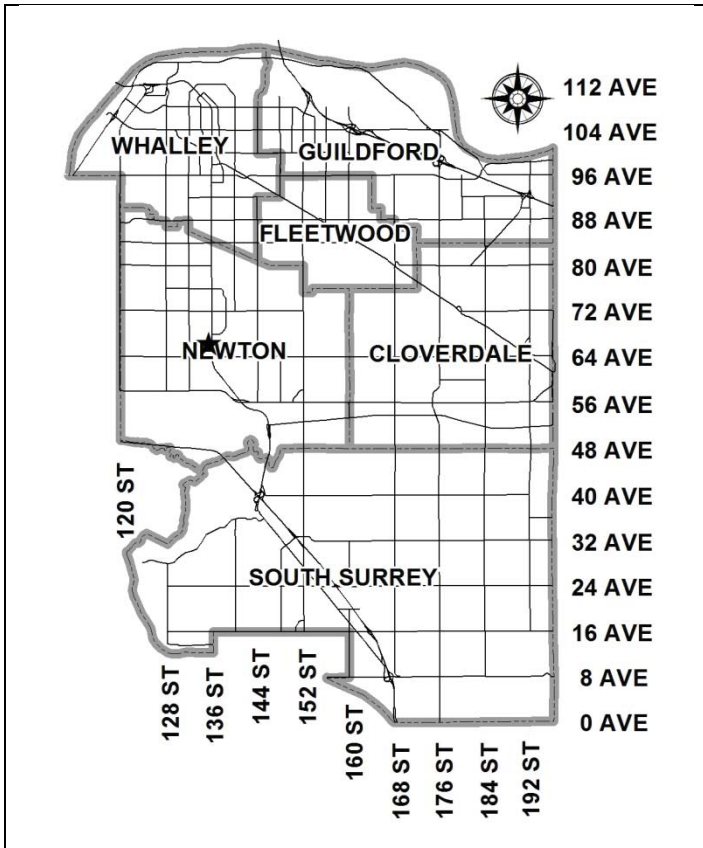


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0113-00

Planning Report Date: May 29, 2017



PROPOSAL:

