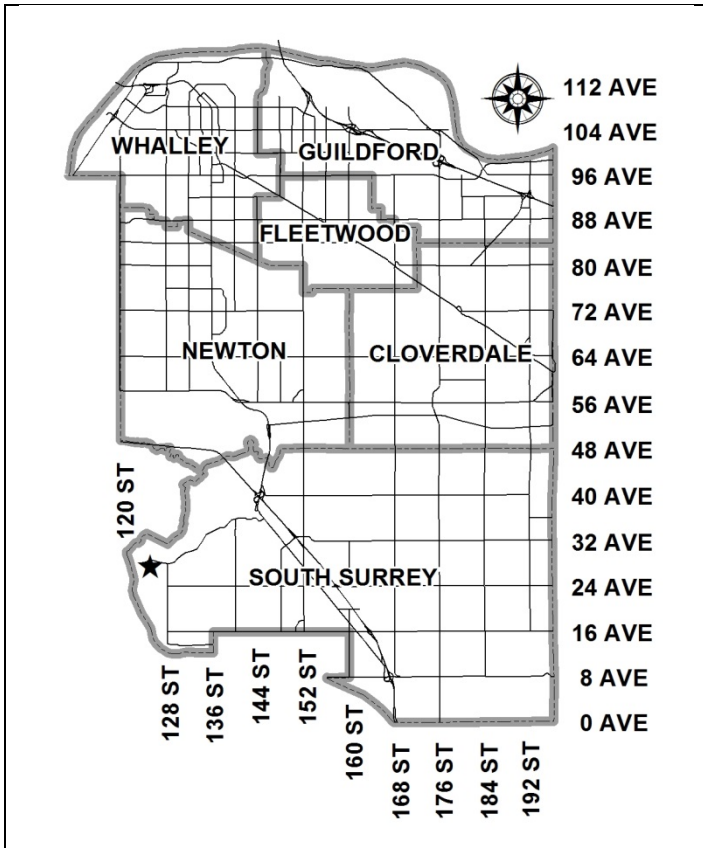


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0707-00

Planning Report Date: April 3, 2017



PROPOSAL:

- **Development Permit**
- **Development Variance Permit**

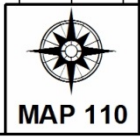
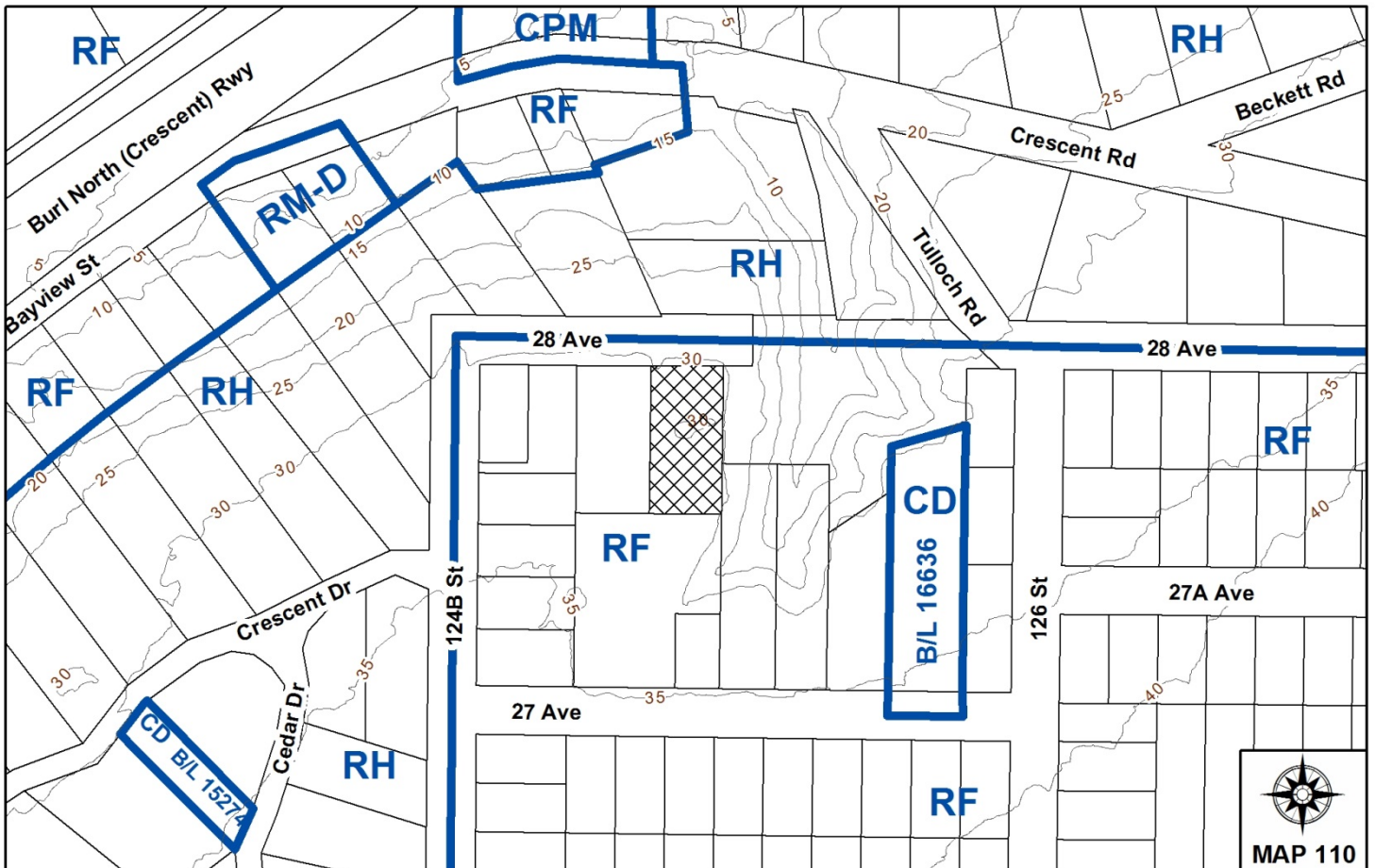
to relax the minimum streamside protection setback to facilitate the construction of a single family dwelling.

