

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0231-00

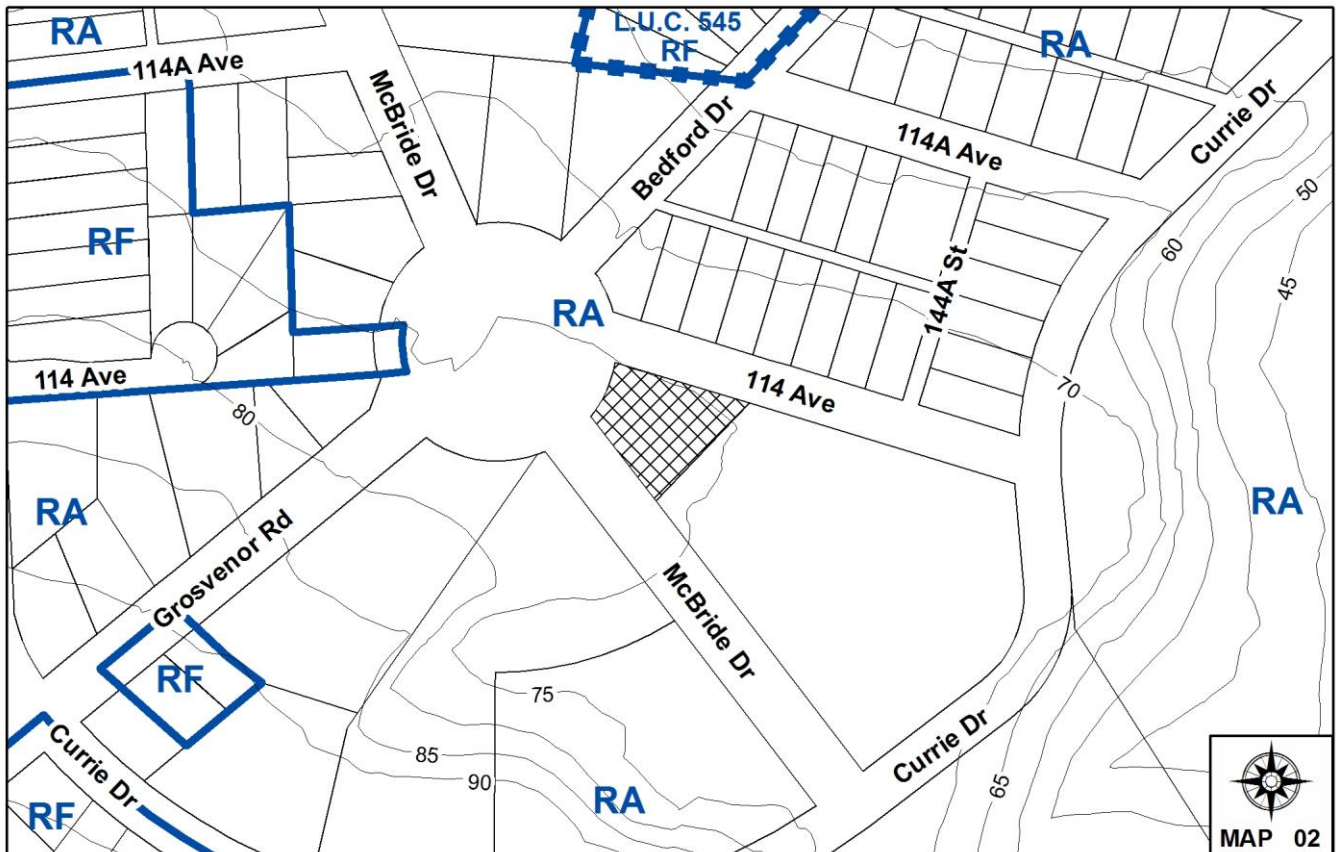
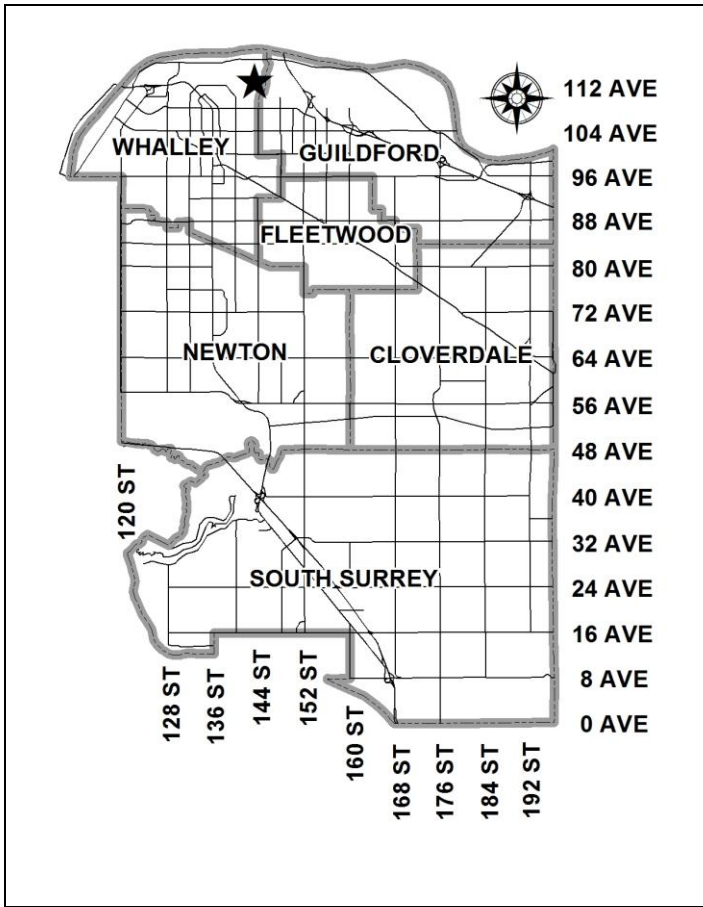
Planning Report Date: March 22, 2010

