

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7906-0294-00

Planning Report Date: June 7, 2010

**PROPOSAL:**

- **Rezoning** from RA to RH-G
- **Development Variance Permit**

in order to allow subdivision into five half-acre gross density single family lots. DVP to relax lot widths and setbacks.

**LOCATION:**

14555 - 32 Avenue

**OWNERS:**

Vugranam Venkatesh et al

**ZONING:**

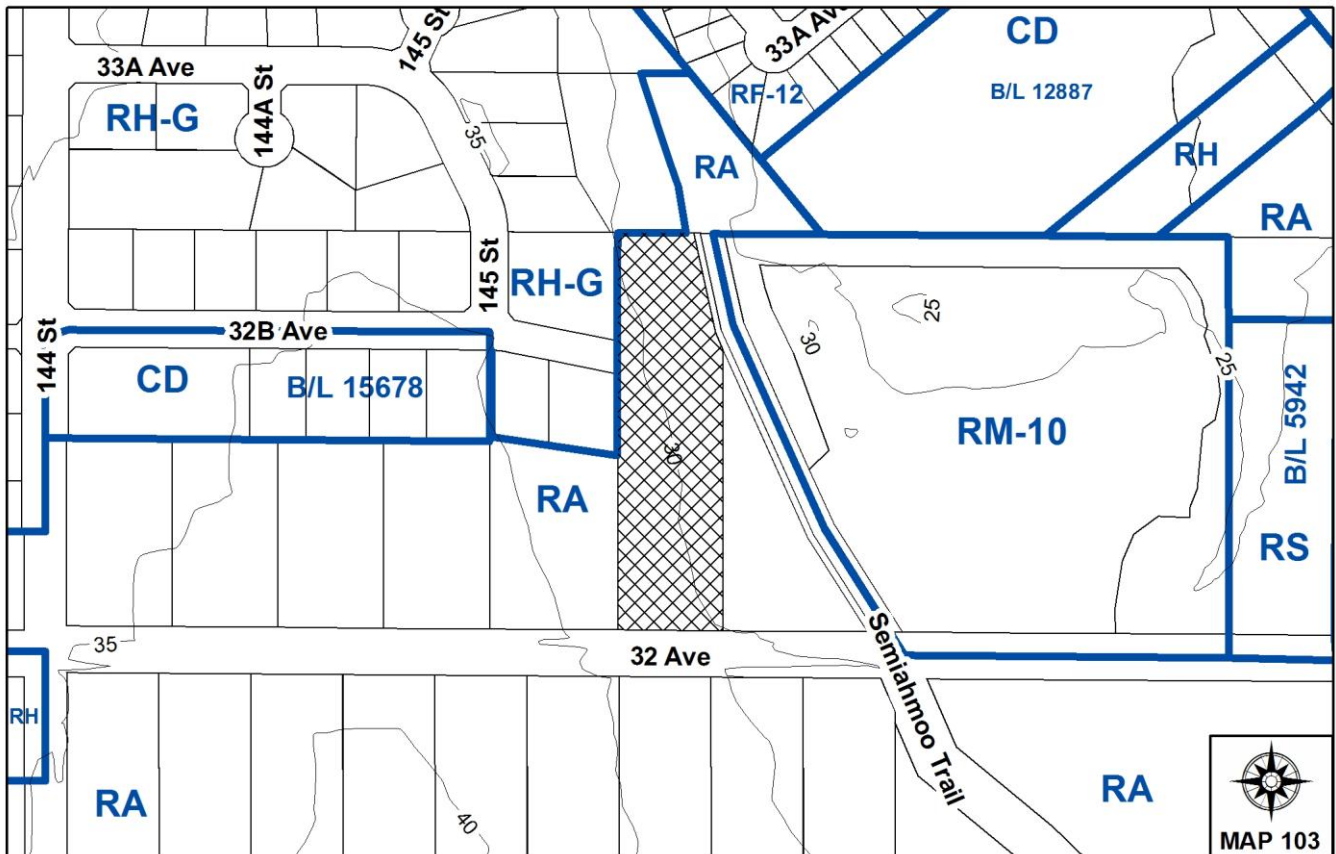
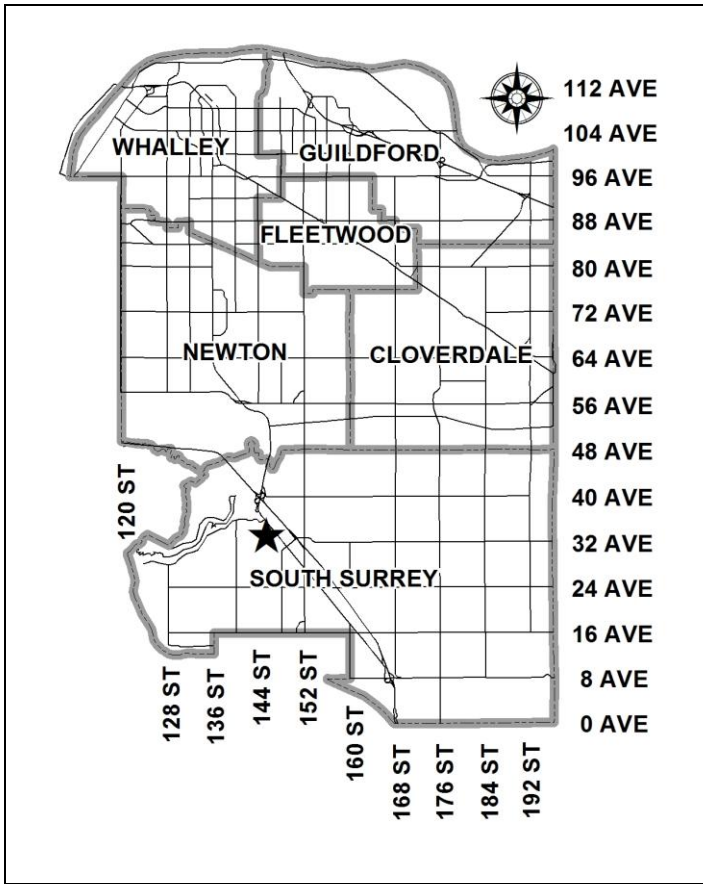
RA

