

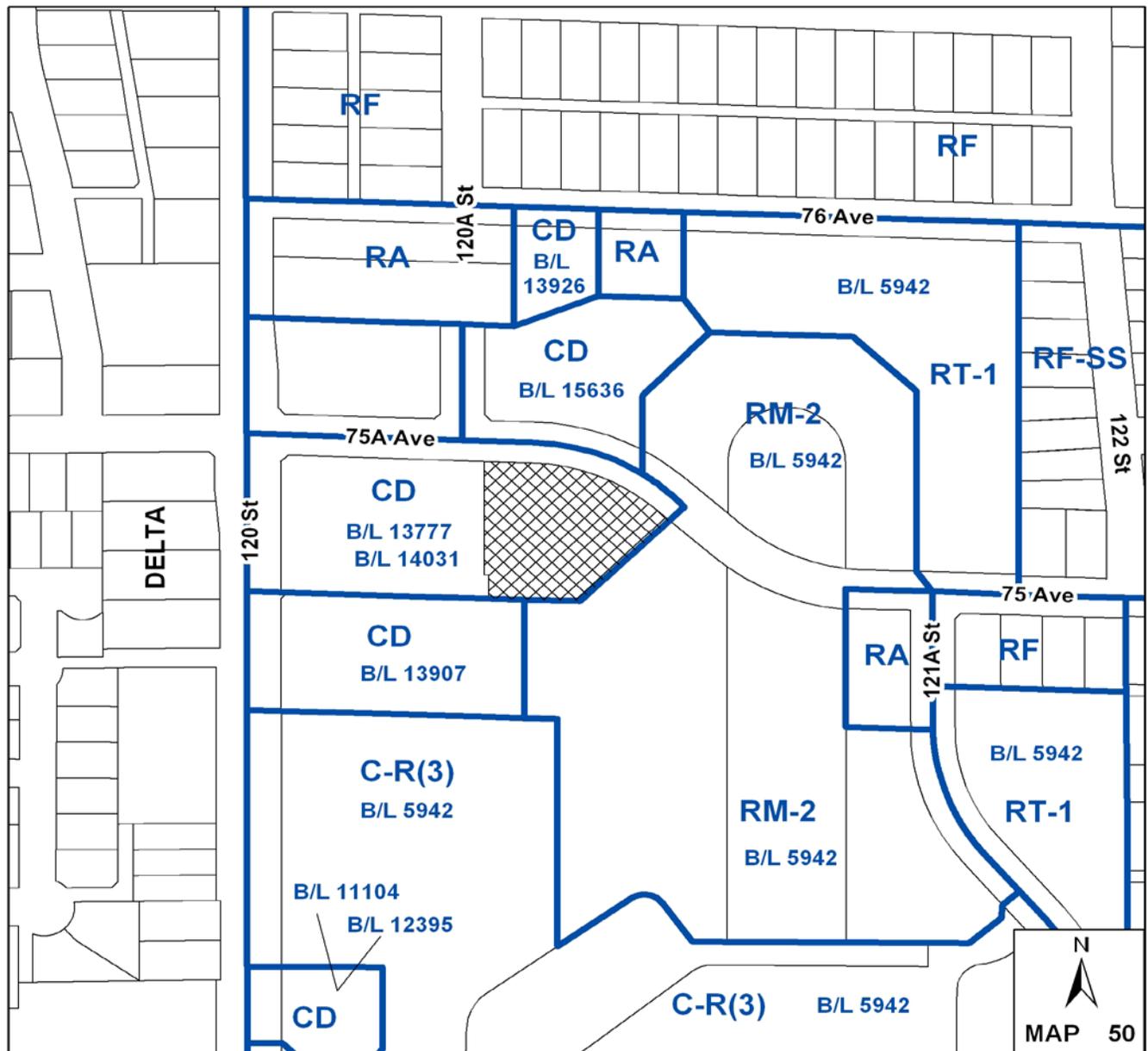
Proposal: Rezone from CD (By-law No. 14031) to CD. Development Permit to permit development of a 3-storey mixed-use apartment building.

