

NO: R237

COUNCIL DATE: November 18, 2024

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **November 14, 2024**

FROM: **General Manager, Engineering** FILE: **3900-30**  
**Acting General Manager, Planning & Development** **6440-02**

SUBJECT: **Amendments to Surrey Zoning By-law, 1993, No. 12000 and Surrey Official Community Plan Bylaw, 2013, No. 18020 to Streamline Development and Permitting Processes: Part 1 – Definitions, Part 7A – Streamside Protection, Part 5 – Off-Street Parking and Loading/Unloading, and Sensitive Ecosystems Development Permits**

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## RECOMMENDATION

The Engineering Department and Planning & Development Department recommend that Council:

1. Receive this report for information;
2. Direct the City Clerk to close and file *Surrey Zoning By-law, 1993, No. 12000, Amendment Bylaw, 2024, No. 21186* and *Surrey Official Community Plan Bylaw, 2013, No. 18020, Bylaw, 2024, No. 21341*;
3. Direct staff to bring forward for the required readings amendments to the *Surrey Zoning By-law, 1993, No. 12000, as amended*, for Part 1 – Definitions and Part 7A – Streamside Protection, as shown in Appendix “I”;
4. Direct staff to bring forward for the required readings amendments to the *Surrey Zoning By-law, 1993, No. 12000, as amended*, for Part 5 – Off-Street Parking and Loading/Unloading, as shown in Appendix “II”;
5. Direct staff to bring forward for the required readings amendments to the Sensitive Ecosystems Development Permit Section of the *Surrey Official Community Plan Bylaw, 2013, No. 18020*, as shown in Appendix “III”; and
6. Direct staff to prepare an informational bulletin on the City’s streamside setbacks that will clearly indicate that variance requests to the City’s additional 5 metre setback on Class A and A/O natural streams and large ravine streams will generally not be supported.

## INTENT

The intent of this report is to seek Council approval to close and file prior amending bylaws relating to *Surrey Zoning By-law, 1993, No. 12000, as amended* and *Surrey Official Community Plan*

*Bylaw, 2013, No. 18020* and bring forward new bylaw amendments to Part 1 – Definitions, Part 7A – Streamside Protection, and Part 5 – Off-Street Parking and Loading/Unloading of *Surrey Zoning By-law, 1993, No. 12000, as amended*, as well as the Sensitive Ecosystems Development Permit Section of the *Surrey Official Community Plan Bylaw, 2013, No. 18020*. These new amendments support streamlining the City’s development and permitting processes, enhance the supply and affordability of housing in Surrey, and further align City bylaws with Provincial housing legislation.

Included in this report is a proposal to require an additional five-metre streamside setback on Class A and Class A/O natural and large ravine streams beyond the Provincial required setback, at the recommendation of the City’s Development Approval and Process Improvement Task Force, and in response to feedback received from the public on previously proposed streamside setback bylaw changes.

## **DISCUSSION**

### **Streamside Setbacks**

In response to October 30, 2023 Council direction, staff reviewed development processes associated with streamside setbacks in Part 7A of *Surrey Zoning By-law, 1993, No. 12000, as amended* (the “Zoning By-law”) with the goal of reducing negotiable aspects/guidelines, reducing regulatory overlap, and ensuring a consistent and transparent approach, which will subsequently reduce unnecessary restrictions on land development, increase housing supply and affordability, and expedite development timelines. Corporate Report No. R053; 2024 and Corporate Report No. R155; 2024 were previously considered by Council, and subsequent bylaw amendments were referred back to staff. In October 2024, Council directed staff undertake dialogue with the newly established Development Approval and Process Improvement Task Force on the matter.

Riparian areas and watercourses are regulated by the Federal Government, through the Fisheries Act, and the Provincial Government, through the Water Sustainability Act and Riparian Area Regulations (“RAPR”). The latter two pieces of legislation were established in 2016 and are seen as the principal laws for managing water resources. In essence, these regulations have the goal of preventing both direct disturbance and indirect impact on streams that support fish and fish habitat from development. Concurrently, the Province also enacted the Professional Governance Act (“PGA”) which oversees, guides and regulates practicing professionals, including architects, engineers and Qualified Environmental Professionals (“QEPs”).

