

City of Surrey  
**PLANNING AND DEVELOPMENT REPORT**

File: 7914-0301-01

Planning Report Date: October 3, 2016

**PROPOSAL:**

- **Development Variance Permit**

to relax the minimum streamside setback, in order to permit subdivision into 7 single family small lots and open space.

**LOCATION:** 16609 and 16618 - 102 Avenue

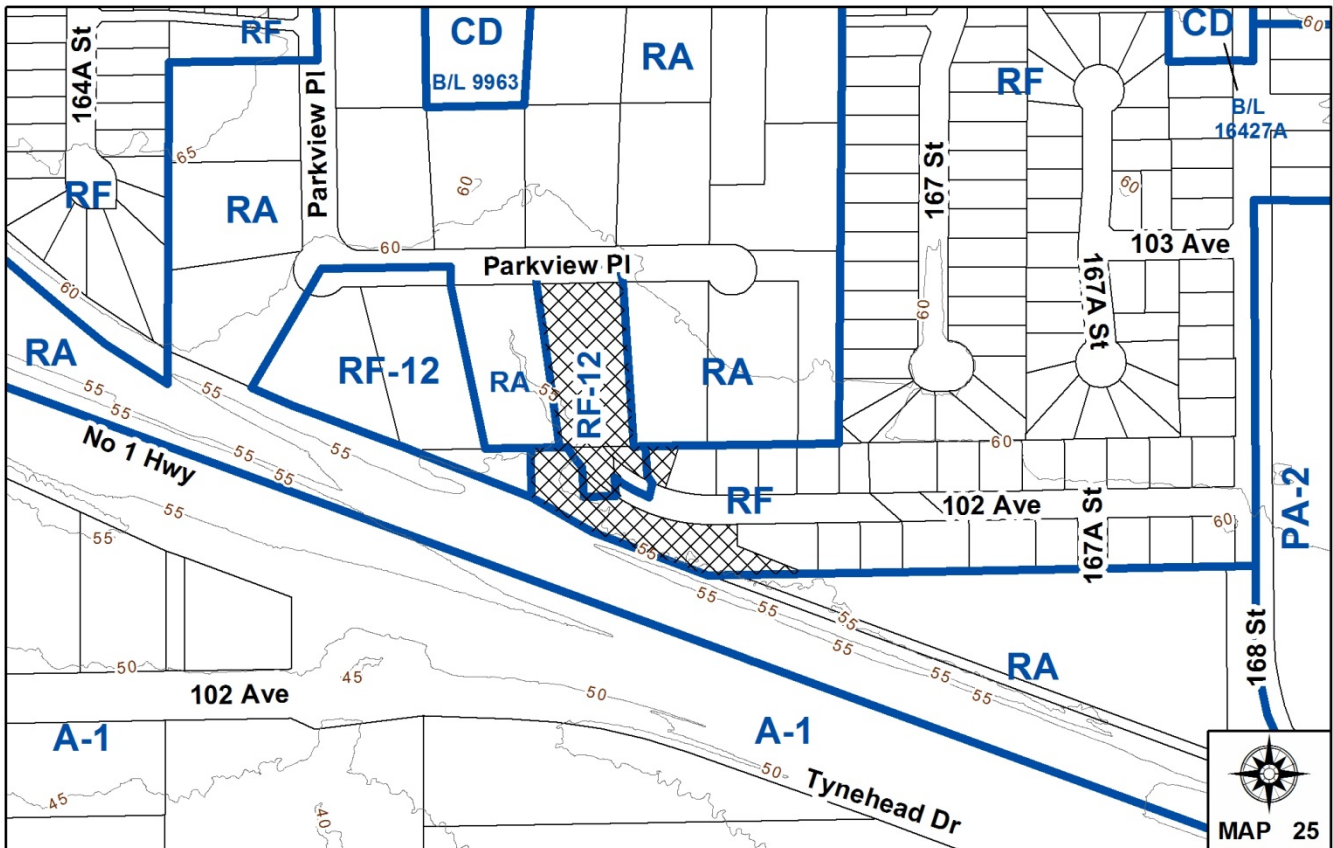
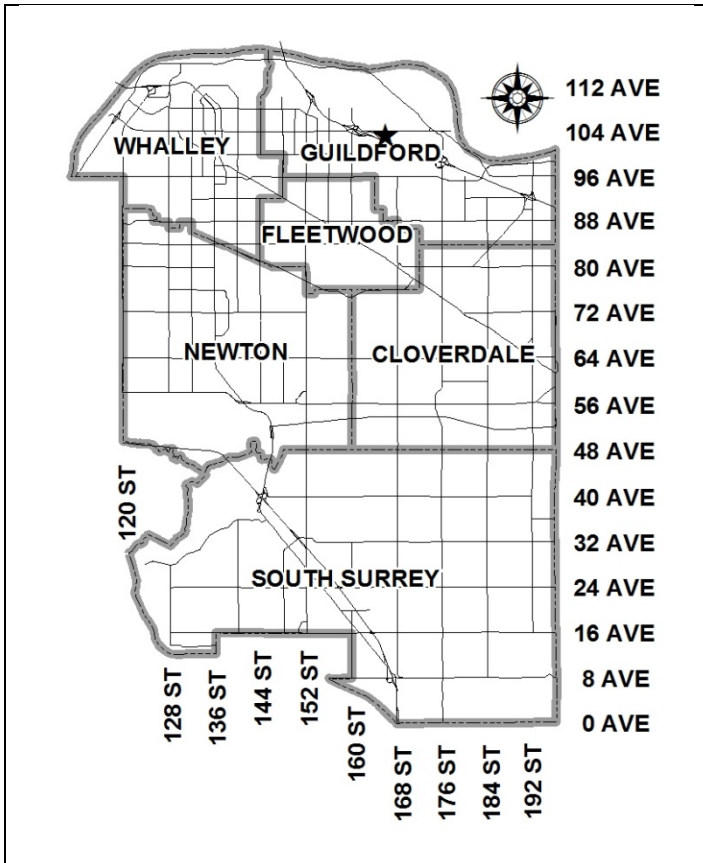
16616 Parkview Place

