

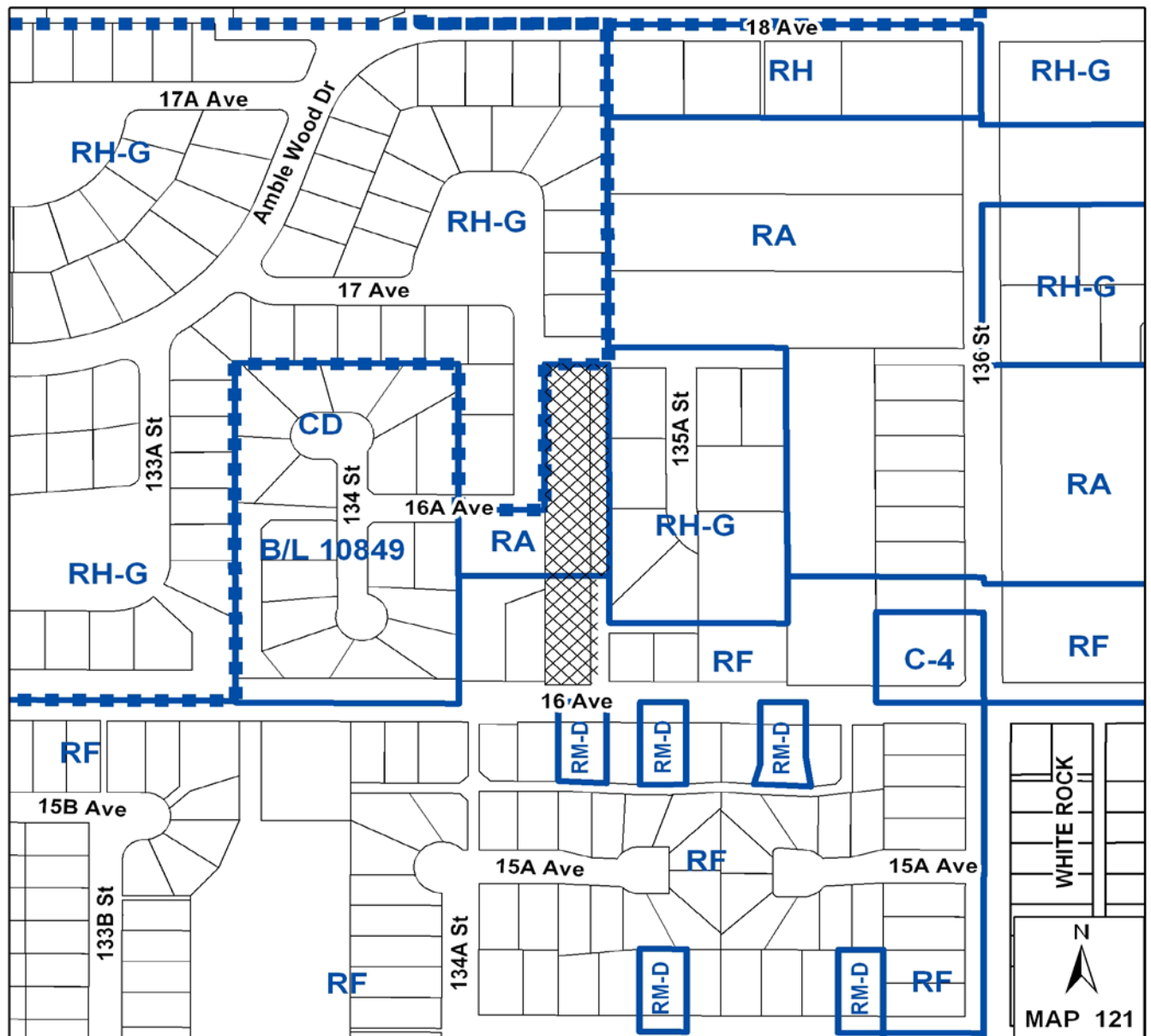
**Proposal:** Rezone from RA and RF to CD and RH-G to allow subdivision into four half-acre gross density lots. Development Variance Permit to allow a side yard setback relaxation for the existing dwelling.