LOCATION: 12526 - 28 Avenue

OWNER: Travis W. Brine
 Laura C. Brine

ZONING: RF

OCP DESIGNATION: Urban



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 minimum distance (setback) from top of bank of a "Class B Stream".

RATIONALE OF RECOMMENDATION

- The applicant's Qualified Environmental Professional (QEP) has submitted an Ecosystem Development Plan and Impact Mitigation Plan that indicates that the proposed construction, even with the reduced streamside setback, will not negatively impact the watercourse or riparian area.
- No trees will be removed from Streamside Setback Area. Fencing will be installed on the subject property along the setback boundary to protect the riparian area to the east.
- The design of the home ensures that trees in the rear yard will not be impacted by the construction of the new dwelling.
- The location of the proposed dwelling is within an area that is already considered disturbed by the existing dwelling.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7916-0707-00 (Appendix IV), to reduce the minimum setback distance from top of Bank of a "Class B Stream" in Part 7A of the Zoning By-law from 15 metres (50 ft.) to a minimum of 1.4 metres (5 ft.), to proceed to Public Notification
2. Council authorize staff to draft Development Permit No. 7916-0707-00 for Sensitive Ecosystems and Hazard Land.
3. Council instruct Staff to resolve the following issues prior to Final Approval:
 - (a) Registration of a Section 219 Restrictive Covenant to ensure future house construction is in accordance with the recommendations in the approved Geotechnical Report.

REFERRALS

Engineering: The Engineering Department has no objection to the project as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 28 Avenue):	Single family dwelling.	Suburban	RH
East:	City Greenbelt and single family dwelling.	Urban	RF
South:	Single family dwelling.	Urban	RF
West:	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 12526 – 28 Avenue and is approximately 1,809 square metres (19,472 sq. ft.) in size.
- The site is designated "Urban" in the Official Community Plan (OCP), and zoned "Single Family Residential Zone (RF)".
- The property owners applied for a Building Permit in September 2016 to construct a new single family dwelling.
- A "Class B Stream" is located within a ravine on the neighbouring property to the east. As the subject property is within 50 metres of the stream, it is subject to a Sensitive Ecosystem Development Permit in accordance to the Official Community Plan.
- The new single family dwelling is proposed to be constructed within the 15 metre (50 ft.) streamside setback from top of bank as required under Part 7A "Streamside Protection" of the Zoning By-law.
- The property is within a Hazard Land Development Permit Area due to the steep side slopes of the existing ravine on the adjacent greenbelt lands to the east.

Current Proposal

- The applicant is proposing to vary the streamside setback under the Streamside Protection section of the Zoning By-law from 15 metres (50 ft.) to a minimum distance of 1.4 metres (5 ft.) in order to construct a new single family dwelling with a side yard.
- The applicant is also seeking a Development Permit for Sensitive Ecosystems and Hazard Lands (Steep Slope) in accordance with the Official Community Plan.

