

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0068-00

Planning Report Date: June 7, 2010

PROPOSAL:

- **Amend CD By-law No. 15909**
- **Restrictive Covenant Amendment** to accommodate changes to the Building Scheme
- **Development Variance Permit** to allow increased fence height along Highway No. 10

in order to increase the maximum allowable floor area of the houses from 307 square metres (3,300 sq.ft.) to 360 square metres (3,875 sq.ft.) and a maximum floor area ratio of 0.32.

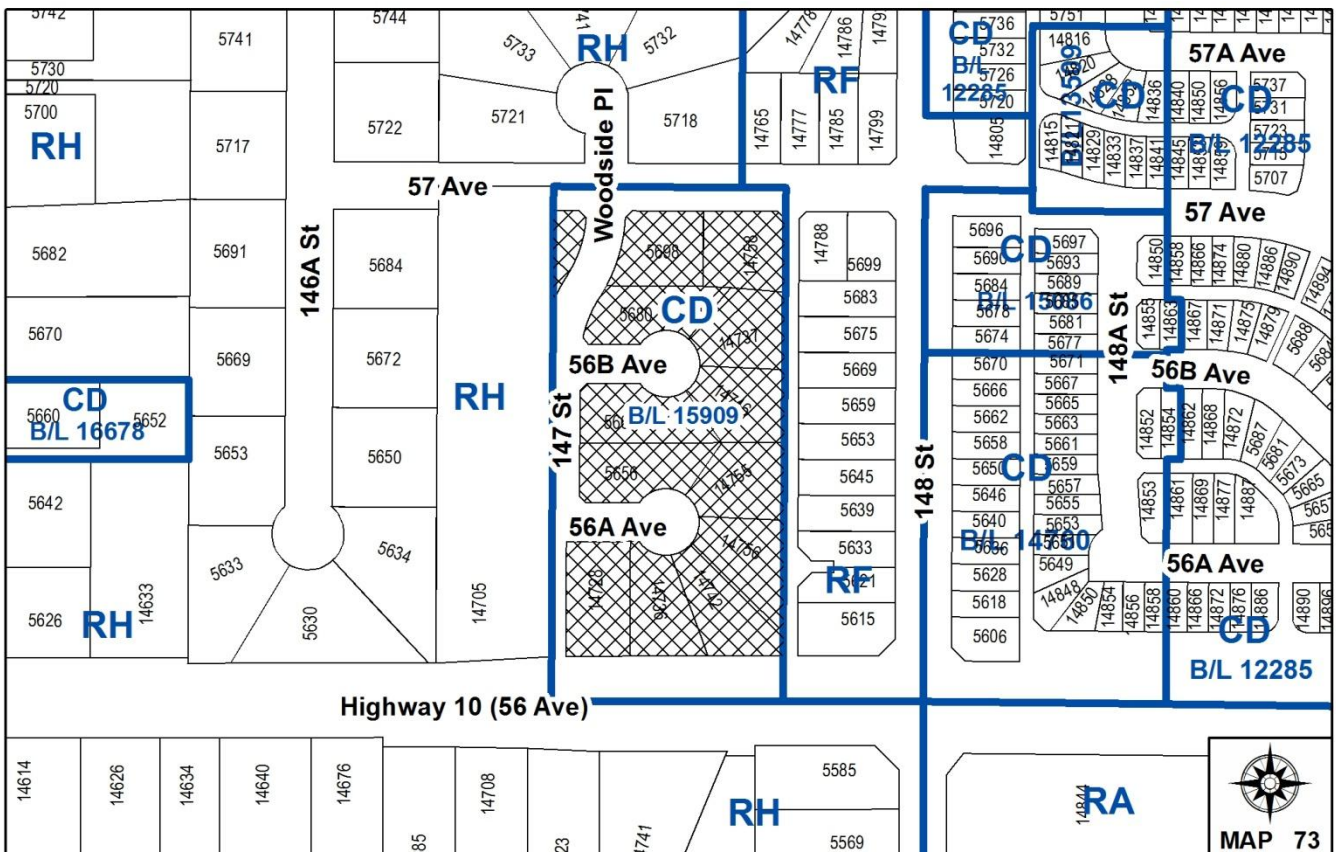
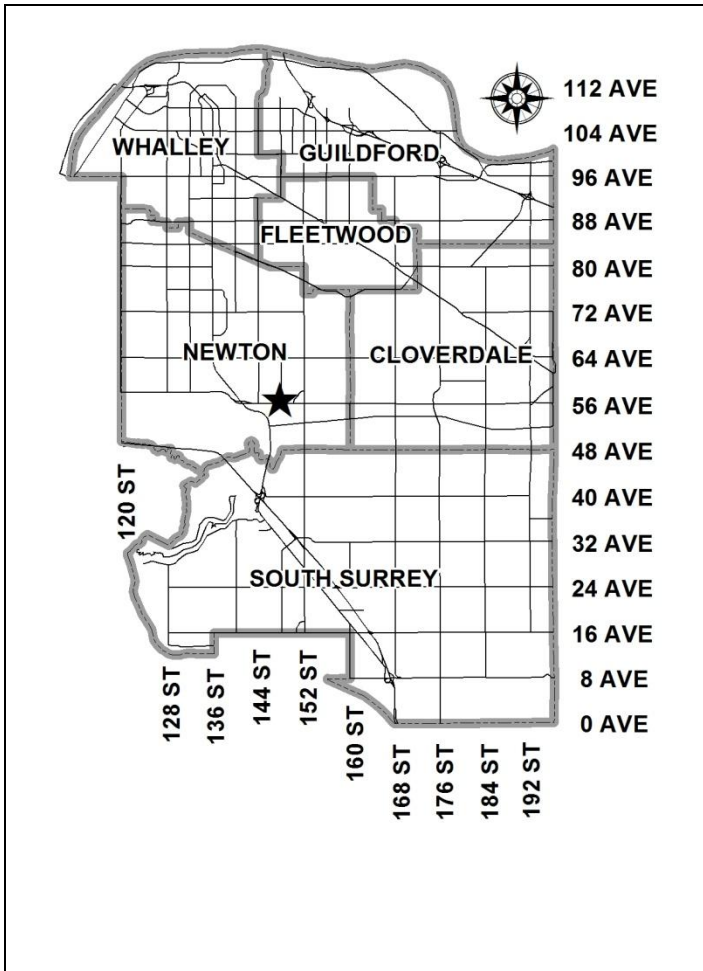
LOCATION: 14700 Block of 56 Avenue

