

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0091-00

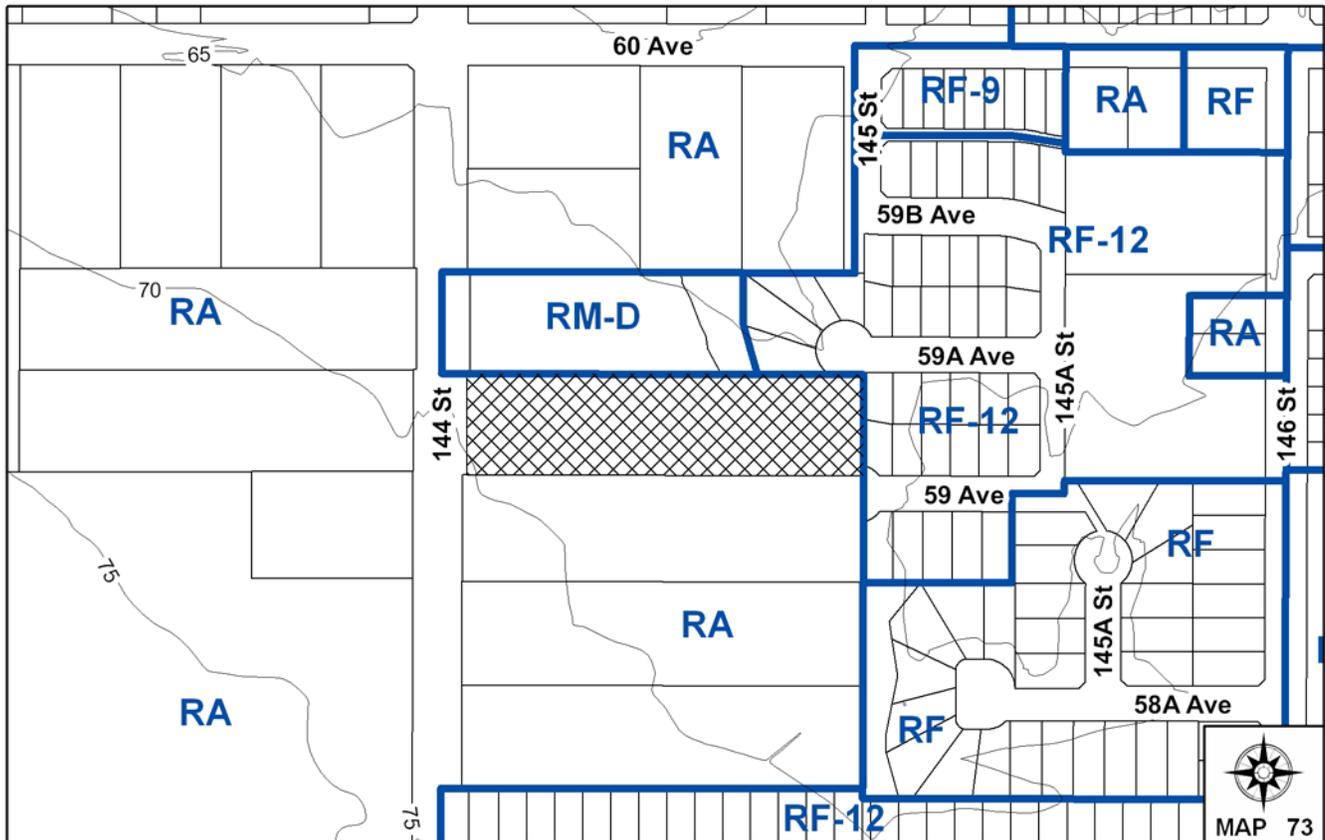
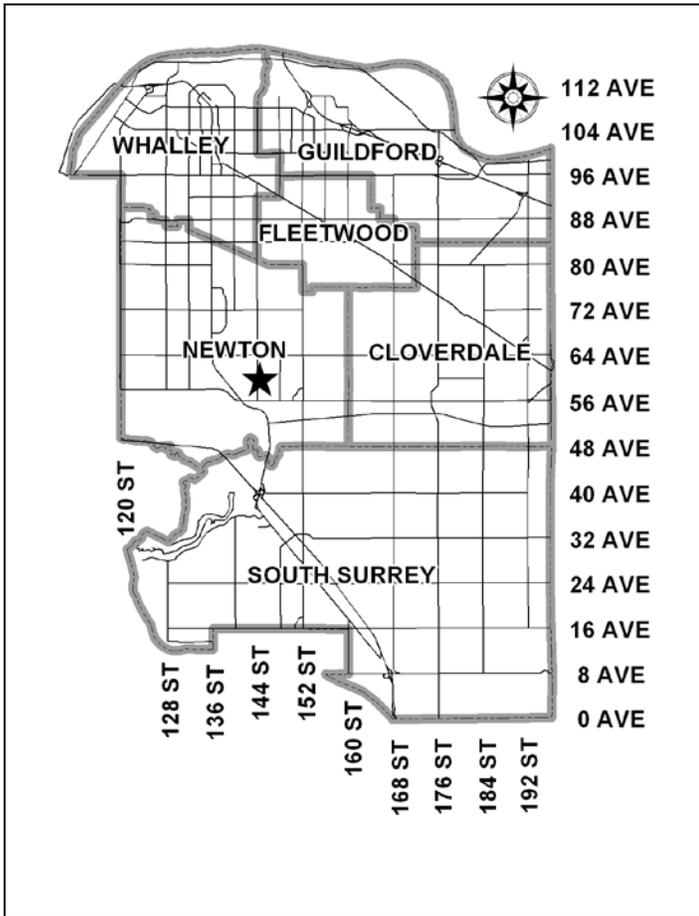
Planning Report Date: December 15, 2008

