

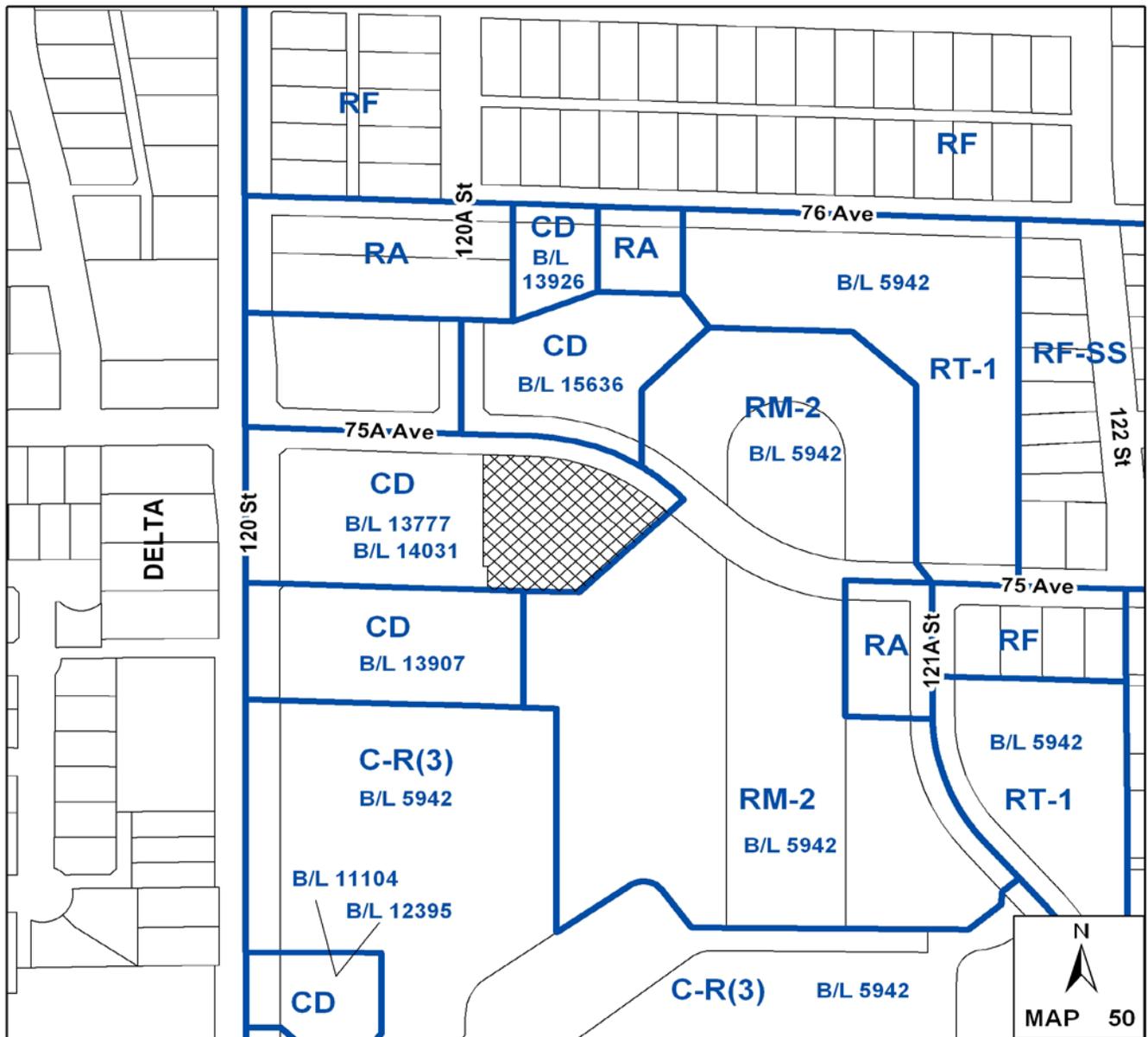
**Proposal:** Rezone from CD (By-law No. 14031) to CD. Development Permit to permit development of a 3-storey mixed-use apartment building.

