

**City of Surrey
PLANNING & DEVELOPMENT REPORT**

File: 7909-0009-00

Planning Report Date: June 29, 2009

PROPOSAL:

- **Development Permit**
- **Development Variance Permit**
- **Restrictive Covenant Amendment**

to permit one additional unit and exterior modifications to a townhouse project under construction.

LOCATION:

16355 - 82 Avenue

OWNER:

Domani Homes (Fleetwood) Inc.

ZONING:

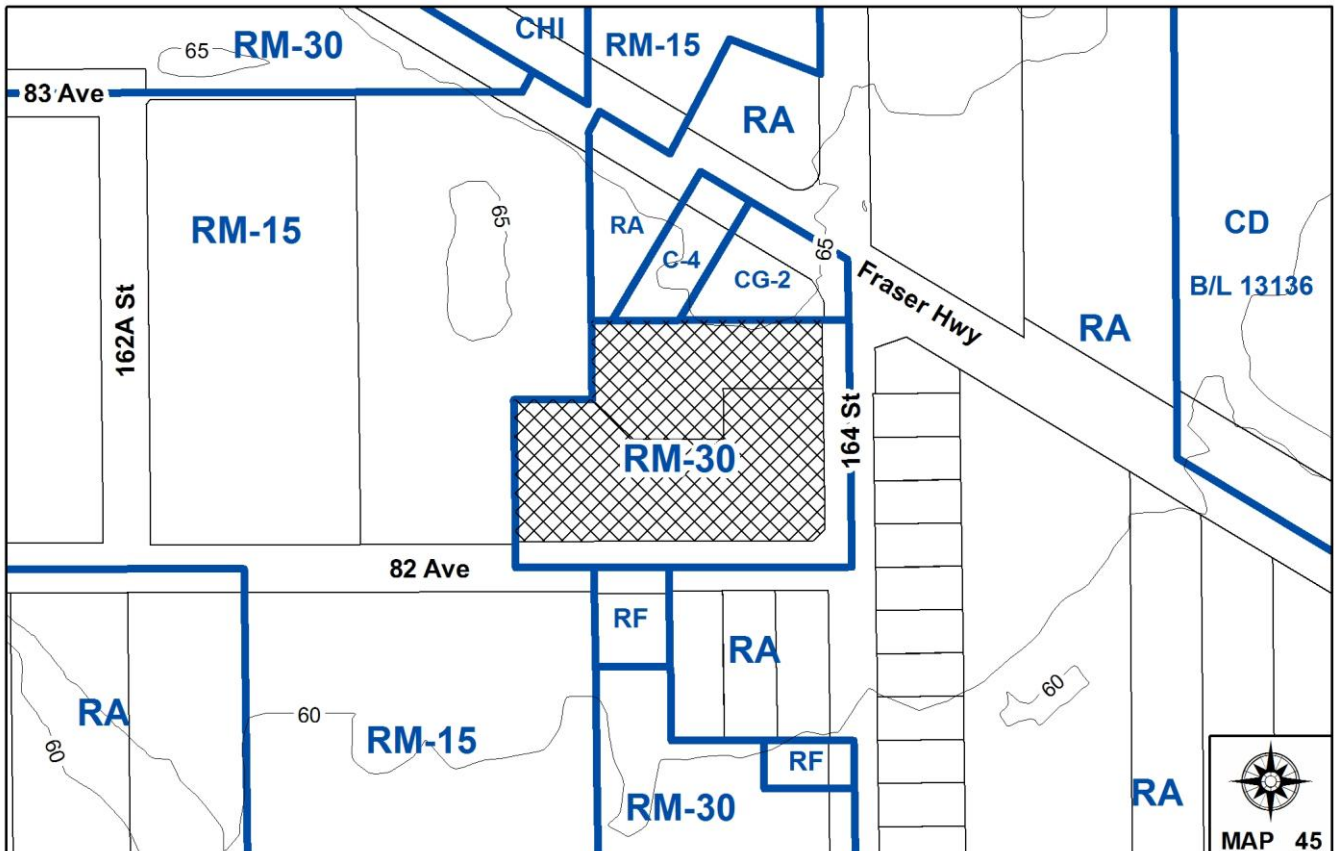
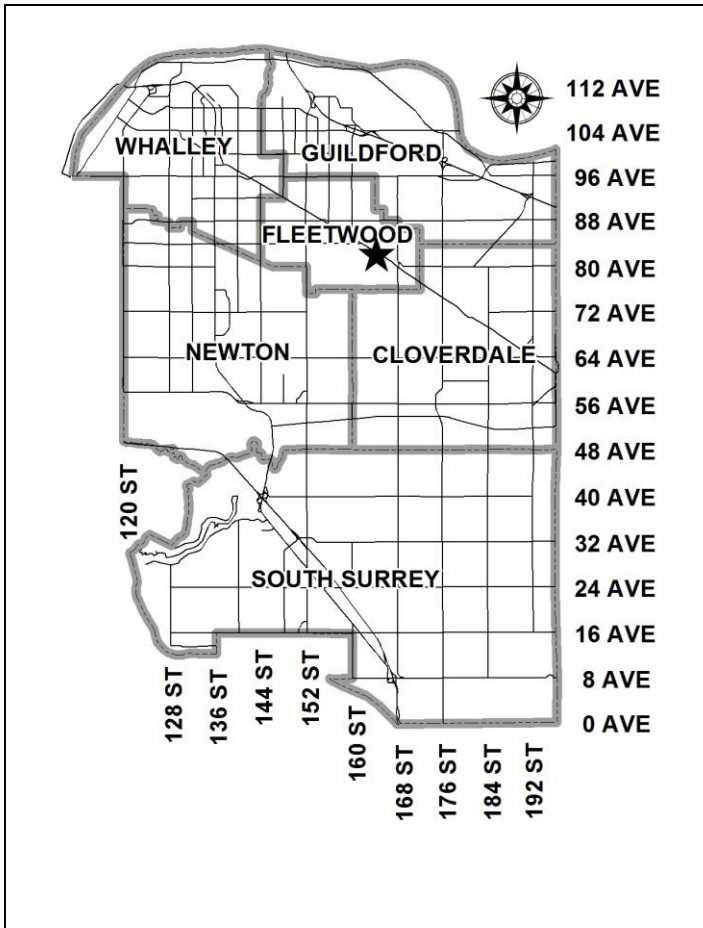
RM-30

