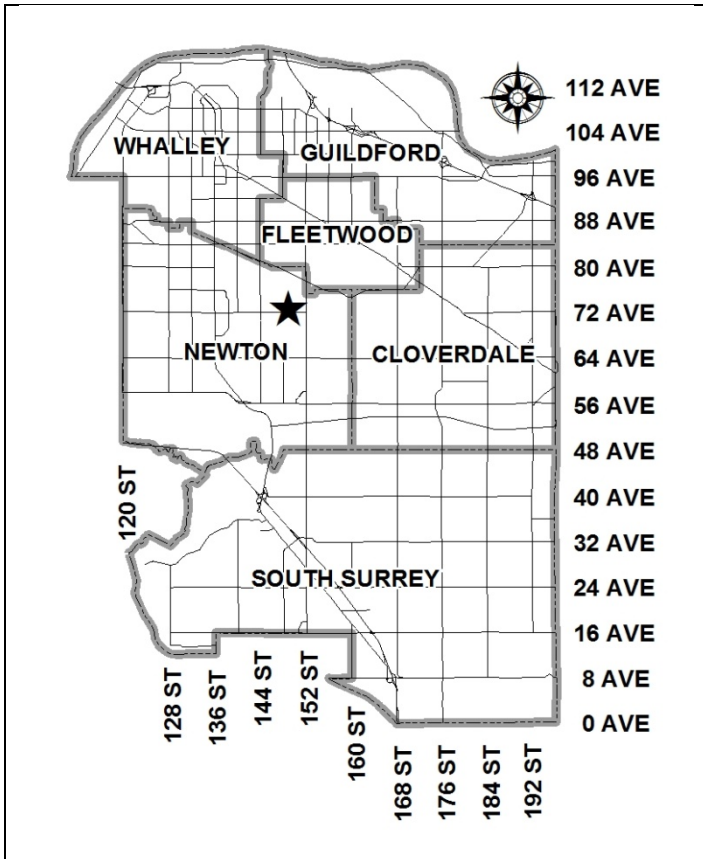


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0232-00

Planning Report Date: June 17, 2013



PROPOSAL:

- **Restrictive Covenant Discharge**
 in order to remove the 4.0-metre (13 ft.) landscape
 buffer strip along 72 Avenue.

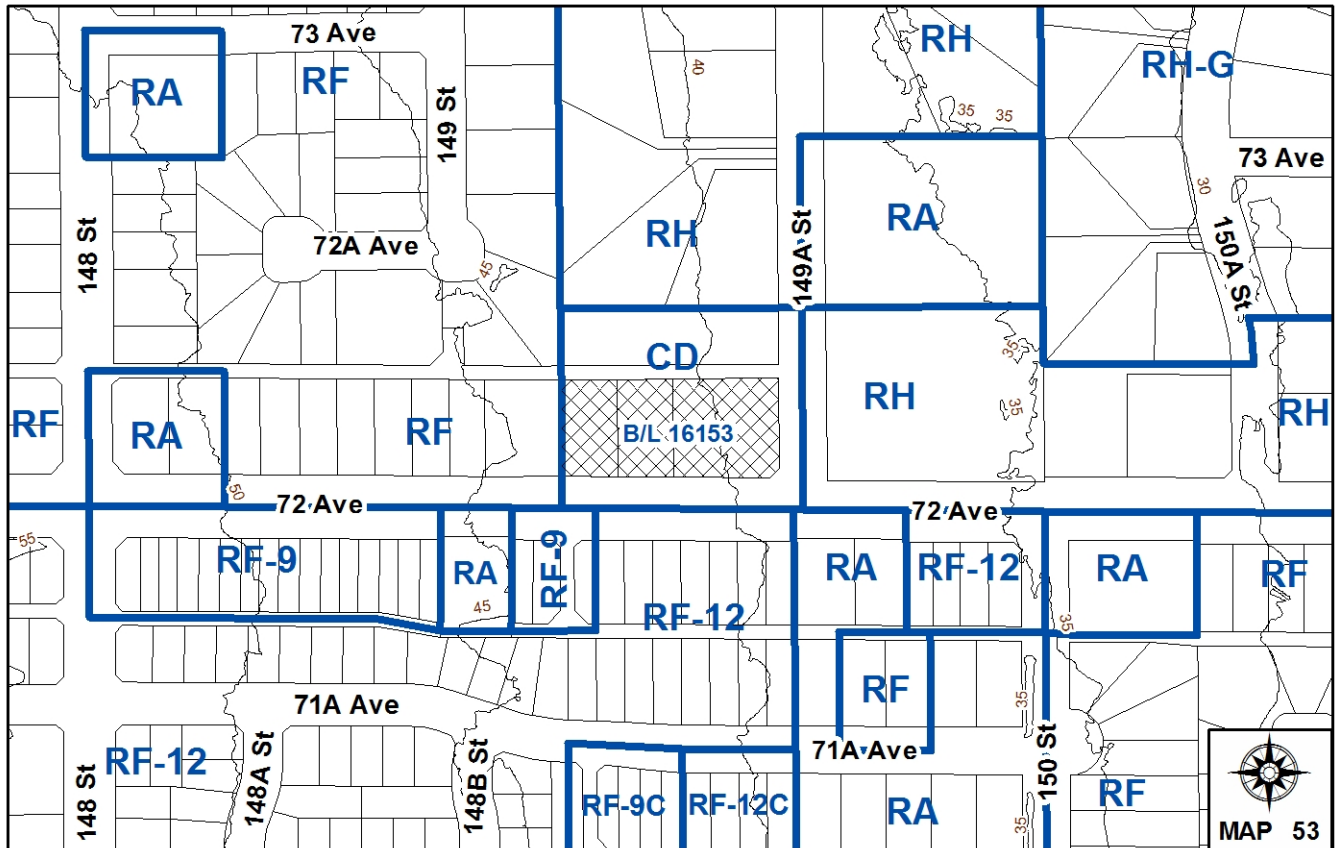
LOCATION: 14927 and 14909 - 72 Avenue;
 7211 - 149A Street

OWNERS: Sarbjit K. Gill, Lakhwinder S. Gill
 Gian S. Sandhu, et al

ZONING: CD (based on RF and RH)

OCP DESIGNATION: Urban / Suburban

LAP DESIGNATION: Urban Single Family Residential
 ½ Acre Suburban Single Family
 Residential



RECOMMENDATION SUMMARY

- Council approve the proposed discharge of Restrictive Covenant No. BB287991 (RC) requiring that a 4.0-metre (13 ft.) wide landscape buffer strip be installed and maintained along 72 Avenue.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The East Newton Local Area Plan (LAP) stipulates that a landscape buffer be installed along 72 Avenue as properties develop. The buffer requirements of the RC are consistent with the LAP; the fencing requirement was added to address the interface across 72 Avenue to the south. However, the landscape buffer and fencing was not installed in conformance with the specifications in the RC.

RATIONALE OF RECOMMENDATION

- The City is holding security submitted by the original developer pertaining to the installation of the landscape buffer. However, the existing property owners are not agreeable to the installation of the landscape buffer as stipulated in the Covenant.
- All 3 dwellings on the subject properties completed construction in 2009 and 2010, and are sited at least 10 metres (33 ft.) from 72 Avenue. This exceeds the 7.5 metre (25 ft.) minimum setback requirement under the Zoning By-law, and the registered landscape buffer covenant.
- Fencing is currently installed along the lot lines on the subject properties, and sufficient landscaping is installed in the front yards.
- The current owners are satisfied with the existing conditions and do not wish for the proposed landscaping outlined in the Covenant. Noise impact from 72 Avenue is not a concern for the current property owners.
- Fencing on one of the three properties has been stained to complement the existing dwelling.

RECOMMENDATION

- The Planning & Development Department recommends that Council approve the proposed discharge of Restrictive Covenant No. BB287991 requiring a 4.0-metre (13 ft.) wide landscape buffer strip along 72 Avenue.

REFERRALS

Trees and Landscaping: The Trees and Landscaping Section has no objection to the proposed discharge of Restrictive Covenant No. BB287991.

SITE CHARACTERISTICS

Existing Land Use: Single family dwellings.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single Family Dwelling	Suburban	CD By-law 16153
East (Across 149A Street):	Single Family Dwellings	Suburban	RH
South (Across 72 Avenue):	Single Family Dwellings	Urban / Single Family Small Lots (East Newton South NCP)	RF-9 and RF-12
West:	Single Family Dwellings	Urban / Transitional Suburban (East Newton North NCP)	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site consists of 3 lots, located at the northwest corner of 72 Avenue and 149A Street. The OCP designation on the site is split with "Urban" on 14909 – 72 Avenue and 14927 – 72 Avenue, and "Suburban" on 7211 – 149A Street. Accordingly, the site is also split-designated "Urban Residential" and "Suburban Residential Half-Acre" in the East Newton Local Area Plan (LAP).
- The subject site was rezoned from "Half-Acre Residential Zone (RH)" to a CD zone based on RF and RH zones "Comprehensive Development Zone" (CD 16153), under Application No. 7905-0180-00. The East Newton LAP stipulated that a landscape buffer strip should be provided along both sides of 72 Avenue between 148th Street and 152 Street. To secure this requirement, a Restrictive Covenant was registered on the title of the subject site as a condition of approval.

- After final subdivision approval, the lots were sold and dwellings have since been constructed on the subject site. The subsequent owners did not install the landscape buffer strip in accordance with the RC, and the City continues to hold landscaping securities for the outstanding works from the developer.
- Meeting the RC requirements necessitates cooperation from the current owners. Ongoing discussion between City staff, the developer, and the current owners regarding the installation of the landscape buffer strip led the developer to apply to discharge the RC, as the developer has not been able to obtain consent from the owners to construct the landscaping works in accordance with the RC.
- It is apparent that this lack of cooperation continues to impose significant barriers to meeting the RC requirements, and Landscape securities cannot be released to the developer unless these requirements are removed.

Proposal

- The applicant seeks to discharge Restrictive Covenant No. BB287991 in order to enable the release of landscape securities currently held by the Trees & Landscaping Division.

RESTRICTIVE COVENANT DISCHARGE EVALUATION

Applicant's Reasons:

- The applicant advises that fencing has been installed and that the current owners do not wish to have the landscaping installed as per the Landscape Buffer Plan attached to the Restrictive Covenant. The current owners have agreed to release the developer of his obligations to provide the landscape buffer strip along the 72 Avenue frontages of their properties.

Staff Comments:

- The intent of the landscape buffer strip is to provide a visual barrier between the dwellings and vehicular traffic on 72 Avenue, an arterial road. The RC requires a 4.0-metre (13 ft.) wide landscape buffer, with an additional 3.5-metre (11.5 ft.) wide "no-build" area for the principal building, resulting in a minimum front yard setback of 7.5 metres (25 ft.). Excerpts from the RC, including the explanatory plan showing the "no-build" area and the landscape buffer plan, are shown in Appendix II.
- Currently, the dwellings on the subject site are situated at least 10.2 metres (33.5 ft.) from 72 Avenue. These setbacks exceed the Zoning By-law requirement and are greater than the "no-build" area in RC No. BB287991. The larger setbacks help mitigate the noise impacts from 72 Avenue and serve to meet the intent of the RC.
- Fencing and varied landscaping have been installed along 72 Avenue for each of the three properties as follows:
 - The owners of 7211-149A Street have installed a 1.5 metre (5 ft.) cedar fence along their 72 Avenue property line, and planted cedars behind the fence, to provide added screening from 72 Avenue.

- The owners of 14927-72 Avenue have installed decorative concrete brick and iron grate fencing, and the yard is landscaped with ornamental trees and flowering shrubs.
- The owners of 14909-72 Avenue have installed an unpainted wooden picket fence. Current landscaping includes two ornamental trees and twenty shrubs required by the Building Scheme registered on the site.
- City staff originally recommended that the applicant improve the appearance of the fencing along 72 Avenue by (re)staining or painting the two wood fences at 7211 – 149A Street and 14909 – 72 Avenue, and trimming the cedar hedge at 7211-149A Street as a condition of approval of the RC discharge.
- The installed fencing on the three lots is of acceptable quality, and most are higher quality than the fencing required in the Landscape Buffer Plan in the RC, which calls for a 1.2-metre (4 ft.) high wood picket fence. The owner at 14909 – 72 Avenue has agreed to the staining of the fence to either match or complement the principal dwelling, and the work was recently completed, as shown in Appendix III.
- The applicant, however, reported that he was unable to obtain consent to carry out the recommended improvements from the property owner at 7211-149A Street. City staff also made several attempts to contact this owner and received no response.

PRE-NOTIFICATION

- Pre-notification letters were sent on October 12, 2012 and staff received responses from two area residents. A resident inquired about the notice they received in the mail and did not have any concerns upon being advised of the proposal. A second resident phoned to express concerns and followed up via email about what they believed to be removal of a landscape buffer strip in the East Newton North NCP. Staff clarified that the subject site is outside of the Plan area.

CONCLUSION

- Implementation of the RC requirements is largely out of the developer's control; however, the current owners are satisfied with the landscape conditions. Dwellings on the 3 subject properties are set back in excess of that required by the Covenant on title, which will help mitigate noise impacts from 72 Avenue. The fence at 14909 – 72 Avenue has been stained to complement the existing dwelling. Staff recommends that Council approve the proposed discharge of Restrictive Covenant No. BB287991.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheet
- Appendix II. Explanatory Plan and Landscape Buffer Plan in Restrictive Covenant
BB287991
- Appendix III. Before and After Images of Fencing at 14909 – 72 Avenue

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

NA3/kms

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DRV 6/13/13 11:02 AM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Gurdarshan S. Bal
 Address: 7227 - 149A Street
 Surrey, BC
 V3S 3H4

 Tel: 604-543-9696

2. Properties involved in the Application

- (a) Civic Addresses: 14909 and 14927 - 72 Avenue; 7211 - 149A Street
- (b) Civic Address: 14909 - 72 Avenue
 Owners: Lakhwinder S. Gill
 Sarbjit K. Gill
 PID: 027-206-947
 Lot 4 Section 22, Township 2, New Westminster District, Plan BCP 31975
- (c) Civic Address: 14927 - 72 Avenue
 Owners: Surinder K. Sandhu
 Gian S. Sandhu
 PID: 027-206-939
 Lot 3 Section 22, Township 2, New Westminster District, Plan BCP 31975
- (d) Civic Address: 7211 - 149A Street
 Owners: Kulwant K. Reandy
 John Reandy
 PID: 027-206-921
 Lot 2 Section 22, Township 2, New Westminster District, Plan BCP 31975

1. Summary of Actions for City Clerk's Office

DATA SHEET

Existing Zoning: CD

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.94
Hectares	0.38
NUMBER OF LOTS	
Existing	3
Proposed	
SIZE OF LOTS	
Range of lot widths (metres)	23.5 m – 38 m
Range of lot areas (square metres)	971 m ² - 1,860 m ²
DENSITY	n/a
Lots/Hectare & Lots/Acre (Gross)	
Lots/Hectare & Lots/Acre (Net)	
SITE COVERAGE (in % of gross site area)	n/a
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
PARKLAND	n/a
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	NO

**EXPLANATORY PLAN OF COVENANTS OVER PARTS OF LOTS 2 ,3 AND 4
ALL OF SECTION 22 TOWNSHIP 2 NEW WESTMINSTER DISTRICT**

PLAN BCP _____

PURSUANT TO SECTION 99 (1)(e) OF THE LAND TITLE ACT

B.C.G.S. 92G016

CITY OF SURREY

LEGEND

SCALE 1:500



(All distances are in metres)

Integrated Survey Area No. 1, Surrey
Grid bearings and distances are
derived from Plan BCP _____



**DHALIWA & ASSOCIATES
LAND SURVEYING INC.**

121 - 13140 80th Avenue
Surrey, B.C.
V3W 3B2
(ph) 604 501-6188
(fx) 604 501-6189

FILE : 0309166-R01 DWG

BOOK OF REFERENCE

LEGAL DESCRIPTION	AREA
LOT 2 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	171.0m ²
LOT 3 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	94.2m ²
LOT 4 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	94.8m ²

BOOK OF REFERENCE(HATCHED AREA)

LEGAL DESCRIPTION	AREA
LOT 2 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	156.7m ²
LOT 3 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	82.4m ²
LOT 4 SECTION 22 Tp 2 N.W.D. PLAN BCP _____	83.0m ²

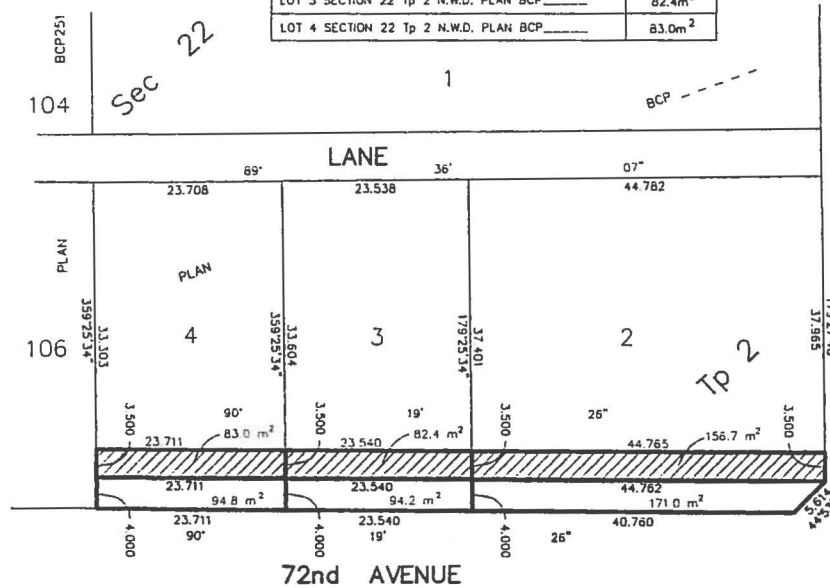
PLAN BCP _____

REF. No. _____

Deposited in the Land Title Office at
New Westminster, B.C.

This _____ day of _____ 2007.

Assistant Deputy Registrar



THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

Gene Paul Nikula

B.C.L.S. 803

149A STREET

104

106

Sec 22

LANE

72nd AVENUE

EXPLANATORY PLAN FOR SET-BACKS

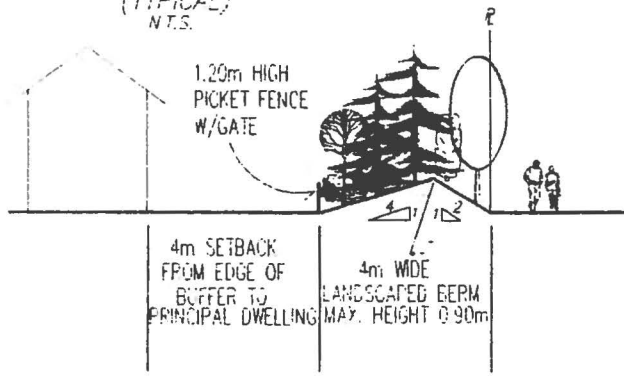
SCHEDULE "A"

PLANT NAME	COMMON NAME	QTY	SIZE	SPACING
ACER SPICATUM	VINE MAPLE	8	3.00 METERS	AS SHOWN
ACER FRAXINIFOLIUM	SCARLET SENTINEL MAPLE	11	4.00 METERS	AS SHOWN
QUERCUS BICOLOR	WESTERN RED OAK	10	3.00 METERS	AS SHOWN
TSUGA HETEROPHYLLA	WESTERN HEMLOCK	10	3.00 METERS	AS SHOWN
ROSA MEIDLANDI	MEIDLAND ROSE	34	#3 POT	90 CM O.C.
ERASEANUS PUNICEUS MATILLATA	ALREA VARIEGATA	68	2.50 METERS	90 CM O.C.

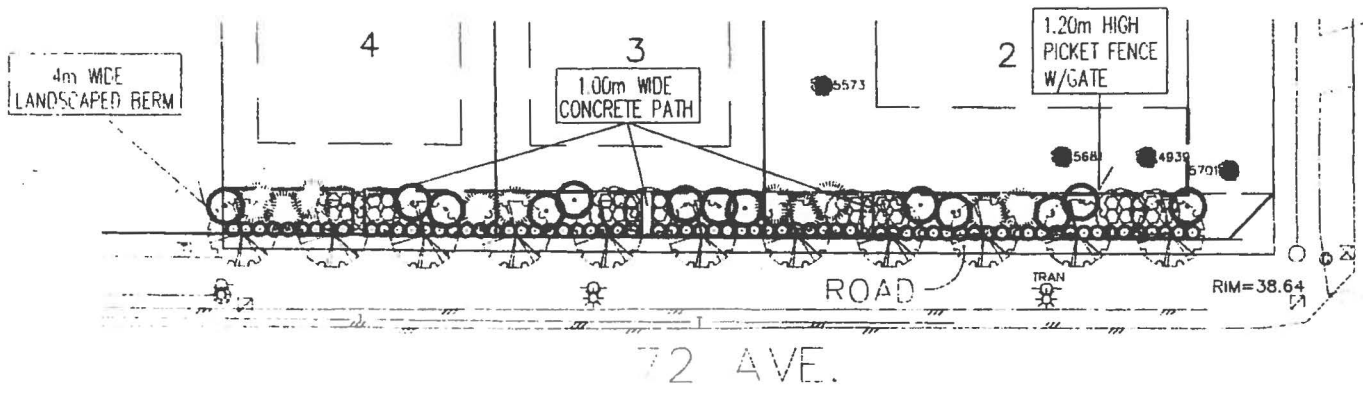
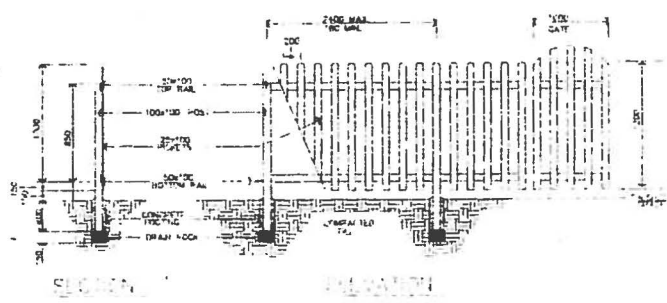
PLANTS IN THE PLANT LIST ARE SPECIFIED ACCORDING TO THE LANDSCAPE CANADA GUIDE SPECIFICATIONS FOR NURSERY STOCK AND THE BONTA STANDARD FOR CONTAINER GROWN PLANTS

ALL LANDSCAPING AND LANDSCAPE MATERIALS TO CONFORM TO THE LATEST EDITION OF THE BONTA/BCSLA "LANDSCAPE STANDARDS"

LANDSCAPE BERM (TYPICAL) N.T.S.



PICKET FENCE DETAIL (DIMENSIONS IN mm)



Plans checked by [Signature]
 Planning & Development, City of Surrey
 Date 2/26/17
 Acceptable Not Acceptable

LEGEND
 ● = TREES TO BE RETAINED
 ✕ = TREES TO BE REMOVED
 ○ = PROTECTION BARRIER

KAVOLINIS & ASSOCIATES INC.
 1180 - 88 AVENUE, LAMBERT, B.C. V2M 1T7
 PHONE (604) 882-2288

MR. CLARENCE ANTHONY HARTER LANDSCAPE ARCHITECT
 2750 - 88 ROSSIGNOL STREET, V2M 1T7
 PHONE (604) 428-4881

PLAN VIEW
 PROPOSED LANDSCAPE BUFFER
 4 LOT SUBDIVISION
 7227 - 1484 STREET, SURREY, B.C.

SCALE	1:200	DATE	SEP/2016
DRAWN BY	[Blank]	CHECKED BY	[Blank]
DATE	[Blank]	DATE	[Blank]

APPENDIX II
 L-3

**SCHEDULE B
 LANDSCAPE BUFFER PLAN**

BEFORE

BEFORE



AFTER

AFTER

