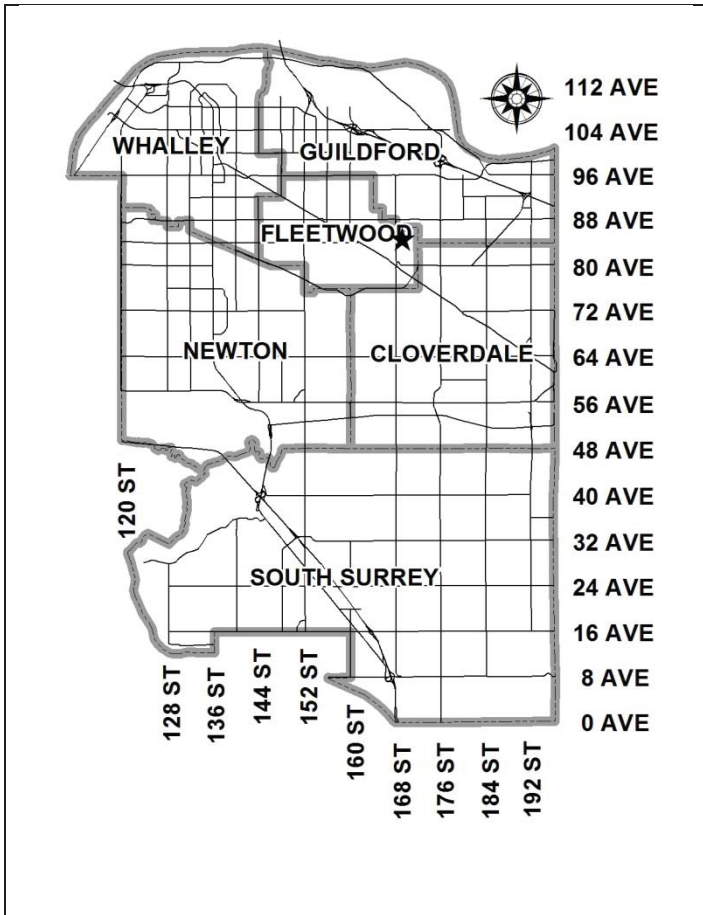


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0299-01

Planning Report Date: November 7, 2016



PROPOSAL:

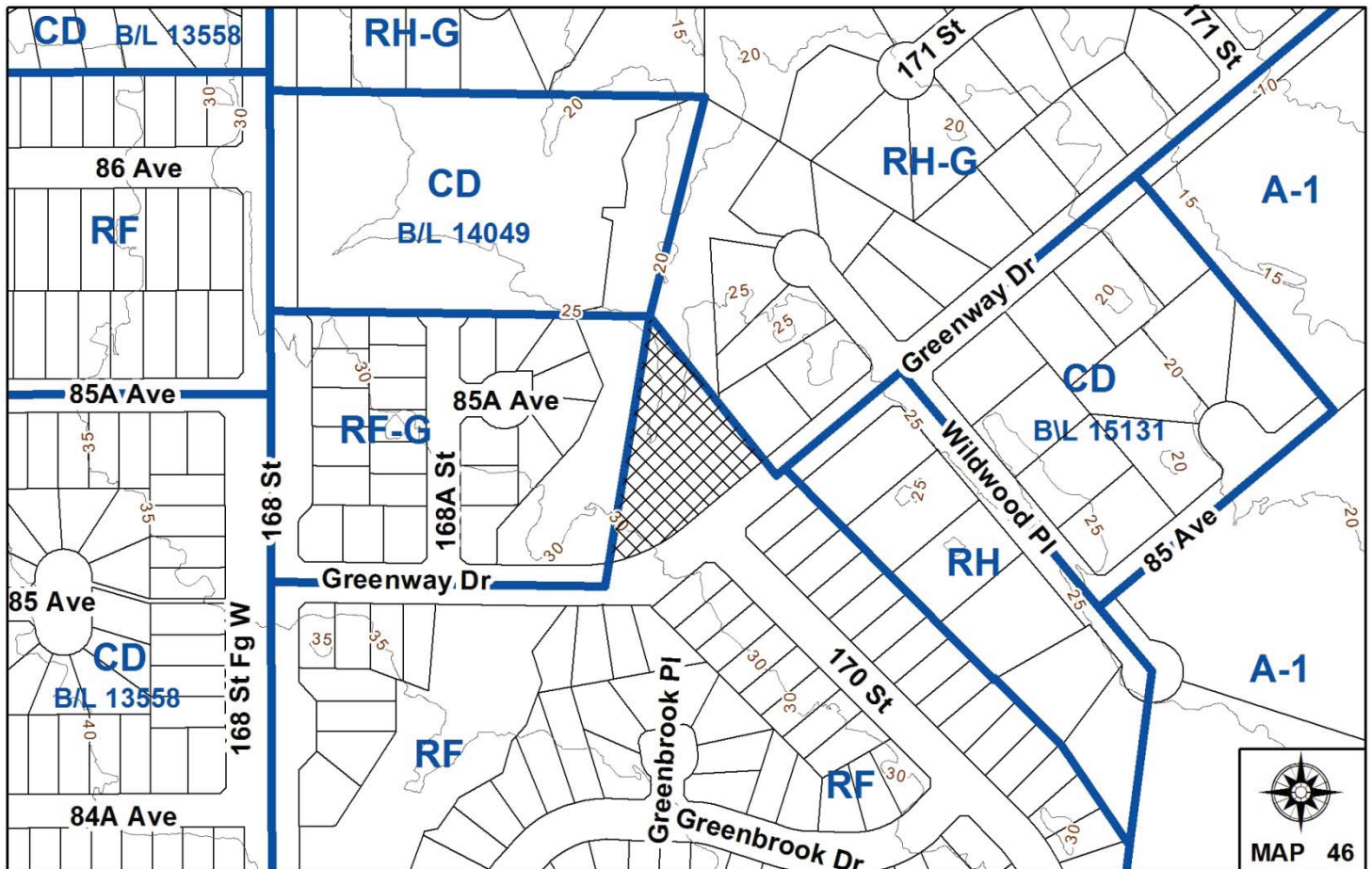
- **Development Variance Permit**
 to relax the minimum streamside protection setback in order to permit subdivision into four (4) single family lots and one open space lot.

