

# City of Surrey PLANNING & DEVELOPMENT REPORT File: 7916-0607-00

Planning Report Date: December 5, 2016

#### PROPOSAL:

• Development Permit

• Development Variance Permit

to vary the minimum required streamside protection setback to allow for the construction of a new single family dwelling on the lot.

LOCATION: 8919 - 192 Street

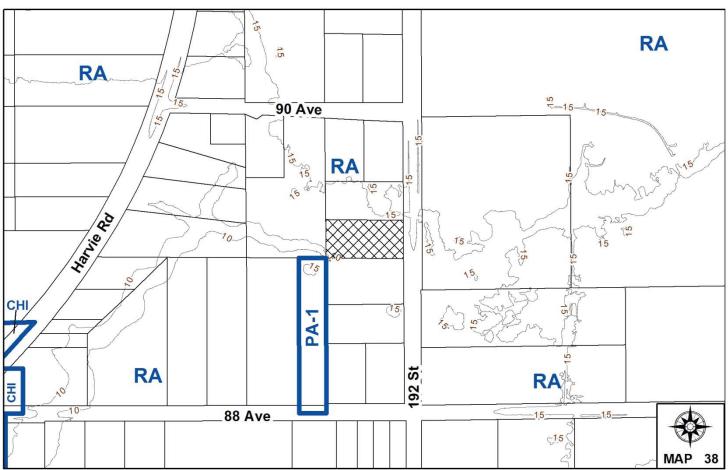
OWNERS: Jagdip S Mann et. al.

**ZONING:** RA

OCP DESIGNATION: Suburban-Urban Reserve

GLUP Suburban Residential and 30m DESIGNATION: Creek Buffer (South Port Kells

General Land Use Plan)



#### RECOMMENDATION SUMMARY

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

#### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• The applicant is seeking to reduce the streamside setback area for a 'Natural Class A (red-coded) Stream', as measured from the top-of-bank, from 15 metres (50 ft.) to 5 metres (16 ft.).

#### RATIONALE OF RECOMMENDATION

- Bartesko Creek, a 'Natural Class A (red-coded) Stream' runs east-west through the southern and southwestern portion of the lot.
- Under the associated building permit application, the applicant submitted a Riparian Area Regulation (RAR) assessment report regarding the on-site Class A watercourse (Bartesko Brook) and requested a relaxation of the 15-metre (50-ft.) riparian area setback in order to allow for the construction of a new single family dwelling on the lot. The proposal was previously reviewed by City staff and the Province via an independent audit, and the proposed relaxation to the minimum 15-metre (50 ft.) riparian area setback was supported.
- The proposed riparian encroachment area is approximately 1,123 square metres (12,087 sq.ft.), much of which consists of existing, disturbed lawn and grass areas. The applicant is proposing approximately 1,756 square metres (18,901 sq.ft.) of land for the Riparian Protection Area, which generally encompasses high-value riparian and stream habitats. The proposed protection area will be protected via the registration of a combination Restrictive Covenant/Right-of-way against the property to ensure safeguarding and maintenance of the protection area in perpetuity.
- The applicant has demonstrated via an Impact Mitigation Plan (IMP) prepared by EnviroWest Consultants Inc., and dated November 25, 2016, that the proposed setback reduction will not produce any significant negative impact on the adjacent protection area.
- The applicant has demonstrated via a comprehensive geotechnical report prepared by Tony Yam Engineering Ltd., and dated November 14, 2016 that the proposed setback reduction will not pose any significant issues in regards to slope stability on the subject property.
- On September 12, 2016, Council granted Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law.
- The building permit application was in process prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.

# **RECOMMENDATION**

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7916-0607-00 for Hazard Land and Sensitive Ecosystems.

