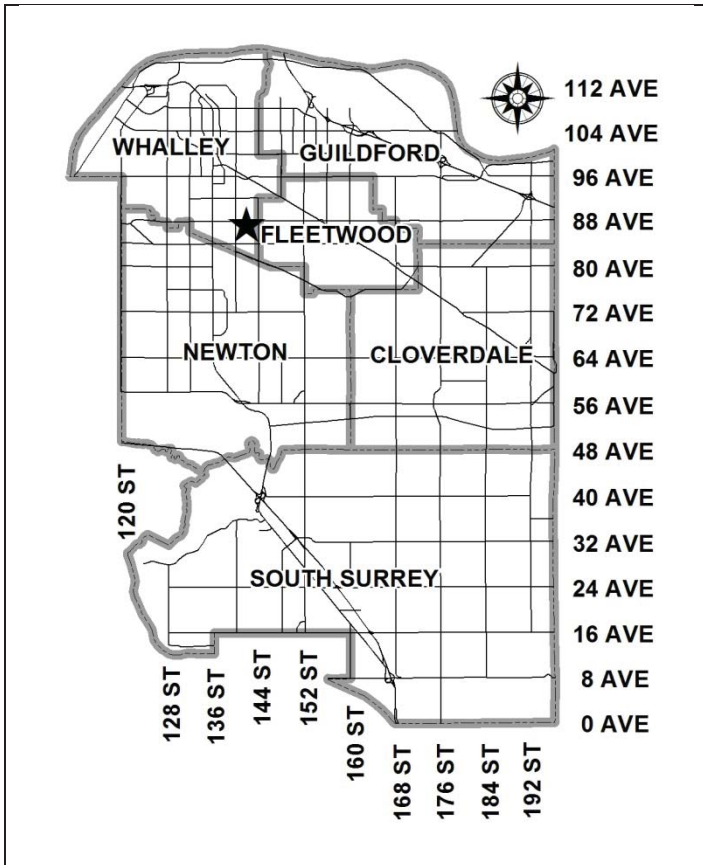


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0120-01

Planning Report Date: October 3, 2016



PROPOSAL:

- **Development Variance Permit**

to vary the minimum required streamside protection setback to allow for an expansion of the existing temple.

LOCATION:

14178 - 88 Avenue

14212 - 88 Avenue

OWNER:

