

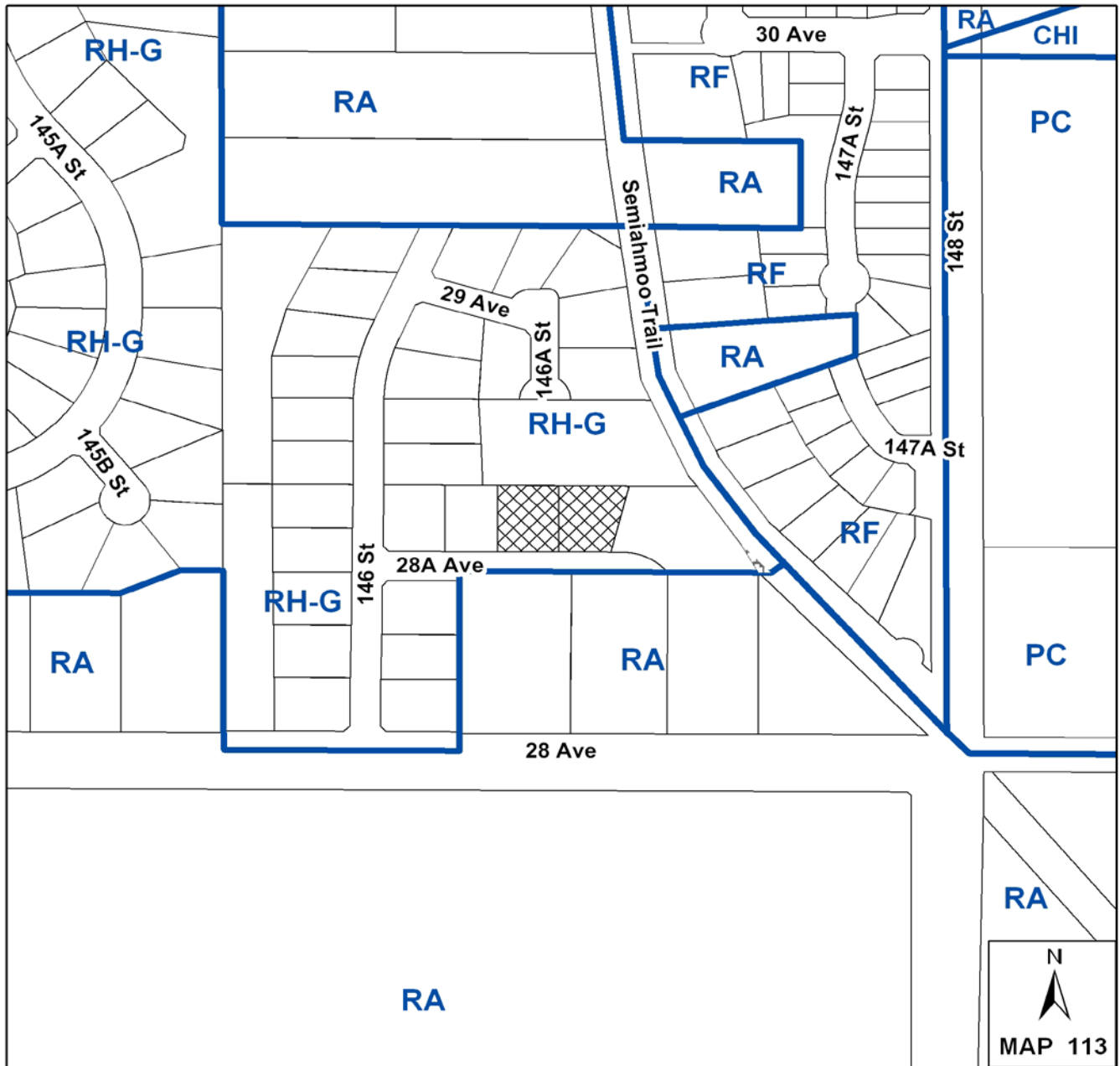
Proposal: To amend the Restrictive Covenant (Building Scheme) to permit in-ground basements on Lots 8 and 9.

Recommendation: Approval to Proceed

Location: 14635 and 14645 - 28A Avenue **Zoning:** RH-G

OCP Designation: Suburban

LAP Designation: Suburban ½ Acre Res. **Owners:** Channy Singh Virk and Tejwant Kaur Virk et al



PROJECT TIMELINE

Completed Application Submission Date: June 30, 2006
Planning Report Date: July 10, 2006

PROPOSAL

The applicant is proposing a Restrictive Covenant (Building Scheme) amendment in order to permit the development of two single family dwellings with in-ground basements.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve an amendment to the approved Restrictive Covenant to amend the Tree Preservation Plan to allow in-ground basements on Lots 8 and 9.
2. Council instruct staff to resolve the following issues prior to approval:
 - (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) the revised Lot Grading Plan is to the satisfaction of City staff; and
 - (c) the revised tree protection plan and replacement tree plan and financial security for replacement trees are acceptable to the City Landscape Architect.

SITE CHARACTERISTICS

- **Existing Land Use** Vacant suburban RH-G zoned lots.
- **Significant Site Attributes** Three mature conifers at 14635 - 28A Avenue proposed to be removed.
- **East:** Single family dwelling, zoned RH-G, designated Suburban in the OCP.
- **South:** Single family lots and dwellings (under Application No. 7906-0092-00), zoned RA, designated Suburban in the OCP.
- **West and North:** Existing dwelling to the north and new homes under construction, zoned RH-G, designated Suburban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the north side of 28A Avenue in South Surrey. It is designated Suburban in the OCP and Half-Acre Gross Density in the Local Area Plan.

