

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0135-00

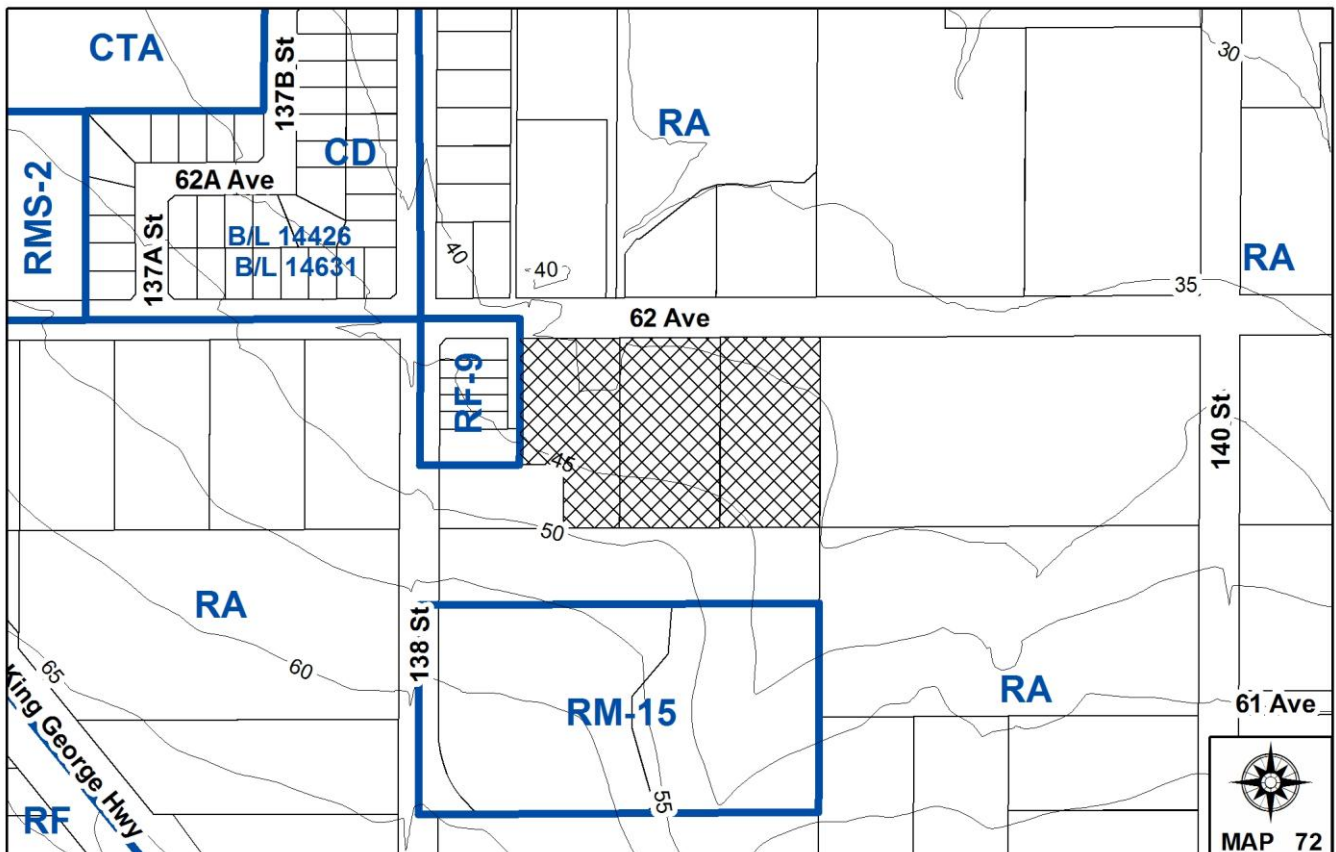
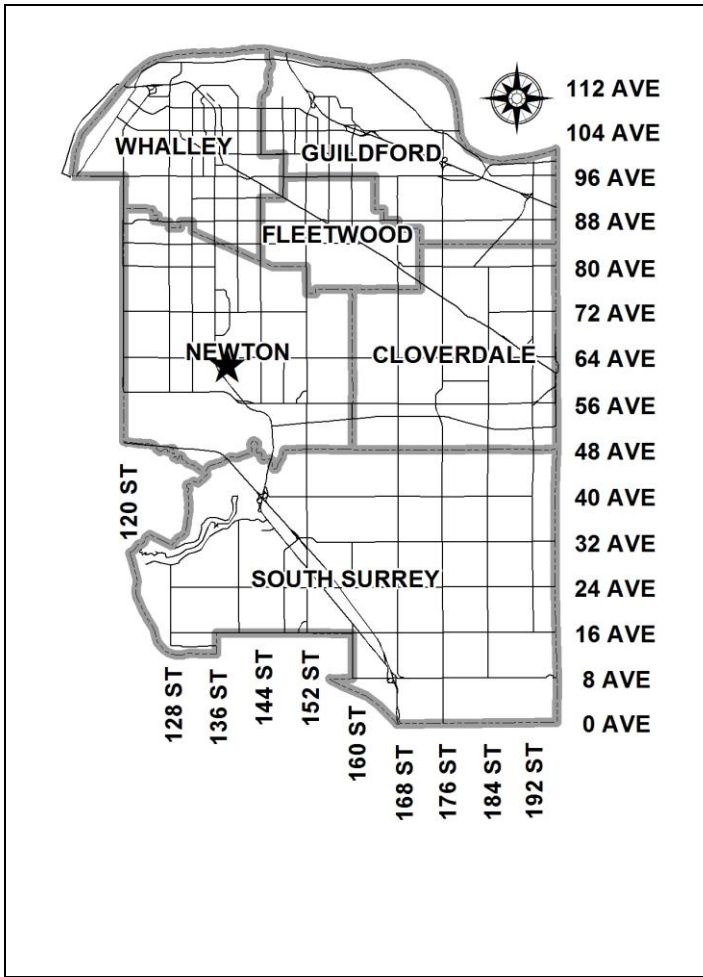
Planning Report Date: December 14, 2009

