

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0024-00

Planning Report Date: February 6, 2017

PROPOSAL:

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

to reduce the minimum streamside setback, to facilitate construction of a single family dwelling

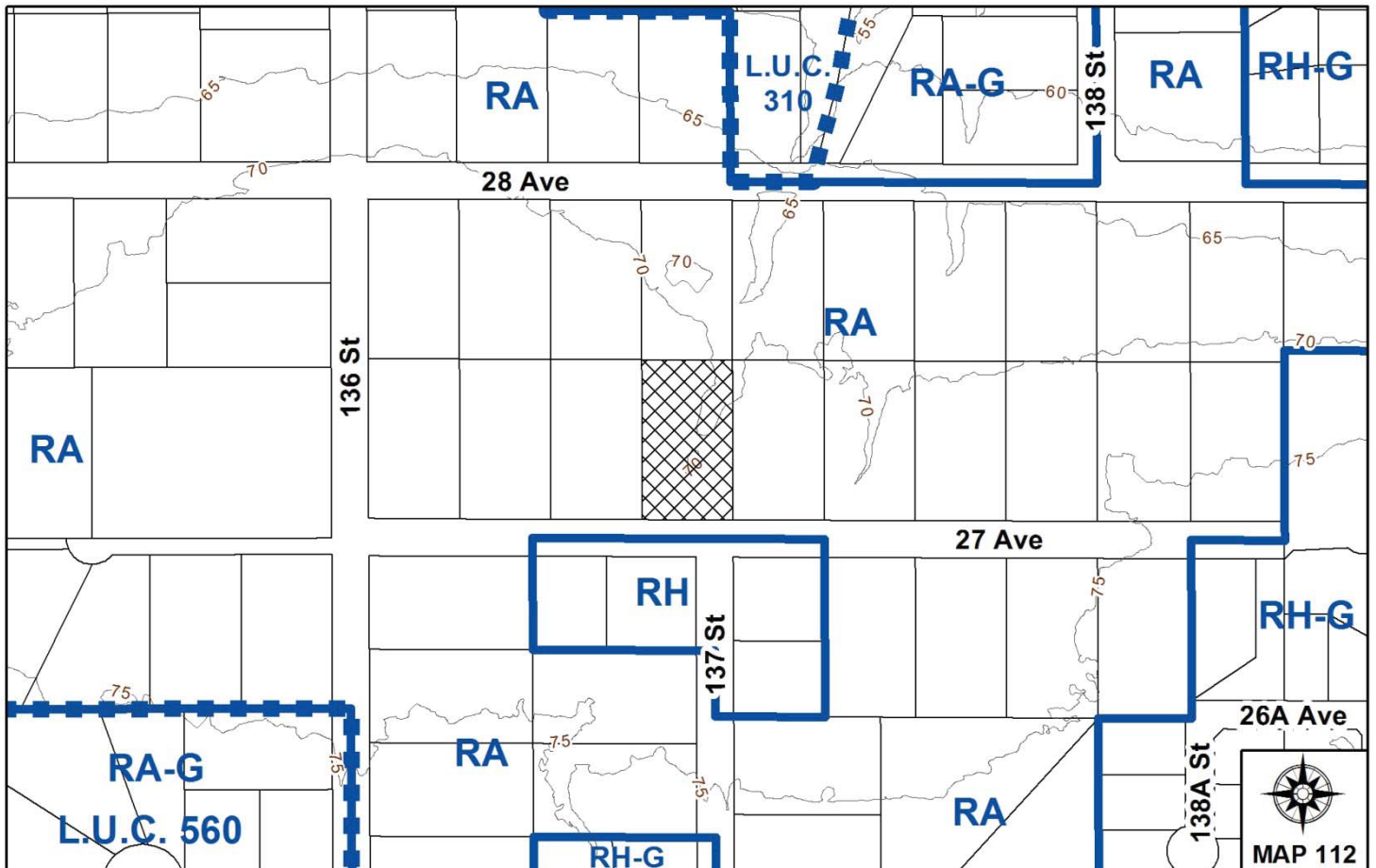
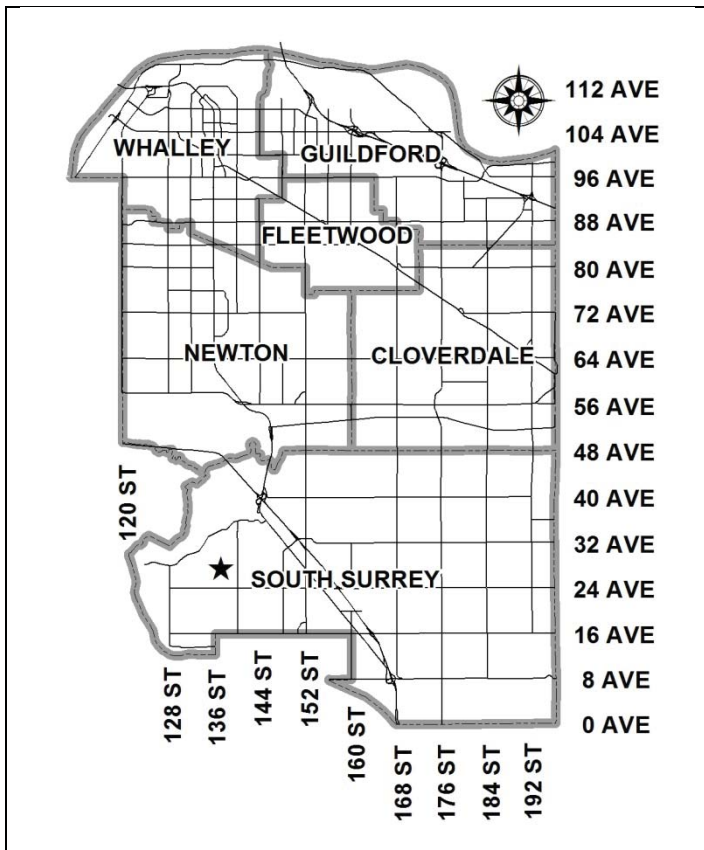
LOCATION: 13675 - 27 Avenue