**OWNERS:** Qualico Developments (Vancouver) Inc.

City of Surrey

**ZONING:** RF-12

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

- Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to reduce the minimum distance (setback) for a “Natural Class B Stream” in Part 7A of the Zoning By-law, from 15 metres (49 ft.) measured from top-of-bank to 10 metres (33 ft.) measured from the high water mark for proposed Lots 1 and 3-7.

### RATIONALE OF RECOMMENDATION

- The applicant demonstrated that the requested setback relaxation does not impact the objectives outlined in the Official Community Plan for protecting sensitive ecosystems.
- Upon subdivision, 729 square metres of the gross site area, entirely within the riparian area will be dedicated as park.
- The applicant completed a P-15 agreement for the monitoring and maintenance of the re-plantings in the riparian area.
- The applicant provided a Riparian Areas Regulation (RAR) assessment report for the on-site Class B watercourse.
- The applicant completed all conditions of final adoption, and on September 12, 2016, the associated rezoning to RF-12 was approved by Council. However, 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 the subdivision plan associated with Development Application No. 7914-0301-00 was not yet approved.
- The application was in process, and the rezoning had received final adoption prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Prior to approving the associated subdivision, a variance to the new streamside regulations is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0301-01 (Appendix III) to reduce the minimum setback distance for a “Natural Class B Stream” in Part 7A of Zoning By-law No. 12000, from 15 metres (49 ft.) measured from top-of-bank to 10 metres (33 ft.) measured from the high water mark for proposed Lots 1 and 3-7, and to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department can support issuance of the DVP since the rezoning was given Final Adoption prior to endorsement of the new Stream and Riparian Area Protection clauses being included in the Zoning By-law and the Official Community Plan.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lots ranging in size from 569 square metres to 4,047 square metres in size, and vacant City land

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Parkview Place):	Single family dwellings on 1-acre lots (under Application No. 7914-0322-00, currently referred back to staff)	Urban	RA
East:	Single family dwellings on 1-acre lots and 6,000-sq.ft. lots	Urban	RA and RF
South (Across Highway No. 1):	Tynehead Regional Park	Urban	A-1
West:	Single family dwelling on 1-acre lot	Urban	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is comprised of 2 privately-owned lots, a portion of a City-owned greenbelt lot, and surplus road allowance, located within Fraser Heights on the south side of Parkview Place. The subject site is designated "Urban" in the Official Community Plan (OCP).
- The lots immediately surrounding the subject site are comprised of one-acre lots, zoned RA, but designated “Urban” in the OCP. It is anticipated that these lots will ultimately redevelop

into a higher density form of single family housing than the current one-acre lots, once servicing is available.