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

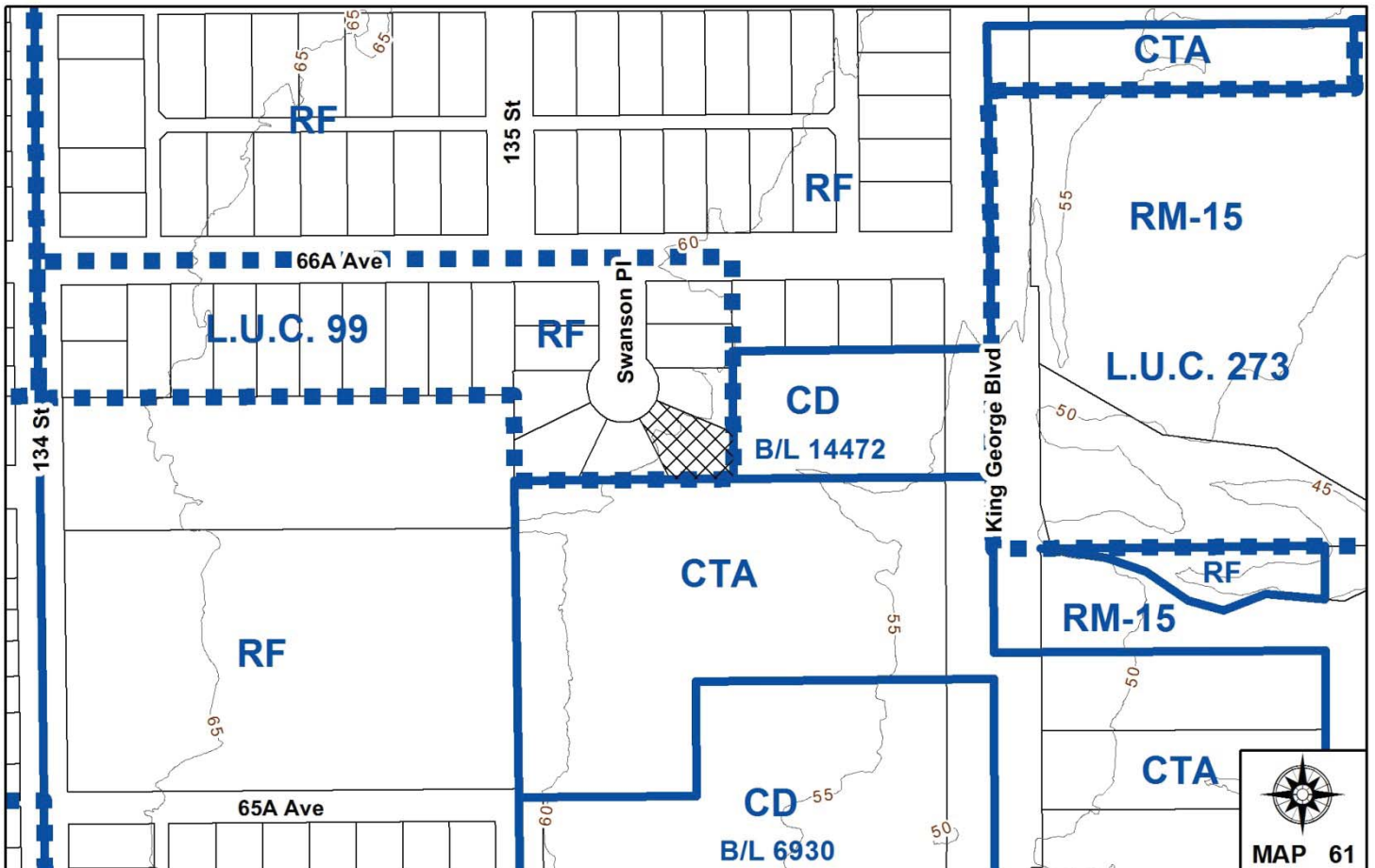
to reduce the minimum streamside setback from a watercourse to facilitate the construction of a single family dwelling.

LOCATION: 6596 - Swanson Place

OWNER: Karmjit S Sanghera
 Parvir K Sanghera

ZONING: L.U.C. 99 (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 proposing to reduce the minimum setback from the top of bank of a "Channelized Class B Stream".

RATIONALE OF RECOMMENDATION

- The applicant is proposing to vary the required streamside setback for a "Channelized Class B Stream" from 15 metres (50 ft.) to 4.8 metres (16 ft.) from top-of-bank, in order to construct a new single family dwelling on the property. The watercourse, Henry Bose Creek, is fully located on the property to the south (6571 - King George Boulevard), which is a "Tourist Accommodation Zone (CTA)", manufactured home park.
- The required 15 metre (50 ft.) setback from top-of-bank precludes redevelopment of the property as it would encompass just under half of the property, and leave little reasonable opportunity to construct a new single family dwelling on the property.
- The applicant provided a Riparian Areas Regulation (RAR) Assessment Report and Sensitive Ecosystem Protection Plan for the Class B watercourse and riparian area, prepared by Envirowest Consultants Inc. (dated May 3, 2017). Both were reviewed and accepted by City staff as well as peer reviewed by a separate Qualified Environmental Professional (QEP), who found the report acceptable.
- The RAR Assessment Report and Sensitive Ecosystem Protection Plan recommend using the RAR SPEA setback of 10 metres (33 ft.) from the high water mark (as opposed to the 15 metre (50 ft.) setback from top-of-bank), which results in a 4.8 metre (16 ft.) SPEA Protection Boundary from the top-of-bank.
- The 4.8 metre (16 ft.) SPEA Protection area, of which 3 metres (10 ft.) will be located on the subject property, will be protected by a Restrictive Covenant registered on title, limiting access to the SPEA area. The area is also proposed to be fully fenced off and landscaped with native species.
- The applicant's Qualified Environmental Professional (QEP) has prepared an Impact Mitigation Plan (IMP) which proposes planting fifty native shrubs in the reduced Streamside Protection Area and installing a 1.8 metre (6 ft.) high, permanent wooden fence 3 metres (10 ft.) from the south property line. The applicant will be required to submit a landscaping plan and securities for the implementation of the IMP.
- The applicant will be required to enter into an agreement with the City, registering a 5 metre (16.5 ft.) No Build Right of Way that follows the RAR SPEA Boundary for engineering access.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0113-00 (Appendix II), to reduce the minimum setback distance from top of bank of a "Channelized Class B Stream" in Part 7A of the Zoning By-law from 15 metres (50 ft.) to 4.8 metres (16 ft.), to proceed to Public Notification.
2. Council authorize staff to draft Development Permit No. 7917-0113-00 for Sensitive Ecosystems, generally in accordance with the RAR Assessment Report and Impact Mitigation Plan prepared by Envirowest Consultants Inc.
3. Council instruct staff to resolve the following issues prior to Development Variance Permit and Development Permit issuance:
 - (a) submission and registration of a Combined Restrictive Covenant and Statutory Right of Way for City access to the riparian setback area; 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 proposed variance, but requests that a Statutory Right of Way be secured on the property beyond the extent of the accepted RAR SPEA boundary to allow for City access.

