

City of Surrey
ADDITIONAL PLANNING COMMENTS

File: 7913-0221-01

Planning Report Date: December 19, 2016

PROPOSAL:

- **Development Variance Permit**

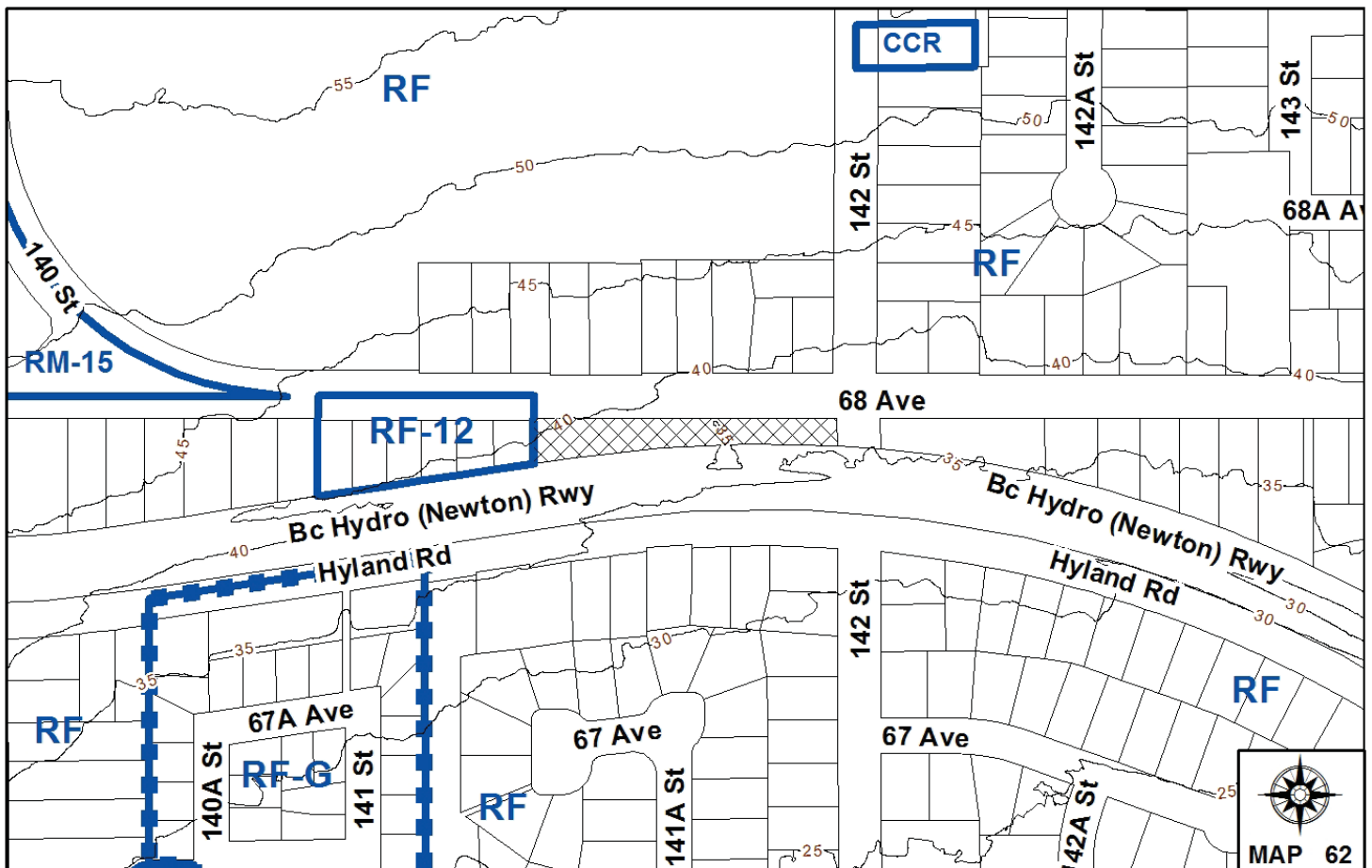
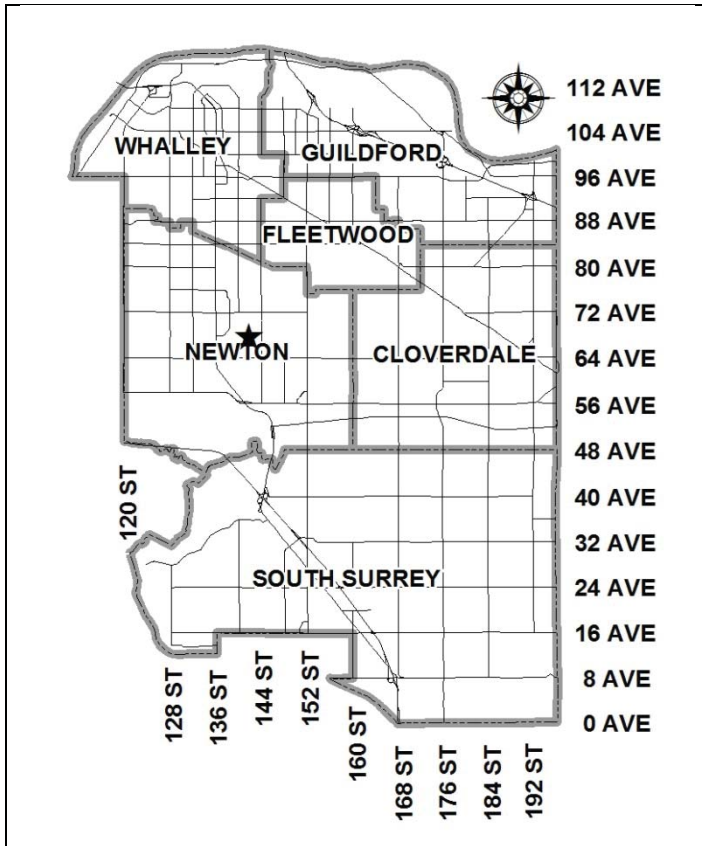
to reduce the minimum streamside setback in order to facilitate subdivision into 3 single family lots and one City lot.

