

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0080-00

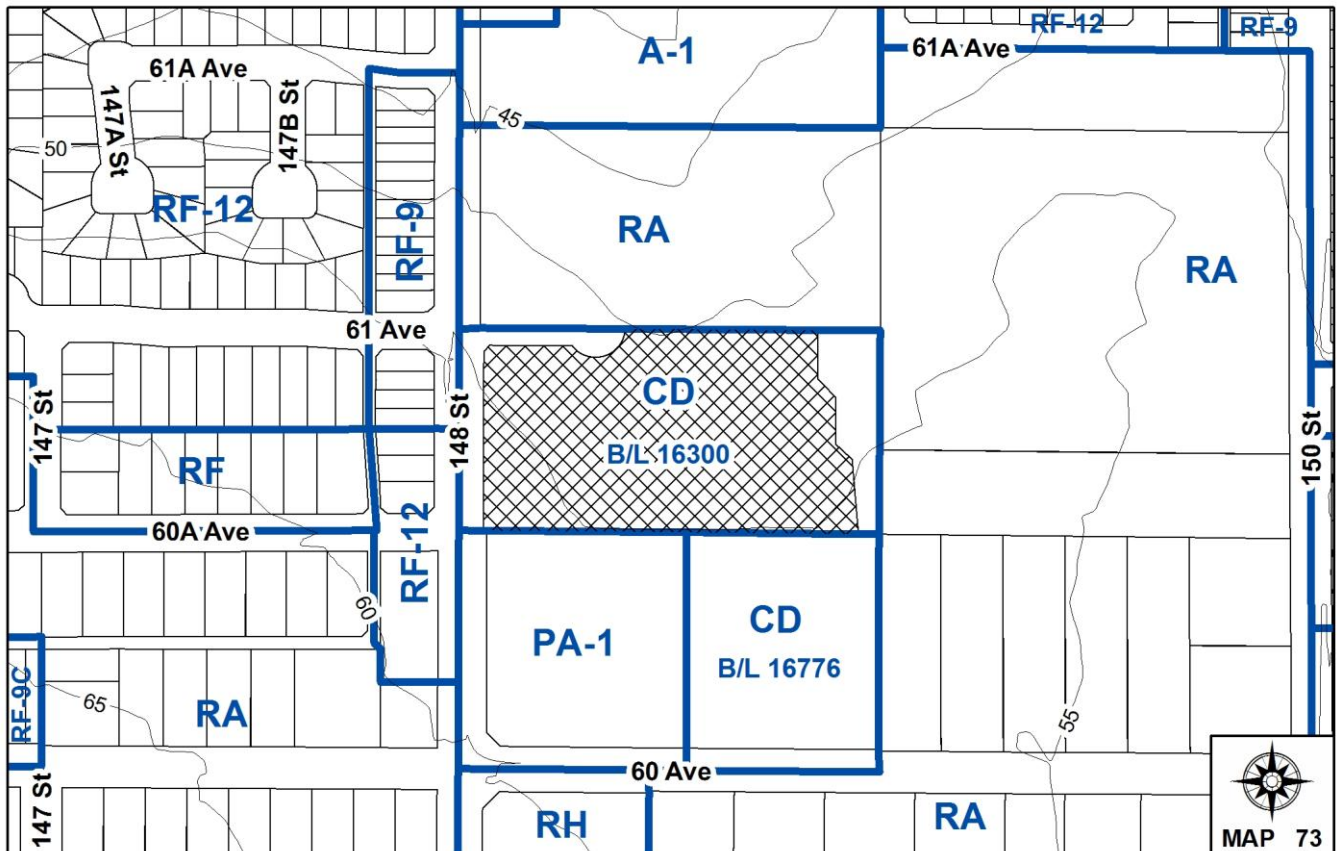
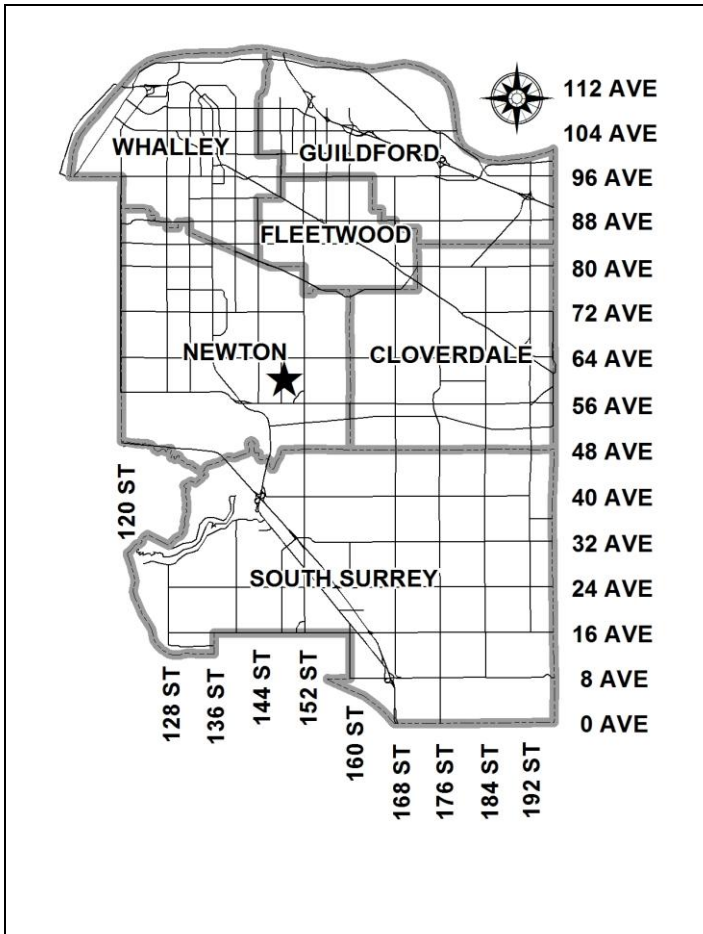
Planning Report Date: July 12, 2010

