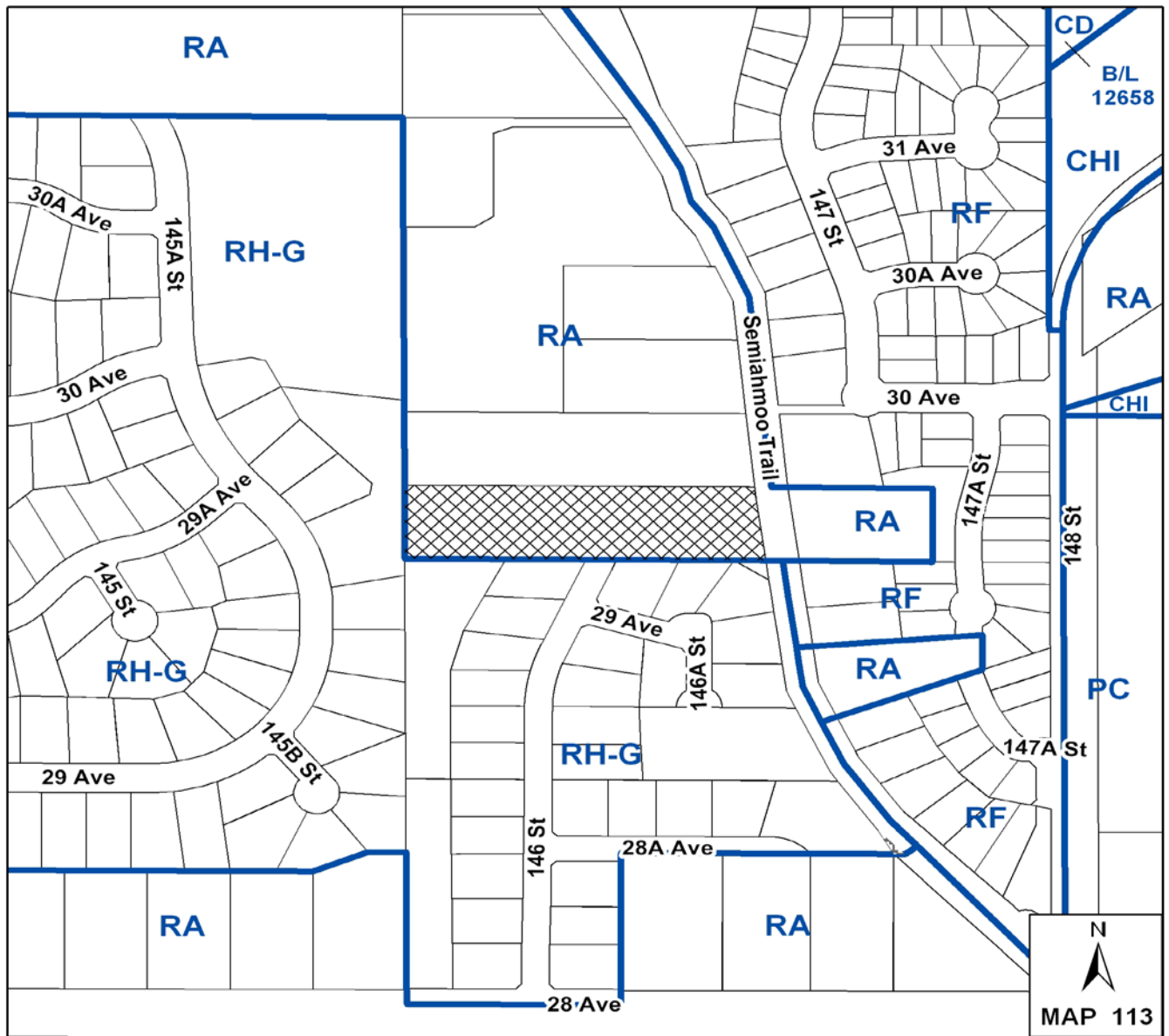


Proposal: Rezone from RA to RH-G to permit a 6 lot residential subdivision. Development Variance Permit to vary the front yard and side yard setbacks on proposed Lot 6.

Recommendation: Approval to Proceed

Location: 2961 Semiahmoo Trail **Zoning:** RA
OCP Designation: Suburban
LAP Designation: Half-Acre Gross Density **Owner:** Nico River Developments Ltd.