- On April 13, 2015, Council considered Planning Report No. 7914-0301-00, for a Rezoning, and Development Variance Permit in order to allow subdivision into 7 small single family lots and open space.
- The applicant completed all conditions of final adoption, and on September 12, 2016, the associated rezoning to RF-12 was approved by Council (Rezoning By-law No. 18430). However, 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 the subdivision plan associated with Development Application No. 7914-0301-00 was not yet approved.
- The applicant's proposed subdivision (Appendix II) is not in compliance with the new setback requirements for streamside protection and therefore, a Development Variance Permit is required (see By-law Variance and Justification section) to allow the subdivision 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:
  - Submitted a Riparian Areas Regulation (RAR) assessment report for the on-site Class B watercourse;
  - Upon subdivision, will provide 729 square metres of the gross site area, entirely within the riparian area, for open space purposes; and
  - Completed a P-15 agreement for the monitoring and maintenance of the re-plantings in the riparian area.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum distance (setback) for a “Natural Class B Stream” in Part 7A of the Zoning By-law from 15 metres (49 ft.) measured from top-of-bank to 10 metres (33 ft.) measured from the high water mark for proposed Lots 1 and 3-7.

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 a portion of the site to the City for open space purposes.

Staff Comments:

- An unnamed natural, Class B watercourse, flows through the southeast corner of the site. 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 (49 ft.).
- The applicant provided a Riparian Areas Regulation (RAR) assessment report for the on-site Class B watercourse, which recommended protecting 10 metres (33 ft.) from the high water mark. As such, the requested DVP seeks a minimum 10-metre (33 ft.) high water mark setback measured to the west lot line of proposed Lots 1 and 3-7.
- 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.

- It has been determined that an Impact Mitigation Plan is not required in this scenario, and the requested variance has merit for the following reasons:
  - The applicant provided a Riparian Areas Regulation (RAR) assessment report for the on-site Class B watercourse. The RAR report supported a 10-metre (33 ft.) setback from the high water mark along the north side of the watercourse. As such, proposed Lot 1 is set back a minimum of 10 metres (33 ft.) from the high water mark of the watercourse in compliance with the RAR report;
  - The RAR report was reviewed by staff, and accepted by the Province (Ministry of Forests, Lands, and Natural Resource Operations);
  - The amount of open space being dedicated is 729 square metres of the gross site area. The proposed open space will be added to the existing unnamed park area (25D Greenbelt) that borders the west and south property lines of the subject site;
  - The applicant completed a P-15 agreement for the monitoring and maintenance of the re-plantings in the riparian area; and
  - The application was in process, and the Rezoning By-law had received final adoption, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
- The requested DVP is required for the associated proposed subdivision to be approved.
- 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.	Proposed Subdivision Layout
Appendix III.	Development Variance Permit No 7914-0301-01

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

Information for City Clerk

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

1. (a) Agent: Name: Jeremiah Boucher  
Aplin & Martin Consultants Ltd.  
Address: 12448 - 82 Avenue, Unit 201  
Surrey, BC V3W 3E9  
  
Tel: 604-597-9058

2. Properties involved in the Application

- (a) Civic Address: 16609 - 102 Avenue  
16616 - Parkview Place  
16618 - 102 Avenue
- (b) Civic Address: 16609 - 102 Avenue  
Owner: Qualico Developments (Vancouver) Inc  
PID: 019-076-215  
Lot 13 Block 5N Section 25 Range 1W Plan LMP 19984 New Westminister District
- (c) Civic Address: 16616 - Parkview Place  
Owner: Qualico Developments (Vancouver) Inc  
PID: 006-003-958  
Lot 21 Block 5N Section 25 Range 1W Plan 45831 New Westminister District
- (d) Civic Address: 16618 - 102 Avenue  
Owner: City Of Surrey  
PID: 019-076-339  
Lot 24 Section 25 Range 1 Plan LMP 19984 New Westminister District

