

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0021-00

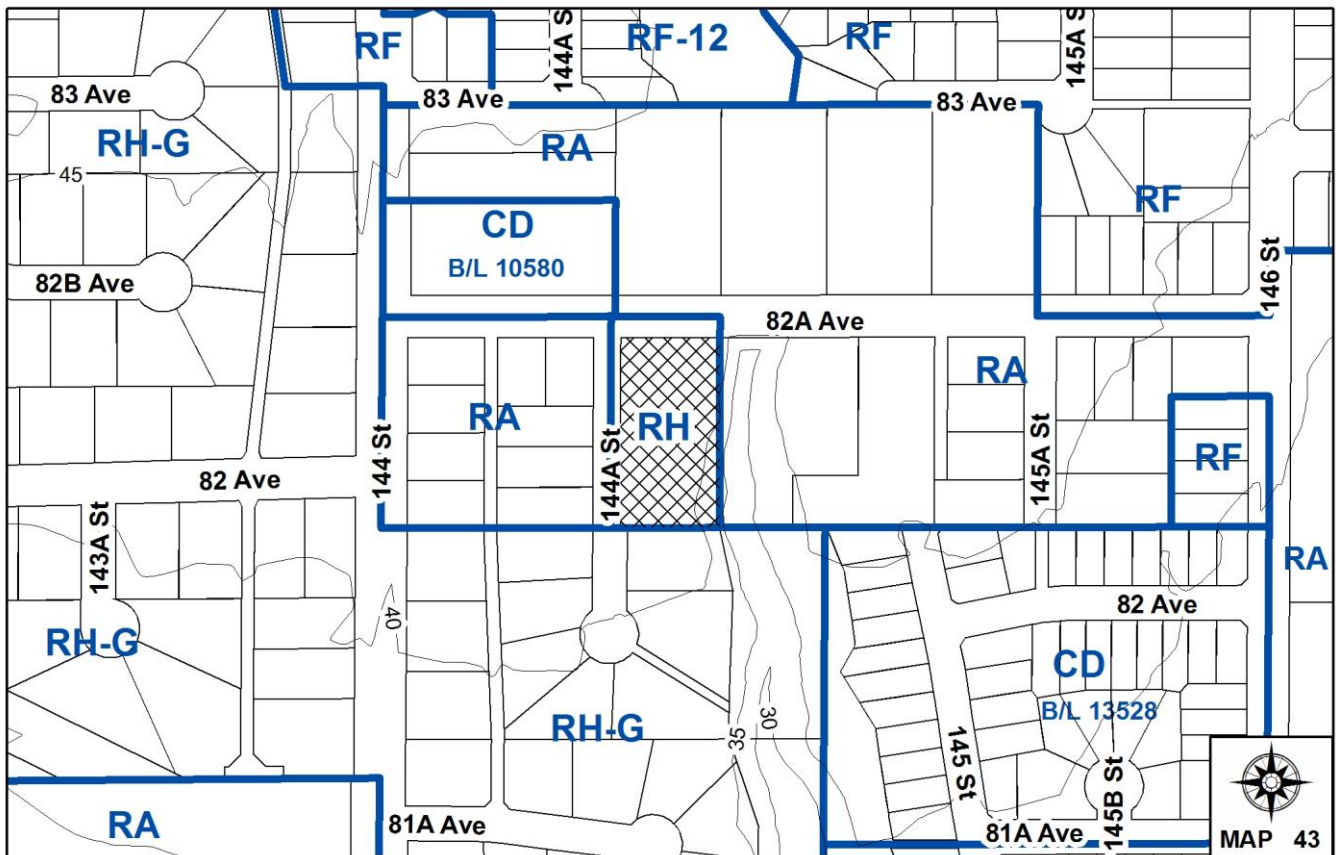
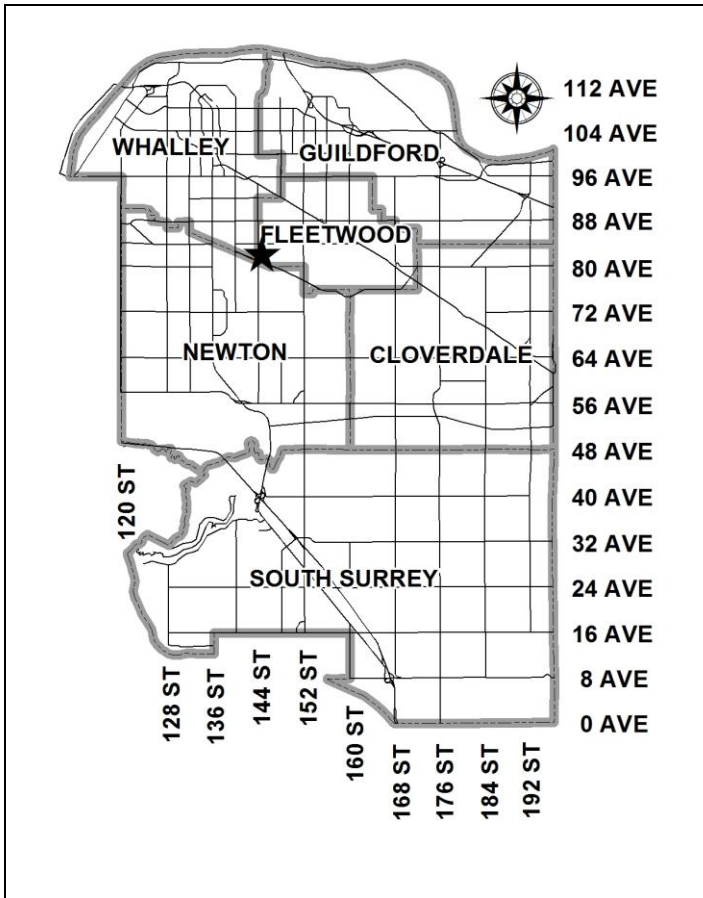
Planning Report Date: March 1, 2010

