City of Surrey PLANNING & DEVELOPMENT REPORT File: 7916-0336-00

Planning Report Date: June 10, 2019

PROPOSAL:

• Development Permit

• Development Variance Permit

to reduce the minimum front yard setback of CD Bylaw No. 16156 and the minimum streamside setback to facilitate construction of a single family dwelling on the lot. Development Permit for Sensitive Ecosystems and Hazard Lands.

LOCATION:

10141 - Park Drive

D (De less No. (ce)

CD (By-law No. 16156, amended by By-law No. 17461)

 ZONING:
 CD (By

 ZONING:
 By-law

 E
 OCP DESIGNATION:

RM-D 124 St s st Scholo and s st 123A 124A 125A 25 126 102 Ave 102 Ave CD B/L 16156 Beaver Dr MaryDr Centre Dr B/L 17461 ŔF HelenDr Park Dr RM-D Parton T \square B/L 17260 s Centre Dr 127 MaryDr s GD A = 100A'Ave RF 16156 B/ B/L 17461 HelenDr RF Part Dr



RECOMMENDATION SUMMARY

- Approval to draft Sensitive Ecosystems (Streamside) and Hazard Lands (Steep Slopes) Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to reduce the minimum streamside setback area for a Class A Natural Stream (Robson Creek) from 15 metres (50 ft), as measured from the top-of-bank, to a minimum of 21.5 metres (70 ft) from the high water mark (equivalent to a maximum of approximately 19 metres (62 ft.) <u>below</u> top-of-bank).
- Seeking to vary CD By-law No. 16156 by reducing the front yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 100% of the width of the principal building, including the attached garage in order to accommodate a new single family dwelling on the lot.

RATIONALE OF RECOMMENDATION

- A Class A (red-coded) Natural Stream (Robson Creek) runs east-to-west through the City-owned lot (Robson Ravine Park) to the immediate south-west of the subject property. Furthermore, the subject property is encumbered by steep slopes in excess of 20% gradient.
- Adhering to the required streamside setback under the Zoning By-law would render approximately 99% of the subject property undevelopable, leaving approximately 10 square metres (107 sq.ft.) available for house construction.
- The project Qualified Environmental Consultant (QEP) submitted a detailed Riparian Areas Regulations (RAR) Assessment which recommends an RAR Streamside Protection and Enhancement Area (SPEA) setback of 15 metres (50 ft.), as measured from the high water mark of Robson Creek (equivalent to a maximum of 30 metres / 100 ft. below the established top-of-bank). The RAR Assessment was peer-reviewed by an independent, third-party QEP and audited by the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) and deemed to be acceptable.
- In order to provide for additional on-site riparian area and buffering between the proposed retaining wall and existing pedestrian pathway in the park, the project QEP has recommended an 8.5-metre (28-ft.) wide Streamside Protection Area between the proposed retaining wall and rear property line, between 21.5 to 30 metres (68 to 100 ft.) from the high water mark of Robson Creek.

- The project QEP has provided an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), which proposes the following measures:
 - The proposed 8.5-metre (28-ft) wide Streamside Protection Area will be protected through the registration of a combined Restrictive Covenant and Statutory Right-of-Way for 'No-Build' and access;
 - The proposed Streamside Protection Area will consist of a 5.5-metre (18 ft.) wide 'No-Build/No Encroachment' area and a 3-metre (10 ft.) wide 'No-Build' area directly adjacent to the proposed retaining wall to allow for ongoing maintenance access;
 - Fencing and signage will be added along the top of the retaining wall identifying the Streamside Protection Area as an environmentally sensitive area;
 - The proposed Streamside Protection Area will be improved through the removal of invasive species and the planting of native trees and shrubs. The proposed works are to be monitored and maintained by the applicant's QEP for a minimum of five (5) years; and
 - Securities will be held by the City to ensure that the recommendations of the accepted EDP and IMP are followed.
- The applicant has provided a comprehensive geotechnical report in support of the proposed variance to the streamside setback. The geotechnical report has been peer-reviewed by an independent, third-party Qualified Professional and deemed to be acceptable. The accepted geotechnical requirements and recommendations, as well as a copy of the accepted site plan and retaining wall plans, will be incorporated into both the Hazard Lands Development Permit and a Section 219 Restrictive Covenant, which will be registered against the subject property.
- At the building permit stage, a separate permit will be required for the construction of the proposed retaining wall and the Building Division will require Letters of Assurance from a Geotechnical Engineer to ensure that the re-development of the subject site complies with the recommendations of the accepted geotechnical report.