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling	Urban	L.U.C. 99 (RF)
East:	Care facility / homeless shelter	Urban	CD Zone (By-law No. 14472)
South:	Manufactured home park	Urban	CTA
West:	Single family dwelling	Urban	L.U.C. 99 (RF)

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The subject property is located at 6596 - Swanson Place and is currently under Land Use Contact #99, which was approved by Council for termination on January 16, 2017. Effective January 17, 2018, the underlying RF Zone will come into effect. The property is designated "Urban" in the Official Community Plan, and is not in a Neighbourhood Concept Plan.
- Due to a yellow-coded watercourse that runs south of the property, a Riparian Areas Regulation (RAR) Assessment Report, prepared by Envirowest Consultants Inc., was submitted by the applicant in March 2017. The RAR Assessment Report recommended a Streamside Protection and Enhancement Area (SPEA) based on the distance the RAR SPEA extends into the subject property – a distance of 3 metres (10 ft.) from the south property line. The Report was peer reviewed by Dillon Consulting on April 11, 2017 and found to be acceptable.
- A Development Variance Permit has been requested to allow for a streamside setback of 4.8 metres (16 ft.) from top-of-bank, a reduction from the required 15 metres (50 ft.) from the watercourse top-of-bank as outlined in the Streamside Protection provision of the Zoning By-law.
- The property is within the Hazard Land Development Permit Area for Steep Slopes; however, given the minimal slope on the lot and no geotechnical concerns raised by the geotechnical report, a Hazard Land Development Permit is not deemed necessary.

Sensitive Ecosystem Development Permit

- The subject site falls within the Sensitive Ecosystem Development Permit Area due to the "Channelized Class B Stream" (Henry Bose Creek) that runs through the property to the south.
- In addition to the RAR Assessment Report submitted in March 2017, the applicant also submitted a Sensitive Ecosystem Protection Plan prepared by Envirowest Consultants Inc., dated May 3, 2017. The Protection Plan proposes a Streamside Setback Area of 83 square metres (893 square feet) that will be separated from the remainder of the site by a 1.8 metre (6 ft.) high, permanent solid wooden fence.
- As outlined in the Protection Plan, the applicant is proposing to landscape the SPEA with native plant species, enhancing the riparian area.
- Additionally, the applicant has agreed to register a combination Restrictive Covenant and Statutory Right-of-Way on the property title to ensure safeguarding and maintenance of the riparian area in perpetuity.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum setback from the top-of-bank for a "Channelized Class B Stream" from 15 metres (50 ft.) to 4.8 metres (16 ft.).

Applicant's Reasons:

- The 15 metre (50 ft.) required streamside setback from top-of-bank precludes redevelopment of the property as it would encompass just under half of the property, and leave little reasonable opportunity to construct a new single family dwelling on the property and reasonable use of the rear yard.
- An Impact Mitigation Plan (IMP) has been proposed to minimize the impacts of development on the neighbouring watercourse.