MAP 113

PROJECT TIMELINE

Completed Application Submission Date: October 20, 2005
Application Revision & Re-submission Date: May 31, 2006
Planning Report Date: June 12, 2006

PROPOSAL

The applicant is proposing:

- a rezoning from RA to RH-G; and
- a Development Variance Permit to vary the following by-law regulations:
 - relax the front yard setback from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) for proposed Lot 6; and
 - increase the north and south side yard setbacks from 3.0 metres (10 ft.) to 10 metres (32.8 ft.) for proposed Lot 6

in order to permit the development of 6 suburban single family residential lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Half-Acre Residential Gross Density Zone (RH-G)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7905-0333-00, (Appendix X) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RH-G Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) for proposed Lot 6; and
 - (b) to increase the minimum side yard setback of the RH-G Zone from 3.0 metres (10 ft.) to 10 metres (32.8 ft.) for the north and south side yards for proposed Lot 6.
3. 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 subdivision layout to the satisfaction of the Approving Officer;
 - (c) submission of an acceptable tree survey and a statement regarding tree preservation;

- (d) submission of a landscaping plan and cost estimate to the specifications and satisfaction of the City Landscape Architect for the 10 metre (32.8 ft.) wide landscaped buffer adjacent to Semiahmoo Trail;
- (e) submission of a Letter of Credit for the landscaping buffer along Semiahmoo Trail;
- (f) ensure the applicant addresses the issues of open space with the Parks, Recreation and Culture Department to facilitate the improvements along Semiahmoo Trail and landscaping within the proposed open space at the west side of the development site;
- (g) ensure that the applicant incorporate in the Building Scheme, the Parks, Recreation & Culture Department's requirements for a low permeable fence with gate access to the lots backing onto Semiahmoo Trail and the proposed open space;
- (h) submission of a Restrictive Covenant and security that requires relocation of any driveways that currently provide vehicular access to Semiahmoo Trail; and
- (i) registration of a Section 219 Restrictive Covenant for "no build" on a portion of proposed Lot 6 to protect the 10 metre (33 ft.) wide landscaped buffer for Semiahmoo Trail and a 1.8 metre (6 ft.) setback for the dwelling from the 10 metre (33 ft.) wide buffer.

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 V).

Parks:

Concerns were expressed regarding the proposed location of a portion of the parkland adjacent to lots 2 and 3. An alternative location preferred by Parks is for this portion of the park that provides pedestrian access from a local road, to be relocated to the north side of lot 1 at the west end of the 30 Avenue cul-de-sac. Discussion will take place with the developer regarding a possible alternative to the park layout in order to provide a suitable pedestrian connection between the park and a local road (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:

Semiahmoo Trail Elementary School = 346 enrolled/275 capacity

Semiahmoo Secondary School = 1,726 enrolled/1,300 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 = 59 students

Secondary students = 34 students

Total new students = 93 students

Approved Capacity Projects and Future Space Considerations

There are no new capital projects proposed at either school. A boundary change from Semiahmoo Trail to Chantrell Creek is proposed in September 2006. A future secondary school site in the South Surrey area is envisioned in the Grandview Heights area, pending general land use plan and residential build-out determination for the Grandview Heights area.

(Appendix VII)

Heritage Advisory Commission (HAC):

In its meeting of May 31, 2006, the Heritage Advisory Commission received information from the Planning & Development Department concerning this application and recommended that:

- it supports the registration of a restrictive covenant to protect a 10 metre wide buffer along Semiahmoo Trail;
- a landscaping plan be attached to the restrictive covenant that indicates all trees and plantings be retained and the split rail fence should be along the property line for the full width of Lot 6, with not more than one switch back in the fence and only a naturally surfaced pedestrian walkway to the residence;
- the residence is to have a front facing appearance to Semiahmoo Trail, to be sited at least 1.8 metres from the restrictive covenant buffer area and is not to have vehicular access to Semiahmoo Trail; and
- no construction vehicles will use Semiahmoo Trail for access to the development site.

SITE CHARACTERISTICS

- **Existing Land Use** One existing single family dwelling to be demolished prior to subdivision.
- **Significant Site Attributes** The site contains many mature trees that are to be protected, particularly in the Semiahmoo Trail buffer and the park area.

