

City of Surrey
ADDITIONAL PLANNING COMMENTS

File: 7916-0011-01

Planning Report Date: November 7, 2016

PROPOSAL:

- **Development Variance Permit**
 to reduce the minimum streamside setback, in order to permit a 93 unit townhouse development.

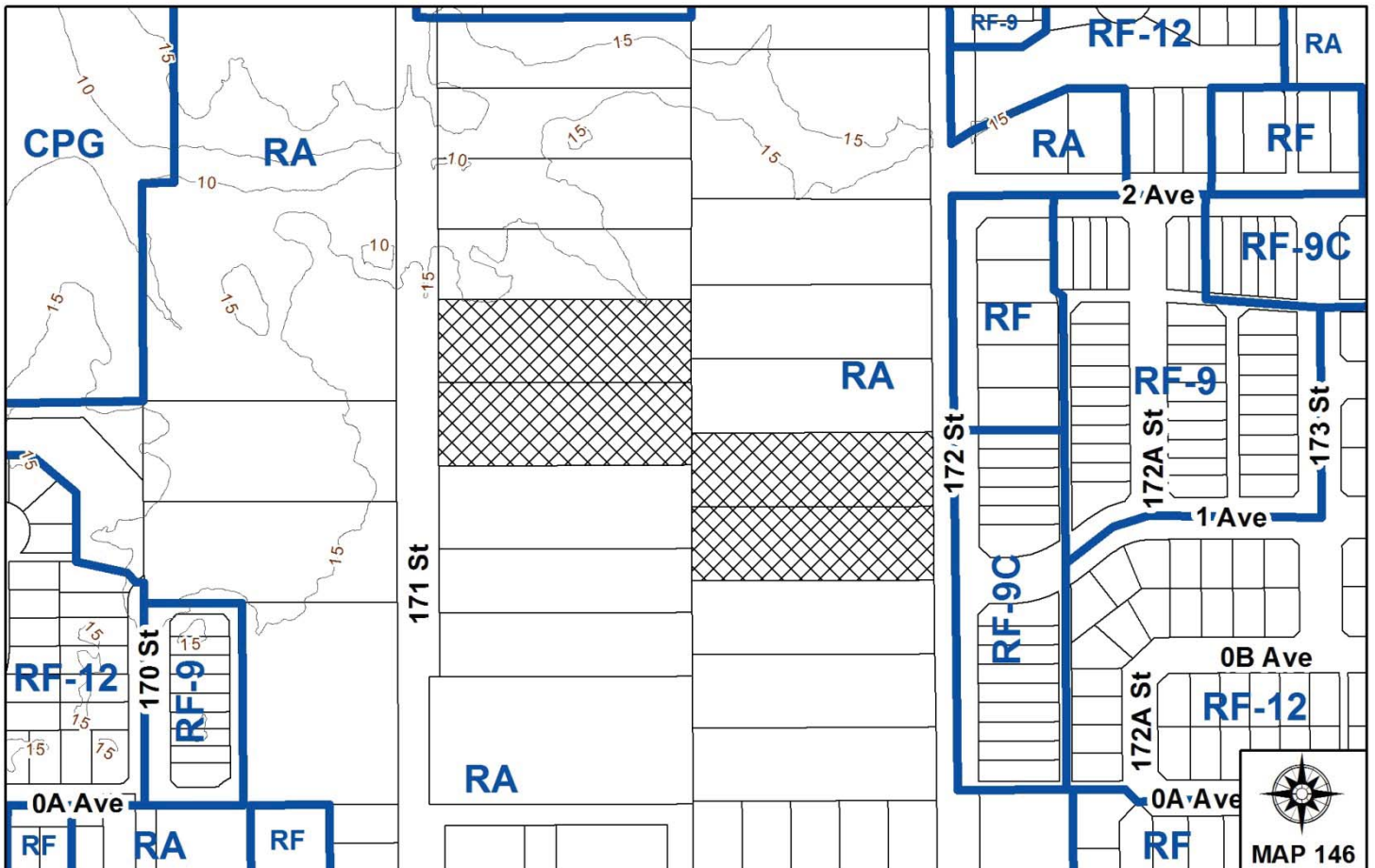
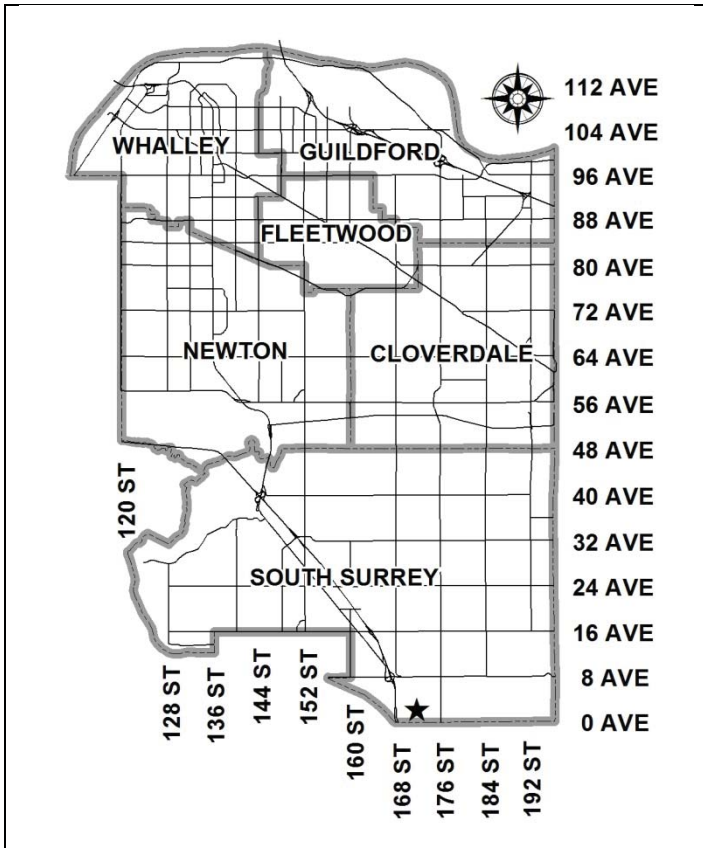
LOCATION: 138 and 156 - 171 Street
 111 and 141 - 172 Street

