

# City of Surrey PLANNING & DEVELOPMENT REPORT File: 7908-0099-00

Planning Report Date: February 23, 2009

#### PROPOSAL:

- OCP Amendment from Suburban to Urban
- Partial NCP Amendment from Small Lot (10 upa) and Small Lot with Lane (13 upa) to Institutional
- **Rezoning** from PA-1 and RA to RF-9, RF-12 and CD (based on PA-1)
- Development Variance Permit

in order to allow subdivision into 58 single family small lots, 23 standard single family lots and one larger reconfigured lot with an existing church.

**LOCATION:** 12996, 13020, 13034, 13052,

13068 and 13076 - 60 Avenue

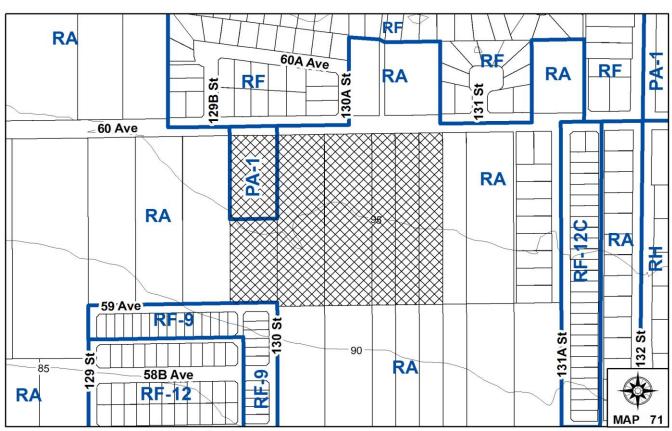
**OWNER:** 690174 B.C. Ltd., et al

ZONING: RA and PA-1

OCP DESIGNATION: Suburban

**NCP DESIGNATION:** Institutional, Small Lot (10 upa)

and Small Lot with Lane (13 upa)



#### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
  - o OCP Amendment;
  - o NCP Amendment; and
  - o Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

#### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal requires an NCP Amendment for a portion of the site from "Small Lot (10 upa)" and "Small Lot with Lane (13 upa)" to "Institutional" to reconfigure the existing church lot.
- The proposal requires a Development Variance Permit (DVP) to allow driveway access from the front of the lot where a lane exists for 7 lots in the RF-12 Zone.

#### RATIONALE OF RECOMMENDATION

- The proposed NCP Amendment is necessary to facilitate a land exchange between the applicant and St. Michael's Anglican Church in order to retain an existing dwelling and to incorporate it into the church complex. The amendment will facilitate the reconfiguration of the church property.
- The proposed density and building form are appropriate for this part of the West Newton/Highway No. 10.
- The proposed OCP Amendment was anticipated as part of the normal approval process for applications in the NCP to achieve the approved land use designations, specific layout and density.
- The proposed DVP to allow driveway access from the front lot line is appropriate in order to maintain streetscape consistency.
- Efforts to protect trees have been made in designing the proposed subdivision. 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 amend the OCP by redesignating the subject site from Suburban to Urban and a date for Public Hearing be set.
- 2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the <u>Local</u> Government Act.
- 3. a By-law be introduced to rezone a portion of the subject site shown as Block "A" in Appendix IX from "One-Acre Residential Zone (RA)" and "Assembly Hall 1 Zone (PA-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
- 4. a By-law be introduced to rezone a portion of the subject site shown as Block "B" on Appendix VIII from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential (9) Zone (RF-9)" (By-law No. 12000) and the portion of the subject site shown as Block "C" on Appendix VIII from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential (12) Zone (RF-12)" (By-law No. 12000) and a date be set for Public Hearing.
- 5. Council approve Development Variance Permit No. 7908-0099-00, (Appendix X) varying the following, to proceed to Public Notification:
  - (a) to vary Section H.1 of Part 17A "Single Family Residential (12) Zone (RF-12)" to permit driveway accesses along the front of the lot where there is a lane up to or along the rear or side lot lines on Lots 59, 63, 64, 71, 72, 73 and 81.
- 6. 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) final approval from the Ministry of Transportation and Infrastructure;
  - (d) submission of a finalized tree survey and arborist report to the satisfaction of the City Landscape Architect;
  - (e) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;

(f) registration of a Section 219 Restrictive Covenant on the consolidated church property to ensure that the site planning and urban design of any future additions, renovations or expansions on the future church site are reviewed by the City;

- (g) submission of detailed house designs for proposed Lots 2, 3 and 36 to confirm that double car garages can be accommodated on these lots; and if double car garages cannot be accommodated, then Section 219 Restrictive Covenants will need to be registered on these properties advising future homeowners that double car garages cannot be accommodated:
- (h) applicant to address the shortfall in tree replacement; and
- (i) registration of a Section 219 Restrictive Covenant to ensure tree retention and protection.
- 7. Council pass a resolution to amend the West Newton/Highway No. 10 Neighbourhood Concept Plan to redesignate a portion of the lands from "Small Lot (10 upa)" and "Small Lot with Lane (13 upa)" to "Institutional" and to make a minor adjustment to the proposed road layout 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:** 

28 Elementary students at Panorama Park Elementary School 12 Secondary students at Panorama Ridge Secondary School

Parks, Recreation &

Culture:

Support. The applicant is required to pay the community amenity fees in keeping with the West Newton/Highway No. 10 NCP and

to provide cash-in-lieu of parkland at this location.

Min. of Transportation and

Infrastructure (MOTI):

No concerns. MOTI has granted preliminary approval to this

project.

#### SITE CHARACTERISTICS

Existing Land Use: St. Michael's Anglican Church and single family homes.

#### Adjacent Area:

Direction	<b>Existing Use</b>	OCP/NCP Designation	<b>Existing Zone</b>
North (Across 60 Avenue):	Single family homes and a church.	Urban/Single Family (16 upa) and Church	RA and RF
East:	Single family homes.	Suburban/Small Lot with	RA
		Lane (13 upa)	
South:	Park under construction.	Conservation/Neighbourhood	RA
		Park	
West:	Single family homes.	Suburban/ Small Lot (10	RA
		upa) and Small Lot (13 upa)	
		with Lane	

#### JUSTIFICATION FOR PLAN AMENDMENT

- The site is designated Suburban in the Official Community Plan (OCP) and "Institutional", "Small Lot (10 upa)" and "Small Lot with Lane (13 upa)" in the West Newton/Highway No. 10 Neighbourhood Concept Plan (NCP).
- An OCP Amendment from Suburban to Urban is required to accommodate this proposal. In accordance with the NCP, applications in this NCP are required to be accompanied by an OCP amendment to redesignate the lands in order to achieve the land uses and density approved in the NCP.
- The proposed NCP Amendment for a portion of the site from "Small Lot (10 upa)" and "Small Lot with Lane (13 upa)" to "Institutional" is necessary to facilitate a land exchange between the applicant and St. Michael's Anglican Church. The Church is located at 12996- 60 Avenue, which extends from 60 Avenue to 59 Avenue. The front half of the lot is designated "Institutional" and contains the Church's buildings; the rear half of the lot is designated "Small Lot (10 upa)" and "Small Lot with Lane (13 upa)" and is currently vacant.
- Since the rear half of the Church property is vacant, the Church's representatives saw an opportunity whereby they could exchange equal amounts of land with the owner of 13020-60 Avenue in order to retain the house at the front of 13020-60 Avenue. The owner of 13020-60 Avenue had no previous intention of keeping the existing house on his lot; therefore the proposed land exchange would allow the Church to incorporate the house into their complex and would avoid the expensive of demolishing it as part of this development application. Since the Church would like to use the existing home at 13020-60 for parish purposes, an NCP amendment has been triggered to allow the re-configuration and expansion of the church property.
- The proposed NCP Amendment for the enlargement and reconfiguration of the church property is consistent with neighbouring developments, and will not result in the creation of any additional single family lots. A public information meeting was held on January 7, 2009 to solicit opinions and feedback from the neighbourhood concerning this proposed change to the NCP. Two area residents attended the meeting and their comments are discussed in detail below.