Hazard Lands Development Permit (Steep Slopes)

- The applicant retained Braun Geotechnical Ltd. to prepare a geotechnical report to address the steep slope conditions for the Hazard Land Development Permit Area. The initial report, dated November 9, 2015, identified the subject site as being safe for the construction of a single family dwelling. This conclusion was found acceptable by an independent peer review completed by James Wetherill, P.Eng., dated March 19, 2017.
- The geotechnical study and recommendations, and house plans will be incorporated into the requirements of the Hazard Lands Development Permit (DP) and registered on title as a Section 219 Restrictive Covenant. At Building Permit stage, the Building Division will require Letters of Assurance from a geotechnical engineer, to ensure that the building plans comply with the recommendations in the approved geotechnical report.

Sensitive Ecosystem Development Permit

- The applicant retained Envirowest Consultants Inc. to complete a Riparian Area Regulation (RAR) Assessment Report and a Sensitive Ecosystem Protection Plan, which includes an Impact Mitigation Plan, to address the Sensitive Ecosystem Development Permit Area requirements and the streamside setback variance request. The RAR Assessment recommended that the Streamside Protection and Enhancement Area (SPEA) could be appropriately established with a fluctuating setback boundary of 1.4 metres (5 ft.) to 6.3 metres (21 ft.) from the top of bank without impacting the watercourse or riparian area, provided the Best Management Practices and mitigation efforts outlined in the Sensitive Ecosystem Protection Plan are observed.
- The Sensitive Ecosystem Protection Plan identifies that the proposed house is to be located in an area that is already disturbed by the existing house, driveway, and lawn area outside the SPEA. Therefore, the Impact Mitigation Plan does not include restoration recommendations for the SPEA as the existing riparian area assemblage will not be disturbed. The SPEA will be protected from intrusion by humans and domestic animals by permanent post and rail fencing and sensitive habitat signage, which will be installed as a requirement of the Sensitive Ecosystem Development Permit.
- The Impact Mitigation Plan outlines the following requirements for the protection of the SPEA during construction:
 - Install temporary fencing around root protection zones of all trees and along the SPEA boundary;
 - Bulk earthworks should not occur during wet weather;
 - Focus should be on diversion of clean storm water around the Property;
 - Immediately cover exposed, disturbed soils with a thick layer of straw, mulch, or grass;
 - Cover silt-producing stockpiled materials;
 - Delineate extents of the work area with silt fencing or sediment logs; and
 - Restrict vehicles to non-sediment generating surfaces.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the minimum setback distance from the top of bank for a "Class B Stream" from 15 metres (50 ft.) to a minimum of 1.4 metres (5 ft.).

Applicant's Reasons:

- The driveway is required to be located on the west side of the property for the retention of trees on City property. This results in the home being pushed further east on the lot.
- In order to meet the streamside setback requirements a deep, narrow home would need to have been designed for this property. The proposed dwelling is a wider home which is more attractive and in context with the neighbourhood character.

- The wider home design ensures that trees in the backyard will not be impacted by the construction of the new dwelling.

Staff Comments:

- The subject watercourse is in a ravine that is entirely on the neighbouring city-owned greenbelt property. In this case, there is a significant distance between the high water mark (used in the RAR Assessment Report) and the top of bank (utilized in the Zoning By-law) to determine the Streamside Setback Area. As a result, the Zoning By-law creates a more stringent setback requirement for development.
- The streamside setback boundary fluctuates from 1.4 metres (5 ft.) along the northern portion of the east property line to 6.3 metres (21 ft.) at the south-east corner of the subject property.
- The applicant's Qualified Environmental Professional (QEP), Envirowest Consultants Inc., has identified in their Ecosystem Development Plan and Impact Mitigation Plan, dated November 30, 2016, that the proposed construction, even with the reduced streamside setback, will not negatively impact the watercourse or riparian area.
- No trees will be removed from the Streamside Setback Area. Permanent fencing will be installed on the subject property along the setback boundary to protect the riparian area to the east.
- Although the streamside setback from top of bank next to the house would be a minimum of 1.4 metres (5 ft.) the proposed new home will be setback 5.0 metres (16 ft.) from top of bank. The minimum 1.4 metre (5 ft.) setback is measured from the top of bank to the current extent of the existing riparian area which will be delineated by permanent fencing. The area between the building and the Streamside Setback Area would be pervious lawn.
- The location of the proposed dwelling is within an area that is already considered disturbed due to the existing dwelling, driveway, and lawn that is located on the property. Overall, the proposed location of the new dwelling is an improvement on the existing building which is located approximately 1.0 metres (3 ft.) from the top of bank.

