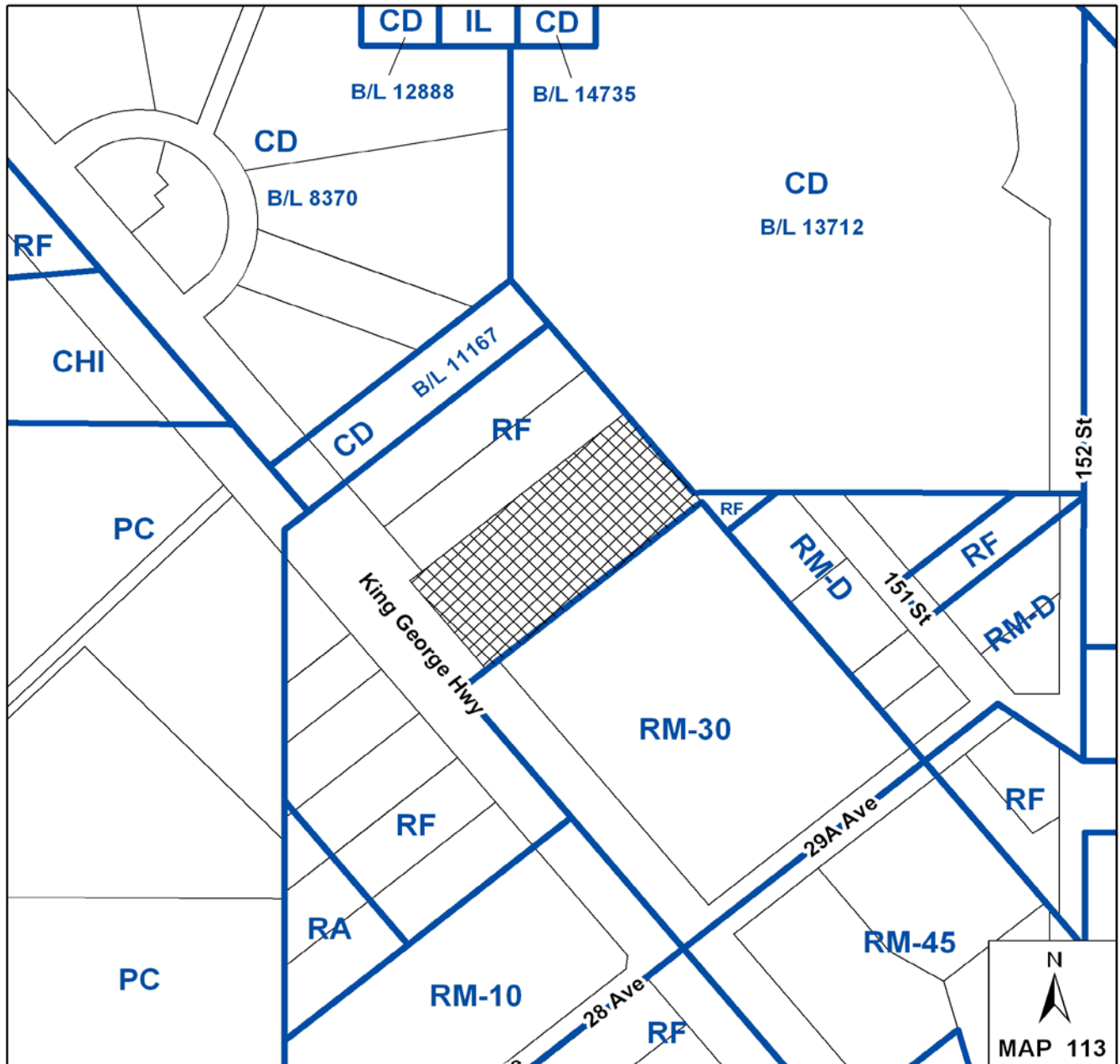


Proposal: Development Variance Permit to vary the rear yard and the side yard setbacks of a four storey mixed-use (commercial/residential) building.

Recommendation: Approval to Proceed to Public Notification

Location: 2950 King George Hwy **Zoning:** RF
OCP Designation: Multiple Residential
LAP Designation: Garden Apts. **Owner:** 0725293 B.C. Ltd.



PROJECT TIMELINE

Completed Application Submission Date: June 26, 2006
Planning Report Date: January 22, 2007
Additional Planning Comments Date: April 16, 2007

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to relax the following by-law regulations:
 - Section F.2 and F.3 of the "Comprehensive Development Zone (CD)" (By-law No. 16247) are varied as follows:
 - the rear yard setback is varied from 6 metres (20 ft.) to 4.67 metres (15.3 ft.) for the principal building, from 6 metres (20 ft.) to 3.6 metres (11.8 ft.) for cantilevered roof overhangs and from 6 metres (20 ft.) to 1.0 metre (3 ft.) for parkade structures; and
 - the side yard setback is varied on one side only from 6 metres (20 ft.) to 5.73 metres (18.8 ft.) for the principal building, and from 6 metres (20 ft.) to 4.48 metres (14.7 ft.) for cantilevered roof overhangs.

in order to accommodate an amended road concept for mixed-use (commercial/residential) complex.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0329-00, (Appendix V) varying the following, to proceed to Public Notification:
 - (a) in Section F.2 of the "Comprehensive Development Zone (CD)" (By-law No. 16247) the minimum rear yard setback is varied from 6 metres (20 ft.) to 4.67 metres (15.3 ft.) for the principal building from 6 metres (20 ft.) to 3.6 metres (11.8 ft.) for cantilevered roof overhangs and from 6 metres (20 ft.) to 1.0 metre (3 ft.) for parkade structures; and
 - (b) in Section F.3 of the "Comprehensive Development Zone (CD)" (By-law No. 16247) the minimum side yard setback is varied on one side only from 6 metres (20 ft.) to 5.73 metres (18.8 ft.) for the principal building, and from 6 metres (20 ft.) to 4.48 metres (14.7 ft.) for cantilevered roof overhangs.