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7913-0041-01 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

SUBDIVISION PLAN OF LOT 21, PLAN 45831;

PLAN EPP60087

LOT 13, PLAN LMP19984;

LOT 17, PLAN EPP60086;

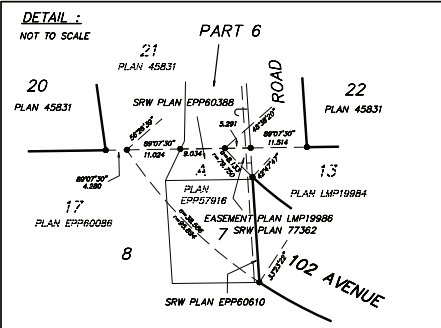
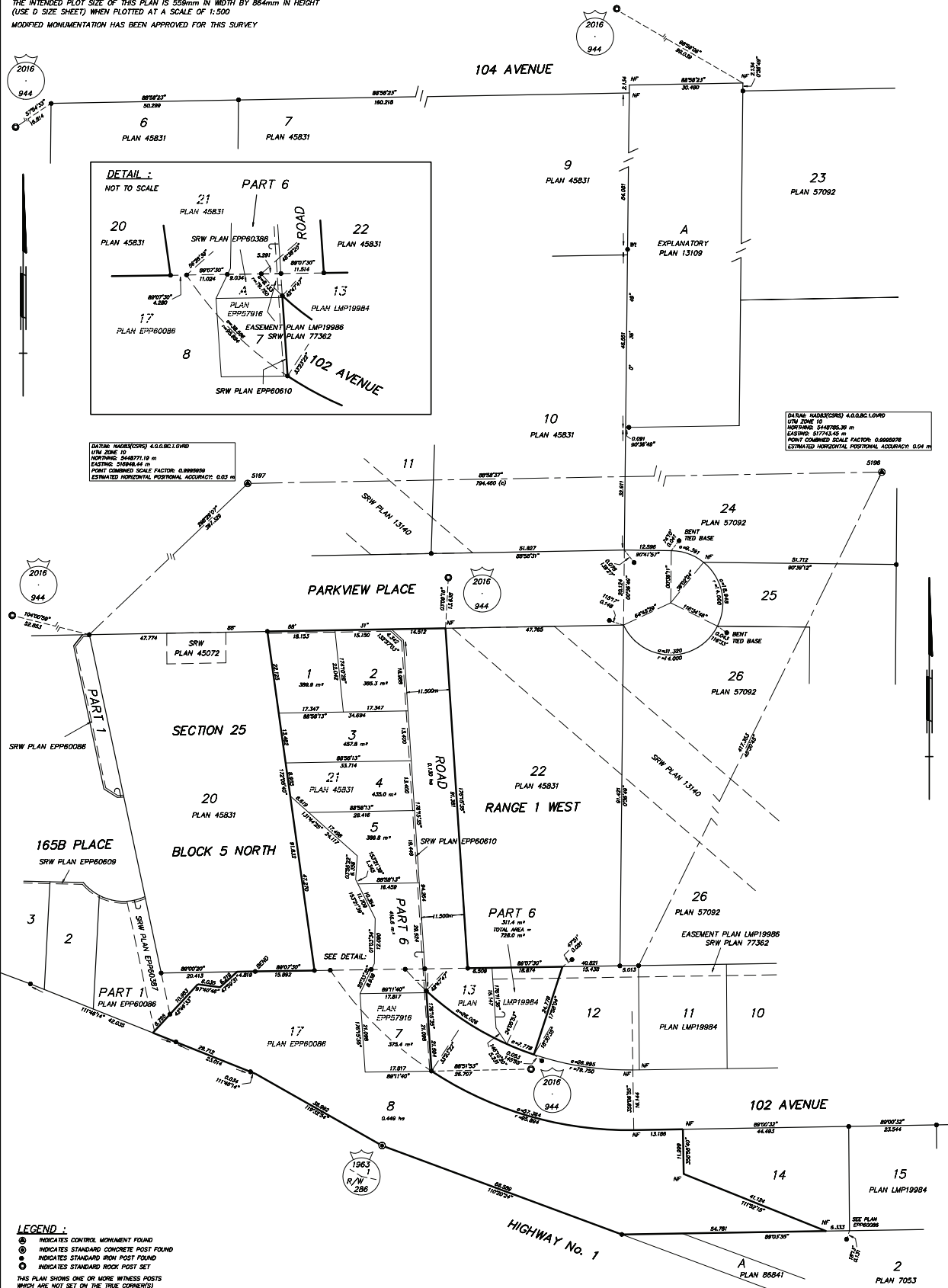
AND THAT PART OF PARCEL A AS SHOWN ON PLAN EPP57916