PROPOSAL:

- **Partial NCP Amendment** from Single Family Residential to Single Family Flex Residential
- **Partial Rezoning** from RA to RF-12
- **Development Variance Permit**

in order to allow subdivision into 5 single family small lots and a remnant lot for future development and relax lot depth and setback requirement for two (2) lots.

LOCATION: 5904 - 144 Street
OWNER: 0749813 B.C. Ltd.
ZONING: RA
OCP DESIGNATION: Urban
NCP/LAP DESIGNATION: Single Family Small Lots



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

- The proposal requires Development Variance Permit to allow a reduction for both lot depth and building setback for Lots 2 and 3 in the RF-12 Zone.
- The proposal requires an NCP Amendment for a portion of the site from Creeks and Riparian Setback to Single Family Residential Flex 6 - 14.5 upa to allow small lots.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The proposed NCP amendment reflects new survey information which has been provided by the applicant to establish the correct location of the existing watercourse.
- The proposed land use and subdivision pattern is consistent with previous surrounding development proposals and will complete the existing cul-de-sacs on both 59 and 59A Avenues with RF-12 lots.
- The proposed DVP for lot depth and building setbacks for proposed Lots 2 and 3 is necessary to fit the properties between two existing cul-de-sacs, and to achieve reasonable building envelopes on these constrained lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone a portion of the subject site shown as Block A on Appendix I from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential (12) Zone (RF-12)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7908-0091-00, (Appendix VIII) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RF-12 Zone for Lot 2 from 6.0 metres (20 ft.) to 5.0 metres (17 ft.);
 - (b) to reduce the minimum rear yard setback of the RF-12 Zone for Lot 2 from 7.5 metres (25 ft.) to 5.0 metres (17 ft.);
 - (c) to reduce the minimum rear yard setback of the RF-12 Zone for Lot 3 from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for 50% of the dwelling unit and 5.0 metres (17 ft.) for the other 50% of the dwelling unit;
 - (d) to reduce the lot depth for Lot 2 from 22 metres (72 ft.) to 19.9 metres (65 ft.); and
 - (e) to reduce the lot depth for Lot 3 from 22 metres (72 ft.) to 21.5 metres (71 ft.).
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) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (d) registration of a Section 219 Restrictive Covenant for "no build" on a portion of Lot 4 until future consolidation with the adjacent property (5882 - 144 Street);
 - (e) registration of a Section 219 Restrictive Covenant for creek protection for the westerly portion of the creek; and
 - (f) applicant to address the shortfall in trees replacement.
4. Council pass a resolution to amend the South Newton Neighbourhood Concept Plan to redesignate a portion of land shown as Block "A" on Appendix I from "Creek Riparian Area" to "Single Family Residential Flex (6 - 14.5 upa)" 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:**

1 Elementary student at Cambridge Elementary School
1 Secondary student at Sullivan Heights School

(Appendix IV)

Parks, Recreation & Culture:

- Provide park amenity contribution.
- Provide 5% cash-in-lieu of parkland.

Min. of Transportation and Infrastructure: Preliminary approval is granted for 1 year.