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.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7916-0707-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study prepared by Braun Geotechnical Ltd. dated November 9, 2015, and revised March 21, 2017
- Geotechnical Study Peer Review Report prepared by James Wetherill, P.Eng., dated March 19, 2017
- Riparian Area Regulation (RAR) Assessment Report prepared by Envirowest Consultants Inc. dated November 30, 2016
- Riparian Area Regulation (RAR) Assessment Peer Review Report prepared by Dillon Consulting dated March 24, 2017
- Ecosystem Development Plan and Impact Mitigation Plan prepared by Envirowest Consultants Inc. dated November 30, 2016

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da

Information for City Clerk

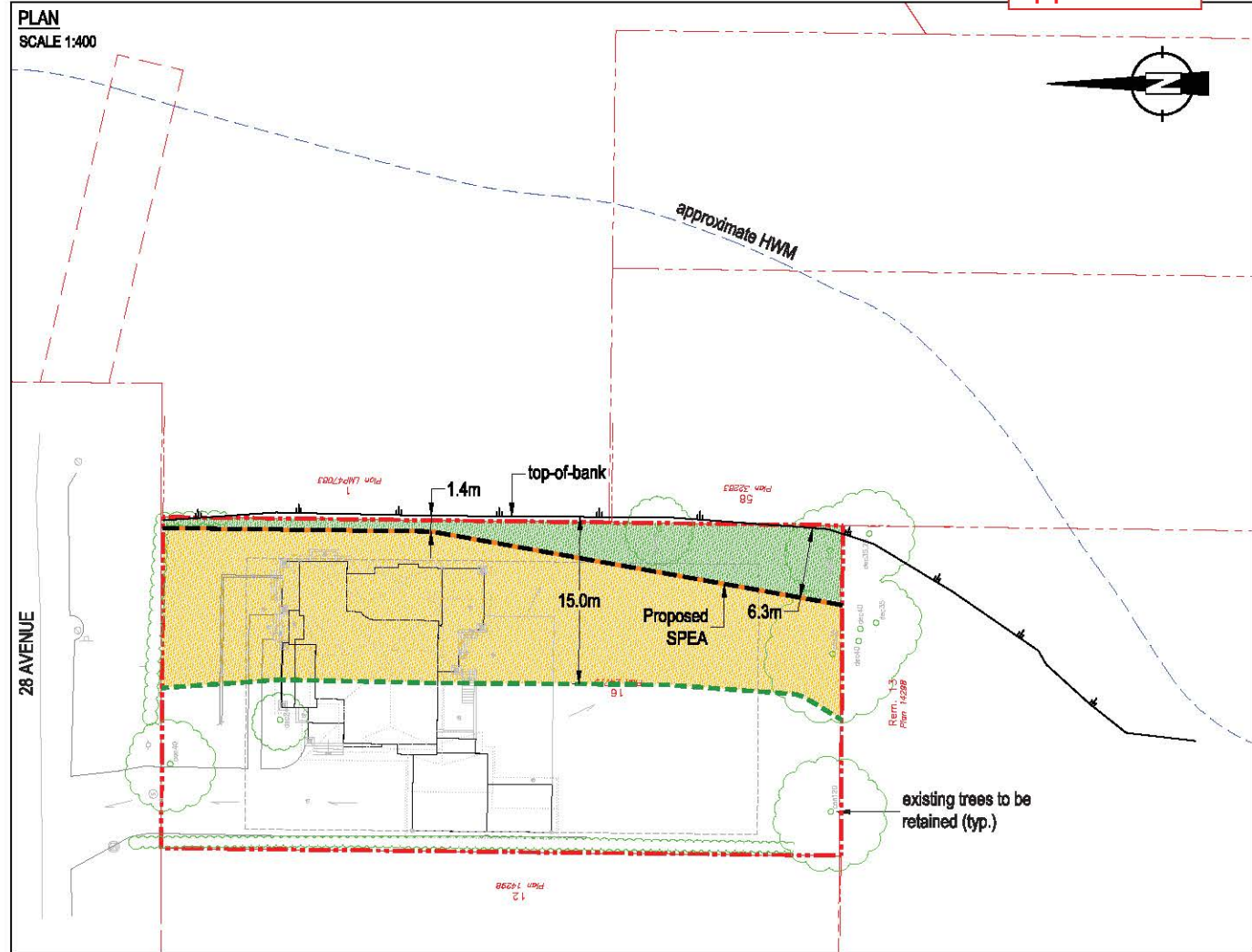
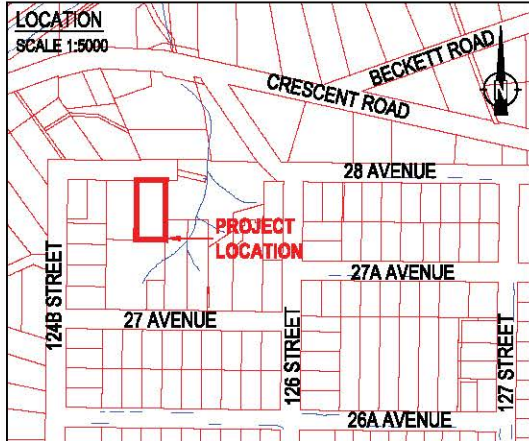
Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Sherri Anderson
 Hyer Homes & Renovations Ltd.
 Address: 3033 - King George Blvd, Unit 16
 Surrey, BC V4P 1B8