ALL OF SECTION 25, BLOCK 5 NORTH, RANGE 1 WEST, NEW WESTMINSTER DISTRICT

BCGS 926.017



ALL DISTANCES ARE IN METRES  
THE INTENDED PLOT SIZE OF THIS PLAN IS 558mm IN WIDTH BY 854mm IN HEIGHT  
(USE D SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:500  
MODIFIED MONUMENTATION HAS BEEN APPROVED FOR THIS SURVEY



DATE: 14/03/2016 4:00:00 PM  
UTM ZONE: 18  
NORTHING: 5448771.10 m  
EASTING: 510948.44 m  
TWO POINT SCALE FACTOR: 0.999999  
ESTIMATED HORIZONTAL POSITIONAL ACCURACY: 0.02 m

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- LEGEND:**
- ⊙ INDICATES CONTROL MONUMENT FOUND
  - ⊙ INDICATES STANDARD CONCRETE POST FOUND
  - ⊙ INDICATES STANDARD IRON POST FOUND
  - ⊙ INDICATES STANDARD ROCK POST SET
  - ⊙ INDICATES STANDARD WOODEN POST SET
- THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNERS
- INTEGRATED SURVEY AREA No.1, CITY OF SURREY, NAD83 (CSRS) 4.0.0.BC.L019D  
GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETIC CONTROL MONUMENTS 5196 AND 5197.  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES.  
MULTIPLE GROUND-LEVEL DISTANCES BY THE CORNER  
FACTOR OF 0.999999 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENT 5197

MURRAY & ASSOCIATES  
201-1244 32nd AVENUE  
SURREY, B.C.  
V3W 3E9  
(604) 282-8188

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT  
(CITY OF SURREY)

THIS PLAN LIES WITHIN THE JURISDICTION OF THE  
APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION  
THIS PLAN LIES WITHIN THE JURISDICTION OF THE  
APPROVING OFFICER FOR THE CITY OF SURREY  
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED  
ON THE 16TH DAY OF MARCH, 2016  
ZUZANA FULKOVA, BCLS 944  
FILE 10155-02



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0301-01

Issued To: QUALICO DEVELOPMENTS (VANCOUVER) INC.

Address of Owner: 5620 - 152 Street, Unit 310  
Surrey, BC V3S 3K2

Issued To: CITY OF SURREY

Address of Owner: 13450 -104 Avenue  
Surrey, BC V3T 1V8

(collectively referred to as the "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: 019-076-215  
Lot 13 Block 5N Section 25 Range 1W Plan LMP 19984 New Westminster District  
16609 - 102 Avenue

Parcel Identifier: 006-003-958  
Lot 21 Block 5N Section 25 Range 1W Plan 45831 New Westminster District  
16616 - Parkview Place

Parcel Identifier: 019-076-339  
Lot 24 Section 25 Range 1 Plan LMP 19984 New Westminster District  
16618 - 102 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 titles have been issued, as follows:

Parcel Identifier:

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

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4. 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 for a “Natural Class B Stream” is reduced from 15 metres (49 ft.) measured from top-of-bank to 10 metres (33 ft.) measured from high water mark measured to the western lot line of proposed Lots 1 and 3-7.

5. 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.

6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

7. 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.

