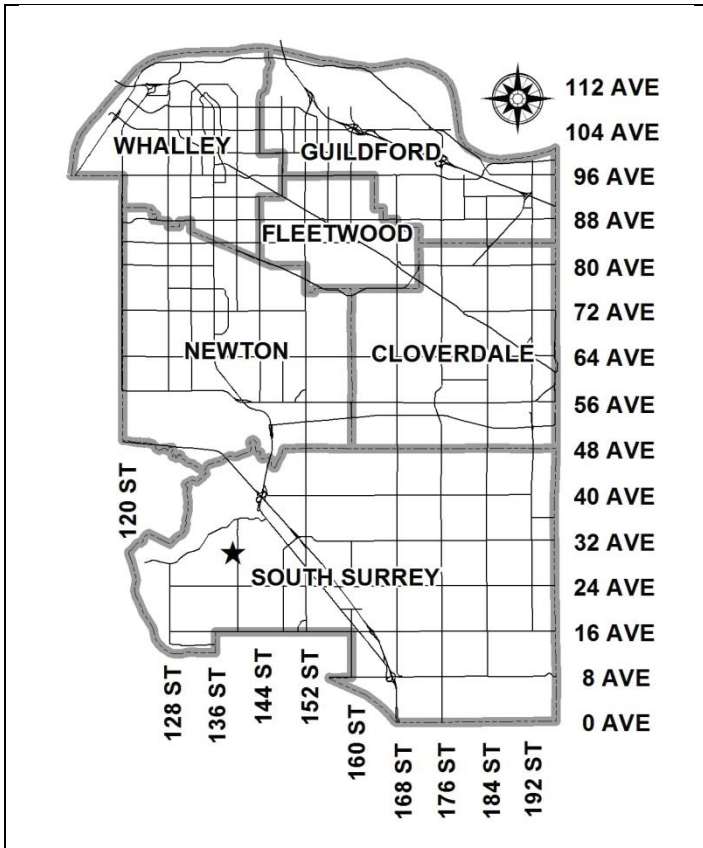


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0315-00

Planning Report Date: September 12, 2016



**PROPOSAL:**

- **Restrictive Covenant Discharge**  
 to facilitate the subdivision of 2 RH-G lots.

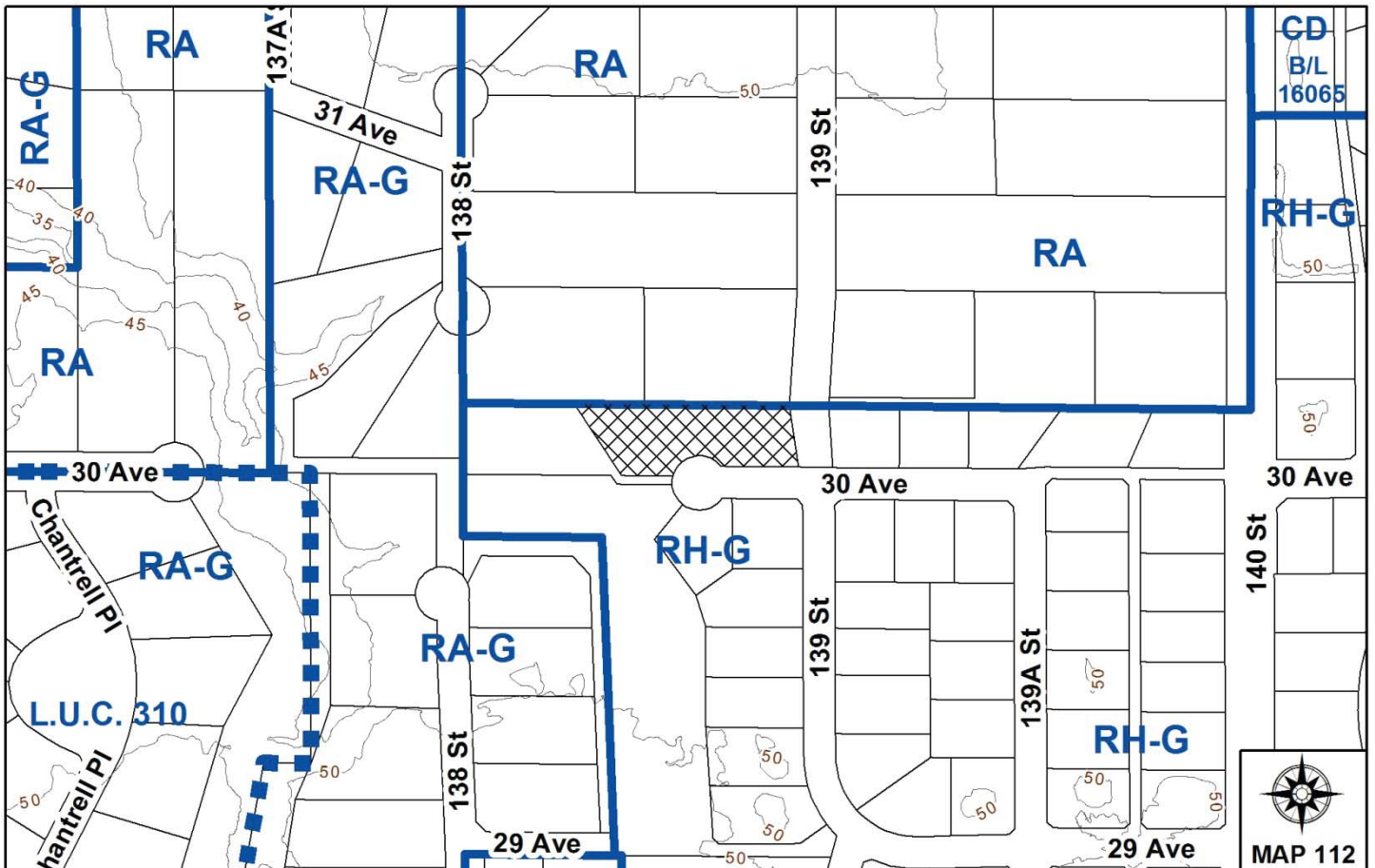
**LOCATION:** 13899 - 30 Avenue

**OWNER:** Victor N Bentley  
 Joan M Bentley

**ZONING:** RH-G

**OCP DESIGNATION:** Suburban

**LAP DESIGNATION:** Half-Acre Gross Density



### RECOMMENDATION SUMMARY

- Council approve the proposed discharge of Restrictive Covenant (RC) No. BL316895 restricting the Owner from subdividing the Lands.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Sub-area 3 of the Central Semiahmoo Peninsula Local Area Plan (LAP) was designated as two units per acre with a one-acre buffer along the west and north boundaries by Council resolution (Resolution No. 93-1770) on April 13, 1993. The subject property is within what was then designated as the one-acre buffer (Appendix IV).

### RATIONALE OF RECOMMENDATION

- The proposed subdivision complies with the site's Official Community Plan (OCP) designation of Suburban and the existing Half-Acre Residential Gross Density (RH-G) zoning.
- Although Sub-area 3 of the Central Semiahmoo Peninsula Local Area Plan (LAP) was intended to have a one-acre buffer along the west and north boundaries, the subject site and 5 adjacent properties to the east were re-designated "Half-acre gross density" as part of a previous subdivision (Development Application No. 5692-0570-00) (Appendix V).
- The restrictive covenant currently registered on the title of the subject property was intended to prevent further subdivision of the lot in order to help maintain the one-acre buffer between the Half-acre gross density lots to the south and the One Acre lots to the north and west. However, the subject property is the only RH-G lot with subdivision potential within the larger RH-G zoned area (Appendix VI).
- An existing park to the west and south of the subject site, as well as a 5 metre (16 ft.) wide strip of mature vegetation on the subject property, provide an adequate buffer between the Half-Acre gross density lots to the east and the One Acre lots to the west.

RECOMMENDATION

The Planning & Development Department recommends that Council approve the proposed discharge of Restrictive Covenant (RC) No. BL316895 to facilitate subdivision of the subject property.

REFERRALS

**Engineering:** The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

**Parks, Recreation & Culture:** Parks, Recreation & Culture request that the applicant protect the interface between the Park and the subject property by ensuring that there be no impact to existing park trees or vegetation through this development; that site lines are protected through the use of low, permeable fencing and landscaping not higher than 1.2 metres (4 ft.); and that CPTED principles are applied.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family dwellings	Suburban/ One-Acre	RA
East:	Park/ Single family dwelling	Suburban/ Half-Acre Gross Density	RH-G
South (Across 30 Avenue ):	Park/ Single family dwellings	Suburban/ Half-Acre Gross Density	RH-G
West:	Park	Suburban/ Half-Acre Gross Density	RH-G

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located on the north side of 30 Avenue, west of 139 Street at the end of a cul-de-sac. The site is designated “Suburban” in the Official Community Plan (OCP) and was re-designated from “One acre” to “Half-acre gross density” in the Central Semiahmoo Peninsula Local Area Plan (LAP) under Development Application No. 5692-0570-00.

- The subject site was created under Application No. 5692-0570-00 in August 1997, which created six RH-G zoned lots, a park (to the west), and a pedestrian greenway connecting with 139 Street to the north. The site was rezoned at that time from “Suburban Residential (RS)” (By-law No. 5942) to “Half-Acre Residential Gross Density (RH-G)” (By-law No. 12000).
- The original proposal under Development Application No. 5692-0570-00 was a seven lot subdivision with park dedication, however that plan was amended to a six lot subdivision with park dedication, and a Restrictive Covenant (BL316895) was registered against the subject property restricting further subdivision, after concerns were voiced from members of the Central Semiahmoo Peninsula community that a One acre buffer along the west and north boundaries of Sub-area 3 of the Central Semiahmoo Peninsula LAP was not being adhered to.

### Current Proposal

- The applicant is seeking to discharge Restrictive Covenant (RC) No. BL316895, which restricts the Owners from subdividing the Lands, in order to subdivide the subject property into two RH-G lots in accordance with the existing zoning, OCP, and LAP designations.

### RESTRICTIVE COVENANT DISCHARGE EVALUATION

#### Applicant's Reasons

- The Restrictive Covenant currently registered on the title restricts the ability to subdivide the subject property in accordance with the existing RH-G zoning, and LAP “Half-acre gross density” designation.

#### Staff Comments

- The intent of the Restrictive Covenant was to maintain a One Acre buffer between the Half-Acre gross density area to the southeast and the One Acre lots to the north and west.
- The existing parkland to the west and south of the subject site, along with the 5 metre (16 ft.) wide strip of mature vegetation along the western property line of the subject property protected by Restrictive Covenant, provide an adequate buffer to the west.
- The established road network, with 139 Street ending in a cul-de-sac to the north, and the Half-Acre gross density subdivision to the south only being accessible from one vehicle access point at 29 Avenue, further create separation between the One Acre properties to the north.
- The subject property is the only lot with further subdivision potential out of 57 existing RH-G zoned properties to the south.
- The discharge of the Restrictive Covenant will facilitate the subdivision of the subject property into two RH-G lots, completing the logical extension of the Half-acre gross density development and creating a more consistent interface with the RH-G lots across 30 Avenue to the south.

- In summary, the existing park to the west and south, along with the design of the road network, uphold the intent of the One Acre buffer. Additionally, the proposed development of the subject property into two RH-G zoned lots provides an acceptable interface between the One Acre lots to the west and north and the Half-Acre gross density lots to the south. Staff therefore recommends that Council approve the proposed discharge of Restrictive Covenant (RC) No. BL316895.

#### PRE-NOTIFICATION

Pre-notification letters were sent on July 28, 2016 to the owners of 29 properties within 100 metres (328 ft.) of the subject site, and to the Elgin Creek Ratepayers Association and the Semiahmoo Residents Association. To date, staff have not received any comments.

#### 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.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Central Semiahmoo Peninsula LAP Plan – Sub Area 3
Appendix V.	Central Semiahmoo Peninsula LAP Plan – Current as of August 2016
Appendix VI.	Subject Site and Surrounding Context

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

CB/ar



## SUBDIVISION DATA SHEET

Zoning: RH-G

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	0.82
Hectares	0.33
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	2
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	
Range of lot areas (square metres)	1324 m <sup>2</sup> – 1982 m <sup>2</sup>
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	5 uph (2 upa)
Lots/Hectare & Lots/Acre (Net)	N/A
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	25%
Estimated Road, Lane & Driveway Coverage	5%
Total Site Coverage	30%
<b>PARKLAND</b>	
Area (square metres)	N/A
% of Gross Site	N/A
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
	YES
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>FRASER HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO

Vic & Joan Bentley  
Residential Subdivision  
13899 30 Ave, Surrey, BC

**SUBDIVISION PLAN**



**LEGAL DESCRIPTION**

PID: 023-930-241  
LOT 1 SECTION 21 TOWNSHIP  
1 PLAN LMP34860  
NWD PART NW 1/4.

**GROSS SITE AREA**

0.3 hectares / 0.8 acres (approx.)

**NET SITE AREA**

0.3 hectares / 0.8 acres (approx.)

