

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0258-00

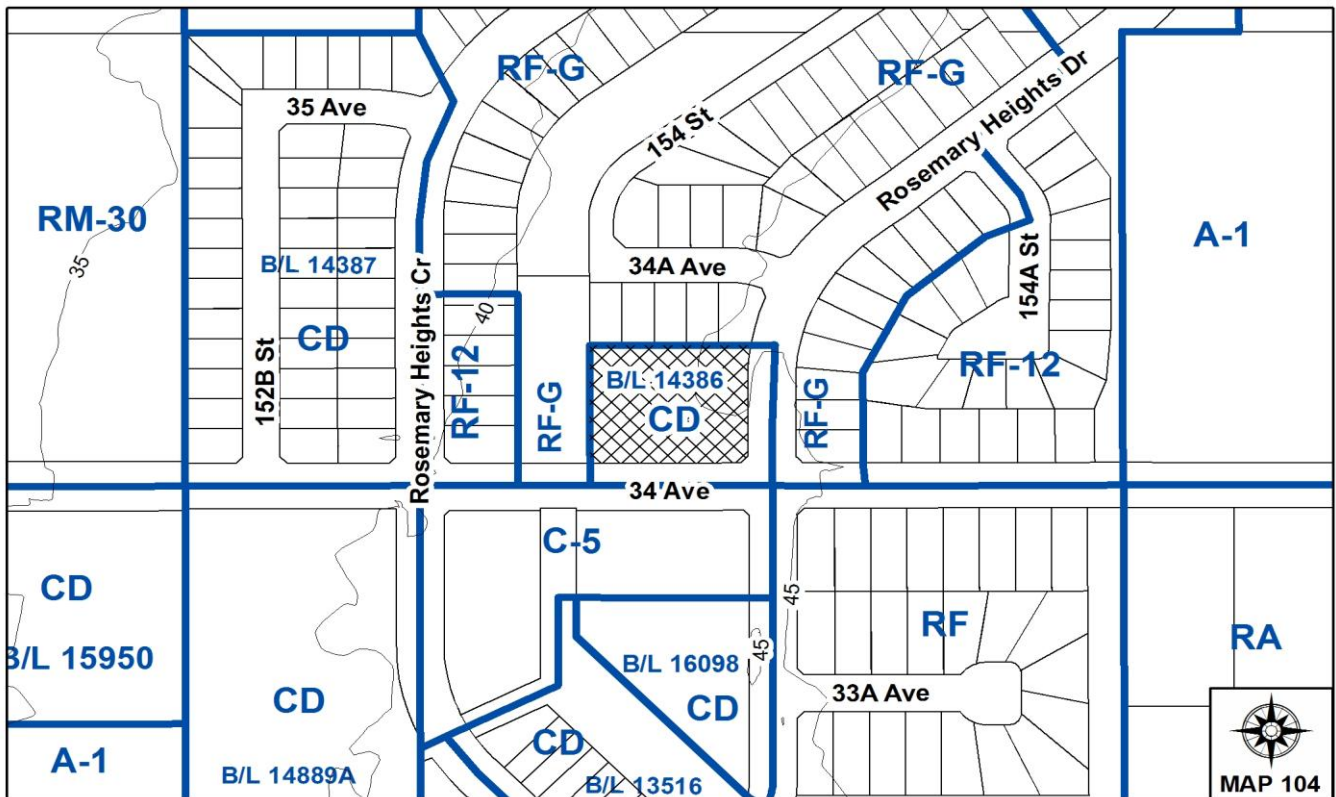
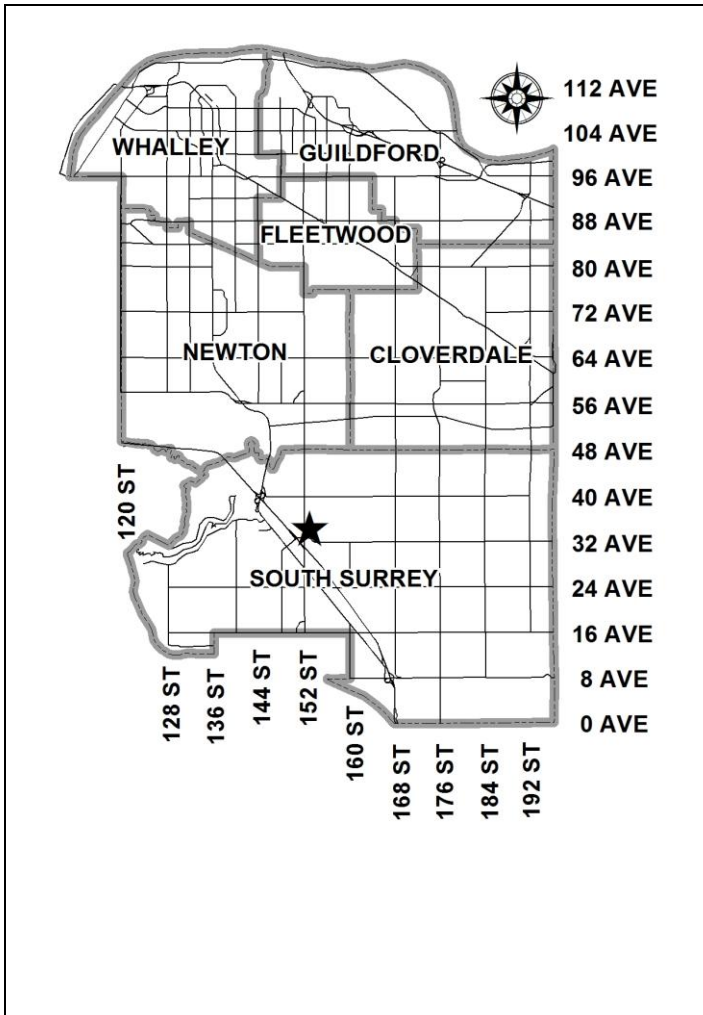
Planning Report Date: June 21, 2010