For land development applications, under RAPR, the responsibility for determining the appropriate classification of a watercourse and the associated riparian setbacks are legislatively assigned to a QEP, following the PGA legislation, and the QEP is responsible for following the Province’s RAPR methodology and technical guidelines when carrying out assessments and reporting. Under Provincial legislation, local governments have the statutory duty to ensure that development approvals and permits granted comply with the provisions associated with RAPR to “ensure that its bylaws and permits provide a level of protection that, in the opinion of the local government is comparable to or exceeds that established by the regulation.” Essentially, a local government’s zoning by-law must “meet or beat” the provisions of RAPR, and in Surrey’s case, this compliance to meet RAPR can be achieved through the professional reliance of the QEPs assessment report and setback recommendations, and the legislative framework by which the QEP is governed.

Under the current Zoning By-law protocol, land development applications may include a Development Variance Permit (“DVP”) request to Council to reduce the Part 7A setback for the portion of the setback area that is “beyond RAPR” setbacks. Since 2016, an estimated 10-20% of applications adjacent to a watercourse have sought a DVP and in almost every one of these instances a DVP has been granted by Council. For clarity, these DVPs are based on a QEP assessment, are on private property land (non-public land), and are a portion of land that falls beyond the Province’s RAPR but within the City’s Zoning By-law. Local governments do not have legislative authority to vary RAPR setbacks.

In Fall 2024, the City’s Development Approval and Process Improvement Task Force supported:

- Aligning the Zoning By-law setbacks with federal and provincial legislation to avoid regulatory overlap.
- Changing the City’s Sensitive Ecosystem Development Permit process to streamline development reviews, as previously discussed in Corporate Report No. R053; 2024 and Corporate Report No. R144; 2024.
- Adhering to RAPR setbacks for watercourses within road allowance, and infrastructure frontage works (road, utilities, sidewalk, street trees, etc.) being completed by a developer, on behalf of the City, because these works are considered municipal works consistent with municipal capital and operating activities.
- Considering an additional riparian setback, up to 5 metres, for “Natural Class A, salmon bearing watercourses and large ravines” (such as Serpentine River, Little Campbell River, Bear Creek, Fergus Creek, McNally Creek, etc.) within privately-owned property being proposed for development.
- Avoiding the potential for City professional overreach by implementing a professional reliance model and approach.
- Implementing a standardized City “sign-off” for each QEP assessment, wherein all QEPs are required to “acknowledge and certify that they are qualified professionals who have carried out the assessment following the federal and provincial legislation and proper methodology as set out in the Province’s RAPR Technical Manual”.
- An understanding and awareness that additional setbacks, such as geotechnical or slope stability, may be required for a development and these are beyond the scope and requirements of RAPR.

Consistent with the recommendations of the Development Approval and Process Improvement Task Force, staff have updated the proposed changes to Part 7A of the Zoning By-law to include an additional 5 metre setback beyond the Provincial RAPR setback for Class A and Class A/O natural and large ravine streams. All other streamside setbacks are proposed to match the Provincial RAPR setbacks as determined through a QEP assessment, as originally proposed under Corporate Report No. R053; 2024 and Corporate Report No. R144; 2024.

Previously proposed changes to the City’s Sensitive Ecosystem Development Permit process, included in *Surrey Official Community Plan Bylaw, 2013, No. 18020* (the OCP), intended to streamline development reviews as previously discussed in Corporate Report No. R053; 2024 and Corporate Report No. R144; 2024 and remain included in this current report for Council’s further consideration.

Increased professional reliance in all aspects of the development application review and approval processes is a focus of the Development Approval and Process Improvement Task Force and is also part of the City’s Housing Accelerator Fund (“HAF”) Action Plan. Staff will continue to work

with the Development Approval and Process Improvement Task Force and through the various HAF initiatives to deliver a more focussed professional reliance-based approach, which is anticipated to significantly reduce application review timelines. Staff will report back to Council early in the new year with further findings.

