

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7908-0184-00

Planning Report Date: November 3, 2008

**PROPOSAL:**

- **Restrictive Covenant** Building Scheme amendment

to amend the approved lot grading plan in order to permit construction of homes with in-ground basements.

**LOCATION:**

13567 and 13577 Marine Drive

**OWNER:**

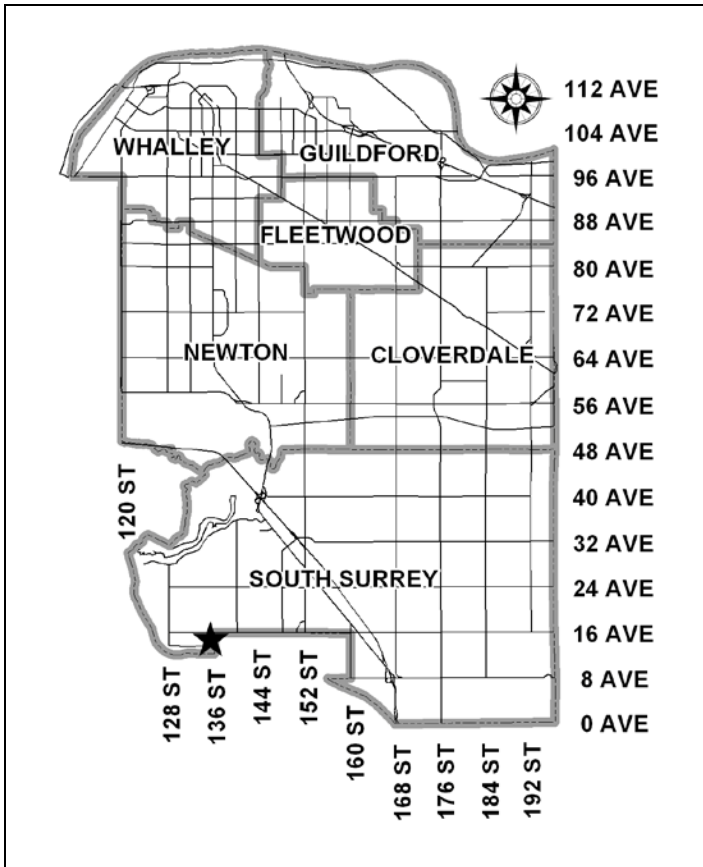
Rajwinder Kaur Samra and 487678 B.C. Ltd.

**ZONING:**

RF

**OCP DESIGNATION:**

Urban



### RECOMMENDATION SUMMARY

- Approval of the applicant's request for a Restrictive Covenant amendment to amend the approved lot grading plan in order to allow homes with in-ground basements.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The approved lot grading plan submitted by the owner when the properties were first subdivided does not allow for fill levels on the properties that would permit the construction of homes with in-ground basements. The applicant is proposing to amend the approved lot-grading plan to allow additional fill on the subject properties so that basements can be achieved.

### RATIONALE OF RECOMMENDATION

- To offset the visual and site implications of the additional fill, the applicant is proposing to place further specific restrictions on the title of the subject properties in terms of building massing, height, and setbacks.
- As a result of the additional building restrictions, the maximum height of the homes will be lower than the maximum currently permitted under the RF zone, thus minimizing impacts to surrounding residents.
- The applicant has canvassed the surrounding residents and provided detailed information on the proposed house design, and there are no concerns expressed.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve a Restrictive Covenant amendment to amend the approved lot grading plan in order to permit in-ground basements, which must include the authorization of other signatories to the registered building schemes.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family residential lots.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP Designation</b>	<b>Existing Zone</b>
North, South, East and West:	Single family residential lots.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject properties are vacant and are located on the north side of Marine Drive in South Surrey. The site is designated "Urban" in the Official Community Plan (OCP).
- The subject site is zoned "Single Family Residential Zone" (RF). There are no trees on either of the subject properties.
- The subject lots were each created by a separate subdivision (both completed in 1996). House construction is regulated by a Building Scheme for each lot, as well as approved lot grading plans for each lot. At the time of subdivision, the owner submitted lot grading plans that do not accommodate in-ground basements. The applicant is now proposing amendments to the approved lot grading plans and building guidelines that will apply to both lots, in order to allow construction of dwellings with in-ground basements.

Proposed Lot Grading Amendments

- The applicant proposes to add fill to the subject properties in order to achieve basements that are 50% in-ground.
- Proposed fill ranges from 0.5 metres (1.5 ft) to a maximum of approximately 1.5 metres (5 ft) in some locations.