OWNER: Ying Chen

ZONING: RA

OCP DESIGNATION: Suburban

LAP DESIGNATION: One Acre



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 "Natural Class B Stream".

RATIONALE OF RECOMMENDATION

- 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 and establishes a minimum 15 metre (50 ft.) setback from top of bank for "Natural Class B Streams".
- Prior to the adoption of the new streamside protection regulations, the applicant provided a Riparian Areas Regulation (RAR) Assessment Report for the on-site Class B watercourse and riparian area, which was reviewed and accepted by staff. The proposed single family dwelling adheres to the setbacks recommended in the RAR report, however, a variance to the Streamside Setback Area under the Zoning By-law is now required.
- The location of the proposed new house and driveway are within areas that are already considered to be disturbed, containing lawn and ornamental vegetation.
- An existing driveway and workshop located within the proposed Streamside Setback Area will be removed and landscape enhancements are proposed, comprised of the installation of native trees and shrubs. The streamside setback area will be protected through the installation of permanent cedar post and rail fencing.
- The applicant has demonstrated that the requested streamside setback reduction does not impact the objectives outlined in the Official Community Plan (OCP) for protecting sensitive ecosystems.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0024-00 (Appendix IV), to reduce the minimum setback distance from top of bank of a "Natural Class B Stream" in Part 7A of the Zoning By-law from 15 metres (50 ft.) to a minimum of 3 metres (10 ft.), to proceed to Public Notification.
2. Council authorize staff to draft Development Permit No. 7917-0024-00 for Sensitive Ecosystems.
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; and
 - (b) submission of a landscape planting plan and landscaping cost estimate for the enhancement of Streamside Setback Area, to the satisfaction of the General Manager, Parks, Recreation & Culture.

REFERRALS

Engineering: The Engineering Department has no objection to the project provided that a combined Restrictive Covenant/Statutory Right-of-Way is registered against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity.