PROPOSAL:

- **OCP Amendment** from Suburban to Urban
- **Rezoning** from RH to RF

in order to allow subdivision into five (5) single family residential lots and open space to protect the riparian area.

LOCATION: 14458 – 82A Avenue
OWNER: Billkang Investment Ltd.
ZONING: RH
OCP DESIGNATION: Suburban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - OCP Amendment; and
 - Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal requires an OCP Amendment to redesignate the subject property from Suburban to Urban.

RATIONALE OF RECOMMENDATION

- Proposed lot widths are similar to existing lots across 144A Street.
- The applicant will provide a community benefit contribution for the proposed OCP Amendment.
- The applicant has demonstrated some community support for the proposal.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by redesignating the subject site from Suburban to Urban and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. a By-law be introduced to rezone the subject site from "Half-Acre Residential Zone (RH)" (By-law No. 12000) to "Single Family Residential Zone (RF)" (By-law No. 12000) and a date be set for Public Hearing.
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) the applicant address the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture;
 - (e) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
 - (f) registration of a Section 219 "No Build" Restrictive Covenant to protect the western portion of the riparian setback area located along the rear yards of the five (5) proposed lots; and
 - (g) provision of community benefit to satisfy the OCP Amendment policy for Type 2 OCP amendment applications.

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 Janice Churchill Elementary School 1 Secondary student at Enver Creek Secondary School (Appendix IV)
Parks, Recreation & Culture:	Parks strongly recommends full dedication of the riparian area to fulfill the 5% parkland requirement, as it is contiguous with parkland to the south, and to ensure the best stewardship of the riparian area. Parks also has some concerns about the pressure this project will place on existing parks, recreation and cultural facilities in the neighbourhood. The applicant should meet with staff representatives to resolve these concerns.
Department of Fisheries and Oceans (DFO):	The applicant's proposal to provide an average 15-metre from top-of-bank setback to protect Enver Creek was considered at the March 19, 2008 Environmental Review Committee (ERC) meeting. At the time, DFO had no objection to the proposal subject to the protection of the riparian area through parkland dedication. However, DFO has since stated in an e-mail dated October 8, 2009, that they will not object if alternative measures are used to protect the riparian area (i.e. a "no-build" Restrictive Covenant).