- 2. Council approve Development Variance Permit No. 7916-0607-00 (Appendix V) to reduce the minimum setback distance from the top-of-bank of a "Natural Class A Stream", in Part 7A of Zoning By-law No.12000 from 15 metres (50 ft.) to 5 metres (16 ft.), to proceed to Public Notification.
- 3. Council instruct staff to resolve the following issues prior to approval:
  - (a) registration of a Section 219 Restrictive Covenant to ensure the constructed dwelling complies with both the approved site plan and recommendations of the comprehensive geotechnical report; and
  - (b) registration of a combined Restrictive Covenant/Right-of-Way over the designated riparian area to ensure safeguarding and maintenance of the environmental features.

#### **REFERRALS**

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

provided a satisfactory geotechnical report is submitted addressing

slope stability concerns and a combined Restrictive

Covenant/Right-of-way is registered over the protected area, prior

to issuance of the Development Variance Permit (DVP).

#### **SITE CHARACTERISTICS**

<u>Existing Land Use:</u> Existing one-storey house, which is to be removed. Bartesko Brook

flows adjacent to the southern property line and through the

southwest portion of the site.

#### **Adjacent Area:**

Direction	Existing Use	OCP Designation	<b>Existing Zone</b>
North:	Single family dwelling	Suburban-Urban Reserve in the OCP	RA
East (Across 192 Street):	Art's Nursery (plant and tree nursery) in the ALR	Agricultural in the OCP	RA
South (Across Bartesko Brook):	Single family dwelling	Suburban-Urban Reserve in the OCP	RA
West:	Single family dwelling	Suburban-Urban Reserve in the OCP	RA

#### **DEVELOPMENT CONSIDERATIONS**

# **Background and Context**

- The 0.5116-hectare (1.26-acre) subject lot is located at 8918 192 Street in South Port Kells. The subject property is approximately 50 metres (164 ft.) in width and 102 metres (335 ft.) in depth.
- The subject site is designated Suburban-Urban Reserve in the Official Community Plan (OCP) and is zoned "One-Acre Residential Zone (RA)".
- The subject site is encumbered by a Class 'A' (red-coded) watercourse (Bartesko Brook) along the southern property line as well as southwest portions of the lot. The subject site is encumbered by steep slopes along the southern portion adjacent to the watercourse and located within a Hazard Land Development Permit Area (DPA) for steep slopes.
- The applicant applied for a building permit to construct a new two-storey, slab-on-grade house on the lot and as part of the building permit submission package submitted a detailed Riparian Area Regulation (RAR) assessment report. The RAR assessment report was subsequently reviewed by City staff and found to be generally acceptable prior to review by the Ministry of Forests, Lands and Natural Resource Operations which found the report met the assessment and reporting criteria for the Riparian Areas Regulation.
- The building permit has not yet been issued and the streamside setback regulations as well as the requirements of the Sensitive Ecosystem Development Permit (DP) area now apply.

### Streamside Protection

• In July 2014, Council endorsed the Biodiversity Conservation Strategy (BCS). The BCS included implementation measures to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. The document identifies the use of a Development Permit Area (DPA) as an effective means to protect Surrey's natural environmental assets.

- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and Zoning By-law No. 12000 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.
- Section B.2 of Part 7A Streamside Protection of the Zoning By-law states that for lots that existed prior to September 12, 2016, where zoning allows for single family dwelling and duplex uses, the minimum required setback from the top of bank of a Class 'A' (red-coded) watercourse is 15 metres (50 ft.). Bartesko Brook, which runs along the southern perimeter of the subject site, is a Class 'A' (red-coded) watercourse.
- During the drafting of the Streamside Protection Measures, staff were aware that its implementation would result in 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.
- The applicant is seeking a variance to reduce the minimum required streamside setback from 15 metres (50 ft.) to 5 metres (16 ft.), as measured from top-of-bank.
- As the subject site is located within the newly-established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit for Streamside Areas and an accompanying Ecosystem Development Plan and Impact Mitigation Plan are required.
- An Ecosystem Development Plan and Impact Mitigation Plan dated November 25, 2016 was prepared by Ian Whyte of EnviroWest Consultants Inc. and found to be generally acceptable by staff.