LOCATION: 14136 - 68 Avenue

OWNER: Balreen S Aujla
 Manpreet K Aujla

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to reduce the minimum distance (setback) from top-of-bank for a "Natural Class B Stream" in Part 7A of the Zoning By-law.

RATIONALE OF RECOMMENDATION

- The applicant has demonstrated that the requested setback relaxations do not impact the objectives outlined in the Official Community Plan for protecting sensitive ecosystems.
- The applicant proposed to convey Lot 3 to the City as open space, which represents approximately 19% of the gross site area.
- The applicant provided a Riparian Area Regulation (RAR) assessment report and peer review for the on-site Class B watercourse.
- The development application was in process prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Council issued a Development Variance Permit (No. 7913-0221-00) for lot depth and building setbacks for the associated subdivision on April 28, 2014. This DVP is valid until April 28, 2017.
- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 15 metre (50 ft.) setback from top of bank for "Natural Class B Streams".
- The riparian area contained within Lot 3 was proposed to be conveyed to the City for the purposes of riparian protection and enhancement as part of the 2014 Development Application. The riparian protection area was established in accordance with a Riparian Area Regulation (RAR) assessment, and confirmed through a peer-review process. The setbacks for the watercourse were relaxed from 15 metres to 10 metres from the high-water mark on each side of the creek, in accordance with Riparian Area Regulation (RAR) requirements.
- Prior to approving the associated subdivision, a variance to the new streamside protection regulations is required to allow for a minimum setback of 7.3 metres (up to 9.5 metres) from top of bank, as was approved previously under the RAR review process.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0221-01 (Appendix IV) to reduce the minimum setbacks distance from the top-of-bank for a "Natural Class B Stream" in Part 7A of the Zoning By-law No 12000, from 15 metres (50 ft.) to not less than 7.3 metres (24 ft.), measured from top-of-bank, to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North (Across 68 Avenue):	Single family dwellings	Urban	RF
East (Across 142 Street [unopened]):	Single family dwellings	Urban	RF
South:	BC Hydro railway, Hyland Road, and single family dwellings beyond	Urban	RF
West:	Single family dwellings	Urban	RF-12

DEVELOPMENT CONSIDERATIONSBackground and Proposal

- The subject property is approximately 0.2 hectares (0.5 acres) in size and is located at 14136 - 68 Avenue.
- The site is designated "Urban" in the Official Community Plan (OCP) and zoned "Single Family Residential Zone" (RF).
- At the April 28, 2014, Regular Council – Public Hearing meeting, Council issued Development Variance Permit No. 7913-0221-00, for reduced lot depths and setbacks to facilitate subdivision into 3 single family lots and one City lot.