2. Properties involved in the Application
 - (a) Civic Address: 12526 - 28 Avenue

 - (b) Civic Address: 12526 - 28 Avenue
 Owner: Laura C Brine
 Travis W Brine
 PID: 009-200-762
 Lot 16 Section 19 Township 1 New Westminster District Plan 24779

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 16-0707-00 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 pertaining to the Development Permit are satisfied.



LEGEND	
	Bylaw - SPEA Boundary
	Proposed SPEA Boundary
	RAR SPEA Protection Boundary
	Proposed SPEA Area = 174.56m ²
	Encroachment Area = 726.43m ²

REFERENCE DRAWINGS

1. Email: Brine Residence Plan 07-01-16.dwg. Received November 16, 2016. Hyer Homes Ltd.
2. 2014 Legal Base from City of Surrey.

HYER HOMES

12526 28 AVENUE
Surrey, BC



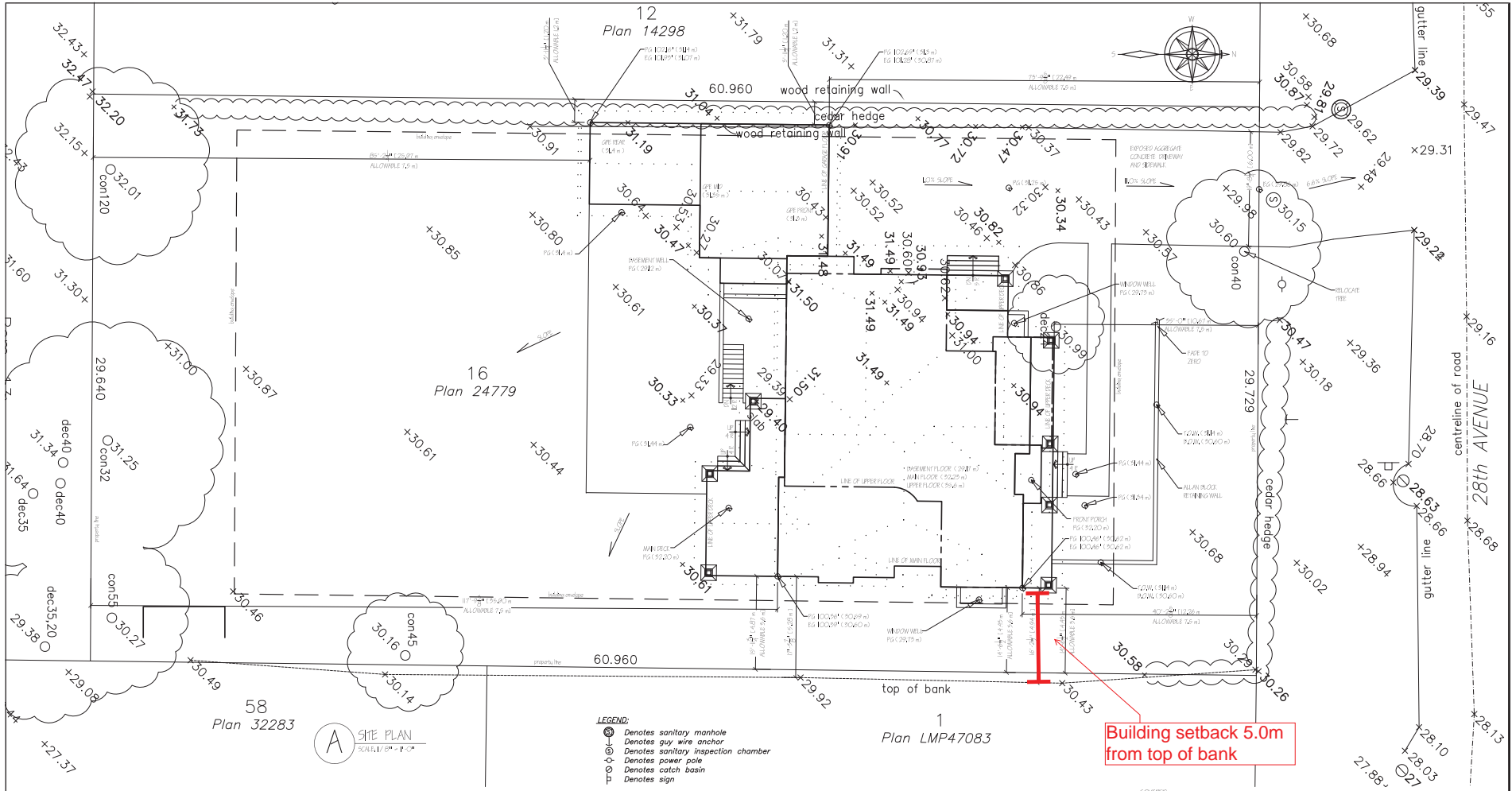
envirowest consultants inc.