- **East:** Across Semiahmoo Trail, established and new single family dwellings completed under Application No. 7902-0117-00, zoned RA and RF, designated Urban in the OCP.
- **South:** Single family dwellings under construction (Application No. 7903-0469-00), zoned RH-G, designated Suburban in the OCP.
- **North and West:** Single family residences and a dedicated park area zoned RH-G, designated Suburban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site at 2961 Semiahmoo Trail encompasses 1.09 ha (2.7 acres) in area.
- The proposal is to rezone the subject property from "One-Acre Residential Zone (RA)" to "Half-Acre Residential Gross Density Zone (RH-G)" in order to develop six (6) single-family lots with a dedicated park area consisting of 15% of the gross site area.
- The development proposal having a density of 5 units/hectare (2 units/acre) complies with the Suburban designation of the Official Community Plan and the Half Acre Gross Density designation of the Central Semiahmoo Peninsula Local Area Plan.
- The existing single family dwelling at 2961 Semiahmoo Trail will be demolished to accommodate this subdivision. The driveway will be removed and the new driveway for proposed Lot 6 will have access to the internal road (146 Street).
- The applicant is proposing to dedicate 15% open space as parkland on the west portion of the development site. This park area will form part of a linear park system that will link Semiahmoo Trail Elementary School and Semiahmoo Trail Park located to the north with Sunnyside Acres Urban Forest Park, situated to the south on of 28 Avenue.
- Servicing and vehicular access to this development relies on the servicing which has been recently completed for applications located immediately to the south under applications numbered 7903-0268/269/469.

Subdivision Layout

- The proposal is for a six-lot suburban half acre gross density residential subdivision with 15% of the gross site area dedicated for parkland located at the west side of the development site as shown on Appendix III.

- Vehicular access to the proposed lots will be by an extension of 146 Street from the south and a cul-de-sac.
- The driveway providing access to the existing dwelling from Semiahmoo Trail will also be removed and landscaped. The developer shall provide a financial security for removing the driveway and landscaping the area it occupied.
- The proposal will conform with the City's Heritage Protection By-law and the Semiahmoo Trail Design Requirements by protecting a 10 metre (32.8 ft.) wide landscaped buffer adjacent to Semiahmoo Trail and an 11.8 metre (38.7 ft.) rear yard setback for the proposed dwelling on Lot 6.
- A detailed landscaping plan is provided that shows retention of existing mature trees augmented with landscaping (Appendix IX). Financial security shall be provided by the developer for planting this buffer. A pedestrian path will be permitted for residents of proposed Lot 6 to have direct access to Semiahmoo Trail.
- The developer is responsible for submitting a financial security for future landscaping of Semiahmoo Trail in accordance with Parks, Recreation and Culture Department requirements. Additionally, security is required for clearing and brushing the dedicated park area.
- Proposed Lot 6 has a panhandle configuration that provides for efficient development of the applicant's site. Due to the narrowing of the area between 146 Street and Semiahmoo trail, a panhandle lot configuration is unavoidable. This 1,502 square metre/16,167 sq.ft. lot is the largest proposed property in the subdivision and includes the 10 metre/32.8 ft. wide Semiahmoo Trail landscaped buffer. The proposed dwelling on Lot 6 must be sited at least 1.8 metres (6 ft.) away from the Semiahmoo Trail buffer area. This siting will be secured by a Restrictive Covenant that will also protect the landscaped buffer. Vehicular access to the lot will be eliminated from Semiahmoo Trail and relocated over the panhandle. This is the only panhandle shaped lot in the subdivision.
- The developer's consultants have also submitted a proposed development layout for the three properties located to the immediate north of this subject site that shows 146 Street being extended and a general lot layout for the existing properties. This proposal will facilitate a logical development pattern for future applications on properties located to the immediate north along Semiahmoo Trail (Appendix IV).

Building Scheme and Lot Grading

- The proposed Building Design Guidelines specify Neo-Heritage, Neo-Craftsman and Neo-Traditional housing styles with balanced massing consistent scale with identified entries and moderate pitched hip and gable roof lines and elements.
- Minimum areas for one storey dwellings are 186 sq. m./2000 sq. ft) and two storey dwellings are 223 sq. m./2400 sq. ft. excluding garage, basement and accessory building.
- Building height, massing and roofline transition are to be compatible with the RH-G homes located to the west at 145A Street and to the south on 146 Street.