# Hazard Land Development Permit (Steep Slopes)

- The site is subject to a Hazard Lands Development Permit for Steep Slopes due to the presence of steep slopes along the southern and southwestern portions of the subject property adjacent to Bartesko Brook. In order to address this requirement the applicant has submitted a geotechnical report and an arborist report.
- The overall southwest to northeast elevation differential is approximately 4 metres (13 ft.) across the entire width of the property.

• The geotechnical report, prepared by Tony Yam Engineering Limited on October 30, 2016 makes recommendations on site preparation, structural fill, building foundation, seismic design of foundations, floor slab-on-grade and drainage for both the proposed house and access driveway. Upon review, staff asked that a revised geotechnical report comment upon building setback as well as undertake a slope analysis with regards to both potential loading at top-of-slope and erosion along the toe of the slope adjacent to Bartesko Brook.

- A revised geotechnical report was received on November 14, 2016 and has been found to be generally acceptable by staff.
- The locational requirements, geotechnical study and recommendations and site plan will be
  incorporated into the Hazard Lands Development Permit (DP), and also registered on title
  through a restrictive covenant. Issuance of the DP is required prior to issuance of the Building
  Permit. At Building Permit stage, the Building Division will require Letters of Assurance from
  the geotechnical engineer to ensure the building plans comply with the recommendations
  made in the approved geotechnical report.

#### Trees

Norman Hol, ISA Certified Arborist of Arbortech Consulting, prepared an Arborist
Assessment for the subject property. The table below provides a summary of the tree
retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

able 1: Summary of Tree Preservation by Tree Species:				
Tree Species	Exis	ting	Remove	Retain
Alder and Cottonwood Trees				
Alder	6		0	6
Deciduous Trees (excluding Alder and Cottonwood Trees)				
Lombardy Poplar		<b>l</b>	4	0
Bitter Cherry	2		1	1
Weeping Willow	2		2	0
Coniferous Trees				
Douglas Fir	1		0	1
Western Red Cedar	5		4	1
<b>Total</b> (excluding Alder and Cottonwood Trees)	14		12	2
Additional Trees in the proposed Riparian Area	17		0	17
	_			
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		8		
Total Retained and Replacement Trees		27		
Contribution to the Green City Fund		\$6,400.00		

• The Arborist Assessment states that there are a total of 31 protected trees on the site, excluding Alder and Cottonwood trees. Six (6) existing trees, approximately 29% of the total trees on the site, are Alder and Cottonwood trees. It was determined that 12 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.

- Table 1 includes an additional 17 protected trees that are located within the proposed riparian area. The trees within the riparian area will be retained, except where removal is required due to hazardous conditions.
- 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 24 replacement trees on the site. Since only 8 replacement trees are proposed, the deficit of 16 replacement trees will require a cash-in-lieu payment of \$6400.00, representing \$400 per tree, to the Green City Fund, in accordance with the City's Tree Protection By-law.
- In summary, a total of 27 trees are proposed to be retained or replaced on the site with a contribution of \$6,400.00 to the Green City Fund.
- The applicant is required to construct a 1.8-metre (6 ft.) high fence along the northern perimeter of the Riparian Protection Area prior to the issuance of a building permit, to ensure the protection of the riparian area and all SPEA trees.

#### **BY-LAW VARIANCE AND JUSTIFICATION**

# (a) Requested Variance:

• To vary Part 7A Streamside Protection of the Zoning By-law to reduce the minimum required streamside setback area, measured from the top-of-bank, from 15 metres (50 ft.) to a minimum of 5 metres (16 ft.).

# Applicant's Reasons:

- The proposed streamside setbacks were previously supported by both City staff and the Province, as part of the required RAR assessment report audit process.
- The minimum required streamside setback area for an on-site sewage disposal system is 30 metres (100 ft.), as measured from top-of-bank, which requires the on-site sewage disposal system to be located along the north property line and limits siting of the dwelling.
- The building permit application to construct a single family dwelling on the subject property has been in-stream for some time and a re-design of building and site plan would create a significant burden on the applicant.

