

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0201-00

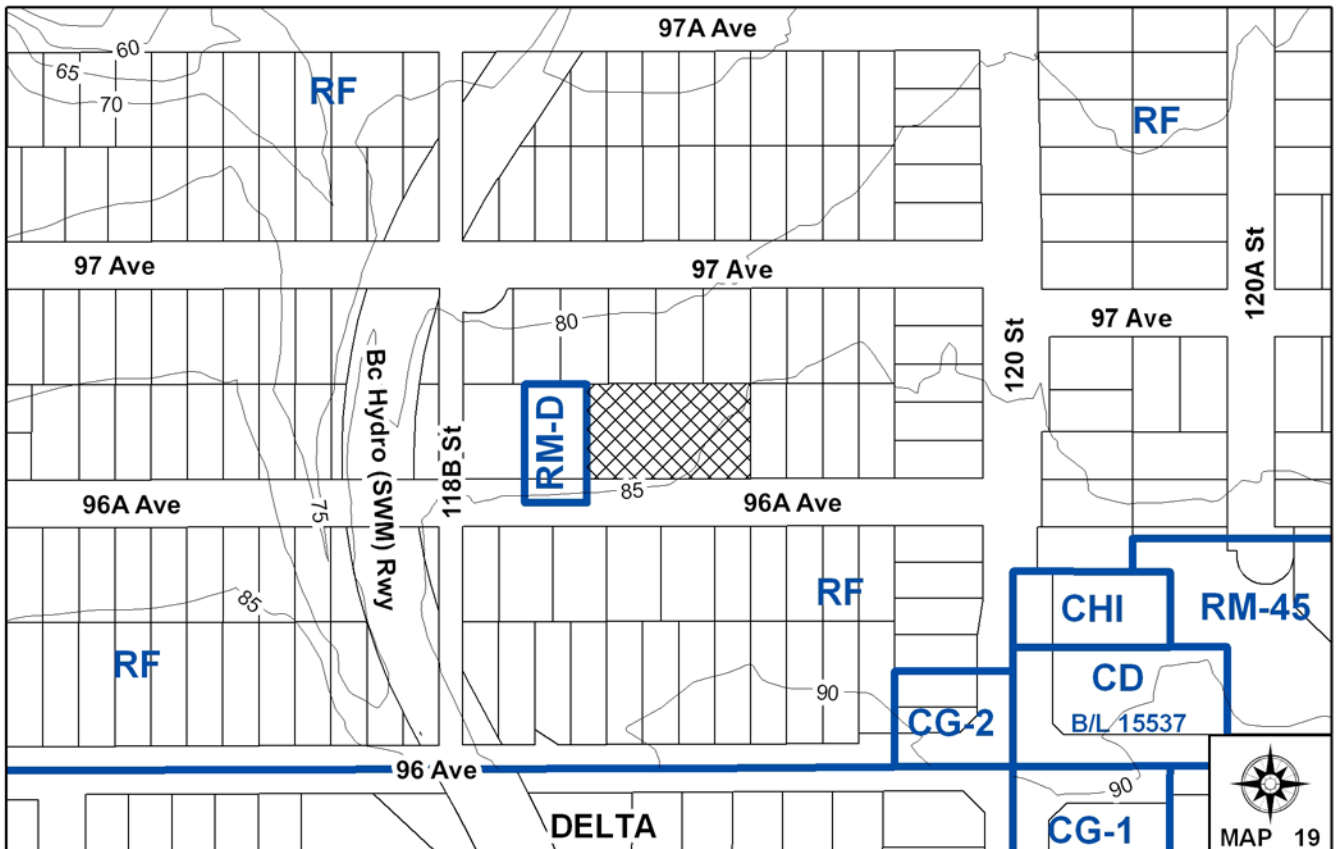
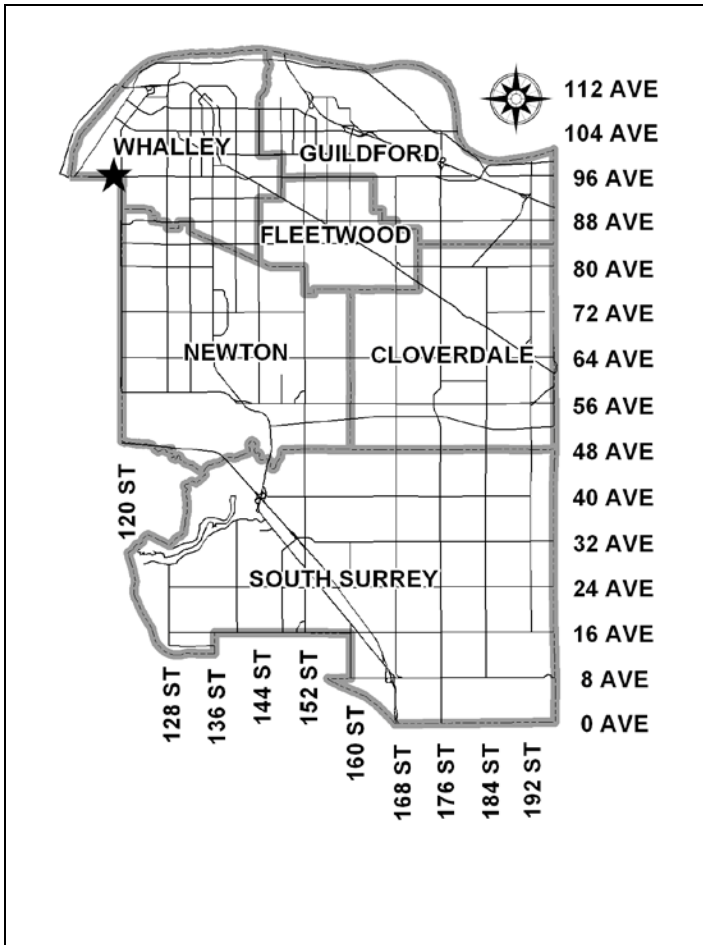
Planning Report Date: February 9, 2009