SITE CHARACTERISTICS

Existing Land Use: One-acre residential lot with an existing single-family dwelling, which will be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 82A Avenue):	Acreage suburban lots and a gas station/convenience store site with an in-process Development Application No. 7909-0217-00, currently Pre-Council.	Suburban	RA and CD (By-law No. 10580)
East:	Enver Creek and acreage and undersized Suburban residential lots.	Suburban	RA
South:	Suburban residential lots with single family dwellings.	Suburban	RH-G
West (Across 144A Street):	Under-sized RA lots with single family dwellings.	Suburban	RA

JUSTIFICATION FOR PLAN AMENDMENT

- The proposed Official Community Plan (OCP) amendment from Suburban to Urban is consistent with development in the general area. The properties to the north and east of the subject site were re-designated Urban and rezoned from RA, RS and A-1 to RF, RF-12 and CD (By-law No. 13528) based on RF-G under Development Application Nos. 7996-0097-00, 7996-0098-00 and 7996-0094-00.
- Future OCP Amendments from Suburban to Urban may be proposed for the properties to the north (across 82A Avenue) and to the east (just beyond Enver Creek). The current proposal is in keeping with the changing pattern of development in the area.
- The creation of 4 lots on this 1 acre site would not require an OCP amendment; with 4 units per acre (u.p.a.) falling within the maximum 4 u.p.a. allowed in the Suburban designation for sites a minimum of 200 metres (650 ft.) from the edge of the Agricultural Land Reserve (ALR). However, the applicant has consistently pursued the creation of 5 lots and the protection of all or a portion of the riparian area through a no-build Restrictive Covenant.
- The applicant is proposing a Type 2 Official Community Plan (OCP) amendment from Suburban to Urban (Appendix VII). A Type 2 Amendment requires the applicant to demonstrate significant community benefit to alleviate any additional pressure placed in the area, as a result of the proposed development.
- The applicant has agreed to provide a voluntary community benefit contribution for the 5 proposed urban single-family lots in the amount of \$4,500 per lot for a total of \$22,500. This contribution will be collected prior to the project being considered for Final Adoption.
- Although the applicant has been unable to gain support from the majority of nearby property owners, given the context of this site, with under-sized RA lots to the west, and small lot subdivisions to the north and east, there is sufficient rationale in moving forward to a Public Hearing.
- The five (5) lots created under the proposed subdivision will front four (4) existing lots across 144A Street. The lot widths for three (3) of the existing lots are comparable to the proposed five (5) lots. The lot width of the remaining property is significantly greater, however, the lot fronts 82A Avenue, not 144A Street.
- Staff acknowledge that the subject site is constrained due to the abutting creek to the east. However, the current proposal allows development of the land in an efficient manner without being out of the context with the adjacent area.

DEVELOPMENT CONSIDERATIONS

Background

- The owners have submitted an application for the following:
 - OCP Amendment to re-designate the subject property from Suburban to Urban;
 - Rezoning from Half-Acre Residential (RH) to Single Family Residential (RF); and
 - Subdivision into five (5) lots.
- The subject property is situated at 14458 – 82A Avenue and encompasses a site area of 0.42 hectare (1.05 acres). The property is zoned Half-Acre Residential (RH) and designated Suburban in the Official Community Plan (OCP). An existing single family dwelling is located at the northwest corner of the subject property, which will be removed as result of the proposed subdivision.
- The subject property is located within a neighbourhood of Suburban-designated lots, with existing, under-sized RA lots directly west of the subject site. A number of properties further to the north and east have been re-designated to Urban for single family residential lots. It is anticipated that other OCP amendment applications to redesignate additional properties in the area from Suburban to Urban for single family developments will be submitted in the future.
- Staff have been working with the applicant for some time, trying to address the concerns raised by nearby property owners regarding the proposed number of lots (5) as well as DFO and staff concerns regarding adequate protection of the riparian area.
- A red-coded, fish-bearing watercourse (Enver Creek) is located on the abutting property to the east. A 15-metre (50 ft.) riparian area setback from the top-of-bank is required to protect the watercourse. Typically, the Department of Fisheries and Oceans (DFO) requires the applicant to fulfill watercourse protection by means of parkland dedication, as it results in greater stewardship of the riparian area. However, following the applicant's more recent discussions with DFO, DFO has stated that they would not object if the applicant wishes to protect the riparian area by means of a Restrictive Covenant.