**OCP DESIGNATION:**

Suburban

**LAP DESIGNATION:**

"One Acre" and "Half-Acre Gross Density"



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject site is split-designated in the Central Semiahmoo Peninsula Local Area Plan (LAP). The southerly portion of the site is designated "One-Acre" and the northerly portion of the site is designated "Half-Acre Gross Density". The applicant is proposing to create half-acre gross density lots on the entire site, therefore a LAP Amendment is required.
- The applicant is requesting a Development Variance Permit (DVP) to vary the northerly setback on Lot 5 and to vary the required lot widths.

### RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Partially complies with the LAP Designation.
- The proposed LAP amendment to facilitate half-acre gross density development is consistent with the pattern of development on the west side of the Semiahmoo Trail.
- The applicant has received support for the LAP Amendment from property owners along 32 Avenue to the west.
- The proposal is endorsed by the Surrey Heritage Advisory Commission (HAC), and adheres to the Semiahmoo Trail Design Guidelines, including a 5.9 metre (19 ft.) wide dedication to widen the Semiahmoo Trail to 20 metres (66 ft.), the installation of a 10-metre (33 ft) wide landscape buffer and split-rail fencing, and registration of house design guidelines to ensure an appropriate house design along the Semiahmoo Trail.
- The proposed variance to the northerly setback on Lot 5 from 3 metres (10 ft.) to 1.8 metres (6 ft.) is to allow for a functional yard area for Lot 5 as the rear yard of Lot 5 is constrained by the dedication for the Semiahmoo Trail and also the 10-metre (30 ft.) Semiahmoo trail landscape buffer. In addition, the lot to the north of Lot 5 is proposed to be a park lot, dedicated as per the provision of the RH-G Zone.
- The proposed side yard setback variance on Lot 1 is to accommodate the retention of the existing house.
- The proposed lot width variances on Lots 1 and 2 are due to constraints imposed by the shape of the site and the surrounding context. Lots 1 and 2 have a lot depth that is over twice the depth required of the RH-G Zone and both lots exceed the 1,300 square metre (14,000 sq.ft.) standard RH-G minimum lot size.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site 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. 7906-0294-00, (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum northerly setback of the RH-G Zone from 3.0 metres (10 ft.) to 1.8 metres (6 ft.) on Lot 5;
  - (b) to reduce the minimum easterly setback of the RH-G Zone from 3.0 metres (10 ft.) to 2 metres (7 ft.) on Lot 1 to accommodate the retained house;
  - (c) to reduce the minimum lot width of the RH-G Zone from 30 metres (100 ft.) to 27 metres (89 ft.) on Lot 1; and
  - (d) to reduce the minimum lot width of the RH-G Zone from 30 metres (100 ft.) to 22 metres (75 ft.) on Lot 2.
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) approval from the Ministry of Transportation and Infrastructure;
  - (d) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (e) the applicant addresses the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture;
  - (f) completion of purchase of portion of City Park lot at 3294 – 145 Street for the purpose of completing the proposed cul-de-sac on 32B Avenue;
  - (g) registration of a Section 219 Restrictive Covenant and submission of a landscaping plan, landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect, and submission of financial securities to ensure construction of a 10 metre (30 ft.) landscape buffer and split-rail fence in accordance with the Semiahmoo Trail Design Guidelines;

