

REPORT

Development Services

To: Mayor Coté and Members of Council Date: 7/13/2020

From: Emilie K Adin, MCIP File: REZ00196,

Director of Development Services DP000826

Item #: 254/2020

Subject: 909 - 915 Twelfth Street: Official Community Plan Amendment,

Rezoning and Development Permit Application

RECOMMENDATION

THAT Council direct staff to process the Rezoning and Development Permit applications at 909-915 Twelfth Street and the Official Community Plan amendment application for a portion of the rear lane adjacent to the site, as outlined in this report.

THAT Council, with regard to the proposed OCP amendment for a portion of the rear lane adjacent to 909 and 911 Twelfth Street:

- Give consideration to the requirements of Section 475 and 476 as well as other relevant sections of the Local Government Act;
- Direct staff to advise and consult with the following:
 - a. the Board of Education of School District 40;
- 3) Direct staff to seek input from interested parties in the following manner:
 - a. send a request for written comments to the parties listed above;
 - b. place a notice on the City Page to advise the public of this application; and
 - require the applicant to include notice of the proposed OCP amendment on the site signage required for the subject application.
- 4) Not require consultation with:
 - Board of the regional district in which the area covered by a plan is located (Metro Vancouver);
 - b. any greater boards or improvement districts other than as noted herein, as none are considered to be affected by this application;

- c. the council of any municipality that is adjacent to the area covered by the plan;
- d. First Nations;
- e. greater boards and improvement boards;
- f. the Provincial and Federal governments and their agencies

EXECUTIVE SUMMARY

Rezoning, Development Permit applications have been received in order to rezone the properties at 909-915 Twelfth Street from Community Commercial Districts (Medium Rise) (C-2A) to a Comprehensive Development District. The applications would allow the development of a five-storey multiple unit residential building which would consist of 40 residential units and an overall density of 2.5 FSR. The resulting development would include nine ground-oriented units with six units facing Twelfth Street. The proposed development provides a total of six three-bedroom units and 18 two-bedroom units. The development would be constructed to BC Energy Step Code Level Four, which would help the City to meet Council's Climate Emergency targets.

The application also includes the proposal to purchase a City owned lane at the rear of the property to be consolidated into the development. To facilitate the incorporation of the City owned portion, an Official Community Plan amendment application is required to change the Land Use Designation of a portion of this lane (48.3 square metres / 520 sq. ft.) and to extend the Development Permit Area.

The purpose of this report is to provide Council with preliminary information on the proposed development and to seek support for the application review process outlined in this report.

POLICY AND REGULATIONS

Official Community Plan

Land Use Designation

The subject properties are designated (RM) Residential - Multiple Unit Buildings in the Official Community Plan which is intended to provide for a mix of small to moderate sized multiple unit residential buildings up to six storeys in height at a medium density.

The adjacent City-owned partial laneway has a split designation, with the western portion (2.44 metres / 8 feet) being designated (RM) Residential - Multiple Unit Buildings and the eastern portion (2.44 metres / 8 feet) being designated (RD) Residential - Detached. (RD) Residential - Detached is intended to allow low density ground orient residential uses such as single detached dwellings and duplexes.

A five storey multiple unit residential building, such as is proposed, is consistent with the Official Community Plan (OCP) land use designation except for the portion of the Cityowned lane which is designed (RD) Residential – Detached and Semi-Detached Housing. As such, an Official Community Plan amendment is required for this portion of the lane only.

Development Permit Area

The subject site is located within the 2.1 Upper Twelfth Street Residential Corridor Development Permit Area and, as such, a Development Permit is required for the proposed development which has been reviewed concurrently with the rezoning application. The OCP would also need to be amended to extend the Development Permit Area (DPA) over the same eastern portion of the City owned lane as described above.

Additional Policy and Background Information

Additional policy and background information, including that on consultation requirements for Official Community Plan amendments, the Official Community Plan, Development Permit Area and Family Friendly Housing Requirements, is attached in Appendix A.