PROPOSAL:

- **Rezoning** from RA to RF
- **Development Variance Permit**

to allow subdivision into three single family lots. and to relax the works and services requirements along McBride Drive and to vary front yard setbacks for accessory buildings and structures.

LOCATION: 14362 - 114 Avenue
OWNER: Darshan Singh Jhaj and Mohinder Kaur Jhaj
ZONING: RA
OCP DESIGNATION: Urban



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

- Seeking to reduce front yard setbacks for accessory buildings and structures for proposed Lots 1, 2 and 3.
- Seeking to relax the works and servicing requirements of the Subdivision & Development By-law for improvements along a portion of McBride Drive.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Proposed setbacks allow the double fronting lots to have similar rear yard setbacks as a typical RF lot.
- McBride Drive is currently undeveloped and proposed to be closed. Works and Services are not necessary for the portion of the proposed lots fronting McBride Drive.

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 "Single Family Residential Zone (RF)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7909-0231-00, (Appendix VII) varying the following, to proceed to Public Notification:
 - (a) to reduce in the RF Zone the minimum front yard setback along McBride Drive for accessory buildings and structures greater than 10 square metres (105 sq. ft.) in size from 18.0 metres (60 ft.) to 1.8 metres (6.0 ft.); and for other accessory buildings and structures from 18.0 metres (60 ft.) to 0.0 metre for proposed Lots 1, 2 and 3; and
 - (b) to waive the requirement of the Subdivision & Development By-law, No. 8830, as amended to provide vehicular and pedestrian highway systems, water distribution, sanitary sewer and drainage works, underground wiring and street lighting systems for the adjacent portion of McBride Drive.
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 an acceptable tree survey and a statement regarding tree preservation;
 - (d) 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;
 - (e) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department; and
 - (f) registration of a Section 219 Restrictive Covenant to prohibit driveway access from McBride Drive, permitting only driveway access from 114 Avenue.

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 James Ardiel Elementary School
 0 Secondary students at Kwantlen Park Secondary School

(Appendix IV)

Parks, Recreation & Culture:

The Parks, Recreation & Culture Department has indicated that they support the proposed development application. However, they have concerns about the pressure this project will place on existing parks, recreation and cultural facilities in the neighbourhood. The applicant is required to meet and resolve this matter with Parks staff prior to consideration of Final Adoption.

The Parks, Recreation & Culture Department also requires the installation of permanent hard fencing at the south lot line bordering Invergarry Park and McBride Drive.

SITE CHARACTERISTICS

Existing Land Use: A single family dwelling and accessory buildings that will be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 114 Avenue):	Single family dwellings.	Urban	RA
East:	Invergarry Park.	Urban	RA
South:	Invergarry Park.	Urban	RA
West (Across McBride Drive):	Single family dwellings.	Urban	RA

DEVELOPMENT CONSIDERATIONS

- The subject site is located at 14362 - 114 Avenue and designated Urban in the Official Community Plan (OCP) and zoned One-Acre Residential (RA).
- The proposal is to rezone from One-Acre Residential (RA) to Single Family Residential (RF) Zone to permit subdivision into 3 single family residential lots.
- The subject site is a double-fronting lot with frontages on both 114 Avenue and McBride Drive. The portion of McBride Drive fronting the south lot line of the subject site is undeveloped and is to be closed and consolidated with Invergarry Park.