- (h) registration of a separate Building Design Guidelines for Lots 3 and 5 along the Semiahmoo Trail, including heritage design considerations to the satisfaction of the City;
  - (i) registration of a Section 219 Restrictive Covenant to ensure tree retention;
  - (j) registration of a Section 219 No Build Restrictive Covenant on Lot 5 to ensure a 7.5 metre (25 ft.) setback on the south property line to provide an adequate functional yard; and
  - (k) the applicant address the shortfall in tree replacement.
4. Council pass a resolution to amend the Central Semiahmoo Peninsula Local Area Plan to redesignate the southerly portion of the site from "One-Acre" to "Half-Acre Gross Density" when the project is considered for final adoption.

### REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

School District: **Projected number of students from this development:**

2 Elementary students at Semiahmoo Trail Elementary School  
1 Secondary student at Semiahmoo Senior Secondary School

(Appendix V)

Parks, Recreation & Culture: Parks supports the purchase by the applicant of a portion of the park lot at 3294 – 145 Street in order to facilitate the development of the cul-de-sac, on the understanding that the developer will be responsible for replacing the eliminated open space on his site. The applicant has been made aware that Council approval for the proposed land sale is required prior to final approval of the rezoning and subdivision. Parks supports the proposed development but has some concerns about the pressure that this development will place on existing parks facilities in the area. Staff will work with the applicant to resolve this issue.

Ministry of Transportation & Infrastructure (MOTI): No concerns.

Heritage Advisory Committee (HAC): At the HAC's October 14, 2009 meeting, the HAC recommended that deciduous trees within the proposed 10-metre (33 ft.) landscape buffer area be retained if possible. The HAC supports the proposed subdivision, provided no servicing is placed in the Semiahmoo Trail (Appendix VI).

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/Central Semiahmoo Peninsula Designation</b>	<b>Existing Zone</b>
North:	City parkland.	Suburban/Half Acre Gross Density	RH-G and RA
East:	Semiahmoo Trail parkland and single family residential.	Urban and Suburban/One Acre	RA
South (Across 32 Avenue):	Single family residential.	Suburban/One Acre	RA
West:	Single family residential, half acre gross density and one-acre lots and City parkland.	Suburban/Half-Acre Gross Density recently constructed and One-Acre Residential	RH-G/RA

JUSTIFICATION FOR PLAN AMENDMENT

- The subject site at 14555 – 32 Avenue is split-designated in the Central Semiahmoo Peninsula Local Area Plan (LAP). The southerly portion of the site is designated "One-Acre" and the northerly portion of the property is designated "Half-Acre Gross Density". The applicant is proposing to amend the "One-Acre" designation in the LAP to "Half-Acre Gross Density".
- The land use designation change is supportable for several reasons:
  - recently approved development applications in the immediate vicinity have established a half-acre gross density land use and the proposal corresponds with the character of the established neighbourhood;
  - staff have received a petition from area residents living on the one-acre lots along 32 Avenue in the immediate vicinity. All five (5) of the lots on the north side of 32 Avenue to the west of the subject site supported increasing density on the north side of 32 Avenue;
  - the applicant held a Public Information Meeting, regarding the proposed LAP amendment, on May 18, 2010 and 7 area residents attended. Five (5) residents indicated support and 2 residents did not provide any comment; and
  - the proposed redesignation complies with the site's "Suburban" designation in the Official Community Plan (OCP).