BACKGROUND

Previous Pre-Application Review Proposal

A Pre-Application Review (PAR) was presented to the Land Use and Planning Committee (LUPC) on March 11, 2019. The LUPC provided comments on the PAR proposal at that time including: acknowledging the need to transition to adjacent land uses including using a townhouse style units to transition to adjacent single detached dwelling neighbourhoods; using townhouse style units to activate street frontages and the impact development might have on small businesses.

Site Characteristics and Context

The subject site consists of three lots (909, 911 and 915 Twelfth Street) and proposes the addition of an adjacent City-owned lane (96.6 sq. metres/1,040 sq. ft.) that the applicant is proposing to purchase.



The site is located at Twelfth and London Streets at the edge of the Moody Park Neighbourhood. This site is relatively flat and there are two existing buildings which are currently occupied by four existing businesses. To the Northeast of the site are single detached dwellings within the Moody Park neighbourhood. Across from Twelfth Street are several mixed-use commercial retail buildings ranging which are also zoned C-2A which would allow for four storey mixed uses buildings.

Proximity to Transit Service

Transit Service	Distance
SkyTrain Station	560 metres / 1,835 ft.
(New Westminster Station)	
Frequent Transit Network 585 metres / 1,920 ft.	
(Eighth Street)	
Bus Stop	16 metres (52 feet)

PROPOSAL

The proposed development would consist of a five-storey multiple unit residential building with 40 residential units and an overall density of 2.5 FSR. It includes nine ground-oriented units around the base including six which would be two levels and face Twelfth Street. The

proposed development provides a total of six three-bedroom units (15%) and 18 two-bedroom units (45%) and 16 one-bedroom units or less (40%). The rezoning application would change the zoning from Community Commercial Districts (Medium Rise) (C-2A) to a Comprehensive Development District.

The proposed building would be built as an energy efficient building to BC Energy Step Code Level Four and would be the third building on Twelfth Street proposed to meet this advanced building standard. The proposed architectural and landscapes plans are attached in Appendix B.

Project Statistics

	Existing Zoning /	Proposed
	Requirement	
Existing Site Area (gross)	1	1,261 sq. m.
		(13,091 sq. ft.)
Site Frontage		39.38 metres
_		(129.02 feet)
Average Lot Depth		30.50 metres
		(100 feet)
Floor Space Ratio	N/A	2.5
Building Height	4 storeys	5 storeys
	12.19 metres (40 feet)	19.48 metres (63.9 ft.)
Residential Unit Mix	Family Friendly Housing	Studio: 2 (5%)
	Requirements (strata)-	1 BDR: 14 (35 %)
	minimum 30% two and three	2 BDR: 18 (45%)
	bedroom units, of which 10%	3 BDR: 6 (15%)
	three bedrooms or more	
		Total: 40 Units
Off-Street Parking		
Overall	61 spaces	61 spaces
Resident	53 spaces	53 spaces
Visitor	8 spaces	8 spaces
Bicycle Parking		
Long Term	50 long term spaces	50 long term spaces
Short Term	6 short term spaces	6 short term spaces

DISCUSSION

Official Community Plan Amendment Consideration of Consultation

Council is required to consider who could be affected by the proposed Official Community Plan (OCP) adoption. Further detail on the OCP consultation requirements is outline in the background provided in Appendix A. Considering that the size of the area to be amended is 48.3 square metres (520 sq. ft.) staff recommends that Council consider consultation not be required with the following:

- the board of the regional district within or adjacent to the area covered by the plan;
- the council of any municipality that is adjacent to the area covered by the plan;
- c) First Nations;
- d) greater boards and improvement boards;
- e) the Provincial and Federal governments and their agencies

Staff would forward the application to School District No. 40 (New Westminster) and seek input on the impacts to school facility needs resulting from the OCP amendment as required by section 476 of the Local Government Act.

Development Entitlement Increase

The subject site is currently zoned Community Commercial Districts (Medium Rise) (C-2A) which would allow the development of four storey commercial or mixed use buildings. The zoning does not have a maximum permitted floor space ratio, but instead limits residential density by including a maximum number of units per acre and requiring retail commercial at grade.

