

City of Surrey
PLANNING & DEVELOPMENT REPORT
File: 7909-0034-00

Planning Report Date: April 20, 2009

PROPOSAL:

- Rezoning from CD (By-law No. 16348) to CD (based on C-5 and RM-45)

in order to permit an additional 270 square metres of ground floor commercial space and permit individual businesses to have a gross floor area less than 232 square metres (2,500 sq.ft.).

LOCATION:

12088 - 75A Avenue

OWNER:

Popular Group Investments Ltd.,
 Inc. No. 424541

ZONING:

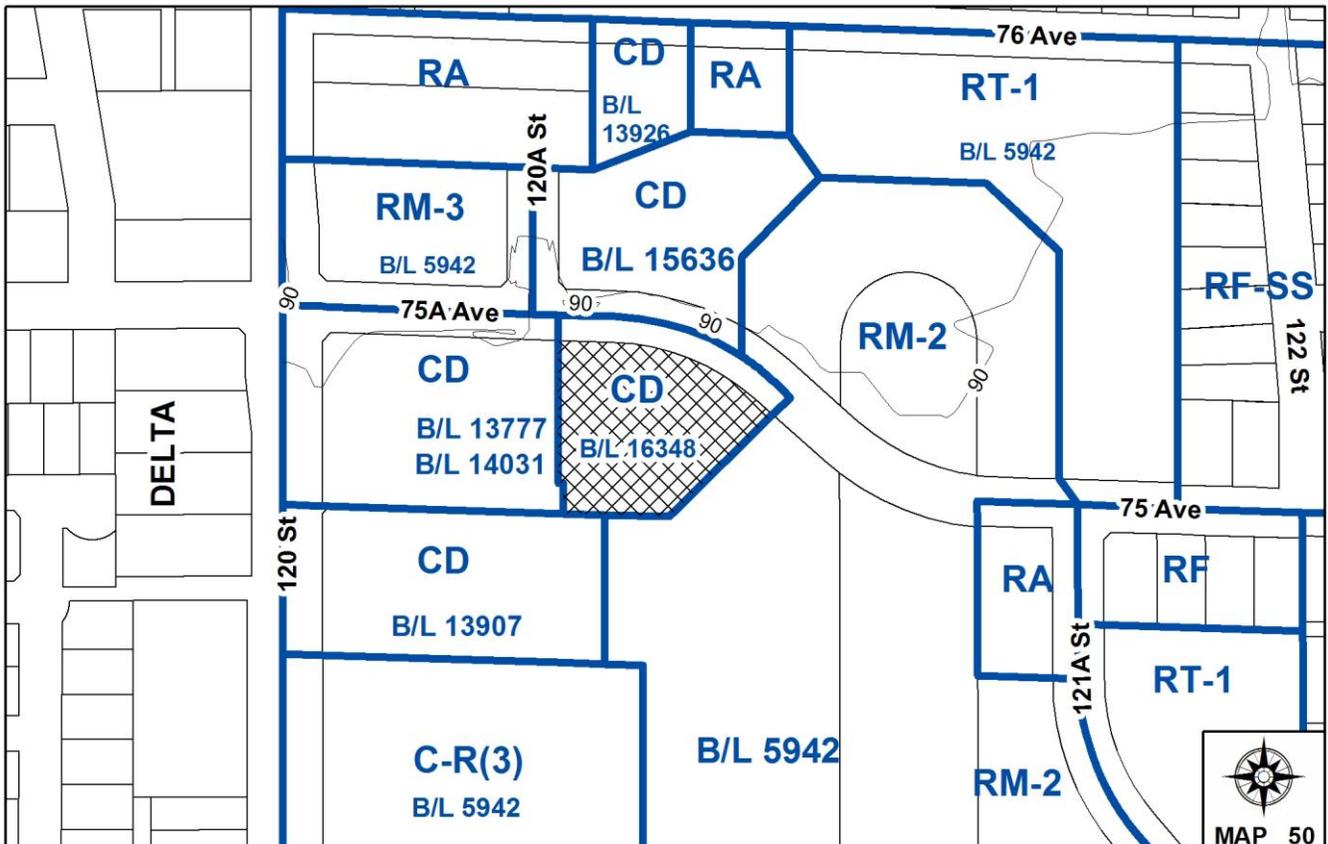
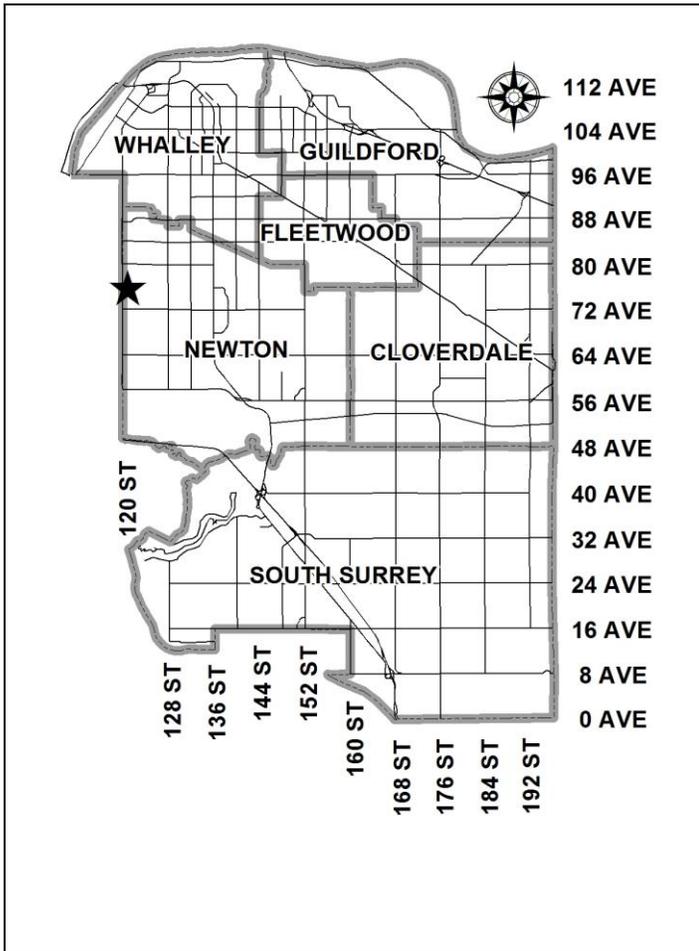
CD (By-law No., 16348)