**PROPOSAL:**

- **NCP Amendment** from Neighbourhood Commercial to Single Family Small Lot
- **Rezoning** from CD (By-law No. ~~14382~~ **14386**) to RF-9 and RF-SD
- **Development Variance Permit** to vary the front and rear yard setbacks, building separation requirements, and definition of "front lot line" and "frontage".

in order to allow subdivision into 12 single family small lots, including four (4) semi-detached units, with six (6) units fronting on a park.

**LOCATION:** 15345 - 34 Avenue  
**OWNER:** Rosemary Developments Ltd., Inc.  
 No. 410635  
**ZONING:** CD (By-law No. 14386)  
**OCP DESIGNATION:** Urban  
**NCP DESIGNATION:** Neighbourhood Commercial



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject site is designated "Neighbourhood Commercial" in the Rosemary Heights Central Neighbourhood Concept Plan (NCP). The applicant seeks an NCP Amendment to redesignate the site to "Single Family Small Lots" in order to create 12 single family small lots, including 4 semi-detached lots. Six (6) lots are proposed to front on a park.
- A Development Variance Permit is required to relax setback and building separation requirements, as well as to vary the definition of lot frontage and front lot line, in order to achieve lots that front on a park.

### RATIONALE OF RECOMMENDATION

- Complies with the OCP Designation.
- The site is located directly north of the existing neighbourhood commercial development in the core of the Rosemary Central NCP.
- The existing neighbourhood commercial development across the street provides adequate services and amenities to area residents.
- The property owner/developer is also the owner of the existing commercial development across the street. The owner/developer contends that additional commercial space as envisioned in the NCP is not warranted in the area due to the previous difficulties leasing this space and given that large retail shopping centres have been approved nearby, including Grandview Corners, Morgan Crossing, and the Grosvenor development on the west side of 152 Street at 34 Avenue, since the adoption of the NCP. These developments have substantially reduced the market demands for local commercial space at the subject location.
- The proposed single family development is of a high quality design, consistent with the commercial development and single family homes to the north and east. The subject development also proposes single family lots that front on the park, thus improving the surveillance and public interaction at this location.
- The Development Variance Permits (DVPs) are required in order to facilitate Lots 7 to 12 which will interface directly with the park.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the portion of the subject site shown as Block "A" on Appendix I from "Comprehensive Development Zone (CD)" (By-law No. 14386) to "Single Family Residential (9) Zone (RF-9)" (By-law No. 12000) and to rezone the portion of the site shown as Block "B" on Appendix I from "Comprehensive Development Zone (CD)" (By-law No. 14386) to "Semi-Detached Residential Zone (RF-SD)" (By-law No. 12000) and a date be set for Public Hearing (Appendix VIII).
2. Council approve Development Variance Permit No. 7909-0258-00 (Appendix IX), varying the following to proceed to Public Notification:
  - (a) to vary the definitions of "front lot line" and "frontage" in Zoning By-law No. 12000 for proposed Lots 7 to 12 to include a lane;
  - (b) to vary the rear yard setback requirements in the RF-9 and RF-SD Zones for Lots 7 to 12 from 6.5 metres (21 ft.) to 6.0 metres (20 ft.);
  - (c) to vary the required separation between the principal building and the accessory building in the RF-9 and RF-SD Zones for Lots 7 to 12 from 6.0 metres (20 ft.) to 2.5 metres (8 ft.); and
  - (d) to vary the required setback for garages in the RF-9 and RF-SD Zones of Lots 7 to 12 in order to allow these lots to front on the park.
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, including financial securities for an existing tree in the park; and
  - (d) registration of a Section 219 Restrictive Covenants for a party-wall agreements, common roof, common perimeter, drainage system and structural independence for semi-detached units;
  - (e) the applicant acquire the required right-of-way to ensure front access to Lots 7 to 12 fronting the park to the satisfaction of Parks, Recreation & Culture; and
  - (f) the applicant submit an appropriate park interface plan, including pathway and landscaping, as well as financial securities for construction, to the satisfaction of Parks, Recreation & Culture.