SITE CHARACTERISTICS

Existing Land Use: Single family residential.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North:	Single family residential and duplex.	Townhouses (15 upa) and Single Family Lots	RF-12 and RM-D
East:	Single family residential.	Single Family Residential Flex 6 - 14.5 upa	RF-12
South:	Single family residential.	Single Family Residential Flex 6-14.5 upa	RF-12
West (Across 144 Street):	Single family residential.	Mixed Commercial/Residential Townhouses	RA

JUSTIFICATION FOR PLAN AMENDMENT

- The proposed NCP Amendment on the subject site only involves the area on the east side of the watercourse. Through application Nos. 7905-0355-00 and 7906-0313-00 (Appendix VIII), the location of the watercourse has been mapped and confirmed.
- The proposed NCP Amendment is to re-designate the eastern portion of the subject site from "Creeks and Riparian Setback Area" to "Single Family Residential Flex 6-14.5". The western portion of the lot (between the watercourse and 144 Street) will remain designated as "Townhouses at 15 upa Max".

- The proposed NCP Amendment is consistent with the neighbouring developments, including a 53 lot subdivision to the east. This project is also a natural extension of the project to the north (File No. 7905-0335-00) (Appendix VIII), and of the cul-de-sacs on both 59 and 59A Avenues.
- A public information meeting was not held because of the minor nature of the proposed NCP amendment which seeks to correct the creek location. Additionally, there was extensive Public Consultation undertaken for the neighbouring 53-lot subdivision (File No. 7904-0039-00) and the project to the north (File No. 7905-0355-00). The approval of both of these projects confirmed the subdivision pattern for the subject lands.

DEVELOPMENT CONSIDERATIONS

Background

- The subject site of 0.9 hectares (2.44 acres) is located east of 144 Street between 59 and 60 Avenues. The property is designated "Urban" in the Official Community Plan and is located in the South Newton Neighbourhood Concept Plan area. The NCP designates the majority of the site as "Townhouses 15 upa Max" and the remainder (and subject of this development application) as "Creeks and Riparian Setback Area".
- The proposed development would complete two cul-de-sacs in the area, including both 59 Avenue and 59A Avenue. The development conforms to the existing subdivision and road pattern already established.
- A creek runs through the subject property in a north-south direction, separating the Townhouse and Single Family designations in the NCP.
- Immediately to the east, Project No. 7904-0039-00 (Appendix VIII) created 53 single family lots, which were zoned RF, RF-12 and RF-9.
- Immediately to the north, File No. 7905-0355-00 amended the NCP from "Single Family Residential" to "Single Family Residential Flex 6-14.5 upa". This project created 4 single family lots which were zoned RF-12 as well as 1 remnant RM-D lot.
- Immediately to the south, File No. 7906-0313-00 (in process) sought to amend the NCP from "Single Family Residential" to "Single Family Residential Flex 6-14.5 upa". This project seeks to create 3 single family small lots with a remnant parcel for future development.

Proposed Development

- The project proposes to develop four (4) RF-12 lots, with one lot facing the 59A Avenue cul-de-sac, and the remaining three lots abutting the cul-de-sac on 59 Avenue. The western portion of this site would remain as "One-Acre Residential Zone (RA)" with no development proposed at this time. The easterly portion of the creek riparian area will be dedicated to the City at this time; the westerly portion of the creek riparian area will be protected by a 30-metre Restrictive Covenant for future dedication when development proposals are received for this portion of Lot 30. At that time, the actual creek dedication requirements will be known and firmly established.

- The proposed development would complete both the 59 and 59A Avenue cul-de-sacs, which are partially dedicated through approved and current projects (File Nos. 7905-0355-00 and 7906-0313-00).
- The proposed RF-12 partial lot (shown as Future Lot 5 and being part of Lot 4), will require a "no-build" Restrictive Covenant on the southern portion of the lot, including anticipated setback area, until consolidation with the abutting property occurs and forms a new RF-12 lot on that location.

Subdivision Layout

- The proposed subdivision layout required a Development Variance Permit for the completion of two of the four RF-12 Lots. Proposed Lots 2 and 3 meet the size, width, and required lot dimensions of the RF-12 Zone with the exception of achieving minimum lot depth. These two lots require a Development Variance Permit to the lot depth in order to be developed; additionally, front and rear yard setbacks are also required to ensure that the lots are reasonably buildable and that future homes developed on these two lots are consistent with the surrounding dwellings.
- Lots 1 and 4 meet the minimum size requirements of the RF-12 Zone, excluding the no-build portion of Lot 4 (to be consolidated with another partial lot in the future).
- The remnant portion of the property (the western section fronting 144 Street) which is intended to remain zoned as RA at this time, meets the minimum requirements of the RA Zone.

Riparian Setback Adjustment

- The rear property boundary of Lot 1 encroaches upon the standard 15-metre setback normally required by the Department of Fisheries and Oceans (DFO). The City, in communication with the DFO, has agreed to adjust the rear yard boundary to a distance of 11.85 metres (39 ft.) from the top-of-bank. This will ensure that the creek setback area is aligned with the creek dedication area as previously established by approved projects to both the north and south of the subject site.
- The reduction in setback area will be off-set by an increase in dedication area on the west side of the creek (in the future townhouse area) and an increase in the dedication area on the southern portion of the creek area as seen on the proposed lot layout shown in Appendix II.

Building Design Guidelines

- The applicant has retained Apex Design Group as the Design Consultant for this project. The Design Consultant has conducted a character study of the surrounding homes and, based upon those findings, has proposed a set of building design guidelines for the proposed RF-12 lots (Appendix V).
- The designs for the proposed RF-12 lots could include; Neo-Traditional, Neo-Heritage, Rural Heritage and West Coast Modern. These designs would meet the current design standards. The new homes would meet modern development standards relating to overall massing, and balance in each design, and to proportional massing between individual elements.

- The roofing will reflect the desirable style objectives, and will require a minimum pitch of 7:12. The only permissible roof materials would consist of concrete roof tiles in a shake profile, asphalt shingles in a shake profile or cedar shingles.

Lot Grading

- A preliminary Lot Grading Plan, submitted by McElhanney Consulting Limited, has been reviewed by staff and is considered acceptable. The plan indicates fill greater than 0.5 metres (1.6 ft) is proposed on a portion of the site, tapering off towards the creek. In some areas, as much as 2.5 metres (8 ft.) of fill is required.
- The current site profile requires this significant fill to bring this development to the same level as surrounding and existing developments. Moreover, the proposed fill will enable the developer to achieve in-ground basements which is consistent with the surrounding lots.
- A retaining wall is proposed at the rear of Lots 1 and 4 to assist in the protection of the creek setback area and to create useable backyards.
- The preliminary lot grading plan has been reviewed by the Building Division and found satisfactory and can therefore proceed.

Tree Preservation

- Mike Fadum and Associates prepared the Arborist Report and Tree Preservation/Replacement plans for the subject site.
- Given that the western portion of the subject site is not going to be developed at this time, the arborist report focused on the eastern side of the subject site where the development is intended. Trees proposed to be removed as part of this project are located on the eastern side of the property (Appendix VI). The plans have been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report identifies a total of 51 Protected Trees on the site. 10 of these trees are located within the Riparian Setback Area and will be protected. The trees in the Riparian Area consist of Alder, Cottonwood, Bigleaf Maple, and Western Red Cedar.
- In the area proposed to be developed, the Arborist Report identifies 41 protected trees. 24 of these trees of varying species (both deciduous and coniferous) have been identified as being in poor condition and unsuitable for retention. 16 of these trees, predominantly Red Cedar trees have been identified as being in good condition, but will not survive due to excavation, road construction, or required fill on site. Therefore, 40 of these protected trees are recommended for removal.

- The chart below provides a summary of the tree retention and removal on the eastern portion of the subject site proposed for development:

Tree Species	Total No. of Protected trees	Total Proposed for Retention	Total Proposed for Removal
Red Alder	2	1 (in riparian area)	1
Birch	3	0	3
Black Cottonwood	4	4 (in riparian area)	0
Douglas Fir	2	0	2
Western Hemlock	1	0	1
Bigleaf Maple	20	3 (in riparian area)	17
Western Red Cedar	18	2 (in riparian area) 1 on-site	15
Indigenous Cherry	1	0	1
Total	51	11 (10 of which are in Riparian Are)	40

- The subject site is the last remaining undeveloped piece of property in the area. While the removal of 40 trees is generally undesirable, the pattern of development has been established by surrounding development on the north, south, and east. 12 replacement trees will be planted as a condition of development.
- As a result of the 40 trees to be removed, in conjunction with the 12 replacement trees to be planted as a condition of development, there is a tree replacement deficit of 67 trees. This deficiency will result in a required financial contribution of \$20,100.00 to be directed to the City's Green Fund prior to final approval of the rezoning.