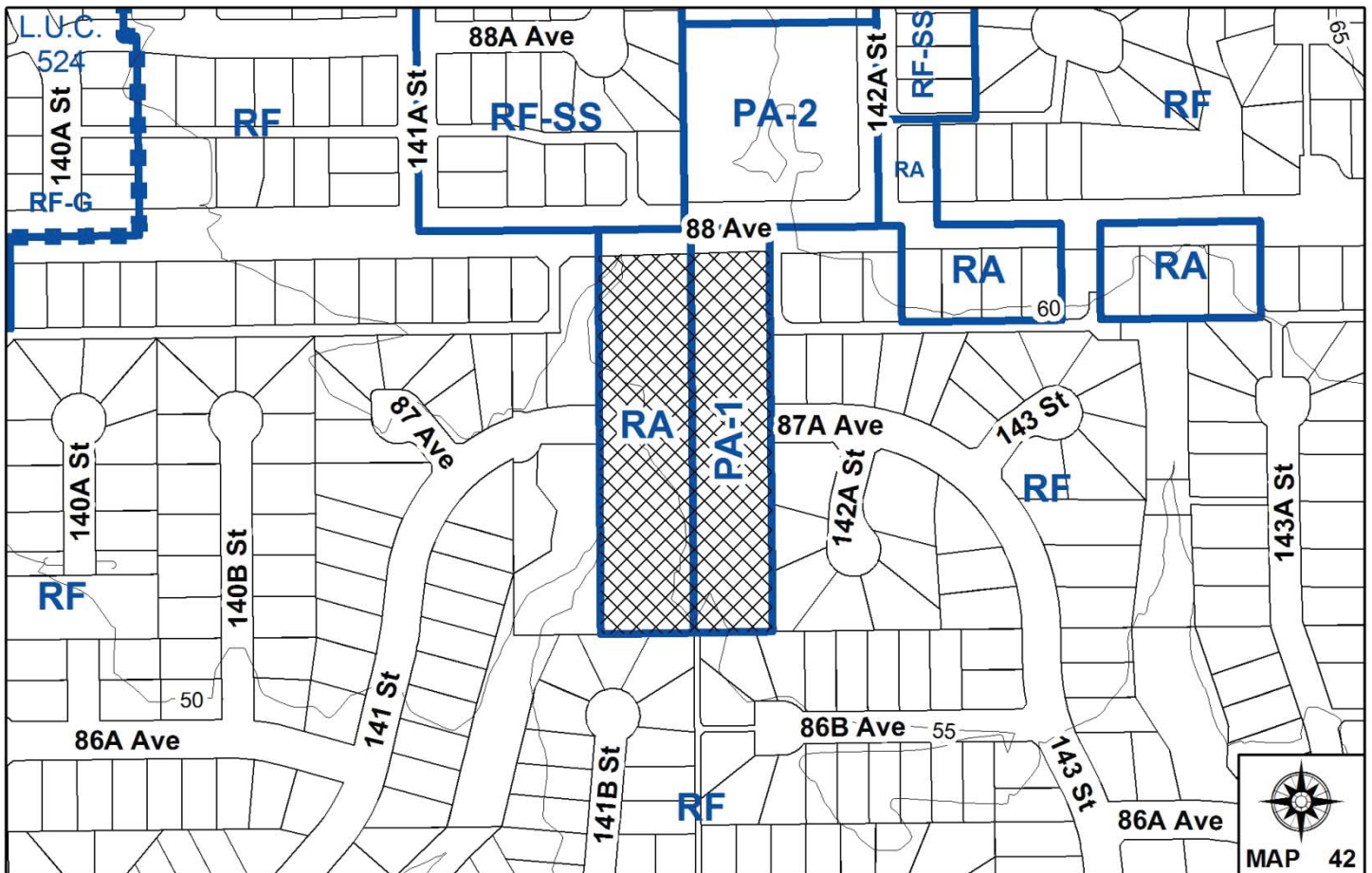
Gurdwara Nanaksar Satsang Sabha Society

ZONING:

RA and PA-1 (PA-2 at 3rd Reading)

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the minimum distance from the top of bank of a watercourse located within a streamside protection area recently incorporated in the Zoning By-law, from 30 metres (100 ft.) to a minimum of 13 metres (43 ft.).

RATIONALE OF RECOMMENDATION

- Under the associated Rezoning application (File No. 7911-0120-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report regarding the on-site Class A watercourse, and requested a relaxation of the 30-metre (100-ft.) riparian area setback in order to allow for the expansion of the existing temple. The proposal was previously reviewed by the City's Environmental Review Committee (ERC), and the proposed relaxation to the minimum 30-metre (100-ft.) riparian area setback was supported by the Committee.
- The western-most portion of the site, which is approximately 6,200 square metres (1.5 acres) in size and includes Bear Creek, will be dedicated to the City as open space, to protect the riparian area.
- The applicant has also agreed to enter into a P-15 agreement with the City to ensure the completion and maintenance of the riparian enhancement works on the dedicated lands.
- On September 12, 2016, Council granted Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law.
- The development application was in process, and the rezoning by-law had received Third Reading prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7911-0120-01 (Appendix III) to reduce the minimum setback distance from the top-of-bank of a “Natural Class A Stream”, in Part 7A of Zoning By-law No. 12000, from 30 metres (100 ft.) to a minimum of 13 metres (43 ft.), to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Existing Gurdwara Sikh Temple situated near the southeast corner of the subject site. Bear Creek flows along the western portion of the site, and a Fortis Gas right-of-way runs east-west through the centre of the site.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 88 Avenue):	Single family dwelling, City-owned detention pond and Green Timbers Covenant Church.	Urban	RF-SS and PA-2
East:	Single family dwellings.	Urban	RF
South:	Single family dwellings.	Urban	RF
West:	City-owned greenbelt containing Bear Creek and unconstructed portion of 87A Avenue.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground and Context

- The subject site consists of two properties (14178 and 14212 – 88 Avenue) located on the south side of 88 Avenue near 142A Street within the Brookside neighbourhood. The neighbourhood, which was approved in phases between 1988 and 1990, consists primarily of single family dwellings, but also encompasses Brookside Park and Brookside Elementary School.