The subject site is designated (RM) Residential – Multiple Unit Buildings in the Official Community Plan. Sites on Twelfth Street with this designation are anticipated to transition from the existing four storey mixed use zoning to a multiple unit residential building of four to six storeys without commercial. This land use designation states five or six storey buildings may be considered if the proposal meets one or more significant City priorities such as proving non-market rental housing, providing secure purpose built market rental, retention of a heritage building, retention of trees or construction of an energy efficient building.

The proposed development includes an increase to both height (from four to five storeys) and density (from an estimated 2.0 FSR to 2.5 FSR) consistent with that anticipated in the OCP land use designation in exchange for an increase in building energy performance from BC Energy Step Code Level Three to BC Energy Step Code Level Four. Increases from the existing C-2A zoning entitlements / requirements are summarized in the table below.

	Current Zoning (C-2A) Entitlements	Proposed Development
Building Height	Four Storeys	Five Storeys
Retail at Grade	Required	No
Floor Space Ratio	1.85 to 2.1 FSR	2.5 FSR
	(estimated)	
Units Per Acre	90 units per acre	133 units per acre
	(27 units)	(40 units)
BC Energy Step Code	Step Code Level Three	Step Code Level Four
Requirement	(Building Bylaw Req.)	

Building Massing and Transition

Careful consideration of building massing is required particularly for the west façade along Twelfth Street to ensure a comfortable relationship and interface with the public realm and Great Street; and to the east façade which transitions to and adjacent single detached dwelling neighbourhood through further review of building massing transition and related considerations of privacy and shadowing.

The applicant has factored in feedback received from other multiple unit residential building applications within this area of upper Twelfth Street, as well as feedback from the staff and the Land Use and Planning Committee through the Pre-Application Review process. The proposal has been revised from six storeys to five storeys and also steps the massing in three distinct increments (two, to three to five storeys) as the building moves from east to west away from the single detached dwelling neighbourhood towards Twelfth Street. The table and elevation below demonstrates the massing step backs as currently proposed.



North Building Elevation (as viewed from London St)

Levels	Setback from East Property Line
Levels 1 – 2	3.66 metres (12 feet)
Level 3	6.65 metres (21.83 feet)
Levels 4-5	9.66 metres (31.69 feet)

Further engagement with the community through consultation and the New Westminster Design Panel would be required to further refine the building transition, massing, privacy and shadow considerations.

Commercial Tenant Strategy

At the Council Workshop Session on June 24, 2019 and in discussion following a report presented to Council on August 26, 2019, Council has noted the need to consider the impact that new development might have on existing businesses in the Upper Twelfth Street areas. The site currently has three retail businesses currently on site – a tattoo shop, a roofing store, and a café.

Prior to Council consideration of a Zoning Amendment Bylaw, and in coordination with City staff from the Planning Division and the Economic Development Department, the applicant would be required to provide a commercial tenant strategy aimed at reducing impacts of redevelopment on existing businesses on site. The strategy would likely include:

- status of existing commercial leases on the site; (e.g. when they expire, size, rents, etc.);
- summary of correspondence and consultation with the businesses regarding potential redevelopment of the site;
- information on the future intentions of existing businesses and how they would be impacted by redevelopment;
- based on the above, identify reasonable incentives aimed at assisting the businesses in relocating, should that be the businesses intention.

Proposed Purchase of City Lane

The applicant has proposed to purchase an existing lane at the rear of 909 and 911 Twelfth Street. This lane is 19.81 metres long and 4.88 metres wide (65 ft. long and 16 ft. wide) and has a total area of 96.62 square metres (1,040 sq. ft.). Staff has identified this lane as potentially being in excess of civic needs as it currently only serves to provide access to the properties included in this application. Formal review by all relevant City departments is underway to confirm there are no other identified civic needs.

Should the lane be confirmed to be in excess of civic needs, staff would begin the process of appraising the property and seeking further Council approval for the land sale.

Family Friendly and Accessible Units

The Development Permit Area Design Guidelines call for applications which exceed four storeys to also exceed the minimum requirements for family friendly housing and to provide two bedroom townhouse style units. The proposed development would provide four two-level ground oriented townhouse units facing Twelfth Street. The proposal also includes six three-bedroom units (15%) and 18 two -bedroom units (45%) which exceeds the family friendly housing requirements of 10% three-bedroom and 30% two-and three-bedroom units.