**Recommendation:** Approval to Proceed

**Location:** 13487 - 16 Ave & 135 St. **Zoning:** RA and RF  
 Road Allowance

**OCP Designation:** Suburban

**LAP Designation:** Suburban ½ Acre Res. **Owners:** Deep Blue Investment Corporation



## PROJECT TIMELINE

Completed Application Submission Date: November 23, 2005  
Application Revision & Re-submission Date: June 27, 2006  
Planning Report Date: July 24, 2006

## PROPOSAL

The applicant is proposing:

- a rezoning from RA and RF to CD and RH-G; and
- a Development Variance Permit to vary the following by-law regulations:
  - relax the west side yard setback of proposed Lot 1 for existing dwelling from 3.0 metres (9.8 ft.) to 0.99 metre (3.2 ft.)

in order to allow subdivision into four half-acre gross density lots and the retention of the existing single family dwelling at 13487 - 16 Avenue.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property, and portions of 135 Street shown as "Block A" and "Block B" on the plan attached as Appendix XI, from "One-Acre Residential Zone (RA)" (By-law No. 12000) and "Single Family Residential Zone (RF)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. a By-law be introduced to rezone the portion of 135 Street shown as "Block C" on the plan attached as Appendix XI 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.
3. Council approve Development Variance Permit No. 7905-0365-00 (Appendix IX) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum west side yard setback of the CD Zone from 3.0 metres (9.8 ft.) to 0.99 metres (3.2 ft.) for the existing dwelling on Lot 1.
4. 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 a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;

- (d) registration of a Section 219 Restrictive Covenant for "no build" on the east 15 metre portion of the development site to protect trees in the existing 135 Street road allowance and to provide a usable 5 metre (16.4 ft.) deep rear yard setback from the tree protection area for proposed dwellings on Lots 2, 3 and 4; and
- (e) completion of a by-law to allow for the closure of the 135 Street unopened road allowance between 16 and 17 Avenues prior to final rezoning approval. The west 7 metres (22.9 ft) of this road allowance is to be sold to the developer and the east 3 metres (9.8 ft) is to be sold to the property owners of 1659, 1671 and 1689 – 135A Street.

### 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 IV).

Parks: Support (Appendix V).

School District: **School Impacts:**

#### **Projected number of students from this development:**

Elementary students = 2 students  
 Secondary students = 2 students  
 Total new students = 4 students

#### **School Catchment Area/Current Enrollment/School Capacity:**

Ray Shepherd Elementary School = 378 enrolled/415 capacity  
 Elgin Park Secondary School = 1,185 enrolled/1,200 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 = 12 students  
 Secondary students = 12 students  
 Total new students = 24 students

#### **Approved Capacity Projects and Future Space Considerations**

*Maturing trends occurring in the neighbourhood results in fewer children per household than the District average. There are no new capital projects proposed at the elementary and secondary schools.*

(Appendix VI)

Realty Division: The Realty Division supports the application and will initiate a road closure by-law following the introduction of the rezoning by-law (Appendix VII).

### SITE CHARACTERISTICS

- **Existing Land Use** Single family dwelling and accessory buildings.
- **Significant Site Attributes** Site is covered with mature trees, some of which are worthy of preservation.
- **East:** Across 135 Street road allowance, single family dwellings, zoned RH-G and RF, designated Suburban in the OCP and Suburban Residential (1/2 acre) in the Semiahmoo Peninsula LAP.
- **South:** Across 16 Avenue, single family dwellings, zoned RF and RM-D, designated Urban in the OCP and Urban Residential in the Semiahmoo Peninsula LAP.
- **West:** Single family dwellings, zoned RF, RA and RH-G, designated Suburban in the OCP and Suburban Residential (1/2 acre) in the Semiahmoo Peninsula LAP.
- **North:** Single family dwelling, zoned RH-G and RA, designated Suburban in the OCP and Suburban Residential (1/2 acre) in the Semiahmoo Peninsula LAP.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

### DEVELOPMENT CONSIDERATIONS

- The development site comprises a parcel of property located at 13487 – 16 Avenue and the 10 metre wide unopened road allowance for 135 Street located between 16 and 17 Avenues.
- The proposal is to rezone the development site from "One-Acre Residential Zone (RA)" and "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" (based on the RH-G Zone) and "Half-Acre Residential Gross Density Zone (RH-G)" in order to create a four lot single-family residential subdivision and a residual lot to be sold by the City to three adjacent property owners to the east.