**Recommendation:** Approval to Proceed

**Location:** 12088 - 75A Avenue      **Zoning:** CD (By-law No. 14031)

**OCP Designation:** Commercial

**LAP Designation:** Commercial      **Owner:** Popular Group Investments Ltd.



## PROJECT TIMELINE

Completed Application Submission Date:	June 26, 2006
Application Revision & Re-submission Date:	November 15, 2006
Original Planning Report Date:	February 26, 2007
Additional Planning Comments Date:	March 12, 2007

## PROPOSAL

The applicant is proposing:

- a rezoning from CD (By-law No. 14031) to CD;
- a Development Permit

in order to permit the development of a 3-storey mixed-use apartment building.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "Comprehensive Development Zone (CD)" (By-law No. 14031) 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 135 square metres (1,450 sq.ft.) to 102 square metres (1,100 sq.ft.).
3. Council authorize staff to draft Development Permit No. 7906-0326-00 in accordance with the attached drawings (Appendix III).
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 landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (c) the applicant adequately address the impact of reduced indoor amenity space;
  - (d) registration of a reciprocal access and shared parking agreement with the neighbouring site to the west (7548 - 120 Street);
  - (e) forfeit of the \$150,000 hotel completion security to the City;

- (f) discharge the Section 219 Restrictive Covenant requiring acquisition of a building permit for a hotel within 15 months of issuance of the building permit for the retail commercial development;
- (g) adequately address concerns raised regarding the pressure this project will place on existing parks, recreation and culture facilities to the area to the satisfaction of the Parks, Recreation & Culture Department; and
- (h) resolution of design issues to the satisfaction of the City Architect.

## ADDITIONAL PLANNING COMMENTS

### Council resolution

- At the February 26, 2007 Regular Council Land-Use Meeting, Council considered the subject Rezoning and Development Permit application on the property located at 12088 - 75A Avenue. The proposed rezoning from "Comprehensive Development Zone (CD) (By-law No. 14031)" to "Comprehensive Development (CD)", and Development Permit, is to permit development of a 3-storey mixed-use apartment building. After considering the report prepared by the Planning & Development Department Council passed a resolution that the application be referred back to staff for a complete re-evaluation of the appropriate land use for this site.

### Background

- The subject site is currently under a Comprehensive Development Zone (CD) (By-law No. 14031), which covers both the subject property and the neighbouring property to the west (7548 – 120 Street). This CD Zone permits only tourist accommodation on the subject site with some accessory uses to the tourist commercial use, including retail stores (limited to convenience store and florist shop), eating establishments, and personal service uses. The site is designated Commercial in both the Official Community Plan (OCP) and Newton Local Area Plan (LAP).
- There is a Restrictive Covenant registered on the site requiring the owner to obtain a building permit for a hotel within 15 months following the issuance of the building permit for the neighbouring retail commercial development at 7548 – 120 Street. In addition, the City is holding a Letter of Credit in the amount of \$150,000 as security to ensure that the developer proceeds with a hotel in a timely manner.
- The owner of the site contends that market conditions no longer support a hotel at this location and as such, he has applied for a rezoning and development permit application to permit development of a 3-storey mixed-use apartment building. The owner has agreed to forfeit the \$150,000.00 bond for hotel construction to the City.
- Pre-notification letters that were sent during the application review process on August 31, 2006 and on November 3, 2006, generated a number of phone calls, and letters, and a petition signed by neighbouring business owners in objection to the proposal. The applicant's public information meeting held on February 14, 2007, generated additional phone calls, and letters, and a second

petition this time including neighbouring residents. The primary concern revolved around the proposed commercial uses fronting 75A Avenue and the proposed on-street parking.

