

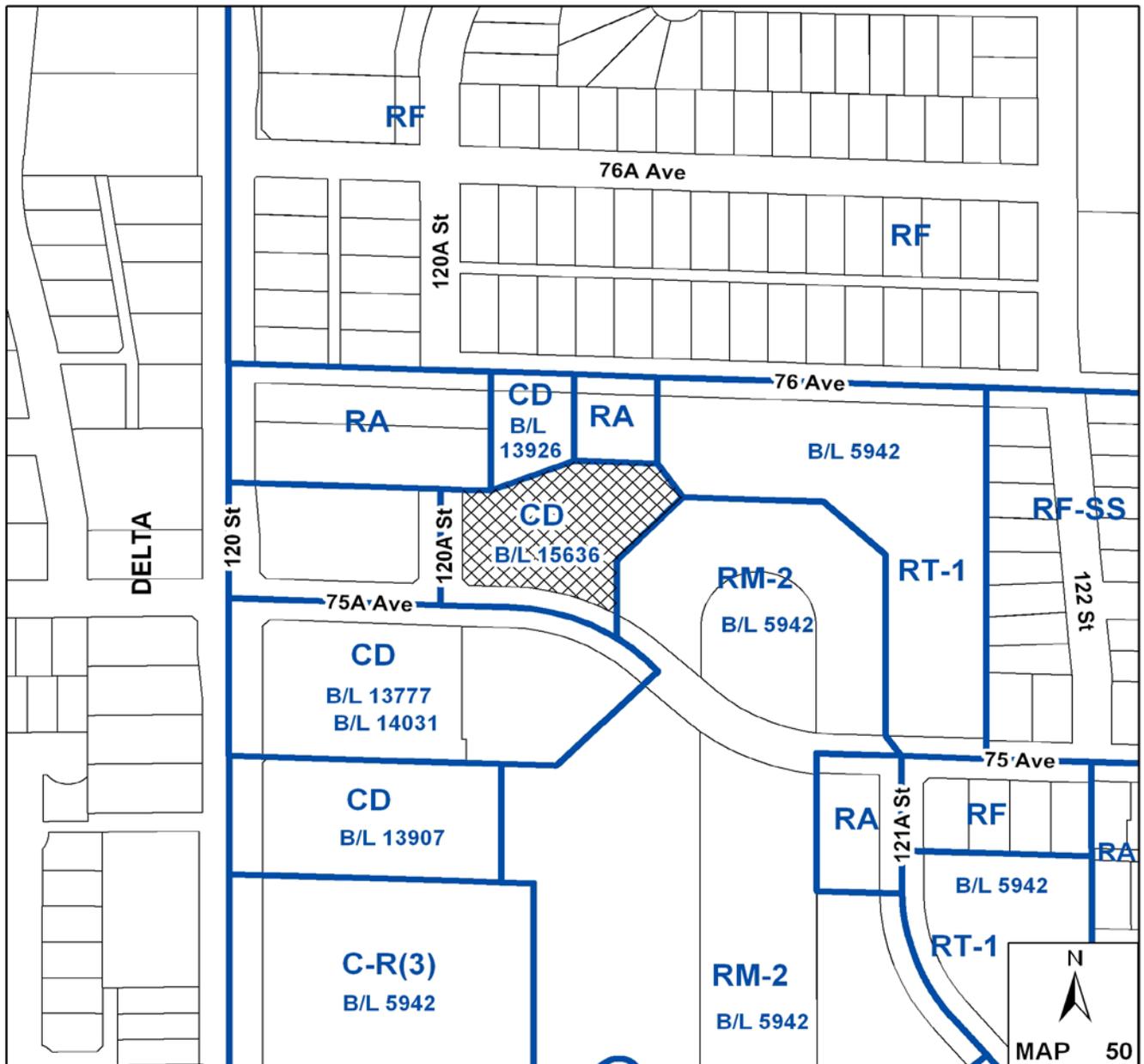
Proposal: Development Permit amendment to allow application of a mural on the exterior of an existing seniors apartment building.