#### **Staff Comments:**

- Bartesko Brook, a natural Class 'A' (red-coded) watercourse, flows adjacent to the southern property line of the site in an east/west direction and through the southwestern corner of the site in a northwest/southeast direction. In accordance with the newly approved streamside setback areas, the minimum required setback measured from top-of-bank is 15 metres (50 ft.).
- Where a development is proposing to reduce the streamside setback area, a
   Development Variance Permit (DVP) is required and is to include an Impact
   Mitigation Plan. This is intended to ensure that the proposed setback reduction does
   not create a negative impact on the sensitive ecosystem.
- The applicant has demonstrated via an Impact Mitigation Plan (IMP) prepared by EnviroWest Consultants Inc., and dated November 25, 2016, that the proposed setback reduction will not produce any significant negative impact on the adjacent protection area.
- The proposed riparian encroachment area is approximately 1,123 square metres (12,087 sq.ft.), much of which consists of existing, disturbed lawn and grass areas. The applicant is proposing approximately 1,756 square metres (18,901 sq.ft.) of land for the Riparian Protection Area, which generally encompasses high-value riparian and stream habitats. The proposed protection area, illustrated in Appendix IV, will be protected via the registration of a combination Restrictive Covenant/Right-of-way to ensure safeguarding and maintenance of the protection area in perpetuity.
- The applicant has demonstrated via a comprehensive geotechnical report prepared by Tony Yam Engineering Ltd., and dated November 14, 2016 that the proposed setback reduction will not pose any significant issues in regards to slope stability on the subject property.
- Staff support the requested variances.

# **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Appendix II. Site Plan

Appendix III. Arborist Report and Tree Plan Appendix IV. Riparian Area Protection Plan

Appendix V. Development Variance Permit No 7916-0607-00

#### **INFORMATION AVAILABLE ON FILE**

• Riparian Area Regulation (RAR) assessment report prepared by EnviroWest Consultants Inc. on March 9, 2016.

- Geotechnical Report prepared by Tony Yam Engineering Ltd. on October 30, 2016 and a revised report dated November 14, 2016.
- Impact Mitigation Plan prepared by EnviroWest Consultants Inc. on November 25, 2016.

Original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

CRL/da

# Information for City Clerk

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

1. (a) Agent: Name: Harwinder Hehar

Urban Flare Developments Inc.