PROPOSAL:

- **NCP Amendment** from Townhouse 15 upa max to Townhouse 25 upa max
- **Rezoning** from RA to RM-30
- **Development Permit**
- **Development Variance Permit**

in order to permit the development of 56 townhouse units.

LOCATION: 13844, 13868 and 13888 – 62 Avenue
OWNER: 0799530 B.C. Ltd., Inc. No. BC0799530 et al
ZONING: RA
OCP DESIGNATION: Urban
NCP DESIGNATION: Townhouse 15 upa max and Creeks and Riparian Setback



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- South Newton NCP Amendment from Townhouse 15 upa maximum to Townhouse 25 upa maximum.
- Relax the RM-30 Zone to allow the minimum front (62 Avenue) and rear yards to be reduced from 7.5 m (25 ft) to 6.0 m (20 ft).
- Relax the RM-30 Zone to allow the minimum west and east side yards to be reduced from 7.5 m (25 ft) to 3 m (9.8 ft) and 2 m (6.6 ft), respectively.

RATIONALE OF RECOMMENDATION

- The re-alignment of 138 Street has been identified as an important objective in the South Newton NCP in order to help improve the transportation network in this area. To date, the re-alignment has been a significant challenge due to the significant land cost associated with the new road and the extensive land assembly required to achieve the re-alignment. The applicant proposes to provide a financial contribution in order to off-set the future re-alignment of 138 Street and to allow the subject application to proceed in advance of the re-alignment. This approach has been agreed to by other affected property owners in this area.
- The proposed amendment to the South Newton NCP can be considered in order to achieve a more efficient utilization of the subject site and to help off-set the costs of the re-alignment of 138 Street.
- The proposed density and built form are appropriate for this part of South Newton and the proposed design meets the design guidelines of the Development Permit Area.
- The proposed setback variances are a result of the topography of the site and the dedication of riparian land to the City, which restricts the placement of buildings and services.
- Efforts to protect trees have been made in designing this project. Proposed tree retention is reasonable given the existing site constraints and will achieve a similar level of tree retention to previous developments in the immediate area.