- The Realty Division is negotiating the sale of the 135 Street unopened road allowance to both the developer and the owners of 1659/1671/1689 – 135A Street. The developer is to purchase the west 7 metres (22.9 ft.) which has an area of 1,081 square metres (11,636 sq.ft.) and the three adjacent owners will purchase the east 3 metres (9.8 ft.) which has an area of 370 square metres (3,982 sq.ft.) of the 135 Street road allowance.
- The proposed rezoning to CD coincides with the portion of this site that will be owned by the developer. The east 3 metre portion of the 135 Street road allowance is proposed to be rezoned to RH-G to facilitate the consolidation of this portion of road allowance with the three properties at 1659/1671/1689 which are zoned RH-G.
- The applicant requests to pay 15% cash-in-lieu of parkland for this infill development project to allow the creation of RH-G type lots.
- The existing dwelling at 13487 – 16 Avenue is to be refurbished and retained. The northern most part of the dwelling will be demolished. This will provide a 7.5 metre (25 ft.) rear yard setback that conforms with the CD Zone. However, a DVP is needed to relax the west side yard setback to accommodate and retain this dwelling. Driveway access for this dwelling shall be eliminated from 16 Avenue and relocated to the proposed lane that will be located within the area now occupied by the 135 Street road right-of-way.

#### Subdivision Layout and Closure of 135 Street Road Allowance

- The subdivision is proposed to consist of four single family residential lots based on the RH-G Zone having a minimum lot area of 1,200 square metres/12,917 sq. ft. minimum width of 30 metres/98.4 ft. and minimum depth of 30 metres/98.4 ft. as shown in Appendix III.
- The total development site contains the property at 13487 – 16 Avenue and the unopened 10-metre (32.8 ft.) wide 135 Street road allowance having an area of 0.6183 ha. (1.52 Ac.).
- During the rezoning and subdivision proposal for the RH-G subdivision to the east, it was noted that the 135 Street road allowance was not proposed to be opened, but instead would be incorporated with the subject parcel in the future.
- Based on this approved concept for the disposal of this road allowance, the Realty Division of the Engineering Department contacted both the developer and adjoining neighbours regarding sale of the 135 Street road allowance. The developer has signed an agreement to purchase this property. The three adjacent owners have submitted letters indicating they will sign agreements to purchase.
- Owners of three adjacent properties at 1659/1671/1689 – 135A Street have also indicated that they want assurances that the mature trees in the 135 Street road allowance area are protected.
- Recognizing the long-term interest expressed by the adjacent owners of properties in the RH-G zoned subdivision to the east in owning a portion of the 135 Street road allowance, this application will accommodate these purchases. The 3 metre road right-of-way proposed to be conveyed to the three adjoining property owners is therefore, proposed to be rezoned to RH-G to accommodate the future consolidation.

- The developer will also install a fence along the proposed east property line that will respect the location of existing mature trees designated for preservation.
- "No Build" Restrictive Covenants shall be registered with the subdivision over the east 15 metres of the site (that includes the 10 metre wide unopened road allowance). This is to ensure protection of the mature trees that are located in the road allowance area and to provide an additional 5 metre rear yard setback for the proposed dwellings on lots 2, 3 and 4 from the 10 metre wide tree protection area.
- Recognizing that the 135 Street road allowance is to be sold to both the developer and three adjoining property owners, separate "No Build" Restrictive Covenants for each property will be required as a condition of subdivision approval.
- A lane will be dedicated and constructed over the south portion of the development site to provide secondary vehicular access for the existing dwelling on proposed Lot 4 (13487 – 16 Avenue) and for two adjacent RF zoned properties to the east located at 13509 and 13547 – 16 Avenue and for future access for adjacent properties to the west.
- Lane construction on the development site will coincide with the closure of the paved vehicular access currently located on the statutory right-of-way over the west portion of 13509 - 16 Avenue. The owner of this property has been in contact with the Engineering Department to ensure that the statutory ROW over his property is closed in conjunction with servicing for this proposal. The statutory ROW over 13509 – 16 Avenue was created under a previous development application and was intended for future closure when the subject property is developed.
- Relocation of this vehicular access via a newly constructed lane over the 135 Street road allowance will be accomplished through the Servicing Agreement for this application.

