

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7907-0020-00

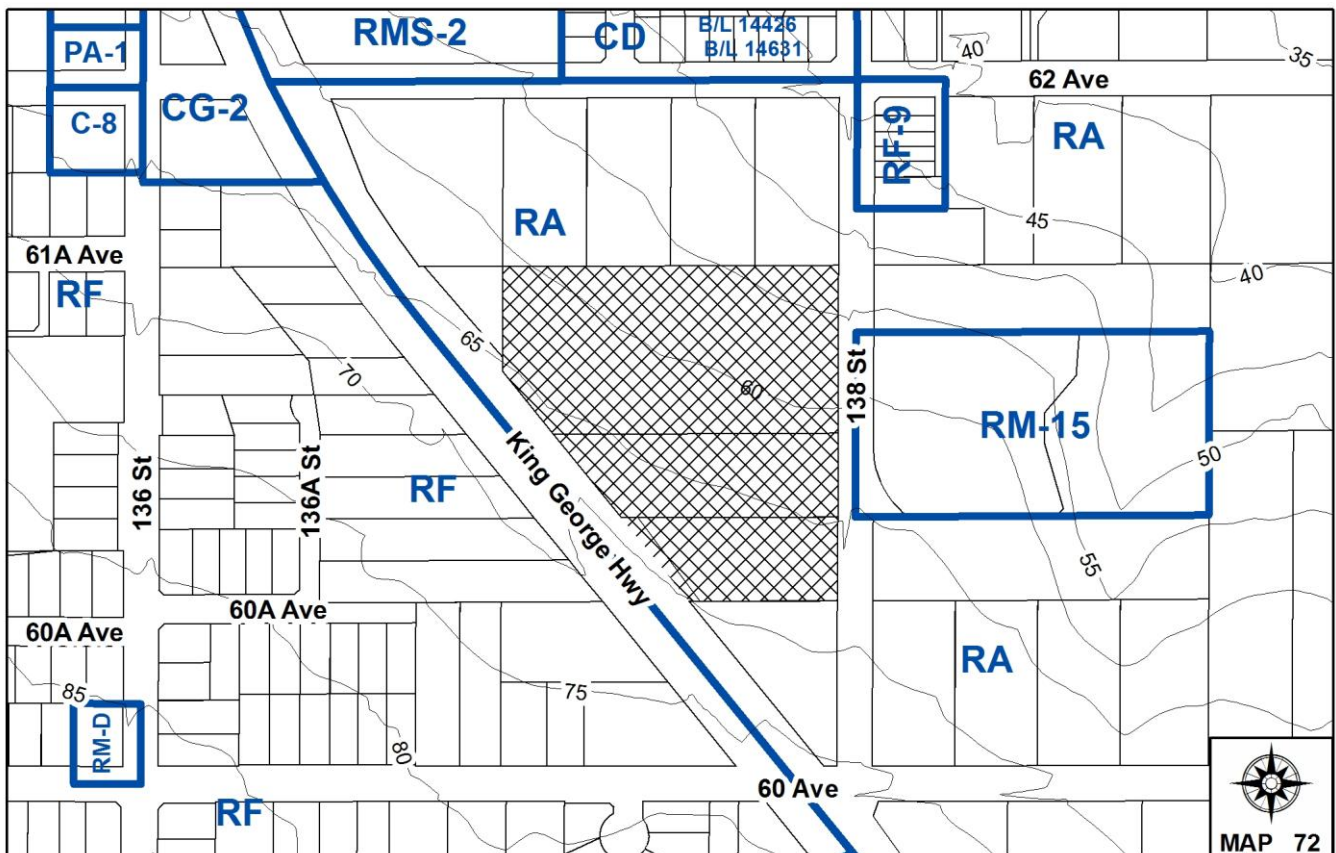
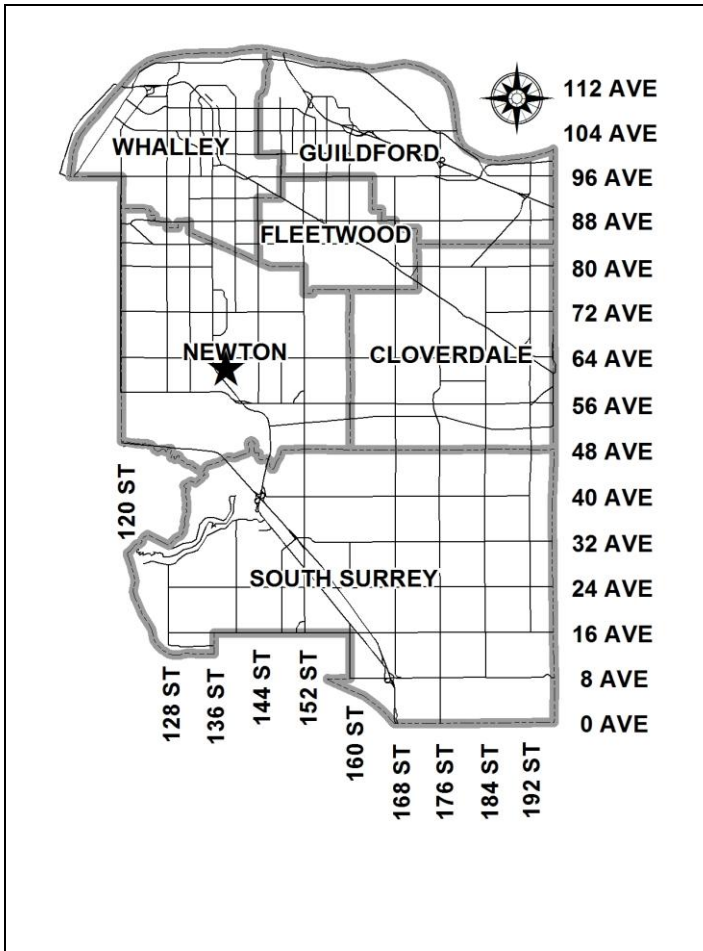
Planning Report Date: December 14, 2009