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot

Adjacent Area:

Direction	Existing Use	LAP Designation	Existing Zone
North:	Single family dwelling	One Acre	RA
East:	Single family dwelling	One Acre	RA
South (Across 27 Avenue):	Single family dwelling	One Acre	RH
West:	Single family dwelling	One Acre	RA

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The 4,250-square metre (1.05 acre) subject property is located at 13675 – 27 Avenue in the Central Semiahmoo Peninsula Local Area Plan (LAP) and is zoned "One-Acre Residential Zone (RA)".
- The site is designated One Acre in the Central Semiahmoo LAP and Suburban in the Official Community Plan (OCP).
- The applicant applied for a Building Permit in June 2015 to construct a single family dwelling.
- Due to a yellow-coded watercourse that traverses the lot, a Riparian Areas Regulation (RAR) Assessment Report, prepared by Envirowest Consultants Inc., was submitted by the applicant for review by staff in February 2016. The RAR Assessment Report recommended a Streamside Protection and Enhancement Area (SPEA) based on a minimum 10-metre (33 ft.) setback from high water mark. The Report was reviewed by staff and found to be acceptable.
- 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 and establishes minimum setbacks from top of bank for streams.
- At the time of adoption of the new streamside protection measures, the Building Permit had not been issued.
- The location of the proposed new house is not in compliance with the newly adopted streamside protection setback requirements and therefore the applicant is proposing to reduce the minimum setback distance from top of bank for a "Natural Class B Stream" to a minimum of 3 metres (10 ft.).

Sensitive Ecosystem Development Permit

- On September 12, 2016, Council approved changes to the Official Community Plan (OCP) to create a new Sensitive Ecosystem Development Permit Area (DPA).
- The subject site falls within the newly established Sensitive Ecosystem DPA due to both the "Natural Class B Stream" that bisects the site and the Chantrell Creek Green Infrastructure Network (GIN) Corridor, which covers approximately 80 percent of the site (Appendix II).
- In addition to the RAR Assessment Report submitted in February 2016, the applicant also submitted a Sensitive Ecosystem Protection Plan prepared by Envirowest Consultants Inc., dated January 26, 2017. The Protection Plan proposes a Streamside Setback Area of 2,314 square metres (0.57 acres) that will be separated from the remainder of the site by permanent cedar post and rail fencing (Appendix III). The proposed Streamside Setback Area is 917 square metres (0.23 acres) larger than the recommended Streamside Protection Area in the RAR Assessment Report.

- As a condition of Development Permit issuance, the applicant will be required to submit a landscape planting plan for the enhancement of a portion of the Streamside Setback Area where an existing workshop and driveway are being removed.
- Additionally, the applicant has agreed to register a combined Restrictive Covenant/Statutory Right-of-Way against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum setback distance from the top of bank for a "Natural Class B Stream" from 15 metres (50 ft.) to 3 metres (10 ft.).

Applicant's Reasons:

- The proposed riparian setbacks were previously accepted by staff in February 2016, prior to the adoption of the Streamside Protection regulations into the Zoning By-law.

Staff Comments:

- For the subject stream, there is a significant distance of up to 10.2 metres (33 ft.) between the high water mark (utilized in the RAR Assessment Report) and the top of bank (utilized in the Zoning By-law) to determine the Streamside Setback Area. This results in a much more stringent setback according to the Zoning By-law.
- The proposed Streamside Setback Area meets, and in some places exceeds, the recommended setback area from the RAR Assessment Report, which was approved prior to the new Streamside Protection regulations being adopted as part of the Zoning By-law.
- The more stringent setback area required under the Zoning By-law results in a buildable area that is too small to accommodate the proposed house.
- While the proposed minimum setback distance is 3 metres (10 ft.) from top of bank, the setback distance has been extended in other areas, specifically on the east side of the property, up to the property line. This results in a net gain of 917 square metres (0.23 acres) of protected riparian area over the recommendations in the RAR Assessment Report.
- A portion of the Streamside Setback Area that was occupied by a workshop and the existing driveway will be enhanced through the planting of native trees and shrubs and the entire Streamside Setback Area will be protected by permanent cedar post and rail fencing.
- A combined Restrictive Covenant/Statutory Right-of-Way is to be registered against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity.