LOCATION: 16927 - Greenway Drive

OWNERS:
 Nafisa J Ali
 Jatinder S Gandham
 Perry Gandham
 Ram S Gandham

ZONING: RF (RF-G at Third Reading)

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) for a "Natural Class A Stream" in Part 7A of the Zoning By-law, from 30 metres (98 ft.) to 8 metres (26 ft.) as measured from the top of bank for proposed Lots 1-4.

RATIONALE OF RECOMMENDATION

- The rezoning of the subject site from RF to RF-G received Third Reading on July 25, 2016.
- Under the associated Rezoning and Subdivision application (File No. 7915-0299-00), the applicant provided a Riparian Areas Regulation (RAR) assessment report for the on-site Class A watercourse. The RAR report was reviewed by staff and accepted by the Province.
- Upon approval of the associated subdivision, approximately 59% of the gross site area, entirely within the riparian area will be dedicated as open space.
- The applicant will be required to complete a P-15 agreement for the monitoring and maintenance of the re-plantings in the riparian area that is being transferred to the City.
- 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.
- The application was in process, and the associated Rezoning By-law had received Third Reading prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Prior to final adoption of the Rezoning By-law and approval of the associated subdivision, a variance to the new streamside protection regulations is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0299-01 (Appendix III) to reduce the minimum setback distance for a "Natural Class A Stream" in Part 7A of Zoning By-law No. 12000, from 30 metres (98 ft.) to 8 metres (26 ft.), measured from the top-of-bank for proposed Lots 1-4, to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department can support issuance of the DVP since the rezoning was granted Third Reading 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 1.0-acre lot.

Significant Site Attributes: Swanson Brook, a red-coded watercourse, flows through the northern portion of the site.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Charles Richardson Nature Reserve Park and low density townhouses.	Urban	CD (By-law No. 14049)
Northeast:	Charles Richardson Nature Reserve Park and single family dwellings.	Suburban	RH-G
Southeast (Across Greenway Drive):	Single family dwellings.	Urban	RF
West:	Charles Richardson Nature Reserve Park and single family dwellings.	Urban	RF-G

DEVELOPMENT CONSIDERATIONSBackground and Proposal

- The 4,398-square metre (1.0-acre) subject site is located on Greenway Drive at 170 Street in Fleetwood, is designated Urban in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".