**PROPOSAL:**

- **NCP Amendment** from Townhouse 15 upa max to Townhouse 25 upa max
- **Rezoning** from RA to RM-30
- **Development Permit**
- **Development Variance Permit**

in order to permit the development of 91 townhouse units and a future apartment housing site.

**LOCATION:** 6109, 6059 and 6089 – 138 Street  
**OWNER:** 0761897 B.C. Ltd. et al  
**ZONING:** RA  
**OCP DESIGNATION:** Urban  
**NCP DESIGNATION:** Townhouse 15 upa max, Creeks and Riparian Setback and Apartments 45 upa max.



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- South Newton NCP Amendment from Townhouse 15 upa maximum to Townhouse 25 upa maximum as part of the 138 Street re-alignment strategy.
- Relax the RM-30 Zone to allow the minimum front yard (138 Street) and the west side yard to be reduced from 7.5 metres (25 ft) to 6 metres (20 ft) and 2 metres (6.6 ft), respectively.

### RATIONALE OF RECOMMENDATION

- The re-alignment of 138 Street has been identified as an important objective in the South Newton NCP in order to help improve the transportation network in this area. To date, the re-alignment has been a significant challenge due to the significant land cost associated with the new road and the extensive land assembly required to achieve the re-alignment. The applicant proposes to provide a financial contribution in order to off-set the future re-alignment of 138 Street and to allow the subject application to proceed in advance of the re-alignment. This approach has been agreed to by other affected property owners in this area.
- The proposed amendment to the South Newton NCP can be considered in order to achieve a more efficient utilization of the subject site and to help off-set the costs of the re-alignment of 138 Street.
- The proposed density and built form are appropriate for this part of South Newton and the proposed design meets the design guidelines of the Development Permit Area.
- The proposed setback variances are a result of the topography and shape of the site, both which restrict the placement of buildings and services.

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 "Multiple Residential 30 Zone (RM-30)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7907-0020-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7907-0020-00, (Appendix VI) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard (138 Street) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 6 metres (20 ft.) for the porch, stairs and entrance only;
  - (b) to reduce the minimum west side yard setback of the RM-30 Zone from 7.5 metres (25 ft.) to 2 metres (6.6 ft.); and
  - (c) to permit tandem parking with one (1) enclosed and one (1) unenclosed parking stall for the 138 Street frontage only.
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 including dedication of riparian land to the City to the satisfaction of the Approving Officer;
  - (c) approval from the Ministry of Transportation and Infrastructure;
  - (d) input from Senior Government Environmental Agencies;
  - (e) submission of a tree survey, arborist report, landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (f) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
  - (g) registration of a Section 219 Restrictive Covenant to specifically identify the allowable tandem parking arrangement and to prohibit the conversion of the tandem parking spaces into livable space;
  - (h) registration of a Section 219 Restrictive Covenant for "no build" on a portion of the lands designated Apartment (45 upa max) until future consolidation with the adjacent properties (6130 and 6140 King George Highway and 13724 and 13732 - 62 Avenue);