OWNER: Various

ZONING: CD (By-law No. 15909)

OCP DESIGNATION: Urban

NCP DESIGNATION: Single Family Residential Large Lots



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amending CD By-law No. 15909.
- Approval for Development Variance Permit No. 7910-0068-00 to proceed to Public Notification.
- Approval for amending the Building Scheme.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The variance for the increased fence height along Highway No. 10 to 3 metres (10 ft.) is for sound attenuation, as requested by neighbouring property owners.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Generally complies with NCP Designation.
- The increase in the maximum allowable floor area will allow the lots to be marketable.
- There is general agreement with the adjacent neighbours who expressed concerns about the proposal. The general agreement is reflected in modifications made to the CD amendment, building scheme and the construction of a noise attenuation wall that requires a Development Variance Permit to increase the wall height.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend "Comprehensive Development Zone (CD)" (By-law No. 15909) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7910-0068-00 (Appendix X) varying the following to proceed to Public Notification:
 - (a) to vary the maximum fence height from a maximum of 1.8 metres (6 ft.) to 3 metres (10 ft.) in the General Provisions of the Zoning By-law.
3. Council approve amendments to the Building Scheme as discussed in the report.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) registration of the revised Building Scheme;
 - (b) discharge of Section 219 Restrictive Covenant for a 10 metre (33 ft.) landscaping buffer; and
 - (c) security for the installation of the sound attenuation fence along Highway No. 10.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Large urban lots rezoned and subdivided under Development Application No. 7904-0151-00.

Adjacent Area:

| Direction | Existing Use | OCP/NCP Designation | Existing Zone |
|--------------------------------|-----------------------|--------------------------------------|---------------|
| North (Across 57 Avenue): | Single family houses. | Suburban/Suburban Residential ½ Acre | RH |
| East: | Single family houses. | Urban/Single Family Residential | RF |
| South (Across Highway No. 10): | Single family houses. | Suburban | RH |
| West: | Single family house. | Suburban/Suburban Residential ½ Acre | RH |

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located in the South Newton Neighbourhood Concept Plan (NCP) and is designated "Single Family Residential Large Lots".
- The site was rezoned and subdivided and the South Newton NCP was amended under Surrey Development Application No. 7904-0151-00 in 2007.
- The existing Comprehensive Development (CD) Zone, By-law No. 15909 was created in order to facilitate the 12 larger urban lots.
- The original application (7904-0151-00) involved a significant community consultation process in order to determine the number and size of the lots proposed, as well as some of the specific conditions included in the CD By-law.
- The existing CD Zone is based on a combination of the "Half-Acre Residential Gross Density (RH-G) Zone" and the "Single Family Residential (RF) Zone".
- The existing CD Zone outlines for a maximum floor area ratio of 0.32. Notwithstanding this, the maximum floor area is 307 sq.m (3,300 sq. ft).
- This maximum floor area, which is less than the standard RF Zone, was established as a result of discussions with neighbouring property owners in order to respond to the concern regarding the character of the neighbourhood, and secondary suites.