Background

- A recently approved development application (File No. 7903-0268-00) to permit a 13 lot subdivision included rezoning of the site from RA to RH-G that was given final adoption on June 20, 2005.
- In conjunction with the subdivision, Building Design Guidelines were prepared and registered on the title of the 13 newly created lots, in the form of a Building Scheme and Restrictive Covenant.
- The applicants request an amendment to the Restrictive Covenant for the Building Scheme to show amendments to the Tree Protection Plan (Appendix IV) and Lot Grading Plan (Appendix V) in order to construct new single family dwellings with in-ground basements.
- The original lot grading plan evaluated at the time that the rezoning application was submitted to Council did not permit in-ground basements for the two lots in questions and did not subsequently anticipate much fill.
- Following approval the rezoning and subdivision application for the subject properties under File No. 7903-0268-00, building permit applications were submitted for single-family dwellings in accordance with the RH-G zoning on the development site at 143635 and 14648 - 28A Avenue. The property owners and their consultants subsequently met with Planning staff to request changes in the Lot Grading Plan and Building Scheme to enable construction of dwellings with in-ground basements.

Lot Grading

- At the time of rezoning approval, the preliminary lot-grading plan submitted to the Planning & Development Department showed less fill on the above lots. Subsequently, during the Servicing Agreement phase of processing the above application, adjustments were required for the lot-grading plan. In response to the Engineering Department's requirements, the storm and sanitary sewers were to be situated in a shallower trench than originally contemplated when the rezoning proposal was submitted to Council. This was required to provide a better sewer gradient along 28A Avenue and to the north on 146 Street to permit adequate servicing of other lots to the north in the Rosenberg (File No. 7903-0269-00) and Gweb (File No. 7903-0469-00) subdivisions. The initial lot grading plan submission had been prepared with the expectation that the sewers would be constructed at a deeper elevation. Consequently, the consulting Engineer requested that more

fill be permitted on the two subject properties to accommodate homes with in-ground basements. This was illustrated on the revised lot-grading plan submitted to the Engineering Department prior to completion of the rezoning by-law (Appendix V).

- The developer contacted the neighbour to the immediate north (Mr. Larry Rosenberg) and received his acknowledgement that the amount of fill proposed for lots 8 and 9 is acceptable to him. The attached elevations drawings on Appendix VI show the relationship between the lots and Ms. Rosenberg's property. Meetings were also held with the owners of the two lots to the immediate west, who concur with the proposal.
- Although the revised lot-grading plan includes more fill than illustrated with the preliminary lot-grading plan, the proposed lot-grading plan is designed to operate in such a manner that it will not pose a drainage concern for the owner of properties to the immediate north. The proposed lot grading plan (Appendix V) has been reviewed by the Building Division and is deemed to be acceptable from a drainage perspective.

Tree Protection

- The Tree Preservation Plan that accompanied the rezoning report to Council illustrated three (3) mature trees on Lot 8 designated for preservation (Appendix IV). In view of the additional fill proposed for Lots 8 and 9 (Appendix V) it became apparent that protection of the three mature trees would not be possible. They would be surrounded by fill, and the probability of their survival, even in a trench setting with drainage would be minimal.
- Recognizing that the three trees originally proposed for retention may not survive due to the required depth of services and placement of additional fill on lot 8, it is recommended that the trees be removed to avoid the future potential that they would die and become a hazard to local residents. To compensate for the removal of these trees, the developer has been required to provide five up-sized replacement trees for Lot 8 and financial securities for these trees.
- The upsized replacement trees are to be in addition to the two regular sized replacement tree proposed in the rezoning of this development site. The Arborist has illustrated appropriate locations for the seven replacement trees proposed for Lot 8. This compensation for the removal of the three mature conifers meets with the satisfaction of the City Landscape Architect.

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.	Subdivision Layout and Elevations
Appendix IV.	Revised Tree Protection Plan and Replacement Tree Plan
Appendix V.	Revised Lot Grading Plan
Appendix VI.	Elevation Plans

INFORMATION AVAILABLE ON FILE

- Arborist Report dated June 30, 2006.
- Tree Preservation and Replacement Plan dated June 30, 2006.
- Lot Grading Plan dated August 2004

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, B.C.
 V3L 5P5
 Tel: 604-525-4651

2. Properties involved in the Application

(a) Civic Address: 14635 and 14645 - 28A Avenue

(b) Civic Address: 14635 - 28A Avenue
 Owner: 0704668 B.C. Ltd., Inc. No. 0704668

Director Information:

John Patrick Coffee
Carol Anne Coffee

Officer Information: (as at September 22, 2005)
No officer information filed.

PID: 026-544-431
Lot 8 Section 22 Township 1 New Westminster District Plan BCP21692

(c) Civic Address: 14645 - 28A Avenue
 Owners: Channy Singh Virk and Tejwant Kaur Virk
 PID: 026-544-440
 Lot 9 Section 22 Township 1 New Westminster District Plan BCP21692

3. Summary

(a) Approve the amended Building Scheme Restrictive Covenant.

CONTOUR MAP FOR SUBJECT SITE