4. Council pass a resolution to amend the Rosemary Heights Central Neighbourhood Concept Plan to redesignate the land from "Commercial" to "Single Family Small Lot" 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:**

4 Elementary students at Rosemary Heights Elementary School  
2 Secondary students at Earl Marriott Secondary School

(Appendix IV)

**Parks, Recreation & Culture:** Parks will permit servicing within the park site. The applicant is required to work with Parks, Recreation & Culture to make all efforts to preserve an existing tree. The applicant is required to pay for rights-of-ways, applicable NCP fees and 5% cash-in-lieu of parkland, as well as provide pathway and park improvements along Lots 7 to 12 (Appendix IX).

### SITE CHARACTERISTICS

Existing Land Use: Undeveloped lot.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North (Across):	Single family homes.	Urban/Compact Single Family	RF-G
East (Across Rosemary Heights Drive):	Single family homes.	Urban/Compact Single Family	RF-G
South (Across 34 Avenue):	Neighbourhood commercial.	Urban/Neighbourhood Commercial	C-5
West:	Park.	Urban/Open Space	RF-G

### DEVELOPMENT CONSIDERATIONS

#### Justification for Plan Amendment

- The subject site is designated 'Neighbourhood Commercial' in the Rosemary Heights Central Neighbourhood Concept Plan (NCP).

- An amendment to the NCP is proposed from 'Neighbourhood Commercial' to 'Single Family Small Lot'.
- The amendment is proposed as the owner/developer indicates that additional commercial space is no longer viable in this location. The same property owner and developer built and operates the existing commercial development south of the subject site across 34 Avenue.
- The owner has indicated that difficulties in leasing the commercial space have been experienced over the years due to the internal location of this commercial centre and lack of exposure to major roads. Additionally, larger retail shopping centres have recently been approved and opened nearby, since the adoption of the NCP, including Grandview Corners and Morgan Crossing, which will provide significant commercial space for the area. These large development have altered the demand for additional local commercial space. Additional commercial space is not deemed needed in light of these larger commercial developments.
- There are existing single family small lots to the north and east of the subject site, which creates an appropriate interface for the proposed amendment.
- The houses fronting 34 Avenue have been designed to create a street presence and to reflect elements of both the commercial development and the existing single family homes.
- Overall, staff can support the plan amendment given the applicant's rationale regarding the changes to local commercial supply in the area, and the appropriate type of development proposed at this location adjacent to the park.

### Proposal

- The subject site is currently zoned Comprehensive Development (CD) Zone, By-law No. 14386, which allows for a neighbourhood-scale commercial development.
- The proposal is to rezone the subject site to Single Family Residential 9 Zone (RF-9) and Semi-Detached Residential Zone (RF-SD) to allow for 8 single family small lots (RF-9) and 4 semi-detached (RF-SD) lots.
- The four (4) RF-SD type lots proposed are located closest to 34 Avenue in order to create a stronger architectural presence along the street. The eight (8) RF-9 type lots are north of the RF-SD (Appendix II).
- Proposed lots 7-12 face the City Park to the west. The houses are oriented toward the Park and are setback 6.0 m (20 ft) from the rear (park) property line. A DVP is required to vary setbacks and redefine lot frontage definitions in order to accommodate this interface, and is discussed later in this report.
- RF-SD houses share a common lot line and are required to register a Section 219 Restrictive Covenant for a party-wall agreement, structural independence, common roof systems and common perimeter drainage.