- Basement entry homes and secondary suites are not permitted.
- The proposed home on Lot 6 is to incorporate sufficient detailing on all elevations visible to Semiahmoo Trail to suggest a second street fronting elevation. This is to ensure compatibility with existing dwellings on both the east and west sides of Semiahmoo Trail.
- The dwellings shall be complimentary to homes being proposed within this area and with other new developments.
- The applicant will be required to register a Restrictive Covenant for the Building Scheme prepared by Ankenman Associates Architects Inc in order to ensure that the styles of the proposed dwellings will complement the character of other homes in the immediate neighbourhood.
- The applicant is proposing in-ground basements and a preliminary lot-grading plan has been submitted and reviewed by the Building Division. Approximately one metre of fill is proposed on Lots 2 to 3 in order to allow for the construction of dwellings with in-ground basements where it is deemed by the Building Division to be acceptable.

Tree Preservation and Semiahmoo Trail Landscaped Buffer

- The applicant's arborist has identified 30 mature trees on the subject site. Thirteen trees are proposed to be removed. Seventeen trees are to be retained and 25 replacement trees are proposed for a total of 42 replacement trees averaging 7 trees per lot as shown on plans attached as Appendix VIII.
- In accordance with Heritage Designation By-law No 15280 and the Semiahmoo Trail Design Guidelines, the applicant proposes a 10 metre/33 ft. wide landscaped buffer along the Semiahmoo Trail on proposed Lot 6. The proposed landscaping treatment will include a variety of shrubs including ferns, huckleberries to be planted with existing shrubs and mature trees. Additionally, the existing split rail fencing will be relocated to a location generally along the east property line.
- To facilitate pedestrian access to the trail, a pathway, a gate or un-gated switchback at the fence will be constructed and guaranteed through a landscaping security.
- The landscaping buffer will be secured by a Statutory Right-of-Way, a No-Build Restrictive Covenant and also be included in the Building Scheme for this subdivision. The covenant will also require a 1.8 metre (6 ft.) setback for the proposed dwelling from the landscaped buffer. The developer will provide financial securities for planting the new shrubs.

PRE-NOTIFICATION

Pre-notification letters were sent on December 6, 2005 to residents who lived within three lots from the subject property. Staff received one telephone call and three email letters. The residents had the following comments:

- Would like to know if the protective fencing around trees is for servicing for the project to the south or the subject development site.

(The fencing was constructed by the applicant during the early stages of this application to protect mature trees on the site.)

- Will the City require protection of 20 protected trees, mostly birch and alder that are shown for removal in the report?

(The City does not usually require developers to protect forest-grown alder, cottonwood and birch on residential lots because they are not suitable as stand-alone trees. Only when there is a stand of forest being preserved do we ask that the alder, cottonwood and birch be preserved).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- The applicant requests that the front yard setback for Lot 6 be reduced from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) to allow for construction of a single family dwelling on this panhandle shaped property.

Applicant's Reasons:

- The narrow configuration of the property does not permit the regular front yard setback.

Staff Comments:

- Recognizing the narrow configuration of this panhandle lot, it is not practical to require the regular 7.5 metre (25 ft.) front yard setback from the west front lot line. This property is further constrained with the 10 metre (32.8 ft.) wide landscaped buffer for the Semiahmoo trail and the 11.8 metre (38.7 ft.) east rear yard setback from the Trail. The applicant will retain mature trees in this buffer and augment existing trees and shrubs with additional shrubs. Additionally, the driveway that provides the existing dwelling (to be demolished) with access to the Semiahmoo Trail will be eliminated and landscaped. The driveway will connect Lot 6 with 146 Street via the panhandle part of this lot. Hence, the requested variance is acceptable from a Planning perspective.

(b) Requested Variance:

- The applicant requests that the north and side yard setbacks for Lot 6 be increased from 3.0 metres (10 ft.) to 10 metres (32.8 ft.) to provide useable outdoor living space on the property.