OCP DESIGNATION:

Commercial

LAP DESIGNATION:

Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation and LAP Designation.
- The additional ground floor commercial space is proposed to be located in the western wing of the building facing an existing commercial development and as such, the building still retains an appropriate interface and natural transition between commercial and residential developments.
- The proposed additional commercial space will likely only result in an increase from 2 to 4 commercial units and replaces a covered parking area, resulting in a more attractive façade.
- Smaller commercial establishments will create a more active façade and improve the pedestrian environment.
- The proposed CD Zone will continue to prohibit eating establishments, fitness facilities, and video rentals in response to concerns raised by neighbouring business owners in 2006.
- Staff have received no response to pre-notification letters and development proposal signs.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 16348) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue prior to final adoption:
 - (a) registration of a modified shared access easement/parking agreement with the neighbouring property to the west (7548 - 120 Street).

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Three-storey mixed-use building under construction.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 75A Avenue):	Seniors housing complex.	Multiple Residential/Multiple Residential (Medium Rise)	CD (By-law No. 15636)
East:	Three-storey townhouses.	Multiple Residential/Multiple Residential (Townhouse)	RM-2 (By-law No. 5942)
South:	Three-storey townhouses and retail commercial complex.	Multiple Residential and Commercial/Multiple Residential (Townhouse) and Retail Commercial	RM-2 (By-law No. 5942) and CD (By-law No. 13907)
West:	Future Shop and retail stores.	Commercial/Retail Commercial	CD (By-law No. 15636)

DEVELOPMENT CONSIDERATIONS

Previous Rezoning Application (File No. 7906-0326-00)

- In February 2007, Council considered a rezoning and development permit application on the subject property (12088 - 75A Avenue). The proposed rezoning from "Comprehensive Development Zone (CD) (By-law No. 14031)" to "Comprehensive Development (CD)", and Development Permit, was to permit development of a 3-storey mixed-use apartment building

with ground floor commercial space and 2 floors of residential units above. (File No. 7906-0326-00).

- Prior to the rezoning application, the subject site was under a Comprehensive Development Zone (CD) (By-law No. 14031), which covered both the subject property and the neighbouring property to the west (7548 – 120 Street). That CD Zone permitted 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.
- During the pre-notification period for the proposed rezoning in 2007, staff received a number of phone calls and letters, and two petitions (20 signatures and 347 signatures respectively) in opposition to the project. Concerns included the 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. Staff also received strong concerns from adjacent commercial property owners who argued that they were already having difficulty finding and retaining tenants and additional commercial space would only exacerbate the problem.
- After considering the Planning Report Council passed a resolution that the application be referred back to staff for a complete re-evaluation of the appropriate land use for the site.
- At the March 12, 2007 Regular Council Land-Use Meeting, Council considered a follow-up report from the Planning & Development Department in response to the resolution from Council. Staff had re-evaluated the appropriate land-use on the subject site and had worked with the applicant to draft a modified proposal that further responded to the concerns raised by the residents and business owners in the surrounding area. The proposed CD Zone was modified to suit the revised proposal.
- In the follow-up report, staff contended that 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, and 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 was also considered appropriate.
- In response to concerns raised by neighbouring residents and business owners, the amount of proposed ground floor commercial space was significantly reduced from 1,483 square metres (15,963 sq.ft.) of ground floor commercial space to 743 square metres (8,000 sq.ft.) of commercial space. Also, the ground floor commercial retail units (CRU's) originally proposed to front 75A Avenue had been replaced with 2 ground floor residential units. All remaining ground floor commercial units fronted towards the existing Future Shop building and other retail stores to the west.
- The revised CD Zone also restricted individual commercial businesses to a minimum gross floor area of 232 square metres (2,500 sq.ft.). This proposed limitation addressed concerns from neighbouring business owners that small retailers would compete directly with the existing small retailers in the surrounding area and would also ensure that there would be no more than 3 individual commercial businesses in the building. In addition, the proposed CD Zone would not permit eating establishments, fitness facilities, or video stores in response to concerns raised by neighbouring business owners.

- After considering the follow-up report from staff, Council granted first and second reading to the rezoning by-law and scheduled a Public Hearing for April 2, 2007.
- Between first and second reading and the public hearing the applicant continued to work with neighbouring commercial property owners to further address their concerns regarding the amount of commercial space proposed for the site. An agreement was reached that involved further reducing the total commercial space to a maximum of 488 square metres (5,257 sq.ft.). The proposed by-law was amended to reflect this change. After the Public Hearing, Council granted 3rd Reading to the amended by-law.
- The Rezoning By-Law (No. 16348) was later granted final adoption by Council on June 26, 2007 and the Development Permit for the proposed 3-storey mixed use apartment building was issued. The building is currently under construction.

Current Rezoning Proposal

- The owner of the subject property has received interest from potential tenants for additional commercial space on the site and is therefore seeking to modify the building to add 270 square metres (2,906 sq.ft.) of additional ground floor commercial space. The proposed additional commercial space is intended to replace a covered parking area under the west wing of the building which faces towards the existing Future Shop store. The exterior facade of the building will remain largely unchanged with the exception of some additional doors and windows and can be considered a minor change to the approved Development Permit. However; a rezoning to a new CD Zone is required to increase the maximum allowable commercial floor area on the site from 488 square metres (5,253 sq.ft.) to 758 square metres (8,159 sq.ft.).
- In addition, the owner of the subject property requests that the restriction under the existing CD Zone that requires individual commercial businesses to have a minimum floor area of 232 square metres (2,500 sq.ft.) be eliminated in the new CD Zone, as some of the potential tenants for the ground floor commercial space are of a smaller size.

Proposed CD Zone

- The proposed CD Zone is identical to the existing CD Zone (By-law 16348) with the following exceptions:
 - The maximum permitted total commercial floor area has been increased from 488 square metres (5,253 sq.ft.) to 758 square metres (8,159 sq.ft.); and
 - The minimum size restriction on individual commercial businesses of 232 square metres (2,500 sq.ft.) has been removed.
- The proposed CD Zone will continue to prohibit ground floor commercial units from fronting 75A Avenue, and also still prohibit eating establishments, fitness facilities, and video stores.