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 "Multiple Residential 30 Zone (RM-30)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7909-0135-00-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7909-0135-00, (Appendix VI) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard (62 Avenue) setback of the RM-30 Zone from 7.5 metres (25 ft.) to 6 metres (20 ft.) for the porch, stairs and entrance only;
 - (b) to reduce the minimum rear side yard setback of the RM-30 Zone from 7.5 metres (25 ft.) to 6.3 metres (20 ft.);
 - (c) to reduce the minimum east side yard setback of the RM-30 Zone from 7.5 metres (25 ft.) to 2 metres (6.6 ft.);
 - (d) to reduce the minimum west side yard setback of the RM-30 Zone from 7.5 metres (25 ft.) to 3 metres (9.8 ft.); and
 - (e) to permit tandem parking with one (1) enclosed and one (1) unenclosed parking stall for the 62 Avenue frontage only.
4. 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 including dedication of riparian land to the City to the satisfaction of the Approving Officer;
 - (c) approval from the Ministry of Transportation and Infrastructure;
 - (d) input from Senior Government Environmental Agencies;
 - (e) submission of a tree survey, arborist report, landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (f) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;

- (g) registration of a Section 219 Restrictive Covenant to specifically identify the allowable tandem parking arrangement and to prohibit the conversion of the tandem parking spaces into livable space;
 - (h) the applicant address the 138 Street realignment proposal; and
 - (i) the applicant submits a lot grading plan for the subject site to the satisfaction of the Planning & Development Department.
5. Council pass a resolution to amend the South Newton NCP to redesignate the lands from Townhouse 15 upa max. to Townhouse 25 upa max. 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: 11 Elementary students at McLeod Elementary School 6 Secondary students at Sullivan Heights Secondary School
Parks, Recreation & Culture:	No concerns. The applicant is required to dedicate the riparian area to the City as parkland and to pay the community amenity fees in keeping with the South Newton NCP. The applicant is also required to enter into a Habitat License Agreement for the maintenance of the riparian area.
Fisheries and Oceans Canada (DFO):	No concerns. The riparian area is required to be dedicated to the City as parkland and the applicant is required to remove all buildings and structures in the riparian area.
Ministry of Transportation & Infrastructure (MOTI):	No concerns with this proposal.

SITE CHARACTERISTICS

Existing Land Use: Existing single family homes on treed sites with a watercourse running on the east side of the site.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 62 Avenue):	Single family homes on treed sites.	Urban/Single Family Small Lots, Creeks & Riparian Setbacks and Townhouse 15 upa max.	RA
East:	Single family home on a treed site.	Urban/Creeks & Riparian Setback and Single Family Residential Flex 6 to 4.5 upa	RA
South:	Single family dwelling on acreage property.	Urban/Townhouse 15 upa max. and Creeks & Riparian Setback	RA
West:	Existing single family homes including 6 small lot single family lots (approved under File No. 7901-0227-00).	Urban/Single Family Small Lots and Townhouse 15 upa max	RA and RF-9

DEVELOPMENT CONSIDERATIONS

- The subject site is currently zoned "One-Acre Residential Zone (RA)" and designated "Townhouse 15 units per acre (upa) maximum" and "Creeks and Riparian Setback" in the South Newton Neighbourhood Concept Plan (NCP). The applicant proposes to rezone the subject site to "Multiple Residential 30 Zone (RM-30)" and to amend the South Newton NCP designation to permit "Townhouses 25 upa maximum".

Justification for NCP Amendment:

- The proposed amendment to the South Newton NCP can be considered in order to achieve a more efficient utilization of the subject site and to help off-set the costs of the re-alignment of 138 Street.
- As part of this application, the applicant is required to dedicate 3,319 sq.m. (35,727 sq.ft.) of riparian land to the City for the protection of the watercourse on the subject site. This requirement substantially reduces the amount of land available for development and therefore the proposed amendment to the NCP will help maintain the development potential of the subject site while at the same time allowing for the dedication of riparian area to the City. The proposed development will still maintain the same form of development, being ground oriented townhouse units and therefore will maintain the intent of the townhouse designation in the NCP.

- The South Newton NCP requires that lands in this quadrant be assembled and synchronized to ensure that the re-alignment of 138 Street is achieved in a coordinated manner. The applicant has volunteered to submit a financial contribution to address the requirements of the NCP and to allow this development application to proceed in advance of the 138 Street re-alignment. The financial contribution will help off-set the future cost of the 138 Street, thus addressing the South Newton NCP requirement to re-align the road.