PROPOSAL:

- **Development Variance Permit**
- **Heritage Revitalization Agreement**

to vary the minimum lot width to allow subdivision into five single family lots and HRA to preserve the Arthur Hedley House on proposed Lot 3.

LOCATION: 11927 - 96A Avenue
OWNER: Mayfair Realty Ltd., Inc. No. 393430
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction for Heritage Revitalization Agreement.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To vary the minimum lot width of the RF Zone from 15 metres (50 ft.) to 13.92 metres (46 ft.) for proposed Lots 1, 2 and 5 and to 13.48 metres (44 ft.) for proposed Lot 4.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The proposed reduced lot widths will facilitate the protection of the Arthur Hedley House in its current location, under a Heritage Revitalization Agreement.
- The subject site is one of the last remaining undeveloped parcels in the neighbourhood. The majority of the existing lots in the surrounding area have widths of approximately 15 metres (49 ft.), the minimum lot width required under the RF Zone.
- Without the relaxations, subdivision of the parcel would create three oversized RF lots that significantly exceed the minimum width, depth and size required under the RF Zone. These larger lots would be out of context within the surrounding neighbourhood. This variance will allow for subdivision of a large lot in a manner keeping with the existing pattern of lots in the area.
- The proposed lots exceed the 30-metre (98 ft.) minimum depth requirement in the RF Zone. The proposed 40-metre (131 ft.) depth allows for trees to be retained along the northern property line.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to allow for a Heritage Revitalization Agreement for the Arthur Hedley House to be retained on proposed Lot 3.
2. Council approve Development Variance Permit No. 7908-0201-00, (Appendix VIII) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum lot width of the RF Zone from 15.0 metres (50 ft.) to 13.92 metres (46 ft.) for proposed Lots 1, 2 and 5; and
 - (b) to reduce the minimum lot width of the RF Zone from 15.0 metres (50 ft.) to 13.48 metres (44 ft.) for proposed Lot 4.
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;
 - (e) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (f) 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;
 - (g) registration of a Section 219 Restrictive Covenant on proposed Lots 2 and 4 requiring an increased front yard setback of 8.3 metres (27 ft.); and
 - (h) registration of an access easement along the shared property line of proposed Lots 2 and 3.

REFERRALS

Engineering: There are no engineering requirements relative to issuance of the Development Variance Permit.

School District: Projected number of students from this development:

2 Elementary students at Royal Heights Elementary School
 1 Secondary student at L.A. Matheson High School

(Appendix IV)

Parks, Recreation & Culture:

Parks has some concerns about the pressure this development will place on existing Parks, Recreation and Culture amenities in the area. The applicant should meet with staff to resolve these concerns.

Heritage Advisory Committee (HAC):

Support. The HAC was encouraged that the applicant is retaining the house and supports the Heritage Revitalization Agreement (Appendix IX).

SITE CHARACTERISTICS

Existing Land Use: The Arthur Hedley House is located on the subject site and will be retained.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF
East:	Single family dwellings.	Urban	RF
South (Across 96A Avenue):	Single family dwellings.	Urban	RF
West:	Duplex	Urban	RM-D

DEVELOPMENT CONSIDERATIONS**Current Proposal**

- The subject property is located on the north side of 96A Avenue west of 120 Street at 11927 – 96A Avenue. The subject property is approximately 2,792 square metres (0.69 acre) in size, designated Urban in the Official Community Plan (OCP) and zoned Single Family Residential Zone (RF).
- A combined heritage, subdivision and development variance permit application has been submitted in order to allow the subject parcel to be subdivided into 5 lots and to retain the Arthur Hedley House, a heritage house listed on the City's Heritage Register, in its existing location on proposed Lot 3 and permit the house to be restored and maintained.

Proposed Subdivision Layout

- Proposed Lots 1, 2 and 5 meet the minimum lot depth and size requirement of the RF Zone. The proposed lots are approximately 560 square metres (6,027 sq.ft.) in size with a lot depth of 40.23 metres (132 ft.).
- Proposed Lot 4 conforms to the minimum depth requirement of the RF Zone. However, a 4% area reduction is required from the Approving Officer to allow a minimum area of 542.34 square metres (5,838 sq. ft.). At the discretion of the Approving Officer, lot area may be reduced to not less than 90% of the minimum lot area required.
- The RF Zone requires a minimum lot width of 15 metres (50 ft.). The lot widths of proposed Lots 1, 2, 4 and 5 range from 13.48 metres (44 ft.) to 13.92 metres (46 ft.) and require a Development Variance Permit to allow the proposed reduction (see By-law Variance section).
- Section 966 of the Local Government Act authorizes Council, by by-law to enter into a heritage revitalization agreement (HRA). The applicant is proposing an HRA for proposed Lot 3 to:
 - vary the lot width and east side yard setback of the RF Zone; and
 - specify the heritage value of the features or building on the property, physical elements that express the heritage value, requirements to preserve, rehabilitate or restore the features of the building and general maintenance requirements for on-going heritage conservation.
- The Assistant City Solicitor advises that because the proposed HRA does not affect use or density, the by-law does not require a Public Hearing.

Proposed Building Design Guidelines and Lot Grading

- The proposed lots will front onto and gain access from 96A Avenue.
- The applicant for the subject site has retained Mike Tynan of Tynan Consulting Ltd. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes including the heritage home on the subject site and based on the findings of the study, proposed a set of building design guidelines to be registered on proposed Lots 1, 2, 4 and 5.
- The Design Consultant has included design criteria that reflect the heritage elements and character of the existing heritage house. The new homes to be constructed on proposed Lots 1, 2, 4, and 5 will include some of these elements in their design.
- Heritage elements include but are not limited to: street-facing feature common gable projections at a minimum slope of 10:12 on the front of each dwelling, gable ends clad in wood wall shingles, horizontally applied cedar; and horizontally applied fibre-cement board or slop-dash stucco only. Covered entry verandas are also required at the main floor at the front side of each new home.
- Exterior cladding will be in colours from a neutral and natural (earth tone) colour palette including white, cream, greys, charcoal, browns, clay, sage and other earth tones.