PROPOSAL:

- **Development Permit**
- **Development Variance Permit**

in order to permit the development of a 91-unit townhouse project and to vary setbacks.

LOCATION: 14838 - 61 Avenue
OWNER: o866233 B.C. Ltd.
ZONING: CD (By-law No. 16300)
OCP DESIGNATION: Urban
NCP DESIGNATION: Townhouses 25 upa max.



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Development Variance Permit (DVP) is required to vary the northerly, easterly and southerly minimum setbacks.

RATIONALE OF RECOMMENDATION

- Complies with OCP and NCP Designations.
- Complies with the existing CD Zone (By-law No. 16300) density and land use. The site was rezoned to CD under Development Application No. 7905-0182-00. Development Permit No. 7905-0182-00 was issued in 2008.
- The applicant proposes several side yard relaxations to accommodate a revised site design. The proposed northerly and easterly setback variances abut riparian area or parkland. The proposed southerly setback is to accommodate the addition of a public pathway on the northerly portion of the site. This pathway was not provided under the previous Development Permit (No. 7905-0182-00), but the new owner has agreed to provide this important east-west linkage from the 61 Avenue cul-de-sac to the park/school site to the east.
- The proposed townhouse development achieves a similar or higher quality than the previous Development Permit (No. 7905-0182-00) approved on the site, which has not been constructed.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7910-0080-00 in accordance with the attached drawings (Appendix II).
2. Council approve Development Variance Permit No. 7910-0080-00, (Appendix IV) varying "Comprehensive Development Zone (CD) (By-law No. 16300)" the following to proceed to Public Notification:
 - (a) to reduce the minimum northerly side yard setback of Comprehensive Development Zone (CD) (By-law No. 16300) from 7.5 metres (25 ft.) to 5.6 metres (18 ft.) for proposed Buildings 1 and 3;
 - (b) to reduce the minimum easterly rear yard setback from 7.5 metres (25 ft.) to 5.5 metres (18 ft.) for proposed Building 5 and to 5.9 metres (19 ft.) for proposed Building 7; and
 - (c) to reduce the minimum southerly side yard setback from 7.5 metres (25 ft.) to 7.0 metres (23 ft.) for proposed Buildings 9 and 11.
3. Council instruct staff to resolve the following issues prior to approval:
 - (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 finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (d) registration of a Section 219 Restrictive Covenant to specifically prohibit the conversion of the tandem parking spaces into livable space;
 - (e) registration of a statutory right-of-way (SRW) for a minimum 2.3 metre (7.5 ft.) wide (a portion is 4 metres/13 ft. wide) public pathway along the northerly property line;
 - (f) the applicant provide financial security to implement the existing agreement for the applicant to enhance 1,777 sq.m. (19,127 sq.ft.) of riparian compensation area to be provided on the 3 properties to the north to the satisfaction of the City and the Department of Fisheries & Oceans (DFO); and
 - (g) registration of a Section 219 Restrictive Covenant to ensure the proposed guest suite is retained under ownership of the future strata and is used as a guest suite only.