Discussion

- From a land use perspective the proposed rezoning to accommodate 270 square metres (2,906 sq.ft.) of additional ground floor commercial space is minor, and has certain merits.
- The proposed CD Zone will continue to prohibit eating establishments, fitness facilities, and video rentals to address the previous concern from surrounding business owners. The proposed elimination of the minimum 232 square metres (2,500 sq.ft.) size restriction will likely only result in increasing the number of commercial units from 2 to 4, which is minor. Smaller commercial businesses are typically preferred for street-oriented commercial units, as they result in more active public facades and a more pedestrian friendly environment.
- The additional commercial space is proposed to be located in the western portion of the building facing towards the existing Future Shop store and other commercial businesses to the west. There will still be no commercial space in the eastern portion of the building fronting 75A Avenue. As such, the building will still provide a natural transition between the commercial uses to the west and the multi-family developments to the east.
- The proposed additional commercial space will replace a covered parking area under the western wing of the building and therefore will result in a more active facade and better interface with the neighbouring commercial businesses. Storefront windows and doors will replace metal security grilles resulting in a more attractive western facade of the building.

Consultation with Neighbouring Commercial Site

- The applicant has attempted to contact the owners of the adjacent commercial site to discuss the proposal. City staff have also attempted. No contact has been made, therefore it is uncertain whether or not neighbouring business owners still have the same concerns they did during the original rezoning application 2 years ago. Staff has received no responses to pre-notification letters or development proposal signs, and as such recommend that Council allow the proposal to proceed to a Public Hearing to allow for additional resident and business owner input.

Parking and Reciprocal Access

- The proposal will result in the elimination of 12 covered parking spaces, however, the site will still exceed the by-law required number of parking stalls for the combination of uses proposed. The required commercial and residential parking spaces is 115 stalls and there will be 118 stalls provided either on the site or through a shared parking agreement with the neighbouring site to the west (7548 – 120 Street). The neighbouring site to the west has surplus parking spaces and the two sites operate jointly. A reciprocal access/shared parking agreement was already registered as a condition of final approval of the previous rezoning application on the site and will be updated as a condition of final approval of the subject rezoning application.

PRE-NOTIFICATION

- Pre-notification letters were sent on March 31, 2009 and staff has received no comments.

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. Proposed Site Plan and Building Elevations
- Appendix III. Proposed CD By-law

INFORMATION AVAILABLE ON FILE

- Complete Set of Architectural and Landscape Plans prepared by Barnett Dembek Architects Inc. dated February 6, 2009.

Jean Lamontagne
General Manager
Planning and Development

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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: 135 - 7536 - 130 Street
 Surrey, BC
 V3W 1H8
 Tel: 604-

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.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total	5,070 m ²	
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	55%	54%
Paved & Hard Surfaced Areas		23%
Total Site Coverage		77%
SETBACKS (in metres)		
Front	4.5 m	4.5 m
Rear	7.5 m	7.5 m
Side #1 (East)	7.5 m	7.5 m
Side #2 (West)	7.5 m	7.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	12 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		10
Two Bedroom		31
Three Bedroom +		4
Total		45
FLOOR AREA: Residential		4,619 m ²
FLOOR AREA: Commercial		
Retail		758 m ²
Office		
Total		758 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		5,377 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)	89 uph/36 upa	89 uph/36 upa
# of units/ha /# units/acre (net)	89 uph/36 upa	89 uph/36 upa
FAR (gross)	1.06	1.06
FAR (net)	1.06	1.06
AMENITY SPACE (area in square metres)		
Indoor	135 m ²	128 m ²
Outdoor	135 m ²	155 m ²
PARKING (number of stalls)		
Commercial	40	43
Industrial		
Residential Bachelor + 1 Bedroom	13	13
2-Bed	47	47
3-Bed	6	6
Residential Visitors	9	9
Institutional		
Total Number of Parking Spaces	115	118
Number of disabled stalls	1	1
Number of small cars	29	27
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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