- On July 11, 2016, Council considered Planning Report No. 7915-0299-00 for a Rezoning, Development Variance Permit and Development Permit in order to allow subdivision into four (4) single family lots and open space. The associated Rezoning By-law (No. 18790), rezoning the subject site from RF to RF-G, was granted Third Reading by Council on July 25, 2016.
- The applicant did not complete the remaining conditions of development prior to the recent changes to Part 7A of the Zoning By-law that incorporated setback requirements for streamside protection (see Streamside Protection Consideration section).
- 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 for the subject application for the following reasons:
 - The applicant has submitted a Riparian Areas Regulation (RAR) assessment report for the on-site Class A watercourse that has been reviewed by staff and accepted by the Province (Ministry of Forests, Land and Natural Resource Operations);
 - Upon approval of the associated subdivision, the applicant will dedicate to the City approximately 59% of the gross site area, entirely within the riparian area, for open space purposes; and

- The applicant will be required to complete 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 A Stream" in Part 7A of the Zoning By-law from 30 metres (98 ft.) to 8 metres (26 ft.) measured from the top-of-bank for proposed Lots 1-4.

Applicant's Reasons:

- The applicant has taken appropriate measures to ensure the objectives of the sensitive ecosystems guidelines in the OCP have been met including dedicating a large portion of the site to the City for open space purposes.
- The subdivision as originally contemplated cannot proceed without the requested variance.

Staff Comments:

- Swanson Brook, a natural, Class A watercourse, flows through the northern portion 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 30 metres (98 ft.).
- The applicant provided a Riparian Areas Regulation (RAR) assessment report for the on-site Class A watercourse, which recommended protecting 8 metres (26 ft.) 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.
- 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 A watercourse. The RAR report supported an 8-metre (26 ft.) setback from the top-of-bank along the east side of the watercourse. As such, proposed Lots 1-4 are set back a minimum of 8 metres (26 ft.) from the top-of-bank 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 to the City is 2,589 square metres (0.6 acre), or 59% of the gross site area. The proposed open space will augment the existing Charles Richardson Nature Reserve Park that borders portions of the current west and northeast property lines. This forms part of a linear natural space that follows the area's ravines and watercourses from the Surrey Sports and Leisure Complex on Fraser Highway near 168 Street, down to the Serpentine River near 88 Avenue;
 - The applicant will be required to complete a P-15 agreement for the monitoring and maintenance of the re-plantings in the riparian area prior to final adoption of the Rezoning By-law; and
 - The 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.
- The requested DVP is required for the associated proposed subdivision to be approved, once the rezoning is 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. 7915-0299-01

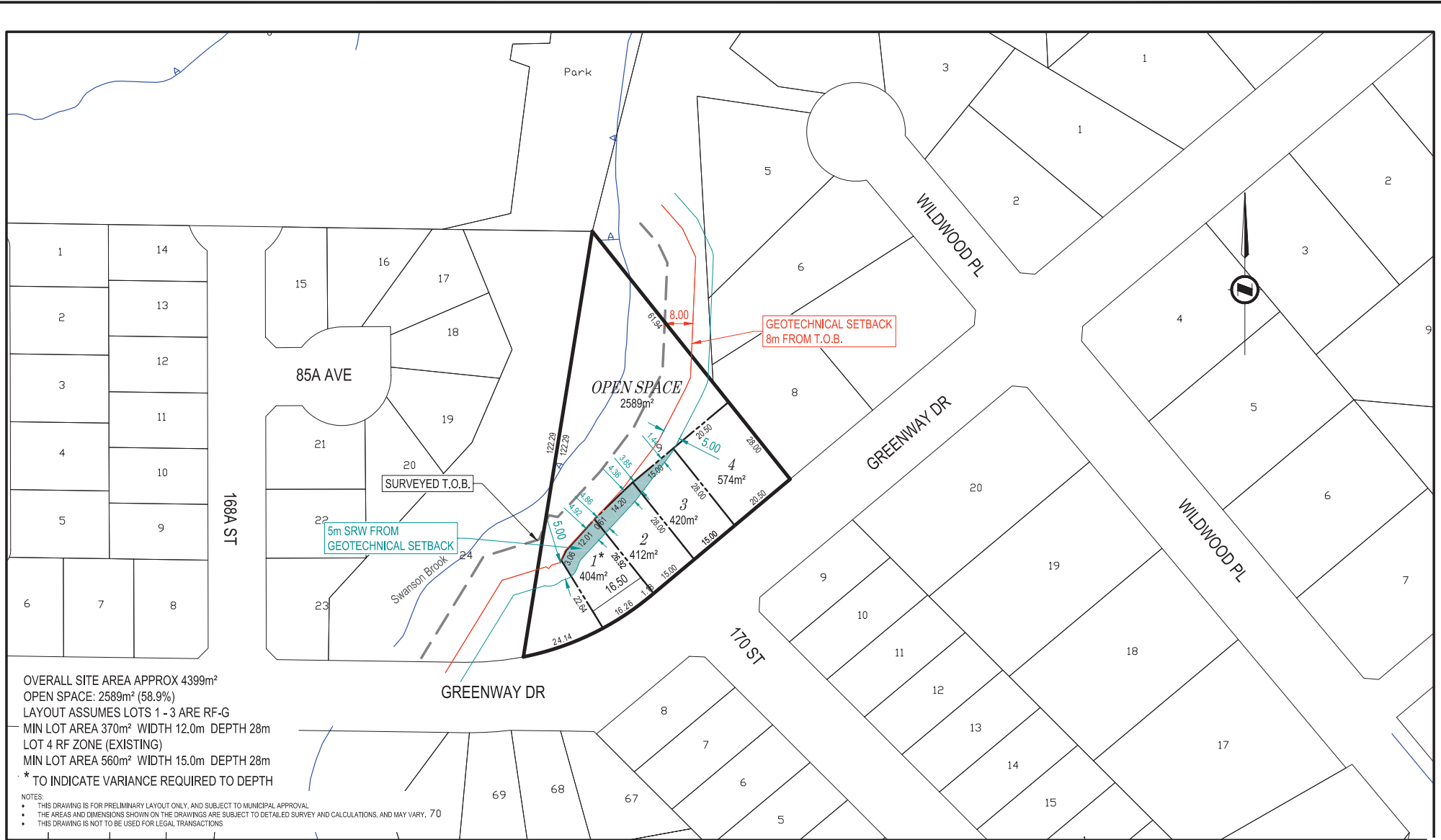
Original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/da