- The subject site is approximately 1.7 hectares (4.3 acres) in size and is designated Urban in the Official Community Plan (OCP). The western subject property (14178 – 88 Avenue) is zoned "One-Acre Residential Zone (RA)", while the eastern subject property (14210 – 88 Avenue) is zoned "Public Assembly 1 Zone (PA-1)".
- The subject site is encumbered by a Class 'A' (red-coded) watercourse (Bear Creek) along the western property line.
- The applicant has an in-stream development application (File No. 7911-0120-00) proposing to rezone the eastern portion of the subject site from RA and PA-1 to "Public Assembly 2 Zone (PA-2)" in order to allow for the proposed expansion of the existing temple. A Development Variance Permit (No. 7911-0120-00) was also requested, which included relaxations to the building height, setbacks and signage.
- The western portion of the site, which is encumbered by a creek, is to remain zoned RA and will be transferred to the City.
- The project (File No. 7911-0120-00) received Third Reading for Rezoning By-law No. 18108 on November 25, 2013, along with conditional approval of proposed Development Variance Permit No. 7911-0120-00.
- The applicant has indicated that they are currently working to complete all of the outstanding requirements of the project (File No. 7911-0120-00), and will soon proceed to Council for consideration of final adoption of Rezoning By-law No. 18108.

Streamside Protection

- In July 2014, Council endorsed the Biodiversity Conservation Strategy (BCS). The BCS included implementation measures to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protect Surrey's natural environmental assets.
- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and the Zoning By-law No. 12000 to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of the natural environment, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016.
- The OCP is used to identify the specific types of ecosystems that are intended to be protected including Class A, A/O or B streams, and the Zoning Bylaw (Part 7A Streamside Protection) is used to identify the specific protection areas that are required to be established for Streamside Setback Areas.
- Part 7A (Streamside Protection) of the Zoning By-law states that the minimum required setback from the top-of-bank of a red-coded (Class 'A') watercourse is 30 metres (100 ft.) Bear Creek, which runs along the west side of the subject site, is a red-coded (Class 'A') watercourse.

- During the drafting of the Streamside Protection Measures, staff were aware that its implementation would result in a number of non-conforming sites throughout the City of Surrey. As such, it was anticipated that Development Variance Permit (DVP) applications could be considered in specific extenuating circumstances.
- The applicant is seeking a variance to reduce the minimum required streamside setback from 30 metres (100 ft.) to a minimum of 13 metres (43 ft.).
- Although the subject site is located within a newly-established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and an accompanying Ecosystem Development Plan will not be required. The applicant demonstrated that the requested setback reduction does not impact the objectives outlined in the Official Community Plan for protecting sensitive ecosystems. In support of this, the applicant:
 - Submitted a Riparian Areas Regulation (RAR) assessment report for the on-site Class A watercourse;
 - Upon consideration of subdivision approval, will dedicate approximately 36% of the gross site area to the City to protect the riparian area; and
 - Prior to final adoption of the rezoning, will complete a P-15 agreement for the monitoring and maintenance of the replantings in the riparian area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Part 7A Streamside Protection of the Zoning By-law to reduce the minimum required streamside setback area, measured from the top-of-bank, from 30 metres (100 ft.) to a minimum of 13 metres (43 ft.).

Applicant's Reasons:

- The proposed streamside setbacks were previously supported by the Environmental Review Committee (ERC).
- The applicant is working on the final outstanding items of the project, and the development application will be forwarded to Council in the near future for consideration of final adoption of the rezoning. A re-design of the building and site plan at this late stage will create a significant burden on the application.

Staff Comments:

- Bear Creek, a natural Class A watercourse, flows through the site in a north/south direction. In accordance with the newly approved streamside setback areas, the minimum required setback measured from the top-of-bank is 30 metres (100 ft.).
- Where a development is proposing to reduce the streamside setback area, a Development Variance Permit (DVP) is required and is to include an Impact

