



TO: CITY MANAGER 2009 June 17

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #05-63
Mixed-Use Commercial/Residential Project
Community Plan 8**

ADDRESS: 3841 Canada Way (See attached Sketches #1 and #2)

LEGAL: Lots 8 & 9, Blk 45, D.L. 69, Plan 1321 and Lot 37, D.L. 69 Group 1, NWD Plan 39292

FROM: C4 Service Commercial District

TO: CD Comprehensive Development District (based on C2 Community Commercial District, RM3 Multiple Family Residential District and Community Plan Eight guidelines and in accordance with the development plan entitled "Proposed Mixed-Use Commercial and Residential Development" prepared by Chris Dikeakos Architects Inc.).

APPLICANT: Chris Dikeakos Architects Inc.
212 – 3989 Henning Drive
Burnaby, BC V5C 6N5
(Attention: Richard Bernstein)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2009 July 21.

RECOMMENDATIONS:

- 1 **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2009 July 06, and to a Public Hearing on 2009 July 21 at 7:30 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies including, a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

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- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The submission of an undertaking to remove all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.
- e) The consolidation of the net project site into one legal parcel.
- f) The dedication of any rights-of-way deemed requisite.
- g) The undergrounding of existing overhead wiring abutting the site.
- h) The granting of any necessary statutory rights-of-way, easements and/or covenants including, but not limited to:
 - Covenant restricting enclosure of balconies
 - Covenant restricting driveway gates
 - Covenant to retain disabled parking as common property administered by the Strata Corporation.
 - 1.2m (4.0ft.) statutory right-of-way on the Canada Way frontage is required for a stamped concrete rear boulevard
- i) Compliance with the guidelines for underground parking for visitors.
- j) Compliance with the Council-adopted sound criteria.
- k) The provision of one covered car wash stall and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- l) The submission of a Site Profile and resolution of any arising requirements.
- m) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- n) The review of a detailed Sediment Control System by the Director Engineering.

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- o) The provision of facilities for cyclists in accordance with Section 4.5 of the rezoning report.
- p) The approval of the Ministry of Transportation to the rezoning application.
- q) The deposit of the applicable Parkland Acquisition Charge.
- r) The deposit of the applicable GVS & DD Sewerage Charge.
- s) The deposit of the applicable School Site Acquisition Charge.
- t) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a four storey mixed-use development, including 30 residential units and at-grade and second floor commercial retail and office floor area, with full underground parking.

2.0 BACKGROUND

- 2.1 Council, on 2006 January 23, received the report of the Planning & Building Department concerning the rezoning of the subject site and authorized the Department to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.
- 2.2 The subject site is located within the Council adopted Edmonds Community Plan Eight area, directly west of Broadview Park on the north side of Canada Way, and is designated for Comprehensive Development (CD) zoning utilizing the C2 Community Commercial District and RM3 Residential Multiple-Family District as guidelines. The subject site is comprised of three properties which are occupied by the Manolis restaurant which is currently in operation.
- 2.3 The proposed development for a four storey mixed-use development fronting on Canada Way utilizing the CD Comprehensive Development District (with the C2 Community Commercial District and RM3 Residential Multiple-Family District as guidelines) is in

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line with the Council Adopted Community Plan Eight. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

3.1 The development proposal is for a four storey mixed use development fronting Canada Way including 30 apartment units to occupy the third and fourth floors and 2,478 m² (26,677 sq.ft.) of retail and commercial office uses on the first and second floors. Vehicular access is restricted to Canada Way. The development utilizes 1.06 FAR of the maximum 1.1 FAR density permitted by the RM3 District guidelines with full underground parking, and 1.09 FAR of the maximum 1.3 FAR permitted under the C2 Community Commercial District for a combined total density of 2.15 FAR.

3.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to:

- The widening of Canada Way abutting the subject site for improved traffic lanes and the construction of an abutting sidewalk with a stamped concrete rear boulevard, street lighting and pedestrian lights.
- The property will have a restricted right-turn in and right-turn out access driveway, with a future median on Canada Way.

A dedication for road widening and on-street parking of 3.96m (13 ft.) at the west end tapering to 0.91m (3 ft.) at the east end (approximately 171.77 m²) is required, plus a 1.2m (4 ft.) statutory right-of-way for a stamped concrete rear boulevard.