Proposed Townhouse Development:

- The subject proposal consists of fifty-six (56), 2 and 3-bedroom units in a row-house format with at-grade parking in a tandem arrangement. The units range in size from 136 sq.m. (1,459 sq.ft.) to 161 sq.m. (1,731 sq.ft.), with a total floor area of 8,050 sq.m. (86,646 sq.ft.).
- The proposed density of 22 upa is consistent with the proposed amendment to the South Newton NCP that would permit a maximum density of 25 upa.
- The subject site conforms to the lot area, lot width and lot depth requirements of the RM-30 Zone. The proposed Floor Area Ratio (FAR) of 0.78 and Lot Coverage of 35% conforms to the requirements of the RM-30 Zone.
- The development includes a total of 124 parking stalls (112 parking stalls for residents and 12 visitor parking stalls). This exceeds the parking requirements of the Surrey Zoning By-law.
- The tandem parking stalls arrangement will be governed by a Section 219 Restrictive Covenant that will be registered on title to prohibit the conversion of tandem parking stalls into habitable space.
- The development proposes 168 sq.m. (1,808 sq.ft.) of indoor amenity space, which consists of a two storey indoor amenity building with an exercise room, games room, multi-purpose room with a kitchen and a meeting room. This meets the requirements of the RM-30 Zone requiring 3 sq.m. (32 sq.ft.) of indoor amenity space per dwelling unit. The indoor amenity building will be surrounded by a deck and is centrally located for easy access by all residents of this townhouse development.
- The development proposes 247 sq.m. (2,654 sq.ft.) of outdoor amenity space, which consists of an outdoor recreational area and a walkway. This exceeds the requirement of the RM-30 Zone requiring 3 sq. m. (32 sq. ft.) of outdoor amenity space per dwelling unit.

Vehicular Access:

- No road dedication is required along 62 Avenue. The applicant will be required to construct 62 Avenue to a through local standard with this development application.
- The subject site will obtain one vehicular access from 62 Avenue. No vehicular access is proposed from the lane adjacent to the existing small lot single family homes. The access to 62 Avenue is planned to minimize glare from headlights to the existing single homes across the street.
- The internal circulation of the subject site meets the requirements of the Fire and Engineering Departments and provides clear visibility of all vehicular routes throughout the site in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

138 Street Re-alignment:

- The South Newton NCP identifies a need to consolidate and coordinate development in the area bounded by 62 Avenue to the north, 60 Avenue to the south, King George Boulevard to the east and a watercourse to the west in order to achieve the re-alignment of 138 Street. Due to challenges in assembling the land, several land owners have proposed a coordinated approach, which has been discussed with all the property owners in this quadrant. The land owners have agreed to submit a financial contribution to address the NCP requirement, and to allow their applications to proceed to Council. The financial contributions will off-set the future cost of the new road, and the contribution is expected to be approximately \$50,000 per developable area.

Tree Preservation and Landscaping:

- Peter Mennel of Mike Fadum and Associated Ltd. prepared an Arborist Assessment for the subject property. The Arborist Assessment states that there are a total of 47 protected trees on the subject site. Trees located in the riparian area that will be dedicated to the City as parkland will remain undisturbed and therefore were not included in the arborist assessment. The following table provides the breakdown by tree species:

Table 1: Tree Preservation by Species:

Tree Species	Total Number of Trees	Total Proposed for Retention	Total Proposed for Removal
Red Alder	2	0	2
Paper Birch	5	0	5
Cedar	13	3	10
Cherry	5	0	5
Pacific Dogwood	1	0	1
Falsecypress	1	0	1
Douglas Fir	5	3	2
Hemlock	7	0	7
Bigleaf Maple	6	0	6
Spruce	1	0	1
Willow	1	0	1
Total	47	6	41

- A total of twenty-eight (28) trees, representing 59% of all the trees on the subject site are non-retainable species such as Alder, Birch, Cherry and Maple Trees. The remaining nineteen (19) trees were assessed individually and it was determined that only six (6) of these trees are good candidates for retention. The trees proposed to be retained consist of Western Red Cedar and Douglas Fir trees. It was found that the remaining trees could not be retained because of their proximity to underground services, topography of the site and significant re-grading of the site.
- The applicant has proposed to replant 80 trees on the subject site. This meets the City's requirements for tree replacement (based on a two to one replacement for coniferous trees and a replacement of one to one for deciduous trees). The new trees on the site will consist of a variety of trees including Maple, Katsura, Cypress, Dogwood, Beech, Spruce, and Pine trees. The tree planting will be complemented by a variety of ground cover including shrubs, grasses and perennials.

