

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0239-00

Planning Report Date: November 6, 2017

PROPOSAL:

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

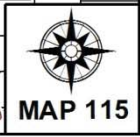
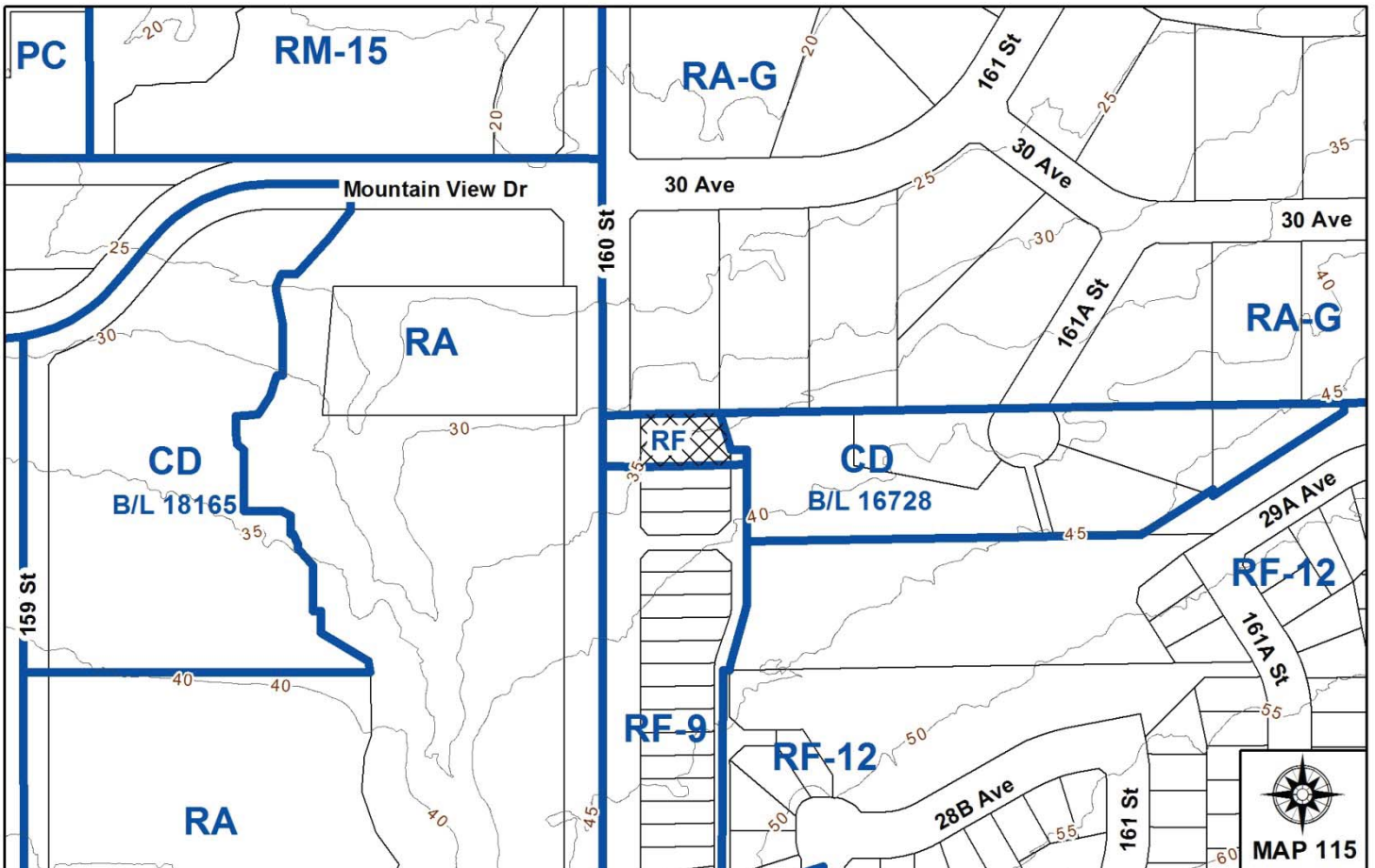
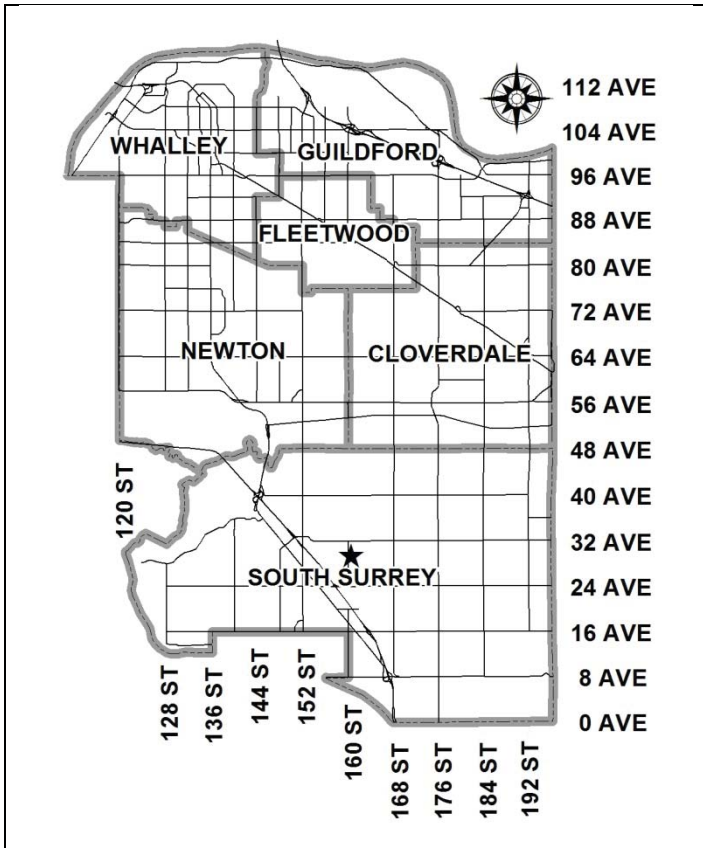
to relax the minimum streamside protection setback to facilitate the construction of a single family dwelling.

LOCATION: 2950 - 160 Street

ZONING: RF

OCP DESIGNATION: Urban

NCP DESIGNATION: Single Detached (4-6 u.p.a.)



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 a variance for the following:
 - to reduce the minimum distance (setback) from top of bank of a "Class B Stream";
 - to allow the required reduced floor area of the second storey to be offset from the main floor level from either the front, side, or rear walls or combination thereof; and
 - to allow 52% of the length of the rear building face to be setback a distance of 6.0 metres (20 ft.) from the rear lot line.

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.
- The QEP has recommended a fence be constructed along the setback boundary and enhanced landscaping be planted within the reduced setback area. The landscaping will complement the existing tree protection area which was established when the lot was created under Development Application No. 7912-0229-00.
- The variance has been requested to provide separation between the building and the streamside setback fencing and plantings in order to allow for access to the north side yard. No part of the building is proposed to be located within the 15 metre (49 ft.) streamside setback required by the Zoning Bylaw.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0239-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) 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 13.5 metres (44 ft.);
 - (b) to vary the "Single Family Residential Zone (RF)" to allow the reduced floor area of the second storey to be offset from the main floor level from either the front, side, or rear walls or combination thereof; and
 - (c) to vary the "Single Family Residential Zone (RF)" to allow 52% of the length of the rear building face to be setback a distance of 6.0 metres (20 ft.) from the rear lot line.
2. Council authorize staff to draft Development Permit No. 7917-0239-00 for Sensitive Ecosystems and Hazard Land, generally in accordance with the Ecosystem Development Plan prepared by ENKON Environmental, dated October 13, 2017, and the geotechnical report prepared by Able Geotechnical Ltd., dated May 2, 2017.
3. Council instruct Staff to resolve the following issues prior to Final Approval:
 - (a) submission of a landscape plan to the satisfaction of the City Landscape Architect; and
 - (b) Registration of Section 219 Restrictive Covenants to ensure future house construction is in accordance with the recommendations in the approved Geotechnical Report and Ecosystem Development Plan.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family residential lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling.	Suburban / Proposed One Acre Residential Gross Density (RA-G)	RA-G
East:	Grandview Heights Linear Park.	Urban / Environmental Area	CD (By-law No. 16728)
South:	Single family dwelling.	Urban / Single Detached (4-6 u.p.a.)	RF-9
West (Across 160 Street):	Wills Brook Park.	Urban / Environmental Area	RA

DEVELOPMENT CONSIDERATIONS

- The subject property is located at 2950 – 160 Street and is approximately 696 square metres (7,487 sq. ft.) in size.
- The site is designated "Urban" in the Official Community Plan (OCP), "Single Detached (4-6 u.p.a.)" in the North Grandview Heights Neighbourhood Concept Plan (NCP), and zoned "Single Family Residential Zone (RF)".
- The property owners applied for a Building Permit in April 2017 to construct a new single family dwelling.
- A "Class B Stream" is located within the neighbouring parkland 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 with the provisions identified in the Official Community Plan.
- Under Part 7A "Streamside Protection" of the Zoning By-law, the area within 15 metres (50 ft.) of the top of bank of a Class B watercourse must be maintained as a "no-disturbance" area. The new single family dwelling is proposed to be constructed outside the required 15 metre (50 ft.) streamside setback from top of bank. However, a variance has been requested to reduce the streamside setback area in order to allow for a 1.8 metre separation between the building face and the streamside protection area so that there may be adequate access to the north side yard.
- 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.

- The property is encumbered by a Landscape Buffer Restrictive Covenant along the north 6.2 metres (20 ft.) of the property.

Current Proposal

- The applicant is proposing a Development Variance Permit to reduce the required streamside setback under the Part 7A, Streamside Protection of the Zoning By-law from 15 metres (50 ft.) to a minimum distance of 13.5 metres (44 ft.) in order to construct a new single family dwelling with a functional side yard.
- Under the RF Zone, the maximum permitted floor area of a second storey for a principal building must not exceed 80% of the floor area of the main floor level, and the reduced floor area of the second storey must be accomplished by an offset from either the front or side walls of the main floor level. The applicant is proposing a variance to allow the 20% offset of the second storey level from the main floor level to be provided from the front, side, or rear walls or a combination thereof.
- 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 Able Geotechnical Ltd. to prepare a geotechnical report to address the steep slope conditions for the Hazard Land Development Permit Area. The initial report, dated May 2, 2017, identified the subject site as being safe for the construction of a single family dwelling.
- 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 ENKON Environmental to complete an Ecosystem Development Plan (EDP), which includes an Impact Mitigation Plan (IMP), to address the Sensitive Ecosystem Development Permit Area requirements and the streamside setback variance request.
- The EDP identifies that the proposed house is to be located outside the streamside setback of 15 metres (50 ft.) as required by the Zoning By-law. The proposed reduced setback of 13.5 metres (44 ft.) to allow for functional separation from the building exterior and the streamside area generally coincides with existing tree protection fencing.
- The Impact Mitigation Plan outlines the reduced streamside protection area will be protected by temporary fencing during construction and that permanent fencing will be installed post-construction. Additionally, the QEP has recommended enhancement planting within the setback area and the covenanted landscape buffer area along the northern portion of the property.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the minimum setback distance from top of bank of a "Class B Stream" from 15 metres (50 ft.) to a minimum of 13.5 metres (44 ft.).

Applicant's Reasons:

- The variance will allow for an adequately sized home on the lot and permit access to the north side yard.

Staff Comments:

- Streamside setback areas are to be established as a no-disturbance area with no encroachment of residential uses or activities. The proposed building on the subject site is outside the required 15 metre (50 ft.) streamside setback area but to allow for a functional side yard, a reduction to the required setback of 1.5 metres (5 ft.) has been requested.
- In addition to the streamside setback, the subject property is encumbered by a 6.2 metre (20 ft.) landscape buffer along the northern portion of the lot which constrains the applicant's ability to design around the streamside area and utilize the permitted buildable area of a lot of this size as afforded by the RF Zone.
- The applicant has made reasonable efforts to respond to staff's concerns regarding the building being in conflict with the streamside setback by removing all structures from this area.

(b) Requested Variances:

- Vary the "Single Family Residential Zone (RF)" to allow the required reduced floor area of the second storey to be offset from the main floor level from the front, side, or rear walls or combination thereof.
- To allow 52% of the length of the rear building face to be setback a distance of 6.0 metres (20 ft.) from the rear lot line.

Applicant's Reasons:

- In order to accommodate the 6.2 metre (20 ft.) landscape buffer in the north side yard, the house width needs to be narrowed.
- By making the house a narrower, a portion of the required second floor offset needs to be allocated to the rear of the rear of the house to maintain an adequate amount of floor area.

- Additionally, reducing the width of the house results in more than 50% of the length of the rear building face being setback 6.0 metres (20 ft.) from the rear lot line. This portion of the building with a reduced setback is for the garage which has access from the lane.

Staff Comments:

- The floor area of the second storey does not exceed 80% of the main floor as required by the RF Zone. However, to meet the constraints of the site, a portion of the reduced floor area on the second floor needs to be counted at the rear of the building. The building is still articulated between the main floor and the second floor at the front and south building sides to meet the intent of the Bylaw.
- The RF Zone permits 50% of the length of the rear building face to be setback 6.0 metres (20 ft.) from the rear lot line provided the remainder of the building face is setback at least 8.5 metres (28 ft.).
- The subject property is accessed by a rear lane and is located at the north terminus of the lane. Based on the configuration of the lot and the surrounding properties, there will be no visual impact to surrounding neighbours as a result of this variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary (Confidential)
Appendix II. Development Variance Permit No. 7917-0239-00

INFORMATION AVAILABLE ON FILE

- Environmental Report Prepared by ENKON Environmental dated October 13, 2017

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0239-00

Issued To:

Address of Owner:

Issued To:

Address of Owner:

(collectively referred to as the "Owner")

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: 029-693-519
Lot 4 Section 24 Township 1 New Westminster District Plan EPP36564
2950 - 160 Street

(the "Land")

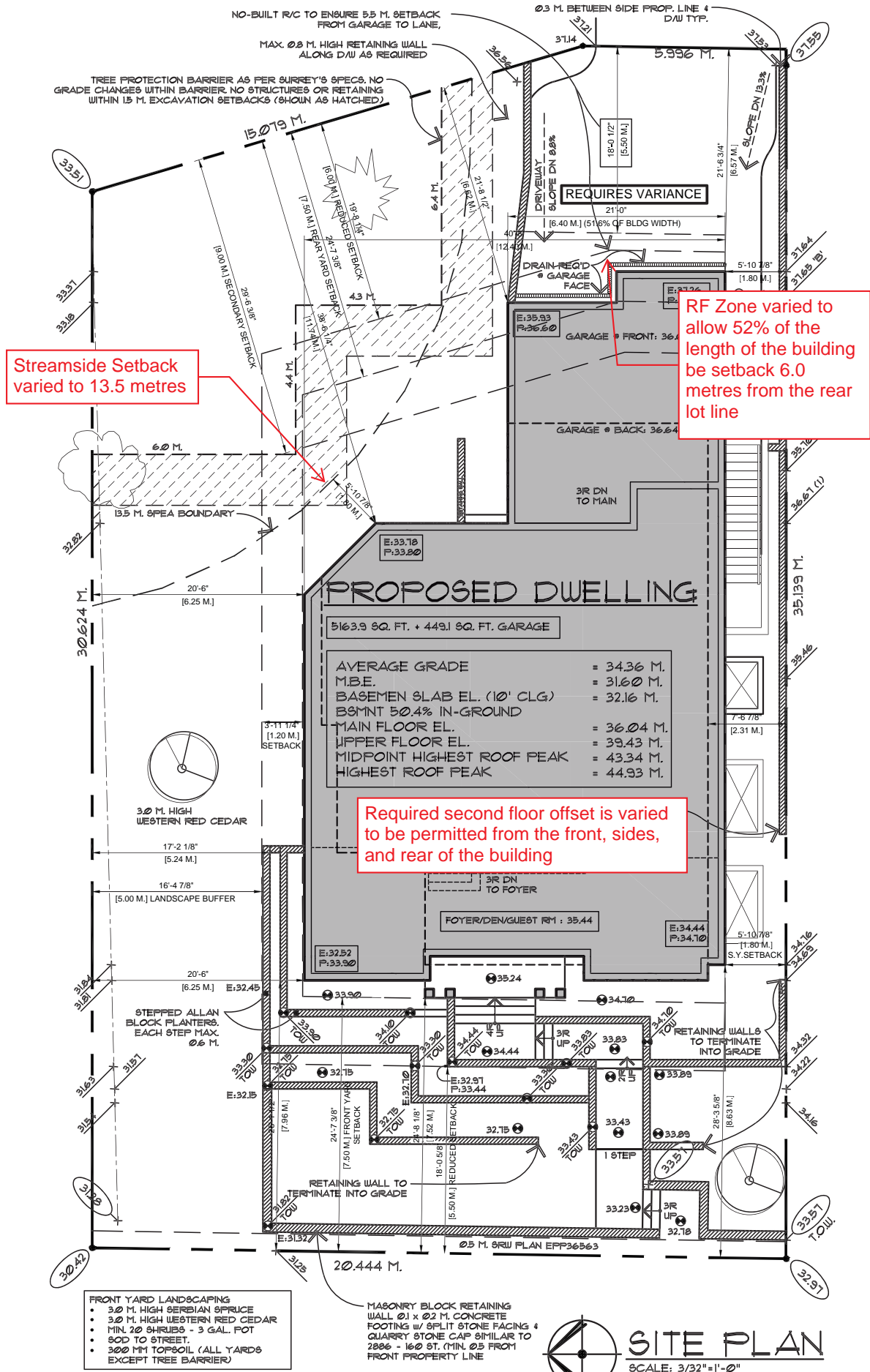
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In the table in Section B.1 of Part 7A "Streamside Protection", the minimum distance from top of bank for a "Class B Stream" is reduced from 15 metres (50 ft.) to not less than 13.5 metres (44 ft.);
 - (b) In Section D.2.(a)iii. of Part 16 "Single Family Residential Zone (RF)", the reduced floor area of the second storey shall be offset from the wall at the main floor level from either the front, side, or rear walls or a combination thereof; and

- (c) In Section F. Yards and Setbacks of Part 16 "Single Family Residential Zone (RF)", is varied to permit 52% of the length of the rear building face to be setback 6.0 metres (20 ft.) from the rear lot line.
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



Streamside Setback varied to 13.5 metres

RF Zone varied to allow 52% of the length of the building be setback 6.0 metres from the rear lot line

Required second floor offset is varied to be permitted from the front, sides, and rear of the building