Recommendation: Approval

Location: 7566 - 120A Street **Zoning:** CD (By-law No. 15636)

OCP Designation: Multiple Residential

LAP Designation: Multiple Res. (Med. Rise) **Owner:** Progressive Inter-Cultural Community Services Society



PROJECT TIMELINE

Completed Application Submission Date: October 23, 2006
Planning Report Date: November 20, 2006

PROPOSAL

The applicant is proposing:

- a Development Permit amendment to Development Permit No. 7900-0341-00 in order to allow the application of a mural on the exterior (south side) of an existing seniors residential apartment building.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Permit No. 7906-0455-00 (Appendix IV) to amend Development Permit No. 7900-0341-00, authorize the Mayor and Clerk to sign the Development Permit, and authorize the transfer of the Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Permit.

SITE CHARACTERISTICS

- **Existing Land Use** Seniors residential apartment building owned by the Progressive Inter-Cultural Community Services Society (PICS).
- **East:** Four-storey apartment building, zoned RM-2 (By-law No. 5942), designated Multiple Residential in the OCP.
- **South:** Across 75A Avenue, to the south, vacant land currently under development application No. 7906-0326-00 which proposes a rezoning from CD (By-law No. 14031) to CD and a Development Permit to permit development of a 3-storey mixed-use apartment building, designated Commercial in the OCP.
- **West:** Across 120A Street, six-storey social housing apartment building owned by the Province, zoned RM-3 (By-law No. 5942), designated Multiple Residential in the OCP.
- **North:** Single family dwellings and townhouses, zoned RA and CD, designated Multiple Residential in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located on the northeast corner of 120A Street and 75A Avenue. The subject site was originally zoned RM-3 under Zoning By-law, 1979, No. 5942, which permitted medium density, high-rise (up to 15 storey) multiple residential and senior citizens housing uses.
- In December 2000, a Development Permit application was made to permit development of a six-storey, 54-unit seniors housing building on the site (File #7900-0341-00). The application also included a Development Variance Permit to relax the required on-site parking from 41 stalls to 17 stalls. A parking study, which was submitted by Bunt and Associates, supported the proposed relaxation. As a condition of approval of the Development Variance Permit, the owner (Progressive Inter-Cultural Community Services Society) was required to enter into a Housing Agreement with the City to ensure seniors residential use (+65 years old). Council approved the Development Permit and Development Variance Permit in April 2001 and the building was constructed.
- In December 2004, a Rezoning and Development Permit application was made to permit development of a second phase of the seniors housing complex (File No. 7904-0418-00). This second phase consisted of a 4-storey, 72-unit building, which would be connected to the first phase by a 1-storey dining room and amenity area. A Rezoning application was required for the site because the proposed Phase 2 development resulted in an overall (Phase 1 & Phase 2) density of 85 units/acre (210 units/hectare), which exceeded the 70 units/acre (175 units/hectare) density permitted under the existing RM-3 Zone. The proposed rezoning to a Comprehensive Development (CD) Zone was supportable because the proposed Floor Area Ratio of 1.4 was within the maximum allowed (1.5) under the RM-3 Zone and the proposed building massing was similar to what would be permitted under the RM-3 Zone. Council approved the Rezoning and Development Permit in April 2005. The CD Zone (By-law No. 15636) permits seniors oriented multiple residential building subject to a Housing Agreement between the owner of the property (PICS) and the City. The Phase 2 building is currently under construction.
- Recently a large mural has been painted on the exterior south side of the six-storey building. The mural is approximately 3.5 metres (12 ft.) by 6.7 metres (22 ft.) in size, covering portions of the second, third and fourth storeys of the building fronting 75A Avenue. The mural depicts the arrival of the Japanese steam liner, the Komagata Maru, which arrived in Vancouver harbour in 1914. The Komagata Maru carried 376 passengers from Punjab, India, most of whom were denied entry to Canada and were forced to return to India (Appendix III).