### RF-9 and RF-SD Zones

#### *Lot 1-6*

- Proposed Lots 1-6 front Rosemary Heights Dr. and have the standard 2.0 m (6.5 ft) setback to porch front and 3.5 m (11.5 ft) setback to building face outlined in the RF-9 and RF-SD Zones.
- The principal building and garages are separated by 6.0 m (20 ft), which is standard to the zones.
- The units fronting 34 Avenue have wrapped porches and are designed to be street oriented and provide an appropriate transition and interface between the existing commercial and residential uses (Appendices II and VIII).

#### *Lots 7-12*

- Lots 7-12 are proposed between the existing Park site to the west and a proposed lane to the east.
- These lots require that the proposed lane serve as the legal lot frontage. A DVP is required to accommodate this condition and is discussed later in this report.
- The houses are oriented towards the Park and are proposed to be setback 6.0 m (20 ft) from the property line which interfaces with the Park and provides for a useable yard area. The access to these units will be via a statutory right-of-way (ROW) along the park. The developer is required to acquire this ROW and provide an appropriate pathway landscaping and interface design. This is discussed below.
- The units are oriented toward the Park, supporting Crime Prevention Through Environmental Design (CPTED) principles and provide "eyes" on the Park.
- The garages are accessed off the lane and setback at 0.5, (1.6 ft), which is the same as the RF-9 Zone.
- The garages for lots 7-12 are proposed to be attached to the principal house, via a utility room, permitted in the RF-9 Zone, as the functional yard area has been moved to the front of the house.
- A DVP is required to reduce the required separation between the garage and the principal building for these lots, from 6.0 m (20 ft) to 2.5 m (8 ft) and to allow the garages to be located within the "front" yard setback.

### Building Design and Lot Grading:

- The applicant for the subject site has retained Mike Tynan of Tynan Consulting as the Design Consultant. The consultant conducted a character study of the surrounding homes and based on the findings, and current market trends, proposed a set of building design guidelines (Appendix V).
- In ground basements are proposed based on the lot grading and tree preservation information that was provided by the applicant.
- Basement-entry homes and secondary suites will not be permitted.

- Specific design considerations and an appropriate architectural response for the semi-detached dwellings on proposed Lots 6 and 7 which front 34 Avenue. Houses have been designed to front the street and mimic elements of the architectural style of the commercial development. A streetscape has been prepared and attached as part of Appendix II.
- Details of the interface with the Park site, including fencing, pathway design and landscaping, will be finalized prior to final approval of the project.

#### Tree Preservation/Replacement

- Mike Fadum and Associates Ltd., prepared the Arborist Report and Tree Preservation/Replacement Plans, dated January 28, 2010. They have been reviewed by the City's Landscape Architect and have been stamped acceptable.
- The Arborist Report indicates that there are 10 mature trees on the site. The report proposes the removal of all 10 trees. Staff reviewed the proposed subdivision layout and arborist report to identify opportunities for tree preservation. The RF-9/RF-SD lot sizes and building envelopes did not allow for opportunities for tree preservation.

#### Tree Species Summary

Tree Species	Number of Trees	Proposed for Retention	Proposed for Removal	Total
Paper Birch	1	0	1	1
Douglas Fir	9	0	9	9
<b>Total</b>	10	0	10	10

- The cash-in-lieu of replacement trees, which will go toward the Green City Fund, is \$2,400.00 and the tree replacement security is \$3,600.00

#### Park Interface and Provisions:

- Parks, Recreation and Culture (PRC) have agreed to accommodate rights-of-ways through the Park site for services and public rights of passage for pedestrian access to Lots 7 to 12.
- The developer has committed to working with PRC in establishing the alignment and design of services in order to make all efforts possible to preserve an existing tree located within the Park site.
- The developer has also agreed to compensate for the use of land for the rights of ways.
- A detailed plan of interface including sidewalk, landscaping and fencing will be established prior to completion of the project to the satisfaction of the Parks, Recreation & Culture Department.

PRE-NOTIFICATION:

- Pre-notification letters were mailed out on January 12, 2010 and staff received one (1) letter, one (1) email and two (2) phone calls regarding this development.
- Two (2) of the inquiries were seeking additional information regarding the proposal, including interface details. Concerns were not expressed as a result of the information provided.
- The letter received outlined concerns related to the four (4) single detached lots (RF-SD), which are not in keeping with the single family character of the neighbourhood.

