to be dedicated to the City as Park, will only permit open space. Block A, which covers the net development site, will permit live/work uses as described below.

Block A

- To accommodate the proposed live/work arrangement, and in compliance with the Rosemary Height Business Park NCP, Block A of the proposed CD Zone is based on a combination of the RM-45 and IB Zones with some variations to suit the proposal, as illustrated in the following table:

	RM-45 Zone	IB Zone	Proposed CD Zone
Permitted Uses	- Multiple Unit Residential Buildings - Child Care Centres	- Light Impact Industry - Office Uses - General Service Uses - Warehouses - Distribution Centres - Personal Service Uses (limited) - Recreational Facilities - Eating Establishments - Community Services - Assembly Halls - Child Care Centres	- Multiple Unit Residential Buildings - Office Uses - General Service Uses (limited) - Personal Service Uses (limited) - Community Services - Child Care Centres
Density	1.30 FAR / 45 upa (111 uph)	0.75 FAR	1.47 FAR / 55 upa (136 uph)
Lot Coverage	45%	45%	43%
Building Height	15 metres (50 ft.)	12 metres (40 ft.)	15 metres (50 ft.)
Setbacks	7.5 metres (25 ft.) from all lot lines	7.5 metres (25 ft.) from all lot lines	5.0 metres (16 ft.) from all lot lines

- The proposed permitted uses include multiple unit residential buildings and a combination of some of the business park uses permitted under the IB Zone. Some of the typical IB Zone uses are not included in the proposed CD Zone as they are not considered appropriate under the proposed live/work arrangement. These include light impact industry, warehouses, distribution centres, and eating establishments. In addition, some of the general service uses, including funeral parlours, banks, veterinary clinics, adult educational institutions, and appliance repair shops, which are permitted under the IB Zone, are not permitted under the proposed CD Zone.
- The CD Zone will require that the commercial uses be located within the multiple unit residential buildings on the site, and also that they be operated solely by the residents of those buildings. In addition, the CD Zone will cap the floor area of all commercial uses on the site to a total of 1,400 square metres (15,000 sq.ft.).
- The proposed floor area ratio (FAR) of 1.47 and unit density of 55 units per acre (136 units per hectare) is based on the 1.30 FAR and 45 upa (111 uph) unit density permitted under the RM-45 Zone but is slightly higher due to the amount of open space that is required to be dedicated to protect the watercourses on the subject site. Approximately 59% of the site is being dedicated to the City as open space to protect the 2 watercourses on the site. It is noted that the density of the proposal based on the gross site area (i.e. including the dedicated open space) is 0.60 FAR and 23 units per acre, which is well below the maximum density permitted under the RM-45 Zone. It is also noted that the proposed lot coverage of 43% is below the 45% lot coverage permitted under both the RM-45 and IB Zones, which results in an even greater amount of open space on the subject site. On this basis, the proposed FAR and unit density is supportable.
- The proposed maximum building height of 15.0 metres (50 ft.) complies with the maximum height permitted in the RM-45 Zone.
- The proposed setback of 5.0 metres (16 ft.) from all lot lines is less than the 7.5 metre (25 ft.) setback requirements of the RM-45 Zone and IB Zone. It is noted, however, that the south, east, and west property lines of the subject site all abut the riparian area and as such the impact of the reduced setback on these sides is negligible. In addition, the north property line abuts the private access road, not a public road, which has on-street parking, and as such the reduced building setback helps create a more urban, pedestrian streetscape along this private road.
- The CD Zone will prohibit outdoor storage of goods, materials, and supplies, as per the IB Zone.