The proposed development also includes accessible ground level units on the north side of the development (London Street) which would provide accessible and barrier-free housing, supporting policies within the Community and Individual Well-Being section of the Official Community Plan.

Vehicular Access and Off-Street Parking

Vehicular access would be from the lane on the south side of the site. The application includes the provision of 61 off-street parking stalls, of which 8 spaces would need to be allocated to visitor parking. The proposal also includes 50 long-term and six short-term bicycle parking spaces. The application meets Zoning requirements for both off-street vehicle and bicycle parking.

Trees and Landscaping

There is a large cypress at the north corner of the property on London Street which has been identified for retention. Further revisions to the landscape plans as a result of discussions with Parks and Recreations staff, City arborists and the New Westminster Design Panel are anticipated to ensure appropriate species and growing conditions are provided and are compliant with the Tree Protection Bylaw.

Usable Open Space

Usable open space has been provided in the form of patio space for ground oriented units, including the townhouse style units Twelfth Street and all ground oriented units also include direct exterior access. The remaining apartment units all have privately accessible balconies. The proposal provides a common rooftop amenity space which includes a community dining area, a play area and a yoga and tai chi recreational area for use by all residents of the building. The application would need to be revised to provide an outdoor area for pets, in particular places on-site for dog exercise and relief.

CONSULTATION AND APPLICATION REVIEW PROCESS

The following in an outline of the application review process for the proposed development, which is consistent with the Interim Development Review Process endorsed by Council on April 27, 2020:

- Preliminary Report to Council and Council Consideration of OCP Consultation Requirements (July 13, 2020) (we are here);
- Project Information Provided to External Stakeholders (Resident Association, School District, Business Associations);
- Applicant-Led Consultation;
- 4. Presentation to the New Westminster Design Panel;
- Council Consideration of First and Second Readings of Zoning Amendment, Official Community Plan Amendment, Road Closure and Property Disposition Bylaws;
- Public Hearing and Council Consideration of Third Reading for Official Community Plan and Zoning Amendment Bylaws;
- Applicant Addresses Adoption Requirements;
- Adoption of Zoning Amendment, Official Community Plan Amendment, Road Closure and Property Disposition Bylaws;
- 9. Issuance of Development Permit by Director of Development Services.

Staff is recommending that given the small size of the area needing an Official Community Plan amendment and that the rest of the proposal is consistent with City land uses policy objectives, that presentation of the proposal to the Advisory Planning Commission not be required.

A Public Hearing is required for this application as it involves an amendment to the Official Community Plan.

OPTIONS

The following options are offered for consideration of the preliminary report.

- That Council direct staff to process the Rezoning and Development Permit
 applications at 909-915 Twelfth Street and the Official Community Plan amendment
 application for a portion of the rear lane adjacent to the site, as outlined in this report.
- 2. That Council, with regard to the proposed OCP amendment for a portion of the rear lane adjacent to 909 and 911 Twelfth Street:
 - Give consideration to the requirements of Section 475 and 476 as well as other relevant sections of the Local Government Act;
 - 2) Direct staff to advise and consult with the following:
 - a. the Board of Education of School District 40;
 - 3) Direct staff to seek input from interested parties in the following manner:
 - a. send a request for written comments to the parties listed above;
 - b. place a notice on the City Page to advise the public of this application; and
 - require the applicant to include notice of the proposed OCP amendment on the site signage required for the subject application.
 - 4) Not require consultation with:
 - Board of the regional district in which the area covered by a plan is located (Metro Vancouver);
 - any greater boards or improvement districts other than as noted herein, as none are considered to be affected by this application;
 - the council of any municipality that is adjacent to the area covered by the plan;
 - d. First Nations;
 - e. greater boards and improvement boards; and
 - f. the Provincial and Federal governments and their agencies.
 - That Council provide staff with alternative direction.

Staff recommends options 1 and 2.