OWNER: Dawson & Sawyer Developments (Douglas) Ltd.

ZONING: RA

OCP DESIGNATION: Urban

NCP DESIGNATION: Townhouse (15 upa) and Small Lot Single Family (10 upa)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking variances 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.
- Upon subdivision, the applicant will convey the portion of the watercourse's Streamside Protection and Enhancement Area (SPEA) that falls on the subject site to the City for open space purposes.
- The applicant provided a Riparian Areas Regulation (RAR) assessment report and peer review for the on-site Class B watercourse.
- The application was in process, and the rezoning had received Third Reading prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Council granted Third Reading to Rezoning By-law No. 18792 on July 25, 2016.
- 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.
- Prior to approving the associated development, a variance to the new streamside regulations is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0011-01 (Appendix III) 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 feet) to 10 metres (33 feet), measured from the top of bank.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: The site consists of four one-acre parcels, each with a single family dwelling. There is a Class B watercourse that extends onto the northern portion of the site.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwellings Proposed townhouses and retail/commercial (Application No. 7915-0118-00).	Urban/Townhouse (15 upa) and Commercial/Residential	RA
East (Across 172 Street):	Single family dwellings	Urban/Single Family Flex (6-14.5 upa)	RF-9C
South:	Single family dwellings. Proposed small lot subdivision (Application No. 7916-0117-00).	Urban/Small Lot Single Family (10 upa)	RA
West (Across 171 Street):	Single family dwellings.	Urban/Townhouse (15 upa)	RA

Background and Proposal

- The subject lands are located in the Douglas Neighbourhood Concept Plan (NCP), which was approved on July 12, 1999.
- The 1.76 hectare (4.36 acre) subject site is comprised of four parcels, two of which front 171 Street (138 and 156 – 171 Street) and two of which front 172 Street (111 and 141 – 172 Street). These lots are zoned "One Acre Residential Zone (RA)", and designated as "Urban" in the Official Community Plan.