PRE-NOTIFICATION

- Pre-notification letters were sent on August 19, 2009 to 91 households within 100 m (328 ft) of the subject site and staff received one (1) call as a result of the notification. The caller requested information about whether parking would be permitted on 62 Avenue and where the location of the proposed driveway would be for the townhouse development. The caller requested that the driveway to the proposed townhouse development be situated to avoid undue glare from headlights of vehicles entering and exiting the site.

(The Engineering Department has confirmed that on-street parking will be permitted on 62 Avenue. City Staff have also confirmed that the driveway access to the proposed townhouse development has been placed in order to minimize possible glare from vehicular headlights to the existing homes across the street.)

- A joint Public Information Meeting with another adjacent townhouse application at 6109, 6059 and 6089- 138 Street (File No. 7907-0020-00) was held on Monday, November 9, 2009 to obtain more detailed input from area residents with respect to the proposed applications and the proposed amendments to the South Newton NCP. Sixteen (16) residents attended this meeting. Several of the residents requested the following information concerning 138 Street:

- Why was 138 Street closed at 60 Avenue? And was there public consultation?

(City Engineering staff closed 138 Street at the intersection of 60 Avenue a few years ago in conjunction with the widening of King George Boulevard. The Engineering Department assessed this intersection and determined that it needed to be closed due to extreme safety concerns. In accordance with City Policy, prior to the approval of all arterial road projects, including the widening of King George Boulevard, an extensive public consultation process was completed. The closure of 138 Street at 60 Avenue was taken through this consultation process and was endorsed by City Council.)

- Can 138 Street be temporarily re-opened at 60 Avenue for construction traffic to reduce the congestion on 62 Avenue?

(Due to extreme safety concerns, City Engineering staff have determined that 138 Street cannot be re-opened even on a limited basis.)

- Is it safe for emergency vehicles to access the proposed developments from only 62 Avenue?

(Prior to the closure of 138 Street at 60 Avenue, the City's Fire and Engineering Departments confirmed that the proposed access from 62 Avenue is adequate for emergency vehicle access for developments on 138 Street.)

- Requests the City not to approve any townhouse developments until 138 Street is completely open between 62 Avenue and 60 Avenue.

(The City's Planning and Engineering Departments have been exploring options to address the construction of 138 Street. This development will assist in the future re-alignment by providing a financial contribution to off-set future road costs.)

- How does the City control dust from trucks during construction?

(The Engineering Department has indicated that they will specify dust control measures in the Servicing Agreement for the development application.)

DESIGN PROPOSAL AND REVIEW

- This application was not referred to the Advisory Design Panel (ADP), but was reviewed by City Staff and found to be satisfactory by the Acting City Architect and the City Landscape Architect. The proposed development was evaluated based on compliance with the design guidelines in the Official Community Plan (OCP) and the South Newton NCP.
- The proposed townhouse units are designed with high quality design features envisioned for the area. The townhouses adjacent to 62 Avenue are street-oriented with direct and individual entrances and walkways to the street. The entry doors are designed to create visual interest and each townhouse unit on 62 Avenue will have a porch facing the street. Overall, the streetscape will create a pedestrian friendly and visually pleasant environment in accordance with CPTED principles. By providing eyes on the street, the orientation of these townhouses allows for natural surveillance of the neighbourhood.
- Two colour schemes are proposed: Light Brown/Beige and White/Light Blue. Both colour schemes will provide distinction to each respective townhouse unit block and will also act as a way finding aid for visitors and residents.
- All of the buildings will be constructed using asphalt shingles as the roofing material, and a combination of vinyl cedar siding, vinyl board and batten siding and wood trim as the primary cladding material.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard (62 Avenue) setback of the RM-30 Zone from 7.5 m (25 ft) to 6 m (20 ft) for the porch, stairs and entrance only.

Justification for Variance:

- The proposed reduced front yard setback is required as a result of the topography of the site restricting the placement of the buildings. The applicant has confirmed that the affected units will have functional and liveable yards, and the units will address the street.

(b) Requested Variance:

- To reduce the minimum rear yard setback of the RM-30 Zone from 7.5 m (25 ft) to 6 m (20 ft).