OCP DESIGNATION:

Multiple Residential

TCP DESIGNATION:

Medium Density Townhouses



RECOMMENDATION SUMMARY

- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking variances to parking and setback requirements.

RATIONALE OF RECOMMENDATION

- The proposed design modifications are in keeping with the form and character of the original Development Permit.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7909-0009-00 in accordance with the attached drawings (Appendix II).
2. Council approve Development Variance Permit No. 7909-0009-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum side yard (south) setback of the RM-30 Zone along 82 Avenue, from 7.5 metres (25 ft.) to 4.92 metres (16 ft.) to the building face and to 4.17 metres (14 ft.) to the porch;
 - (b) to reduce the minimum front yard (east) setback of the RM-30 Zone along 162 Street, from 7.5 metres (25 ft.) to 4.24 metres to the building face; and to 3.5 metres (11.5 ft.) to the porch;
 - (c) to reduce the minimum rear yard (west) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 5.5 metres (18 ft.) to the balcony;
 - (d) to reduce the minimum side yard (north) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 6.12 metres (20 ft.) to the building face;
 - (e) to vary tandem parking requirements in the RM-30 Zone to allow one tandem parking space to be unenclosed for 18 proposed units; and
 - (f) to vary the Zoning By-law to reduce the minimum length of the unenclosed parking space from 6 metres (20 ft.) to 5.79 metres (19 ft.), for 18 proposed units.
3. Council instruct staff to resolve the following issues prior to approval:
 - (a) amendment of the existing Section 219 Restrictive Covenant BB825391, which specifically identifies the allowable tandem parking arrangement; and
 - (b) the applicant address the impact of one additional unit on the required indoor amenity space, in accordance with Council policy.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Townhouses under construction, approved under Development Permit No. 7906-0371-00.

Adjacent Area:

Direction	Existing Use	TCP Designation	Existing Zone
North:	Existing gas station and vacant lots under application No. 7908-0265-00 (pre-Council).	Medium Density Townhouses	CG-2, C-4 and RA
East (Across 164 Street):	Single family dwellings.	Medium Density Townhouses	RA
South (Across 82 Avenue):	Single family dwellings.	Low and Medium Density Townhouses	RA, RF and RM-15
West:	Townhouses	Low Density Townhouses	RM-15

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 16355 – 82 Avenue in the Fleetwood Town Centre area. On December 3, 2007 the subject property was rezoned to "Multiple Residential 30 Zone (RM-30)" with the adoption of By-law No. 16377. Development Permit No. 7906-0371-00 to allow for the construction of a 70-unit townhouse development was issued the same evening.
- Council also approved a Development Variance Permit to reduce the south and east side yard setbacks from 7.5 metres (25 ft.) to 6.1 metres (20 ft.) to the building face and to 4.6 metres (15 ft.) to the porch, and to 5.5 meters (18 ft.) to the building face and to 4 metres (13 ft.) to the porch, respectively.
- The first phase of the four phase townhouse development has been completed. Phase 1 consists of 24 units.
- The subject site is stratified. At this time no Strata Council has been formed as only 11 units have been sold. The applicant has received permission to proceed with the current application from all 11 owners.

