

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0259-00

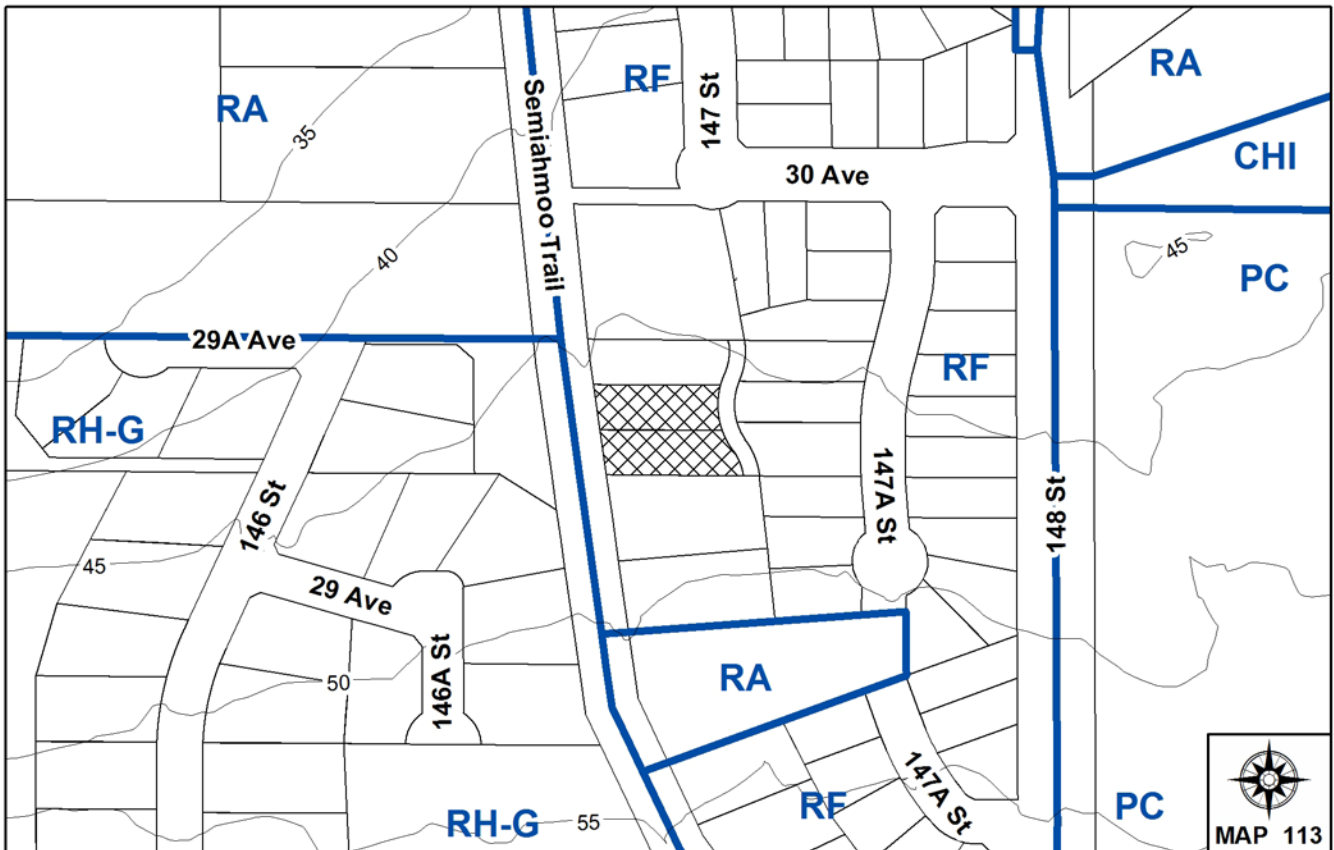
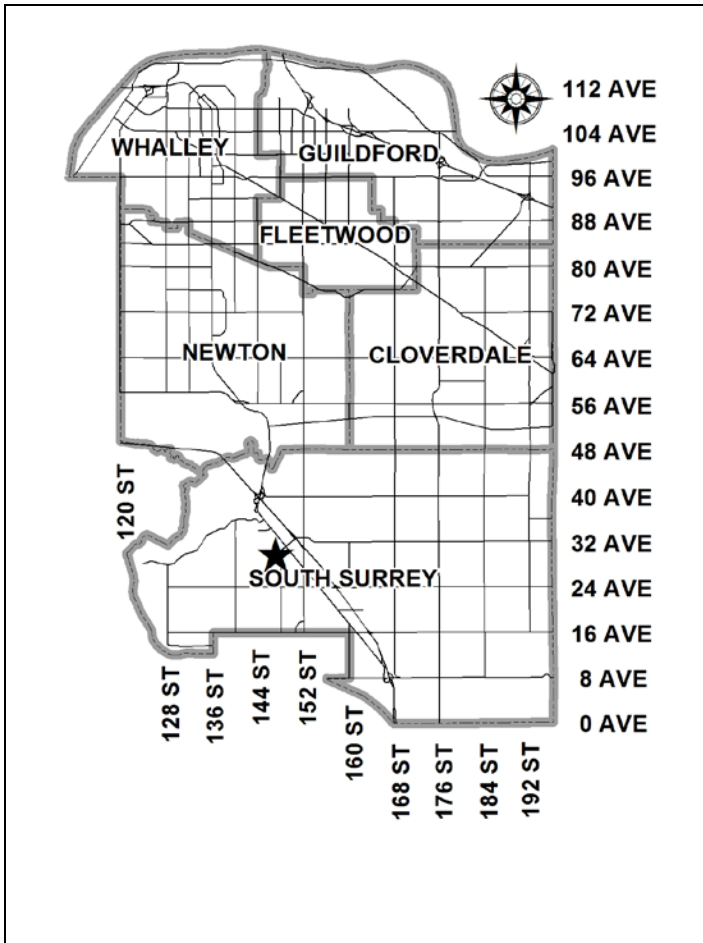
Planning Report Date: February 7, 2011

PROPOSAL:

- **Restrictive Covenant Amendment**

in order to reduce the front yard setback from 17.5 metres (57 ft.) to a minimum of 10.0 metres (33 ft.).

LOCATION: 2948 and 2960 Semiahmoo Trail
OWNER: Nanoose Harbour Holdings Ltd.,
 Inc. No. BC0630303
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Proposed Urban Residential



RECOMMENDATION SUMMARY

- Council approve an amendment to Restrictive Covenant Nos. BB1692222 and BB1692218 to reduce the front yard building setback adjacent to Semiahmoo Trail from 17.5 metres (57 ft.) to a minimum of 10.0 metres (33 ft.) for the subject properties.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with the Semiahmoo Trail Design Guidelines.
- Reducing the front yard setback will accommodate house sizes which are consistent with others in the immediate neighbourhood and provide opportunity for additional rear parking, which will help to reduce undesirable parking on Semiahmoo Trail.
- The "Friends of Semiahmoo Trail" and Heritage Advisory Committee (HAC) have no objections to the proposed building setback revision.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the proposed amendments to Restrictive Covenant No. BB1692222 and BB1692218 pertaining to 2948 and 2960 Semiahmoo Trail, by reducing the front yard building setback from 17.5 metres (57 ft.) to a minimum of 10.0 metres (33 ft.) from Semiahmoo Trail in accordance with the plans attached in Appendix III.

REFERRALS

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

Heritage Advisory Commission (HAC): This application was initially brought forth to the Surrey Heritage Advisory Commission (HAC) at the November 24, 2010 meeting for comments. At the time, the HAC felt they did not have sufficient background on how the additional 7.5 metre (25 ft.) setback was established and thus did not provide a recommendation. After further study of the previous subdivision application (No. 7907-0073-00) which created the two lots, staff have determined that the additional 7.5 metres was not a requirement outlined by the city but rather was volunteered by the original applicant.

On January 26, 2011, the application was again discussed with the Surrey Heritage Advisory Commission (HAC). The HAC concurred with staff's recommendation to support the restrictive covenant amendment.

SITE CHARACTERISTICS

Existing Land Use: Both subject sites are currently vacant residential lots.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North and East:	Vacant residential lots.	Urban	RF
South:	Single family dwelling.	Urban	RF
West (Across Semiahmoo Trail):	Single family dwelling.	Suburban	RH-G

DEVELOPMENT CONSIDERATIONS

Background

- The two vacant subject lots are located south of 32 Avenue, on the east side of Semiahmoo Trail. The subject lots were created as part of a 7-lot subdivision (application No. 7907-0073-00). The rezoning component of this application, which proposed a rezoning from "One-Acre Residential Zone (RA)" to "Single Family Residential Zone (RF)", was approved by Council on June 21, 2010. The associated subdivision was approved on August 19, 2010. The site is designated Urban in the Official Community Plan (OCP).
- The properties are subject to a 10.0 metre (33ft.) Landscape Buffer as required by the Semiahmoo Trail Design Guidelines. These design standards were established in March 2004 to "*ensure coordinated development of the public Trail, and to provide guidelines for developments abutting the Trail in order to protect the heritage value and character of this important public amenity*" (Semiahmoo Trail Design Guidelines).
- However, both lots also require an additional 7.5 metre (25 ft.) front yard setback in addition to the 10.0 metre (33 ft.) Landscape Buffer, registered together as a Restrictive Covenant (No. BB1692222) for a total building setback of 17.5 metres (57 ft.) from Semiahmoo Trail (Appendix II). The Building Design Guidelines registered as Restrictive Covenant (RC) No. BB1692218 also indicate this 17.5 metre (57 ft.) setback from Semiahmoo Trail. These covenants are unique to these two lots and the one lot directly to the north at 2972 Semiahmoo Trail, which was also part of the original subdivision (application No. 7907-0073-00). Other neighbouring properties along Semiahmoo Trail are only required to have a building setback of 10.0 metres (33 ft.) for the landscape buffer.

Proposal

- The applicant seeks an amendment to Restrictive Covenant Nos. BB1692222 & BB1692218 to reduce the front yard building setback from 17.5 metres (57 ft.) to a minimum of 10.0 metres (33 ft.) from Semiahmoo Trail as illustrated in Appendix III. The setback reduction will not encroach upon the 10.0 metre (33 ft.) Landscape Buffer as required by the Semiahmoo Trail Design Guidelines.

RESTRICTIVE COVENANT AMENDMENT EVALUATION

- (a) Amend Restrictive Covenant Nos. BB1692222 & BB1692218 to reduce the front yard building setback from 17.5 metres (57 ft.) to a minimum of 10.0 metres (33 ft.) from Semiahmoo Trail, while ensuring the 10.0 metre landscape buffer is respected.

Applicant's Reasons:

- The applicant advises that the required 17.5 metre (57 ft.) front yard setback results in a building envelope that is too shallow to accommodate a suitable house size consistent with the character of the neighbourhood.

- Moving the building envelope forward will also increase rear yard space and accommodate a longer driveway, which increases off-street parking in the rear of the lots. Building options are currently limited due to other existing covenants and easements on both properties as illustrated in Appendix III. 2948 Semiahmoo Trail is required to be set approximately 20.0 metres from the rear lane due to tree preservation in the rear yard. 2960 Semiahmoo Trail has a roof overhang easement at the north property line. Due to the area covered by the tree retention covenant, an easement also exists on both properties for shared driveway access. Without the covenant amendment, the proposed depth of homes is constrained between the tree preservation area at the rear and the 17.5 metre (57 ft.) front yard setback.

Staff Comments:

- Reducing the front yard setback will provide opportunity for additional rear parking which will help to reduce undesirable parking on Semiahmoo Trail and facilitate future plans to close Semiahmoo Trail from vehicular traffic.
- The "Friends of Semiahmoo Trail" do not oppose the application on the basis that the Semiahmoo Trail design guidelines are followed and the 10.0 metre (33 ft.) Landscape Buffer is installed and maintained.
- Staff has received three responses to this proposed amendment in reply to the development proposal sign which was erected on the property and the pre-notification letters which were sent to surrounding property owners on December 17, 2010:
 1. One neighbouring property owner was seeking more information about the application but did not have any concerns.
 2. Another neighbouring property owner was concerned about how the city would enforce retention of the 10.0 metre (33 ft.) landscape buffer by property owners. *Staff verified that the landscape buffer requirements are registered as part of a restrictive covenant on title and thus non-compliance could result in legal action against property owners.*
 3. Another neighbouring property owner was concerned that moving the building envelope forward would result in the removal of trees. *Staff has verified that there are trees in the adjacent lot to the north (2972 Semiahmoo Trail), which remain protected by a restrictive covenant, but not on the subject lots; therefore, moving the building envelope forward 7.5 metres (25 ft.) does not result in any tree loss because the 7.5 metre area is void of significant trees.*
- The proposed 10.0 metre (33 ft.) building setback complies with the Semiahmoo Trail Design Guidelines and is supported by the "Friends of Semiahmoo Trail" and the Heritage Advisory Commission. On this basis, staff recommend that Council approve the proposed amendments to Restrictive Covenant Nos. BB1692222 (No Vehicular Access and 17.5m Setback from Semiahmoo Trail) & BB1692218 (Design Guidelines for Semiahmoo Trail Lots) to allow single family dwellings to be sited a minimum 10.0 metres (33 ft.) from the front property lines adjacent to Semiahmoo Trail, as per the plans attached in Appendix III.

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. Explanatory Plan Restrictive Covenant No. BB169222
- Appendix III. Proposed Building Envelope

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

CAL/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: Fred Harris, Springer Land Corp.
 Address: 10430 – 144 Street
 Surrey, BC
 V3T 4V5
 Tel: 604-290-4452

2. Properties involved in the Application
 - (a) Civic Addresses: 2948 and 2960 Semiahmoo Trail

 - (b) Civic Address: 2948 Semiahmoo Trail
 Owner: Nanoose Harbour Holdings Ltd., Inc. No. BC0630303
 PID: 028-327-918
 Lot 3 Section 22 Township 1 New Westminster District Plan BCP45842

 - (c) Civic Address: 2960 Semiahmoo Trail
 Owner: Nanoose Harbour Holdings Ltd., Inc. No. BC0630303
 PID: 028-327-900
 Lot 2 Section 22 Township 1 New Westminster District Plan BCP45842

3. Summary of Actions for City Clerk's Office
 - (a) Amend Restrictive Covenant Nos. BB1692222 and BB1692218.

DEVELOPMENT DATA SHEET

Existing Zoning: RF

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		758 – 810 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	40%	35%-40%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	17.5 m	10 m
Rear	7.5 m	12 m – 15 m
Side #1 (North)	1.2 m – 1.8 m	1.2 m – 3.5 m
Side #2 (South)	1.2 m – 1.8 m	1.2 m – 2.4 m
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	389 m ²	322 m ²

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
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	NO
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EXPLANATORY PLAN OF RESTRICTIVE COVENANTS OVER PARTS OF LOTS 1, 2 AND 3 ALL OF SECTION 22 TOWNSHIP 1 NWD PLAN BCP _____

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT
BCGS 92G.006

FOR THE PURPOSES OF LANDSCAPE BUFFER AND BUILDING SETBACK

PLAN BCP 45844

REF No. _____

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C.

THIS _____ DAY OF _____ 2010

DEPUTY REGISTRAR

BOOK OF REFERENCE

DESCRIPTION	AREA	RESTRICTIVE COVENANTS	TOTAL AREA
PART LOT 1 SEC 22 TP 1 NWD PLAN BCP _____	180.0 m ²	128.8 m ²	208.8 m ²
PART LOT 2 SEC 22 TP 1 NWD PLAN BCP _____	180.3 m ²	127.9 m ²	208.3 m ²
PART LOT 3 SEC 22 TP 1 NWD PLAN BCP _____	180.3 m ²	127.0 m ²	207.3 m ²

LEGEND

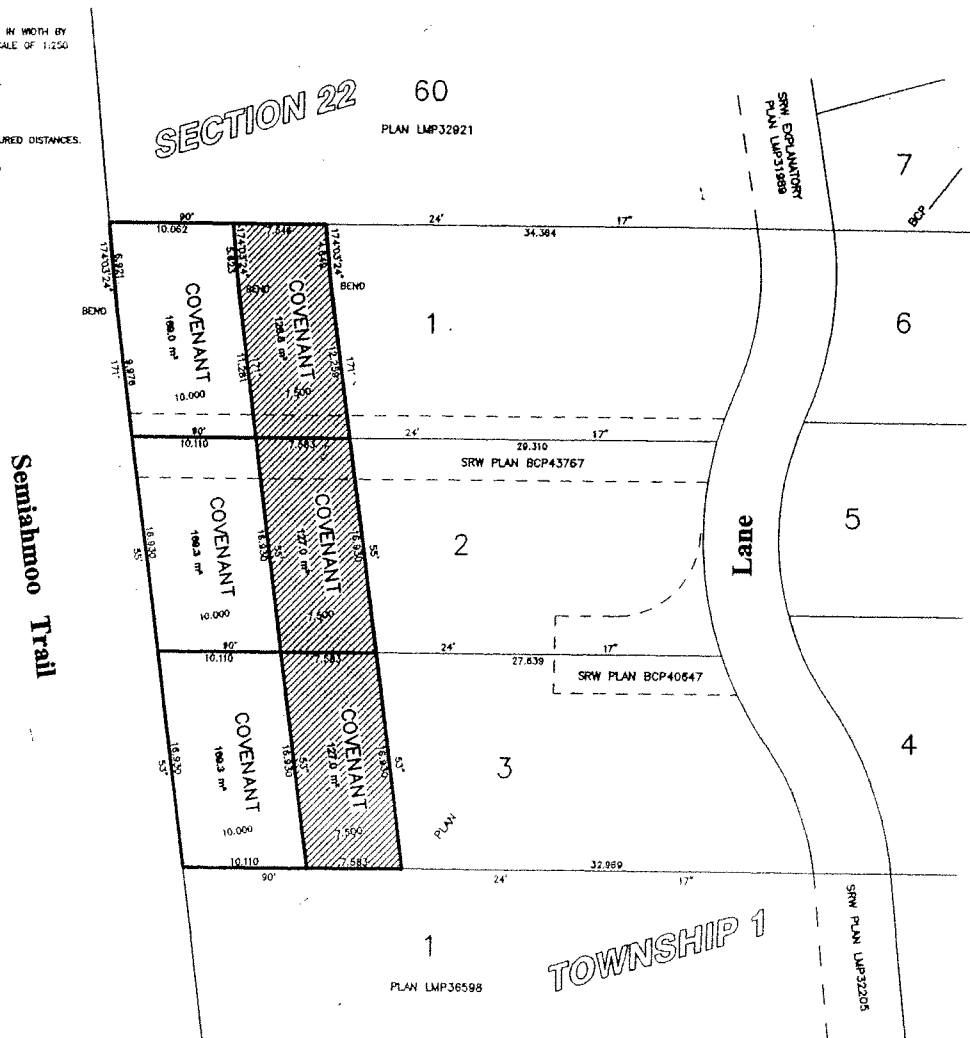
SCALE 1:250



ALL DISTANCES ARE IN METRES
THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm BY WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:250

GRID BEARINGS ARE DERIVED FROM PLAN BCP _____
INTEGRATED SURVEY AREA NO 1,
CITY OF SURREY, BC, NAD83 (CSRS) - 2005

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL MEASURED DISTANCES.
PRIOR TO COMPUTATION OF U.T.M. CO-ORDINATES,
MULTIPLY BY AVERAGE COMBINED FACTOR 0.99959435



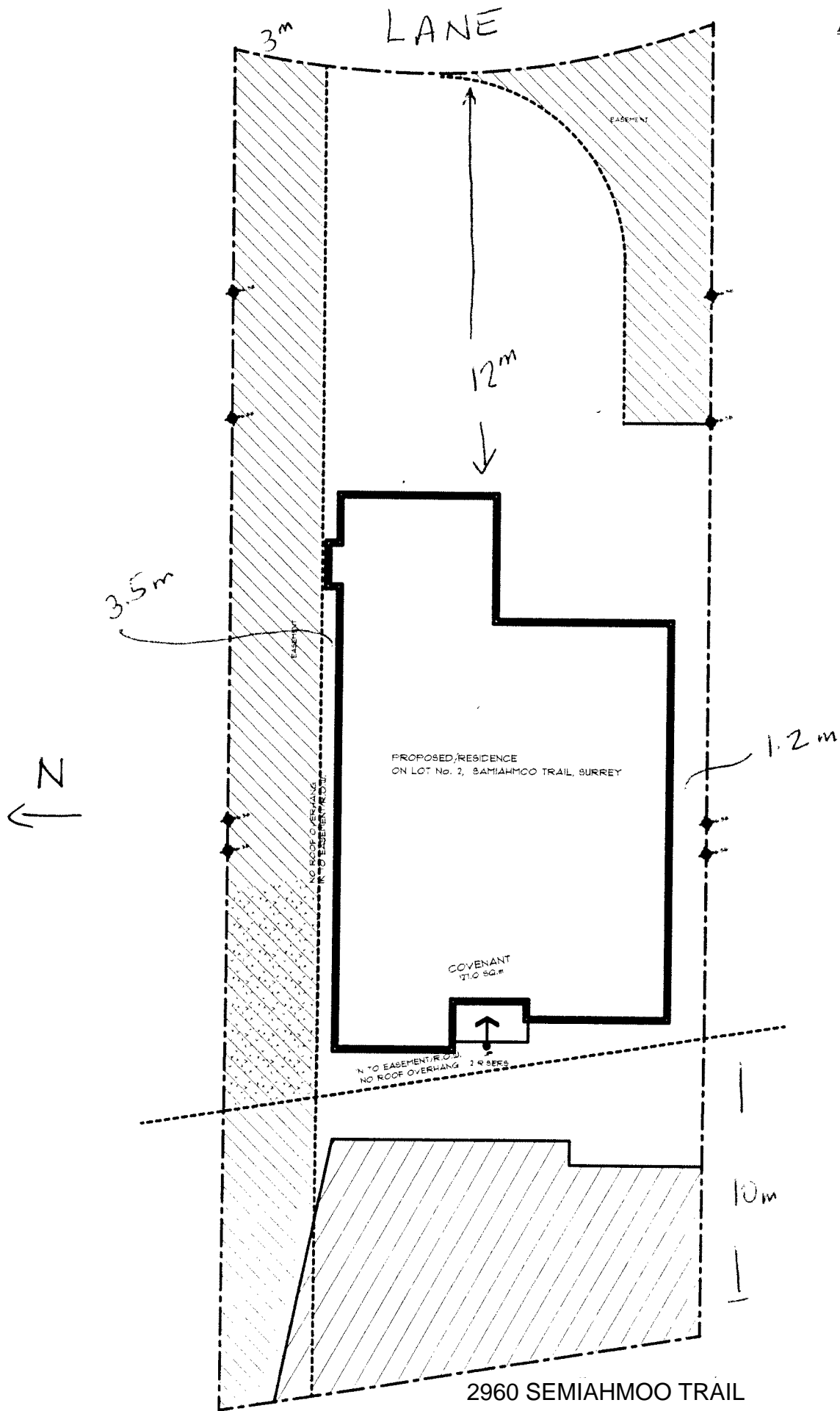
H.Y. AND ASSOCIATES
LAND SURVEYING LTD.
200, 9126 - 152nd STREET
SURREY, B.C.
V3R 4E7
(ph) 583-1818
(fx) 583-1737
Job: 062559LS
File: 062559_XR3.DWG

This Plan lies within the
Greater Vancouver Regional District
- City of Surrey

THIS PLAN WAS COMPLETED AND CHECKED, AND
THE CHECKLIST FILED UNDER #109256,
ON THE 29th DAY OF MARCH, 2010,
AND IS HEREBY CERTIFIED CORRECT IN
ACCORDANCE WITH LAND TITLE OFFICE RECORDS.

Gordon Yu

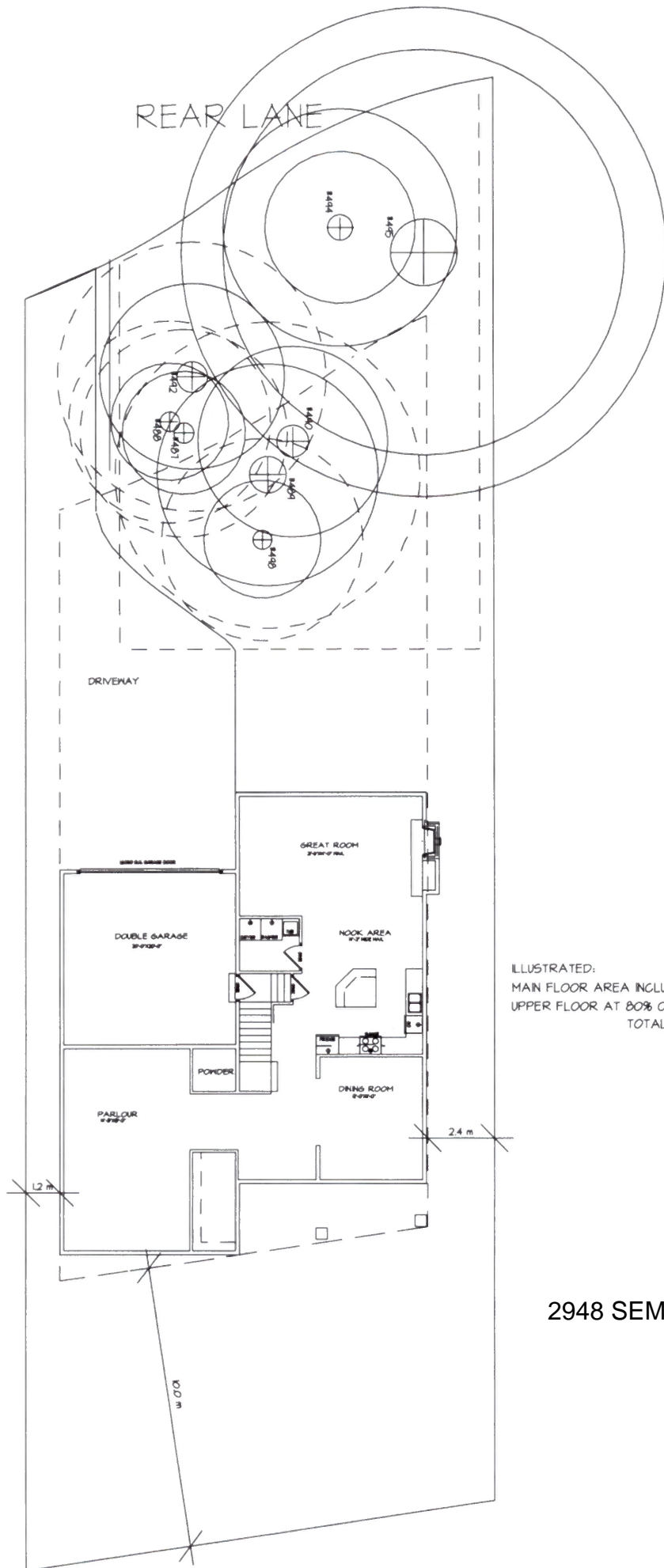
GU GORDON YU, B.C.L.S.



SITE PLAN

SCALE: 1/8" = 1'-0"





ILLUSTRATED:
 MAIN FLOOR AREA INCLUDING GARAGE: 179m² [1927 f²]
 UPPER FLOOR AT 80% OF MAIN = 143 m² [1534 f²]
 TOTAL AREA = 322 m² [3466 f²]

2948 SEMIAHMOO TRAIL