- The applicant has taken appropriate measures to ensure the objectives of the Sensitive Ecosystem Guidelines in the OCP have been met.
- 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.	Site Plan showing Chantrelle Creek GIN Corridor
Appendix III.	Streamside Protection Area Fence Location Plan
Appendix IV.	Development Variance Permit No. 7917-0024-00

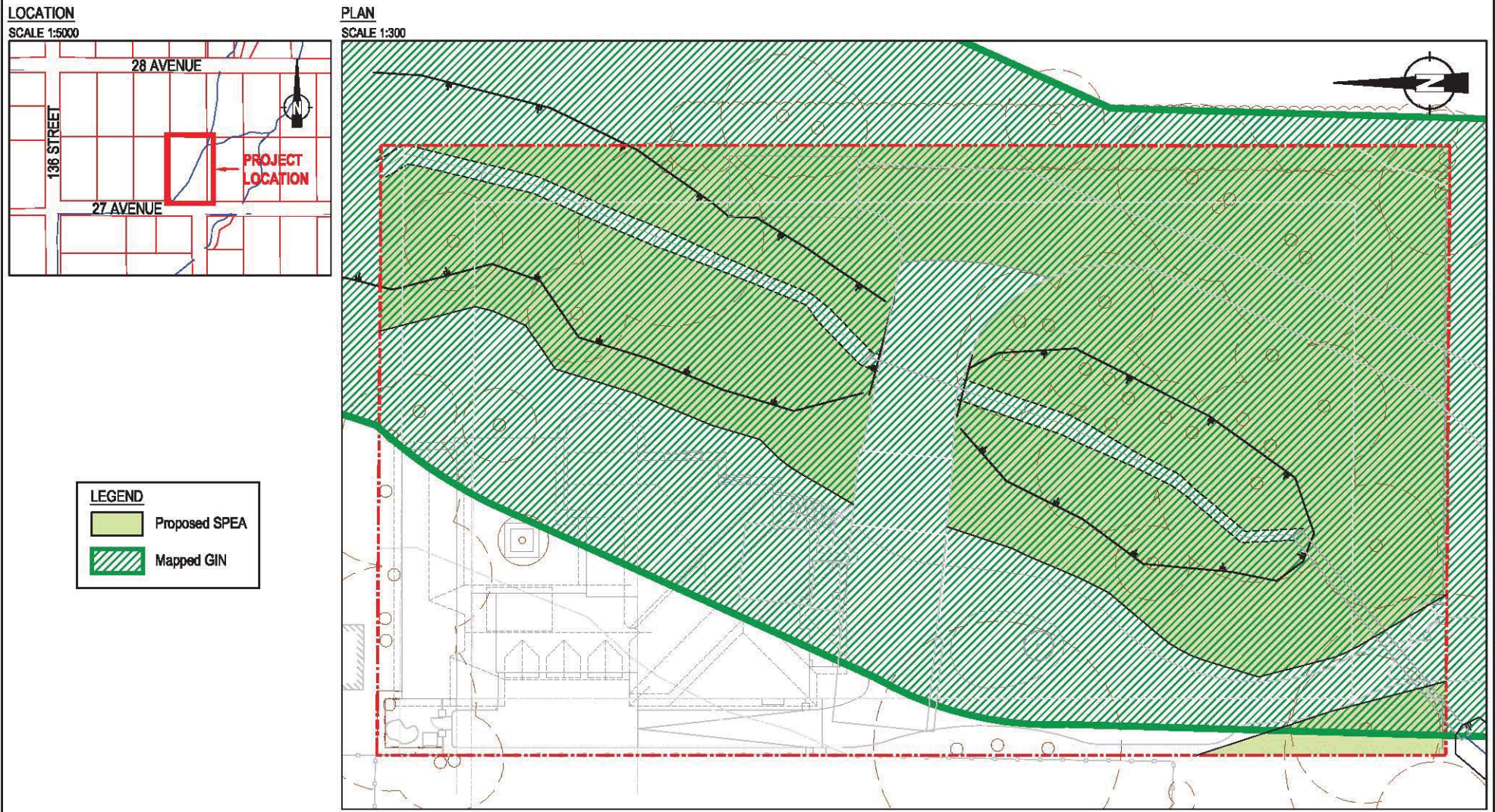
INFORMATION AVAILABLE ON FILE

- Riparian Areas Regulation (RAR) Assessment Report prepared by Envirowest Consultants Inc. dated June 10, 2015
- Sensitive Ecosystem Protection Plan prepared by Envirowest Consultants Inc. dated January 26, 2017