Parking

- Based on the standard off-street parking requirements of the Zoning By-law, the proposed live/work development would require 242 parking stalls for resident parking and resident visitors, and 36 stalls for the commercial uses. This is based on a combination of the number of residential units proposed (148) and the total commercial floor area proposed (1,400 square metres/ 15,000 sq.ft.).
- The applicant argues that the standard off-street parking requirements should not be applied to this unique live/work proposal. Specifically, the applicant contends that the 36 required commercial parking stalls, which are calculated based on the total commercial floor area proposed, are excessive based on the following rationale:

- The standard parking regulations for commercial uses take into account parking needs for proprietors and employees of the businesses. In the case of this project, the operators of the businesses will be the residents of the buildings, and these residents will park in their designated residential parking spaces. In addition, staffing needs for the commercial uses on this site are minimal, and likely limited to a few support workers in the business centres. Since the commercial parking requirements for this site are therefore limited primarily to customers and clients, a parking reduction is justified; and
- It is anticipated that the type of businesses that this live/work development will generate will not be the type that generate a lot of drive-by traffic. The most likely users of this live/work development include a combination of accountants, realtors, artists, contractors and other professionals, as well as some personal service providers, such as beauty parlours and barbershops, whose customers are more likely to visit on an appointment basis only; and
- Visitors to the residential units will likely visit more often in the evenings whereas businesses customers and clients will likely visit more often during the day. As such, some of the residential visitor parking spaces can be used during the day by business customers and clients on an overflow basis.
- Based on the fact that the commercial uses on the subject site will be required through restrictive covenant to be operated by the residents of the buildings and those residents will have a designated residential parking space, a minor variation from the typical commercial parking rate is generally acceptable in this unique case. As such, the CD Zone will require a total of 30 off-street commercial parking stalls, in addition to the resident and resident visitor parking requirements, which is only 6 stalls less than the 36 stalls that would typically be required under the standard By-law requirements.
- The City's Transportation Department supports the proposed number of parking stalls for this live/work zone.

PRE-NOTIFICATION

Pre-notification letters were sent on October 10, 2007 and staff received the following comments:

- Staff received 2 letters from residents in opposition to the proposed development due to concerns regarding traffic conditions on nearby 32 Avenue and 152 Street.

(The concept of live/work allows residents to operate their businesses from their homes, minimizing their need to commute into work, and thereby reducing traffic impacts. The proposed development will access 31 Avenue, which will be completed to connect with Croydon Drive, as per the Rosemary Heights Business Park NCP. The City's Transportation Department has reviewed the proposal and found it to be acceptable from a traffic impact perspective).

DESIGN PROPOSAL AND REVIEW

Access

- To provide adequate access to this site, the completion of the 31 Avenue cul-de-sac to connect with Croydon Drive is required, as per the Rosemary Heights Business Park NCP. To achieve this road connection, land dedication from the neighbouring property to the west (3080 – Croydon Drive) is required. The applicant, who is also the owner of this neighbouring lot, has agreed to dedicate the necessary lands and to construct 31 Avenue to a complete half-road standard as part of the servicing requirements for the subject site.
- Access to the underground parkade for the 2 proposed live-work apartment buildings will be from the 31 Avenue cul-de-sac. A private east-west strata road shared between this development, and the neighbouring live-work development to the north, will provide additional drop-off access to the development as well as some on-street parking for visitors and customers. The exact siting and design of this strata road will be resolved to the mutual benefit of both property owners prior to final adoption of the rezoning By-law.
- Direct access to 32 Avenue from the shared private strata road through the neighbouring live/work sites to the north will be provided via a reciprocal access easement. A temporary blanket easement was already registered as a condition of final approval of the neighbouring live/work development to the north (File No. 7906-0087-00). A detailed reciprocal access easement confirming the exact location of the easement area will be required to be registered prior to Building Permit issuance for the neighbouring live/work development to the north.