3.4 Any necessary easements, 219 Covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:

- Covenant restricting enclosure of balconies
- Covenant restricting driveway gates
- Covenant to retain disabled parking as common property administered by the Strata Corporation.
- 1.2m (4.0 ft.) wide statutory right-of-way for a stamped concrete rear boulevard.

3.6 In light of the proximity to Canada Way, a noise study is required to ensure compliance with the Council-adopted sound criteria.

3.7 One car wash stall and an appropriately screened garbage handling and recycling holding area will be provided on site.

- 3.8 The developer is responsible for the undergrounding of the overhead wiring abutting the site along the north side of Canada Way.
- 3.9 Development Cost Charges:
 - a) Parkland Acquisition Charge of \$3.84 per sq.ft. of gross residential floor area
 - b) School Site Acquisition Charge of \$700.00 per unit
 - c) GVS&DD Sewerage Charge of \$590.00 per apartment unit and \$0.443 per sq.ft. of commercial floor area.
- 3.10 Engineering Environmental Services Division will need to review a submission of a detailed plan of an Engineered Sediment Control System prior to Final Adoption. The proposed Sediment Control system will then be the basis, after Final Adoption, for the necessary Preliminary Plan Approval and Building Permit.
- 3.11 Given the size of the site, best management practices are acceptable in lieu of a formal storm water management plan.
- 3.12 The approval of the Ministry of Transportation is required for this rezoning application.
- 3.13 There are no existing trees on site suitable for retention.
- 3.14 Due to the previous commercial use of the site, a Site Profile and resolution of any resultant conditions is required.

4.0 DEVELOPMENT PROPOSAL

4.1	<u>Site Area</u>		
	Gross Site	-	2,452.19 m ² (26,396 sq.ft.)
	Dedication	-	171.77 m ² (1,849 sq.ft.)
	Net Site	-	2,280.42 m ² (24,547 sq.ft.) (subject to detailed survey)
4.2	<u>Density</u>		
	F.A.R. Permitted & Provided	-	2.15 F.A.R.
	RM3	-	1.06 F.A.R.
	C2	-	1.09 F.A.R.
	Gross Floor Area (G.F.A.)	-	4,905.12 m ² (52,800 sq.ft.)
	Residential	-	2,426.83 m ² (26,123 sq.ft.)
	Commercial	-	2,478.29 m ² (26,677 sq.ft.)
	<u>Site Coverage</u>	-	53.18%

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4.3 Height - 4 storeys

4.4 Unit Mix

4 studio units:	-	39.3 – 45.3 m ² (423 – 488 sq.ft.)
10 one-bedroom units:	-	60.2 – 62.6 m ² (648 – 674 sq.ft.)
6 one-bedroom + den units:	-	67.8 – 75.1 m ² (730 – 808 sq.ft.)
8 two-bedroom units:	-	84.3 – 87.5 m ² (907 – 942 sq.ft.)
<u>2</u> two-bedroom + den units:	-	91.8 m ² (988 sq.ft.)
30 total units		