#### CD By-law

- This rezoning application deals with a subject development site that is proposed to be rezoned from RF and RA to CD for a majority of the site. The 3 metre wide portion of the 135 Street road allowance is proposed to be rezoned from RA to RH-G, which is the same zone as the properties that it will be consolidated with.
- The CD By-law is proposed to cover an area of 0.579 hectares (1.43 Acres) of the total development site. The remaining 3 metre wide portion located along the east boundary of the 135 street road allowance covers an area of 370 square metres (3,982 sq. ft.) and is proposed to be sold to the three adjacent property owners at 1659/1671/1689 – 135A Street.
- The proposed single family lots in this subdivision under the CD zone will conform with the larger RH-G sized lots wherein they will have a minimum area of 1,200 square metres (12,917 sq. ft.).
- Each of the four proposed lots will have widths that exceed the minimum of 30 metres and depths that also exceed the minimum of 30 metres in the RH-G Zone.

- The proposed Floor area ratio shall not exceed 0.32 and maximum lot coverage shall be 25%, identical to the RH-G Zone.
- All of the other provisions of the proposed CD Zone will be identical to the RH-G Zone in order for the development of this site to conform to the surrounding subdivisions.
- Recognizing that this is an infill form of development, and that the Parks, Recreation and Culture Department does not require parkland from this proposal, the applicant will provide 15% cash in lieu of parkland as a condition of rezoning and subdivision approval.

#### Building Scheme and Lot Grading

- The proposed Building Design Guidelines specify "Traditional" (including English Country, English Tudor, English Manor, Cape Cod), Classical Heritage, Neo-Heritage and estate quality manifestations of the Neo-Traditional style.
- Minimum building areas for two storey or split-level dwellings shall be 2,400 sq. ft. (excluding garages) and 1,700 sq. ft. for bungalows (excluding garages).
- Basement entry homes and secondary suites are not permitted.
- The dwellings will be complimentary to dwellings located in the Amble Greene subdivision located to the immediate west.
- The applicant will be required to register a Restrictive Covenant for the Building Scheme prepared by Tynan Consulting Ltd in order to ensure that the styles of the proposed dwelling 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. According to the plan, no fill greater than 0.5 metres is proposed. The Building Division advises that in-ground basements should be achievable for Lots 2 to 4 but for Lot 1 as shown on the preliminary lot grading plan.

#### Tree Preservation

- The Arborist Report indicates that there are 161 mature trees on the subject site and the unopened 135 Street road allowance.
- Four (4) trees are declared hazardous and 55 other trees are proposed to be removed (30 in the proposed lane and 20 for house construction). One hundred and six (106) trees are proposed to be retained and no replacement trees are required. There is an average of 26.5 trees per lot.
- In recognition of requests from neighbours living to the immediate east, trees in the north portion of the 135 Street road allowance beyond the proposed lane will be protected along with many other mature trees on this forested site as noted on the attached Tree Protection Plan (Appendix VIII). Specifically, mature trees in the area occupied by the 135 Street ROW are to be additionally protected by separate "No build" tree protection Restrictive Covenants registered on proposed lots 2,3 and 4 and on three properties situated to the east.

## PRE-NOTIFICATION

Pre-notification letters were sent to adjacent neighbours on December 21, 2005. The City received eleven phone calls, four letters and staff participated in one meeting concerning this development application.

- "The four-lot proposal is appropriate, and would present no problems, but I do not want a through road to connect with 16 Avenue."

*(The proposed layout conforms to the concept plan for this area. The 135 Street road allowance will not be opened as a vehicular linkage between 16 and 17 Avenues. Future vehicular access from this neighbourhood will be via an extension of 17 Avenue to 136 Street).*

- "Residents of the area (17 Avenue and 134 Street) are already very unhappy with the amount of traffic going through the single access to the area at 17 Avenue and Amble Wood Drive. What was once a quiet cul-de-sac is now a busy thoroughfare. I would not like to see a through road from 136 Street to Amblewood, but would instead be delighted to see 134B Street cut off via a barricade at 17 Avenue and the traffic routed onto 136 Street."

*(The Transportation Engineer reviewed this concern and reported that the existing right-of-way between 16 and 17 Avenues will not be opened. Also the proposed barricade will not be implemented, since the road plan for the area shows connectivity of 17 Avenue and 134 Street to 136 Street. The 3 new homes, which will have driveway access to 134B Street, are expected to have minimal impact on the volume of traffic in the area.)*

- Residents living to the east of the development site indicated interest in purchasing portions of the 135 Street road allowance. Also, they indicated concerns about the protection of mature trees and wildlife in this road allowance. If the site and 135 Street road allowance are developed, it will eliminate privacy for adjacent neighbours living on 135A Street.