- Mitigation Plan. This is intended to ensure that the proposed setback reduction does not create a negative impact on the sensitive ecosystem.
- It was determined that an Impact Mitigation Plan is not required, and the requested variance has merit for the following reasons:
 - Under the associated rezoning application (File No. 7911-0120-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report regarding the on-site Class A watercourse, and requested a relaxation of the 30-metre (100-ft.) riparian setback area in order to allow for the expansion of the existing temple. The proposal was previously reviewed by the City's Environmental Review Committee (ERC), which included a representative from the Department of Fisheries and Oceans (now called Fisheries and Oceans Canada) on March 21, 2012, and the proposed relaxation to the minimum 30-metre riparian area setback was supported by the Committee;
 - The proposed riparian area setbacks from the top-of-bank of Bear Creek, as previously supported by the ERC, range from approximately 13 metres (43 ft.) to 36 metres (118 ft.), and average about 22 metres (72 ft.);
 - The proposed riparian encroachment area is approximately 1,465 square metres (15,750 sq.ft.). Based on a 2 to 1 ratio, a minimum area of 2,930 square metres (31,500 sq.ft.) is required for environmental habitat compensation. The applicant is proposing approximately 3,475 square metres (37,405 sq.ft.) of habitat compensation (Appendix II);
 - The western-most portion of the site, which is approximately 6,200 square metres (1.5 acres) in size and includes Bear Creek, will remain RA-zoned and be dedicated to the City to protect the riparian area;
 - The applicant has agreed to enter into a P-15 agreement with the City to ensure the completion and maintenance of the riparian enhancement works on the dedicated lands; and
 - The development application was in process, and the rezoning by-law had received Third Reading prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
 - Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

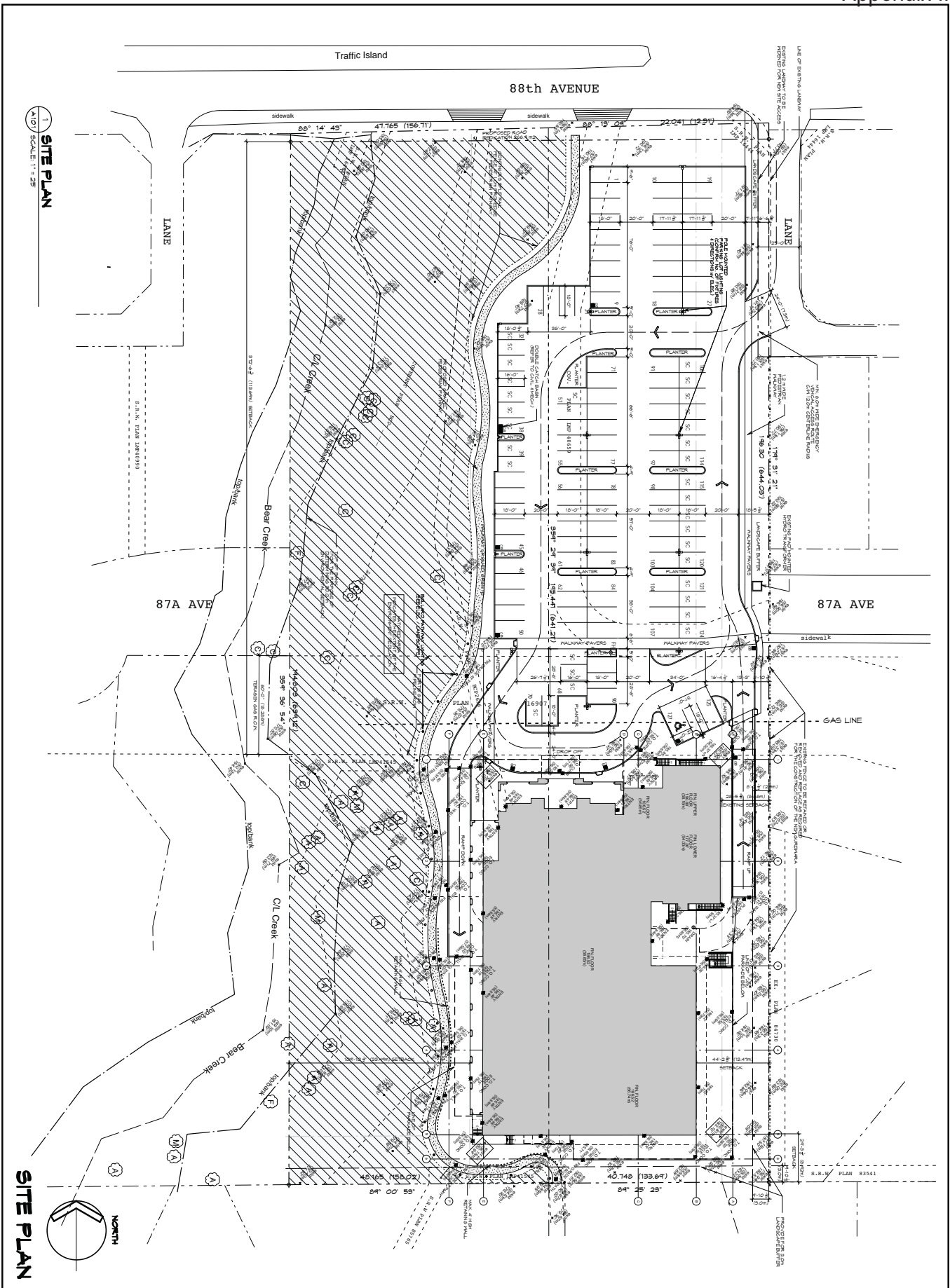
The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Site Plan
- Appendix III. Development Variance Permit No. 7911-0120-01