Address: 18482 - 89B Avenue

Surrey, BC V<sub>4</sub>N<sub>3</sub>X<sub>3</sub>

2. Properties involved in the Application

(a) Civic Address: 8919 - 192 Street

(b) Civic Address: 8919 - 192 Street

Owners: Prabhjot K Mann Vijaydeep S Mann

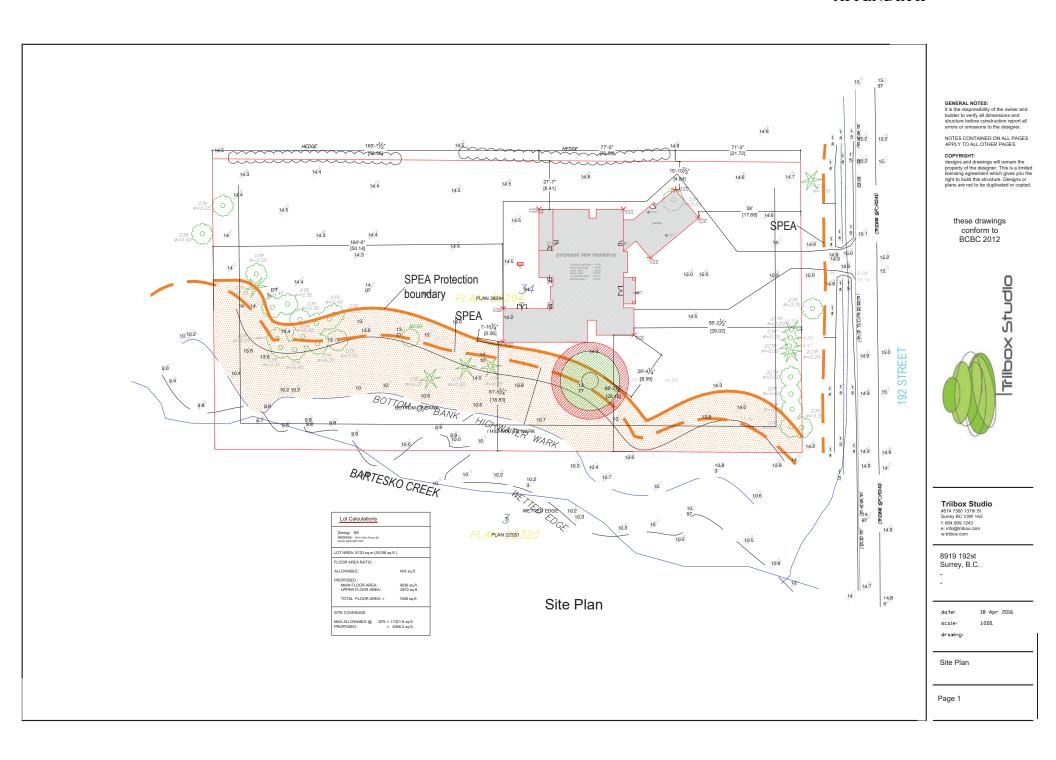
Basant K Mann Jagdip S Mann

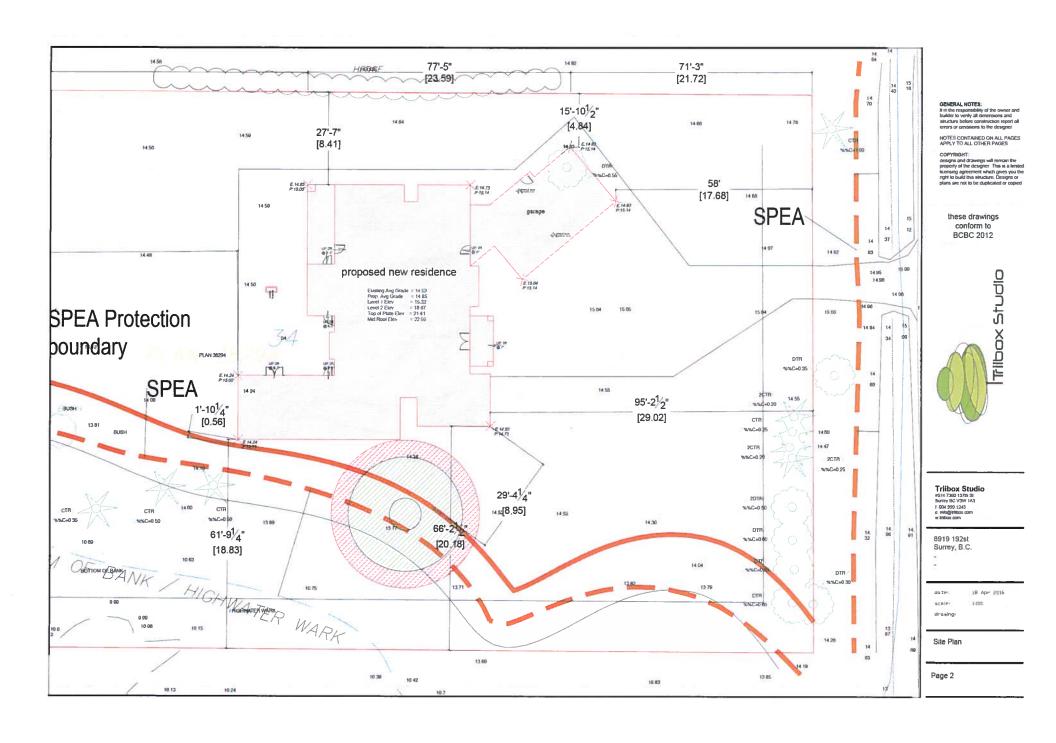
PID: 008-518-068

Lot 34 Section 33 Township 8 New Westminster District Plan 38294

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification for Development Variance Permit No. 7916-0607-00 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 in conjunction with the final adoption of the associated Development Permit.