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: 15 Elementary students at Cambridge Elementary School 7 Secondary students at Sullivan Heights Secondary School (Appendix V)
Parks, Recreation & Culture:	Parks supports registration of a Statutory Right-of-Way for development of a public path along the northerly property line and recommends specialty paving and an ornamental fence.
Department of Fisheries and Oceans (DFO):	The project was presented at the June 22, 2010 Environmental Review Committee (ERC) where the decision of the October 15, 2008 ERC decision was upheld. The site is subject to a previous agreement to allow riparian area on site to be eliminated in exchange for riparian compensation to be provided on the 3 properties to the north (as determined per file No. 7905-0182-00). The applicant has indicated they will provide a financial security to implement the previous agreement and ensure this riparian area is enhanced to the satisfaction of the City and DFO.
Surrey Fire Department:	No concerns.

SITE CHARACTERISTICS

Existing Land Use: The parcel is partially cleared and is vacant.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Vacant single family residential.	Urban/Proposed Park and Walkway, Creek and Riparian Setback, Townhouses 15 upa max	RA
East:	City park.	Urban/Proposed Park and Walkway	CD (By-law No. 16300)
South:	Church. Vacant (proposed mixed-use development).	Urban/Institutional Urban/Townhouses 25 upa and Mixed Commercial/Residential Apartments	PA-1 CD (By-law No. 16776)

Direction	Existing Use	OCP/NCP Designation	Existing Zone
West (Across 148 Street):	Single family residential.	Urban/Single Family Small Lots	RF-9 and RF-12

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located at 14838 – 61 Avenue and is 1.612 hectares (3.98 acres) in area. The parcel is vacant. The site is zoned "Comprehensive Development (CD) By-law No. 16300" and is designated "Urban" in the Official Community Plan (OCP) and "Townhouses 25 upa max" in the South Newton Neighbourhood Concept Plan (NCP).
- The site is bordered to the east by a newly created park parcel and an elementary school on the easterly side of the park. To the south there is a church and a vacant parcel recently rezoned to a CD Zone to permit townhouses and a mixed use apartment building. To the west, across 148 Street, there are small lot single family residential lots and to the north there is a vacant parcel which contains a riparian area.
- The subject site was rezoned to "CD By-law No. 16300" under File No. 7905-0182-00 in November 2008, and a Development Permit for a 75-unit townhouse development was issued as well. No construction was started on the townhouse development and the property was sold to a new owner, the current applicant. The new owner proposes a new Development Permit in order to amend the site design. The original Development Permit is proposed to be discharged from the property.

Proposal

- The applicant is proposing a Development Permit to increase the number of townhouse units, modify the site layout and also amend the building design. The applicant is also proposing a development variance permit (DVP) to vary the northerly, easterly and southerly setbacks for some of the buildings on the site.
- The applicant is proposing to increase the number of townhouse units from 75 to 91. The proposed building floor area is the virtually the same: 10,966 sq.m. (118,037 sq.ft.) is proposed currently, whereas 10,969 sq.m. (118,068 sq.ft.) was proposed under File No. 7905-0182-00.
- The proposal falls within the density provisions of the approved CD By-law No. 16300 and the South Newton NCP designation of "Townhouses 25 upa max". The maximum unit density permitted in CD By-law No. 16300 is 62 units per hectare (uph)/25 units per acre (upa) and the applicant is proposing 57 uph/23 upa. A floor area ratio (FAR) of 0.68 is permitted in CD By-law No. 16300 and the applicant is proposing an FAR of 0.68.

DESIGN PROPOSAL AND REVIEW

Form and Character

- The proposed project consists of 91 townhouse units arranged in 16 building blocks. The increase in the number of units is achieved by reducing the unit size, and using tandem garage units. The site plan is similar to the previously approved development permit (No. 7905-0182-00) but the applicant proposes several key modification that are expected to result in improving the project in several ways:
 - Better street orientation to 148 Street (Buildings 14 and 16) is proposed, as units along 148 Street will face the street with a 2-storey element, and have pedestrian access to the street from active living space;
 - The amenity building has been relocated to a more prominent location and now will create a focal point for the development;
 - The outdoor amenity area has also been relocated to the south side of the amenity building and now forms a large, central gathering space; and
 - The grading on the site has been significantly reduced from the previous development permit, allowing the site to interface with the neighbouring grades in a more sensitive manner;
- The applicant is proposing to use the grade on the site to provide raised rear yards for most of the units, which will allow for a 2-storey interface on the southerly and easterly property line. The applicant is proposing that Buildings 14 and 16 have a 2-storey interface with 148 Street.
- The proposed design provides for street orientation for the units that face 148 Street. The front door faces the street, a walkway connects the unit to the street, and windows provide casual surveillance of the street. The 61 Avenue streetscape is highlighted by the presence of the amenity building.
- Units fronting the 148 Street, 61 Avenue and the proposed public pathway along the northerly property line will be clad with higher quality materials, including brick and vinyl shingles. Throughout the remainder of the site the proposed exterior treatment includes vinyl shingles, vinyl siding, painted fibre cement board with wood trim detailing. Fibreglass shingles are proposed for the roof.
- The proposed roof line is enhanced by a number of gable features and use of chimneys on the buildings facing 148 Street and 61 Avenue. The side elevations of those buildings incorporates a gable feature and various windows.

Vehicle and Pedestrian Circulation and Parking

- Vehicular access to the site is from the 61 Avenue cul-de-sac at the northwest portion of the site. There will be an emergency access with bollards and "grasscrete" located to the west of the main access on 61 Avenue.
- The applicant is proposing several pedestrian connections on the site to the adjacent streets and also to the park land to the east of the site.

- Total parking on the site, including resident and visitor stalls, conforms with the requirements of the Zoning By-law. Resident parking spaces for all the units will be provided in the form of tandem parking.
- The previous Development Permit (No. 7905-0182-00) showed side-by-side double car garages for all the units. This form of parking is more efficient from a vehicle storage perspective. The applicant is proposing 100% tandem parking. A Restrictive Covenant will be required to be registered on the site to restrict the conversion of the tandem garage space to habitable space.

Public Pathway along North Property Line

- The applicant is proposing to provide an east-west public pathway through the subject site along the northerly property line. This pathway would link the 61 Avenue cul-de-sac with the north-south park between 60 Avenue and 62 Avenue, and would also provide a link to Cambridge Elementary School, which is located to the immediate east of the north-south park.
- The pathway is to be achieved through a statutory right-of-way (SRW) for public right of passage. The path is proposed to be 2.3 metres (7.5 feet) wide for the westerly two-thirds of the path and 4.0 metres (13 feet) wide for the easterly portion.
- The pathway will have surveillance from the units that back onto the path. Pedestrian connections from each of the units will also increase the level of surveillance on the path.

