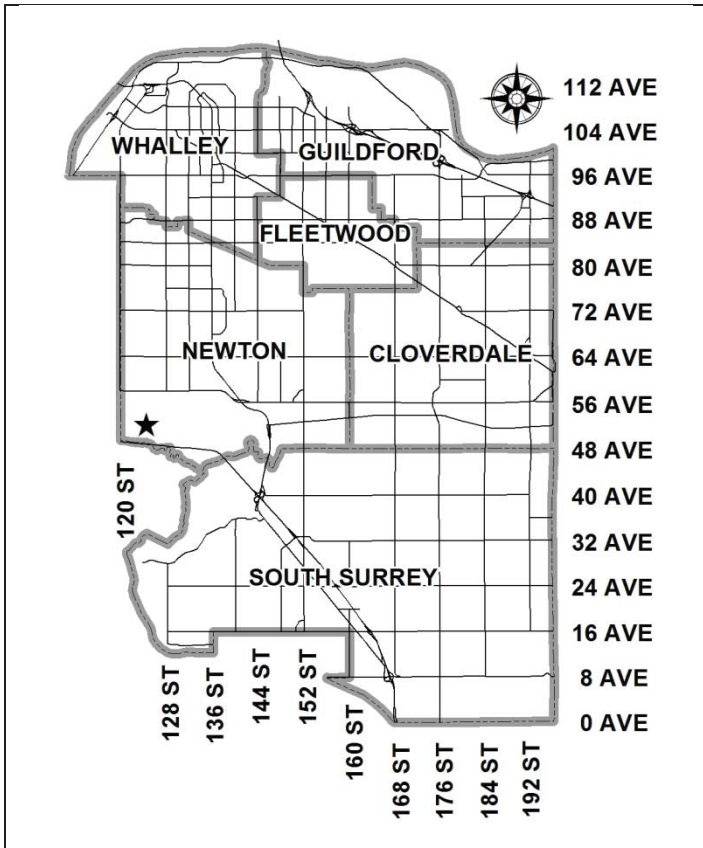


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0337-00

Planning Report Date: December 5, 2016



PROPOSAL:

- Development Permit
- Development Variance Permit

to reduce the front yard (north) setback to facilitate construction of a single family dwelling.