• Overall, it was determined that the proposed NCP amendment will have little, if any negative impact on the surrounding community while allowing the church to utilize a existing home for church purposes that would otherwise be demolished.

#### DEVELOPMENT CONSIDERATIONS

• The subject site is currently zoned "One-Acre Residential Zone" (RA)" and "Assembly Hall 1 Zone (PA-1)". The applicant proposes to rezone to "Single Family Residential 9 Zone (RF-9)", "Single Family Residential 12 Zone (RF-12)" and "Comprehensive Development Zone (CD)" (based on the PA-1 Zone) and subdivide the land into 81 single family lots (58 small single family and 23 standard single family) and one re-configured church lot. The proposal is consistent with the type of developments approved directly to the west and south of the subject site (under File Numbers 7905-0207-00, 7904-0329-00, and 7904-0091-00 as shown on Appendix XI).

# Proposed CD Zone for the Church Property

• In order to accommodate the reconfiguration of the Church lot, a rezoning of the new church lot is required. A CD Zone based on the PA-1 Zone is required to recognize the existing size and setbacks of the house being retained and incorporated into the complex. The following table outlines the differences between the PA-1 Zone and the proposed CD Zone:

	Assembly Hall 1 (PA-1) Zone	Proposed CD Zone
Permitted Accessory Uses	1 or 2 dwelling units limited in area to 260 square metres (2,800 square feet)	1 or 2 dwelling units limited in area to 426 square metres (4,586 square feet)
Minimum Setbacks for Accessory Uses	7.5 metres (25 feet) Rear Yard	6 metres (20 feet) Rear Yard
Accessory Uses	3.6 metres (12 feet) Side Yard	3.5 metres (11.5 feet) Side Yard

- The proposed reduced rear and side yard setbacks are needed to accommodate the existing single family dwelling being retained only. The primary church buildings, and any future buildings, will still be required to comply with the full setback requirements.
- The CD Zone is necessary in order to retain the existing house based on its current size and to incorporate it into the church complex.
- To ensure that possible future additions, renovations or expansions of the Church property respect the City's design standards, a Section 219 Restrictive Covenant will be registered on the title of the newly consolidated church property requiring site planning and urban design review by the City when any building permit applications are made.
- Likewise, as a condition of the rezoning, the Engineering Department will require that all frontage works (including pavement, curb and gutter, sidewalk and street lights) surrounding the Church property be completed with this application.

# **Proposed Single Family Development**

- All 81 proposed single family lots conform to the minimum requirements of the respective RF-12 and RF-9 Zones in terms of lot area, width and depth, except for the following:
  - o To permit driveway accesses along the front lot lines of Lots 59, 63, 64, 71, 72, 73 and 81 where there is a lane up to or along the rear or side lot lines.
- These exceptions require a Development Variance Permit (DVP) that is discussed in detail below. The proposed DVP's affect only 7 of the 81 single family homes, representing 9% of all lots in this subdivision and are necessary to maintain streetscape consistency.
- The proposed lots range in size from 221 square metres (2,379 square feet) to 447 square metres (4,812 square feet). The proposed lots range in width from 7.9 metres (26 feet) to 20.4 metres (67 feet). The proposed lots sizes and widths are consistent with the existing lots in the area that range between 7.9 metres (26 feet) and 20 metres (66 feet).
- The proposed layout does not adversely affect future development potential of the remaining undeveloped properties to the east.

#### Vehicular Access

- In accordance with the approved NCP, the applicant is proposing to dedicate land in order to extend municipal roads and lanes as per the prepared layout and City requirements.
- As a result of the required corner cut dedications for lane and road intersections, there is a possibility that three of the proposed RF-9 lots within this subdivision may not be able to accommodate double car garages. The applicant will be required to provide detailed house designs on proposed Lots 2, 3, and 36 to determine if double car garages can be accommodated. If double car garages cannot be accommodated on these lots, then a Section 219 Restrictive Covenant will need to be registered on these lots advising future homeowners that only single car garages can be built on these lots.

# **Building Design Guidelines & Lot Grading**

- The applicant retained Michael E. Tynan of Tynan Consulting Ltd., as the Design Consultant for this project. The Design Consultant has conducted a character study of the surrounding homes and, based upon those findings, has proposed a set of building design guidelines for the proposed RF-12 and RF-9 lots (Appendix IV).
- The designs for the proposed lots include Neo-Traditional and Neo-Heritage. The new homes would meet modern development standards relating to overall massing, and balance in each design, and to proportional massing between individual elements.
- The roofing will reflect the desirable style objectives, and will require a minimum pitch of 8:12. The only permissible roof materials would consist of concrete roof tiles in a shake profile, asphalt shingles in a shake profile or cedar shingles.

A preliminary Lot Grading Plan, submitted by Hunter Laird Engineering Limited, has been
reviewed by the Building Division and is considered acceptable. The plan shows areas with fill
greater than 0.5 metres (1.6 ft) on the proposed site. These areas are minimal given the size of
the site and are necessary to accommodate existing road grades and to facilitate proper lot
drainage.

- In-ground basements are proposed based on the lot grading and tree preservation information that was provided by the applicant. Basements will be achieved with minimal cut or fill. The information has been reviewed by staff and found to be generally acceptable.
- Basement-entry homes and secondary suites will <u>not</u> be permitted.

# Trees and Landscaping

• Trevor Cox, Certified Arborist of Diamond Head Consulting Ltd., prepared the Arborist Report and Trees Replacement Plan for the subject site. The Arborist Report indicates there are 365 protected trees on the subject site. The following is a table providing the breakdown by species:

Tree Species	Total Number of Trees	Total Proposed for Retention	Total Proposed for Removal
Alder	15	0	15
Birch	2	0	2
Cedar	123	0	123
Cherry	2	0	2
Douglas Fir	208	9	199
Hemlock	5	0	5
Juniper	1	0	1
Maple	6	0	6
Oak	2	0	2
Walnut	1	0	1
Total	365	9	356

- The applicant conducted a detailed assessment of tree retention, including lot layout adjustments to increase tree retention. Given the established road network in this neighbourhood and the single family character of the surrounding area, the proposal was deemed acceptable to address tree retention in a reasonable way.
- The West Newton/Highway No. 10 NCP document acknowledges the presence of significant tree stands within the plan area. However, much of this is in a series of mixed stands, which include alders and other tree species not suitable for tree retention. It was also noted that these natural growing conditions significantly limit the potential for individual tree retention. As a result, significant tree preservation was to be addressed on the proposed parks within the plan area, replanting of development sites and the landscaped buffer along Highway No. 10.
- More specifically, the NCP identifies a proposed passive park providing opportunities to preserve a large stand of trees at the southwest corner of 126 Street and 60 Avenue. Likewise, the NCP identifies a 15 metre (49 foot) wide landscape buffer as a green edge for residential developments along Highway No. 10. A key factor in this buffer was to protect existing trees and to add additional trees where possible.

• The size of RF-9 and RF-12 lots is commonly challenging for tree retention. The restricted lot dimensions, road and lane works, installation of services, land clearing and lot grading seriously reduce the potential for retention of trees on these lots. Also, a large number of trees proposed to be removed as part of this development are located with the proposed roads (59 Avenue, 130 Street, 59A Avenue, 130A Street and 131 Street) and laneways. The road pattern was predetermined by previous applications and is in accordance with the servicing plan adopted by Council in the NCP. As such, the road pattern cannot be altered and severely restricts the possibility of tree retention on the subject site.

- Overall, City staff are of the opinion that all reasonable options for tree preservation have been considered on the subject site, and that the existing site limitations and NCP designations prevent tree protection opportunities.
- Despite the removal of trees on the subject site, the applicant will be required to replant the trees on a 2 to 1 replacement basis for coniferous trees and a 1 to 1 replacement for deciduous trees. This will require a total of 697 replacement trees on the subject site. Since only 116 replacement trees can be accommodated on the proposed lots, the deficit of 581 replacement trees will require a substantial cash-in-lieu payment of \$132,000, representing \$15,000 per acre of land, to the City's Green Fund in accordance with the City's Tree Protection By-law prior to final approval of this application.

#### PRE-NOTIFICATION

• Pre-notification letters were sent on May 15<sup>th</sup>, 2008 and December 4<sup>th</sup>, 2008, respectively, to 126 households within 100 metres (328 feet) of the subject site and staff received a total of six (6) comments. Four (4) of the callers had no objection to the proposal and requested information only. Two (2) callers objected to the proposal and expressed concerns about the proposed density and how it will affect the neighbourhood in terms of infrastructure and the school system.

(Staff responded by indicating that the proposed density is in keeping with the existing Neighbourhood Concept Plan (NCP) that was approved on July 28, 2004. As part of the NCP process, the anticipated infrastructure requirements and demands on the school system were planned in anticipation of the proposed uses and density.)

- A Public Information Meeting was held on January 7<sup>th</sup>, 2009 to obtain more detailed input from area residents with respect to the proposed application and in particular the proposed amendment to the NCP. Two (2) residents attended this meeting and made the following comments:
  - With respect to the house being retained on the church property, raised concerns about who
    would use the home. The residents objected to the possibility that the home is used as a
    rehabilitation or drug treatment centre.

(The uses on the Church property will be restricted to and limited by the provisions of the proposed CD Zone as attached on Appendix IX. The single family home to be retained by the church can be used as accommodation of an official, manager or caretaker of the church. Furthermore, care facilities including rehabilitation and treatment facilities are not permitted uses on the church property.)

Concerned that the proposed 81 single family lots will contain secondary or additional suites.
 Requested assurances that these lots will remain single family.

(The proposed RF-12 and RF-9 Zones do not permit secondary suites and requires that these lots be used for singly family purposes only. Also, the Building Scheme that will be registered on the title of these lots will prohibit secondary suites.)

o Requested that any existing trees to be cut down on the site would be replaced.

(The applicant completed an Arborist Report that identified which trees would be removed as part of this application. In accordance with the City's Tree Protection Bylaw, the applicant is required to replant any trees, however it is recognized that the proposed site cannot accommodate all the replacement trees. Therefore, the applicant is required to provide cash-in-lieu of tree placement in accordance with the City's Tree Protection By-law.)

• A resident requested clarification whether the applicant or the City would be responsible for the installation of sidewalks on the site.

(The applicant will be required to install all the sidewalks as required by the Engineering Department and in accordance with City's standards.)

## PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the <u>Local Government Act</u>, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

#### BY-LAW VARIANCE AND JUSTIFICATION

- (a) Requested Variance:
  - To permit driveway accesses along the front lot lines of Lots 59, 63, 64, 71, 72, 73 and 81 where there is a lane up to or along the rear or side lot lines.

#### Justification for Variance:

• Under the provisions of the RF-12 Zone, where a lot abuts both a road and a lane, driveway access to the lot is only permitted from the lane. This regulation is to ensure that streetscapes are consistent within neighbourhoods where lots have both a lane and a frontage road. In the case of this subdivision, only 7 lots (Lots 59, 63, 64, 71, 72, 73 and 81) have both a lane and a frontage road. The remaining 16 lots do not abut a lane, therefore restricting driveway access to the frontage roads. In order to maintain streetscape consistency, it is recommended that all the proposed RF-12 lots obtain driveway access from the front lot line even where a lane exists.

# **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. Proposed Subdivision Layout

Appendix III. Engineering Summary

Appendix IV. Building Design Guidelines Summary

Appendix V. Summary of Tree Survey and Tree Preservation

Appendix VI. NCP Amendment Plan Appendix VII. OCP Redesignation Map

Appendix VIII. Zoning Block Plan - RF-9 and RF-12

Appendix IX. Proposed Comprehensive Development Zone (CD) - Consolidated Church Property

Appendix X. Development Variance Permit

Appendix XI. Map of Approved Surrounding Development

Jean Lamontagne General Manager Planning and Development

#### CL/kms

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# <u>Information for City Clerk</u>

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: 604-525-4651

2. Properties involved in the Application

(a) Civic Addresses: 12996, 13020, 13034, 13052, 13068 and 13076 - 60

Avenue

(b) Civic Address: 12996 - 60 Avenue

Owner: The Synod of the Diocese of New Westminster

PID: 007-485-158

North Half Lot 13 Except: Firstly: North 33 Feet Secondly: Parcel "A" (Explanatory Plan 10097), South West Quarter Section 8 Township 2 New

Westminster District Plan 1577

(c) Civic Address: 13020 - 60 Avenue

Owner: 690174 B.C. Ltd., Inc. No. BC0690174

<u>Director Information:</u> Jaswant Sangha

Officer Information: (as at March 19, 2007) Jaswant Sangha (President, Secretary)

PID: 010-117-300

Lot "A" Section 8 Township 2 New Westminster District Plan 15098

(d) Civic Address: 13034 - 60 Avenue

Owner: Satgur Investments Ltd. (Inc. #386101)

PID: 007-485-034

East Half Lot 12 Except: Firstly: North 33 Feet Secondly: South half, South West Quarter Section 8 Township 2 New Westminster District Plan 1577

(e) Civic Address: 13052 - 60 Avenue

Owners: Jaswant Singh Sangha, Douglas William Wills, and

Balbir Kaur Dale

PID: 007-621-353

Lot "A" Section 8 Township 2 New Westminster District Plan 12355

(f) Civic Address: 13068 - 60 Avenue

Owners: Jaswant Singh Sangha and Parmjit Kaur Sangha

PID: 009-700-129

Lot "B" Section 8 Township 2 New Westminster District Plan 12355

(g) Civic Address: 13076 - 60 Avenue

Owners: Jaswant Sangha, Parmjit Sangha, Ranjit Singh Sangha

and Svender Singh Sangha

PID: 009-700-161

Lot "C" Section 8 Township 2 New Westminster District Plan 12355

- 3. Summary of Actions for City Clerk's Office
  - (a) Introduce a By-law to amend the Official Community Plan to redesignate the property.
  - (b) Introduce By-laws to rezone the subject properties.
  - (c) Application is under the jurisdiction of MOT. MOT File No. 1-6-25365.
  - (d) Proceed with Public Notification for Development Variance Permit No. 7908-0099-00.

# SUBDIVISION DATA SHEET

Proposed Zoning: CD (based on PA-1) and RF-9 and RF-12

Description Description	D1	
Requires Project Data	Proposed	
GROSS SITE AREA	10.0	
Acres	10.8 ac	
Hectares	4.4 ha	
NUMBER OF LOTS		
Existing	6	
Proposed	81 single family lots	
	1 consolidated church lot	
SIZE OF SINGLE FAMILY LOTS		
Range of lot widths (metres)	7.9 m - 20.4 m	
Range of lot areas (square metres)	221 sq.m 447 sq.m.	
DENSITY		
Lots/Hectare & Lots/Acre (Gross)	19 upha/8 upa	
Lots/Hectare & Lots/Acre (Net)	19 upha/8 upa	
SITE COVERAGE (in % of gross site area)		
Maximum Coverage of Principal &		
Accessory Building	53%	
Estimated Road, Lane & Driveway Coverage	15%	
Total Site Coverage	68%	
PARKLAND		
Area (square metres)	provide 5% cash-in-lieu	
% of Gross Site	2	
	Required	
PARKLAND		
5% money in lieu	YES	
TREE SURVEY/ASSESSMENT	YES	
MODEL BUILDING SCHEME	YES	
HERITAGE SITE Retention	NO	
	2.0	
BOUNDARY HEALTH Approval	NO	
DEV. VARIANCE PERMIT required		
Road Length/Standards	NO	
Works and Services	NO	
Building Retention	NO	
Others	YES	