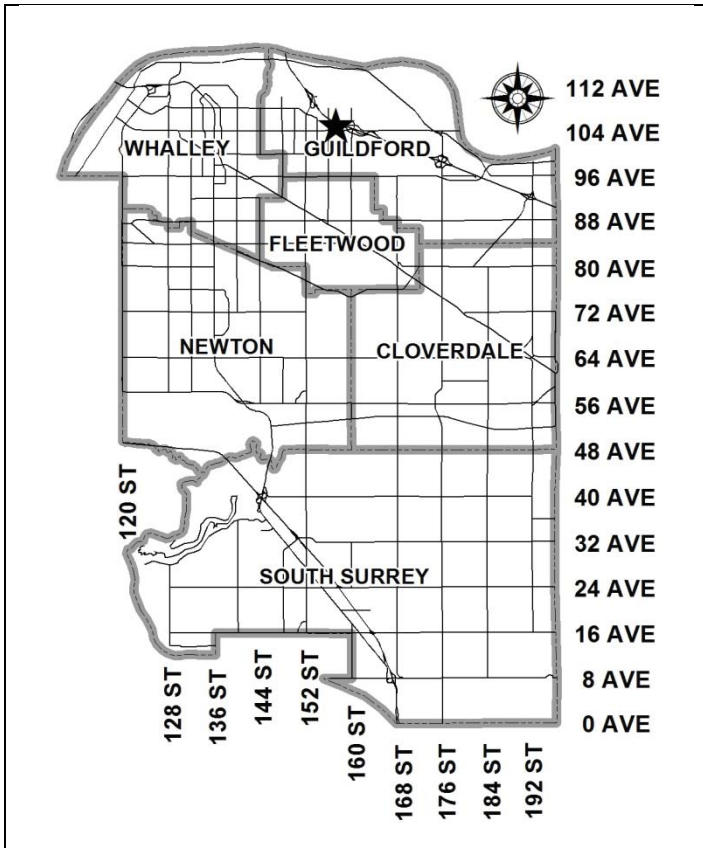


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0265-01

Planning Report Date: October 24, 2016



PROPOSAL:

- **Development Variance Permit**

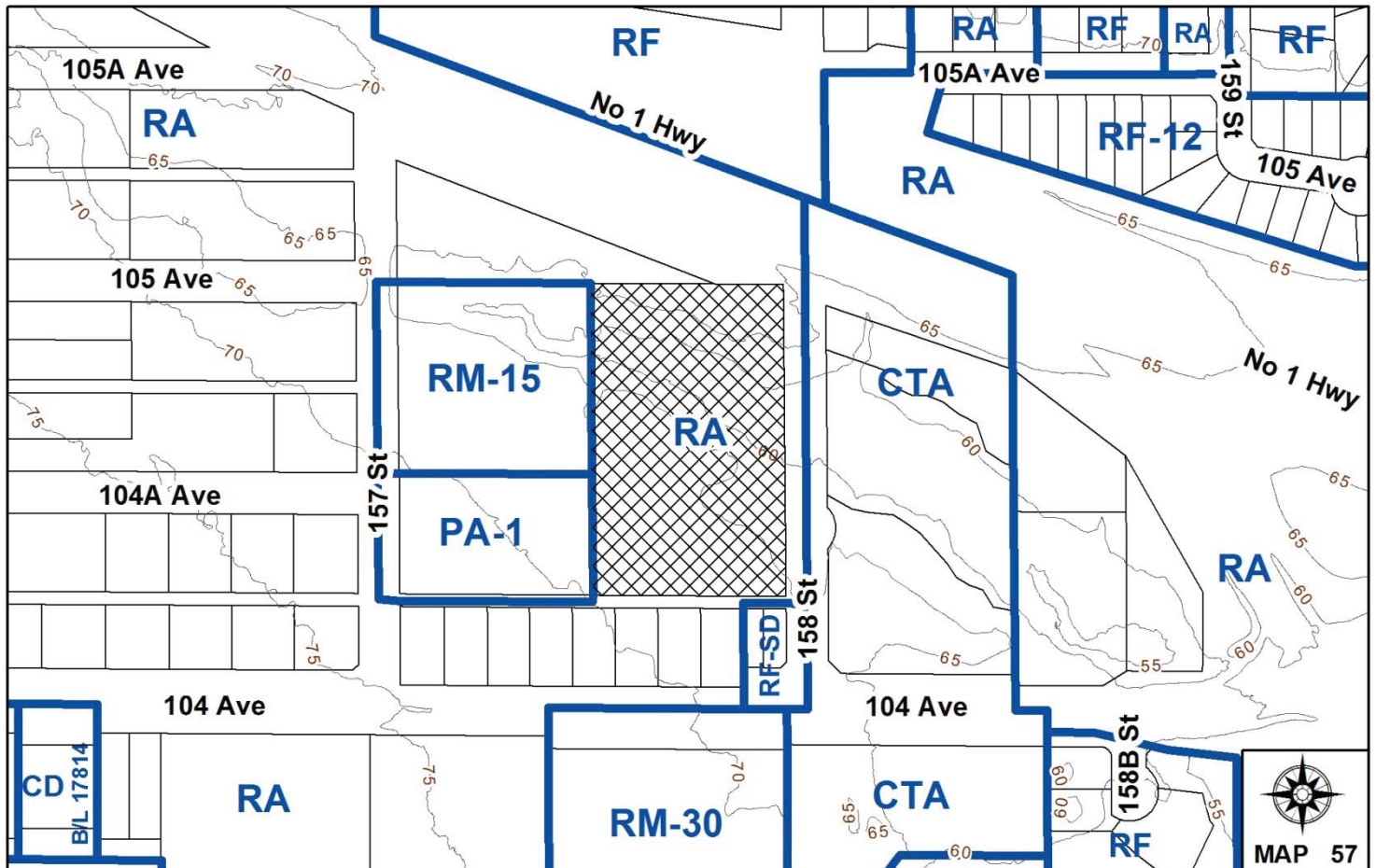
to vary the minimum required streamside protection setback to permit the development of approximately 38 townhouse units on the southern portion.