*(Residents living on 135A Street are in the process of purchasing a three metre wide portion of the 135 Street road allowance. All mature trees in the 135 Street road allowance are to be protected by means of Restrictive Covenant. The trees will also be illustrated as being protected in the Building Scheme document.)*

- A neighbour living immediately to the east of the development site requested that the City eliminate the statutory right-of-way and driveway over his property that currently provides vehicular access from 16 Avenue for two RF zoned lots on 16 Avenue.

*(Through discussions with the Engineering Department, it was agreed that the existing driveway that provides vehicular access to two RF zoned lots be eliminated and replaced within the 135 Street ROW in conjunction with the Servicing Agreement for this development application.)*



- Concerns were expressed about pedestrian safety at the corner of 16A Avenue and 134B Street due to high vehicle speeds along the narrow section of 16A Avenue immediately west of 134B Street. Recognizing that the property at 13467 – 16A Avenue may not develop in the immediate future, residents requested that proposed lot 2 not have driveway access onto 134B Street. Their belief is that a driveway in this location would add to a dangerous situation for pedestrians.

*(Upon reviewing this concern, it has been determined that the traffic speeds at this corner will be slow enough so that there is not a safety concern. In response to this concern, the subdivision has been modified to provide a wider frontage for proposed lot 2 on 134B Street to accommodate a driveway in a safe location.)*

- Does not want to see any lots smaller than owners' property.

*(All of the proposed properties have a similar or larger lot areas in comparison with adjacent properties in the Amble Greene subdivision. The proposed CD zoned development will have lots that conform with the RH-G zone that applies to many properties surrounding the development site).*

- "Would the proposed lot (# 1) fronting 16 Avenue have future potential to be split into two RF zoned lots?"

*(The entire site is being rezoned to the CD based upon the RH-G zone. Also, the site is located in a Suburban designated area on the OCP Map, which only allows suburban development densities. Consequently future subdivision and rezoning of lot 1 to smaller urban sized lots will not be permitted under the Suburban designation of this area.)*

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- The applicant requests that the west side yard setback for Lot 1 be reduced from 3.0 metres (9.8 ft.) to 0.99 metre (3.2 ft.) to allow for the retention of the existing single family dwelling on this proposed lot.

Applicant's Reasons:

- The existing dwelling is in good condition and is proposed to be retained.

Staff Comments:

- The applicant proposes to eliminate the north one-storey section of the dwelling in order for the north portion of the dwelling to conform with the proposed CD Zone rear yard setback.
- The existing dwelling has been situated on this area of the development site for many years. It is buffered from the west neighbour's dwelling by mature trees and shrubs and does not present a privacy concern for that neighbour. The Development Variance Permit will only apply to the existing dwelling. Any future replacement of the dwelling or major modification must conform with the CD Zone.

### 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.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	School District Comments
Appendix VII.	Building Design Guidelines Summary
Appendix VIII.	Summary of Tree Survey and Tree Preservation
Appendix IX.	Development Variance Permit No. 7905-0365-00
Appendix X	CD By-law
Appendix XI.	Block Plan Accompanying a Rezoning By-law

### INFORMATION AVAILABLE ON FILE

- Block Plan, 3 copies
- Detailed Engineering Comments dated February 10, 2006.
- Building Scheme dated March 16, 2006.
- Neighbourhood Character Study dated March 16, 2006.
- Arborist Report dated January 2006.
- Tree Preservation and Replacement Plan dated January 2006.
- Lot Grading Plan dated January 2006.
- Soil Contamination Review Questionnaire prepared by Holden Yip dated November 23, 2005.

How Yin Leung  
Acting General Manager  
Planning and Development

MD/RG/kms

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## SUBDIVISION DATA SHEET

**Proposed Zoning: CD and RH-G**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	1.43 ac
Hectares	0.579 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	4
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	30 m to 34.8 m
Range of lot areas (square metres)	1,300 sq.m. to 1,542 sq.m.
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	6.9 lots/ha 2.79 lots/ac (CD area)
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	25%
Estimated Road, Lane & Driveway Coverage	10%
Total Site Coverage	35%
<b>PARKLAND</b>	
Area (square metres)	n/a
% of Gross Site	
<b>PARKLAND</b>	
15% money in lieu	YES
<b>TREE SURVEY/ASSESSMENT</b>	
	YES
<b>MODEL BUILDING SCHEME</b>	
	YES
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
West Side Yard Setback Lot 1	YES

CONTOUR MAP FOR SUBJECT SITE