McElhanney 11-14-2016

DRAWN: 2016/05/03 10:07 AM BY: J. McElhanney (J.McElhanney@mcclanney.com) CHECKED: 2016/05/03 10:07 AM BY: J. McElhanney (J.McElhanney@mcclanney.com)



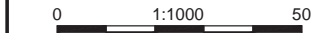
OVERALL SITE AREA APPROX 4399m²
 OPEN SPACE: 2589m² (58.9%)
 LAYOUT ASSUMES LOTS 1 - 3 ARE RF-G
 MIN LOT AREA 370m² WIDTH 12.0m DEPTH 28m
 LOT 4 RF ZONE (EXISTING)
 MIN LOT AREA 560m² WIDTH 15.0m DEPTH 28m
 * TO INDICATE VARIANCE REQUIRED TO DEPTH

- NOTES:
- THIS DRAWING IS FOR PRELIMINARY LAYOUT ONLY, AND SUBJECT TO MUNICIPAL APPROVAL.
 - THE AREAS AND DIMENSIONS SHOWN ON THE DRAWINGS ARE SUBJECT TO DETAILED SURVEY AND CALCULATIONS, AND MAY VARY, 70
 - THIS DRAWING IS NOT TO BE USED FOR LEGAL TRANSACTIONS

THIS DRAWING AND DESIGN IS THE PROPERTY OF McELHANNNEY CONSULTING SERVICES LTD. McELHANNNEY AND SHALL NOT BE USED, REPRODUCED OR REPRODUCED WITHOUT THE CONSENT OF McELHANNNEY. McELHANNNEY WILL NOT BE HELD RESPONSIBLE FOR THE APPROVAL OR UNAPPROVED USE OF THIS DRAWING AND DESIGN. THE DRAWING AND DESIGN HAS BEEN PREPARED FOR THE CLIENT REFERRED TO MEET THE STANDARDS AND REQUIREMENTS OF THE APPLICABLE PUBLIC AGENCIES AT THE TIME OF PREPARATION. McELHANNNEY ITS EMPLOYEES, SUBSIDIARIES AND AGENTS WILL NOT BE LIABLE FOR ANY LOSSES OR OTHER CONSEQUENCES RESULTING FROM THE USE OR RELIANCE UPON OR ANY CHANGES MADE TO THIS DRAWING BY ANY THIRD PARTY, INCLUDING CONTRACTORS, SUB-CONTRACTORS, CONSULTANTS AND STAKEHOLDERS, OR THEIR EMPLOYEES OR AGENTS, WITHOUT McELHANNNEY'S PRIOR WRITTEN CONSENT. INFORMATION ON EXISTING UNDERGROUND UTILITIES MAY NOT BE COMPLETE OR ACCURATE. McELHANNNEY, ITS EMPLOYEES AND DIRECTORS ARE NOT RESPONSIBLE FOR THE LOCATION OF ANY UNDERGROUND UTILITIES OR SERVICES OR OTHER UTILITIES NOT SHOWN ON THE PLAN. PRIOR TO CONSTRUCTION CONTRACTORS SHALL EXPOSE LOCATIONS OF ALL EXISTING UTILITIES BY HAND DIGGING OR INSTRUMENTS AND ADVISE THE OWNERS OF POTENTIAL CONFLICTS.