- (i) the applicant address the 138 Street realignment proposed; and
  - (j) the applicant submits a lot grading plan for the subject site to the satisfaction of the Planning & Development Department.
5. Council pass a resolution to amend the South Newton NCP to redesignate the lands from Townhouse 15 upa max. to Townhouse 25 upa max. 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:**  
 11 Elementary students at McLeod Elementary School  
 6 Secondary students at Sullivan Heights Secondary School

**Parks, Recreation & Culture:** No concerns. The applicant is required to dedicate the riparian area to the City as parkland and to pay the community amenity fees in keeping with the South Newton NCP. The applicant is also required to enter into a Habitat License Agreement for the maintenance of the replanted areas within the riparian area.

**Fisheries and Oceans Canada (DFO):** DFO has agreed to a reduced riparian setback from the Class A Tributary of the Hyland Creek from the required 30 metres (100 ft.) from top-of-bank to 20 metres (66 ft.) from top-of-bank provided that the land is dedicated to the City as parkland. The applicant is also required to remove the culvert in the riparian area, replant all disturbed areas and ensure bank stability in the channel.

**Ministry of Transportation & Infrastructure (MOTI):** No concerns with this proposal.

**SITE CHARACTERISTICS**

**Existing Land Use:** Existing single family homes on treed sites with a watercourse running through the middle of the sites.

**Adjacent Area:**

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family homes on treed sites.	Urban/Townhouse 15 upa max. and Creeks and Riparian Setback	RA

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East (Across 138 Street):	48-unit townhouse development (approved under File No. 7903-0371-00) and single family homes.	Urban/Townhouse 15 upa max. and Creeks and Riparian Setback	RA and RM-15
South:	Single family homes on treed sites.	Urban/Townhouse 15 upa max.	RA
West (Across King George Boulevard):	Single family homes on treed sites.	Urban/Urban Residential	RF

### DEVELOPMENT CONSIDERATIONS

- The subject site is currently zoned "One-Acre Residential Zone (RA)" and designated "Townhouse 15 units per acre (upa) maximum", "Creeks and Riparian Setback" and "Apartments 45 upa maximum" in the South Newton Neighbourhood Concept Plan (NCP). The applicant proposes to rezone a portion of the subject site to "Multiple Residential 30 Zone (RM-30)" and to amend the South Newton NCP to permit "Townhouses 25 upa maximum". The portion of the site that is designated for "Apartments 45 upa maximum" will retain the current zoning until such time as the land is consolidated with the neighbouring properties (6130 and 6140 King George Boulevard and 13724 and 13732-62 Avenue) and an application for development comes forward.

#### Justification for NCP Amendment:

- The proposed amendment to the South Newton NCP can be considered in order to achieve a more efficient utilization of the subject site and to help off-set the costs of the re-alignment of 138 Street.
- As part of this application, the applicant is required to dedicate 6,388 sq.m. (68,765 sq.ft.) of riparian land to the City for the protection of the watercourse on the subject site. This requirement substantially reduces the amount of land available for development and therefore the proposed amendment to the NCP will help maintain the development potential of the subject site while at the same time allowing for the dedication of riparian area to the City. The proposed development will still maintain the same form of development, being ground oriented townhouse units and therefore will maintain the intent of the townhouse designation in the NCP.
- The South Newton NCP requires that lands in this quadrant be assembled and synchronized to ensure that the re-alignment of 138 Street is achieved in a coordinated manner. The applicant has volunteered to submit a financial contribution to address the requirements of the NCP and to allow this development application to proceed in advance of the 138 Street re-alignment. The financial contribution will help off-set the future cost of the 138 Street, thus addressing the South Newton NCP requirement to re-align the road.