Staff Comments:

- The 15 metre (50 ft.) setback from top-of-bank, as required by the Streamside Protection provision of the Zoning By-law, impedes the opportunity to construct a reasonable sized dwelling on the property with a useable rear yard.
- Both the RAR Assessment Report and Sensitive Ecosystem Protection Plan for the "Channelized Class B Stream" (Henry Bose Creek), recommend using the RAR SPEA setback of 10 metres (33 ft.) from the high water mark as the setback distance. This distance translates to a 4.8 metre (16 ft.) setback from the top-of-bank (3 metres (10 ft.) from the south property line). The RAR SPEA has been peer reviewed by Dillon Consulting and found to be acceptable.
- The 3 metre (10 ft.) SPEA Protection area will be safeguarded by a Combined Restrictive Covenant and Statutory Right of Way registered on the title of the property. The area will also be fenced off and landscaped with native species.
- The applicant's Qualified Environmental Professional (QEP) has prepared an Impact Mitigation Plan (IMP) which proposes planting fifty native shrubs in the reduced Streamside Protection Area and installing a 1.8 metre (6 ft.) high, permanent wooden fence 3 metres (10 ft.) from the south property line. The applicant will be required to submit a landscaping plan and securities for the implementation of the IMP.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners & Action Summary
- Appendix II. Development Variance Permit No. 7917-0113-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by Able Geotechnical Ltd., dated November 22, 2016
- Environmental Report Prepared by Envirowest Consultants Inc., dated May 3, 2017
- RAR Assessment Report Prepared by Envirowest Consultants Inc., dated March 30, 2017
- RAR Peer Review Report Prepared by Dillon Consulting, dated April 11, 2017

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

DZ/da

Information for City Clerk

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

1. (a) Agent: Name: Parvir K Sanghera

 Address: 6845 - Kilburn Place
 Surrey, BC V3W 6H5

2. Properties involved in the Application
 - (a) Civic Address: 6596 - Swanson Place

 - (b) Civic Address: 6596 - Swanson Place
 Owner: Parvir K Sanghera
 Karmjit S Sanghera
 PID: 006-197-698
 Lot 62 Section 17 Township 2 New Westminster District Plan 47505

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0113-00 and bring the Development Variance Permit forward for 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.: 7917-0113-00

Issued To: KARMJIT S SANGHERA
PARVIR K SANGHERA

(the "Owner")

Address of Owner: 6845 - Kilburn Place
Surrey, BC V3W 6H5

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: 006-197-698
Lot 62 Section 17 Township 2 New Westminster District Plan 47505

6596 - Swanson Place

(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 "Channelized Class B Stream" is reduced from 15 metres (50 ft.) to 4.8 metres (16 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.

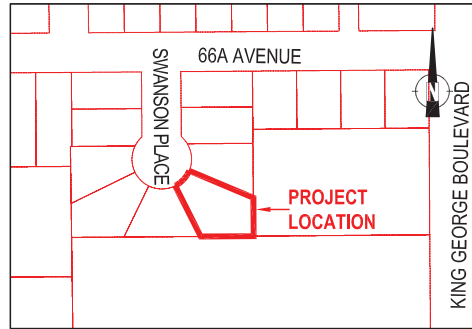
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

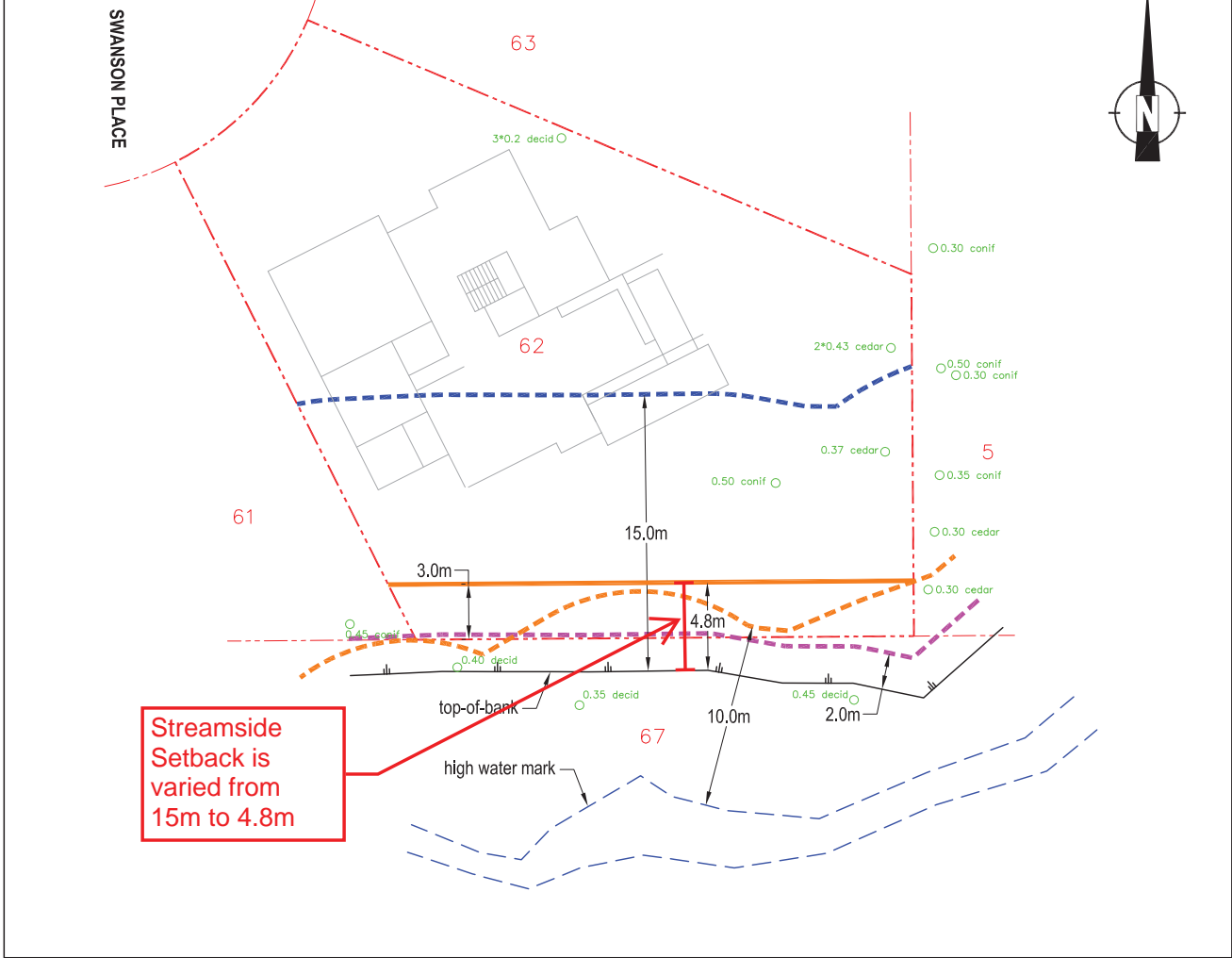
LOCATION

SCALE 1:2500



PLAN

SCALE 1:250



LEGEND

- Zoning Bylaw Setback
- RAR SPEA
- SPEA Protection Boundary
- Geotechnical Setback
- Property Line

REFERENCE DRAWINGS

1. Email: Sketch-1.dwg, October 31, 2016, Dhaival & Associates Land Surveying Inc.
2. File No. 1512136-T01, "British Columbia Land Surveyor's Certificate Showing Existing Elevations and Trees on Lot 62 Section 17 Township 2 New Westminster District Plan 47505", October 31, 2016, Dhaival & Associates Land Surveying Inc.
3. 2014 Legal Base From City of Surrey.

MS. PARVIR SANGHERA
Surrey, BC

PROPOSED BUILDING PERMIT
6596 Swanson Place
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

Schedule A



SETBACKS

DESIGN IWW	DRAWN RK/SCM	CHECKED IWW	REVISION 00	REVISION DATE
SCALE: As Shown			DRAWING NUMBER: 2333-01-01	
DATE: March 03, 2017				

DATE: 2017-03-03 - 2:07pm
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