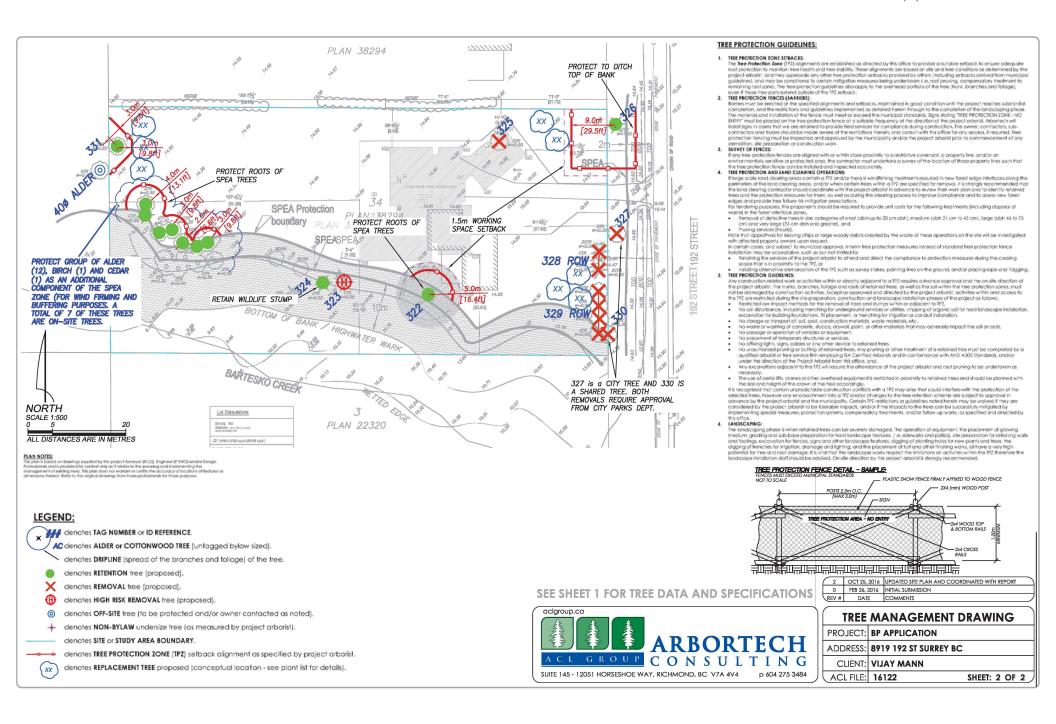
# **Tree Preservation Summary**

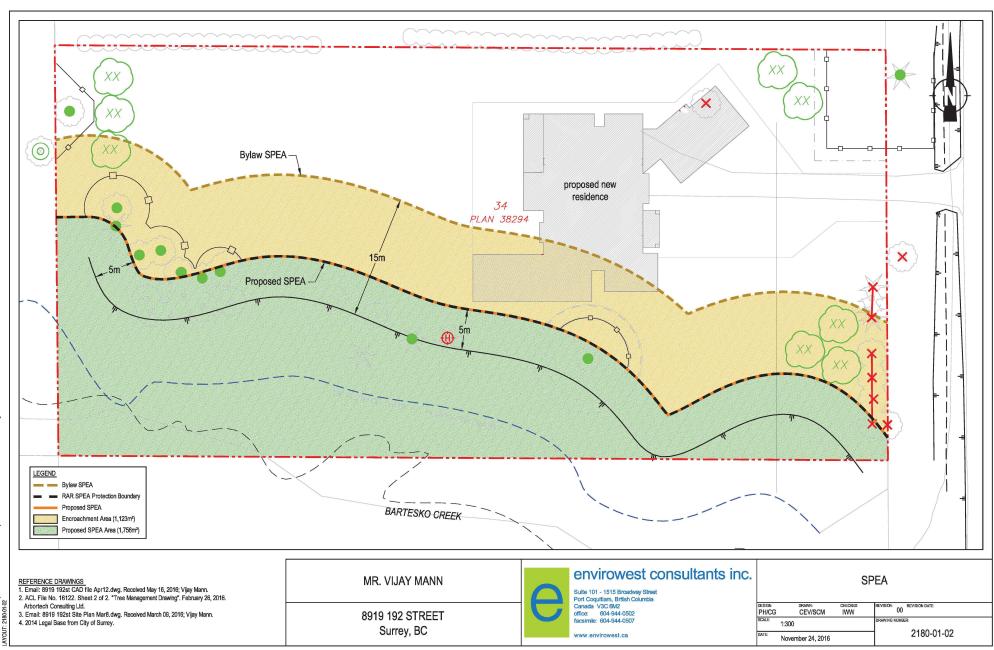
Surrey Project No: 7916-0607-00 Address: 8919 - 192 Street Registered Arborist: Norman Hol

On-Site Trees	Number of Trees
Protected Trees Identified	
(on-site and shared trees, including trees within boulevards and proposed streets	31
and lanes, but excluding trees in proposed open space or riparian areas)	
Protected Trees to be Removed	12
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	19
Total Replacement Trees Required:  - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio  X one (1) = 0  - All other Trees Requiring 2 to 1 Replacement Ratio X two (2) = 24	24
Replacement Trees Proposed	8
Replacement Trees in Deficit	16
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	17

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

Summary, report and plan prepared and submitted by:		
MAL	November 29, 2016	
(Signature of Arborist)	Date	





DATE: 2016-11-24 - 4.07pm PATH: LENV-FS-RAIphalEmvirowesi Files/2016/Surrey-While Rock/2160-01/AutoCAD/Finel/2160-01-42 awg

#### **CITY OF SURREY**

(the "City")

# **DEVELOPMENT VARIANCE PERMIT**

NO.: 7916-0607-00

Issued To: VIJAYPEEP SINGH MANN

JAGDIP SINGH MANN BASANT KAUR MANN PRABHJOT KAUR MANN

("the Owner")

Address of Owners: 18912 - 55A Avenue

Surrey, BC V<sub>3</sub>S 6X<sub>1</sub>