2016-2017
 Suite 200
 Surrey BC
 Canada V4A 1G7
 Tel: 604-588-8888



DRAFT
FOR DISCUSSION ONLY

Prepared for Gandham
 Greenwood Dr
 Residential Subdivision
 16927 Greenwood Dr, Surrey, BC
 May 12, 2016

Drawing No.
SK012
 Project Number
 2111-03403-00
 Rev (

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0299-01

Issued To: NAFISA J ALI
JATINDER S GANDHAM
PERRY GANDHAM
RAM S GANDHAM

(the "Owner")

Address of Owner: 16927 - Greenway Drive
Surrey, BC V4N 5A4

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: 024-002-437
Lot 9 Section 30 Township 8 New Westminster District Plan LMP35991

16927 - Greenway Drive

(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:

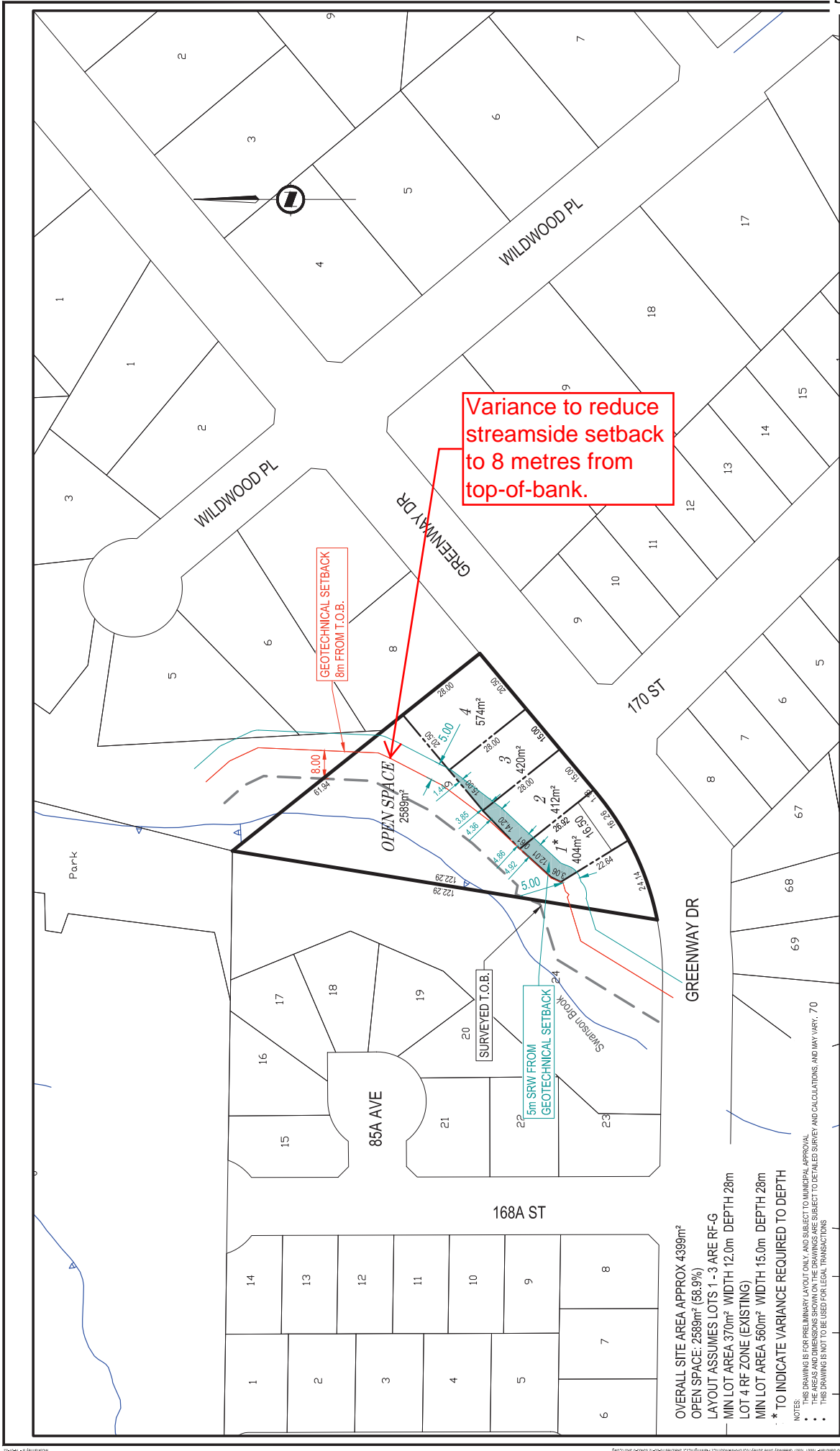
- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

