

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

Application No.: 7921-0297-00

Planning Report Date: May 30, 2022

**PROPOSAL:**

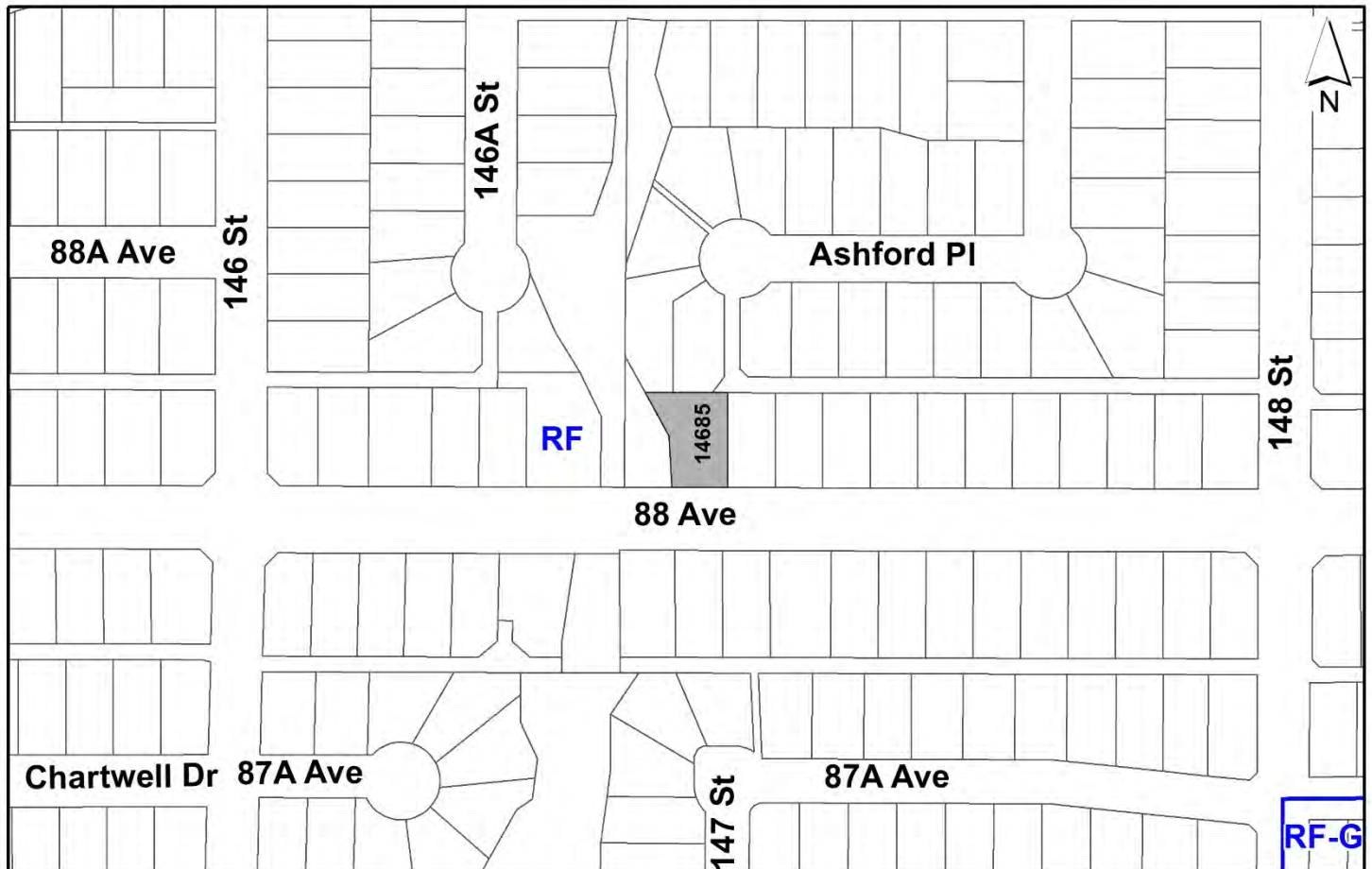
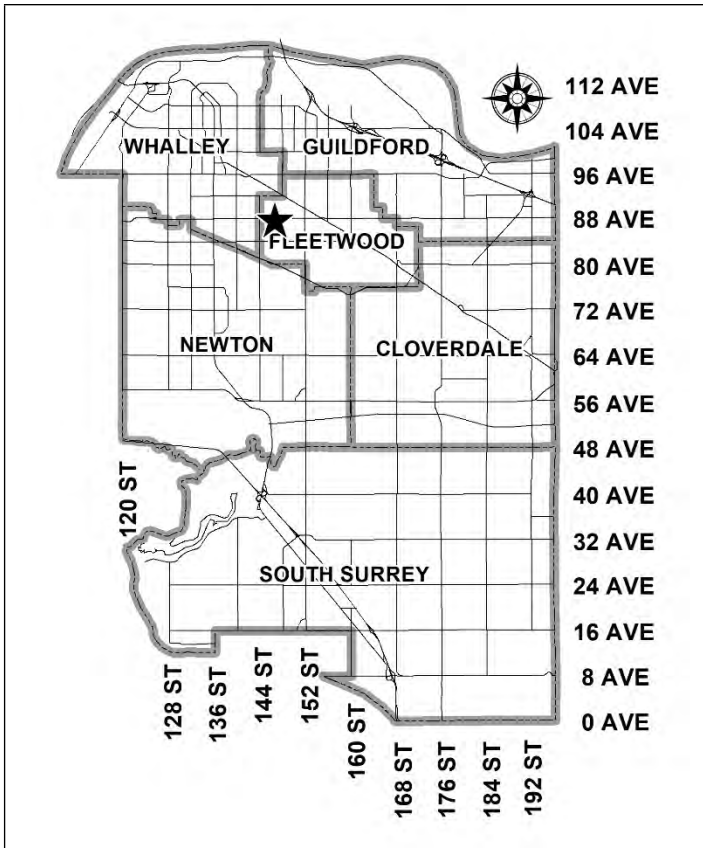
- **Development Permit**
- **Development Variance Permit**

to reduce the minimum streamside setback for a Class A Stream, as measured from top-of-bank to permit construction of a single family dwelling on the existing lot.

**LOCATION:** 14685 - 88 Avenue

**ZONING:** RF

**OCP DESIGNATION:** Urban



## RECOMMENDATION SUMMARY

- Approval to draft Development Permit for Hazard Lands, and Sensitive Ecosystems.
- Approval for Development Variance Permit to proceed to Public Notification.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to reduce the minimum streamside setback area for a Class A Stream under Part 7A Streamside Protection of the Zoning Bylaw from 15 metres as measured from top-of-bank to a minimum of 5 metres as measured from top-of-bank, to proceed to Public Notification.

## RATIONALE OF RECOMMENDATION

- The proposal complies with the Urban designation in the Official Community Plan (OCP).
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposal partially complies with the Development Permit requirements in the OCP for Sensitive Ecosystems Streamside Areas.
- The proposal complies with the Development Permit requirements in the OCP for Hazard Lands (Steep Slopes).
- A Class A (red-coded) Natural Stream (Price Creek) runs north-south, west of the subject site that requires a 15-metre streamside setback as measured from top of bank under Part 7A of the Zoning Bylaw. Furthermore, the subject site is encumbered by steep slopes due to the presence of the adjacent watercourse. Complying with the 15-metre streamside setback as measured from top of bank would make it impossible to construct the proposed single family dwelling without the requested variance.
- The project Qualified Environmental Professional (QEP) submitted a detailed assessment under the Riparian Areas Protection Regulation (RAPR), which recommended a Streamside Protection and Enhancement Area (SPEA) setback of 10 metres, as measured from high-water-mark of Price Creek. This assessment was approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD).
- The applicant has provided a comprehensive geotechnical report in support of the proposed variance to the streamside setback. The geotechnical report has been peer-reviewed by an independent, third-party Qualified Professional and deemed to be acceptable.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7921-0297-00 for, Hazard Lands (Steep Slopes) and, Sensitive Ecosystems (Streamside Areas) generally in accordance with the attached drawings (Appendix I) and the finalized Ecosystem Development Plan and Geotechnical Report.
2. Council approve Development Variance Permit No. 7921-0297-00 (Appendix V) to reduce the minimum streamside setback area for a Class A Stream under Part 7A Streamside Protection of the Zoning Bylaw from 15 metres as measured from top-of-bank to a minimum of 5 metres as measured from top-of-bank, to proceed to Public Notification.
3. Council instruct staff to resolve the following issues prior to final approval:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
  - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (d) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department;
  - (e) submission of a finalized Ecosystem Development Plan and Impact Mitigation Plan to the satisfaction of City staff;
  - (f) the applicant satisfy the requirements for a P-15 agreement;
  - (g) submission of a finalized Geotechnical Report to the satisfaction of City staff;
  - (h) registration of a Section 219 Restrictive Covenant to ensure the site is developed in accordance with the conditions in the finalized geotechnical report;
  - (i) registration of a combined Statutory Right-of-Way / Section 219 Restrictive Covenant over the designated Streamside Protection Area for both "No Build" and conveyance access; and
  - (j) registration of a Statutory Right-of-Way over 5 metres adjacent to the designated Streamside Protection Area or Drainage access and maintenance.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Existing single family dwelling	Urban	RF
North:	Existing single family dwelling	Urban	RF
East:	Existing single family dwelling	Urban	RF
South (Across 88 Avenue):	Existing single family dwelling	Urban	RF
West:	City Greenbelt with a Class A (red-coded) watercourse (Price Creek)	Urban	RF

### Context & Background

- The subject property is located at 14685 – 88 Avenue in Fleetwood. The lot is approximately 898 square metres in size and is occupied by an existing single family dwelling. The property is designated Urban in the Official Community Plan and is zoned "Single Family Residential Zone (RF)".
- The subject site is within a Development Permit Area for Sensitive Ecosystems (Streamside and Green Infrastructure Areas) and Hazard Lands (Steep Slopes) associated with a Class A (red-coded) watercourse, Price Creek, located west of the subject site in a City greenbelt.
- The subject site is also encumbered with an existing Statutory right-of-way along the east side of the property for a City water main.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is proposing a new single family dwelling on the subject lot. The proposed dwelling will be 415.6 square metres in floor area and complies with all other provisions of the RF zone.
- The Class A (red-coded) watercourse adjacent to the subject site requires a minimum streamside setback of 15 metres as measured from top-of-bank in Part 7A of the Zoning By-law. This setback significantly encumbers the subject site and would render construction of new single family dwelling extremely challenging.
- Under the Riparian Areas Protection Regulation (RAPR), the required Streamside Protection and Enhancement Area (SPEA) setback is 10 metres, as measured from high-water-mark. This assessment was approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD).



- The 15-metre streamside setback as measured from top of bank would make it impossible to construct the proposed single family dwelling, and extremely challenging to construct a reasonably-sized dwelling of any size, without the requested variance.
- The requested variance will accommodate a single-family dwelling of 415.6 square metres in floor area, which complies with the RF Zone and is consistent with other existing homes in this neighbourhood.
- The subject site is further encumbered by a City Statutory right-of-way along the east that prevents the proposed single family dwelling from shifting to the east, reducing the requested streamside variance.
- The applicant is complying to all recommendations in the Ecosystem Development Plan and Geotechnical Report, including the additional required 5-metre drainage access right of way, measured from the proposed reduced streamside setback.
- The applicant will register a Section 219 Restrictive Covenant to ensure the site is developed in accordance with the conditions in the finalized geotechnical report and will register a combined Statutory Right-of-Way / Section 219 Restrictive Covenant over the designated Streamside Protection Area for both “No Build” and conveyance access.
- Staff support the requested variances to proceed for consideration

## **DEVELOPMENT PERMITS**

### **Sensitive Ecosystems (Streamside Areas) Development Permit Requirement**

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of an existing Class A (red-coded) watercourse which flows into Bear Creek and into the Serpentine River. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, a Class A (red-coded) watercourse requires a minimum streamside setback of 15 metres, as measured from the top of bank. The proposed setbacks do not comply with the requirements outlined in the Zoning By-law and is requesting the proposed variance to allow construction of the proposed single family dwelling.
- The project Qualified Environmental Professional (QEP) submitted a detailed assessment under the Riparian Areas Protection Regulation (RAPR). The assessment recommended a Streamside Protection and Enhancement Area (SPEA) setback of 10 metres, as measured from high-water-mark of Price Creek. This assessment was approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD).
- The riparian area will be protected through the registration of a combined Restrictive Covenant/Right-of-Way against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP.

- An Ecosystem Development Plan, prepared by Libor Michalak, *R.P. Bio.*, of Keystone Environmental Ltd. and dated January 25, 2022, was reviewed by staff and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit.

### **Hazard Lands (Steep Slope) Development Permit Requirement**

- The subject property falls within the Hazard Lands (Steep Slope) Development Permit Area (DPA) in the OCP, given that the site contains steep slopes in excess of 20% gradient. The Hazard Land (Steep Slope) Development Permit is required to protect developments from hazardous conditions.
- Price Creek contributes to the steep slopes on the subject site. The creek top-of-bank has slopes of approximately 60% in gradient. The slope is more gradual on the subject site, but the steep slopes of the creek pose a hazard to the development. The geotechnical report is thus requiring a geotechnical setback to the proposed dwelling from 5 metres as measured from top of bank.
- A geotechnical report, prepared by Tegbir S. Bajwa, *P. Eng.*, of Able Geotechnical Ltd. and dated April 18, 2022, was peer reviewed by Victor Tran, *P. Eng.*, of Fecon Geotechnical Ltd. and found to be generally acceptable by the peer reviewer. The report and peer review were reviewed by staff and found to conform to the OCP Development Permit guidelines for Hazard Lands. The finalized geotechnical report will be incorporated into the Development Permit.
- The geotechnical report investigated issues related to slope stability and natural storm water drainage, from a geotechnical perspective, to determine the feasibility of development the site and proposing recommendations to ensure the ongoing stability of the slope.
- The consultant has determined that the development is feasible provided that the recommendations in their report are incorporated into the overall design of the site, including a 5-metre geotechnical setback as measured from top of bank.
- Registration of a Section 219 Restrictive Covenant that requires the owner to develop the site in accordance with the conditions in the geotechnical report is required as a condition of final adoption.
- At Building Permit stage, the Building Division will require Letters of Assurance from a geotechnical engineer to ensure that the building plans comply with the recommendations in the approved geotechnical report.

### **TREES**

- Andrew Booth, ISA Certified Arborist of Stickleback Environmental prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

**Table 1: Summary of Tree Preservation by Tree Species:**

Tree Species	Existing	Remove	Retain
<b>Deciduous Trees</b> (excluding Alder and Cottonwood Trees)			
Big leaf Maple	1	0	1
<b>Coniferous Trees</b>			
Sitka Spruce	1	1	0
Western Red Cedar	1	0	1
<b>Total (excluding Alder and Cottonwood Trees)</b>	<b>3</b>	<b>1</b>	<b>2</b>
<b>Total Replacement Trees Proposed (excluding Boulevard Street Trees)</b>		<b>2</b>	
<b>Total Retained and Replacement Trees</b>		<b>4</b>	

- The Arborist Assessment states that there are a total of 3 mature trees on the site. There are no Alder and Cottonwood trees. It was determined that 2 trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio for all other trees. This will require a total of 2 replacement trees on the site. The applicant is proposing 2 replacement trees, meeting City requirements.
- In summary, a total of 4 trees are proposed to be retained or replaced on the site.

**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

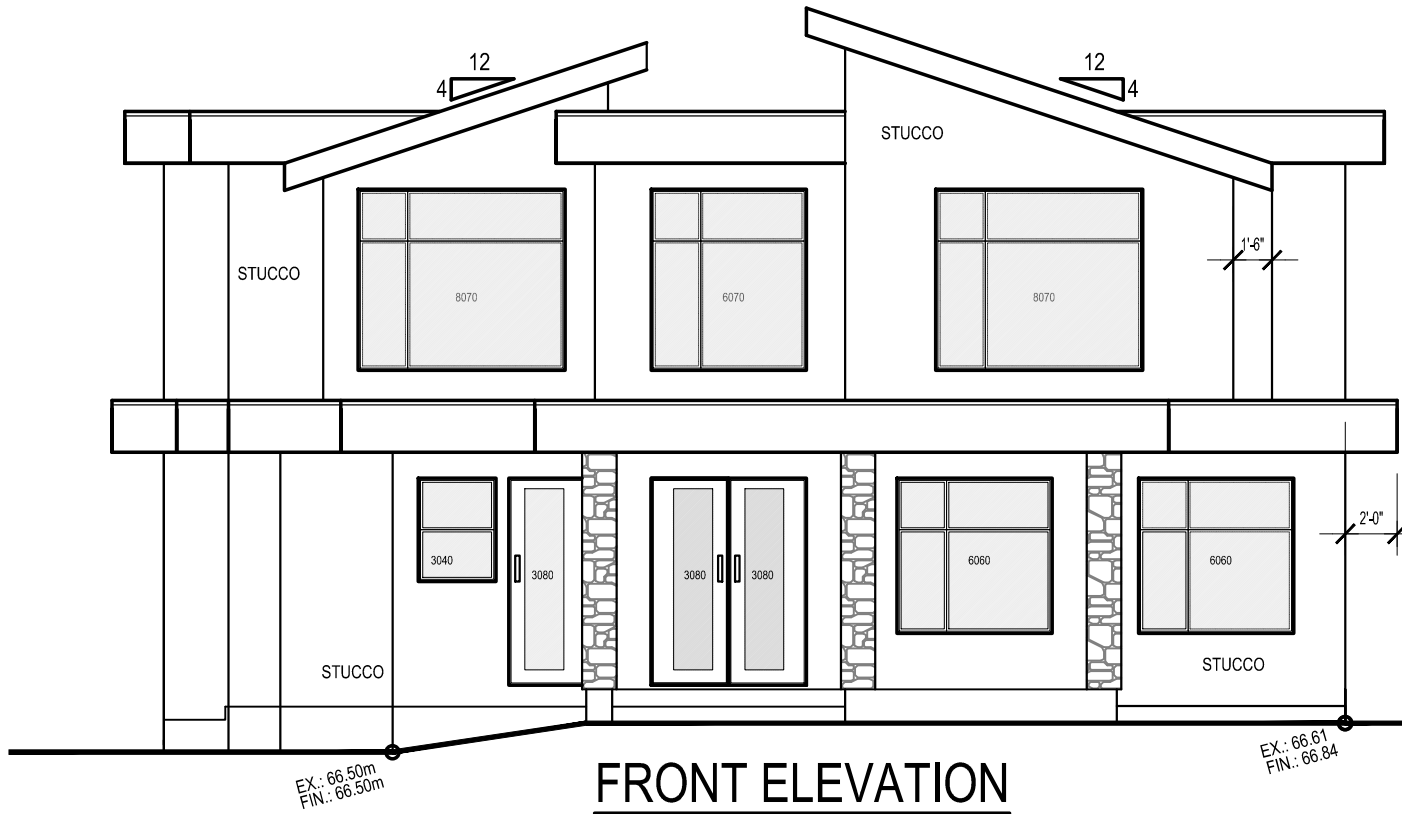
- Appendix I. Site Plan
- Appendix II. Engineering Summary
- Appendix III. Aerial Image
- Appendix IV. Summary of Tree Survey and Tree Preservation
- Appendix V. Development Variance Permit No. 7921-0297-00

*approved by Ron Gill*

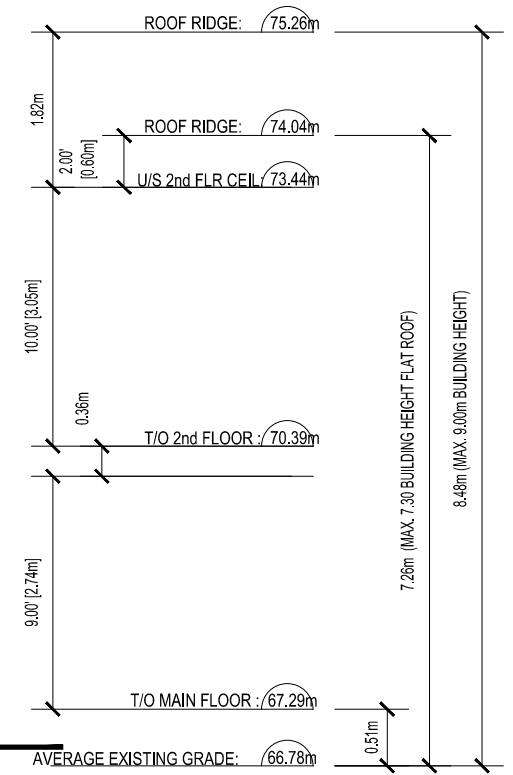
Jeff Arason  
Acting General Manager  
Planning and Development







**FRONT ELEVATION**





## INTER-OFFICE MEMO

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

FROM: **Development Services Manager, Engineering Department**

DATE: **May 20, 2022** PROJECT FILE: **7821-0297-00**

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RE: **Engineering Requirements  
Location: 14685 88 Ave**

**DEVELOPMENT PERMIT**

The following issues are to be addressed as a condition of issuance of the Development Permit for Sensitive Ecosystems (Streamside) and Hazard Lands for Steep Slopes associated with the proposed construction of a new single-family dwelling on the RF property:

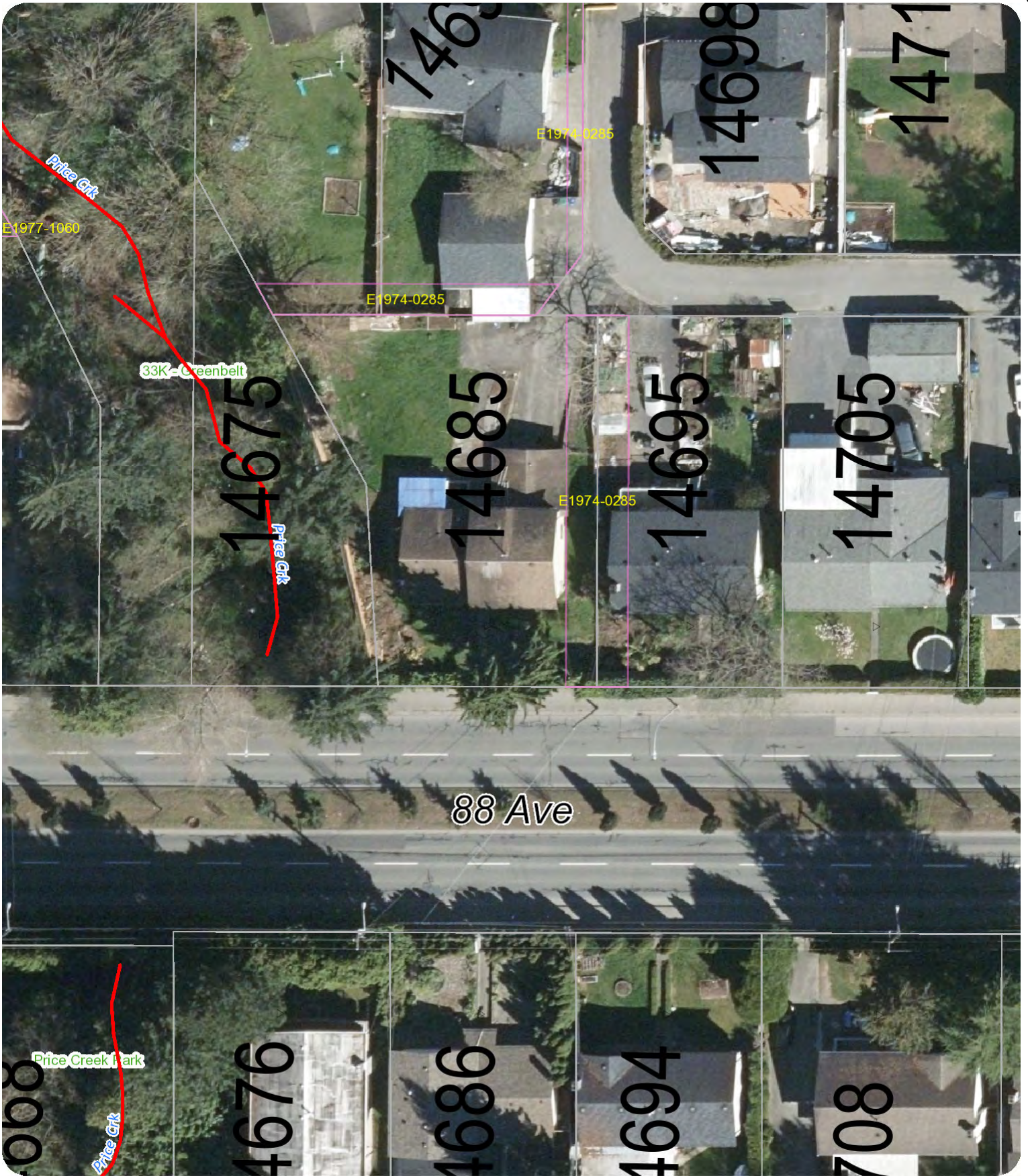
- The applicant will be required to provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for Price Creek located along the west side of the property. The SRW/RC is to be registered 5.0 m beyond the greater of the Geotech or SPEA setback.

An Administrative Processing fee is required to administer the legal document above.

**DEVELOPMENT VARIANCE PERMIT**

There is no Engineering requirement for the proposed variance other than those listed above.

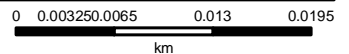
Jeff Pang, P.Eng.  
Development Services Manager



14685 - 88 Avenue

Scale: 1:500

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



## Tree Preservation Summary

Surrey Project No: 21-0297

Address: 14685-88 Avenue

Registered Arborist: Andrew Booth

On-Site Trees	Number of Trees
<b>Protected Trees Identified</b> (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)	3
<b>Protected Trees to be Removed</b>	1
<b>Protected Trees to be Retained</b> (excluding trees within proposed open space or riparian areas)	2
<b>Total Replacement Trees Required:</b>  <div style="margin-left: 40px;">             Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio  <u>zero (0) X one (1) = 0</u> </div> <div style="margin-left: 40px;">             - All other Trees Requiring 2 to 1 Replacement Ratio  <u>one (1) X two (2) = 2</u> </div>	2
<b>Replacement Trees Proposed</b>	2
<b>Replacement Trees in Deficit</b>	0
<b>Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]</b>	0

Off-Site Trees	Number of Trees
<b>Protected Off-Site Trees to be Removed</b>	0
<b>Total Replacement Trees Required:</b>  <div style="margin-left: 40px;">             - Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio  <u>zero (0) X one (1) = 0</u> </div> <div style="margin-left: 40px;">             - All other Trees Requiring 2 to 1 Replacement Ratio  <u>zero (0) X two (2) = 0</u> </div>	0
<b>Replacement Trees Proposed</b>	0
<b>Replacement Trees in Deficit</b>	0

Summary, report and plan prepared and submitted by:

  
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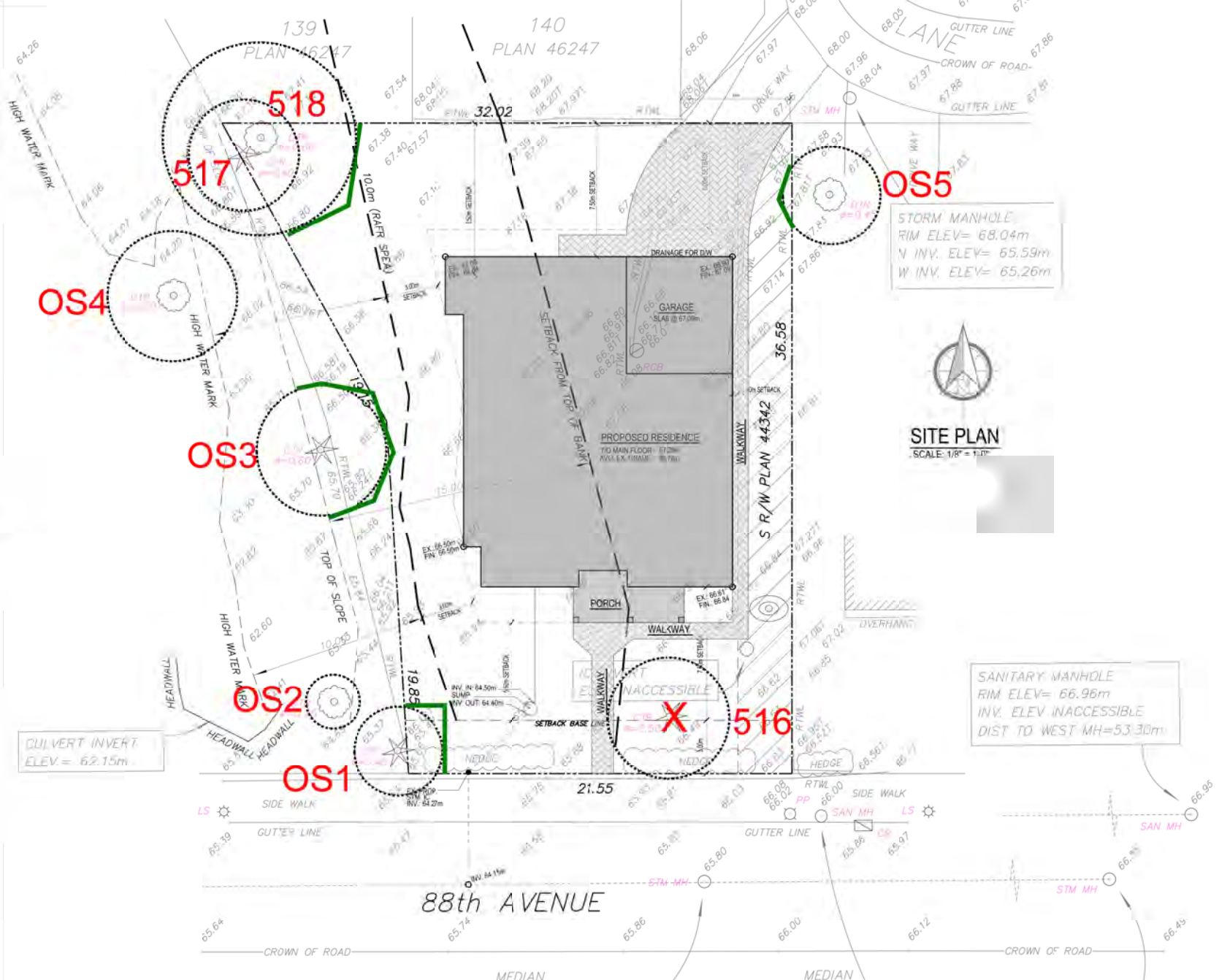
May 13, 2022

Tree Preservation and Removal Diagram  
14685-88 Avenue  
Surrey



LEGEND

- X - Tree Removal
- W - Convert to Wildlife Tree
- █ - Tree Protection Fence
- Root Zone



**OS5**

STORM MANHOLE  
RIM ELEV= 68.04m  
N INV. ELEV= 65.59m  
W INV. ELEV= 65.26m



**SITE PLAN**  
SCALE: 1/8" = 1'-0"

SANITARY MANHOLE  
RIM ELEV= 66.96m  
INV. ELEV INACCESSIBLE  
DIST TO WEST MH=53.30m

CULVERT INVERT  
ELEV = 62.15m

88th AVENUE

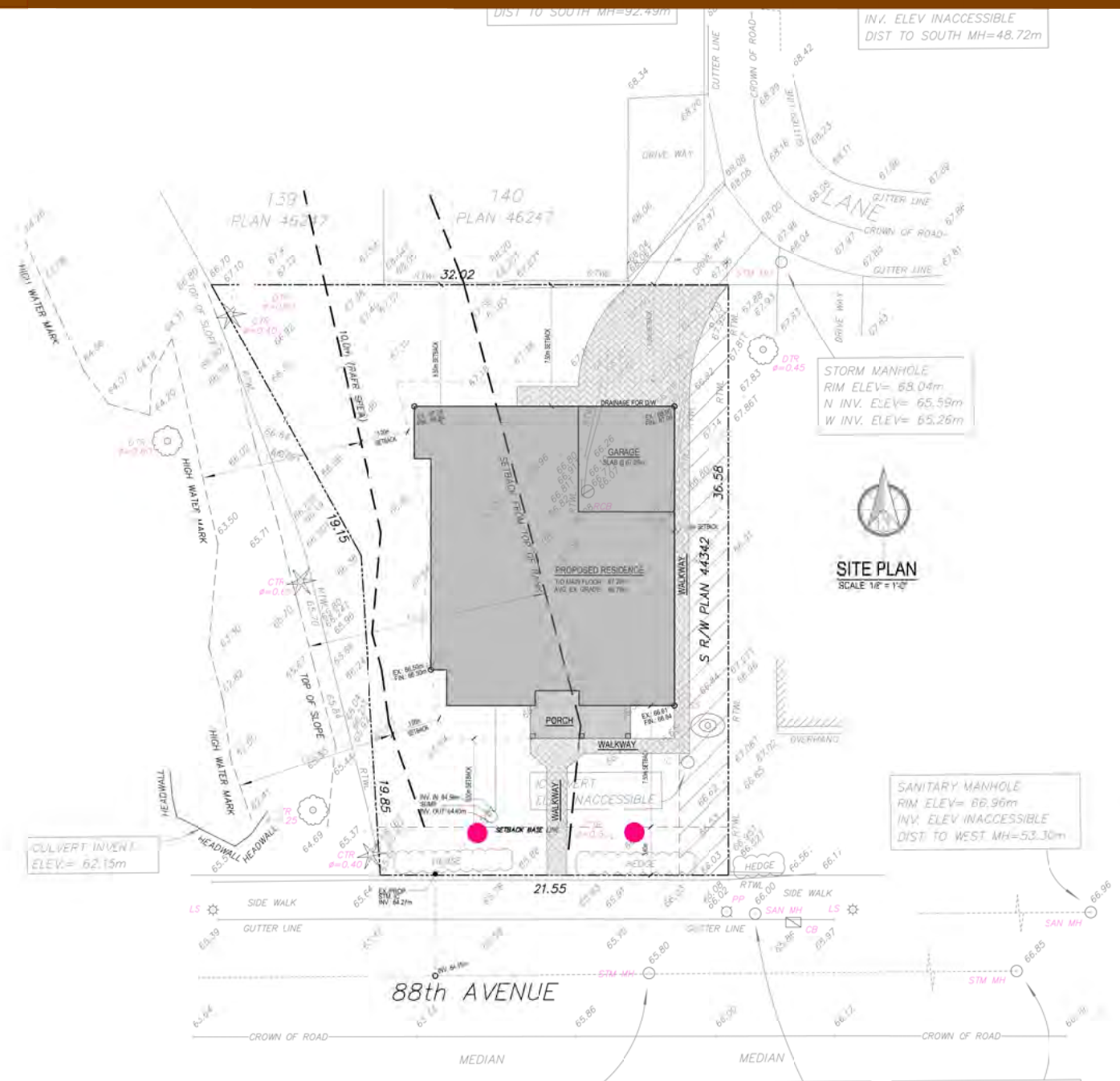
Tree Replacement Plan  
14685-88 Avenue  
Surrey



LEGEND

Replacement Trees

- Flowering cherry  
Prunus serrulata min. 5cm caliper



STORM MANHOLE  
RIM ELEV= 65.04m  
N INV. ELEV= 65.59m  
W INV. ELEV= 65.26m



SITE PLAN  
SCALE 1/8" = 1'-0"

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CULVERT INVERT  
ELEV.= 62.15m

88th AVENUE



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7921-0297-00

Issued To:

(the "Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations, or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 002-212-722  
Lot 107 Section 34 Township 2 New Westminster District Plan 46247  
14685 - 88 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section B.2. of Part 7A "Streamside Protection", the minimum streamside setback area for a Class A Stream is reduced from 15.0 metres as measured from top-of-bank to a minimum of 5.0 metres as measured from top-of-bank.
4. This development variance permit applies to only the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.



6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
  
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
  
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Doug McCallum

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City Clerk – Jennifer Ficocelli