- 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: oo8-518-068 Lot 34 Section 33 Township 8 New Westminster District Plan 38294

8919 - 192 Street

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In the table in Section B.2 of Part 7A "Streamside Protection", the minimum required distance from top-of-bank of a "Natural Class A Stream" is reduced from 15 metres (50 ft.) to 5 metres (16 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. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached 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.		
	HORIZING RESOLUTION PASSED BY THE COUNCED THIS DAY OF , 20 .	CIL, THE DAY OF , 20 .	
	Ma	yor – Linda Hepner	
	Cit	y Clerk – Jane Sullivan	

SCHEDULE A

is the responsibility of the owner and builder to verify all dimensions and interlucts before construction report entractic software construction report entra or nonstanches. The property of ALL DHER PAGES ARPLY TO ALL DHER PAGES SERVEY TO THE PAGES ARPLY TO ALL DHER PAGES SERVEY TO THE PAGES ARPLY TO THE PAGES ARPLY TO THE designer. This is a limited inclinating agreement with high page and this structure to began so the designer. This is a limited inclinating and the structure to began so the designer of the designer.

rs are not to be duplicated or or these drawings conform to BCBC 2012



Trilbox Studio
Service of the control of the contro

scale: 18 Apr 2016
scale: 1200.
drawing:
Site Plan