*The RF-SD Zone was intended to create single family dwellings, but in a semi-detached typology. This typology is considered appropriate at this location, as it will create a stronger architectural expression along 34 Avenue, consistent with the stronger architectural form of the commercial development south of 34 Avenue.*

*The subject site is designated Commercial in the NCP. There are a total of 12 lots being created through this development application. The height and density of the proposed development is reduced from what could have been developed under the existing Commercial designation.*

BY-LAW VARIANCES AND JUSTIFICATION

## (a) Requested Variance:

- To vary the definition of "front lot line" and "frontage" in the Zoning By-law for proposed Lots 7-12 in order to allow these lots to front on a lane and back onto the Park.

## Applicant's Reasons:

- The proposed variance is required to accommodate the proposed lots, which will be designed with houses fronting the park, but from a technical zoning definition perspective will back onto the park and have "frontage" and vehicular access from the lane.

## Staff Comments:

- In the Definition Section of the Zoning By-law "front lot line" is defined as the lot line common to a lot and an abutting highway excluding a lane. "Frontage" is defined as the common boundary shared by the front lot line and a highway, but excluding a lane.
- The proposed park area is to provide a focal point for the neighbourhood. The lots proposed to face the park area will enhance public observation of activities in the park and integrate the park area with the surrounding single family homes.



## (b) Requested Variance:

- To vary the minimum rear yard setback in the RF-9 and RF-SD Zones from 6.5 m (21 ft) to 6.0 m (20 ft) for Lots 7-12.

## Applicant's Reasons:

- The setback provides for an ideal interface with the Park and provides for ideal active space.

## Staff Comments:

- The slight decrease in setback requirement contributes to Crime Prevention Through Environmental Design Principles (CPTED) through the provision of active space and surveillance interfacing with the Park.
- The proposed setback allows the front of the house closer to the park area while maintaining an adequate outdoor space.

## (c) Requested Variance:

- To vary the minimum separation between the principal and accessory building requirement in the RF-9 and RF-SD Zones from 6.0 m (20 ft) to 2.5 m (8 ft) for Lots 7-12.

## Applicant's Reasons:

- The 6.0 m (20 ft) rear yard setback is provided as the usable yard area for these lots. In order to accommodate this lot configuration and orientation, the separation between the buildings must be decreased.

## Staff Comments:

- Staff are supportive of the reduced separation given the increased front yard setback as the intent of the separation was to provide for a usable yard area which has been replaced by the yard adjacent to the park.

## (d) Requested Variance:

- To vary the required front yard setback under the RF-9 and RF-SD Zones to allow a structure, limited to a garage, to be located within the front yard, with a minimum setback of 0.5 metre (1.6 ft.) for Lots 7 to 12.

## Applicant's Reasons:

- This relaxation will allow the lots fronting the park to have garages on the lane, which is deemed the lot frontage.

## Staff Comments:

- This variance corresponds to other relaxations to create lots fronting the park.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Zoning Plan
- 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. NCP Plan
- Appendix VIII. Development Variance Permit No. 7909-0258-00

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:                    Clarence Arychuk, Hunter Laird Engineering Ltd.  
                         Address:                    #300 - 65 Richmond Street  
                                                            New Westminster, BC  
                                                            V3L 5P5  
                         Tel:                                    604-525-4657

2.      Properties involved in the Application

- (a)      Civic Address:                    15345 - 34 Avenue
- (b)      Civic Address:                    15345 - 34 Avenue  
                         Owner:                                    Rosemary Developments Ltd., Inc. No. 410635  
                         PID:                                        025-120-492  
                         Lot 29 Section 26 Township 1 New Westminster District Plan LMP51034

3.      Summary of Actions for City Clerk's Office

- (a)      Introduce a By-law to rezone the property.
- (b)      Proceed with Public Notification for Development Variance Permits.

## SUBDIVISION DATA SHEET

Proposed Zoning: RF-SD/RF-9

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	.853
Hectares	.345
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	12
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	7.2 m – 9.28 m
Range of lot areas (square metres)	214.8 sq.m. – 270 sq.m.
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	14 upa/34.7 uph
Lots/Hectare & Lots/Acre (Net)	
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	60%
Estimated Road, Lane & Driveway Coverage	10%
Total Site Coverage	70%
<b>PARKLAND</b>	
Area (square metres)	
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	YES
<b>TREE SURVEY/ASSESSMENT</b>	YES
<b>MODEL BUILDING SCHEME</b>	YES
<b>HERITAGE SITE Retention</b>	NO
<b>BOUNDARY HEALTH Approval</b>	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	YES
Works and Services	YES
Building Retention	YES
Others	YES