Proposed Townhouse Development:

- The subject proposal consists of ninety-one (91), 2 and 3-bedroom units in a row-house format with at-grade parking in a tandem arrangement. The units range in size from 134 sq.m. (1,438 sq.ft.) to 163 sq.m. (1,759 sq.ft.), with a total floor area of 13,111 sq.m. (141,128 sq.ft.).
- The proposed density of 22 upa is consistent with the proposed amendment to the South Newton NCP that would permit a maximum density of 25 upa.
- The subject site conforms to the lot area, lot width and lot depth requirements of the RM-30 Zone. The proposed Floor Area Ratio (FAR) of 0.79 and Lot Coverage of 36% conforms to the requirements of the RM-30 Zone.
- The development includes a total of 200 parking stalls (182 parking stalls for residents and 18 visitor parking stalls). This meets the parking requirements of the Surrey Zoning By-law.
- The tandem parking stalls arrangement will be governed by a Section 219 Restrictive Covenant that will be registered on title to prohibit the conversion of tandem parking stalls into habitable space.
- The development proposes 273 sq.m. (2,939 sq.ft.) of indoor amenity space, which consists of a two storey indoor amenity building with an exercise room, multi-purpose room with a kitchen, a lounge and a guest suite. This meets the requirements of the RM-30 Zone requiring 3 sq.m. (32 sq.ft.) of indoor amenity space per dwelling unit. The indoor amenity building will be surrounded by a wood deck and existing mature trees that are proposed to be retained.
- The development proposes 1,057 sq.m. (11,378 sq.ft.) of outdoor amenity space, which consists of protected tree areas and meandering trails. This exceeds the requirement of the RM-30 Zone requiring 3 sq. m. (32 sq. ft.) of outdoor amenity space per dwelling unit. The outdoor amenity area has been designed to take advantage of the tree preservation on the site.

Vehicular Access:

- Road dedication is required along King George Boulevard, ranging between 3.7 metres (12 ft.) and 9.5 metres (31 ft). No road dedication is required along 138 Street. The applicant will be required to construct 138 Street to a through local standard with this development application.
- The subject site will obtain one vehicular access from 138 Street. No vehicular access is permitted from King George Boulevard. The access to 138 Street is planned to match up with the existing access to the townhouse development across the street in order to minimize potential vehicular conflicts when entering the site. A secondary access to 138 Street was contemplated with this application and it was determined that a secondary access would create undue glare from headlights to townhouse units across 138 Street.
- The internal circulation of the subject site meets the requirements of the Fire Department and is planned to allow for maximum surveillance of the complex in accordance with Crime Prevention Through Environmental Design (CPTED) principles by providing clear visibility of all vehicular routes throughout the site.

138 Street Re-alignment:

- The South Newton NCP identifies a need to consolidate and coordinate development in the area bounded by 62 Avenue to the north, 60 Avenue to the south, King George Boulevard to the east and a watercourse to the west in order to achieve the re-alignment of 138 Street. Due to challenges in assembling the land, several land owners have proposed a coordinated approach, which has been discussed with all the property owners in this quadrant. The land owners have agreed to submit a financial contribution to address the NCP requirement, and to allow their applications to proceed to Council. The financial contributions will off-set the future cost of the new road, and the contribution is expected to be approximately \$50,000 per developable area.

Tree Preservation and Landscaping:

- Peter Mennel of Mike Fadum and Associated Ltd. prepared an Arborist Assessment for the subject property. The Arborist Assessment states that there are a total of 153 protected trees on the subject site. Trees located in the riparian area that will be dedicated to the City as parkland will remain undisturbed and therefore were not included in the arborist assessment. The following table provides the breakdown by tree species:

**Table 1: Tree Preservation by Species:**

Tree Species	Total Number of Trees	Total Proposed for Retention	Total Proposed for Removal
Red Alder & Cottenwood	74	0	74
Crabapple	3	0	3
Paper Birch	4	0	4
Western Red Cedar	24	9	15
Cherry	5	0	5
Falsecypress	1	0	1
Douglas Fir	12	0	12
Hemlock	3	0	3
Western Larch	2	2	0
Linden	2	2	0
Bigleaf Maple	13	1	12
Norway Maple	1	0	1
Oak	1	0	1
Dawn Redwood	1	1	0
Giant Sequoia	2	2	0
Spruce	4	0	4
Walnut	1	1	0
<b>Total</b>	<b>153</b>	<b>18</b>	<b>135</b>

- A total of ninety-nine (99) trees, representing 65% of all the trees on the subject site are non-retainable species consisting of Alder, Birch, Cottenwood, Crabapple, Cherry and Maple Trees. The remaining fifty-four (54) trees were assessed individually and it was determined that only eighteen (18) of these trees are good quality and worthy of retention. These good quality trees mostly consist of very large Western Red Cedar and Giant Sequoia trees. It was found that the remaining trees could not be retained because of their proximity to underground services and significant re-grading of the site.