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

DN/dk



1 SITE PLAN
AS/ SCALE 1" = 25'

SITE PLAN

DATE: 14/01/2014	NO: A-101
REVISED DATE: 14/01/2014	OF: 00
REVISED BY: SAAR ARCHITECTURE	DATE: 14/01/2014

SAAR ARCHITECTURE
 Suite 306 - 4464 West 10th Avenue
 Vancouver British Columbia
 Canada V6R 2H9
 tel: (604) 685-2253 fax: (604) 685-2250
 msaar@telus.net

GURDWARA NANAKSAR ADDITION
 NANKSAR SOCIETY
 14178 & 14210 88th Ave.
 Surrey B.C.

NO.	DATE	DESCRIPTION
1	14/01/2014	Initial Design
2	14/01/2014	Revised Design
3	14/01/2014	Revised Design
4	14/01/2014	Revised Design
5	14/01/2014	Revised Design

CONTRACTOR RESPONSIBILITY: THE DRAWING IS A PRELIMINARY DESIGN OF THE SAAR ARCHITECTURE. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF SAAR ARCHITECTURE. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF SAAR ARCHITECTURE. ALL DIMENSIONS SHALL BE GIVEN IN METERS UNLESS OTHERWISE SPECIFIED. PRIOR TO CONSTRUCTION.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0120-01

Issued To: GURDWARA NANAKSAR SATSANG SABHA SOCIETY
("the Owner")

Address of Owner: 19740 – 71B Avenue
Langley, BC V2Y 3G8

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: 001-876-147

Lot 6 Except: Firstly: West 147 Feet And Secondly: Parcel E (Bylaw Plan LMP13689),
Section 28 Township 2 New Westminster District Plan 8956

14178 – 88 Avenue

Parcel Identifier: 010-516-689

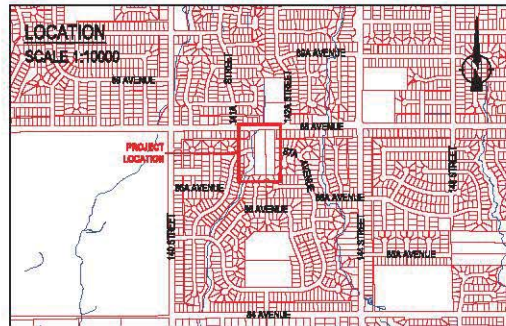
West 134 Feet Lot 8 Except: Parcel F (Bylaw Plan LMP13689), North East Quarter Section
28 Township 2 New Westminster District Plan 4217