REFERRALS

Engineering: The Engineering Department has requested that an amended road cross-section for King George Highway be implemented for this site (Appendix IV).

DEVELOPMENT CONSIDERATIONS

Background

- On January 22, 2007, Council considered Rezoning and Development Permit applications on the subject site, to allow the development of a four-storey mixed-use commercial/residential building (Project No. 7906-0329-00). The CD By-law No. 16247 (to rezone the subject site) received third reading on February 12, 2007, and the project is presently at Servicing Agreement Stage and is nearing completion (Appendix III). A similar application is also being processed for the development the properties immediately to the north (Project No 7906-0360-00), which is being coordinated with the subject application.
- The proposal presented to Council on January 22, 2007, includes a 7.8-metre (26.6 ft.) piece of land (portion of King George Highway deemed surplus at the time) which was acquired from the City in June 2006.
- However, following completion of preliminary results of a recent transportation study in South Surrey, a new road concept has recently been developed by the Engineering Department to reflect the ultimate future road improvement at that section of King George Highway. The improvements would accommodate a bike lane, rapid bus and adequate boulevards and sidewalks. As a result, no excess land from the King George Highway right-of-way is now available for purchase in the South Surrey area.
- This decision was reached after the applicant has already completed drawings for a Building Permit and site layout based on the setbacks specified in the CD By-law (No. 16247), which included the portion of King George Highway which they purchased in 2006. Consequently, the new road cross-section has been adjusted by moving the sidewalk next to the building, under the arrangement of a right-of-way. There is no Oak tree on this portion of King George Highway.
- To accommodate the additional sidewalk requirement, a Development Variance Permit is required to relax the rear yard setback and one side yard setback and allow the balconies and retaining walls supporting the underground parkade to encroach into the setback area.
- Since this development is being designed comprehensively with the development on the properties to the north (Project No. 7906-0360-00), a similar Development Variance Permit is proposed for that development and is being presented to Council concurrently under a different report.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the rear yard setback requirement described in Section F.2 of CD By-law (No. 16247) from 6 metres (20 ft.) to 4.66 metres (15.3 ft.) for the principal building, from 6 metres (20 ft.) to 3.6 metres (11.8 ft.) for cantilevered roof overhang, and from 6 metres (20 ft.) to 1.0 metre (3 ft.) for structures supporting the underground parkade to structures less than 4.5 metres (14.8 ft.) in height; and

- To vary the side yard setback requirement for one side only for the principal building, described in Section F.3 of the CD By-law (No. 16247) from 6 metres (20 ft.) to 5.73 metres (18.8 ft.) and from 6 metres (20 ft.) to 4.48 metres (14.7 ft.) for cantilevered roof overhangs.

Justification for Variance:

- The rear yard abuts the rear of the South Pointe Shopping Centre to the east, therefore, there are no adjacency concerns.
- The proposed relaxation is necessary as a result of the additional road requirements for King George Highway in order to accommodate the new road cross section.
- The variance does not impact the amended King George Highway Cross Section, including the heritage trees.
- The reduced south side yard setback is very marginal and is of no concern too.
- The applicant has redesigned the front to incorporate the required pedestrian sidewalk along King George Highway in order to accommodate the new road cross-section.

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.	Site Plan
Appendix IV.	Engineering Summary
Appendix V.	Development Variance Permit No. 7906-0329-00

How Yin Leung
Acting General Manager
Planning and Development

AGA/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: Michael Ward
 Address: 1040 West Georgia Street
 Vancouver, B.C.
 V6E 4H1
 Tel: 604-683-1141
 Fax: 604-684-5041

2. Properties involved in the Application

(a) Civic Address: 2950 King George Highway

(b) Civic Address: 2950 King George Highway
 Owner: 0725293 B.C. Ltd., Inc. No. 0725293

Note: Effective November 17, 2006 Company Name Changed to KGH BT Holdings Limited

Director Information:

Andrew J. Bibby
Andrew B. Galbraith
David E. Olson
Rekha S. Patel

Officer Information: (as at May 24, 2006)

William J. Abelmann (Chair)
Michael H. Beattie (Vice President)
Ryan P. Beechinor (Other Offices)
Andrew J. Bibby (President)
Graham W. Drexel (Treasurer)
Rekha S. Patel (Other Offices)
Jean I. Whittet-Brown (Secretary)

PID: 026-725-495
Parcel A Section 22 Township 1 New Westminster District Plan BCP24614

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification for Development Variance Permit No. 7906-0329-00.

CONTOUR MAP FOR SUBJECT SITE