- The proposed development (Appendix II) is not in compliance with the new setback requirements for streamside protection and therefore, a Development Variance Permit is required to allow the development application to proceed as originally contemplated.

Streamside Protection Considerations

- In July 2014, Council endorsed the Biodiversity Conservation Strategy and the implementation measures it recommended 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 protecting Surrey's natural environmental assets.
- On September 12, 2016, Council approved changes to the Official Community Plan (OCP) and the Zoning By-law 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 By-law (Part 7A Streamside Protection) is used to identify the specific protection areas that are required to be established for Streamside Setback Areas.
- During drafting of the Streamside Protection Measures, staff were aware that its implementation would create 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.
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and 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, and in support of this, the applicant:
 - o Submitted a Riparian Areas Regulation (RAR) assessment report prepared by Envirowest Consultants Inc. for the on-site Class B watercourse;
 - o Submitted a RAR peer review conducted by ENKON Environmental Ltd., which concluded that the RAR assessment is acceptable;
 - o Submitted an Impact Mitigation Plan prepared by Envirowest Consultants Inc., which considered and supported the conclusions of the RAR and peer review reports, arborist report, and the proposed riparian area enhancement;
 - o As part of the subdivision, the applicant will convey approximately 19% of the gross site area to the City for open space purposes; and
 - o The applicant will enter into a Habitat Restoration Agreement (Policy P-15) with the City for the monitoring and maintenance of the replantings in the riparian area. The proposed plan cost estimate will be reviewed by Parks and Trees and Landscaping.

- The riparian area will be conveyed to the City, without compensation, for conservation purposes. The applicant is required to enter into a Habitat Restoration Agreement (Policy P-15), for the Owner to construct and maintain habitat compensation works on City-owned land. A detailed planting plan and cost estimate is required for review and approval by the City in order to prepare the P-15 agreement. Payment of applicable fees and security for the work is required.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum setback distance from the top-of-bank for a "Natural Class B Stream" in Part 7A of Zoning By-law No. 12000, from 15 metres (50 ft.) to a minimum of 7.3 metres (24 ft.), measured from the top of bank.

Applicant's Reasons:

- The applicant has taken appropriate measures to ensure the objectives of the sensitive ecosystems guidelines in the OCP have been met.
- The applicant will convey approximately 19% of the site to the City for open space purposes.

Staff Comments:

- An unnamed watercourse runs north to south through the middle of the subject property. The City's watercourse mapping classifies the creek as a Class B (permanent, non-fish bearing) watercourse. The watercourse is isolated from the nearest downstream watercourse by over 450 metres of storm sewer, and does not exist further upstream.
- In accordance with the newly approved streamside setback areas in the Zoning By-law, the minimum required setback measured from the top-of-bank is 15 metres (50 ft.). The requested DVP seeks a minimum 7.3 metres (24 ft.) setback measured from the top-of-bank.
- Where a development is proposing to reduce the streamside setback area, a Development Variance Permit is required and is to include an Impact Mitigation Plan. This is intended to ensure that the proposed setback reduction does not create negative impacts on the sensitive ecosystems that are intended to be protected, cause flooding or other negative impacts on the property owners located next to the stream, or increase City of Surrey maintenance costs as a result of the reduced setback.
- An Impact Mitigation Plan has been submitted which supports the requested variance:
 - o The Impact Mitigation Plan confirmed that the recommendations of the original RAR Report are still applicable.

- o The proposed development will be consistent with the Streamside Protection and Enhancement Area (SPEA) requirements of the Riparian Area Regulations report;
 - o The applicant proposes to dedicate the SPEA area to the City as open space;
 - o A detailed landscape plan has been submitted, which details the proposed enhancement of the SPEA area, including the eradication of invasive species and the replanting of native plants; and
 - o The restored SPEA area is expected to provide a notable improvement in habitat values and functions, particularly as they relate to shade, bank stability, and food/nutrient inputs to the stream.
- The application provided a Riparian Area Regulations (RAR) report prepared by Envirowest Consultants Inc., dated February 3, 2014. The report recommends a Streamside Protection and Enhancement Area (SPEA) of 10 metres (33 ft.) from the high water mark of the watercourse. The SPEA area is entirely located within the proposed open space dedication.
- A Peer Review was conducted by ENKON Environmental Ltd., dated April 3, 2014, which concluded that the RAR assessment is acceptable.
- The amount of open space being conveyed to the City for the protection and enhancement of the Class "B" watercourse riparian area is approximately 380 square metres (4,090 sq.ft.) or approximately 19% of the site area.
- The applicant will enter into a Habitat Restoration Agreement (Policy P-15) with the City for the monitoring and maintenance of the replantings in the riparian area. The proposed plan cost estimate will be reviewed by Parks and Trees and Landscaping.
- The proposed DVP is required to facilitate the associated Development Application including the proposed subdivision that is to be approved.