ATTACHMENTS

Appendix A - Additional Policy and Background Information

Appendix B - Architectural and Landscape Drawings

This report has been prepared by: Mike Watson, Senior Development Planner

This report was reviewed by: Rupinder Basi, Supervisor of Development Planning Jackie Teed, Senior Manager of Development Services

Approved for Presentation to Council

Emilie K Adin, MCIP

LE. YX

Director of Development Services

Lisa Spitale

Chief Administrative Officer



Appendix A:

Additional Background and Policy Information

Appendix A: Additional Policy Context

Official Community Plan Amendment Consultation Requirements

Section 475 and 476 of the Local Government Act provide specific requirements for consultation that must occur prior to the consideration of an Official Community Plan (OCP) amendment. The Act requires local government to provide one or more opportunities it considers appropriate for consultation with the organizations and authorities it considers will be affected by the proposed OCP amendment. The local government must:

- a) consider whether the opportunities for consideration with one or more organizations and authorities should be early and ongoing; and
- b) specifically consider whether consultation is required with:
 - the board of the regional district in which the area covered by a plan is located;
 - ii) the board of any regional district that is adjacent to the area covered by the plan;
 - the council of any municipality that is adjacent to the area covered by the plan;
 - iv) First Nations:
 - v) greater boards and improvement boards;
 - vi) the Provincial and Federal governments and their agencies; and
- c) Consult with the Board of Education and seek input on the following:
 - the actual and anticipated needs for school facilities and support services in the school districts;
 - ii) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (i);
 - iii) the type of school anticipated to be required on the sites referred to in paragraph (ii);
 - iv) when the school facilities and support services referred to in paragraph (i) are anticipated to be required;

how the existing and proposed school facilities relate to existing or proposed community facilities in the area

Official Community Plan

Land Use Designations

The subject properties are designated (RM) Residential - Multiple Unit Buildings in the Official Community Plan which is intended to provide for a mix of small to moderate sized multiple unit residential buildings up to six storeys at a medium density. This designation is described, in part, as follows:

Purpose: To provide a mix of small to moderate sized multiple unit residential buildings.

Principal Forms and Uses: Townhouses, rowhouses, stacked townhouses and low rises. Only in circumstances where the Development Permit Area guidelines can be met, a compelling case can be made, and appropriate amenities are provided will a five or six storey low rise building be considered.

Maximum Density: Medium density multiple unit residential.

The adjacent City-owned partial laneway has a split designation, with the western portion (2.44 metres / 8 feet) being designated (RM) Residential - Multiple Unit Buildings and the eastern portion (2.44 metres / 8 feet) being designated (RD) Residential - Detached. (RD) Residential - Detached is intended to allow low density ground orient residential uses such as single detached dwellings and duplexes. This designation is described, in part, as follows:

Purpose: To allow low density ground oriented residential uses including gentle infill which increases housing choice and retains existing neighbourhood character.

Principal Forms and Uses: Single detached dwellings and duplexes. Single detached dwellings may also include a secondary suite and/or a detached accessory dwelling unit (e.g. laneway house, carriage house).

Maximum Density: Low density residential.

Development Permit Area Design Guidelines

The subject site is located within the 2.1 Upper Twelfth Street Residential Corridor Development Permit Area which is designated in order to guide the transition of a portion of a commercial corridor to a residential corridor by facilitating new multi-unit residential development, with ground oriented housing units that activate the public realm.

In relation to six storey buildings (or in this case five storey buildings), the Development Permit Area Design Guidelines state these buildings should:

- Provide two storey, three bedroom, family friendly, ground oriented units at the base of the building;
- Exceed the requirements of the family friendly housing policy;
- Change materials and colour above the third storey to lessen the visual impact of the height of the building;
- Demonstrate that it will not significantly overshadow adjacent residential and public open spaces;

 Provide publicly accessible open space (pocket park, plaza, courtyard, etc.), when appropriate.

A Development Permit Area (DPA) map amendment will also be required to ensure that the area is added to the 2.1 Upper Twelfth DPA.

Zoning Bylaw

The subject properties are currently zoned Community Commercial Districts (Medium Rise) (C-2A) which would permit a commercial or mixed-use four storey building with retail at grade and commercial or residential above. The proposal would not be consistent with current zoning, and as such, a rezoning is required to rezone the property to a Comprehensive Development District (CD-##).

Family Friendly Housing Policy and Regulations

As per the City's Family-Friendly Housing Policy, the development would be required to provide a minimum of 30% two and three bedroom units, of which at least 10% of the overall number of units would need to contain three or more bedrooms. The application is consistent with the policy.

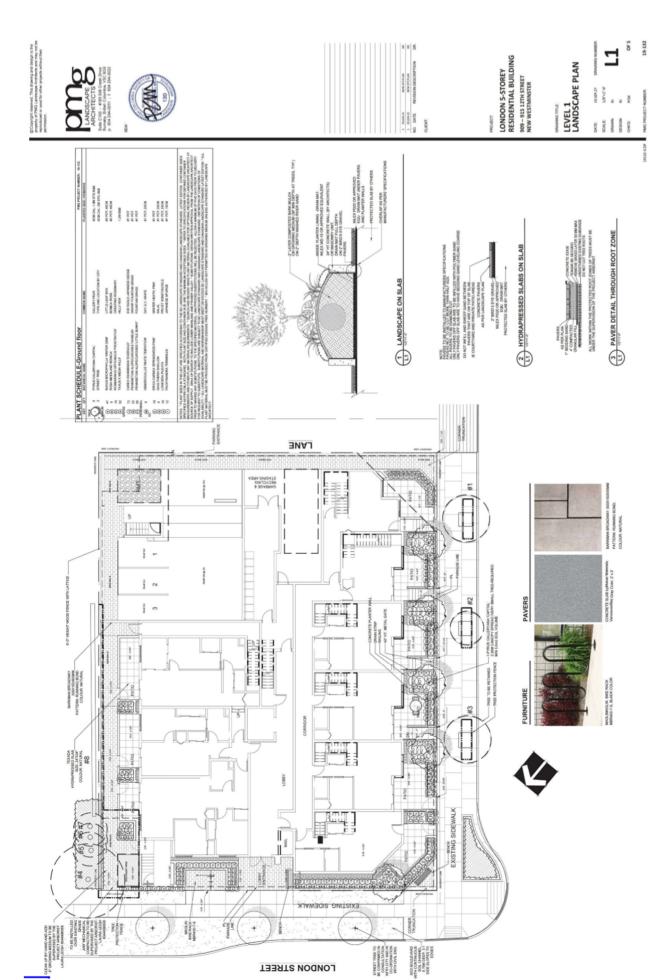
Community Energy and Emissions Plan

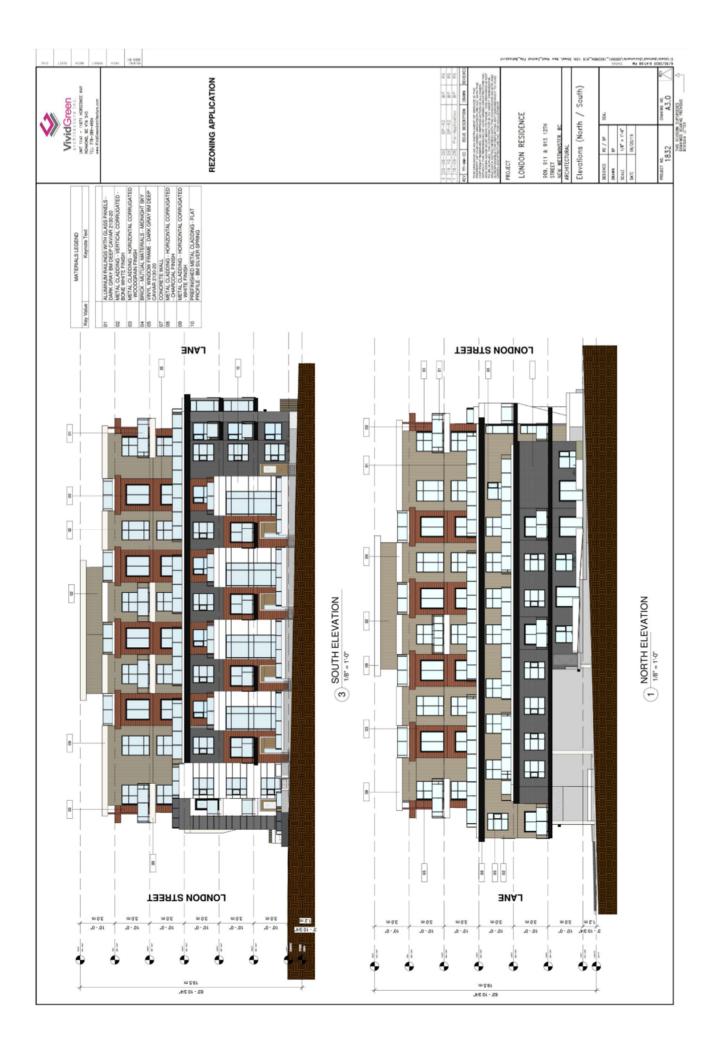
As part of the City's ongoing efforts to reduce its impact on climate change, the City developed a Community Energy and Emissions Plan (CEEP). The CEEP outlines strategies to help conserve energy and reduce GHG emissions in the areas of transportation, buildings and solid waste. The plan outlines actions and policies that help to diversify our energy supply, create energy efficient buildings and build a community that maximizes the use of sustainable transportation modes and minimizes waste. The proposed BC Energy Step Code Level Four standards would be consistent with this policy.