Justification for Variance:

- The applicant is required to dedicate the riparian area of the Class A watercourse to the City as parkland as part of this application. As a result of the configuration of the riparian area, the placement of Building 6 is required to be at an angle with one corner being placed 6 metres (20 ft) from the rear property line. The proposed variance will maintain the development potential of the subject site while at the same time allowing for the dedication of riparian area to the City.
- The proposed setback variance is to the side of one townhouse unit only and therefore will not impact the functional outdoor space for this unit.

(c) Requested Variance:

- To reduce the minimum east side yard setback of the RM-30 Zone from 7.5 m (25 ft) to 2 m (6.6 ft).

Justification for Variance:

- As a result of the requirement to dedicate riparian land to the City as parkland, a new property boundary, varying between 2 metres (6.6 ft) and 6 metres (20 ft) from the nearest dwelling units is created. The proposed variance will maintain the development potential of the subject site while at the same time allowing for the dedication of riparian area to the City.
- For building 9, the proposed setback variance is to the side of one townhouse unit only and therefore will not impact the functional outdoor space of this unit. For buildings 6 and 8, the applicant has demonstrated that these townhouse units will have functional and liveable yards.

(d) Requested Variance:

- To reduce the minimum west side yard setback of the RM-30 Zone from 7.5 m (25 ft) to 3 m (9.8 ft).

Justification for Variance:

- Proposed building 2 is located adjacent to an existing 6 m (20 ft) lane. A reduced setback of 3 m (9.8 ft) is proposed to the side of one townhouse unit only and will not impact the functional outdoor space of this unit. The proposed variance to Building 2 will maintain the development potential of the subject site while not negatively impacting the liveability of this unit.

(e) Requested Variance:

- To permit tandem parking with one (1) enclosed and one (1) unenclosed parking stall for the 62 Avenue frontage only.

Justification for Variance:

- In the RM-30 Zone, the Zoning By-law requires that when parking stalls are provided in a tandem arrangement that they are both enclosed. With this proposal, in order to create a more pedestrian friendly street presence on 62 Avenue, a front room has been added to the units facing 62 Avenue. This front room will provide for natural surveillance of the street from the units fronting onto 62 Avenue. In order to provide both a front room and a functional floor layout, the second parking stall can no longer be enclosed and a development variance is required to permit one enclosed and one unenclosed parking stall.
- The proposed variance affects only the units facing 62 Avenue and is required to create a more pedestrian friendly street presence.

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, Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	Summary of Tree Survey and Tree Preservation
Appendix V.	Proposed South Newton NCP Amendment
Appendix VI.	Development Variance Permit No. 7909-0135-00

Jean Lamontagne
General Manager
Planning and Development

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3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone a portion of the property (and a portion of road allowances(s)).
- (b) Application is under the jurisdiction of MOTI.
MOTI File No. 2009-06332.
- (c) Proceed with Public Notification for Development Variance Permit No. 7909-0135-00.

DEVELOPMENT DATA SHEET

Proposed Zoning: RM-30

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		13,687 sq.m.
Road Widening area		0
Park Dedication		3,322 sq.m.
Net Total		10,365 sq.m.
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	45%	35%
SETBACKS (in metres)		
Front (62 Avenue)	7.5 m	6.0 m to the porch 7.5 m to the bldg. face
Rear	7.5 m	6 m
Side #1 (East)	7.5 m	2 m
Side #2 (West)	7.5 m	3 m
BUILDING HEIGHT (in metres/storeys)		
Principal	13 m	12 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		1
Three Bedroom +		55
Total		56
FLOOR AREA: Residential		8,050 sq.m.
FLOOR AREA: Commercial		
Retail		
Office		
Total	n/a	n/a
FLOOR AREA: Industrial	n/a	n/a
FLOOR AREA: Institutional	n/a	n/a
TOTAL BUILDING FLOOR AREA		8,050 sq.m.

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)	30 upa/70 upha	22 upa/55 upa
FAR (gross)		
FAR (net)	0.90	0.78
AMENITY SPACE (area in square metres)		
Indoor	168sq.m.	168 sq.m.
Outdoor	168 sq.m.	246 sq.m.
PARKING (number of stalls)	n/a	n/a
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed	2	2
3-Bed	110	110
Residential Visitors	11.2	12
Institutional	n/a	n/a
Total Number of Parking Spaces	123	124
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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