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.	Engineering Requirements
Appendix IV.	Development Variance Permit No. 7913-0221-0

INFORMATION AVAILABLE ON FILE

- Streamside Impact and Mitigation Plan Prepared by Envirowest Consultants Inc., Dated November 16, 2016.
- Peer Review of the Riparian Area Regulations Report prepared by ENKON Environmental Ltd., dated April 3, 2014.
- Riparian Areas Regulation (RAR) Assessment Report Prepared by Envirowest Consultants Inc., Dated February 3, 2014.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

RJG/da

Information for City Clerk

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

1. (a) Agent: Name: Dharam Kajal
Westridge Engineering & Consulting Ltd
Address: 3565 - Monmouth Avenue
Vancouver, BC V5R 5S1
2. Properties involved in the Application
 - (a) Civic Address: 14136 - 68 Avenue
 - (b) Civic Address: 14136 - 68 Avenue
Owner: Manpreet K Aujla
Balreen S Aujla
PID: 009-343-423
Lot 63 Section 16 Township 2 New Westminster District Plan 24366
3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7913-0221-01 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

Tony & Marie Cindrich
Residential Development
14136 68 Avenue, Surrey

CONCEPT PLAN



LEGAL DESCRIPTION
Lot 63 Sec 16 TWP 2 NWD Plan 24366
PID: 009-343-423

GROSS SITE AREA
Approx. 0.20 hectares / 0.50 acres

NET SITE AREA
Approx. 0.20 hectares / 0.48 acres

EXISTING ZONING & DESIGNATIONS
Zoning: RF
NCP: N/A
OCP: Urban

PROPOSED ZONING & DESIGNATIONS
Zoning: RF (with Variances)
NCP: N/A
OCP: Urban

LOT YIELD:
Existing Number of Lots: 1
Proposed Number of Lots: 4

TYPICAL LOT SIZE:
Width: 32.1m - 44.8m
Depth: 10.8m - 20.3m
Area: 518m² - 575m²

NOTE:
This plan is conceptual only and subject to change. Not to be used for legal purposes.
This plan is the property of Aplin & Martin Consultants Ltd. and may not be reproduced or used for any purposes, including promotion, sales or land valuation without written permission.

**APLIN
MARTIN**
CONSULTANTS LTD
Project No.: 13-140
Date: 4 April 2014

Drawing
1

INTER-OFFICE MEMO

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

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

DATE: **March 18, 2014** PROJECT FILE: **7813-0221-00**

RE: **Engineering Requirements
Location: 14136 - 68 Avenue**

REZONE/SUBDIVISION

Property and Right-of-Way Requirements

- dedicate 0.942 metres fronting 68 Avenue
- provide 0.5metre SRW fronting 68 Avenue

Works and Services

- construct the south half of 68 Avenue to a collector standard
- provide service connections to each lot
- provide Restrictive Covenants for pumped connections and drainage features if applicable

A Servicing Agreement is required prior to Rezone/Subdivision.

Rémi Dubé, P.Eng.
Development Services Manager

LR

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0221-01

Issued To: BALREEN SINGH AUJLA
MANPREET K AUJLA

(the "Owner")

Address of Owner: 16644 - 64 Avenue
Surrey, BC V3S 0W5

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: 009-343-423
Lot 63 Section 16 Township 2 New Westminster District Plan 24366

14136 - 68 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:

- (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:

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In the table in Section B.1 of Part 7A "Streamside Protection", the minimum distance from top of bank for a "Natural Class B Stream" is reduced from 15 metres (50 ft.) to a minimum of 7.3 metres (24 ft.) measured from top of bank.
4. This development variance permit applies to only the portion of the Land shown on 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 unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) 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 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