- Outside the neutral and natural colour palettes, trim or wall cladding colours such as navy blue, forest green, colonial red and amber-yellow should be used to reflect a heritage palette.
- Similar to the Arthur Hedley House, details such as furred out wood posts, articulated wood post bases, wood dentil details, louvered wood vents, decorative wood braces, and articulated gable ends should be incorporated as well as generous trim around windows and doors, including layered or crown mouldings above the entrance door and key focal openings.
- Basement-entry homes and secondary suites will not be permitted.
- Based on the lot grading and tree preservation information that was provided by the applicant, in-ground basements are proposed on all lots. Proposed Lots 1 and 2 will have approximately 1.0 metre (3.3 ft.) to 1.8 metres (5.9 ft.) of fill located on the southern portion of the lots to achieve the existing 96A Avenue road grade.
- An allan block retaining wall is proposed along a portion of the west property line of proposed Lot 1. The retaining wall proposed on proposed Lot 1 will be a maximum of 1.2 metres (3.9 ft.) at 96A Avenue and will taper down toward the rear yard.
- Proposed Lots 4 and 5 will have approximately 0.5 metre (1.6 ft.) to 1.6 metres (5.2 ft.) of fill located on the southern portion of the lots to achieve the existing 96A Avenue road grade.
- The existing heritage house will be retained on proposed Lot 3 and has an in-ground basement. The applicant is proposing a small area of fill approximately 0.8 metre (2.6 ft.) to 1.1 metres (3.6 ft.) along 96A Avenue to accommodate a new driveway and to meet the existing road grade.
- The lot grading information has been reviewed by staff and found to be generally acceptable.

Tree Preservation and Replacement

- The applicant has submitted an arborist assessment prepared by Trevor Cox, Certified Arborist of Diamond Head Consulting Ltd. The report has identified 81 mature trees on the subject site. Fourty (40) trees within the rear yards of the proposed lots are proposed to be retained. One (1) tree in the southwest corner of the front yard of proposed Lot 1 and two (2) trees in the southeast corner of proposed Lot 5 are also proposed to be retained. The following chart reflects the trees proposed for retention and removal by species:

Tree Species	Number of Trees	Number to be Retained	Number to be Removed
Apple	4	0	4
Beech	1	1	0
Cascara	2	0	2
Cedar	46	30	16
Cherry	3	0	3
Chestnut	2	2	0
Pacific Dogwood	9	4	5
Douglas Fir	1	1	0
Giant Sequoia	2	2	0

Tree Species	Number of Trees	Number to be Retained	Number to be Removed
Hawthorne	1	1	0
Magnolia	2	0	2
Oak	1	1	0
Pine	2	1	1
Spruce	1	1	0
Walnut	3	0	3
White Mulberry	1	0	1
Total	81	43	38

- The proposal indicates that 4 upsized replacement trees (the upsized replacement trees count as two replacement trees) will be planted on-site. However, 74 replacement trees are required under the Tree Protection By-law. Therefore, the applicant will be required to provide \$300 per tree for a total of \$19,800 towards the Green City Fund for the shortfall of replacement trees.

Background on Arthur Hedley House and Proposed Heritage Revitalization Agreement (HRA)

- The Arthur Hedley House is currently located at 11927 - 96A Avenue. The existing heritage house will be retained on proposed Lot 3 in the proposed subdivision which is approximately 573.49 square metres (6,173 sq. ft.) in size.
- The Arthur Hedley House is a one and one-half storey Craftsman-influenced house. The house, built circa 1935, features a gabled dormer over an open curved entrance porch, balusters arranged in pairs and triples, exposed rafter ends and eave brackets, mullioned windows paned in 6s and 8s and a wide main wing with a vertically proportioned side wing.
- The Arthur Hedley House has been listed on the Surrey Heritage Register since 1998 and will be retained under a Heritage Revitalization Agreement (HRA). The intent of the HRA is to protect properties on the register as part of development to ensure the long-term conservation of the City's heritage stock.
- The proposed Heritage Revitalization Agreement (HRA) prescribes the terms and conditions of continuing protection for the heritage value and heritage character of the Arthur Hedley House and its environs. The HRA contains a detailed conservation plan that outlines the changes that can be made to elements including the foundation, roof structure, roof cladding, building envelope, wood detailing and trims, interior features, site features and landscaping.
- The proposed HRA includes a compensation requirement in the amount of \$15,300 for the loss in heritage value and construction of a replica in the event that the existing structure is demolished in the future.
- While the current RF zoning is to remain, a number of variations to this zone are proposed under the Heritage Revitalization Agreement (HRA) for proposed Lot 3.
- Under the current RF zoning, the minimum lot width permitted is 15 metres (50 ft.). The proposed HRA will allow for a minimum lot width of 14.25 metres (47 ft.).