- A Section 219 Restrictive Covenant will be required to prohibit driveway access from McBride Drive. Driveway access will only be permitted from 114 Avenue.
- Parks, Recreation & Culture Department requires the applicant to install a 1.2 metre (4 ft.) high chain link fence along the south property line bordering McBride Drive to separate the proposed lots from Invergarry Park.
- The proposed lots conform to the requirements of the RF Zone in terms of lot area, width and depth. These lots range in size from 561 square metres (6,039 sq. ft.) to 801 square metres (8,622 sq. ft.), and lot widths (fronting 114 Avenue) range from 18.0 metres (59 ft.) to 22.0 metres (72 ft.). Due to the irregular shape of the proposed lots, the lot widths fronting McBride Drive range from 15.0 metres (49 ft.) to 18.0 metres (59 ft.).

Building Design

- The applicant has retained Ran Chahal of Apex Design Group Inc. as the design consultant for the development. The design consultant has developed the Building Design Guidelines based on a character study completed for the area. The character study indicates that since the majority of existing homes in the study area are more than forty years old, a new character area will be created. A summary of the design guidelines is attached (Appendix V).
- Basement-entry homes and secondary suites will not be permitted.

Lot Grading and Tree Preservation

- The applicant proposes in-ground basements on all of the proposed lots with minor fill. However, final confirmation on whether in-ground basements are achievable will be determined once final Engineering drawings have been reviewed and accepted by the City's Engineering Department.
- Preliminary Lot Grading plans were prepared and submitted by CitiWest Consulting Ltd. The plans were reviewed by staff and generally found to be acceptable.
- The applicant has submitted an Arborist Report and Tree Preservation and Replacement Plan prepared by Lesley Gifford, Certified Arborist for Diamond Head Consulting Ltd. (Appendix VI). The report identified 21 mature trees. The report proposes that 7 trees be retained and 14 trees be removed because they are either located within the proposed building envelope or driveway.
- The chart below provides a summary of the tree retention and removal by species:

Tree Species	Number of Trees	Number to be Retained	Number to be Removed
Cherry	2	0	2
Douglas-Fir	12	4	8
Ponderosa Pine	1	0	1
Western Red Cedar	3	3	0
Butternut	2	0	2
Apple	1	0	1
TOTAL	21	7	14

- Based on Tree Protection By-law (No. 16100), 28 replacement trees are required. The total number of replacement trees being proposed is 9, resulting in an average of 5 trees per lot. The applicant is required to contribute to the City Green Tree Fund, as a result of the shortfall in 19 replacement trees.
- The Arborist Report and Tree Preservation and Replacement Plan have been reviewed by City staff and found to be generally acceptable.

PRE-NOTIFICATION

Pre-notification letters were sent on January 20, 2010 and staff received five telephone calls from neighbouring residents with the following comments:

- Residents were concerned with run-off from the development flowing onto their properties across 114 Avenue which slopes significantly downwards from the road.

(The applicant is proposing to divert any run-off from the site onto the south half of 114 Avenue and into a drainage basin or swale. The applicant is also proposing to install a new storm sewer along 114 Avenue tying into the ditch on the east side of 114 Avenue to catch the run-off from the site.)

- Residents were concerned that the proposed development would overload existing servicing hook-ups in the area.

(The applicant will be extending the sanitary sewer to the west to accommodate proposed Lot 1. Proposed Lots 2 and 3 would tie into the existing sanitary and water service connections from mains on 114 Avenue.)

- Residents were concerned that the development would take away existing on-street parking on 114 Avenue.

(The applicant will be widening the south half of 114 Avenue fronting the site and constructing a barrier curb, gutter and sidewalk for pedestrian access. The proposed single family dwellings will have double garages and a driveway to accommodate resident and visitor vehicles.)

- Residents were concerned with the noise, dirt and disturbance caused by the development during construction.

(The applicant will be required to work only during permitted construction hours and will ensure their contractor will adhere to all City guidelines and by-laws during the construction phase.)

- Residents were concerned with potential soil contamination and contaminated run-off from the site due to a history of derelict vehicles parked on the site and automotive repair work by the previous owner on the site.

(The soil contamination review questionnaire submitted by the applicant did not identify any activity that would indicate potential for soil contamination. The applicant and staff conducted a site visit and there was no evidence of derelict vehicles or visual signs of contamination on the site.)

Staff also looked into the history of the site and did not find any evidence of former complaints regarding automotive repair or derelict vehicles, or any by-law infractions by the previous owner of the property that would indicate potential soil contamination.)

- A few of the residents inquired as to why the site would not be incorporated into adjacent Invergarry Park and was concerned with the loss of trees on the site.