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RECOMMENDATION

The Planning & Development Department recommends that:

- Council authorize staff to draft Sensitive Ecosystems (Streamside Areas) and Hazard Lands (Steep Slopes) Development Permit No. 7916-0336-00, generally in accordance with the Environmental Report, prepared by Envirowest Consultants and dated May 8, 2019, and the Geotechnical Report, prepared by Terran Geotechnical and dated November 27, 2018, respectively.
- 2. Council approve Development Variance Permit No. 7916-0336-00 (Appendix V) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum streamside setback area for a Class A Natural Stream (Robson Creek) from 15 metres (50 ft.), as measured above top-of-bank, to a minimum of 21.5 metres (70 ft) from the high water mark (equivalent to a maximum of approximately 19 metres (62 ft.) <u>below</u> top-of-bank); and
 - (b) to reduce the minimum front yard setback of CD By-law No. 16156 from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 100% of the width of the principal building, including the attached garage.
- 3. Council instruct staff to resolve the following issues prior to approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized Ecosystem Development Plan and Impact Mitigation Plan, including a landscape plan and cost estimate, to the satisfaction of the Planning and Development Department;
 - (c) registration of a combined Restrictive Covenant and Statutory Right-of-Way over the identified Streamside Protection Area;
 - (d) registration of a Section 219 Restrictive Covenant to ensure that all on-site preparation and construction complies with the recommendations of the accepted geotechnical report;
 - (e) registration of a Section 219 Restrictive Covenant for the proposed pumped storm connection and to inform current and future Owners of their obligations to monitor and maintain the side yard storm connection to the existing storm main; and
 - (f) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect.

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<u>REFERRALS</u>	
Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.
Parks, Recreation & Culture:	Parks supports the proposed reduction to the minimum streamside setback area, provided that the resultant Streamside Protection Area is enhanced and protected through the registration of a combined Statutory Right-of-Way/Restrictive Covenant and installation of permanent protection fencing.

SITE CHARACTERISTICS

Existing Land Use: Vacant residential lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North-east (Across Park Drive):	Single family dwelling.	Urban	CD (By-law No. 16156)
East :	Single family dwelling.	Urban	CD (By-law No. 16156)
South-west:	City-owned natural area (Robson Ravine Park).	Urban	RF
North-West (Across right-of- way):	Single family dwelling.	Urban	CD (By-law No. 16156)

DEVELOPMENT CONSIDERATIONS

Background and Current Proposal

- The 672-square metre (7,240-sq.ft.) subject property is located at 10141 Park Drive in the St. Helen's Park neighbourhood of Whalley. The subject property is designated "Urban" in the Official Community Plan (OCP) and is currently zoned "Comprehensive Development Zone (CD)" (By-law No. 16156).
- No buildings or structures have been constructed on the subject property since the time of its creation in 1955 under Plan of Subdivision No. 16043.

- The subject property, together with 415 additional lots in the St. Helen's Park neighbourhood, was downzoned from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" (By-law No. 16156) in December 2006, in response to a request for zoning changes from the South Westminster Ratepayer's Association in order to retain the existing character of the neighbourhood (Corporate Report No. Loo9; 2006).
- A Class A (red-coded) Natural Stream (Robson Creek) runs east-to-west through the City-owned lot (Robson Ravine Park) to the immediate south-west of the subject property. Furthermore, the subject property is encumbered by steep slopes in excess of 20% gradient as Robson Creek is located within a ravine with steep slopes between 35% to 75% gradient.
- Adhering to the required streamside setback under the Zoning By-law would render approximately 99% of the property undevelopable, leaving only approximately 10 square metres (107 sq.ft.) available for house construction.
- The applicant proposes variances to the front yard building setback and streamside setback in order to construct a new single family dwelling, of approximately 297 square metres (3,200 sq.ft.) in size, as well as a retaining wall approximately 8.5 metres (27 ft.) from the rear property line in order to provide for a modest area of relatively flat rear yard.

Hazard Lands (Steep Slopes) Development Permit

- The subject property is within a Hazard Lands Development Permit Area for Steep Slopes, due to the presence of slopes in excess of 20% gradient.
- The applicant has provided a comprehensive geotechnical report, prepared by Terran Geotechnical Consultants Limited, which provides recommendations on site preparation, structural fill, seismic design of foundations, site drainage as well as a slope stability assessment. The report recommends a 2.0-metre (6.5-ft.) habitable building setback, as measured from top-of-slope, which roughly corresponds to the 66-metre geodetic contour (see Appendix I).
- In addition, the project Qualified Professional provided structural and lot grading/drainage plans for the proposed rear yard lock-block retaining wall. The proposed retaining wall has a length of approximately 15 metres (50 ft.), a maximum depth of 7.5 metres (25 ft.) and a variable height of between 2.5 to 4.3 metres (8 to 14 ft.)(see Appendix I). Both a gravity and pumped stormwater connection to the existing stormwater main to the north of the subject property is proposed, and a Section 219 Restrictive Covenant required to indicate that monitoring and maintenance of these connections is entirely the responsibility of the property owner.
- Provided that the recommendations detailed in the accepted geotechnical report are adhered to, the project Geotechnical Engineer has indicated that the site is considered safe for the intended use. The geotechnical report also confirms that the proposed engineered retaining wall can be constructed within the 2.0-metre (6.5-ft.) habitable building setback.
- The geotechnical report was peer reviewed by an independent, third-party Qualified Professional who deemed the report generally acceptable, subject to clarification of erosional issues and minor revisions. A revised comprehensive geotechnical report, dated November 27, 2018, was subsequently submitted and deemed acceptable by the peer reviewer.

- As a condition of issuance for the subject Development Variance Permit, the applicant will be required to register a Section 219 Restrictive Covenant against the property to ensure that the subsequent development of the property occurs in accordance with the recommendations and locational requirements of the accepted geotechnical report.
- A stand-alone Building Permit will be required for both the proposed single family dwelling as well as the proposed retaining wall.

Sensitive Ecosystems (Streamside Areas) Development Permit

- Robson Creek, a Class A (red-coded) Natural Stream runs east-west within the City-owned lot (Robson Ravine Park) to the immediate south-west of the subject property.
- In accordance with Table B.2 of Part 7A Streamside Protection of the Surrey Zoning By-law, for single family lots that existed prior to September 12, 2016, the minimum required streamside setback area of a Class A Natural Stream is 15 metres (50 ft.), as measured from top-of-bank.
- The applicant has provided an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), prepared by Envirowest Consultants Limited and dated May 8, 2019, as well as a detailed Riparian Areas Regulation (RAR) Assessment in support of the proposed development.
- The RAR Assessment report recommends a Streamside Protection and Enhancement Area (SPEA) setback of 15 metres (50 ft.), as measured from the high water mark of Robson Creek (equivalent to a maximum of 30 metres / 100 ft. below the established top-of-bank). The RAR Assessment was peer-reviewed by an independent, third-party QEP and audited by the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) and deemed to be acceptable.
- In order to provide for additional on-site riparian area and buffering between the proposed retaining wall and existing pedestrian pathway, the project QEP has recommended an 8.5-metre (28-ft.) wide Streamside Protection Area between the proposed retaining wall and rear property line, between 21.5 to 30 metres (68 to 100 ft.) from the high water mark of Robson Creek.
- A variance is required to reduce the minimum streamside setback area from 15 metres (15 ft.), as measured from the top-of-bank, to a minimum of 21.5 metres (70 ft) from the high water mark (equivalent to a maximum of approximately 19 metres (62 ft.) <u>below</u> top-of-bank).

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TREES

• Ian MacLachlan, ISA Certified Arborist of Diamond Head Consulting Ltd., prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Tree Species	Exis	ting	Remove	Retain	
Alder and Cottonwood Trees					
Alder	6	5	6	0	
Cottonwood	(*)	3	3	0	
Deciduous Trees (excluding Alder and Cottonwood Trees)					
Maple	1	2	11	0	
Coniferous Trees					
Douglas Fir	2	2	2	0	
Western Red Cedar	5		5	0	
Total (excluding Alder and Cottonwood Trees)	19		19	0	
Total Replacement Trees Prop (excluding Boulevard Street Trees		0			
Total Retained and Replaceme Trees	0				
Contribution to the Green City	\$18,800.00				

Table 1: Summary of Tree Preservation by Tree Species:

- The Arborist Assessment states that there is a total of nineteen (19) protected trees on the site, excluding Alder and Cottonwood trees. Nine (9) existing trees, approximately 32% of the total trees on the site, are Alder and Cottonwood trees.
- The Arborist Assessment found that the majority of on-site trees had poor health and structure ratings on account of previous partial failures, structural defects, poor growth form or species characteristics. It was determined that no trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- As the three (3) on-site trees within the proposed Streamside Protection Area (identified as Tree Nos. 375, 376 and 377 on Appendix III) were found to be in poor condition by the project Arborist and of moderate risk to pedestrians on the adjacent Parks trail, all three have been proposed for removal.

- For those trees that cannot be retained, the applicant will be required to plant trees on a 1 to 1 replacement ratio for Alder and Cottonwood trees, and a 2 to 1 replacement ratio for all other trees. This will require a total of forty-seven (47) replacement trees on the site. Since no replacement trees are proposed for the site, the deficit of 47 replacement trees will require a cash-in-lieu payment of \$18,800, representing \$400 per tree, to the Green City Fund, in accordance with the City's Tree Protection By-law.
- In summary, no trees are proposed to be retained or replaced on the site with a contribution of \$18,800 to the Green City Fund.
- New trees planted within the proposed Streamside Protection Area will consist of native species, such as Broadleaf Maple and Western Red Cedar.

BY-LAW VARIANCES AND JUSTIFICATION

- (a) Requested Variance:
 - To reduce the minimum streamside setback area for a Class A Natural Stream (Robson Creek) from 15 metres (50 ft), as measured from the top-of-bank, to a minimum of 21.5 metres (70 ft) from the high water mark (equivalent to a maximum of 19 metres (62 ft.) below top-of-bank); and
 - To reduce the minimum front yard setback of CD By-law No. 16156 from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 100% of the width of the principal building, including the attached garage.

Applicant's Reasons:

• Adhering to the required streaming setbacks under the Zoning By-law would render approximately 99% of the property undevelopable, leaving only approximately 10 square metres (107 sq.ft.) available for house construction.

Staff Comments:

- The applicant has provided a Geotechnical Report, an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), as well as a Riparian Areas Regulation (RAR) Assessment in support of the proposed variance to the streamside setback.
- The accepted EDP and IMP proposes the following measures:
 - The proposed 8.5-metre (28-ft) wide Streamside Protection Area will be protected through the registration of a combined Restrictive Covenant and Statutory Right-of-Way for 'No-Build' and conveyance access. Encroachment within the 3 metres (10 ft.) adjacent to the proposed retaining wall will be permitted for maintenance, with the understanding that this may require shrub removal and replacement over time;

- Although the proposed retaining wall will restrict access to the proposed Streamside Protection Area, fencing and signage will be added along the top of the retaining wall identifying it as an environmentally sensitive area;
- The proposed Streamside Protection Area will be improved through the removal of invasive species and the planting of native trees and shrubs. The proposed works are to be monitored and maintained by the applicant's QEP for a minimum of five (5) years; and
- Securities, equal to 100% of the total landscaping costs, will be held by the City to ensure that the recommendations of the accepted EDP and IMP are followed. The project QEP will be required to submit yearly monitoring reports with security release tied to the successful installation, inspection and establishment of the enhancement planting in a "free-growing" state.
- The EDP and IMP were reviewed by staff and deemed to be acceptable. Protection of the Streamside Protection Area, through the registration of a combined Restrictive Covenant and Statutory Right-of-Way and permanent fencing conforms to the minimum acceptable safeguarding requirements of the Sensitive Ecosystem Development Permit Area guidelines.
- The accepted Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP) will form part of the subject Development Permit to ensure compliance with the accepted recommendations of the project Qualified Environmental Professional (QEP).
- The proposed front yard variance will allow for an additional portion of the proposed building footprint to be located within the north-east portion of the subject property, which consists of a relatively flat area between the established top-of-bank and the Park Drive road right-of-way.
- Off-street parking will not be affected by the proposed reduction to the minimum front yard setback. Following construction of the proposed single family dwelling, the subject property will be able to accommodate a minimum of four (4) off-street parking spaces, two (2) in the garage and two (2) in the driveway, which exceeds the minimum requirements of the Zoning By-law.
- Staff support the proposed variances to proceed to Public Notification.