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
Planning Report Date: February 26, 2007

PROPOSAL

The applicant is proposing:

- a rezoning from CD (By-law No. 14031) to CD; and
- 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 authorize staff to draft Development Permit No. 7906-0326-00 in accordance with the attached drawings (Appendix III).
3. Council approve the applicant's request to reduce the amount of required indoor amenity space from 111 square metres (1,184 sq.ft.) to 102 square metres (1,100 sq.ft.).
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 landscaping plan and 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 \$150,000.00 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) the applicant is to adequately resolve concerns regarding the pressure this project will place on existing parks, recreation and culture facilities to the satisfaction of the Parks, Recreation & Culture Department; and
- (h) resolution of design issues to the satisfaction of the City Architect.

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: Parks has some concerns about the pressure this project will place on existing parks, recreation and culture facilities in the neighbourhood. The applicant is to meet with parks representatives and resolve these concerns prior to final adoption of the Rezoning By-law (Appendix V).

School District: **School Impacts:**

Projected number of students from this development:

Elementary students = 2 students
 Secondary students = 1 student
 Total new students = 3 students

School Catchment Area/Current Enrollment/School Capacity:

Westerman Elementary School = 504 enrolled/580 capacity
 Princess Margaret Secondary School = 1,725 enrolled/1,500 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

The overcrowding at Princess Margaret was alleviated with the opening of the new Panorama Ridge Secondary School in September 2006.

(Appendix VI)

SITE CHARACTERISTICS

- **Existing Land Use** The site is vacant.
- **Significant Site Attributes** There are no trees on the site.
- **East:** Three-storey townhouses, zoned RM-2 (By-law No. 5942), designated Multiple Residential in the OCP.
- **South:** Three-storey townhouses and retail commercial complex, zoned RM-2 (By-law No. 5942) and CD (By-law No. 13907), designated Multiple Residential and Commercial in the OCP.
- **West:** Future Shop and retail stores, zoned CD (By-law No. 14031), designated Commercial in the OCP.
- **North:** Seniors housing complex, zoned CD (By-law No. 15636), designated Multiple Residential in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background and Site Context

- The subject site is located at 12088 – 75A Avenue, which is on the south side of 75A Avenue, east of 120A Street. The 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).
- In July 1999, Council considered a development application (Project No. 7999-0066-00) on the subject site and the neighbouring site to the west (7548 – 120 Street), which was one parcel at that time. The proposal was to redesignate the site from "Multiple Residential" to "Commercial" in the Official Community Plan (OCP), to rezone the site from "Multiple Residential Zone 3 (By-law No. 5942)" to "Comprehensive Development Zone (CD) (By-law No. 13777)", and a Development Permit. The purpose of the OCP Amendment, Rezoning, and Development Permit was to permit development of a retail commercial (west portion) and hotel development (subject property) (Appendix VIII).

- After considering the Planning & Development Department's report on the proposed retail commercial and hotel development on July 5, 1999, Council indicated that its support for the project was based on the entire project being constructed at the same time, including the hotel and retail commercial component of the project. Ultimately, Council passed a resolution requiring the registration of a Restrictive Covenant prior to Final Adoption. The Restrictive Covenant stipulates that the owner will take out a building permit for the hotel within 15 months following the issuance of the building permit for the retail-commercial component. Furthermore, the applicant was required to submit a performance deposit in the amount of \$150,000.00 as security to ensure that the developer proceed with the hotel in a timely manner.
- Upon registration of the Restrictive Covenant, and submission of a letter of credit in the amount of \$150,000.00, Council granted final adoption to the redesignation and rezoning By-laws (Nos. 13776 and 13777) on February 21, 2000. The Development Permit (No. 7999-0066-00) was also approved.
- In May 2000, Council considered another rezoning application on the subject site and neighbouring site to the west (7548 – 120 Street), which was still one parcel at that time. The proposal was to rezone the subject site from "Comprehensive Development Zone (CD) (By-law No. 13777)" to "Comprehensive Development Zone (CD)" to permit subdivision of the site into 2 parcels. The existing CD Zone did not permit subdivision. The proposed CD By-law better reflected the intent of the approved development permit on the site by limiting the uses to that shown in the approved development permit. This included limiting the uses on the subject site to a hotel (Tourist Accommodation) and uses accessory to the hotel. Council granted final adoption to the subject rezoning By-law (No. 14031) on July 24, 2000. The subdivision of the site into 2 properties was approved on August 2, 2000.
- The retail commercial development including the Future Shop building on the neighbouring site to the west (7548 – 120 Street) is now fully complete and in operation. The subject site remains vacant and no building permit for the hotel has been applied for. The owner of the site contends that market conditions have changed and the subject site is no longer an appropriate location for a hotel. As such, he has now applied for a rezoning and development permit application to permit development of a 3-storey mixed-use apartment building.

Land Use Rationale

- The proposed mixed-use apartment building is in compliance with the site's Commercial OCP and LAP designations and is a natural extension of the Strawberry Hill commercial node to the south.
- To the north and east of the subject site are a combination of 3-storey townhouses and 4-6 storey apartments that create demand for local commercial services.
- The proposed mixed-use apartment provides a natural transition between the existing commercial uses to the west and the multiple-residential uses to the east.

Proposed CD Zone

- The proposed CD Zone is based on the RM-45 and C-5 Zones to allow for a combination of residential and commercial uses. The following tables illustrates the differences between the proposed CD Zone and the RM-45 Zone, C-5 Zone, and existing CD Zone (By-law. No. 14031):

	RM-45 Zone	C-5 Zone	Existing CD Zone (By-law No. 14031)	Proposed CD Zone
Principal Uses	Multiple unit residential buildings, and Child care centres	Retail Stores, Personal service uses, Eating Establishments, Office uses, General service uses, Community services and Child care centres.	Tourist accommodation	Multiple unit residential buildings, Retail stores, Personal service uses, Eating establishments, Office uses, General service uses, and Community services
Max. Principal Building Height	15 metres (50 ft.) [4 storeys]	9 metres (30 ft.)	33 metres (108 ft.)	12 metres (40 ft.) [3 storeys]
Max. Unit Density (u.p.a.)	111 uph (45 upa)	n/a	n/a	n/a
Max Density (FAR)	1.30	0.50	1.71	1.04
Lot Coverage	45%	50%	50%	60%
Minimum Setbacks	7.5 metres (25 ft.) from all lot lines	7.5 metres (25 ft.) from all lot lines	0 metres (0 ft.) to 7.5 metres (25 ft.)	4.5 metres (15 ft.) to 7.5 metres (25 ft.)

- The proposed CD Zone is designed to accommodate a residential apartment building with ground floor commercial.
- The proposed floor area ratio (FAR) of 1.04 is less than the 1.30 FAR of the RM-45 Zone and the 1.71 FAR of the existing CD Zone. Similarly, the proposed building height of 12 metres (3-storey) is less than the maximum 15 metre (4-storey) building height of the RM-45 Zone and the maximum 33 metre (10 storey) building height of the existing CD Zone (By-law No. 14031). The reduced floor area and building height provides for an appropriate interface to both the 4 to 6 storey buildings across 75A Avenue to the north, and the 3-storey townhouses to the south and east of the subject site.
- Commercial uses proposed for the ground floor are based on the (Neighbourhood Commercial) C-5 Zone. To respond to concerns raised by neighbouring property owners regarding increased commercial development along 75A Avenue (documented below), the CD Zone will prohibit any retail uses and eating establishments fronting 75A, and also restrict the floor area of individual commercial businesses fronting 75A Avenue to a maximum of 150 square metres (1,600 sq.ft.). This will ensure that only small service type commercial uses front 75A Avenue. Retail stores and eating establishments will only be permitted in areas of the building that front towards the existing retail development to the west and each individual commercial unit is limited to a maximum of 464 square metres (5,000 sq.ft.).

- The proposed lot coverage of 60% is higher than the maximum 45% permitted under the RM-45 Zone and 50% permitted under the existing CD Zone (By-law. No. 14031). The additional lot coverage is to accommodate the ground floor commercial uses and because of the design and orientation of the proposed building does not result in any interface issues with adjacent uses.
- The proposed setbacks are the same as those required under the RM-45 Zone and C-5 Zone (7.5 metres/ 25 ft. from all lot lines) with the exception of the north yard setback which has been reduced to 4.5 metres (15 ft.). The purpose for the reduction is to bring the ground floor commercial units closer to the street. The setback reduction only applies to the ground floor, the 2nd and 3rd storeys of the building are setback 7.5 metres (25 ft.) from the property line.

PRE-NOTIFICATION

Pre-notification letters were sent on August 31, 2006 and on November 3, 2006. In response to the pre-notification letters, staff received the following comments:

- Staff received 1 phone call from the president of the strata Council for one of the neighbouring apartment buildings on 75A Avenue who stated that the residents of the building did not want further commercial development on 75A Avenue. Staff also received 1 letter and a petition signed by 20 neighbouring business owners on the adjacent site to the west who contended that there are already a number of vacancies in the area and that they are concerned about additional retail on Scott Road and 75A Avenue.
- Staff received 4 letters and 1 phone call from neighbouring residents who were concerned about traffic volume and availability of parking in the area. Staff also received 3 phone calls from neighbouring business owners who were also concerned about parking particularly in the Future Shop parking lot.
- Staff received a letter from 1 neighbouring resident who commented that she was happy to see the site redeveloped and that development of the site was long overdue.

The applicant held a Public Information Meeting on February 14, 2007. Invitations to the meeting were sent to 275 property and business owners in the surrounding area. Fifty-eight (58) persons attended the meeting and 40 comment sheets were received over the course of the evening. Concerns with the proposal documented in the comment sheets included the following:

- Impact of the proposed on-street parking on 75A Avenue on traffic flow and vehicular safety;
- Vehicular traffic and safety on 75A Avenue especially considering the centre left turn lane;
- Possibility of increased crime resulting from further commercial development;
- Impact of additional commercial units to existing businesses in the area, some commented that existing business are struggling;
- Adequacy of parking in the area; and
- Impact of commercial development on garbage and other debris in the area.

After the Public Information Meeting staff received a second petition in opposition to the project with 347 signatures. The locations of people who signed the petition are summarized on the map attached in Appendix IX. Of the 347 signatures, 78 are from Delta and could not be mapped, and 31 are unrecognizable addresses. The remaining 238 signatures represent 193 lots of which 19 are in the immediate area (within 300 metres/1,000 ft. of the subject site), 78 are between 300 metres (1,000 ft.)

and 1 kilometre (3,300 ft.) of the site, and 96 are located outside 1 kilometre (3,300 ft.) of the site. Concerns documented in the petition include spread of commercial uses into residential neighbourhoods, traffic flow on side streets, proposed street parking on 75A Avenue, loitering, garbage, obtrusive signage, and lack of pedestrian crossings in the neighbourhood.

(The property is designated for Commercial uses in the Official Community Plan (OCP). In response to concerns raised by neighbouring residents and business owners, the proposed CD By-law prohibits retail stores and eating establishments fronting 75A Avenue. Individual commercial businesses fronting 75A Avenue are also limited to a maximum floor area of 150 square metres (1,600 sq ft.). These restrictions will ensure that the commercial uses fronting 75A Avenue will be small service oriented businesses only.

(The proposed 124 parking stalls, including 11 on-street stalls, meets the number of stalls required under the Zoning By-law for the commercial and residential uses proposed. A statutory right-of-way on private property will be provided such that the on-street parking can be accommodated without impacting the existing road cross section. The City's Transportation Engineer has reviewed the proposed parking and vehicular access arrangement and has found the proposal acceptable.

(A garbage bin will be provided on site for use by the commercial businesses. This garbage bin will be fully concealed with a decorative enclosure designed to coordinate with the architectural design of the building and will be landscaped.

(The proposed mixed-use is beneficial from a Crime Prevention Through Environmental Design [CPTED] perspective as the second and third storey residential units provide natural surveillance of the commercial businesses below.

(Signage on the property will be regulated by the provisions of the Sign By-law.

(There is an existing pedestrian crosswalk at the intersection of 75A Avenue and 120 Street and another at the intersection of 75A Avenue and 121A Street. Both of these pedestrian crossings are within short walking distance of the subject site.)

DESIGN PROPOSAL AND REVIEW

- The proposed mixed-use apartment building is a 3-storey building with ground floor commercial uses. Thirty-seven (37) dwelling units are proposed on the second and third floors in a variety of floor plans with either 2 or 3 bedrooms. There is a total of 1,483 square metres (15,963 sq.ft.) of ground floor commercial space.
- There are 2 proposed vehicular accesses to the site, one of which will be through the neighbouring site to the west (7548 – 120 Street) to 75A Avenue. A reciprocal access agreement will be required to be registered with this neighbouring site prior to final adoption of the rezoning By-law. The other access is a right-in/right-out only access to 75A Avenue on the eastern side of the site.