### **Off-Street Parking Requirements**

Between 2019 and 2023, the City initiated a series of parking studies to review off-street parking utilization and Zoning By-law requirements for multi-family residential, particularly six-storey condo and high-rise, along rapid transit corridors and for market rental developments across the City. These studies identified an over-supply of off-street parking, particularly in City Centre developments close to SkyTrain, and the observed demand for off-street parking increased in Guildford, Fleetwood, and Newton where rapid transit is not present. These studies led to reductions in parking requirements in City Centre and City-wide for market rentals, as discussed in Corporate Report No. R115; 2021 and Corporate Report No. R077; 2023, and through subsequent changes to the City's Zoning By-law.

Concurrently, the Province enacted a suite of housing legislation in November 2023, including elimination of off-street minimum parking requirements in Transit Orientated Areas ("TOAs"), which are defined as 800 metres from SkyTrain stations and 400 metres from a bus exchange (Newton and Guildford Bus Exchanges). This provincial legislation supersedes the City's previous studies, corporate reports, and Zoning By-law amendments. Portions of the City's Zoning By-law were updated to reflect the provincial legislation, through Corporate Report No. R044; 2024 and Corporate Report No. R089; 2024; however, minor additional housekeeping amendments remain, particularly for areas of City Centre and Fleetwood Plan Area (Appendices "IV" and "V" respectively) that are outside of a TOA and for the Guildford Plan Area and Newton Town Centre.

The provincial legislation focuses on creating denser, more complete communities around transit hubs that have less reliance on use of motor vehicles. In the TOAs, the Province eliminated off-street minimum parking requirements for residential developments, meaning municipalities cannot mandate off-street parking for residential units and individual developers have the ability to set the amount of underground residential parking. Municipalities may still require off-street parking for use by people with disabilities, as well as for non-residential uses.

For areas outside of a TOA, the City retains the ability to regulate minimum off-street parking requirements within the Zoning By-law. Previous City-led parking and utilization studies have confirmed high demand for off-street parking due to a lack of, or longer proximity to, transit. For properties just outside the border of a TOA, this can create a slight inequity in parking requirements; however, this equity is less prevalent where high order rapid transit does not exist because developers will likely not eliminate parking completely. As such, the recommended the amendments to off-street residential parking requirements in Guildford, Fleetwood, and Newton as summarized in Table 1.

**Table 1. Off-Street Residential Parking Requirements**

Area	Current (# / dwell unit)	Recommended (# / dwell. unit)
<b>Multi Unit Residential, Ground Orientated (Townhouse)</b>		
City Wide (except as noted below)	2	status-quo
Transit-Orientated Area (“TOA”)	0	status-quo
<b>Multi Unit Residential, Non-Ground Orientated w/ underground parking (High-Rise)</b>		
City Wide (except as noted below)	1.3 to 1.5	status-quo
Fleetwood Plan Area, Guildford Plan Area, Newton Town Centre (Schedule G) beyond TOA and 50-metre buffer	1.3 to 1.5	1.1 plus potential further 7% reduction with TDM
City Centre (outside TOA) or within 50-metre buffer of a TOA boundary (Schedule E)	0.9 to 1.5	0.90 plus potential further 7% reduction with TDM
Transit-Orientated Area (“TOA” – Schedule E)	0	status-quo

**Alternative Parking Provisions**

Alternative parking provisions are also referred to as Transportation Demand Management (“TDM”) – the implementation of transportation strategies, policies, or infrastructure measures as a means to reduce travel demand, patterns, and create more sustainable modes of transportation.

In 2019, the City introduced TDM into the Zoning By-law through Alternative Parking Provisions, focused in City Centre where a higher-density, pedestrian orientated land-use, and rapid transit network exist, providing more travel mode opportunities. At the same time, the Zoning By-law permitted up to a maximum 20% reduction in residential parking spaces in City Centre if adequate TDM measures are provided by the development (i.e., car sharing, cycling, minor capital works, and cash-in-lieu of \$20,000 per parking space).

Within TOAs, the City’s former approach to TDM can no longer be negotiated with developers because the legislation waives minimum parking requirements. TDMs can still be negotiated for developments outside TOAs, particularly those in City Centre and Fleetwood, which are serviced by SkyTrain (refer to Appendices “IV” and “V”) and the Guildford Plan Area and Newton Town Centre. Housekeeping amendments are required to the Zoning By-law to align with the new provincial legislation, and concurrently staff recommend other minor amendments such as a more prescriptive approach for TDMs to reduce the back-and-forth negotiations, which should expedite development timelines.

**Electric Vehicle Charging/General Requirements**

In February 2019, the City amended its Zoning By-law to require Electric Vehicle (“EV”) charging infrastructure in all new residential and commercial developments, and since then there have been significant advancements in the EV industry and the development of public and private EV charging facilities throughout the City.

In accordance with the current Zoning By-law, 100% of residential parking spaces in new residential developments must “pre-wire” the building with a 208-240V electrical outlet (Level 2) for each parking space, for single-family, townhouse and multi-family unit developments. Housekeeping amendments to the Zoning By-law are required to be explicit that electrical vehicle charging equipment/ports are not required at the time of occupancy as the charging equipment is the responsibility of the future homeowner/strata.

The current Zoning By-law stipulates that 50% of visitor parking spaces and 20% of commercial parking spaces in new buildings also require pre-wiring to the aforementioned Level 2 standard; with a lack of clarity as to the visitor parking being exclusive to multi-family residential developments with underground parking and the commercial parking spaces having an upset limit on pre-wiring. Staff recommend housekeeping amendments to be explicit as to the EV charging infrastructure requirements.

### Legal Services Review

This report has been reviewed by Legal Services.

### CONCLUSION

In response to Council direction, feedback from the development industry, and discussions with the Development Approval and Process Improvement Task Force, staff recommend amendments to the City’s Zoning By-law and OCP to bring them into alignment with provincial legislation, streamline the processing of development applications, and help address the housing affordability crisis.

*Original signed by*  
Scott Neuman, P.Eng.  
General Manager, Engineering

*Original signed by*  
Ron Gill, MA, MCIP, RPP  
Acting General Manager, Planning & Development

Appendix “I” Proposed Amendments to Parts 1 and 7A of *Surrey Zoning By-law, 1993, No. 12000*  
**\*To be published prior to Council Meeting on November 18, 2024\***

Appendix “II” Proposed Amendments to Part 5 of *Surrey Zoning By-law, 1993, No. 12000*  
**\*To be published prior to Council Meeting on November 18, 2024\***

Appendix “III” Proposed Amendments to *Surrey Official Community Plan Bylaw, 2013, No. 18020*  
Sensitive Ecosystems Development Permit  
**\*To be published prior to Council Meeting on November 18, 2024\***

Appendix “IV” Transit-Orientated Areas in City Centre

Appendix “V” Transit-Orientated Areas in Fleetwood

## APPENDIX "I"

Proposed Amendments to Parts 1 and 7A of *Surrey Zoning By-law, 1993, No. 12000*

**\*To be published prior to Council Meeting on November 18, 2024\***

## APPENDIX “II”

Proposed Amendments to Part 5 of *Surrey Zoning By-law, 1993, No. 12000*

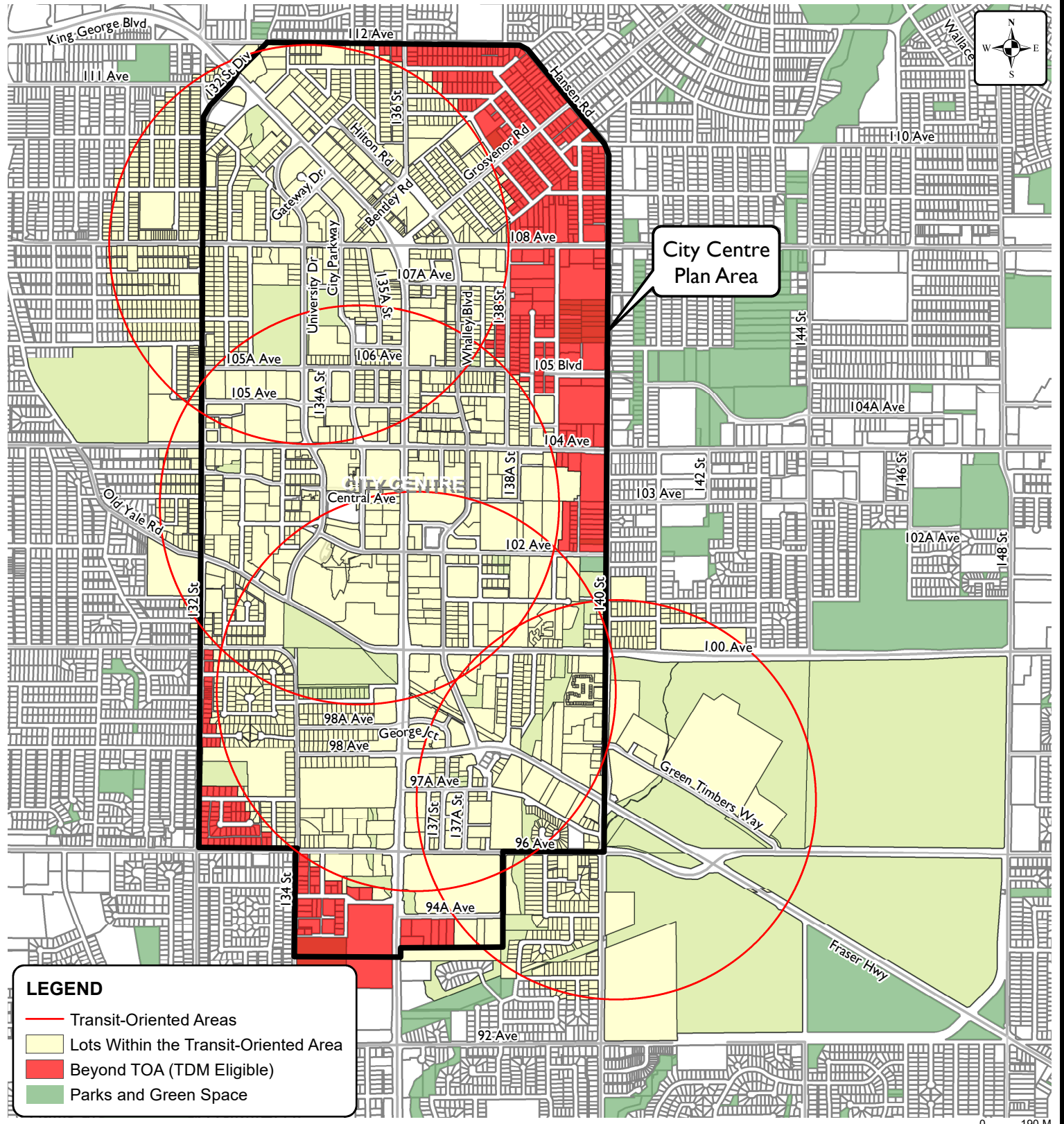
**\*To be published prior to Council Meeting on November 18, 2024\***



## APPENDIX “III”

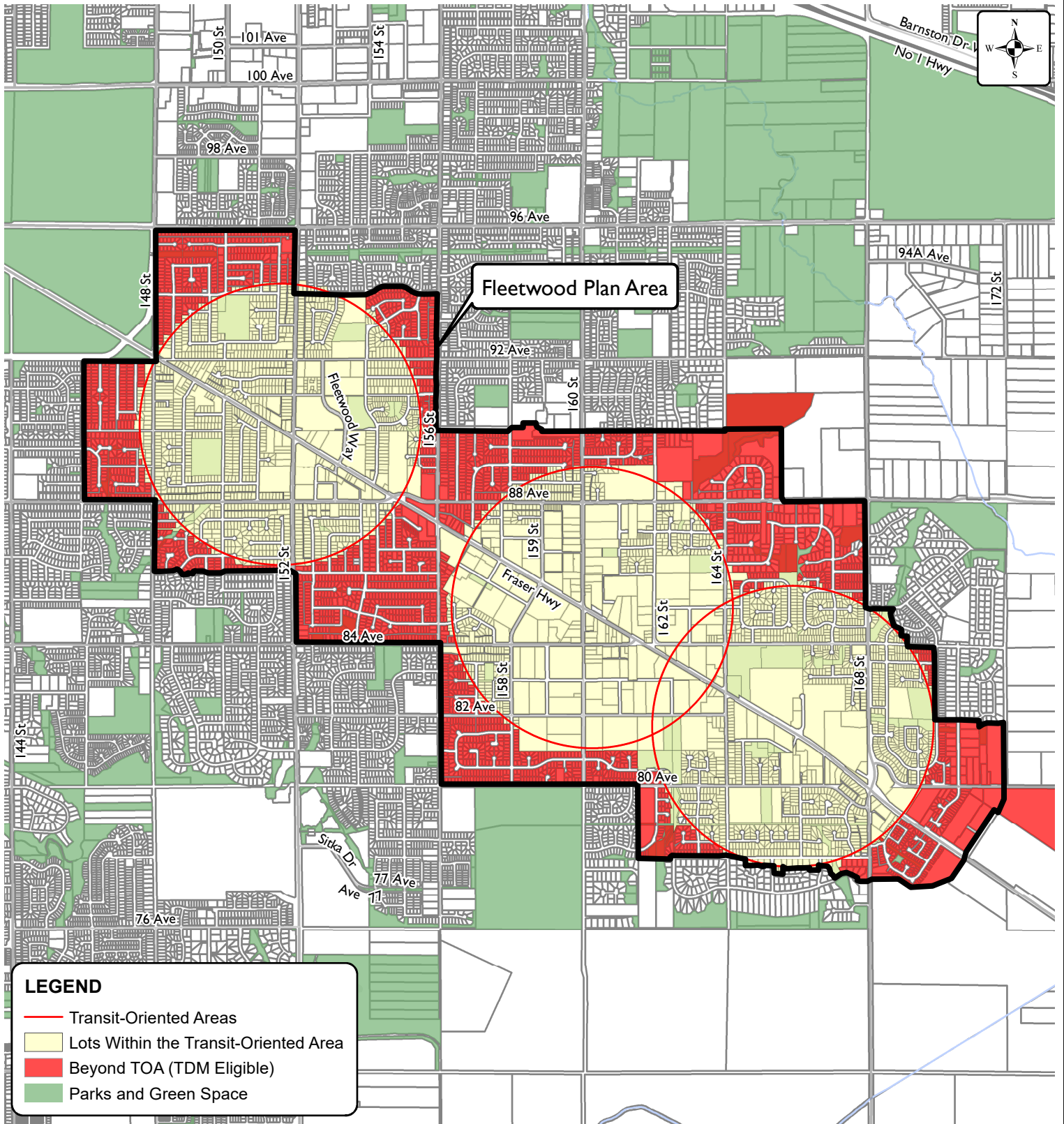
Proposed Amendments to *Surrey Official Community Plan Bylaw, 2013, No. 18020*  
Sensitive Ecosystems Development Permit

**\*To be published prior to Council Meeting on November 18, 2024\***



## Transit-Oriented Area in City Centre

ENGINEERING  
DEPARTMENT



### LEGEND

- Transit-Oriented Areas
- Lots Within the Transit-Oriented Area
- Beyond TOA (TDM Eligible)
- Parks and Green Space

Produced by GIS Section: 13-Nov-2024

Scale: 1:30,000 0 280 M



## Transit-Oriented Area in Fleetwood

### ENGINEERING DEPARTMENT

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.