Suite 101 - 1515 Broadway Street
Port Coquitlam, British Columbia
Canada V3C 6M2
office: 804-944-0902
facsimile: 804-944-0907

www.envirowest.ca

SPEA

DESIGN	DRAWN	CHECKED	REVISION	REVISION DATE
CG	SCM	IWW	00	
SCALE: As Shown				DRAWING NUMBER
DATE: November 30, 2016				2173-01-02



A SITE PLAN
SCALE: 1/8" = 1'-0"

- LEGEND:**
- ⊙ Denotes sanitary manhole
 - ⊙ Denotes guy wire anchor
 - ⊙ Denotes sanitary inspection chamber
 - ⊙ Denotes power pole
 - ⊙ Denotes catch basin
 - ⊙ Denotes sign

Building setback 5.0m from top of bank

PROJECT INFORMATION

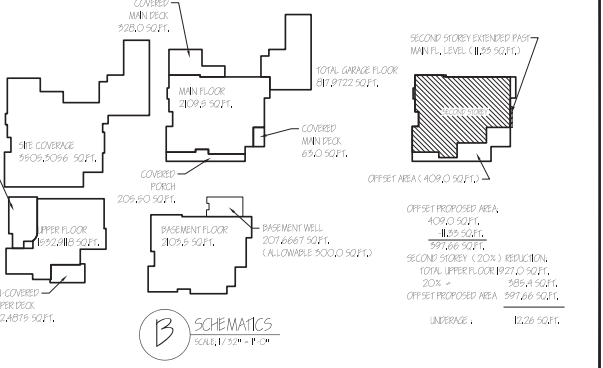
LEGAL DESCRIPTION	
LOT #16	NWP plan 24779 ZONE R1
TOWNSHIP #11	SECTION #1P

LIST OF DRAWINGS	
1. SITE PLAN	2. NORTH & WEST ELEVATIONS
3. SOUTH & EAST ELEVATIONS	4. UPPER FLOOR PLAN
5. MAIN FLOOR PLAN	6. BASEMENT FLOOR PLAN
7. CROSS-SECTIONS AND ROOF PLAN	8. ELEVATION REAL VALUES AND DETAILS

SPECIFICATIONS	
TOTAL LOT AREA	1809.256 SQ. M. = 18477.6889 SQFT.
ALLOWABLE SETBACK COVERAGE, 15%	271.3948 SQFT.
PROPOSED SETBACK COVERAGE	271.3948 SQFT.
UNDERDRIVE	0.0000 SQFT.
ALLOWABLE FLOOR AREA	9000.000 SQFT.
GARAGE AREA	420.000 SQFT.
TOTAL ALLOWABLE FLOOR AREA	4980.000 SQFT.
PROPOSED FLOOR AREA	4980.000 SQFT.
UNDERDRIVE	284.229 SQFT.