- The applicant has proposed to replant 212 trees on the subject site. This meets the City's requirements for tree replacement (based on a two to one replacement for coniferous trees and a replacement of one to one for deciduous trees). The new trees on the site will consist of a variety of trees including Maple, Katsura, Cypress, Dogwood, Beech, Spruce, and Pine trees. The tree planting will be complemented by a variety of ground cover including shrubs, grasses and perennials.

### PRE-NOTIFICATION

- Pre-notification letters were sent on August 19, 2009 to 144 households within 100 m (328 ft) of the subject site and staff received four comments as a result of the notification. Three (3) callers requested information concerning 138 Street and one (1) caller opposed townhouses development on the site.

*(Information concerning 138 Street is provided in detail below. Staff responded to the caller opposed to townhouse development on the subject site by indicating that the subject site has been designated for townhouse development since 2005 by the adoption of the South Newton NCP in this neighbourhood.)*

- A joint Public Information Meeting with another adjacent townhouse application at 13844, 13868 and 13888-62 Avenue (File No. 7907-0135-00) was held on Monday, November 9, 2009 to obtain more detailed input from area residents with respect to the proposed applications and the proposed amendments to the South Newton NCP. Sixteen (16) residents attended this meeting. Several of the residents requested the following information concerning 138 Street:

- Why was 138 Street closed at 60 Avenue? And was there public consultation?

*(City Engineering staff closed 138 Street at the intersection of 60 Avenue a few years ago in conjunction with the widening of King George Boulevard. The Engineering Department assessed this intersection and determined that it needed to be closed due to extreme safety concerns. In accordance with City Policy, prior to the approval of all arterial road projects, including the widening of King George Boulevard, an extensive public consultation process was completed. The closure of 138 Street at 60 Avenue was taken through this consultation process and was endorsed by City Council.)*

- Can 138 Street be temporarily re-opened at 60 Avenue for construction traffic to reduce the congestion on 62 Avenue?

*(Due to extreme safety concerns, City Engineering staff have determined that 138 Street cannot be re-opened even on a limited basis.)*

- Is it safe for emergency vehicles to access the proposed developments from only 62 Avenue?

*(Prior to the closure of 138 Street at 60 Avenue, the City's Fire and Engineering Departments confirmed that the proposed access from 62 Avenue is adequate for emergency vehicle access for developments on 138 Street.)*



- Requests the City not to approve any townhouse developments until 138 Street is completely open between 62 Avenue and 60 Avenue.

*(The City's Planning and Engineering Departments have been exploring options to address the construction of 138 Street. This development will assist in the future re-alignment by providing a financial contribution to off-set future road costs.)*

- How does the City control dust from trucks during construction?

*(The Engineering Department has indicated that they will specify dust control measures in the Servicing Agreement for the development application.)*

### DESIGN PROPOSAL AND REVIEW

- This application was not referred to the Advisory Design Panel (ADP), but was reviewed by City Staff and found to be satisfactory by the Acting City Architect and the City Landscape Architect. The proposed development was evaluated based on compliance with the design guidelines in the Official Community Plan (OCP) and the South Newton NCP.
- The proposed townhouse units are designed with high quality design features envisioned for the area. The townhouses adjacent to 138 Street are street-oriented with direct and individual entrances and walkways to the street. The entry doors are designed to create visual interest and each townhouse unit on 138 Street will have a porch facing the street. Overall, the streetscape will create a pedestrian friendly and visually pleasant environment in accordance with CPTED principles. By providing eyes on the street, the orientation of these townhouses allows for natural surveillance of the neighbourhood.
- Two colour schemes are proposed: Light Brown/Grey and Dark Brown/Beige. Each colour scheme is proposed to contain a number of complementary colours including different shades of brown, grey and beige. These colour schemes and variety of colours will provide distinction to each respective townhouse unit block and will also act as a way finding aid for visitors and residents.
- All of the buildings will be constructed using asphalt shingles as the roofing material, and a combination of vinyl cedar siding, vinyl board and batten siding and wood trim as the primary cladding material.
- Pedestrian safety on the site will be enhanced by the careful placement of stamped concrete at the entrance to the development and throughout the drive aisle. The stamped concrete will break up the massing of the asphalt drive aisle and will act as a passive traffic calming measure by deterring speeding along the internal drive aisle. There will also be a sense of openness, a lot of visibility and various low level plants throughout the site.