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 setback distance for a "Natural Class A Stream" is reduced from 30 metres (98 ft.) measured from top-of-bank to 8 metres (26 ft.) measured from top-of-bank for proposed Lots 1-4.
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 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan



Variance to reduce streamside setback to 8 metres from top-of-bank.

GEO TECHNICAL SETBACK 8m FROM T.O.B.

5m SRW FROM GEO TECHNICAL SETBACK

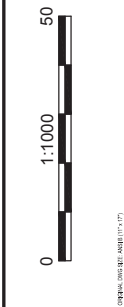
OVERALL SITE AREA APPROX 4399m²
 OPEN SPACE: 2589m² (58.9%)
 LAYOUT ASSUMES LOTS 1 - 3 ARE RF-G
 MIN LOT AREA 370m² WIDTH 12.0m DEPTH 28m
 LOT 4 RE ZONE (EXISTING)
 MIN LOT AREA 560m² WIDTH 15.0m DEPTH 28m
 * TO INDICATE VARIANCE REQUIRED TO DEPTH

- NOTES:
- THIS DRAWING IS FOR PRELIMINARY LAYOUT ONLY AND IS SUBJECT TO MUNICIPAL APPROVAL.
 - THE AREA AND DIMENSIONS SHOWN ON THE DRAWINGS ARE SUBJECT TO DETAIL SURVEY AND CALCULATIONS, AND MAY VARY. 70
 - THIS DRAWING IS NOT TO BE USED FOR LEGAL TRANSACTIONS.

Drawing No. SK012
 Project Number 211-1-0340-00

Prepared for Gandham
 Greenway Dr
 Residential Subdivision
 16827 Greenway Dr, Surrey, BC
 May 12, 2016

DRAFT
 FOR DISCUSSION ONLY



McElhanney & Associates Ltd. is a professional corporation registered in the Province of British Columbia. The Corporation is a member of the Association of Professional Engineers and Geoscientists of British Columbia (A.P.E.G.B.C.). The Corporation is also a member of the Association of Professional Surveyors of British Columbia (A.P.S.B.C.). The Corporation is a member of the Association of Professional Geographers of British Columbia (A.P.G.B.C.). The Corporation is a member of the Association of Professional Planners of British Columbia (A.P.P.B.C.). The Corporation is a member of the Association of Professional Environmental Planners of British Columbia (A.P.E.P.B.C.). The Corporation is a member of the Association of Professional Urban Planners of British Columbia (A.P.U.P.B.C.). The Corporation is a member of the Association of Professional Landscape Architects of British Columbia (A.P.L.A.B.C.). The Corporation is a member of the Association of Professional Interior Designers of British Columbia (A.P.I.D.B.C.). The Corporation is a member of the Association of Professional Architects of British Columbia (A.P.A.B.C.). The Corporation is a member of the Association of Professional Engineers of British Columbia (A.P.E.B.C.). The Corporation is a member of the Association of Professional Geoscientists of British Columbia (A.P.G.B.C.). The Corporation is a member of the Association of Professional Surveyors of British Columbia (A.P.S.B.C.). The Corporation is a member of the Association of Professional Geographers of British Columbia (A.P.G.B.C.). The Corporation is a member of the Association of Professional Planners of British Columbia (A.P.P.B.C.). The Corporation is a member of the Association of Professional Environmental Planners of British Columbia (A.P.E.P.B.C.). The Corporation is a member of the Association of Professional Urban Planners of British Columbia (A.P.U.P.B.C.). The Corporation is a member of the Association of Professional Landscape Architects of British Columbia (A.P.L.A.B.C.). The Corporation is a member of the Association of Professional Interior Designers of British Columbia (A.P.I.D.B.C.). The Corporation is a member of the Association of Professional Architects of British Columbia (A.P.A.B.C.).