## DEVELOPMENT CONSIDERATIONS

- The subject site is 0.91 hectares (2.24 acres) in area, is zoned "One-Acre Residential (RA)" and is designated "Suburban" in the OCP. The applicant is proposing to rezone the site to "Half-Acre Residential Gross Density (RH-G)" in order to permit subdivision into 5 single family half-acre gross density lots and an Open Space lot.
- The applicant is also proposing a Development Variance Permit to vary the following:
  - to vary the minimum northerly side yard setback from 3.0 metres (10 feet) to 1.8 metres (6 feet) on Lot 5;
  - to vary the minimum easterly setback from 3.0 metres (10 feet) to 2 metres (7 feet) on Lot 1 to accommodate the retained house;
  - to vary the minimum lot width from 30 metres (100 feet) to 27 metres (89 feet) on Lot 1; and
  - to vary the minimum lot width from 30 metres (100 feet) to 23 metres (75 feet) on Lot 2. These variances are discussed later in this report.

## Proposed Subdivision and Land Dedication

- The Semiahmoo Trail is only 14.1 metres (46 feet) wide adjacent to the site and the Semiahmoo Trail Design Guidelines indicate that the required minimum width of the Trail be 20 metres (66 feet). The applicant is proposing to increase the width of the Semiahmoo Trail by dedicating 5.9 metres (19 feet) to meet the 20-metre (66 feet) width requirement.
- The applicant is also dedicating a 1,168 sq.m. (12,570 sq.ft.) Open Space area north of proposed Lot 5. This area is heavily treed and will connect the existing City Park lot at 3294 – 145 Street with the Semiahmoo Trail. Parks Department is proposing a new pathway through the dedicated area to provide access to the Semiahmoo Trail. The total Open Space dedication, including the portion along the Semiahmoo Trail, is 1,550 sq.m. (16,680 sq.ft.).
- Of the 1,550 sq.m. (16,680 sq.ft.) dedication area, 1,361 sq.m. (14,650 sq.ft.) of that area is to meet the requirements of the RH-G Zone, which requires that 15% of the site area be dedicated as parkland. The surplus area, 189 sq.m. (2,030 sq.ft.), is required to replace the park area lost from the City park lot at 3294 – 145 Street due to the proposed cul-de-sac road needed to serve the site. Due to the constraints in the area (e.g. the location of Semiahmoo Trail and existing subdivision pattern), Parks has agreed to allow the applicant to purchase a portion of the park site at 3294 – 145 Street for the applicant to dedicate back as road for a cul-de-sac. The applicant will compensate for this 189 sq.m. (2,030 sq.ft.) area by increasing the 15% RH-G dedication area by 189 sq.m. (2,030 sq.ft.).
- The applicant is proposing to retain the existing dwelling. The applicant is requesting two variances to allow for the retention of the existing dwelling and attached patio.
- The applicant has demonstrated that the neighbouring lot to the east, which lies between the subject site and the Semiahmoo Trail, is not prevented from future subdivision due to the proposed development. Future development options will be considered if and when the property owner seeks to develop the land in the future.

### Building Scheme and Lot Grading

- The applicant for the subject site has retained Tynan Consulting Ltd. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines.
- The dwellings shall be complementary 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 Tynan Consulting Ltd. in order to ensure that the styles of the proposed dwellings will complement the character of other homes in the immediate neighbourhood.
- Basement-entry homes and secondary suites are not permitted.
- The applicant is proposing in-ground basements and a satisfactory lot grading plan has been submitted and reviewed by staff.