(The City's Parks, Recreation and Culture Department did not express interest in acquiring the property for parkland. The applicant proposes to remove most of the trees at the front of the site to accommodate driveways and the proposed building envelope, but will be retaining 7 trees and providing 9 replacement trees for an average of 5 trees per lot. The applicant will be contributing to the City Green Tree Fund for the 19 replacement tree shortfall.)

BY-LAW VARIANCES & JUSTIFICATION

(a) Requested Variance:

- To reduce in the RF Zone the minimum front yard setback along McBride Drive for accessory buildings and structures greater than 10 square metres (105 sq. ft.) in size from 18.0 metres (60 ft.) to 1.8 metres (6 ft) and for other accessory buildings and structures from 18.0 metres (60 ft.) to 0.0 metre for proposed Lots 1, 2 and 3.

Applicant's Rationale:

- The proposed lots are considered to be fronting both 114 Avenue and McBride Drive. However, McBride Drive along the south lot line of the proposed lots is undeveloped and is proposed to be closed by the City.
- An 18.0 metre (60 ft.) setback for a 10 square metres (105 sq. ft.) or larger accessory building from the south lot line would prevent any homeowner from constructing an accessory building in what is essentially the rear yard of the proposed lots. Likewise, smaller accessory buildings should not be required to be sited 18.0 metres (60 ft.) from the south lot line.

Staff Comments:

- Parks has indicated they will be applying to close McBride Drive and incorporating the road right-of-way into Invergarry Park. However they do not currently have a timeline for when the road closure would be completed. Until such time when McBride Drive is closed, the proposed lots will be considered as double-fronting lots.

- The applicant is required to submit a Section 219 Restrictive Covenant to prohibit driveway access from McBride Drive, thereby ensuring that the proposed single family dwellings will front 114 Avenue. The area of the lot adjacent to McBride Drive would essentially be used as a rear yard.
- By varying the minimum front yard setback to 1.8 metres (6 ft.) for accessory buildings and structures greater than 10 square metres (105 sq. ft.), the proposed setback allows the proposed double fronting lots to have a similar rear yard setback as a typical RF lot.
- Similarly, for smaller accessory structures, a 0.0 metre setback along the south property line is reasonable.
- Staff support this variance request

(b) Requested Variance:

- To waive the requirement of the Subdivision & Development By-law, No. 8830, as amended to provide vehicular and pedestrian highway systems, water distribution, sanitary sewer and drainage works, underground wiring and street lighting systems for the portion of the proposed lots fronting McBride Drive.

Applicant's Rationale:

- The proposed lots are considered to be fronting both 114 Avenue and McBride Drive. However, McBride Drive along the south lot line of the proposed lots is undeveloped and is proposed to be closed by the City.

Staff Comments:

- The applicant would typically be responsible for improvements up to the through local road standard for the portion of the proposed lots fronting McBride Drive, as part of the subdivision application.
- Parks has indicated they will be closing McBride Drive and incorporating the road right-of-way into Invergarry Park. However they do not currently have a timeline for when the road closure would be completed.
- The applicant will be providing works and services for the portion of the proposed lots fronting 114 Avenue as required by the Engineering Department. Works and services are not necessary for the portion of the proposed lots fronting McBride Drive.
- The Engineering Department can 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 Subdivision Layout
- 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. Development Variance Permit No. 7909-0231-00

Jean Lamontagne
General Manager
Planning and Development

LC/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 Boulevard
 Surrey, BC
 V3V 7Y3
 Tel: 604-591-2213

2. Properties involved in the Application

- (a) Civic Address: 14362 – 114 Avenue
- (b) Civic Address: 14362 – 114 Avenue
 Owners: Darshan Singh Jhaj and Mohinder Kaur Jhaj
 PID: 009-908-030
 Lot 1 Block 98 New Westminster District Plan 14172

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the site.
- (b) Proceed with Public Notification for Development Variance Permit No. 7909-0231-00.

SUBDIVISION DATA SHEET

Proposed Zoning: RF

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.491 ac
Hectares	0.1986 ha
NUMBER OF LOTS	
Existing	1
Proposed	3
SIZE OF LOTS	
Range of lot widths (metres)	15 m – 18 m
Range of lot areas (square metres)	561 m ² - 801 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	15.11 lots/ha 6.11 lots/ac
Lots/Hectare & Lots/Acre (Net)	-
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	40%
Estimated Road, Lane & Driveway Coverage	7%
Total Site Coverage	47%
PARKLAND	
Area (square metres)	n/a
% of Gross Site	n/a
	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	
Front Yard Setback	YES
Works and Services	YES