Proposed Subdivision Layout

- The applicant proposes five (5) RF lots fronting 144A Street. Four (4) of the proposed lots will be 573.1 m² (6,168 ft²) in size, while the remaining corner lot will be 584.5 m² (6,290 ft²). The minimum lot size in the RF Zone is 560 m² (6,000 sq.ft.). Existing properties directly to the east across 144A Street are under-sized RA lots ranging in size from 744.7 to 881.6 m² (8,015 to 9,490 ft²). The five (5) proposed lots are smaller than the lots across the street; however, a significant portion adjacent to the east (rear) property line of the subject site will be dedicated as parkland to protect the riparian area.
- Although Parks, Recreation and Culture staff prefer parkland dedication to protect the entire riparian area, based on DFO's latest position, the proposed combination of dedication and no-build Restrictive Covenant is acceptable.

- Frontage widths for the five (5) proposed lots will be approximately 18.0 to 18.5 metres (59.0 to 60.5 ft). The three (3) existing RA-zoned properties directly across 144A Street have lot widths of 19.3 metres (63 ft). Therefore, the proposed lot widths are comparable to the existing properties directly to the west.
- The applicant proposes to protect the riparian area with a combination of a Restrictive Covenant and parkland dedication. A Section 219 No-Build Restrictive Covenant will be registered along a 4.15-metre (13.5 ft) x 90.5-metre (297 ft) strip of land along the eastern property line of the proposed lots. An additional 12-metre (40 ft) x 90.5-metre (297 ft) portion of the site will be dedicated to the City as parkland to protect the riparian area. The land to be dedicated equates to 1,086 m² (11,690 ft²) or approximately 25% of the gross area of the subject property. In total, the applicant has proposed to protect nearly 35% of the subject site through parkland dedication and a No-Build Restrictive Covenant (Appendix II).
- The applicant proposes to utilize the combination of a No-Build Restrictive Covenant and parkland dedication, as opposed to full dedication, in order to create lots that satisfy the requirements of the RF Zone in terms of lot depth and lot area. By using the combination of a Restrictive Covenant and parkland dedication, the proposed lots range in size from 573.1 m² (6,168 ft²) to 584.5 m² (6,290 ft²) allowing for the construction of larger houses on the proposed lots, which are more compatible with the existing dwellings in the neighbourhood.
- The existing RH-G-zoned properties to the south were created in 1989 as part of a 10-lot subdivision. Approximately 0.45 hectare (1.1 acres) of the original site (22.5%) was dedicated to the City as parkland to protect the riparian area. Additionally, No-Build Restrictive Covenants were registered on portions of Lots 8, 9 and 10 along the rear property lines to protect the creek. The owners of the current development application propose a similar method to protect the riparian area.
- The Environmental Review Committee (ERC) reviewed the proposal on March 19, 2008, and accepted the 15-metre (50 ft.) average riparian setback, which proposes a net gain of 0.4 m² (4.5 ft²) of protected land. Permanent fencing will be installed between the property line and the parkland to the satisfaction of the Parks, Recreation & Culture Department.

Neighbourhood Character Study and Building Scheme

- Apex Design Group Inc. prepared the Neighbourhood Character Study and Building Scheme. The character study involved reviewing a number of existing homes in the neighbourhood in order to establish suitable design guidelines for the proposed subdivision. A summary of the design guidelines is attached (Appendix V).
- Basement-entry homes and secondary suites will not be permitted.

Lot Grading and Tree Preservation

- Preliminary lot grading plans were prepared and submitted by Coastland Engineering and Surveying Ltd. The plans were reviewed by staff and generally found acceptable.
- The applicant proposes in-ground basements on all of the lots with minimal fill. However, final confirmation on whether in-ground basements are achievable will be determined once final Engineering drawings have been reviewed and accepted by the City's Engineering Department.