- Although the mural is now complete, it has been covered by tarps and scaffolding, and was only recently brought to the attention of City staff. Complaints were received from area residents respecting the content and message of the mural as well as the fact that the mural had been applied without permits from the City. Bylaw & Licensing staff visited the site and advised the owner to contact the Planning & Development Department to secure the necessary approvals. Staff advised the owner that a Development Permit amendment is required because the mural is an exterior renovation that is not shown in the approved Development Permit (No. 7900-0341-00) and impacts the form and character of the existing building.

Evaluation of Proposed Mural

- Two (2) Development Proposal signs, advising area residents of the Development Permit application for the mural, were put up on the site on November 3, 2006. Staff have received further concerns from residents including the residents of the building itself who were not consulted prior to the mural being painted. The concerns raised by residents are primarily about the content of the mural rather than aesthetics. The appropriateness of the mural on the side of a seniors housing building has been brought into question.
- There are no City Policies that deal with murals. City Policy No. R-21 (Public Art Policy) was adopted in 2004 to deal primarily with the selection process and funding for art in civic developments (Appendix V). Although a mural may be considered a form of public art, Policy R-21 does not provide any guidance or criteria to evaluate this proposal.
- In the absence of City Policies that may provide guidance to this proposal, staff have evaluated the existing mural on the basis of conformity with the integrity and character of the approved building design under Development Permit No. 7900-0341-00.
- Although the size of the mural (12 ft. x 22 ft./ approx. 2 ½ storeys) is significant, it is not out of context with the scale of the building (6 storeys). The mural is painted on what was originally a blank masonry facade; no windows, balconies, or significant design elements have been eliminated from the building. The mural colour scheme is predominantly black with beige/brown tones; no overly bright or garish colours have been used.
- The City Urban Designer suggested that the applicant paint a horizontal band above the mural in the same colour as the window spandrels (light grey). This decorative band would improve the relationship between the mural and the building design by creating the illusion that the mural is hanging from the building. The applicant has agreed to have this band painted as soon as possible and it has been added to the Development Permit amendment drawings.
- On the basis of the above, the mural is considered to be consistent with the overall building character and can be supported.

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.	Photos of Mural
Appendix IV.	Development Permit No. 7906-0455-00
Appendix V.	City Public Art Policy (No. R-21)

INFORMATION AVAILABLE ON FILE

- Soil Contamination Review Questionnaire prepared by Charan Gill dated October 31, 2006.

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: Charan Gill
 Address: #109 - 12414 - 82 Avenue
 Surrey, B.C.
 V3W 3E9
 Tel: 604-596-7722

2. Properties involved in the Application
 - (a) Civic Address: 7566 - 120A Street

 - (b) Civic Address: 7566 - 120A Street
 Owner: Progressive Inter-Cultural Community Services Society,
 Inc. No. S22870
 PID: 017-964-091
 Lot 3 Section 19 Township 2 New Westminster District Plan LMP5880

3. Summary of Actions for City Clerks Office

DEVELOPMENT DATA SHEET

Existing Zoning: CD (By-law No. 14636)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total	5,949 m ²	
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	42%	
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
North Yard	5.7 m	
South Yard	6.2 m	
East Yard	7.5 m	
West Yard	7.5 m	
BUILDING HEIGHT (in metres/storeys)		
Principal	24 m	
Accessory	4.5 m	
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed	113	
Two Bedroom	13	
Three Bedroom +		
Total		
FLOOR AREA: Residential	8,329 m ²	
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** 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)	1.40	
AMENITY SPACE (area in square metres)		
Indoor	378 m ²	
Outdoor	378 m ²	
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	38	
Number of disabled stalls	2	
Number of small cars	1	
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