- At the July 11, 2016, Regular Council – Land Use meeting, Council considered Planning Report No. 7916-0011-00, for an amendment to the Douglas Neighbourhood Concept Plan (NCP), rezoning, Development Permit (DP) and Development Variance Permit (DVP), to permit a 93-unit townhouse development. The associated Rezoning By-law (No. 18792) which proposes to rezone the site to the Multiple Residential 30 Zone (RM-30), received Third Reading on July 25, 2016.
- 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 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 prepared by Envirowest Consulting Ltd. for the on-site Class B watercourse;
 - Submitted a Peer Review conducted by Phoenix Environmental Services Ltd., which concluded that the RAR assessment is acceptable;
 - Upon subdivision, the applicant will convey portion of the watercourse's Streamside Protection and Enhancement Area (SPEA) that falls on the subject site to the City for open space purposes; and

- The applicant will enter into 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 reduce the minimum distance (setback) from top-of-bank for a "Natural Class B Stream" in Part 7A of the Zoning By-law from 15 metres (50 ft.) to 10 metres (33 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, at no cost to the City, the portion of the watercourse's Streamside Protection and Enhancement Area (SPEA) that falls on the subject site to the City for open space purposes.

Staff Comments:

- A Class B watercourse (unnamed) is located to the north of the subject site, at 176 - 171 Street, and flows north, away from the subject site.
- Downstream of the 176 - 171 Street, the stream flows under 171 Street and flows westward to the Peace Portal Golf Course. The watercourse is extensively culverted through the golf course and no fish are present upstream of the golf course. The stream flows into the Little Campbell River approximately one kilometre downstream, at the north end of the golf course.
- The riparian canopy includes western red cedar, red alder and black cottonwood trees. Indian plum, salmonberry and non-native shrubs occur in the understory.
- 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 10 metre (33 ft.) setback from the top-of-bank 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.
- 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, dated March 29, 2016, for the on-site Class B watercourse. The RAR report supported a 10-metre (33 ft.) setback from the top-of-bank along the watercourse. As such, the proposed townhouse site is set back a minimum of 10 metres (33 ft.) from the top-of-bank of the watercourse in compliance with the RAR report;
 - The RAR report was Peer Reviewed by a Qualified Environmental Professional (QEP) and accepted by the Province (Ministry of Forests, Lands, and Natural Resource Operations);
 - A Peer Review was conducted by Phoenix Environmental Services Ltd., dated April 11, 2016, which concluded that the RAR assessment is acceptable.
 - The portion of the watercourse's Streamside Protection and Enhancement Area (SPEA) that falls on the subject site to the City for open space purposes;
 - The applicant will complete 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 Third Reading, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
- The proposed DVP is required to facilitate the proposed development.
 - Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Site Plan
- Appendix III. Development Variance Permit No. 7916-0011-01

INFORMATION AVAILABLE ON FILE

- Riparian Areas Regulation (RAR) Assessment Report prepared by Envirowest Consulting Ltd., Dated March 29, 2016.
- RAR Peer Review prepared by Phoenix Environmental Services Ltd., dated April 11, 2016.

Jean Lamontagne
General Manager
Planning and Development

TH/da

Information for City Clerk

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

1. (a) Agent: Name: Sam Hooge
 Dawson & Sawyer
 Address: 15230 - Highway 10, Unit 101
 Surrey, BC V3S 5K7

2. Properties involved in the Application

- (a) Civic Address: 156 - 171 Street
 138 - 171 Street
 111 - 172 Street
 141 - 172 Street

- (b) Civic Address: 156 - 171 Street
 Owner: Dawson & Sawyer Developments (Douglas) Ltd.
 PID: 000-833-011
 Lot 1 Section 6 Township 7 New Westminster District Plan 68184