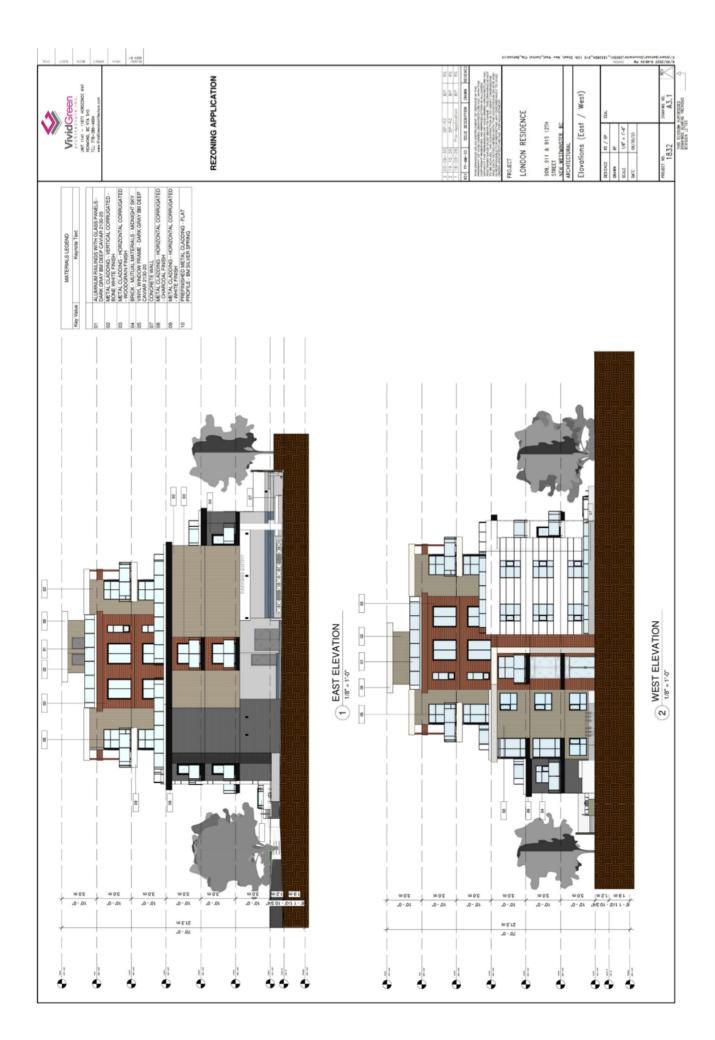


Appendix B:

Architectural and Landscape Plans











SOUTH TO NORTH VIEW

NORTH TO SOUTH VIEW



NORTH-WEST TO SOUTH-EAST VIEW













NORTH-WEST TO SOUTH-EAST VIEW