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

CB/da



LEGEND

- Proposed SPEA
- Mapped GIN

- REFERENCE DRAWINGS**
1. File: JS1442TP. "Topographic and Tree Survey Plan of Lot 21, Section 21, Township 1, N.W.D. Plan 34496". May 20, 2014. Ondenwater Land Surveying Ltd.
 2. Drawing No. A-01. Rev. 2. "Site Plan". April 23, 2015. Design marque Consulting.
 3. 2014 Legal Base From City of Surrey.

QI HENG (STEVEN) ZHANG
Surrey, BC

13675 27 AVENUE
Surrey, BC



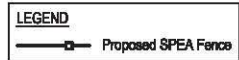
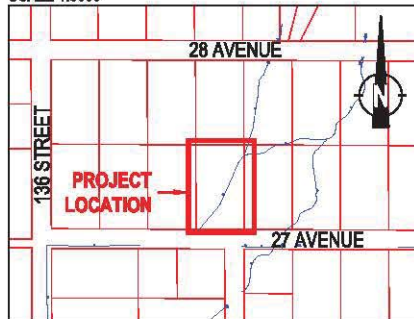
envirowest consultants inc.

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

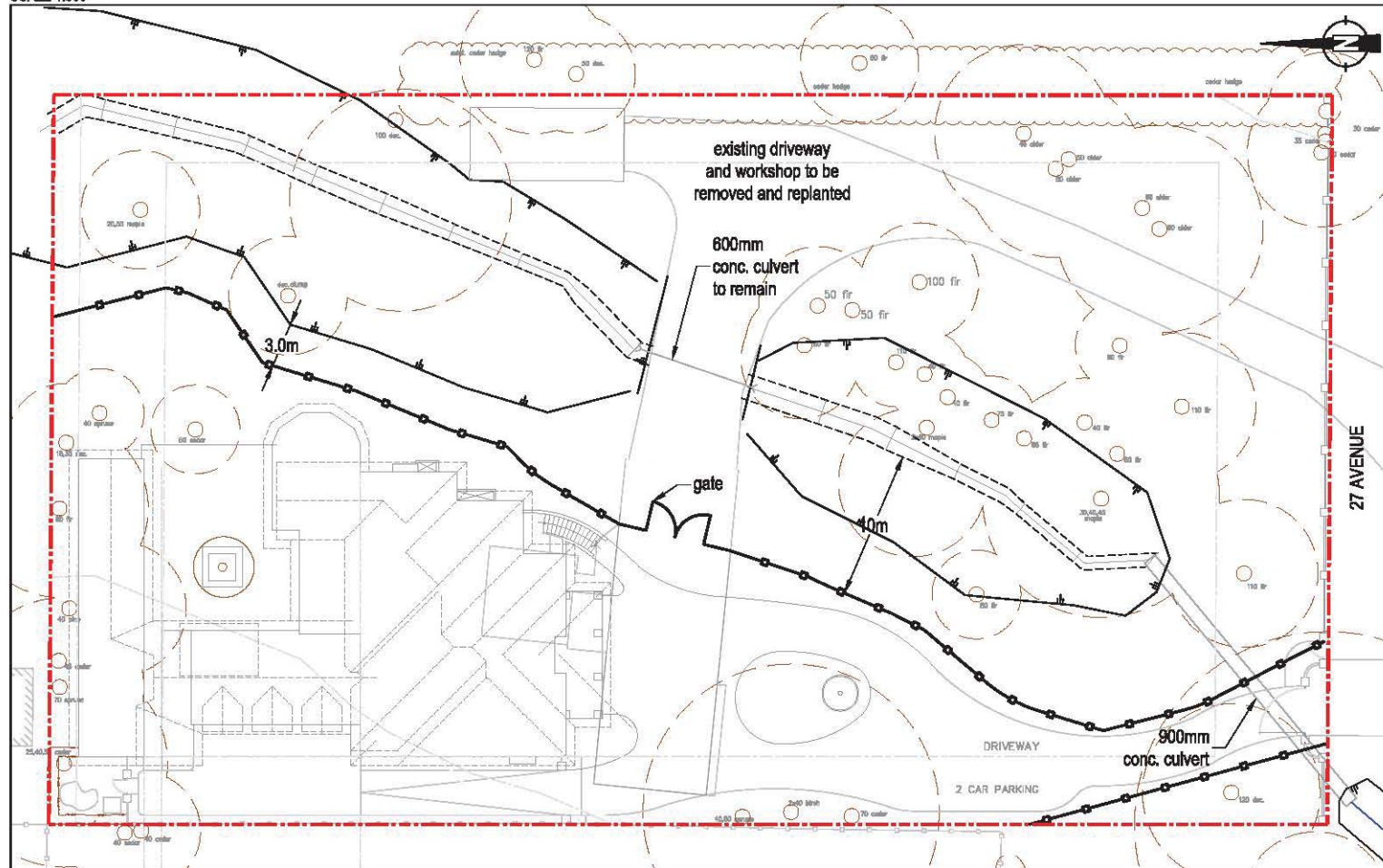
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DATE January 26, 2017			FIGURE 2	