SPECIFICATIONS	
ALLOWABLE GARAGE AREA	420.000 SQFT.
PROPOSED GARAGE AREA	768.500 SQFT.
COVERED AREA	348.500 SQFT.
ALLOWABLE COVERED PORCH AREA	180.000 SQFT.
PROPOSED COVERED PORCH AREA	206.500 SQFT.
COVERED AREA	195.000 SQFT.
ALLOWABLE COVERED DECK AREA (TOTAL ALLOWED)	498.000 SQFT.
AREA RESERVED FOR FRONT PORCH / VERANDA	180.000 SQFT.
TOTAL ALLOWABLE COVERED DECK AREA	318.000 SQFT.
PROPOSED COVERED DECK AREA	318.000 SQFT.
COVERED AREA	95.000 SQFT.
ALLOWABLE VALUED AREA	200.000 SQFT.
PROPOSED VALUED AREA	286.2548 SQFT.
COVERED AREA	186.2548 SQFT.

SPECIFICATIONS	
ELEVATIONS	100.87' (30.78 m)
AVERAGE GRADE	100.87' (30.78 m)
MSE	99.20' (3.017 m)
BASEMENT FLOOR	105.74' (32.25 m)
MAIN FLOOR	106.21' (32.28 m)
UPPER FLOOR	106.21' (32.28 m)
PEAK OF ROOF (HEDGE)	106.21' (32.28 m)
MEAN OF ROOF	105.21' (32.00 m)
MAX. HEIGHT ALLOWABLE	106.21' (32.28 m)
GPE (FRONT)	106.21' (32.28 m)
GPE (REAR)	106.21' (32.28 m)



B SCHEMATICS
SCALE: 1/32" = 1'-0"

REVISIONS	BY

DAC DESIGN & COMPANY
11111 111th Street
604. 538. 2081
D:\PROJECTS\2024\12526 28th Avenue S\12526 28th Avenue S.dwg

BRINE RESIDENCE
12526 28th Avenue S, B.C.

Date	JULY 2024
Scale	VARIABLE
Drawn	M. TALL
Job	
Sheet	A 9
Of	Sheets

INTER-OFFICE MEMO

**TO: Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: Development Services Manager, Engineering Department

DATE: March 29, 2017 **PROJECT FILE: 7816-0707-00**

**RE: Engineering Requirements
Location: 12526 - 28 Avenue**

DEVELOPMENT PERMIT

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

Works and Services

- A geotechnical report is required to assess slope stability and provide guidance for development of the site.
- Provide on-site stormwater mitigation features in accordance with Ocean Bluff-Chantrell Creek ISMP with geotechnical certification.
- The Parks Recreation and Culture Department recommend installation of permanent fencing at property line. This should be coordinated through the DP/DVP process.
- Provide a water, storm, and sanitary service connection to the lot.
- Abandon existing sanitary connection greater than 30 years old to City standards.

DEVELOPMENT VARIANCE PERMIT

There are no engineering requirements relative to issuance of the Development Variance Permit.



Rémi Dubé, P.Eng.
Development Services Manager

MB

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0707-00

Issued To: TRAVIS W BRINE
LAURA C BRINE

(the "Owner")

Address of Owner: 12526 - 28 Avenue
Surrey, BC V4A 2N9

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: 009-200-762
Lot 16 Section 19 Township 1 New Westminster District Plan 24779

12526 - 28 Avenue

(the "Land")

3. 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 "Class B Stream" is reduced from 15 metres (50 ft.) to not less than 1.4 metres (5 ft.).
4. 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.
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.

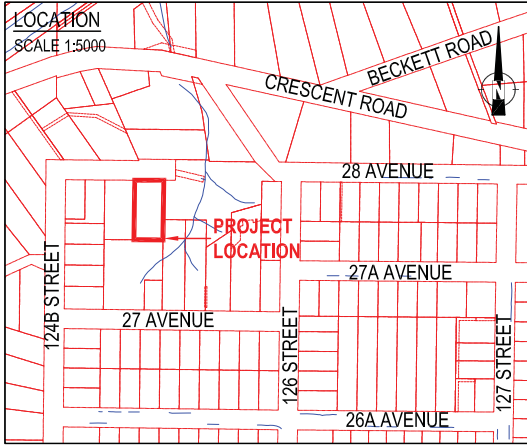
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