- Mike Fadum and Associates Ltd. prepared the Arborist Report and Tree Preservation / Replacement Plans. They have been reviewed by City staff and the applicant must make some minor revisions to the arborist report and tree plans prior to consideration of Final Adoption.
- The chart below provides a summary of the tree retention and removal by species for the portion of the site not within the proposed parkland:

Tree Species	Total No. of Trees	Total Proposed for Retention	Total Proposed for Removal
Alder, Red	4	0	4
Ash, Mountain	1	1	0
Cottonwood, Black	2	0	2
Holly	1	1	0
Maple, Bigleaf	1	0	1
TOTAL	9	2	7

- According to the tree summary, nine (9) trees are identified on the developable portion of the subject site. The applicant proposes to remove seven (7) of the trees and retain the remaining two (2) trees. Most of the trees proposed for removal are ones that are in poor condition or within the proposed building envelope. The applicant is proposing 15 replacement trees, which satisfies the 10 replacement trees that are required in accordance to the Tree Protection By-law (No. 16100).
- An additional 11 trees are located within the proposed park. These trees will be retained.

PRE-NOTIFICATION

Pre-notification letters were sent out on October 29, 2007 and staff received a number of comments from area residents regarding the current application.

- A number of telephone calls and letters of concern were received from neighbours opposing the proposal due to the following reasons:
 - Concerned that the proposed subdivision will change the character of the neighbourhood.

(The lot areas of the five proposed lots are smaller than the existing properties to the west across 144A Street; however, the lot areas do not include the riparian protection area to be dedicated to the City as parkland. Approximately 1,085 m² (11,690 ft²) of the subject site will be left in its original state to protect the creek. Proposed lot widths are similar to existing lot widths across 144A Street.)

- The proposed subdivision will create too many lots and secondary suites, and cause a significant parking problem in the area.

(The proposed subdivision will create five lots under the RF Zone, which does not allow secondary suites. The proposed development will comply with the parking requirements within the Zoning By-law.)

- The creek is an environmentally sensitive area, and should be fully protected with fencing.

(The applicant proposes to dedicate approximately 1,086 m² (11,690 ft²) of the subject site to the City as parkland, while an additional 375 m² (4,035 ft²) will be protected with a No-Build Restrictive Covenant. This equates to nearly 35% of the subject site. The applicant is required to install standard permanent fencing to protect the riparian area.)

- Sidewalks are needed to provide adequate pedestrian connections.

(The applicant will be required to provide road dedication and monies to widen the street and install the sidewalk and lighting along the perimeter of the site to the satisfaction of the Engineering Department).

- The applicant submitted letters of support from a number of property owners in the area. Some of the letters of support were submitted with the application, prior to the pre-notification process, but the majority were submitted after the pre-notification letters were sent. Supporters in the immediate area are marked with a circle and those opposed are marked with a star on the map attached as Appendix VIII.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

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.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Summary of Tree Survey and Tree Preservation
Appendix VII.	OCP Redesignation Map
Appendix VIII.	Supporters and Non-Supporters Map

Jean Lamontagne
General Manager
Planning and Development

DN/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: Bob Cheema
 Address: Unit #1, 5730 Carnarvon Street
 Vancouver, BC
 V6N 4E7
 Tel: 604-649-3500

2. Properties involved in the Application
 - (a) Civic Addresses: 14458 – 82A Avenue

 - (b) Civic Address: 14458 – 82A Avenue
 Owner: Billkang Investment Ltd., Inc. No. 725365
 PID: 004-849-370
 West Half East Half Lot 5 Except: Part Dedicated Road on Plan LMP598, Section
 27 Township 2 New Westminster District Plan 5946

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to amend the Official Community Plan to redesignate the property.

 - (b) Introduce a By-law to rezone the property.

SUBDIVISION DATA SHEET

Proposed Zoning: RF

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	1.05 ac
Hectares	0.42 ha
NUMBER OF LOTS	
Existing	1
Proposed	5
SIZE OF LOTS	
Range of lot widths (metres)	18.0 m – 18.5 m (59.0 ft. – 60.6 ft.)
Range of lot areas (square metres)	573 m ² - 584 m ² (7,167 sq.m. – 6,286 sq.m.)
DENSITY	
Lots/Hectare & Lots/Acre	17.379 lots/ha 7.033 lots/ac
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	40%
Estimated Road, Lane & Driveway Coverage	12%
Total Site Coverage	52%
PARKLAND	
Area (square metres)	1,086 m ² (11,689 sq.ft.)
% of Gross Site	25%
	Required
PARKLAND	
Dedication	YES
TREE SURVEY/ASSESSMENT	YES
MODEL BUILDING SCHEME	YES
HERITAGE SITE Retention	NO
BOUNDARY HEALTH Approval	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO