

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0039-00

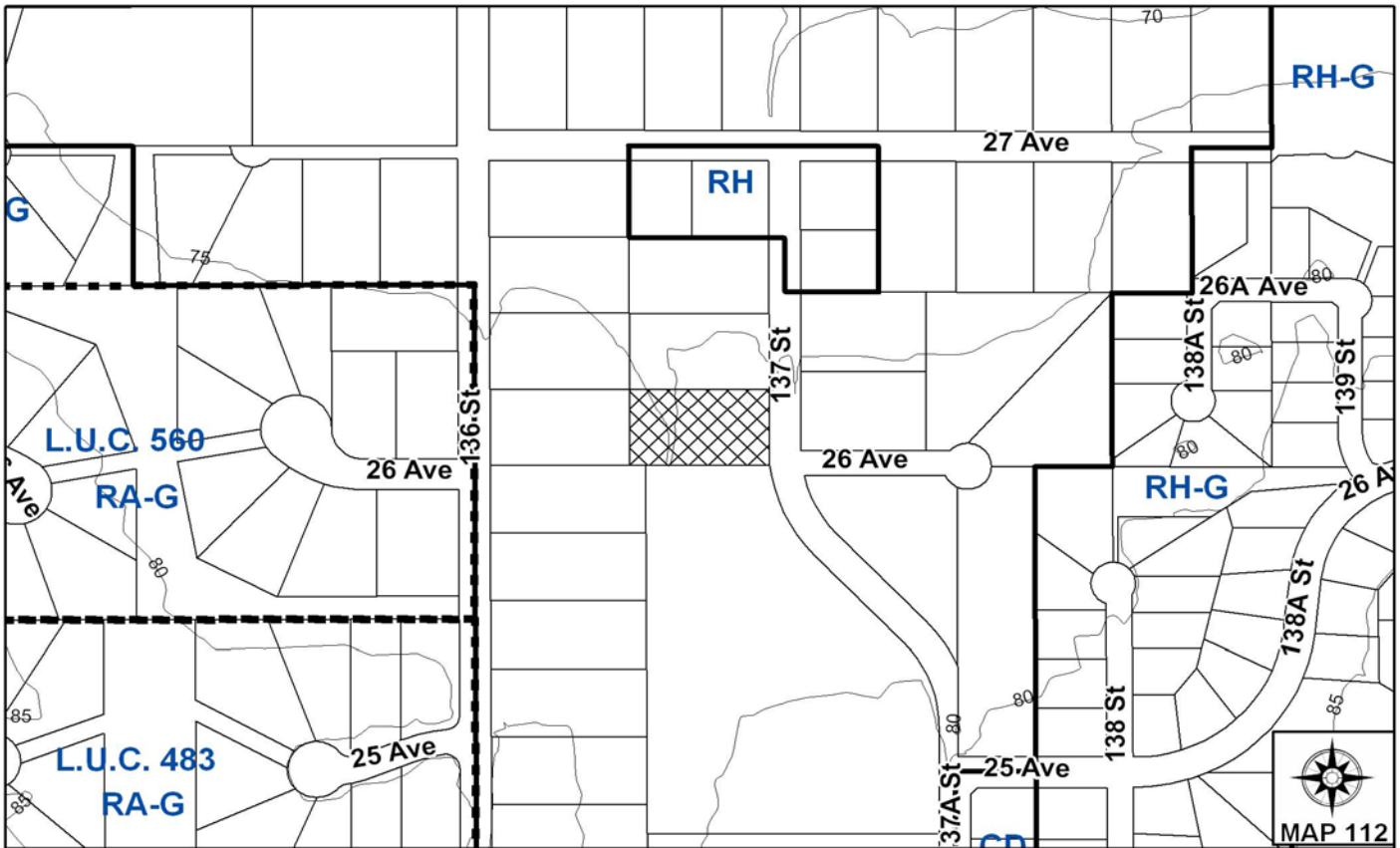
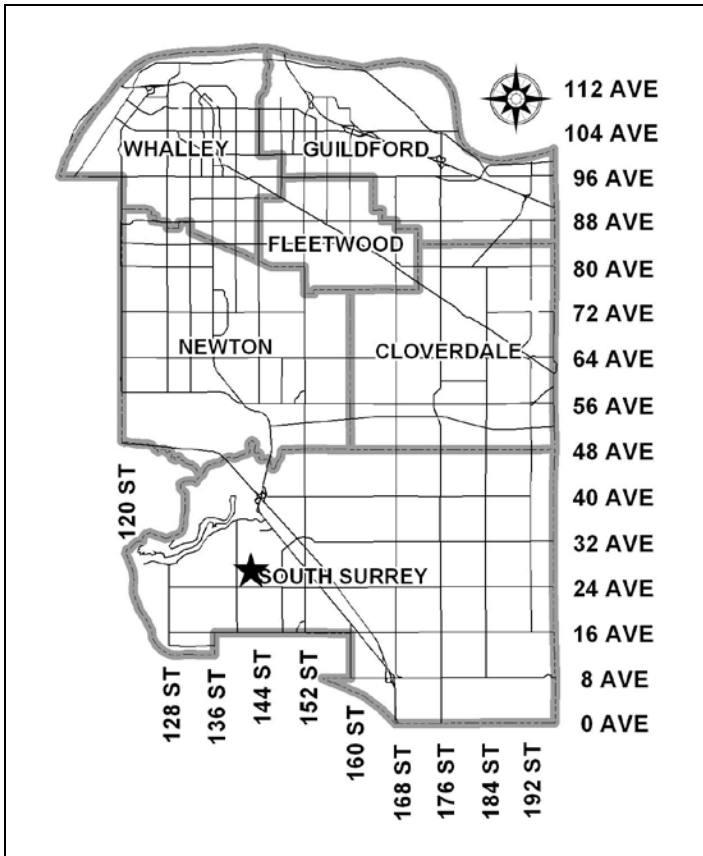
Planning Report Date: September 10, 2007

PROPOSAL:

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

in order to allow subdivision into 2 half-acre gross density lots with a reduction in lot width and minimum side yard setback requirements.

LOCATION: 2607 - 137 Street
OWNER: 0741000 BC Ltd.
ZONING: RA
OCP DESIGNATION: Suburban
LAP DESIGNATION: 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

- Setbacks are reduced to allow for retention of the existing home, which is in good condition.
- Lot widths are reduced to permit subdivision into two lots, which results in dedication of a portion of Chantrell Creek to the City and a unit density lower than what is permitted in the Local Area Plan.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the Central Semiahmoo Peninsula Local Area Plan.

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 "Single Family Residential Gross Density Zone (RF-G)" (By-law No. 12000).
2. Council approve Development Variance Permit No. 7907-0039-00, (Appendix VII) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum side yard setback of the RH-G Zone from 3.0 metres (9.8 ft.) to 2.1 metres (6.9 ft.) on the south side and 2.3 metres (7.5 ft.) on the north side of Lot 2 for an existing building; and
 - (b) to reduce the minimum lot width of the RH-G Zone from 30 metres (98 ft.) to 25.5 metres (84 ft.) for 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) final endorsement from Senior Government Environmental Agencies;
 - (d) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
 - (e) registration of a Section 219 Restrictive Covenant and Statutory Right-of-Way for a portion of the lots within the protected riparian area.

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:**

1 Elementary student at Chantrell Creek Elementary School
0 Secondary students at Elgin Park Secondary School

(Appendix IV)

Parks, Recreation & Culture:

- Parks has placed a high priority on preserving Chantrell Creek and has an interest in constructing a low-impact trail through the riparian corridor.
- The applicant will be required to install permanent fish-fence and to remove any invasive species from the riparian area prior to dedicating it to the City.

Department of Fisheries and Oceans:

- DFO has no objection to the proposal, subject to protection of the 15 metre riparian setback area and installation of fencing to the acceptance of the City's Parks Department.

SITE CHARACTERISTICS

Existing Land Use: Single family home.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family residential homes.	Suburban/Half-Acre Gross Density	RA
East (Across: 137 Street):	Single family residential homes.	Suburban/Half-Acre Gross Density	RA
South:	Chantrell Creek Elementary School.	Suburban/Half-Acre Gross Density	RA
West:	Single family residential homes.	Suburban/Half-Acre Gross Density	RA

DEVELOPMENT CONSIDERATIONS

- The subject property is located within the Central Semiahmoo Peninsula Local Area Plan.
- Residential properties in the Central Semiahmoo Peninsula LAP are generally designated for either Half-Acre Gross Density or One-Acre lots (Appendix IX).
- The boundary between these two designations is located at the rear (west) of the subject site. The subject property and those to the north fall within the Half-Acre Gross Density designation. The properties immediately to the west are designated One-Acre.
- At the rear of the subject property, Chantrell Creek separates the Half-Acre Gross Density designation from the One-Acre designation.
- At present, the area surrounding the subject site is characterized mainly by one-acre suburban residential properties.

Subdivision Layout

- The proposed layout consists of two RH-G lots, with dedication of the west portion of the property to the City to satisfy the requirements of the RH-G zone. Chantrell Creek runs through the western portion of the lot, which is proposed to be dedicated for creek protection.
- Lot 1 is proposed to be 1,130 square metres (12,163 square feet), while Lot 2 is proposed to be 1,301 square metres (14,004 square feet) (Appendix III). The proposed lot sizes comply with the RH-G Zone.
- The existing home is proposed to remain on Lot 2.
- The applicant has requested a variance to reduce the minimum width of Lot 2 from 30.0 metres (98 feet) to 25.5 metres (84 feet). This variance is discussed below.
- A total of 2,025 square metres (21,798 square feet) at the rear of the property will be dedicated to the City. This includes the majority of the riparian setback corridor as well as 591 square metres (6,362 square feet) outside of the setback area adjacent to the west property line.
- To achieve both the required minimum lot areas under the RH-G zone and the necessary riparian protection area, the applicant proposes to dedicate the western portion of the site to the City along the east 8.5 metre top of bank setback line. In addition, a 6.5 metre (21.3 foot) wide strip of the east riparian setback at the rear of Lots 1 and 2 will be protected by both a Right of Way and a Restrictive Covenant. The proposal meets DFO's approval with the incorporation of these two requirements.
- A development concept plan has been prepared to ensure that the adjacent lot to the north can be subdivided under the same Local Area Plan designation.

Arborist Report and Tree Preservation

- The arborist report submitted by the applicant shows 12 protected trees within or near to the developable portion of the subject property, of which 1 is proposed to be removed.
- Two replacement trees will be required to replace the 1 that will be removed.
- A tree survey of the property shows an additional 29 trees within and west of the riparian corridor. The majority of these lands are to be dedicated to the City and the remainder will be protected by both a restrictive covenant and a statutory right of way. All 29 of these trees are proposed to be retained.

Building Scheme and Lot Grading

- The development site is located in an area where the homes range from new to approximately 30 years old, and comprise different styles such as Basement Entry, Traditional Rancher, Neo-Heritage and Neo-Traditional. Existing homes are both one and two-storeys.

- The design guidelines aim to preserve and create Neo-Heritage and Neo-Traditional housing styles.
- No basement-entry homes or secondary suites will be permitted.
- Permitted exterior materials include stucco, cedar siding, cementitious siding, brick, stone, cedar wall singles or cementitious wall shingles. Colours include earth or grey tones with subtle or bold colour accents.
- Roofing materials will include cedar shakes and shingles, concrete tiles, or laminated duroid shingles with raised ridge caps. Colours will be natural earth and grey tones.
- Roof pitch will range from 6:12 to 12:12.
- The preliminary lot grading plan indicates that in-ground basements will not be achievable.
- The Building Division has found the lot grading information adequate to allow the project to proceed to the next stage.

PRE-NOTIFICATION

Pre-notification letters were circulated on March 22, 2007. Staff received several telephone calls, letters, and emails from residents about the proposal.

- Some neighbours have expressed concern about the lot sizes, which are proposed to be smaller than one-half acre but still in compliance with the RH-G zone. The perception is that the proposed subdivision will create “urban sized” lots that will not match the suburban character of the neighbourhood.

(The initial application contained a proposal for two lots that were smaller than the minimum size permitted in the RH-G zone. Staff have worked with the applicant, and the result has been a subdivision plan that now complies with the minimum areas of the RH-G zone. This has been achieved by including a portion of the east riparian setback area within the lot area, and protecting this riparian corridor with a restrictive covenant and statutory right-of-way. It should be noted that the proposal includes dedication of all land west of the creek that exceeds the 15 metre setback requirement. DFO has agreed that this proposal is acceptable.)

- One nearby resident indicated a lack of support for any subdivision proposal that would involve a crossing of Chantrell Creek.

(Access to both of the proposed new lots will be from 137 Street. The portion of Chantrell Creek that passes through the subject site will be dedicated to the City and there is no intention to create a crossing of the Creek.)

- There was concern that if this rezoning and subdivision are approved, then all of the surrounding one-acre lots would also be eligible for subdivision, creating a significant increase in population and traffic in this neighbourhood.

(The subject property is located within the “Half-Acre Gross Density” designation of the Central Semiahmoo Peninsula Local Area Plan. The proposal is in compliance with this designation. Properties to the east of the subject property and those to the north that front 27 Avenue are also designated for Half-Acre Gross Density development. These properties have always been eligible in principle for this type of subdivision in the Local Area Plan. Those to the west and those farther north than 27 Avenue are designated for One-Acre residential (Appendix IX). This designation will not change as a result of the present application.)

- Neighbours also expressed an interest in maintaining the health of Chantrell Creek and voiced concern that increased development in the area will be detrimental to the long-term viability of the watercourse.

(Approval of this application will result in protection of the portion of Chantrell Creek on the property from the creek bed to 15 metres measured outwards from top-of-bank. Protection will be in the form of dedication to the City of most of this land, and registration of a restrictive covenant and statutory right-of-way over the remaining portion. The applicant has met with a representative from DFO, who has found this proposal to be acceptable.)

- Some neighbours indicated opposition to the proposed relaxation in lot frontage. One neighbour in particular stated that he did not oppose subdivision in principle, however he believed that it should be done in compliance with existing plans and regulations.

(The current proposal complies with the land use designation of the Local Area Plan, and with the density, area and depth requirements of the RH-G zone. The applicant is seeking a variance to reduce the width on the wider of the two lot types permitted in this zone. These lots meet the minimum lot size of the RH-G zone, and the subdivision will result in protection of the Chantrell Creek area.)

- More than one caller asked if the riparian area to be dedicated to the City would be opened up to access by the public. Neighbours felt that if they were to live with the impact of smaller lots in their neighbourhood, they should benefit from the use of the green space.

(The City’s Parks Department has taken note of many requests from local residents for a low-impact trail along this riparian corridor.)

- One neighbour phoned in to express support for the proposed subdivision. This caller outlined her belief that smaller lots in the neighbourhood would provide more housing options for families. She stated that this is particularly appropriate so close to Chantrell Creek school because it is a neighbourhood asset and should be kept viable with the addition of younger families to the area.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum lot width of the RH-G Zone from 30m (98 ft.) to 25.5m (84 ft.).

Applicant's Reasons:

- The subject property is over one acre in size and therefore has more than enough area to comply with the Half-Acre Gross Density designation of the Central Semiahmoo Peninsula Local Area Plan.
- The two-lot subdivision will comply with the density, area and depth requirements of the RH-G zone, but due to the configuration of the site, one proposed lot is unable to meet the minimum width required by the zone and retain the existing dwelling, which is in good condition.

Staff Comments:

- In the RH-G zone, 50 percent of the lots are permitted a minimum width of 24 metres (79 feet) if the other 50 percent are a minimum of 30 metres (98 feet) wide. The two proposed frontages for this subdivision are 24.9 metres (82 feet) and 25.5 metres (84 feet). They both exceed the minimum of 24 metres, however a variance has been requested on Lot 2 to reduce the required 30 metres to 25.5. A comparison of the required lot sizes vs. the proposal is provided below:

	RH-G Zone Requirements	Applicant's Proposal
Density	maximum 2 units per acre	1.8 units per acre
Minimum Lot Sizes	1120 m ² (max 50% of lots) 1300 m ² (min 50% of lots)	1,130 m ² 1,300 m ²
Minimum Lot Widths	24 m (max 50% of lots) 30 m (min 50% of lots)	24.9 m 25.5 m
Open Space	minimum 15% of site area required	45%

- Lot 2 is able to comply with the lot area requirements of the RH-G even though it is proposed to have a reduced width.
- The proposal is a practical solution to allow the existing dwelling to be retained, and allow the creek area to be dedicated.
- The proposal complies with the Suburban density requirements of the Official Community Plan.
- Other lots in the area within the Half-Acre Gross Density designation in the Local Area Plan may also need to be considered for lot adjustments in order to allow subdivision in accordance with the plan.

(b) Requested Variance:

- To reduce the minimum side yard setback of the RH-G zone from 3.0 metres (10 feet) to 2.1 metres (6.9 feet) on the south side and 2.3 metres (7.5 feet) on the north side.

Applicant's Reasons:

- The proposed variance to the south side yard setback is a reflection of an existing situation.
- The proposed reduction of the north side yard setback is related to the proposed variance of lot width. The new property line could possibly be located farther north to create a width of 24.0 metres (79 feet) for Lot 1. This would eliminate the need for a reduced north side yard setback on Lot 2. However it is the applicant's belief that the proposed layout is the most desirable in order maintain the depth of Lot 1 as proposed in order achieve the maximum size for the dedicated area at the rear of the property.
- Both requested side yard setback variances facilitate the retention of the existing home.
- It is noted that the setback variance applies to the existing single family dwelling only; any future dwelling on this property will be required to conform to the typical side yard setbacks of the RH-G zone.

Staff Comments

- Proposed Lot 1 will conform to all of the setback requirements of the RH-G zone. The proposed variances are applicable to Lot 2 only and will allow the existing dwelling to be retained. Further, if a new home is to be constructed on Lot 2 in the future, the setback variance will not be applicable. Any future construction, including major alterations or additions to the existing dwelling, will be required to comply with all RH-G zone setbacks.
- Staff agree that it is most desirable to proceed with the proposed layout rather than requesting a reduction in the width of Lot 1 to 24.0 metres. The current layout allows for the maximum amount of land to be dedicated to the City for the purpose of protecting the Chantrell Creek riparian area.

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
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Summary of Tree Preservation
Appendix VII.	Development Variance Permit No. 7907-0039-00
Appendix VIII.	Central Semiahmoo Peninsula Local Area Plan

INFORMATION AVAILABLE ON FILE

- Environmental Report prepared by Phoenix Environmental dated May 1, 2007.

Jean Lamontagne
General Manager, Planning and Development

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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: Darren Braun, McElhanney Consulting Services Ltd.
 Address: 13160 - 88 Avenue
 Surrey, B.C.
 V3W 3K3
 Tel: 604-596-0391

2. Properties involved in the Application

- (a) Civic Address: 2607 - 137 Street
- (b) Civic Address: 2607 - 137 Street
 Owner: 0741000 BC Ltd.
 Director Information:
 Eleanor Chan
 Bill Shiu Wai Wan

No Officer Information Filed

PID: 001-338-722
Lot 35 Section 21 Township 1 New Westminster District Plan 36817

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the property.
- (b) Proceed with Public Notification for Development Variance Permit No. 7907-0039-00.

SUBDIVISION DATA SHEET

Proposed Zoning: RH-G

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	1.1 ac
Hectares	0.44 ha
NUMBER OF LOTS	
Existing	1
Proposed	2
SIZE OF LOTS	
Range of lot widths (metres)	24.9 - 25.5 m
Range of lot areas (square metres)	1,130 - 1,300 sq.m.
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	4.5 upha 1.8 upa
Lots/Hectare & Lots/Acre (Net)	8.3 upha 3.3 upa
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	14%
Estimated Road, Lane & Driveway Coverage	2%
Total Site Coverage	16%
PARKLAND	
Area (square metres)	2,025 sq.m.
% of Gross Site	45%
Required	
PARKLAND	
5% 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	YES
Lot Width	YES