**EXISTING DESIGNATIONS**

Zoning: RH-G  
NCP: Not in NCP  
OCP: Suburban

**PROPOSED DESIGNATIONS**

Zoning: RH-G  
NCP: Not in NCP  
OCP: Suburban

**LOT YIELD**

Existing Number of Lots: 1  
Proposed Number of Lots: 2



Scale: 1:500



Project No.: 14-120  
Date: 25 / 04 / 2016

Drawing  
**1**

NOTE: Conceptual layout only, subject to change without notice. Property of Aplin & Martin Consultants Ltd. and not to be reproduced or used without written permission by the Company.

M:\2014\14-120\DWG\PLANNING\14-120 - Subdivision Plan (Survey Base) - 2016-04-26.dwg





## INTER-OFFICE MEMO

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TO: **Manager, Area Planning & Development - South Surrey Division  
Planning and Development Department**

FROM: **Development Project Engineer, Engineering Department**

DATE: **June 10, 2016**

PROJECT FILE: **7815-0315-00**

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RE: **Engineering Requirements  
Location: 13899 30 Avenue**

**SUBDIVISION*****Works and Services***

- Construct sidewalk along the north side of 30 Avenue.
- Provide a sanitary, storm, and metered water service connection to each lot.

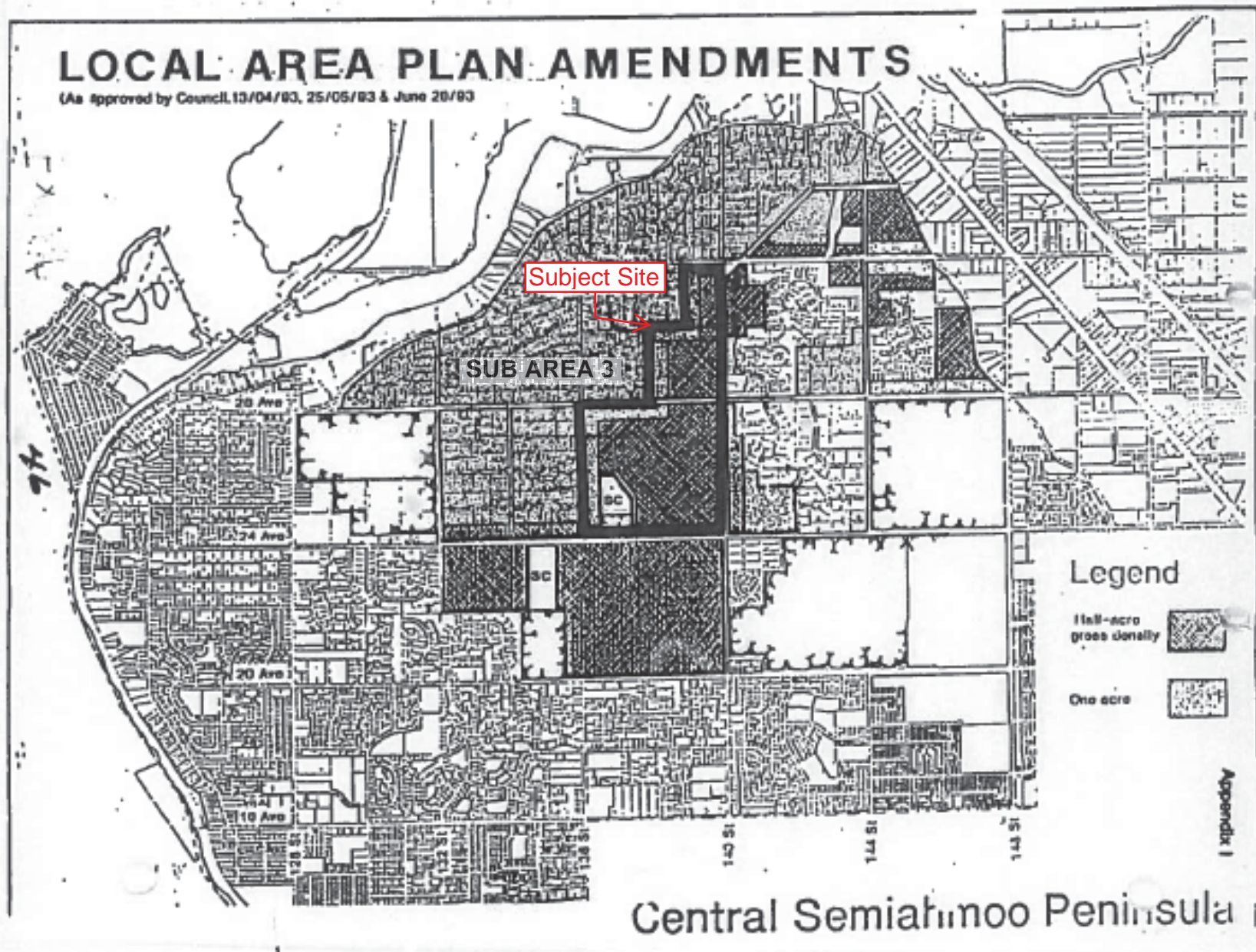
A Servicing Agreement is required prior to subdivision.

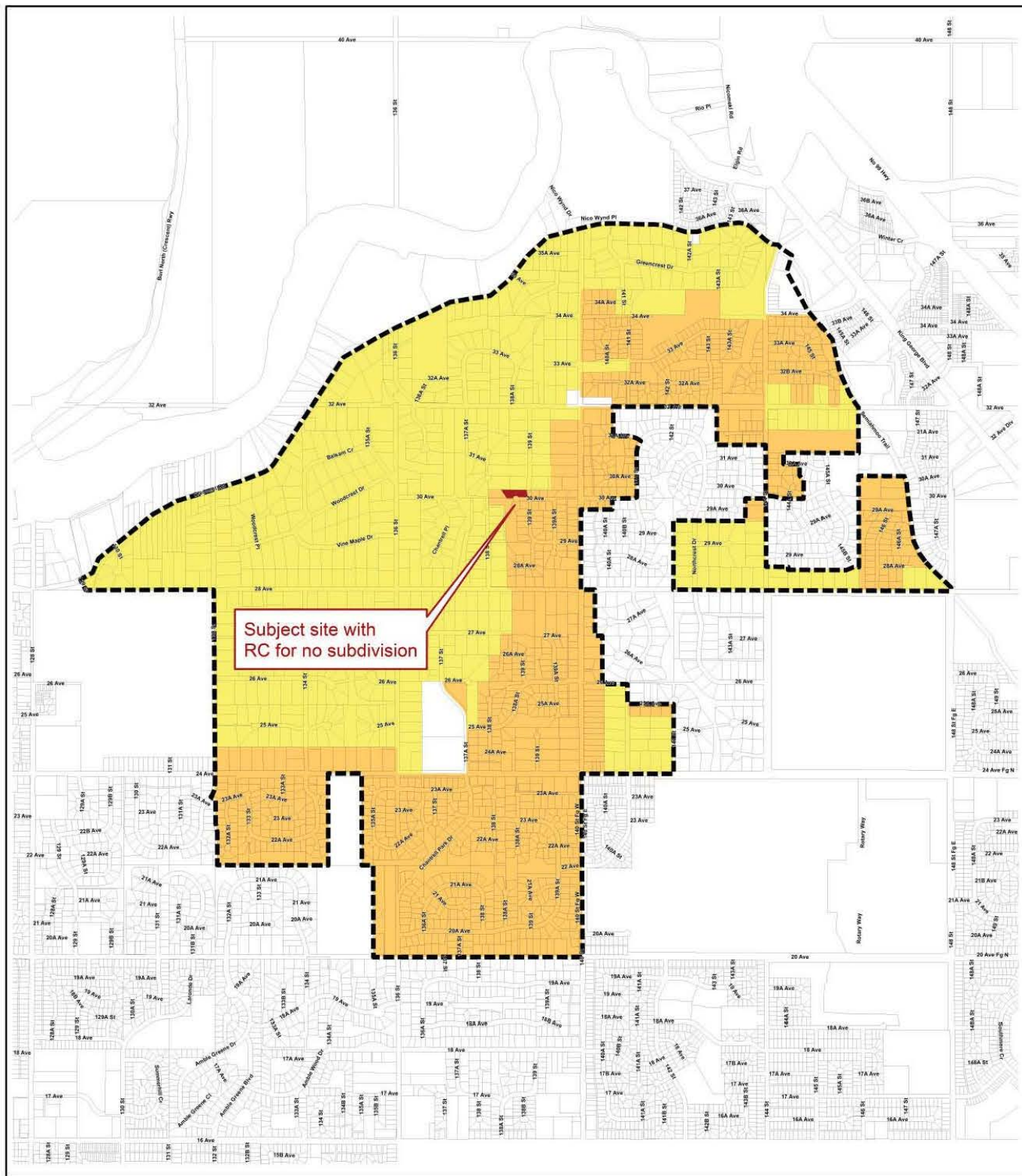
**DEVELOPMENT VARIANCE PERMIT**

There are no engineering requirements relative to issuance of the Development Variance Permit.