PRE-NOTIFICATION

Pre-notification letters were sent on April 22, 2008 and staff has not received any comments.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- The vary the RF-12 Zone to allow a reduction in the minimum lot depth for Lots 2 and 3, from 22 metres (72 ft.) to 19.9 metres (65 ft) and 21.5 metres (71 ft) respectively.

Applicant's Reasons:

- The development pattern to the north and south, established through previous developments, limits the opportunity for Lots 2 and 3 to meet the minimum lot depth (22 metres / 72 ft.).
- The minimum dedication of roads and cul-de-sacs to City Standards prevents the road being reduced to allow the minimum lot depth to be met.

Staff Comments:

- The existing development pattern, particularly the road network, precludes the opportunity for Lots 2 and 3 to achieve the minimum lot depth of 22 metres (72 ft.). The proposed variances to the lot depth are consistent with the neighbourhood and will not adversely affect development potential.

(b) Requested Variance:

- To vary the minimum front and rear yard setbacks associated with the RF-12 Zone for Lot 2 (front and rear) and Lot 3 (rear).
 - Vary the front yard setbacks of Lot 2 from 6.0 metres (29 ft.) to 5.0 metres (17 ft.);
 - Vary the rear yard setbacks of Lot 2 from 7.5 metres (25 ft.) to 5.0 metres (17 ft.); and
 - Vary the rear yard setback of Lot 3 from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for 50% of the dwelling unit and 5.0 metres (17 ft.) for the other 50% of the dwelling unit.

Applicant's Reasons:

- The existing road pattern, established through approved surrounding development forces a reduction in the minimum lot depth for Lots 2 and 3. This reduction in lot depth requires a corresponding reduction in front and rear yard setbacks to ensure buildability of the lots.
- A review undertaken by the Design Consultant demonstrates the requested setbacks provide a consistent streetscape. Additionally, Lots 2 and 3, while they will have a narrower back yard (approximately 5 metres/17 ft. as compared to the usual 7.5 metres/25 ft.), have the benefit of additional area due to the wide nature of the lots.

Staff Comments:

- The inability of lots 2 and 3 to meet the minimum lots depth of the RF-12 zone encumbers the buildability of the lots without suitable reductions in the front and rear yard setbacks.
- The city requested confirmation through a Design Consultant to ensure that there was no negative impact on the streetscape as a result of the reduction of the front yard setback. The city also sought confirmation that the narrower backyards would be adequately off-set by the wide rear lot line for Lots 2 and 3.
- The proposed variances to the front and rear yard setback are consistent with the neighbourhood and are therefore supportable.

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 Block Plan
Appendix II.	Proposed Subdivision Layout and Site Plan
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.	NCP Plan
Appendix VIII.	Surrounding Development Applications
Appendix IX.	Development Variance Permit No. 7908-0091-00

Jean Lamontagne
General Manager
Planning and Development

GM/kms

v:\wp-docs\planning\plncom08\06251359.gm.doc
KMS 6/25/08 2:25 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: James Pernu, McElhanney Consulting Services Lt,
 Address: 13160 - 88 Avenue
 Surrey, B.C.
 V3W 3K3
 Tel: 604-596-0391

2. Properties involved in the Application

(a) Civic Address: 5904 - 144 Street

(b) Civic Address: 5904 - 144 Street
 Owner: 0749813 B.C. Ltd.
 Director Information:
 Bhupinder Singh Bal
 Gurcharn Singh Brar

Officer Information: (as at February 23, 2007)
Bhupinder Bal (President)

PID: 006-538-738
Lot 28 Section 10 Township 2 New Westminster District Plan 30302

3. Summary of Actions for City Clerk's Office

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

(a) Proceed with Public Notification for Development Variance Permit No. 7908-0091-00.

SUBDIVISION DATA SHEET

Proposed Zoning: RF-12

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.71 ac
Hectares	0.29 ha
NUMBER OF LOTS	
Existing	1
Proposed	4 (plus remainder)
SIZE OF LOTS	
Range of lot widths (metres)	13.4 m to 21.95 m
Range of lot areas (square metres)	380 m ² to 542 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	13.8 upha/5.6 upa
Lots/Hectare & Lots/Acre (Net)	13.8 upha/5.6 upa
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	50% max.
Estimated Road, Lane & Driveway Coverage	+10%
Total Site Coverage	60%
PARKLAND	
Area (square metres)	760 m ²
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	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
Lot Depth, Building Setbacks	YES