LOCATION: 10463 - 158 Street

OWNER: DS Guildford 3 Developments Ltd.

ZONING: RA

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 (setback) from the top-of-bank of a “Natural Class A Stream” in Part 7A of the Zoning By-law, from 30 metres (100 ft.) to a minimum of 5 metres (16.5 ft.).

RATIONALE OF RECOMMENDATION

- Under the associated rezoning application (File No. 7912-0265-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report regarding the on-site Class A watercourse, which recommended a streamside protection and enhancement area (SPEA) ranging from approximately 5.0 metres (16.5 ft.) to 14 metres (46 ft.) from the top-of-bank. The RAR assessment report was peer reviewed, and the proposed riparian area setback was found to be acceptable.
- The northern portion of the site, which is approximately 7,150 square metres (1.7 acres) in size and includes the Class A watercourse (Guildford Brook), 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 inclusion of Part 7A Streamside Protection in the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7912-0265-01 (Appendix II) to reduce the setback 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 5 metres (16.5 ft.), to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department supports the issuance of the DVP since the rezoning by-law had received Third Reading, prior to the adoption of the Streamside Protection requirements into the Zoning By-law.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling and accessory buildings to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Highway No. 1):	City-owned greenbelt and detention pond.	Urban	RF
East (Across 158 Street):	City-owned park and The Coast Surrey Guildford Hotel.	Urban	CTA
South (Across unopened lane):	Single family dwellings and two vacant small lots created under Application No. 7914-0313-00; rezoning approved on May 30, 2016 to permit two (2) semi-detached buildings.	Urban	RA and RF-SD
West:	Townhouses and church (Kingdom Hall of Jehovah's Witness)	Urban	RM-15 and PA-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located in Guildford, just north of the 104 Avenue and 158 Street intersection. The property is designated Urban in the Official Community Plan (OCP) and is zoned "One-Acre Residential Zone (RA)".
- The property is approximately 1.4 hectares (3.4 acres) in size, with a Class 'A' (red-coded) watercourse (Guildford Brook) running along the northern half of the site.