### Tree Preservation

- The applicant is proposing to dedicate the northerly portion of the site, and an area along the Semiahmoo Trail, to fulfill the 15% dedication requirements of the RH-G Zone. This area is heavily treed and all of the trees in this area will be retained, except for those determined to be in poor condition by the Parks Department.
- Diamond Head Consulting prepared an Arborist Report dated September 8, 2009. It has been reviewed by the City's Landscape Architect and, while revision is required, is acceptable to proceed.
- The applicant's arborist has identified 61 protected trees on the rest of the subject site. Forty-two (42) trees are proposed to be removed and 19 trees are proposed to be retained (Appendix VII). The trees proposed for removal are within the building envelope, will be affected by construction or are in poor condition for retention.

Tree Species	Total No. of Mature Trees (On-site)	Total proposed for retention (On-site)	Total proposed for removal (On-site)
Douglas Fir	9	7	2
Cedar	19	6	13
Birch	3	1	2
Maple	8	4	4
Spruce	1	1	0
Alder	21	0	21
<b>Total</b>	<b>61</b>	<b>19</b>	<b>42</b>

- The applicant is proposing to plant 15 replacement trees on the site; 63 replacement trees are required. The applicant is required to provide a cash-in-lieu contribution to the Green Fund to compensate for the shortfall in replacement trees.
- A Section 219 Restrictive Covenant will be required on proposed Lots 1, 2, 4 and 5 to ensure that trees identified for retention are preserved.

### Semiahmoo Trail: Landscaping and House Design

- The application was referred to the October 14, 2009 Heritage Advisory Commission (HAC) meeting. The HAC recommended the approval of the proposed subdivision. However, the HAC did not support the proposed Heritage Alteration Permit (HAP) to permit a sanitary sewer connection into the Semiahmoo Trail. The applicant has since indicated that they will pump the sanitary sewer for proposed Lots 3, 4 and 5 to 32B Avenue instead. The Engineering Department has reviewed this concept and has found it satisfactory.
- In accordance with the Semiahmoo Trail Design Guidelines, the applicant proposes a 10-metre (33 feet) wide landscaped buffer along the Semiahmoo Trail on proposed Lots 1 and 3. The proposed landscaping treatment will include a variety of native shrubs and trees. Additionally, split rail fencing will be installed inside the buffer area.
- A detailed landscaping plan for the landscape buffer is provided, showing retention of existing mature trees augmented with landscaping (Appendix II).
- The proposed landscaping will be secured by a Section 219 No-Build Restrictive Covenant as well as financial securities for the installation of material specified in the plan.
- The proposed dwellings on Lots 3 and 5 are to incorporate sufficient detailing on all elevations visible to Semiahmoo Trail to suggest a front elevation along the Trail, and to provide surveillance onto the Trail. A separate Section 219 Restrictive Covenant will be registered on title to ensure these design considerations are taken into account.

### PRE-NOTIFICATION

Pre-notification letters were sent on May 28, 2008 to area residents. Staff received 4 telephone calls and 6 letters. The residents had the following comments:

- Three (3) of the callers and one (1) letter writer was curious about the proposed development and expressed no concerns.
- Two (2) letter writers and one (1) caller expressed concerns about preserving integrity of the Semiahmoo Trail, limiting services into the Trail and maximizing tree retention.

*(The applicant will not disturb the Semiahmoo Trail and this development proposal will actually increase the size of the Semiahmoo Trail, and also establish a 10-metre (33 feet) landscaping buffer along the Trail. The applicant is not proposing to locate any services in the Trail. The applicant is retaining all of the trees in the 15% dedication area, and is retaining 19 of 63 trees on the rest of the site.)*

- The neighbour to the immediate east of the subject site wrote 3 letters indicating opposition to the proposed development. He expressed concerns that his site would be "frozen out of any future development" and that the proposed development would devalue his property.

*(The applicant indicated that he had approached the adjacent owner to buy his property to include in the subdivision, but hadn't been able to come to an agreement. The applicant has demonstrated that the neighbour's lot is not prevented from subdividing in the future, if the*



*area is redesignated from "One-Acre" to "Half-Acre Gross Density" in the Central Semiahmoo Peninsula LAP.)*

### Public Information Meeting

- The applicant held a Public Information Meeting on May 18, 2010 to present the project, including the proposed LAP amendment, to area residents. There are 15 other parcels on the north and south side of 32 Avenue which are similarly designated "One-Acre" in the Central Semiahmoo Peninsula LAP, and all of these owners were specifically invited to attend.
- Seven (7) area residents attended. Five (5) residents indicated support for the proposal and 2 residents did not provide any comment on the proposal. No concerns about the proposed LAP amendment were raised.