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LAYOUT: Figure 2

LOCATION
SCALE 1:5000



PLAN
SCALE 1:300



REFERENCE DRAWINGS

1. File: JS144ZTP, "Topographic and Tree Survey Plan of Lot 21, Section 21, Township 1, N.W.D. Plan 34498", May 20, 2014. Underwater Land Surveying Ltd.
2. Drawing No. A-01, Rev. 2, "Site Plan", April 23, 2015. Design marque Consulting.
3. 2014 Legal Base From City of Surrey.

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envirowest consultants inc.

Suite 104 - 1615 Broadway Street
Port Coquitlam, British Columbia
Canada V3C 6M2
office: 604-944-0502
facsimile: 604-944-0507
www.envirowest.ca

PROPOSED SPEA FENCE LOCATION

DESIGN: CG	DRAWN: CEV	CHECKED: IWW	REVISION: 00	REVISION DATE:
SCALE: As Shown			DRAWING NUMBER: 1977-01-03	
DATE: January 28, 2017				

1:5000 SCALE
 1:300 SCALE
 1:5000 SCALE
 1:300 SCALE

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0024-00

Issued To: YING CHEN

(the "Owner")

Address of Owner: 13451 – 25 Avenue
Surrey, BC V4P 1Y8

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: 005-036-721

Lot 21 Section 21 Township 1 New Westminster District Plan 34496

13675 – 27 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 "Natural Class B Stream" is reduced from 15 metres (50 ft.) to not less than 3 metres (10 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.

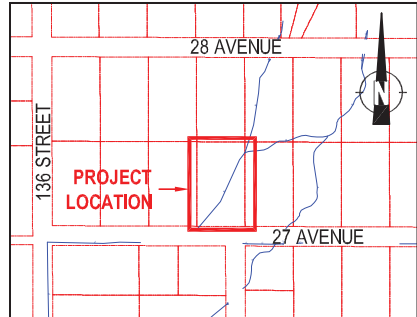
8. This development variance permit is not a building permit.