- In response to the concerns raised by neighbouring property and business owners, the proposed CD Zone prohibited retail uses and eating establishments fronting 75A Avenue, and also restricted the floor area ratio of individual commercial businesses fronting 75A Avenue to a maximum of 150 square metres (1,600 sq.ft.). The intent was to limit commercial uses along 75A Avenue to small service oriented businesses only. In addition, a statutory right-of-way on private property was proposed such that the proposed on-street parking could be accommodated without impacting existing 75A Avenue road cross section.

### Revised Proposal

- In response to the resolution from Council, staff has re-evaluated the appropriate land –use on the subject site and has worked with the applicant to draft a modified proposal that further responds to the concerns raised by the residents and business owners in the surrounding area. The proposed CD Zone has been modified to suit the revised proposal.
- The surrounding context, which includes existing 3 storey townhouses to the south and east of the subject site and 4-6 storey apartments to the north across 75A Avenue, provides justification for a 3-storey apartment building. Recognizing that the subject site is designated for Commercial uses in the Official Community Plan (OCP), and is located on the edge of a commercial node, a mixed-use building is still considered appropriate.
- In response to concerns raised by neighbouring residents and business owners, the amount of proposed ground floor commercial space has been significantly reduced. The original proposal included 1,483 square metres (15,963 sq.ft.) of ground floor commercial space, whereas the revised proposal includes only 743 square metres (8,000 sq.ft.) of commercial space.
- The ground floor commercial retail units (CRU's) originally proposed to front 75A Avenue have been replaced with 2 ground floor residential units. All remaining ground floor commercial units front towards the existing Future Shop building and other retail stores to the west. Only the side of one of the commercial retail units will face towards 75A Avenue. Ground floor commercial retail units along this western edge will complete the existing retail commercial development and provide an appropriate interface with these existing commercial uses.
- In addition to reducing the total commercial area, the proposed CD Zone will restrict individual commercial businesses to a minimum gross floor area of 232 square metres (2,500 sq.ft). This proposed limitation addresses concerns from neighbouring business owners that small retailers would compete directly with the existing small retailers in the surrounding area. The limitation also ensures that there will be no more than 3 individual commercial businesses in the building. In addition, the proposed CD Zone will not permit video stores or fitness facilities (gyms) in response to concerns raised by neighbouring business owners.

- A total of 45 residential dwelling units are now proposed, which is 8 more units than the 37 units originally proposed. This includes the 2 additional dwelling units on the ground floor and 3 additional dwelling units on both the second and third floors. The original proposal featured a larger outdoor amenity patio on the second floor that opened up towards the existing townhouses to the southeast. To improve privacy, and reduce noise impact coming from the outdoor amenity patio, additional units have been added to wrap around the outdoor amenity area to form an internal courtyard. The proposed outdoor amenity area of 135 square metres (1,440 sq.ft.), is less than the 346 square metres (3,721 sq.ft.) provided in the original proposal, but still meets the 135 square metres (1,440 sq.ft.) of outdoor amenity space required under the By-law.
- The proposed floor area ratio (FAR) under the revised CD By-law of 1.06 is slightly higher than the 1.04 FAR originally proposed, and this is to accommodate the additional residential units. The proposed floor area is still significantly lower than the 1.30 FAR permitted under the RM-45 Zone and the 1.71 FAR permitted under the existing CD Zone (By-law No. 14031). The Lot Coverage has been reduced from the 60% originally proposed to 55%.
- The proposed setbacks under the revised CD By-law are identical to the setbacks originally proposed with the exception that the reduced 4.5 metre (15 ft.) setback originally proposed along the entire north property line to accommodate the street oriented commercial uses now only applies to the northwest corner of the building where the side of one of the ground floor commercial units faces 75A Avenue. The rest of the ground floor of the building, and all of the second and third storeys of the building, will be setback 7.5 metres (25 ft.) from all property lines which is the same as required under the RM-45 and C-5 Zones
- The following table compares the revised CD Zone with the original proposed CD Zone:

	Original Proposed CD Zone	Revised CD Zone
Permitted Uses	<ul style="list-style-type: none"> <li>• Multiple unit residential buildings</li> <li>• Retail stores (not permitted to front 75A Avenue)</li> <li>• Personal service uses,</li> <li>• Eating establishments (not permitted to front 75A Avenue)</li> <li>• Office uses</li> <li>• General service uses</li> <li>• Community services</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple unit residential buildings</li> <li>• Retail stores (<b>no video stores</b>)</li> <li>• Personal service uses</li> <li>• Office uses</li> <li>• General service uses</li> <li>• Community services</li> </ul> <p><b>No fitness facilities (gyms) permitted.</b></p> <p><b>Maximum 8,000 sq.ft. of commercial floor area.</b></p> <p><b>Individual commercial units to be a minimum 2,500 sq.ft.</b></p>
Max. Principal Building Height	12 metres (40 ft.) [3 storeys]	12 metres (40 ft.) [3 storeys]
Max Density (FAR)	1.03	1.06
Lot Coverage	60%	55%

- The proposed on-street parking on 75A Avenue has been removed. All required resident and visitor parking is provided on site. Based on the number of residential units and total commercial floor area proposed, a minimum of 116 parking spaces are required. The applicant proposes 120 stalls.
- Parking for the commercial uses is provided in a surface parking lot on the west side of the site which will be shared with the neighbouring commercial development to the west (7548 – 120 Street). A shared parking agreement with this neighbouring site will be required to be registered prior to final adoption of the rezoning By-law. The shared parking arrangement is not needed to meet the parking requirements on the subject site and does not reduce the number of existing stalls available to Future Shop customers. The parking arrangement is proposed for customer convenience and to allow the 2 sites to operate jointly.
- Parking for the residential units is provided in a surface parking lot on the eastern side of the site, which will be covered by the large outdoor amenity courtyard and residential units on the second floor. This parking area will be for residents only and will have a security gate.
- In response to concerns raised by neighbouring business owners in the retail shopping centre to the southwest of the subject site (7500 – 120 Street) the garbage bin has been moved further north away from the southern property line. The garbage bin will still be fully enclosed with a decorative enclosure.

### Summary

- From a land-use perspective the proposed 3-storey mixed-use building fits with the existing character in the surrounding area and also complies with the site's Commercial OCP and LAP designations. The proposed ground floor commercial on the western edge of the building will provide an appropriate interface with the adjacent commercial uses to the west and is a natural transition to the multiple residential uses to the east. Substantial efforts have been made in the revised proposal to mitigate concerns raised by neighbouring property and business owners. This includes reducing the total amount of ground floor commercial by almost half, and eliminating any commercial uses fronting 75A Avenue. The size and type of individual commercial businesses that can occupy the site has also been limited. In addition, the proposed on-street parking has been eliminated and the building design has been modified to further reduce impact on neighbouring land-uses. The applicant is also committed to working with staff to further refine the design of the building and landscaping to ensure the development makes a positive contribution to the area. On this basis, the Planning & Development Department recommends that the revised proposed development be allowed to proceed.

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. Proposed Revised CD By-law
- Appendix V. Original Planning Report dated February 26, 2007, including Appendices

How Yin Leung  
Acting General Manager  
Planning and Development

RG/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:                    Maciej Dembek, Barnett Dembek Architects Inc.  
                         Address:                    #303, 12448 - 82 Avenue  
                                                            Surrey, B.C.  
                                                            V3W 3E9  
                         Tel:                                    604-597-7100

2.      Properties involved in the Application

(a)      Civic Address:                    12088 - 75A Avenue

(b)      Civic Address:                    12088 - 75A Avenue  
                         Owner:                                    Popular Group Investments Ltd., Inc. No. 424541  
                         PID:                                        024-828-947  
                         Lot 2 Section 19 Township 2 New Westminster District Plan LMP46981

3.      Summary of Actions for City Clerk's Office

(a)      Introduce a By-law to rezone the property.

CONTOUR MAP FOR SUBJECT SITE