Proposal

- The current proposal is to amend the existing CD Zone in order to increase the maximum allowable maximum floor area from 307 sq.m (3,300 sq.ft) to 360 sq. m (3,875 sq.ft).
- The applicant's reasoning for amending the CD By-law to increase the maximum permitted floor area is because they have been unable to sell the majority of the lots due to the restriction on house size.
- The lot sizes range between 1,120 sq.m (12,055 sq.ft) and 1,318 sq.m (14,186 sq.ft), which are similar to RH-G type lots. However, the restriction on maximum floor area of 307 m² (3,300 ft²) is less than the maximum floor area in the RF Zone of 330 m² (3,350 ft²).
- The applicant feels that in order to obtain fair market value for the size of the lots the allowable maximum house size needs to be increased.

Public Consultation and Agreement:

- As a result of pre-notification and a Development Proposal Sign, a letter of petition was submitted to the City regarding the current proposal to amend the restriction on floor area. The petition was signed by eighteen (18) neighbouring households, and was not in favour of the proposed amendment.
- The reasoning provided for the opposition was related to a reduction in property values as a result of homes that would be built which are not in character with existing neighbourhood homes and the potential for secondary suites as a result of the increased floor area. They also outlined that they felt the lots have been priced too high.
- Consequently, the developers and their agent met with some of surrounding property owners on May 20, 2010 to present their proposal and to discuss concerns expressed by some of the surrounding neighbours.
- A representative from the Planning Department was in attendance as an observer.
- Discussions took place related to the increased floor area, the potential for secondary suites, the history of the project and sale of lots, and the design of the houses.
- It was suggested that if the increased floor area was unavoidable, than some additional design features might be proposed in an attempt to reduce the secondary suite potential.
- Some general agreement was reached as a result of the dialogue with the neighbours. The following is a discussion on the measures to implement the general agreement:

CD Amendment

- The maximum Floor Area Ratio remains the same at 0.32. The maximum allowable floor area is proposed to be changed from 307 sq.m (3,300 sq.ft.) to 360 sq.m (3,875 sq.ft). However, the amendment also stipulates that a three (3) car garage must be provided.
- Taking into consideration the floor area required for the additional garage space, the resulting increase in habitable floor area is approximately 37 sq. m (400 sq.ft).

Building Scheme Changes

- The provision for a three (3) car garage to form part of each house, including specific design features for the garages will be incorporated into the Building Scheme. The rationale for the additional garage space is to accommodate parking on the lots and to remove a minimum of 16 sq. m (175 sq. ft) of floor area from the habitable area of the house. This may be desirable because of the suburban type lots and homes.
- Access to the basement from the outside is proposed to be limited to one access point, which is an additional restriction not typically specified in the Building Scheme.
- The restriction for 1 bathroom in the basement is also included in the Building Scheme.

Sound Attenuation Wall

- The neighbouring property owners have requested that a sound attenuation wall be installed along Highway No. 10.
- The Ministry of Transportation and Infrastructure (MOTI) has installed sound attenuation walls along Hwy. 10 to the east and west of the subject site. No wall has been installed on the subject site.
- The applicant has agreed to install the sound attenuation wall along the property line in conformity with the existing walls to the east and the west.
- A Development Variance Permit is required in order to allow for the proposed sound attenuation wall to achieve a consistent height with the existing wall along Highway No. 10.
- In order to facilitate the installation of this fence, the existing 10m wide (33 ft) landscaping buffer along Hwy. 10 established during the previous rezoning will be discharged. This area of land will become usable by lots backing onto Hwy. 10

Lot 5

- Lot 5 is the only lot in the subdivision that has been sold. The property owner of Lot 5 does not need any increase in floor area but wishes to apply to amend the Building Scheme in order to have three (3) bedrooms on the main floor. The main floor bedrooms are needed to accommodate aging parents.
- Section 6.1 (b) of the existing Building Scheme prohibits more than one bedroom on the main floor. The proposal to amend the Building Scheme for Lot 5 would allow up to three bedrooms on the main floor. This amendment would apply only to Lot 5.
- It is noted that Lot 5 has been excluded from the increase in floor area to 360 sq.m (3,875 sq.ft).

Development Variance Permit:

- A Development Variance Permit is required to increase the maximum allowable fence height along Highway No. 10 for Lots 10, 11 and 12.

Proposed Variance:

- To increase the maximum allowable fence height along Hwy. 10 from 1.8m (6ft) to 3m (10ft) along the south property line.

Applicant's Reasons:

- The neighbouring property owners have expressed the desire for the completion of the sound attenuation wall along Hwy. 10 in order to reduce the noise impact.

Staff Comments:

- There is an existing sound attenuation wall to the east and west of the subject site. The existing sound attenuation wall is 3 metres (10ft) in height. The completion of this gap with a wall that is consistent is logical.

PRE-NOTIFICATION

Pre-notification letters were mailed out on April 6, 2010. Staff received a letter of petition and several phone calls. The details of the concerns are discussed earlier in the report.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

| | |
|---------------|--|
| Appendix I. | Lot Owners, Action Summary and Project Data Sheets and Survey Plan |
| Appendix II. | Subdivision Layout |
| Appendix III. | Proposed CD By-law Amendment |
| Appendix IV. | Proposed Building Scheme |
| Appendix V. | Development Variance Permit No. 7910-0068-00 |

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: Roger Jawanda, CitiWest Consulting Ltd.
Address: 9030 King George Boulevard
Surrey, BC V3V 7Y3
Tel: 604-591-2213

2. Properties involved in the Application
 - (a) Civic Addresses: 14758 – 57 Avenue; 5656, 5668, 5680 and 5698 – 147 Street;
14737 and 14746 – 56B Avenue; 14728, 14736, 14742, 14755
and 14756, – 56A Avenue

 - (b) Civic Address: 14758 – 57 Avenue
Owner: Manjit Kaur Sahota
PID: 027-216-161
Lot 1 District Lot 10 Township 2 New Westminster District Plan BCP32480

 - (c) Civic Address: 5656 – 147 Street
Owner: Manjit Kaur Sahota
PID: 027-216-225
Lot 7 Section 10 Township 2 New Westminster District Plan BCP32480

 - (d) Civic Address: 5668 – 147 Street
Owner: A. Walia Enterprises Inc., Inc. No. 485432
PID: 027-216-217
Lot 6 Section 10 Township 2 New Westminster District Plan BCP32480

 - (e) Civic Address: 5680 – 147 Street
Owner: Manjit Kaur Sahota
PID: 027-216-187
Lot 3 Section 10 Township 2 New Westminster District Plan BCP32480

 - (f) Civic Address: 5698 – 147 Street
Owner: A. Walia Enterprises Inc., Inc. No. 485432
PID: 027-216-179
Lot 2 Section 10 Township 2 New Westminster District Plan BCP32480

 - (g) Civic Address: 14737 – 56B Avenue
Owner: Manjit Kaur Sahota
PID: 027-216-195
Lot 4 Section 10 Township 2 New Westminster District Plan BCP32480

 - (h) Civic Address: 14746 – 56B Avenue
Owners: Jasbir Singh Luddu and Sandesh Luddu
PID: 027-216-209
Lot 5 Section 10 Township 2 New Westminster District Plan BCP32480

- (i) Civic Address: 14728 – 56A Avenue
Owner: Manjit Kaur Sahota
PID: 027-216-276
Lot 12 Section 10 Township 2 New Westminster District Plan BCP32480
- (j) Civic Address: 14736 – 56A Avenue
Owner: A. Walia Enterprises Inc., Inc. No. 485432
PID: 027-216-268
Lot 11 Section 10 Township 2 New Westminster District Plan BCP32480
- (k) Civic Address: 14742– 56A Avenue
Owner: A Walia Enterprises Inc., Inc. No. 45432
PID: 027-216-250
Lot 10 Section 10 Township 2 New Westminster District Plan BCP32480
- (l) Civic Address: 14755 – 56A Avenue
Owner: Manjit Kaur Sahota
PID: 027-216-233
Lot 8 Section 10 Township 2 New Westminster District Plan BCP32480
- (m) Civic Address: 14756 – 56A Avenue
Owner: A. Walia Enterprises Inc. Inc. No. 45432
PID: 027-216-241
Lot 9 Section 10 Township 2 New Westminster District Plan BCP32480

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the property.
- (b) Development Variance Permit No. 7910-0068-00 to proceed to Public Notification.

SUBDIVISION DATA SHEET

Proposed Zoning: CD

| Requires Project Data | Proposed |
|--|-----------------|
| GROSS SITE AREA | |
| Acres | 4.91 ac |
| Hectares | 1.99 ha |
| | |
| NUMBER OF LOTS | |
| Existing | 12 |
| Proposed | n/a |
| | |
| SIZE OF LOTS | |
| Range of lot widths (metres) | 22 m |
| Range of lot areas (square metres) | |
| | |
| DENSITY | |
| Lots/Hectare & Lots/Acre (Gross) | |
| Lots/Hectare & Lots/Acre (Net) | |
| | |
| 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) | |
| % of Gross Site | |
| | |
| | Required |
| PARKLAND | |
| 5% money in lieu | NO |
| | |
| TREE SURVEY/ASSESSMENT | NO |
| | |
| MODEL BUILDING SCHEME | NO |
| | |
| HERITAGE SITE Retention | NO |
| | |
| BOUNDARY HEALTH Approval | NO |
| | |
| DEV. VARIANCE PERMIT required | |
| Road Length/Standards | NO |
| Works and Services | NO |
| Building Retention | NO |
| Others | YES |