LOCATION

SCALE 1:2000

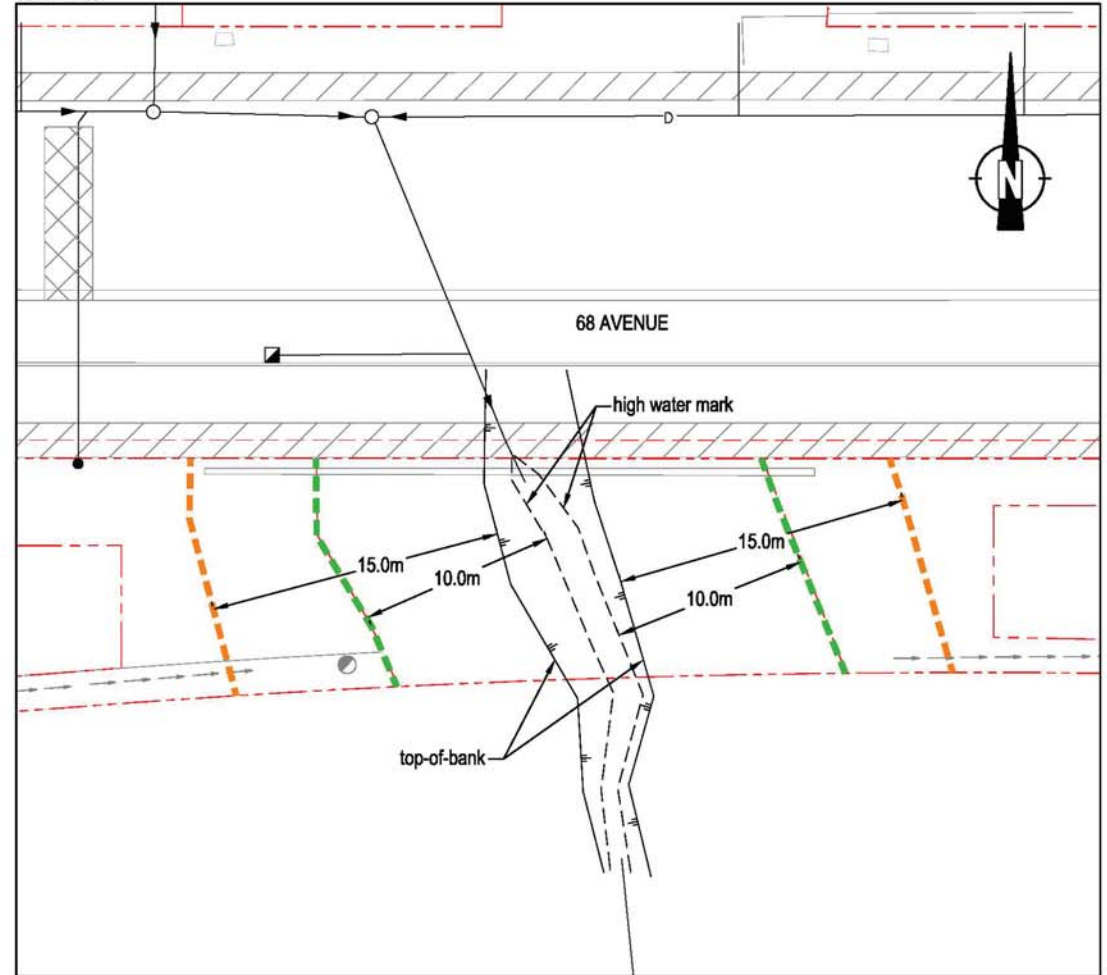


LEGEND

- Bylaw - Prescribed Setback
- RAR Setback and Proposed Park Boundary

INSET PLAN

SCALE 1:250



BALREEN AUJLA
Surrey, BC

14136 68 AVENUE
Surrey, BC



envirowest consultants inc.

Suite 101 - 1515 Broadway Street
Port Coquitlam, British Columbia
Canada V3C 6M2
office: 604-944-0602
facsimile: 604-944-0607

www.envirowest.ca

RAR AND BYLAW SETBACKS

DESIGN: IWW	DRAWN: SCM	CHECKED: IWW	REVISION: 00	REVISION DATE:
SCALE: As Shown	DRAWING NUMBER: 1894-01-02			
DATE: November 29, 2016				

- REFERENCE DRAWINGS
1. Email: 14136-68 AVE SURREY_SA3-GEOTECH.dwg, Received October 19, 2016;
Land Development Municipal Infrastructures.
 2. 2014 Legal Base from City of Surrey.