Robert Cooke, Eng.L.  
Development Project Engineer

MB

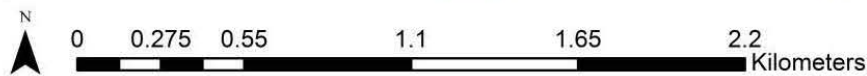


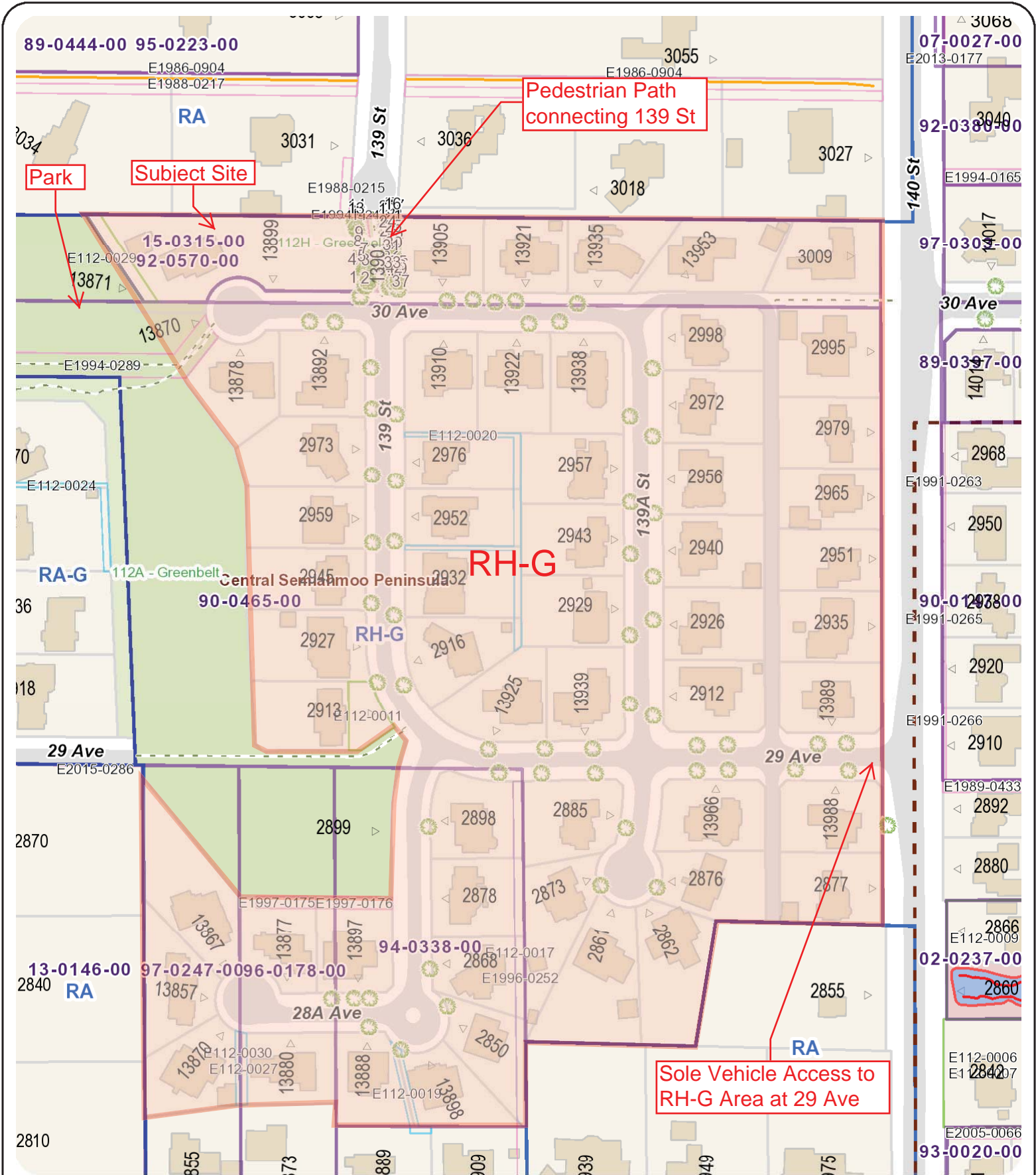


# CENTRAL SEMIAHMOO PENINSULA LOCAL AREA PLAN

## Legend

- Land Use Plan Boundaries
- Half-acre gross density
- One acre





Scale: 1:2,114

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca