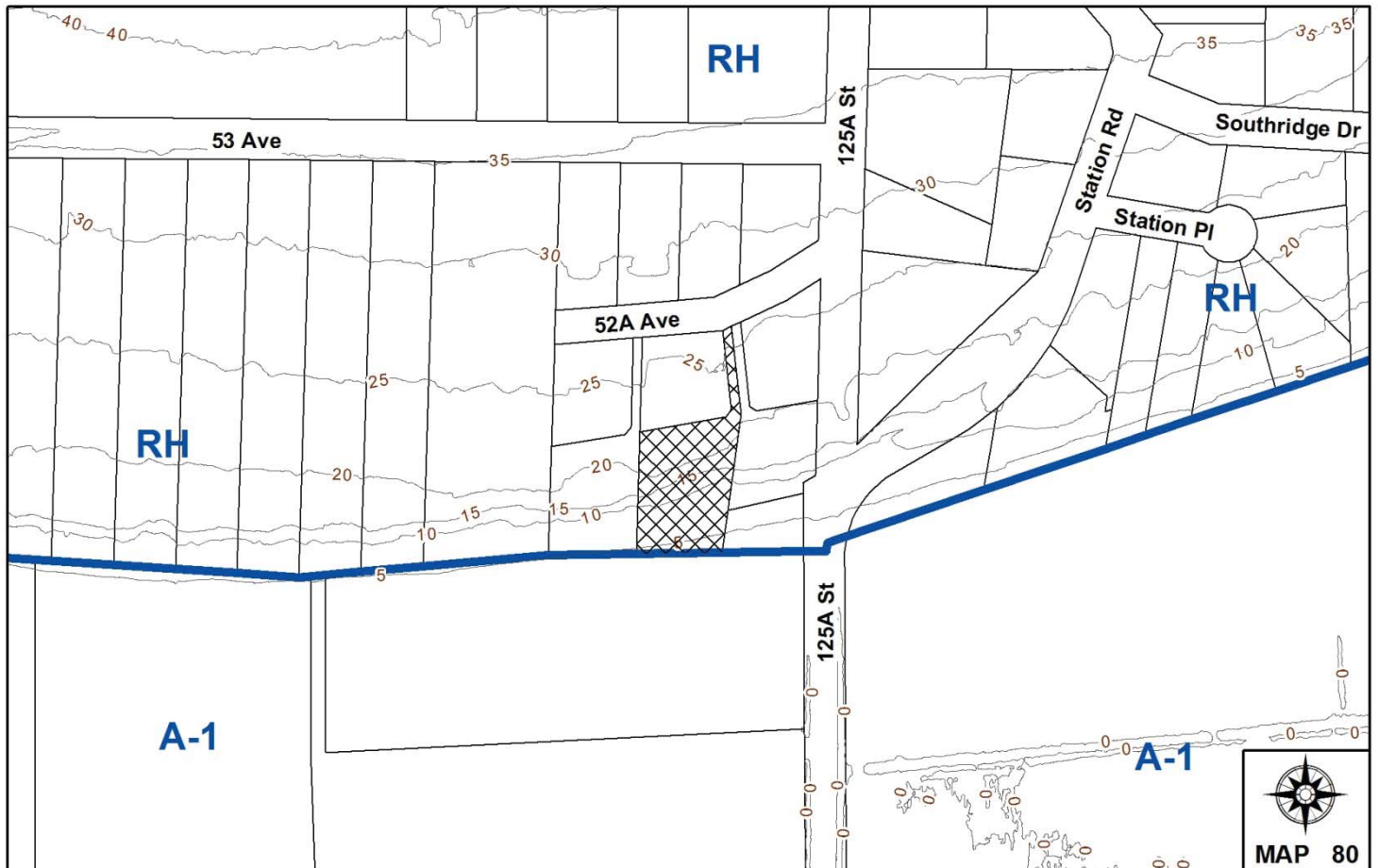
LOCATION: 12528 - 52A Avenue

OWNER: Shamsher Mann
 Parminder Mann

ZONING: RH

OCP DESIGNATION: Suburban

LAP DESIGNATION: Suburban Residential (1/2 Acre)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the minimum front yard (north) setback from 7.5 metres (25 ft.) to 6 metres (19.5 ft.).

RATIONALE OF RECOMMENDATION

- The subject property is located within a Hazard Lands Development Permit (DP) area due to steep slopes on the southern portion of the site.
- A geotechnical review of the site was conducted, resulting in a requirement for a 4.5 metre (15 ft.) building setback from the top of slope and a no disturbance area from the top of slope to a line 2 metres (6.5 ft.) from the top of slope.
- The geotechnical setback requirements greatly constrain the developable area of the site and therefore the reduced front yard setback is required to accommodate the proposed house on the site.
- The applicant has agreed to provide a landscape buffer along the north boundary of the site to help protect the privacy of the owner of the adjacent lands to the north.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7916-0337-00 (Appendix II), to reduce the minimum front yard (north) setback of the RH Zone from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.), to proceed to Public Notification.
2. Council authorize staff to draft Development Permit No. 7916-0337-00 for Hazard Lands and Farming Protection.
3. Council instruct staff to resolve the following issues prior to Development Permit issuance:
 - (a) approval and issuance of Development Variance Permit No. 7916-0337-00 for reduced setbacks;
 - (b) registration of a Section 219 Restrictive Covenant that requires the Owner to develop the site in accordance with the Geotechnical Site Assessment;
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
 - (d) submission of a landscape buffer plan for the installation of privacy fencing and hedging along the north boundary of the property, to the satisfaction of the Planning and Development Department.

REFERRALS

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

Parks, Recreation & Culture: Parks, Recreation & Culture has no objection to the project.

Agricultural and Food Security Advisory Committee (AFSAC): At their November 3, 2016 meeting, AFSAC recommended that Development Application No. 7916-0337-00 be supported.

SITE CHARACTERISTICS

Existing Land Use: Vacant Single Family Residential Lot

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 52A Avenue):	Single Family Dwellings	Suburban/Suburban Residential (1/2 Acre)	RH

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East:	Single Family Dwelling	Suburban/Suburban Residential (1/2 Acre)	RH
South:	Single Family Dwelling	Agricultural (OCP)	A-1
West:	Single Family Dwelling	Suburban/Suburban Residential (1/2 Acre)	RH

DEVELOPMENT CONSIDERATIONS

Background and Context

- The subject property, located at 12528 – 52A Avenue, is designated "Suburban" in the Official Community Plan, is designated "Suburban Residential (1/2 Acre)" in the West Panorama Ridge Local Area Plan, and is zoned "Half-Acre Residential Zone (RH)".
- The subject property is a panhandle lot. The northern third of the property is flat, with the lot then sloping steeply towards the south and then leveling off again. The slope is densely vegetated.
- There is a variable 19 to 28 metre (62 to 92 ft.) wide Greater Vancouver Sewerage and Drainage District (GVS & DD) right-of-way occupying the southern portion of the site at the foot of the steep slope.
- The subject site is located outside the Agricultural Land Reserve (ALR) and is bounded by A-1 zoned, ALR lands to the south.
- The property has a Green Infrastructure Network (GIN) corridor running through the southern portion of the site.

Proposal

- The applicant is proposing to construct a single family dwelling on the subject site.
- The applicant is proposing to reduce the minimum front yard setback from 7.5 metres (25 ft.) to 6 metres (19.5 ft.) in order to site the house in accordance with the required geotechnical setback at the rear of the house.
- A Development Permit is also required for Hazard Lands and Farm Protection.

Hazard Land Development Permit (Steep Slope)

- A Development Permit (DP) for Hazard Lands is required under the OCP due to the steepness of the southern portion of the site. In order to address this requirement, the applicant has submitted a geotechnical report.

- The geotechnical report, prepared by Able Geotechnical Ltd. and dated November 8, 2016 states that the site is considered safe for the proposed development provided that the recommendations in the report are adhered to.
- The geotechnical report recommends a minimum 4.5 metre (15 ft.) building setback from the top of slope and a no disturbance area measured from a line 2 metres (6.5 ft.) above the top of slope, southwards to encompass the entire slope.
- Additionally, the geotechnical report states that for the future stability of the slope, the slope should not be steepened and no material should be stockpiled in the no disturbance area. The slope vegetation should be maintained, however, if it is to be replaced, a Landscape Architect should be consulted and it should only be done during the summer.
- The geotechnical report was peer reviewed by Braun Geotechnical Ltd. and found to be acceptable.
- The applicant will be required to register a Section 219 Restrictive Covenant on the land that requires the Owner to develop the property in accordance with the recommendations contained in the Geotechnical Assessment Report.
- At the Building Permit stage, the Building Division will require Letters of Assurance from a Geotechnical Engineer to ensure that building plans comply with the recommendations in the approved geotechnical report.

Farming Protection Development Permit

- The site is also subject to a Development Permit (DP) for Farming Protection due to its proximity to the ALR boundary. The DP guidelines in the OCP prescribe a minimum building setback of 30 metres (100 ft.) from the ALR boundary.
- Due to the geotechnical setback requirements for the steep slope and the GVS & DD right-of-way on the southern portion of the property, the only viable location for siting the house is on the flat northern most portion of the site. The proposed house is to be setback 42.2 metres (138.5 feet) from the ALR boundary, exceeding the required setback.
- The OCP also prescribes a minimum 15 metre (50 ft.) vegetated buffer between the proposed development and the ALR boundary. The proposed house will be buffered from the ALR boundary by an existing 25 metre (82 ft.) wide vegetated steep slope, an informal road utilized by the GVS & DD within the right-of-way, and a second 13 metre (43 ft.) wide vegetated buffer along the southern property line.
- At their November 3, 2016 meeting, the Agricultural and Food Security Advisory Committee recommended that Development Application No. 7916-0337-00 be supported as proposed.

Sensitive Ecosystem Development Permit

- On September 12, 2016, Council adopted amendments to the OCP to create a new Sensitive Ecosystem Development Permit Area (DPA).

- 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 as the proposed development does not impact the objectives outlined in the OCP for protecting sensitive ecosystems.
- A combination of factors prevent the applicant from undertaking any works within the Sensitive Ecosystem DPA: the Green Infrastructure Network (GIN) corridor is within the GVS & DD right-of-way; the geotechnical setback requirement prevents works being undertaken inside the no disturbance area; and the geotechnical report directs that the slope vegetation is to be maintained to ensure the future stability of the slope.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard (north) setback of the RH Zone from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.).

Applicant's Reasons:

- The reduced front yard setback is required in order to site the house in accordance with the required 4.5 metre (15 ft.) geotechnical setback at the rear of the house from the top of slope.

Staff Comments:

- Due to a number of constraining factors on this site (GVS & DD right-of-way, steep slope, buffers for Farming Protection) the house is proposed to be located in the only viable location on the site.
- The proposed reduced front yard setback is reasonable given the requirement for the 4.5 metre (15 ft.) geotechnical setback at the rear of the house.
- The applicant has agreed to provide a landscape buffer consisting of fencing and hedging along the north boundary of the site to help protect the privacy of the owner of the lands to the north.
- Staff support the requested variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No.7916-0337-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by Abel Geotechnical Ltd. Dated November 8, 2016

Original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

Information for City Clerk

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

1. (a) Agent: Name: Shamsher Mann

 Address: 14788 – 78 Avenue
 Surrey, BC V3S 8Z4

2. Properties involved in the Application
 - (a) Civic Address: 12528 – 52A Avenue

 - (b) Civic Address: 12528 – 52A Avenue
 Owner: Parminder K. Mann
 Shamsher B. Mann
 PID: 017-847-681
 Lot 4 District Lot 51A Group 2 New Westminster District Plan LMP5371

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0337-00 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 once all outstanding conditions are satisfied.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0337-00

Issued To: SHAMSHER MANN
PARMINDER MANN

(the "Owner")

Address of Owner: 14788 – 78 Avenue
Surrey, BC V3S 8Z4

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: 017-847-681

Lot 4 District Lot 51A Group 2 New Westminster District Plan LMP5371

12528 – 52A Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 14 "Half-Acre Residential Zone (RH)" the minimum front yard (north) setback for a principal building is reduced from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.)
4. This development variance permit applies to only that portion of the buildings and structures on 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 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.

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

Proposed Front Yard Setback: 6.0 metres (19.5 ft.)