8. This development variance permit is not a building permit.

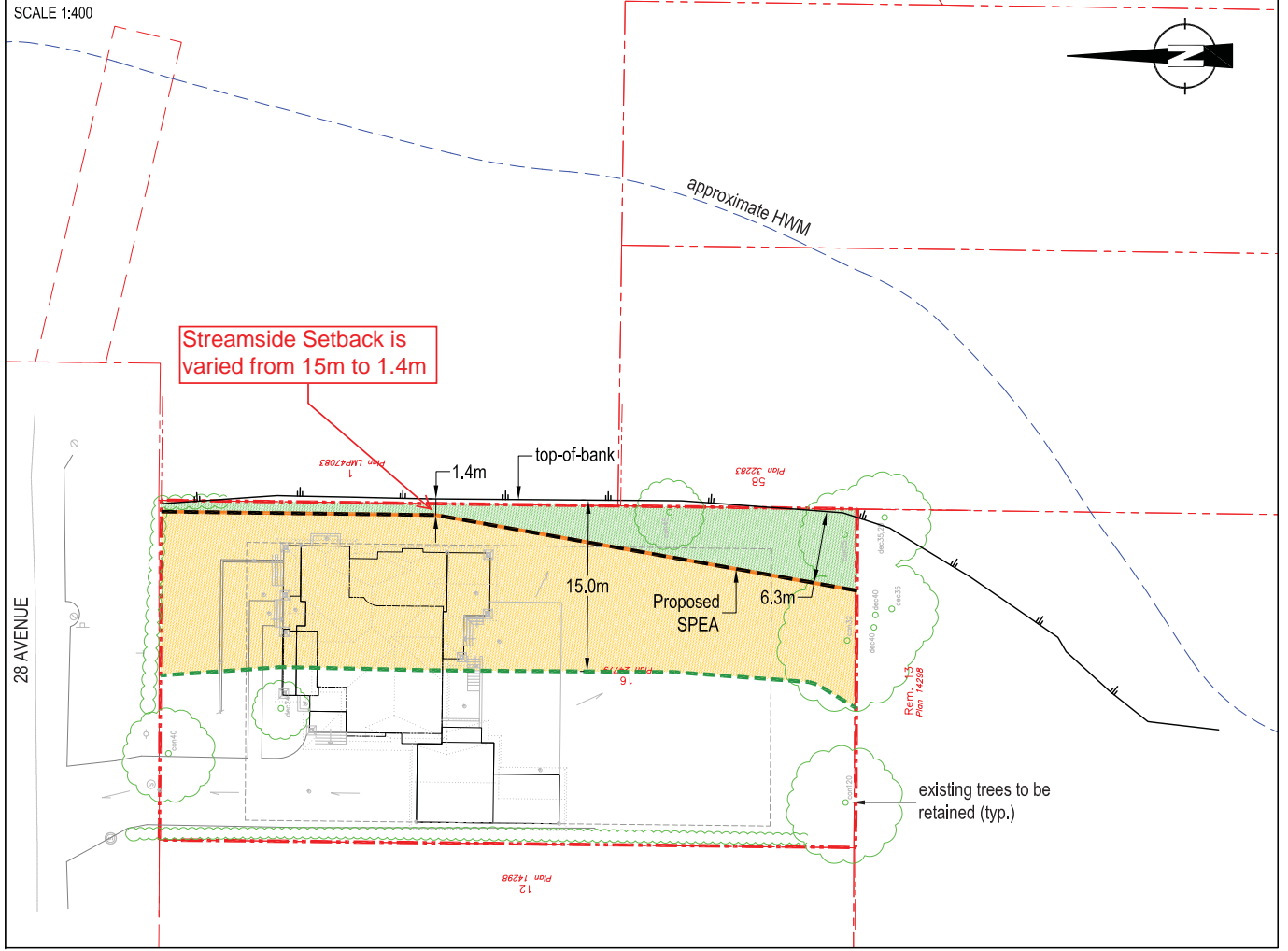
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan



PLAN
SCALE 1:400



LEGEND	
	Bylaw - SPEA Boundary
	Proposed SPEA Boundary
	RAR SPEA Protection Boundary
	Proposed SPEA Area = 174.56m ²
	Encroachment Area = 726.43m ²

REFERENCE DRAWINGS
 1. EmeraldBrine Residence Plan 07-01-16.dwg, Received November 16, 2016, Hyer Homes Ltd.
 2. 2014 Legal Base from City of Surrey.

HYER HOMES

12526 28 AVENUE
 Surrey, BC



envirowest consultants inc.
 Suite 101 - 1515 Broadway Street
 Port Coquitlam, British Columbia
 Canada V3C 6M2
 office: 604-944-0502
 facsimile: 604-944-0507
www.envirowest.ca

SPEA

DESIGN	DRAWN	CHECKED	REVISION	REVISION DATE
CG	SCM	IWW	00	
SCALE: As Shown				DRAWING NUMBER:
DATE: November 30, 2016				2173-01-02

DATE: 2016-11-30 - 2:20pm
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