Architectural Design

- The 2 proposed live/work apartment buildings have been designed to a high/quality architectural standard. Building materials consist of Brick, Concrete, Hardie Plank, and Hardie Board and Batten in neutral colours, with wood columns, aluminum railings, vinyl windows and steel canopies.
- The recognizable urban form and contemporary design is appropriate for this innovative live/work development.
- A shared amenity building is located between the 2 apartment buildings and will be constructed partially below grade. The amenity building will have fitness facilities and a roof top garden with a panoramic view. The total floor area of the proposed indoor amenity space is 106 square metres (1,140 sq.ft.) which is less than the 444 square metres (4,780 sq.ft.). The applicant will provide a cash-in-lieu combination to offset the deficiency in indoor amenity space in accordance with City Policy.
- Of the 272 total parking spaces provided for this development, 256 will be located in the underground parkade and 16 will be provided as surface parking along the private strata road. Forty (40) of the proposed underground resident stalls are proposed to be in a tandem arrangement. The applicant will be required to register a restrictive covenant requiring that the tandem parking stalls be reserved for the 2 or more bedroom units only and that any parking stalls provided in a tandem arrangement must be held by the same owner.

- The underground parkade will provide a storage area for bicycles.

Tree Preservation and Landscaping

- The applicant retained Glenn Murray (Froggers Creek Tree Consultant's Ltd.) to conduct a site assessment and prepare an arborist report. The arborist report states that the subject site was originally a horse farm, which was completely cleared, but has not been used for about 15-20 years. As a result, the site is now heavily covered with young Red Alder and Black Cottonwood trees. Of the 136 mature trees identified on the subject site, 126 (93%) are Alders and Cottonwoods, both of which are not considered retainable species.
- The arborist report concludes that to accommodate the proposed development, 67 of the 136 mature trees on the site will need to be removed, 64 of which are Alders and Cottonwood trees with little retentive value. Only 3 trees, that aren't Alders or Cottonwoods, need to be removed because they are within a building envelope. These 3 trees consist of a Douglas Fir, a Big Leaf Maple, and a Austrian Pine.
- All of the 69 mature trees to be retained on the site are located within the riparian area.
- As part of the overall landscaping plan for the project, the applicant proposes 75 replacement trees in a variety of species. This exceeds the 70 replacement trees required under the Tree Protection By-law based on the number of trees being removed and their species.
- The generous combination of trees in shrubs proposed for this site are complemented by decorative fencing and trellis work throughout the site as well as a water feature.

ADVISORY DESIGN PANEL

ADP Meeting Date: November 1, 2007

- Some of the ADP suggestions have been satisfactorily addressed except architectural detailing underground parking final design, landscaping and signage, which will be further reviewed and addressed prior to final approval (Appendix VI)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II.	Proposed Subdivision Layout, Site Plan, Building Elevations Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Summary of Tree Survey and Tree Preservation
Appendix VI.	ADP Comments
Appendix VII.	NCP Plan
Appendix VIII.	Proposed CD By-law

INFORMATION AVAILABLE ON FILE

- Environmental Report prepared by Enkon Environmental dated April 13, 2007.
- Complete Set of Architectural and Landscape Plans prepared by Gomberoff Bell Lyon Architects Group Inc. and DMG Landscape Architects, respectively, dated December 12, 2007 and October 29, 2007.

Jean Lamontagne
General Manager
Planning and Development

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DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	26,400 m ²	
Road Widening area		
Undevelopable area		
Net Total	10,900 m ²	
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	43%	43%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	5.0 m	5.0 m
Rear	5.0 m	5.0 m
Side #1 (North)	5.0 m	5.0 m
Side #2 (South)	5.0 m	5.0 m
BUILDING HEIGHT (in metres/storeys)		
Principal	15 m	15 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		48
Two Bedroom		78
Three Bedroom +		22
Total		148
FLOOR AREA: Residential		14,594 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		1,385 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	16,023 m ²	15,979m 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)	136 uph/55 upa	136 uph/55 upa
FAR (gross)		
FAR (net)	1.47	1.47
AMENITY SPACE (area in square metres)		
Indoor	444 m ²	106 m ²
Outdoor	444 m ²	1,253 m ²
PARKING (number of stalls)		
Commercial	30	
Industrial		
Residential Bachelor + 1 Bedroom	62	
2-Bed	117	
3-Bed	33	
Residential Visitors	30	
Institutional		
Total Number of Parking Spaces	272	272
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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