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

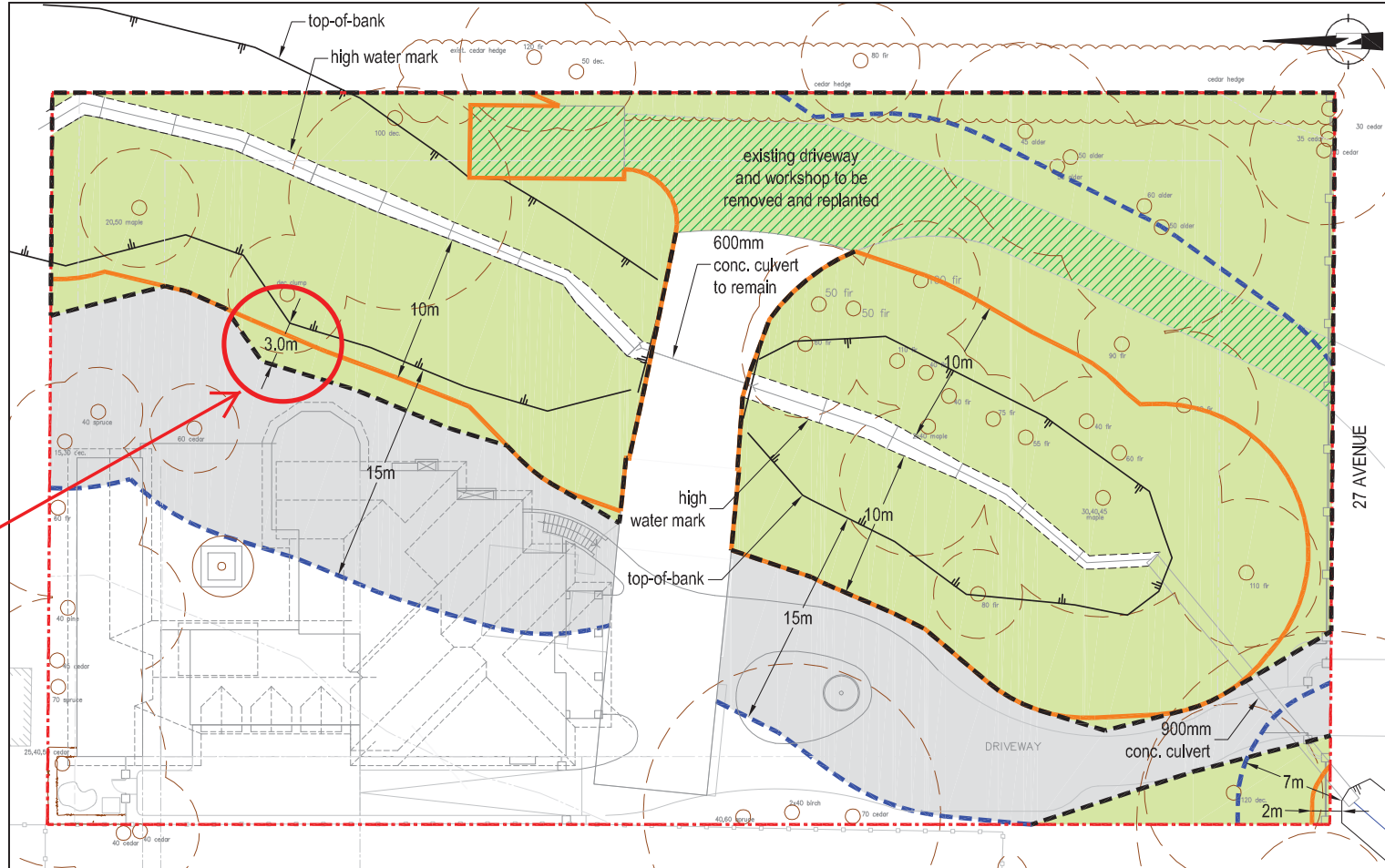
Mayor – Linda Hepner

City Clerk – Jane Sullivan

LOCATION
SCALE 1:5000



PLAN
SCALE 1:300



- LEGEND**
- - - Property Line
 - RAR SPEA Protection Boundary
 - - - Bylaw SPEA Boundary
 - - - Proposed SPEA Boundary
 - Area of Proposed SPEA (2314m²)
 - Encroachment Area (817m²)
 - Approximate Enhancement Area (301m²)

Proposed riparian setback: minimum 3 m (10 ft. from top of bank)

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SPEA

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SCALE: As Shown	DATE: January 26, 2017		DRAWING NUMBER: 1977-01-02	