Current Proposal

- The applicant is proposing several modifications to the subsequent phases of approved Development Permit No. 7906-0371-00.
- More specifically, the applicant proposes to increase the number of units from 70 to 71 which increases the unit density from 25 units per acre (61.8 units/hectare) to 25.8 units per acre (63.8 unit/hectare). This is below the 30 units per acre permitted under the RM-30 Zone.

- The additional unit will require the relocation of one visitor parking space and a reduced setback along the north property line.
- For the additional unit, the applicant will provide additional cash-in-lieu payment of \$1,050 as per Council policy for lack of indoor amenity space.
- The applicant is requesting further variances to those approved under Development Variance Permit No. 7906-0371-00 to provide a better interface with the street and to accommodate the additional unit as shown in the following table.

RM-30	DVP No. 7006-0371-00	Proposed
7.5 metres (25 ft.) setback from the south property line	6.1 metres (20 ft.) to building face and 4.6 metres (15 ft.) to the porch.	4.92 metres (16 ft.) to building face and 4.17 (14 ft.) metres to porches
7.5 metres (25 ft.) setback from the east property line	5.5 metres (18 ft.) to building face and 4 metres (13 ft.) to the porch.	4.24 metres (14 ft.) to building face and 3.5 metres (11.5 ft.) to porches
7.5 metres (25 ft.) setback from the west property line	No DVP proposed	5.5 metres (18 ft.) to balconies
7.5 metres (25 ft.) setback from the north property line	No DVP proposed	6.12 metres (20 ft.) to building face

- The other proposed significant design modification is to lengthen the ground floor plan in 19 units (Units 14-16, 22-33 and 42-45) by 0.6 metre (2 ft.) and conversion of the second tandem parking stall into a small office den of approximately 17.9 square metres (190 sq. ft.) in size and relocating the second stall onto the driveway.
- The proposal to convert these tandem garages into habitable space will require an amendment to the Section 219 Restrictive Covenant registered on title which identifies the units with tandem parking.
- By lengthening the basement level of 19 of the units by adding the office/den, the Floor Area Ratio (FAR) for the site has increased from 0.81 to 0.87 which is below the maximum FAR of 0.90 allowed in the RM-30 Zone.
- The lot coverage has increased from 37.9% to 38.9% which is within the 45% allowed in the RM-30 Zone.
- The landscaping plan has changed from the approved DP No. 7906-0371-00, to reflect the proposed changes.
- Colour scheme and design will remain the same as the previously approved Development Permit.

Parking Requirements

- As the RM-30 Zone requires all tandem parking spaces to be enclosed and attached to ground-oriented units, a Development Variance Permit is required to accommodate the proposed parking arrangement (see By-law Variance Section).

- A further Development Variance Permit is being requested to reduce the length of the exterior tandem space from 6 metres (20 ft.) to 5.79 metres (19 ft.) (see By-law Variance Section).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To vary the minimum side yard (south) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 4.92 metres (16 ft.) to the building face and to 4.17 metres (14 ft.) to the porch.

Applicant's Reasons:

- This setback was previously reduced to 6.1 metres (21 ft.) under Development Variance Permit No. 7906-0371-00.
- The further reduced setback along 82 Avenue will provide for a strong street-oriented character. Having front doors opening to the street and removing street facing balconies will further enhance the street-oriented character.
- The proposed change to the unit configuration has led to the proposed siting change.
- Precedent in the area for front setbacks for townhouses of between 4 metres (13 ft.) and 5 metres (16 ft.).

Staff Comments:

- Staff support the requested variance.

(b) Requested Variance:

- To vary the minimum front yard (east) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 4.24 metres to the building face; and to 3.5 metres (11.5 ft.) to the porch.