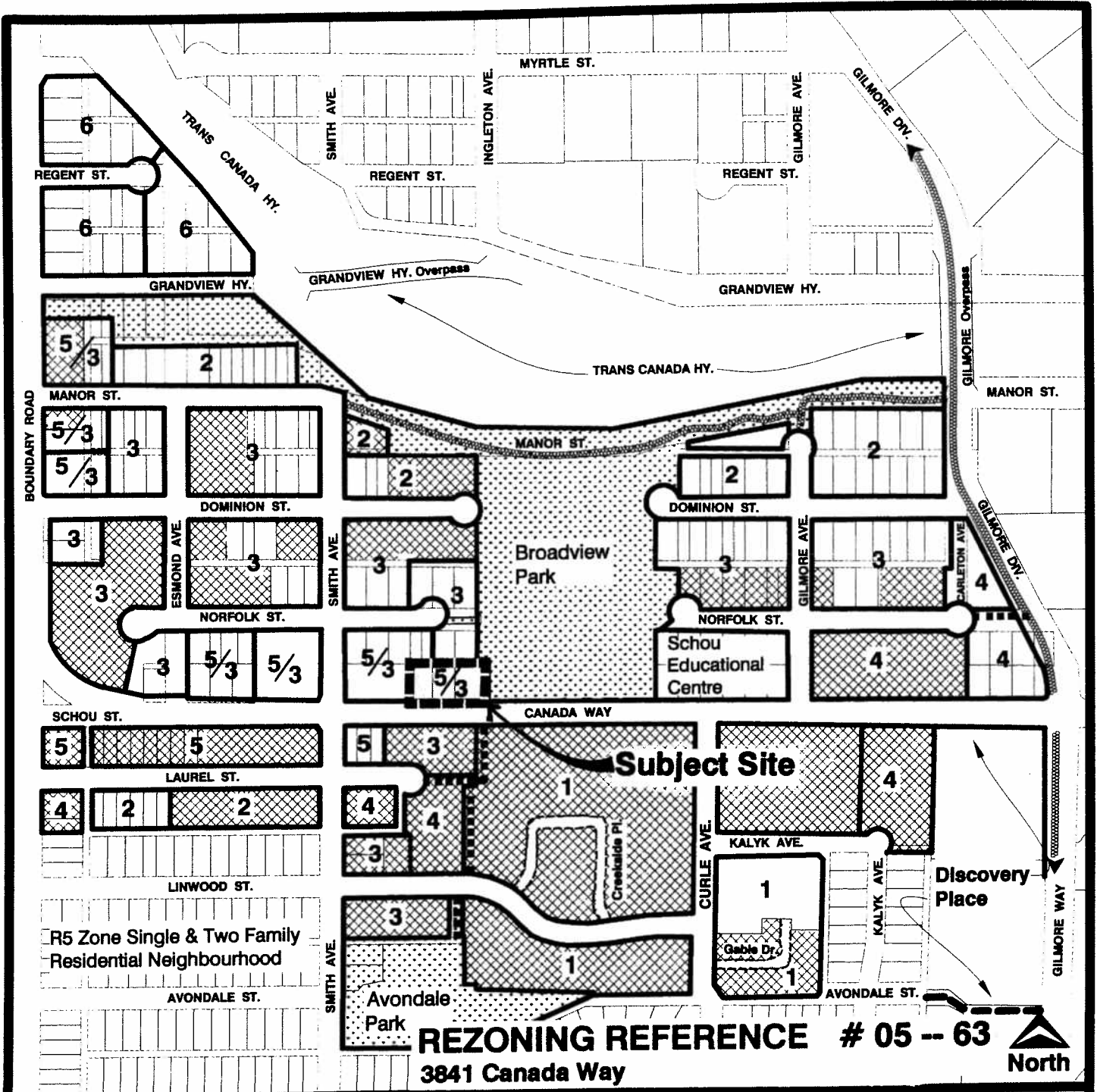
4.5 Parking:

Vehicle Parking		<i>Required</i>	<i>Provided</i>
30 apartment units @ 1.6 spaces/unit	-	48 (incl. 8 visitor)	51 (incl. 8 visitor)
2,478.29 m ² Commercial @ 1 space/46 m ²	-	<u>54</u>	<u>70</u>
Total Spaces	-	102	121
Car Wash Stalls @ 1/100 units	-	1	1
Bicycle Parking		<i>Required</i>	<i>Provided</i>
Secure Residential @ 1 spaces/unit	-	30	30
Visitors racks @ 0.2 spaces/unit	-	6	6
Commercial racks @ 10% of req. parking	-	<u>6</u>	<u>7</u>
Total Spaces		42	43


 B. Luksun
 Director Planning and Building





JBS/gk
Attachments

cc: Director Engineering
 City Clerk
 City Solicitor
 Director of Parks, Recreation and Cultural Facilities



Legend:

- 1 > Low density multiple residential development (RM1 Guidelines)
- 2 > Medium density apartment (RM2 Guidelines)
- 3 > Medium density apartment development (RM3 Guidelines)
- 4 > Institutional development (P5 Guidelines)
- 5 > Commercial development (C2 Guidelines)
- 6 > Light industrial / office (M5 Guidelines)

-  > Urban Trail
-  > Bike & Pedestrian Path
-  > Pedestrian Path
-  > Completed or Rezoned In Accordance With Development Guidelines