- The proposed HRA will also allow a minimum east side yard setback of 1.2 metres (3.3 ft.) rather than 1.8 metres (5.9 ft.) required under the RF Zone.
- To ensure future owners are aware of the HRA after a Heritage Revitalization Agreement By-law is approved by Council, a notice (not the by-law) is registered on the title of the land in the Land Title Office.

PRE-NOTIFICATION

Pre-notification letters were sent on November 3, 2008, and staff received two (2) phone calls and one (1) written response from property owners within the Pre-notification area. One (1) individual expressed support for the proposal and the other two (2) responses were opposed and expressed the following concerns:

- Concern with the current road standard of 96A Avenue, increase in traffic and on-street parking.

(Staff indicated that 96A Avenue currently has a 20-metre (66 ft.) dedication with 6 metres (20 ft.) of pavement. The applicant will be required to construct 96A Avenue to a local road standard, complete with 8.5 metres (29 ft.) of asphalt pavement, barrier curb and gutter, sidewalk and street lights along their property frontage.

Engineering staff indicated that the addition of four more homes will not have a significant impact on local traffic and should therefore not create an issue with traffic. On-street parking is permitted on the south side of 96A Avenue which still allows for two-way queuing and for cars to pass.

There are currently no plans for the Engineering Department to widen 96A Avenue at this location.)

- Concern with the removal of trees and landscaping as a result of the proposed subdivision.

(Staff explained that as a requirement of the development application process, the City requires an arborist report and tree survey to be submitted for review and approval.

There are 80 mature trees (30 cm dbh or larger) on the subject site and the applicant is proposing to retain 43 of the existing trees. The applicant is also proposing to retain as much as possible of the existing landscaping on proposed Lot 3, which will contain the heritage house.

The applicant has submitted a landscaping plan for proposed Lot 3 which will be included in the Heritage Revitalization Agreement (HRA) to be registered on title. The landscaping plan proposes a saucer magnolia and two daybreak cherry trees along with 158 plants in a variety of shrubs and ground cover.)

- Concern with the impact of the proposed subdivision on existing wildlife living on or using the subject site.

(Staff explained that there are best management practices for urban and rural land development, however the regulations only recognize species at risk i.e. herons, eagles, pacific water shrew to name only a few.

Wildlife is regulated by the Provincial Government and there are currently no regulations in place to protect animals such as raccoons, skunks, squirrels etc. that could be living on or using the subject site. Land development can displace wildlife forcing them to find new habitat. A ravine which also contains a railway line, is located to the west of the subject site.)

DESIGN PROPOSAL AND REVIEW

- The heritage conservation plans for proposed Lot 3 were prepared by Donald Luxton and Associates.
- The applicant is not proposing any renovations to the Arthur Hedley House, but has provided a conservation plan that identifies conservation measures to be undertaken by the owner over the next 1 to 10 years in order to maintain and restore the home.
- No parking will be allowed in the front of the heritage house. Parking will be past the front of the house toward the rear of the lot.
- In order to accommodate vehicles to maneuver past the existing dwelling, the proposed driveway access for Lot 3 will require a driveway that encroaches onto the neighbouring lot to the west, proposed Lot 2. The additional driveway width is 1.2 metres (3.9 ft.) at the rear of the lot and tapers to 0.5 metre (1.6 ft.) at 96A Avenue. This driveway configuration will be secured through a reciprocal access agreement.
- The new driveway for proposed Lot 3 will be broom concrete finish with expansion joints extending across the driveway, perpendicular to the side property line at 3.0-metre (9.8 ft.) intervals. Between the expansion joints, an "X" pattern will be saw-cut or trowelled into the concrete. This driveway design will provide for a special and different finish for the existing heritage house lot.
- The Arthur Hedley House has an existing front yard setback of 9.9 metres (32 ft.) to the building face and 8.05 metres (26 ft.) to the porch.
- In order to preserve sight lines to the existing heritage house and to provide a transition to the neighbouring lots, a Section 219 Restrictive Covenant will be registered on proposed Lots 2 and 4 requiring an increased front yard setback of 8.3 metres (27 ft.). Proposed Lots 1 and 5 will be permitted the 7.5-metre (25 ft.) front yard setback permitted under the RF Zone.