8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

9. 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 – Linda Hepner

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City Clerk – Jane Sullivan

SUBDIVISION PLAN OF LOT 21, PLAN 45831;

LOT 13, PLAN LMP19984;

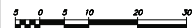
LOT 17, PLAN EPP60086;

AND THAT PART OF PARCEL A AS SHOWN ON PLAN EPP57916

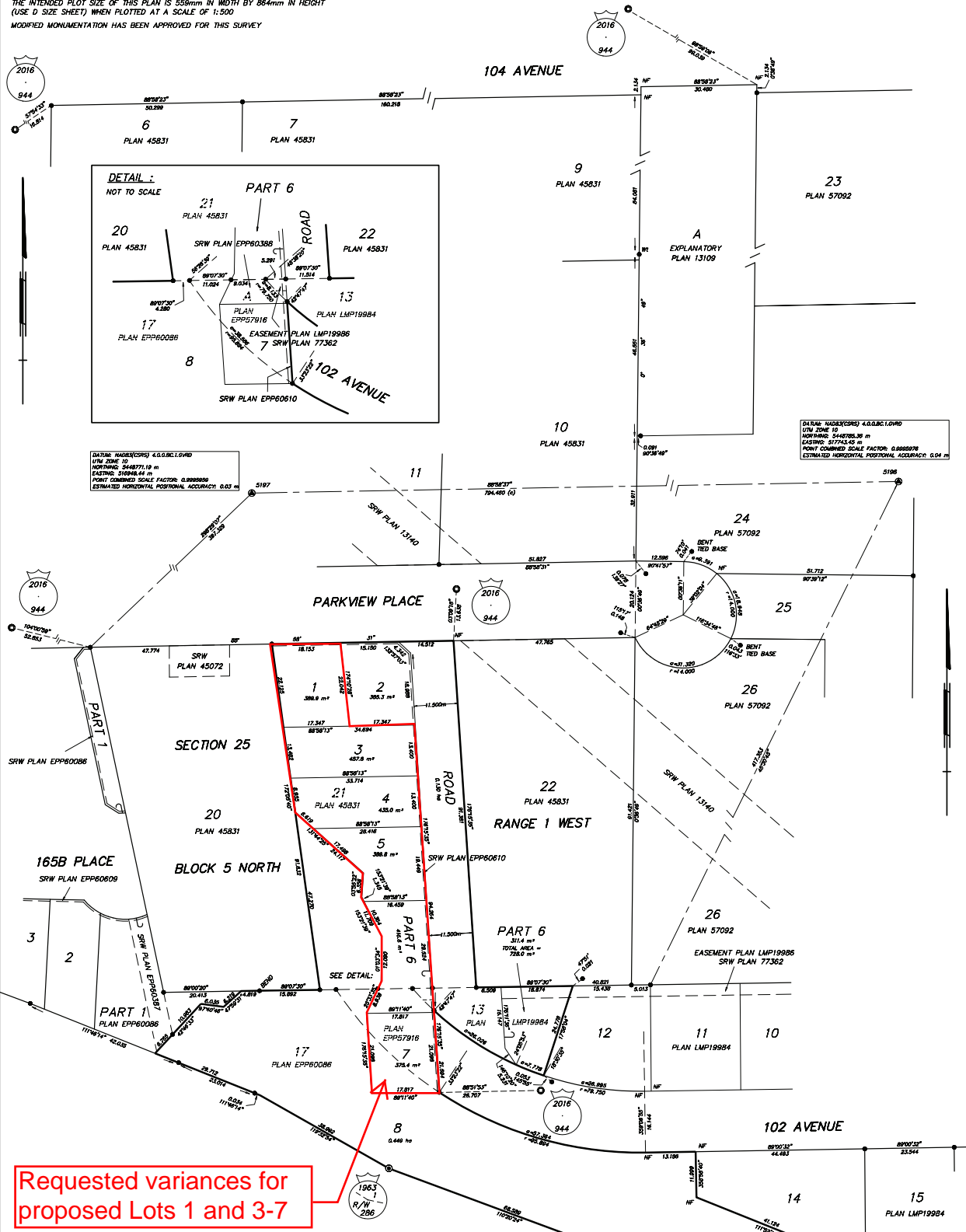
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Requested variances for proposed Lots 1 and 3-7

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⊙ INDICATES STANDARD IRON POST FOUND  
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