- (c) Civic Address: 138 - 171 Street
 Owner: Dawson & Sawyer Developments (Douglas) Ltd.
 PID: 000-833-037
 Lot 2 Section 6 Township 7 New Westminster District Plan 68184

- (d) Civic Address: 111 - 172 Street
 Owner: Dawson & Sawyer Developments (Douglas) Ltd.
 PID: 011-253-878
 Lot 9 Section 6 Township 7 New Westminster District Plan 7418

- (e) Civic Address: 141 - 172 Street
 Owner: Dawson & Sawyer Developments (Douglas) Ltd.
 PID: 000-670-341
 Lot 10 Section 6 Township 7 New Westminster District Plan 7418

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7916-0011-01 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 the associated Rezoning By-law.

- (b) Application is under the jurisdiction of MOTI. **YES**

MOTI File No. 2016-03106.

DEVELOPMENT DATA SHEET

Proposed Zoning: RM-30

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	17,646.4	17,646.4
Road Widening area	513.4	513.4
Undevelopable area	169.4	169.4
Net Total	16,963.6	16,963.6
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	45%	38%
Paved & Hard Surfaced Areas		29%
Total Site Coverage		67%
SETBACKS (in metres)		
Front (west)	7.5 m	4.5 m
Front (east)	7.5 m	4.5 m
Rear (west)	7.5 m	3.0 m
Rear (east)	7.5 m	6.0 m
Side #1 (north)	7.5 m	7.0 m & 6.0 m
Side #2 (south)	7.5 m	3.0 m & 4.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal	13	10.7
Accessory	11	
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		2
Three Bedroom +		91
Total		93
FLOOR AREA: Residential		14,993
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		14,993

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		53 uph/21 upa
# of units/ha /# units/acre (net)	75 uph/30 upa	55 uph/22 upa
FAR (gross)		0.85
FAR (net)		0.88
AMENITY SPACE (area in square metres)		
Indoor	279	190
Outdoor	279	1046
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed	4	4
3-Bed	182	182
Residential Visitors	19	23
Institutional		
Total Number of Parking Spaces	205	209
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units	50%	8%
Size of Tandem Parking Spaces width/length	10' 6" x 20' 0"	10' 10" x 20' 20"

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0011-01

Issued To: DAWSON & SAWYER DEVELOPMENTS (DOUGLAS) LTD.
(the "Owner")

Address of Owner: 15240 - 56 Avenue, Unit 205
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: 000-833-011
Lot 1 Section 6 Township 7 New Westminster District Plan 68184
156 - 171 Street

Parcel Identifier: 000-833-037
Lot 2 Section 6 Township 7 New Westminster District Plan 68184
138 - 171 Street

Parcel Identifier: 011-253-878
Lot 9 Section 6 Township 7 New Westminster District Plan 7418
111 - 172 Street

Parcel Identifier: 000-670-341
Lot 10 Section 6 Township 7 New Westminster District Plan 7418
141 - 172 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 has been issued, as follows:

Parcel Identifier:

- (b) If the civic address change, the City Clerk is directed to insert the new civic address 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 distance from top of bank for a "Natural Class B Stream" is reduced from 15 metres (50 ft.) to 10 metres (33 ft.).
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.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

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REV#	DATE	BY	CHKD	APP'D

DESIGN :
 DRAWN :
 DATE :
 SCALE :
 SHEET CONTENTS :

CLIENT : DAWSON + SAMYER
 PROJECT : TOWNHOUSE DEVELOPMENT
 III - 172 ST, SURREY
 DATE : JUN 28 06
 SCALE : 1" = 40'-0"

barnett c
 CONSULTANTS
 UNIT 105, 105 ST
 SURREY, B.C.
 V3W 1H8
 PHONE: (604) 660-1111
 FAX: (604) 660-1112
 EMAIL: info@bcarnett.com
 CLIENT NO. 661
 PROJECT NO. 152668



DAWSON + SAMYER
 SINGLE FAMILY APPLICATION

TREE PRESERVATION SITE PLAN
 SCALE: 1" = 40'-0"