BY-LAW VARIANCE AND JUSTIFICATION

## (a) Requested Variance:

- To reduce the minimum front yard (138 Street) setback of the RM-30 Zone from 7.5 m (25 ft) to 6 m (20 ft) for the porch, stairs and entrance only.

## Justification for Variance:

- The proposed reduced front yard setback is required as a result of the significant slope of the site restricting the placement of the buildings and services. The applicant has confirmed that the affected units will have functional and liveable yards, and the units will address the street.

## (b) Requested Variance:

- To reduce the minimum west side yard setback of the RM-30 Zone from 7.5 m (25 ft) to 2 m (6.6 ft).

## Justification for Variance:

- The applicant is required to dedicate the riparian area of the Class A watercourse to the City as parkland as part of this application. As a result, a new property boundary, varying between 2 metres (6.6 ft) and 6 metres (20 ft) from the nearest dwelling units is created. The proposed variance will maintain the development potential of the subject site while at the same time allowing for the dedication of riparian area to the City.
- The proposed setback variance of 2m (6.6 ft) is to the sides of the units and therefore will not impact the functional outdoor space for these units. For the other units, the applicant has confirmed that the proposed setback of 6 metres (20 ft) will still allow for functional yards.

## (c) Requested Variance:

- To permit tandem parking with one (1) enclosed and one (1) unenclosed parking stall for the 138 Street frontage only.

## Justification for Variance:

- In the RM-30 Zone, the Zoning By-law requires that when parking stalls are provided in a tandem arrangement that they are both enclosed. With this proposal, in order to create a more pedestrian friendly street presence on 138 Street, a front room has been added to the units facing 138 Street. This front room will provide for natural surveillance of the street from the units fronting onto 138 Street. In order to provide both a front room and a functional floor layout, the second parking stall can no longer be enclosed and a development variance is required to permit one enclosed and one unenclosed parking stall.
- The proposed variance affects only the units facing 138 Street and is required to create a more pedestrian friendly street presence.

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 Site Plan, Building Elevations, Landscape Plans and Perspective
- Appendix III. Engineering Summary
- Appendix IV. Summary of Tree Survey and Tree Preservation
- Appendix V. Proposed South Newton NCP Amendment
- Appendix VI. Development Variance Permit No. 7907-0020-00

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Planning and Development

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3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone 6009 and 6089 – 138 Street and a portion of 6109 – 138 Street and a portion of road allowances.
- (b) Application is under the jurisdiction of MOTI.  
MOTI File No. 2009-06330
- (c) Proceed with Public Notification for Development Variance Permit No. 7907-0020-00.

## DEVELOPMENT DATA SHEET

Proposed Zoning: RM-30

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		29,061 sq.m.
Road Widening area		682 sq.m.
Park Dedication		6,388 sq.m.
Future Apartment Housing Site		5,377 sq.m.
Net Total		16,614 sq.m.
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	45%	36%
SETBACKS ( in metres)		
Front #1 (138 Street)	7.5 m	6.0 m to the porch 7.5 m to the bldg. face
Side #1 (West)	7.5 m	2.0 m
Side #2 (North)	7.5 m	7.5 m
Side #3 (South)	7.5 m	7.5 m
Front #2 (King George Highway)	7.5 m	12 m
BUILDING HEIGHT (in metres/storeys)		
Principal	13 m	11 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		1
Three Bedroom +		90
Total		91
FLOOR AREA: Residential		13,111 sq.m.
FLOOR AREA: Commercial		
Retail		
Office		
Total	n/a	n/a
FLOOR AREA: Industrial	n/a	n/a
FLOOR AREA: Institutional	n/a	n/a
TOTAL BUILDING FLOOR AREA		13,111 sq.m.

*\* 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)	30 upa/75 upha	22 upa/55 upa
FAR (gross)		
FAR (net)	0.90	0.79
AMENITY SPACE (area in square metres)		
Indoor	273 sq.m.	273 sq.m.
Outdoor	273 sq.m.	1,334 sq.m.
PARKING (number of stalls)	n/a	n/a
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed	182	182
Residential Visitors	18.2	18
Institutional	n/a	n/a
Total Number of Parking Spaces	200	200
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	NO	Tree Survey/Assessment Provided	YES
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