### BY-LAW VARIANCES AND JUSTIFICATION

#### (a) Requested Variance:

- To reduce the minimum northerly setback of the RH-G Zone from 3.0 metres (10 feet) to 1.8 metres (6 feet) on Lot 5.

#### Applicant's Reasons:

- The setback on the south side of Lot 5 has been increased from 3.0 metres (10 feet) to 7.5 metres (25 feet) to allow for an adequate outdoor space on the lot. Reducing the northerly setback allows for a sufficient building envelope.

#### Staff Comments:

- The rear yard of the lot is constrained by the location of the 10-metre (33 feet) landscape buffer along the Semiahmoo Trail that takes up the large majority of the rear yard. The southerly side yard offers an outdoor living space that the future homeowner can utilize.
- Lot 5 is bordered by the proposed Park lot on the north side, so the proposed reduced setback will not negatively impact any neighbouring parcels.

#### (b) Requested Variance:

- To reduce the minimum easterly setback of the RH-G zone from 3.0 metres (10 feet) to 2.0 metres (7 feet) on Lot 1 to accommodate the retained house.

#### Applicant's Reasons:

- The applicant wishes to retain the existing dwelling.

**Staff Comments:**

- Retaining the house is an environmentally sustainable in that the materials of the existing are not discarded and new resources are not used to erect a new house on proposed Lot 1. The proposed side yard setback reduction is needed to retain the house.
- The applicant is not asking for setback relaxations that will affect existing property owners in the area. Potential lot purchasers of the proposed neighbouring Lot 2 will be aware of the proposed setbacks before they purchase the lot.
- The proposed variance is only valid for the existing house on the lot. If the current house is removed at a future date, the owner is not entitled to rebuild a house at the reduced setback.

**(c) Requested Variance:**

- To reduce the minimum lot width of the RH-G Zone from 30 metres (100 feet) to 27 metres (89 feet) on Lot 1, and to reduce the minimum lot width of the RH-G Zone from 30 metres (100 feet) to 23 metres (75 feet) on Lot 2.

**Applicant's Reasons:**

- The site is constrained by the existing subdivision pattern to the west and the Semiahmoo Trail to the east, creating a site geometry which necessitates two variances for lot widths.

**Staff Comments:**

- Both proposed lots exceed the 1,300 sq.m. (14,000 sq.ft.) minimum lot area required in the RH-G Zone. Lot 1 has an area of 1,899 sq.m. (20,440 sq.ft.) and Lot 2 has an area of 1,319 sq.m. (14,200 sq.ft.).
- Proposed Lots 1 and 2 has a lot depth that is over twice the lot depth required in the RH-G Zone.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Proposed Subdivision Layout and Landscape Plans
- Appendix III. Engineering Summary
- Appendix IV. Development Variance Permit No. 7906-0294-00
- Appendix V. School District Comments
- Appendix VI. Heritage Advisory Committee Minutes, October 14, 2009 Meeting
- Appendix VII. Tree Preservation Summary

Jean Lamontagne  
General Manager  
Planning and Development

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## SUBDIVISION DATA SHEET

Proposed Zoning: RH-G

<b>Requires Project Data</b>	<b>Proposed</b>
<b>GROSS SITE AREA</b> (after purchase of 189 sq.m. area)	
Acres	2.288 ac
Hectares	0.9259 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	5
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	23.2 m – 31.1 m
Range of lot areas (square metres)	1,216 sq.m. – 1,899 sq.m.
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	5.4 uph/2.2 upa
Lots/Hectare & Lots/Acre (Net)	
<b>SITE COVERAGE</b> (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
<b>PARKLAND</b>	
Area (square metres)	1,361 sq.m. + 189 sq.m. for cul-de-sac area
% of Gross Site	15%
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	YES
<b>MODEL BUILDING SCHEME</b>	YES
<b>HERITAGE SITE Retention</b>	YES
<b>BOUNDARY HEALTH Approval</b>	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	YES
Others	YES