Applicant's Reasons:

- This setback was previously reduced to 5.5 metres (18 ft.) under DVP No. 7906-0371-00.
- The further reduced setback along 164 Street will provide for a strong street-oriented character.
- Change to the unit configuration has led to this change.
- Precedent in the area for front setback reductions between 4 metres (13 ft.) and 5 metres (16 ft.).

Staff Comments:

- Staff support the proposed variance.

(c) Requested Variance:

- To vary the minimum rear yard (west) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 5.5 metres (18 ft.) to the balcony face.

Applicant's Reason:

- Because main floor is not at grade, the addition of the balcony provides a small usable outdoor area at the main living space level.

Staff Comments:

- The applicant proposes to plant trees to provide screening to the neighbouring development.
- Staff support the requested variance.

(d) Requested Variance:

- To vary the minimum side yard (north) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 6.12 metres (20 ft.) to the building face.

Applicant's Reasons:

- There are few windows on the end unit to overlook the neighbouring property.
- Only an internal road from the neighbouring townhouse development is located in the affected area.

Staff Comments:

- The variance will not have a negative impact on the neighbouring development.
- Staff supported the requested variance.

(e) Requested Variance:

- To vary the parking requirement in the RM-30 Zone to allow one tandem parking space to be unenclosed, for 18 proposed units.

Applicant's Reasons:

- Other projects in Fleetwood have been able to use this layout.
- From a CPTED perspective, the additional rooms are street fronting and will put eyes on the street at street level.

Staff Comments:

- Staff concur with the applicant and support the requested variance.

(f) Requested Variance:

- To vary the Zoning By-law, to reduce the minimum length of the unenclosed parking space from 6 metres (20 ft.) to 5.79 metres (19 ft.) for 18 proposed units.

Applicant's Reasons:

- Many families have one small vehicle, which can be accommodated in the reduced driveway length.
- Other projects have had small parking spaces included in their layout.
- Marketability of the project requires reconfiguration of the parking spaces.

Staff Comments:

- The proposed 5.79 metre (19 ft.) length is longer than the small car parking space length of 4.9 metres (16 ft.) in the Zoning By-law.
- Staff support the requested variance.

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 Site Plan, Building Elevations and Landscape Plans
Appendix III.	Development Variance Permit No. 7909-0009-00

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: Domani Homes (Fleetwood) Inc.
 Address: P.O. Box 35045, Unit 469, 15940 Fraser Highway
 Surrey, BC
 V4M 9E9
 Tel: 604-507-1190

2. Properties involved in the Application
 - (a) Civic Address: 16355 - 82 Avenue

 - (b) Civic Address: 16355 - 82 Avenue
 Owner: Domani Homes (Fleetwood) Inc., Inc. No. 0802097
 PID: 027-377-857
 Lot 4 Section 25 Township 2 New Westminster District Plan BCP34542 Except
 Phase One Strata Plan BCS3220

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7909-0009-00.

DEVELOPMENT DATA SHEET

Existing Zoning: RM-30

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA (in square metres)		
Gross Total	n/a	1,1308 m ²
Road Widening area		180.5 m ²
Undevelopable area		n/a
Net Total	n/a	11,128 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	45%	38.9%
Paved & Hard Surfaced Areas		23.9%
Total Site Coverage		62.8%
SETBACKS (in metres)		
Front (East)	7.5 m	4.24 m (bldg)* 3.5 m (porch)
Rear (West)	7.5 m	7.5 m (bldg)* 5.4 m (to balcony)
Side #1 (North)	7.5 m	7.5 m
Side #2 (South)	7.5 m	4.9 m (bldg)* 4.2 m (porch)
BUILDING HEIGHT (in metres/storeys)		
Principal	13 m	10.2 m
Accessory		n/a
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		9
Three Bedroom +		62
Total		71
FLOOR AREA: Residential	10,014 m ²	9,687 m ²
FLOOR AREA: Commercial	n/a	n/a
Retail		
Office		
Total		
FLOOR AREA: Industrial	n/a	n/a
FLOOR AREA: Institutional	n/a	n/a
TOTAL BUILDING FLOOR AREA	10,014 m ²	9,687 m ²

* *Variiances requested.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		25.4 upa (62.8 upha)
# of units/ha /# units/acre (net)	30 upa	25.8 upa (63.8 upha)
FAR (gross)		
FAR (net)	.90	0.871
AMENITY SPACE (area in square metres)		
Indoor	n/a	n/a
Outdoor	213 m ²	245.7 m ²
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed	18	18
3-Bed	124	124
Residential Visitors	14	14
Institutional		
Total Number of Parking Spaces	156	156
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		63 units/88.7%
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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