Applicant's Reasons:

- Lot 6 is a narrow property, oriented in a north-south direction that is constrained on the east side by the 10 metre (32.8 ft.) wide Semiahmoo Trail landscape buffer and on the west side by proposed Lots 4 and 5. If the 3 metre (10 ft.) side yard setback were used for the north and south side yards, then there would be no usable yard space on the proposed lot for the residents.

Staff Comments:

- Due to the narrow configuration and orientation of Lot 6, the Development Variance Permit is required for two variations of the RH-G Zone. The DVP allows relaxation of the west front yard setback from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) as noted above. Corresponding with this, there is a need to provide usable outdoor area on this property for the residents in the north and south side yards.
- If the 3.0 metre (10 ft.) side yard setback requirements were used with this site, there would be no area remaining on the lot for usable outdoor living space for future residents. Hence a second variance is required in order to increase the north and south side yard setbacks from 3.0 metres (10 ft.) to 10 metres (32.8 ft.) for each side yard. This variance will provide useable yard space for the residents, while at the same time, allow for suitable lot coverage for a dwelling on Lot 6. Both variances are shown on the plan attached with Appendix X.

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
Appendix IV.	Context Plan for Proposed Layout
Appendix V.	Engineering Summary
Appendix VI.	Parks Comments
Appendix VII.	School District Comments
Appendix VIII.	Building Design Guidelines Summary
Appendix IX.	Summary of Tree Survey, Tree Preservation and Semiahmoo Trail Landscaped Buffer
Appendix X.	Development Variance Permit No. 7905-0333-00

INFORMATION AVAILABLE ON FILE

- Survey Plan, 3 copies
- Detailed Engineering Comments dated January 9, 2006.
- Building Scheme dated November 3, 2005.

- Neighbourhood Character Study dated November 3, 2005.
- Arborist Report dated December 6, 2005.
- Tree Preservation and Replacement Plan dated December 6, 2005.
- Lot Grading Plan dated December 2005.
- Soil Contamination Review Questionnaire prepared by Lisa Balsor dated October 18, 2005.

How Yin Leung
Acting General Manager
Planning and Development

MD/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: Clarence Arychuk, Hunter Laird Engineering Ltd.
 Address: #300 - 65 Richmond Street
 New Westminster, BC V3L 5P5
 Tel: 604-525-4651

2. Properties involved in the Application
 - (a) Civic Address: 2961 Semiahmoo Trail

 - (b) Civic Address: 2961 Semiahmoo Trail
 Owner: Nico River Developments Ltd.
 PID: 026-635-143
 Lot A Section 22 Township 1 New Westminster District Plan BCP21970

3. Summary
 - (a) Introduce a By-law to rezone the property.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7905-0333-00.

SUBDIVISION DATA SHEET

Proposed Zoning: RH-G

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	2.7 ac
Hectares	1.09
NUMBER OF LOTS	
Existing	1
Proposed	6 + Park
SIZE OF LOTS	
Range of lot widths (metres)	24 m to 42.6 m
Range of lot areas (square metres)	1,120 sq.m. to 1,502 sq.m.
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	5.49 units/ha 2.2 upa
Lots/Hectare & Lots/Acre (Net)	
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	25%
Estimated Road, Lane & Driveway Coverage	15%
Total Site Coverage	40%
PARKLAND	
Area (square metres)	1,620 sq.m.
% of Gross Site	15%
	Required
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	YES
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Lot 6 Front & Side Yard Setback Relaxations	YES

DEVELOPMENT DATA SHEET

Proposed Zoning: RH-G

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front (Lots 1 - 5)	7.5 m	7.5 m
Front (Lot 6) via DVP	7.5 m	1.8 m
Rear (Lot 6) Adjacent to Semiahmoo Trail	10 m	11.8 m
Rear (Lots 1 - 5)	7.5 m	7.5 m
Side (Lots 1 - 5)	3.0 m	3 m
Side (Lot 6) via DVP	3.0 m	10 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9 m	9 m
Accessory	5 m	5 m
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total	6 lots	6 lots
FLOOR AREA: Residential		
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)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	2 spaces/lot	2 spaces/lot
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	YES (Semiahmoo Trail)	Tree Survey/Assessment Provided	YES
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CONTOUR MAP FOR SUBJECT SITE