- The applicant has provided a landscape plan for proposed Lot 3. In front of the existing house and along the east side into the rear yard, the applicant has proposed blue denim iris, rhododendron, chrysanthemum, dahlias and peony plants. Also, one golden rain tree is proposed to be planted in the front yard and two pacific dogwood trees in the rear yard.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum lot width of the RF Zone from 15 metres (50 ft.) to 13.92 metres (46 ft.) for proposed Lots 1, 2 and 5 and from 15 metres (50 ft.) to 13.48 metres (44 ft.) for proposed Lot 4.

Applicant's Reasons:

- The subject site is one of the last remaining undeveloped parcels in the neighbourhood. The majority of the existing lots in the surrounding area have widths of approximately 15 metres (49 ft.), the minimum lot width required under the RF Zone.
- Without the relaxation, subdivision of the parcel while retaining the existing heritage house, would result in three over-sized RF lots that significantly exceed the minimum width, depth and size required under the RF Zone. These larger lots would be out of context within the surrounding neighbourhood. This variance will allow for subdivision of a large lot in a manner in keeping with the existing pattern of lots in the area.

Staff Comments:

- The Approving Officer has the discretion as part of a subdivision application, to permit one lot width relaxation of up to 90% of the prescribed 15-metre (50 ft.) minimum in the RF Zone, i.e. 13.5 metres (44 ft.). The requested variance is for four (4) of the proposed five (5) lots (proposed Lots 1, 2, 4 and 5). The proposed fifth lot (proposed Lot 3) which contains the Arthur Hedley House has a lot width of 14.25 metres (47 ft.) and the lot width variance is incorporated in the proposed HRA.
- The applicant has agreed to retain the existing heritage house and register a Heritage Revitalization Agreement to ensure the long-term conservation of the Arthur Hedley House.
- The reduced lot width allows the heritage house to be retained in its current location.
- Therefore, the Planning and Development Department can support the proposed relaxation.

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 and Landscape Plan
- Appendix III. School District Comments
- Appendix IV. Heritage Advisory Committee Minutes
- Appendix V. Summary of Tree Survey and Tree Preservation
- Appendix VI. Development Variance Permit No. 7908-0201-00
- Appendix VII. Heritage Revitalization Agreement By-law

Jean Lamontagne
General Manager
Planning and Development

JLM/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: Mike Helle, Coastland Engineering & Surveying Ltd.
 Address: #101, 19292 - 60 Avenue
 Surrey, BC
 V3S 3M2
 Tel: 604-532-9700

2. Properties involved in the Application
 - (a) Civic Address: 11927 - 96A Avenue

 - (b) Civic Address: 11927 - 96A Avenue
 Owner: Mayfair Realty Ltd., Inc. No. 393430
 PID: 009-345-566
 Lot 116 Section 36 Block 5 North Range 3 West New Westminster District
 Plan 24613

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7908-0201-00.

 - (b) Introduce a By-law to allow for a Heritage Revitalization Agreement for the Arthur Hedley House.

SUBDIVISION DATA SHEET

Existing Zoning: RF

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.69 ac
Hectares	0.28 ha
NUMBER OF LOTS	
Existing	1
Proposed	5
SIZE OF LOTS	
Range of lot widths (metres)	13.48 m - 14.25 m
Range of lot areas (square metres)	542 m ² - 560 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	7.2 upa/17.8 upha
Lots/Hectare & Lots/Acre (Net)	7.2 upa/17.8 upha
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
PARKLAND	
Area (square metres)	n/a
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	YES
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	YES
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Lot Width	YES