- All of the required on-site parking is provided as surface parking. 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. There are also 11 on-street parking stalls proposed along 75A Avenue to support the on-street commercial uses. A statutory right-of-way on private property will be provided to accommodate the on-street parking spaces and standard boulevard and sidewalk. Parking for the residential units is provided in a surface parking lot on the eastern side of the site, which will be covered by a large outdoor amenity patio on the second floor. This parking area will be for residents only and will have a security gate.
- The design and massing of the building is consistent with existing building in the area and will complement the streetscape on 75A Avenue.
- To address the interface between the parking area and the existing 3-storey townhouses to the east and south, a decorative screen wall attached to the top of the first floor is proposed. This screen wall, when combined with landscaping, will screen the parking area from the second and third storey windows of the neighbouring townhouses (Appendix III).
- The second and third storey cladding materials consist of horizontal vinyl siding painted light blue with wood trim painted white. The ground floor cladding materials consist of stucco and concrete veneer wrapped around storefront glazed windows. The proposed roofing material is laminated asphalt shingles.
- A 102 square metre (1,100 sq.ft) indoor amenity room is proposed on the second floor. The proposed indoor amenity space is slightly less than the 111 square metres (1,184 sq.ft.) required under the Zoning By-law for the number of units proposed. The applicant will provide a cash-in-lieu contribution to offset this minor By-law deficiency. The project features far more outdoor amenity space than required under the Zoning By-law in the form of outdoor space on the 2nd storey podium area.

Tree Preservation and Landscaping

- There are no existing trees on the site so the landscape architect proposes a generous combination of new trees and shrubs in a variety of coniferous and deciduous species. Along the south and east property lines, a 3.7 metre (12 ft.) to 4.2 metre (14 ft.) wide landscaped buffer with berm is proposed to screen the surface parking area from the neighbouring townhouses. Landscaping within this buffer consists of coniferous and deciduous trees complimented by smaller shrubbery.
- The building features a large 346 square metre (3,721 sq.ft) outdoor amenity patio on the second floor. Sufficient soil depths can be achieved on this patio to allow for planting of a variety of trees and shrubs. A cedar hedge is proposed along the southeast edge of the patio to provide for resident privacy. The proposed outdoor amenity space of 346 square metres (3,721 sq.ft.) far exceeds the by-law requirement of 111 square metres (1,184 sq.ft).

Financial Security For Approved Hotel

- The applicant has agreed to forfeit the \$150,000.00 bond for hotel construction to the City. Allocation of the \$150,000.00 will be addressed in the City's 2008 budget deliberation process. Should Council choose to accept this arrangement, the 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 on the subject site would need to be discharged.

ADVISORY DESIGN PANEL

ADP Meeting Date: February 21, 2007

The ADP suggestions have not yet been adequately addressed, however, the applicant has agreed to address the ADP Comments including architectural design and landscaping to the satisfaction of the City Architect prior to Final Adoption.

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 Subdivision Layout, Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	School District Comments
Appendix VII.	ADP Comments
Appendix VIII.	Approved Development Permit No. 7999-0066-00
Appendix IX.	Proposed CD By-law
Appendix X.	Petition Respondents Map

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated October 10, 2006.
- Soil Contamination Review Questionnaire prepared by Bob Cheema dated January 26, 2007.

How Yin Leung
Acting 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	5,070 m ²	
Road Widening area		
Undevelopable area		
Net Total	5,070 m ²	
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	60%	60%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	4.5 m	
Rear	7.5 m	
Side #1 (East)	7.5 m	
Side #2 (West)	7.5 m	
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m/3 storeys	12 m/3 storeys
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		37
Three Bedroom +		
Total		37
FLOOR AREA: Residential	3,739 m ²	
FLOOR AREA: Commercial		
Retail		
Office		
Total	1,483 m ²	
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	5,222 m ²	5,222 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)		
FAR (gross)		
FAR (net)	1.04	1.04
AMENITY SPACE (area in square metres)		
Indoor	111 m ²	102 m ²
Outdoor	111 m ²	346 m ²
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	124	124
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	NO
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CONTOUR MAP FOR SUBJECT SITE