- The applicant has an in-stream development application (File No. 7912-0265-00) proposing an Official Community Plan (OCP) amendment of the southern portion of the site from "Urban" to "Multiple Residential" and a rezoning of the same southern portion from RA to "Multiple Residential 30 Zone (RM-30)" and a Development Permit to allow 38 townhouse units. A Development Variance Permit (No. 7912-0265-00) is also requested to reduce the building setbacks along all lot lines.
- The northern portion of the site, which is approximately 7,150 square metres (1.7 acres) in size and includes Guildford Brook, is to remain zoned RA and will be transferred to the City to protect the riparian area.
- The project (File No. 7912-0265-00) received Third Reading for OCP Amendment By-law No. 18779 and Rezoning By-law No. 18780 on July 11, 2016, along with support of Development Variance Permit No. 7912-0265-00.
- The applicant is currently working to complete all of the outstanding requirements of the project.

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 amendment by-laws were given final adoption on September 12, 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') natural watercourse is 30 metres (100 ft.). Guildford Brook, which runs along the northern portion 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 5 metres (16.5 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 have not been required for the subject application for the following reasons:
 - The applicant has submitted a Riparian Areas Regulation (RAR) assessment report prepared by a Registered Professional Biologist for the on-site Class A watercourse, which was also peer reviewed and supported by an independent Registered Professional Biologist;
 - Upon approval of the associated subdivision, the applicant will dedicate over 50% of the gross site area to the City to protect the riparian area;
 - Prior to final adoption of the rezoning, the applicant will complete a P-15 agreement for the monitoring and maintenance of the replantings in the riparian area; and
 - The subject application was in-stream prior to the Sensitive Ecosystem DPA requirements coming into effect.

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 5 metres (16.5 ft.).

Applicant's Reasons:

- The applicant has taken the appropriate measures to ensure the objectives of the sensitive ecosystems guidelines in the OCP have been met, including agreeing to transfer a large portion of the site to the City for open space purposes.
- 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 project. A re-design of the site plan at this stage will create a significant burden on the applicant.

Staff Comments:

- Guildford Brook, a natural Class A watercourse, flows through the northern portion of the site. 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. 7912-0265-00), the applicant submitted a Riparian Areas Regulation (RAR) assessment report prepared by a Registered Professional Biologist regarding the on-site Class A watercourse recommending a streamside protection and enhancement area (SPEA) ranging from approximately 5.0 metres (16.5 ft.) to 14 metres (46 ft.) from top-of-bank. The RAR assessment report was peer reviewed, and the proposed riparian area setback was found to be acceptable;
 - The northern portion of the site, which is approximately 7,150 square metres (1.7 acres) in size (or 52% of the site) and includes Guildford Brook, will remain RA-zoned and will be transferred 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. Development Variance Permit No. 7912-0265-01

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

DN/da

Information for City Clerk

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

1. (a) Agent: Name: Matt Reid
 Dawson Sawyer Properties Ltd.
 Address: 15230 - No. 10 (56 Avenue) Highway, Unit 101
 Surrey, BC V3S 5K7

2. Properties involved in the Application
 - (a) Civic Address: 10463 – 158 Street

 - (b) Civic Address: 10463 – 158 Street
 Owner: DS Guildford 3 Developments Ltd.
 PID: 010-275-754
 Lot H Section 22 Block 5 North Range 1 West New Westminster District Plan 17140

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7912-0265-01 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with the final adoption of OCP Amendment By-law No. 18779 and Rezoning By-law No. 18780.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0265-01

Issued To: DS GUILDFORD 3 DEVELOPMENTS LTD.
("the Owner")

Address of Owner: 15230 - No. 10 (56 Avenue) Highway, Unit 101
Surrey, BC V3S 5K7

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:

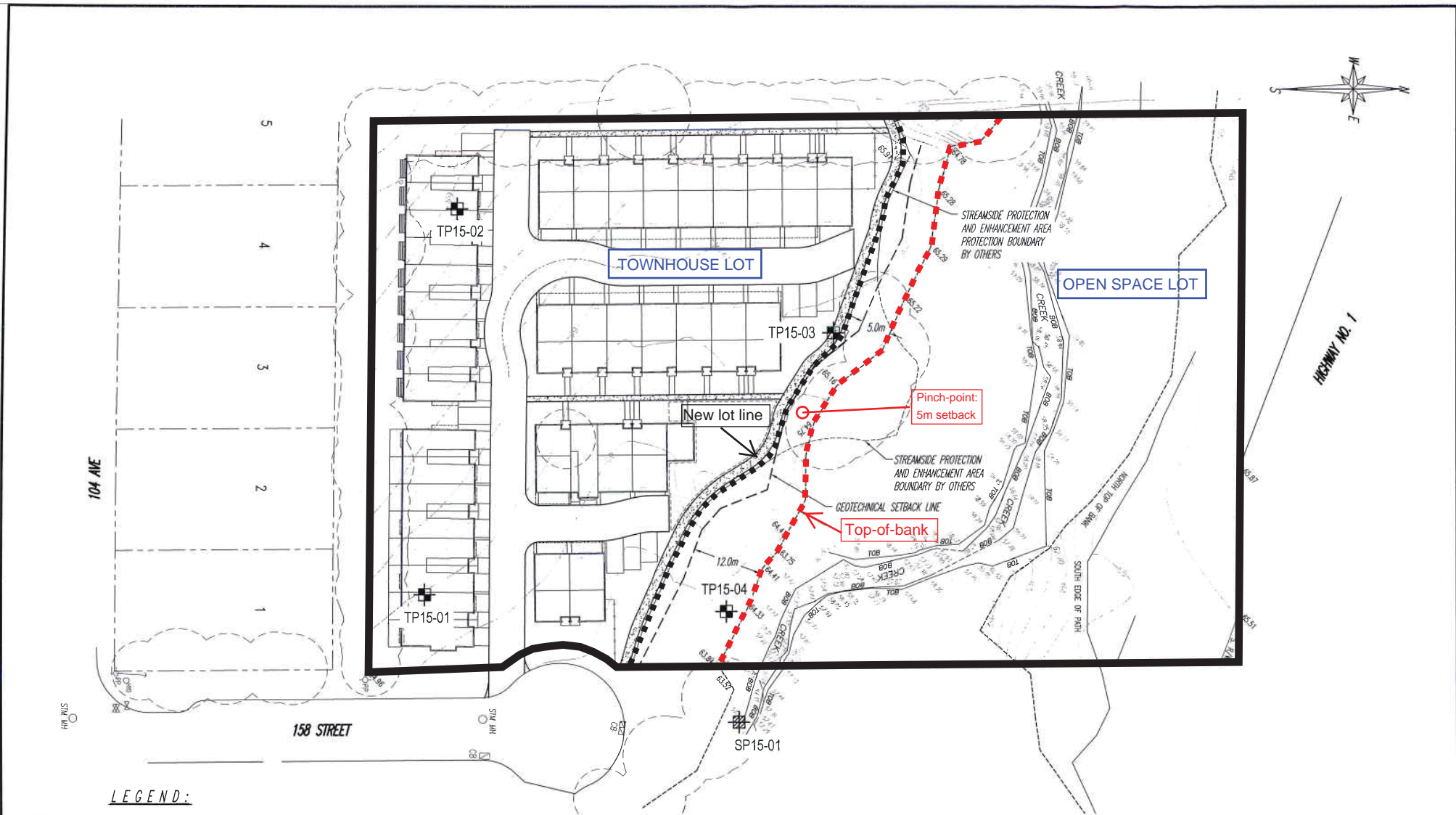
Parcel Identifier: 010-275-754
 Lot H Section 22 Block 5 North Range 1 West New Westminster District Plan 17140
 10463 - 158 Street

(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:

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:



LEGEND:

- EXISTING ELEVATION
- TP15-# - TEST PIT LOCATION (BRAUN)
- SP15-# - TEST PIT LOCATION (BRAUN)

SITE PLAN
SCALE = 1:600

REFERENCE: BARNETT DEMBEK ARCHITECTS INC. PROJECT NO.: 15089 DEC. 22, 2015	GEOPACIFIC VANCOUVER WHOOOPS CALGARY	K215-1200 West 73rd Ave. Vancouver, B.C. V6P 6G5 P 604-459-9922 F 604-459-9188	DATE: DECEMBER 17, 2015	TOWNHOUSE DEVELOPMENT 10463 158 STREET, SURREY, B.C. SITE PLAN	FILE NO.: 13554	REVISIONS: A. JANUARY 5, 2016
			DRAWN BY: M.P. APPROVED BY: J.G.C. REVIEWED BY: A.J. SCALE: AS SHOWN		DMC NO.: G-SP1	B. C.