14212 – 88 Avenue

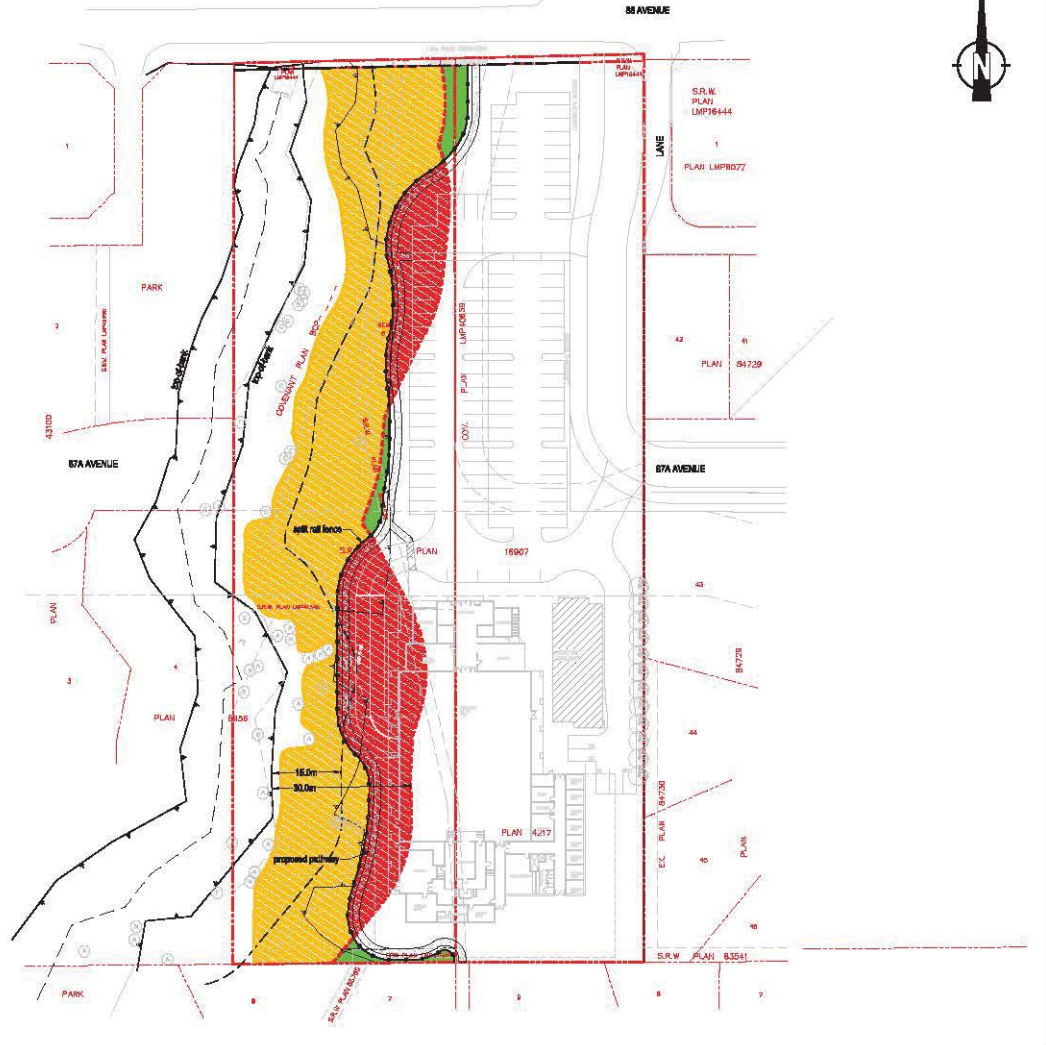
(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:



PLAN
SCALE 1:500



LEGEND	
	Building Encroachment Area = 1473m ²
	Additional Area = 193m ²
	Potential Enhancement Area = 3293m ²

REFERENCE DRAWINGS

- Drawing No. 1101 - REV13 ADDITIONAL PARKING REAR OPTION FEB 27 12.dwg, "Topography Plan of W 134 FT Lot 8 Except: PCL F (BL Plan LMP13688) Plan 4217 And Lot 8 Except: Firstly: W 147 FT & Secondly PCL E (BL Plan LMP13888) Plan 8956 Both of Section 28 Township 2 New Westminster District". Received March 06, 2012. Anterman Associates Architects Inc.
- 2011 Legal Base from City of Surrey.

GURDWARA NANAKSAR SATSANG SABHA SOCIETY

14178 / 14210 88 AVENUE
Surrey, BC

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 Suite 130 - 3700 North Fraser Way
 Burnaby, British Columbia
 Canada V5L 5W4
 office: 604-451-0505
 fax/home: 604-451-0557
 www.envirowest.ca

SETBACKS

DESIGN: KC	DRAWN: ARJ/CEV	CHECKED: IWW	REVISION: 01	REVISION DATE: March 06, 2012
SCALE: As Shown			DRAWING NUMBER: 1598-01-01	
DATE: May 31, 2011				