JUSTIFICATION FOR RESTRICTIVE COVENANT AMENDMENTApplicant's Justification:

- The applicant seeks in-ground basements, as this is typically an important feature for property owners in terms of usable space and re-sale value. The majority of dwellings in the area have in-ground basements.
- The applicant has retained Mike Tynan of Tynan Consulting Ltd. (the "Design Consultant") to conduct an analysis of the proposal in order to assess and mitigate possible impacts to surrounding properties, including impacts on views. The Design Consultant proposes to establish further restrictions for massing, height, roofs, and setbacks of the future homes as a means of mitigating the possible impacts of the additional fill (see Appendix II).
- The proposed restrictions will result in homes that have a greater degree of articulation, and are shorter and less massive than those that could potentially be constructed under the existing RF zone regulations, even considering the addition of the proposed fill. Restrictions are detailed in the table below:

Feature	RF zone	Proposed restriction
Max. Building Height	9 m (30 ft)	8.4 m (27.5 ft) (0.6m / 2 ft lower than currently permitted)
Max. Basement Height	No restriction	2.4 m (8 ft.)
Max. Main Floor Height	No restriction	2.7 m (9 ft.)
Max. Upper Floor Height	No restriction	2.4 m (8 ft)
Roof Ridge Orientation	No restriction	Ridge must be oriented north-south
Min. Upper Floor Setback	Upper floor must be set back from main floor on the front and/or sides, but no distance specified	Upper floor must be set back from main floor by 1.5 m (5 ft) on both the east and west sides
Min. West Side Yard Setback	1.8 m (6 ft)	2.4 m (8 ft) (applied to 13567 Marine Drive only)
Roof Slope	Not regulated in RF Zone, but currently required by the Building Scheme to be between 5:12 and 10:12	Between 1:12 and 5:12

- The increased minimum west side yard setback is intended to increase the separation of the new home at 13567 Marine Drive from the existing home to the west, which is at a lower elevation due to topography.
- All of the other restrictions outlined above will create a more sensitive massing and design, and are intended to minimize the potential impact of new homes to be constructed on these lots and offset the proposed increased fill.

Staff Comments:

- City staff recognize the benefit to the applicant from construction of basements in these two homes, as this is an important feature of a home and may impact its re-sale value.
- The applicant's proposed building restrictions (to height, massing, setbacks, roof orientation, specific floor elevations, and roof slope) offers neighbours more certainty about the size and massing of homes on the subject site than would be available with the existing RF zone regulations, and should minimize impact of the new homes on the neighbours.
- In addition to the standard pre-notification requirements, the applicant has also circulated an information letter to the neighbourhood providing more detailed information about the proposal. Staff have not heard any concerns from neighbours.
- Staff support the proposed lot grading plan amendment on the basis that it will not result in additional view impacts when compared to what is permitted under the current regulations.

PRE-NOTIFICATION

Pre-notification letters were sent out on July 17, 2008 and staff did not receive any responses as a result of the mail-out.

The applicant also provided information to neighbours by letter on October 9, 2008 that elaborated on details about the proposal.

Following distribution of this second letter, staff received the following two responses:

- One resident provided an e-mail offering support for the proposal.
- One resident called staff to request further information and explanation of the application, but did not offer an opinion about the proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary  
Appendix II. Tynan Consulting Letter Outlining Proposal

Jean Lamontagne  
General Manager  
Planning and Development

MJ/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:                      Roger Jawanda, CitiWest Consulting Ltd.  
                         Address:                      #101 - 9030 King George Highway  
                                                              Surrey, BC  
                                                              V3V 7Y3  
                         Tel:                                      604-591-2213

2.      Properties involved in the Application

- (a)      Civic Address:                      13567 and 13577 Marine Drive

- (b)      Civic Address:                      13567 Marine Drive  
                         Owner:                                      487678 B.C. Ltd.,  
                                                              Director Information:  
                                                              Rajwinder Kaur Samra  
                                                              Kartoar Samra

Officer Information: (as at January 9, 2007)  
Kartoar Samra (President)  
Rajwinder Kaur Samra (Secretary)

PID:                                      023-757-515  
Lot F Section 8 Township 1 New Westminster District Plan LMP33140

- (c)      Civic Address:                      13577 Marine Drive  
                         Owner:                                      Rajwinder Kaur Samra  
                         PID:                                      023-412-828  
                         Lot D Section 8 Township 1 New Westminster District Plan LMP28005

3.      Summary of Actions for City Clerk's Office