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INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Site Plans and Elevations (Geotechnical and Environmental)
Appendix II.	Engineering Summary
Appendix III.	Summary of Tree Survey and Tree Preservation
Appendix IV.	Neighbourhood Context Photo (COSMOS, April 2018 Aerial)
Appendix V.	Development Variance Permit No. 7916-0336-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study, prepared by Terran Geotechnical Consultants Limited and dated November 27, 2018.
- Environmental Report, prepared by Envirowest Consultants Limited and dated May 8, 2019.

original signed by Ron Gill

Jean Lamontagne General Manager Planning and Development

APPENDIX I









1019-05-09 - 9:52am



INTER-OFFICE MEMO

TO:	Manager, Area Planning & Development - North Surrey Division Planning and Development Department				
FROM:	Development Engineer, Engineering Department				
DATE:	May 10, 2019	PROJECT FILE:	7816-0336-00		
RE:	Engineering Requirements				

Location: 10141 Park (124A St) Drive

DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

The applicant is proposing to construct a new singly family dwelling on the subject property. The Development Permit for Sensitive Ecosystems (Streamside) and for Hazard Lands (Steep Slopes) will be required for the new dwelling. The applicant is also proposing a Development Variance Permit to reduce the minimum front yard setback from 7.5m to 6.0m and to reduce the minimum streamside setback for a Class A Natural Stream (Robson Creek) from 15.0m to a maximum of approximately 14.0m below top of the bank.

The following issues are to be addressed as a condition of issuance of the Development Permit and the Development Variance Permit:

- Register restrictive covenant for storm pumped connection and for the maintenance of storm connection from the property line all the way to the storm main.
- Register combined statutory rights-of-way/restrictive covenant for the identified streamside protection area.

BUILDING PERMIT

The following issues are to be addressed as a condition of issuance of the Building Permit:

• Provide lot with new metered water, storm and sanitary service connections.

A Servicing Agreement is not required for the proposed Development Permit and Development Variance Permit. A processing fee of \$1,627.50 is needed to administer the legal documentation requirements. The new service connections can be constructed subject to issuance of a City Road and Right-of-way Permit (CRRP) obtainable at the Engineering front counter upon payment of securities and permit fees.

Tommy Buchmann, P.Eng. Development Services Manager

HB₄

4.0 Tree Preservation Summary

Table 2: City of Surrey tree preservation summary table for on-site and off-site trees, including the number of replacement trees proposed.

Surrey Project Numb	er					
Site Address		10141 P	ark Driv	/e, Surr	ey, BC	
Registered Arborist		lan Mac	Lachlan) (PN-86	543A)	
		(On-Site	Trees		Number of Trees
Protected Trees Ider	tified					28
(On-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)						
Protected Trees to b	e Remo	ved				28
Protected Trees to be Retained			0			
(excluding trees with	in prop	osed open s	pace or	riparia	n areas)	
Total Replacement T	rees Re	quired:				
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio						
9	х	one (1)	=	9		47
- All other Trees Requiring 2 to 1 Replacement Ratio						
19	х	two (2)	=	38		
Replacement Trees Proposed			твс			
Replacement Trees in Deficit			твс			
Protected Trees to be Retained in Proposed Open Space / Riparian Areas			NA			

Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	0
Total Replacement Trees Required:	
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio	
0 X one (1) = 0	0
- All other Trees Requiring 2 to 1 Replacement Ratio	
0 X two (2) = 0	
Replacement Trees Proposed	NA
Replacement Trees in Deficit	NA

Summary, report and plan prepared and submitted by

Zan Maelarkia.

Signature of Arborist

January 29th, 2019

Date





CITY OF SURREY

APPENDIX V

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0336-00

Issued To:

(the "Owner")

Address of 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: 010-167-366

Lot 14 Block "H" Section 29 Block 5 North Range 2 West New Westminster District Plan 16043

10141 - Park Drive

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Table B.2 of Part 7A "Streamside Protection", the minimum streamside setback area for a "Natural Class A Stream" is reduced from 15 metres (50 ft.), as measured from the top-of-bank, to a minimum of 21.5 metres (70 ft) from the high water mark (equivalent to a maximum of 19 metres (62 ft.) <u>below</u> top-of-bank).
- 4. Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2006, No. 16156, as amended, is varied as follows:
 - (a) In Section F Yards and Setbacks, the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 100% of the width of the principal building, including the attached garage.

- 5. This development variance permit applies to only the <u>portion of the Land</u> and <u>that portion</u> <u>of the buildings and structures on the Land</u> 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 if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two
 (2) 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 – Doug McCallum

City Clerk – Jennifer Ficocelli

SCHEDULE A