Amenity Space

- The Zoning By-law requires that outdoor amenity space for this project be provided in the order of 273 sq.m. (2,939 sq. ft.), based on 3 sq.m. (32 sq. ft.) per dwelling unit. The applicant has provided 641 sq.m. (6,900 sq. ft.) of outdoor amenity space centrally located adjacent to the amenity building. This amenity space will include a children's play structure, log benches, a large lawn, and landscaped area. The proposed outdoor amenity space is an improvement on the smaller scattered amenity spaces provided as part of the previous development permit (No. 7905-0182-00).
- The Zoning By-law requires 273 sq.m. (2,939 sq. ft.) of indoor amenity space. The applicant is proposing to provide a 273 sq.m. (2,939 sq.ft.) 2-storey amenity building, centrally located near the main entrance to the site. The amenity building includes a kitchen, great room, mail room, fitness centre, a guest suite and a flex room. A Restrictive Covenant will be required to be registered on the site to ensure the guest suite is not sold, and remains under the ownership of the strata for use of residents' guests.

Trees and Landscaping

- The applicant retained Durante Kruek Ltd. to do a tree assessment on the site. One hundred twenty-one (121) mature trees were identified on the site, of which 103 are alders or cottonwoods and are poor candidates for retention. The applicant is proposing to remove all 121 trees. The 18 non-alder/cottonwood trees are either in poor condition, are within the proposed building envelope/drive aisle or will be negatively affected by proposed grading.

- In the previous application on the site (File No. 7905-0182-00), the only trees proposed for retention were in the proposed park area to the east (this area is now City park land) and one tree along 148 Street (this area has been dedicated to the City as road dedication). The applicant is proposing the same amount of tree retention in the subject application.
- The following table is a summary of the on-site trees:

Tree Species	Total No. of Mature Trees (On-site)	Total proposed for retention (On-site)	Total proposed for removal (On-site)
Douglas Fir	7	0	7
W. Red Cedar	5	0	5
Deciduous	1	0	1
Cherry	1	0	1
Bigleaf Maple	4	0	4
Alder, Cottonwood	103	0	103
Total	121	0	121

- The applicant is proposing to plant 157 replacement trees on the site; 157 replacement trees are required according to Tree By-law No. 16100.
- Landscaping plans have been received and are generally acceptable. The landscaping includes an appropriate mix of landscaping with a mix of trees, shrubs, ground cover and open lawn areas.
- Special paving (stamped concrete) is proposed for the area at the vehicle entrance. The site will have individual unit garbage/recycling pick-up and thus no garbage/recycling bins are required. The hydro kiosk and gas meter are proposed to be located away from 148 Street to improve the streetscape.
- A 0.9 metre (3 ft.) high wood fence is proposed on portions of the site along 148 Street, along the proposed pathway along the northerly property line, and along the easterly property line facing the park. The applicant is proposing to use decorative trellises in various areas throughout the site. A privacy hedge is proposed for the south property line.

Environmental Review Committee (ERC)

- There is an orange-coded watercourse that starts near the northerly property line of the subject site. The application was presented at the June 22, 2010 ERC meeting, at which time the decision of the October 15, 2008 ERC meeting was upheld (File No. 7905-0182-00). The October 15, 2008 ERC decision allowed the owner to eliminate a portion of the riparian protection area on the subject property, provided that an equal area is dedicated and replaced on the 3 properties to the north (3106/46/78 – 148 Street). A Section 219 Restrictive Covenant was registered on the 3 northerly properties to formalize this arrangement. As part of File No. 7905-0182-00, the Restrictive Covenant specifically requires dedication of a 1,777 sq.m. (19,130 sq.ft.) compensatory riparian area to be established on those parcels in the future.
- The Section 219 Restrictive Covenant for riparian area compensation does not appear to address the issue of financial compensation for rehabilitation of the 1,777 sq.m. (19,130 sq.ft.) area. To address this, the applicant is proposing to provide a Letter of Credit in the amount of \$20,000 to provide for enhancement rehabilitation of this area. Parks Department has accepted this amount.

ADVISORY DESIGN PANEL

- The project was not referred to the ADP for review, because the proposed unit density is less than 75 uph (30 upa). However, it was reviewed by staff and found acceptable.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To vary the northerly side yard setback from 7.5 metres (25 feet) to 5.6 metres (18 feet) for proposed Buildings 1 and 3.

Applicant's Reasons:

- The relaxation is required to facilitate the proposed development and accommodate a proposed public walkway to the park/school.

Staff Comments:

- The proposed 5.6 metre (18 feet) setback is to the proposed second storey balcony – the setback to the building face is 7.0 metres (23 feet). Therefore the building massing is at the standard 7.0 metre (23 feet) setback.
- Buildings 1 and 3 interface with a riparian area north of the northerly property line so the proposed setback relaxation will not impact any future dwellings on the site to the north.
- The proposed setback allows for increased landscaping, specifically trees, along the internal drive aisles, which enhances the aesthetic quality of the development, and also achieves a public interface along the future walkway, and surveillance of this area.

(b) Requested Variance:

- To vary the easterly rear yard setback from 7.5 metres (25 feet) to 5.5 metres (18 feet) for proposed Building 5 and to 5.9 metres (19 feet) for proposed Building 7.

Applicant's Reasons:

- The relaxation is required to facilitate the proposed site layout and unit arrangements.

Staff Comments:

- The proposed 5.5 metre (18 feet) setback for Building 5 is to the proposed second storey balcony – the setback to the building face itself is 7.0 metres (23 feet).
- The proposed 5.9 metre (19 feet) setback for Building 7 is for the side yard of Building 7.

- Buildings 5 and 7 interface with a park area so the proposed setback relaxation will not impact any future dwellings to the east of the site. Building 5 has second floor decks that will face the park and provide surveillance of the park area. Building 7 is a side yard interface but will have numerous windows on the side of the unit that will provide surveillance of the park area.

(c) Requested Variance:

- To vary the southerly side yard setback from 7.5 metres (25 feet) to 7.0 metres (23 feet) for proposed Buildings 9 and 11.

Applicant's Reasons:

- The relaxation is required to facilitate the proposed development and accommodate the proposed public pedestrian pathway connection along the northerly property line.

Staff Comments:

- The interface with the sites to the south is a 2-storey interface as the tandem garage is "buried" in the grade. The sites to the south are higher than the subject site and therefore the proposed setback will not have an impact on the southerly sites from a massing perspective.
- The proposed setback allows for increased landscaping, specifically trees, along the internal drive aisles, which enhances the aesthetic quality of the development.
- The applicant did not originally apply for a setback relaxation along the southerly property line. However, when staff asked that a public pedestrian pathway be provided along the northerly property line, a constraint was introduced on the site plan and the applicant is requesting a variance to help mitigate the impact of providing the SRW for the public path.

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.	Site Plan, Building Elevations Landscape Plans
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7910-0080-00
Appendix V.	School District Comments
Appendix IV.	Summary of Tree Survey and Tree Preservation

Jean Lamontagne
General Manager
Planning and Development

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DEVELOPMENT DATA SHEET

Existing Zoning: CD (By-law No. 16300)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		1.612 ha.
Road Widening area		
Undevelopable area		
Net Total		1.612 ha
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	45%	36%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front (148 Street)	7.5 m	7.6 m
Rear (Park)	7.5 m	5.5 m/7.6 m/5.9 m
Side #1 (North)	7.5 m/3.0 m*	5.9 m/4.1 m*
Side #2 (South)	7.5 m	7.6 m/5.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal	11 m	< 11 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		15
Three Bedroom +		76
Total		91
FLOOR AREA: Residential	10,961 sq.m.	10,966 sq.m.**
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	10,961 sq.m.	10,966 sq.m.

* *If the development site consists of more than one lot, lot dimensions pertain to the entire site.*** *Permitted due to rounding provisions in the Zoning By-law.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)	62 uph	57 uph
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.68	0.68
AMENITY SPACE (area in square metres)		
Indoor	272 sq.m.	273 sq.m.
Outdoor	273 sq.m.	758 sq.m.
PARKING (number of stalls)		
Commercial		
Industrial		
Residential	182	182
Residential Visitors	18.2	19 + 14 apron stalls
Institutional		
Total Number of Parking Spaces	200.2	215
Number of disabled stalls		1
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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