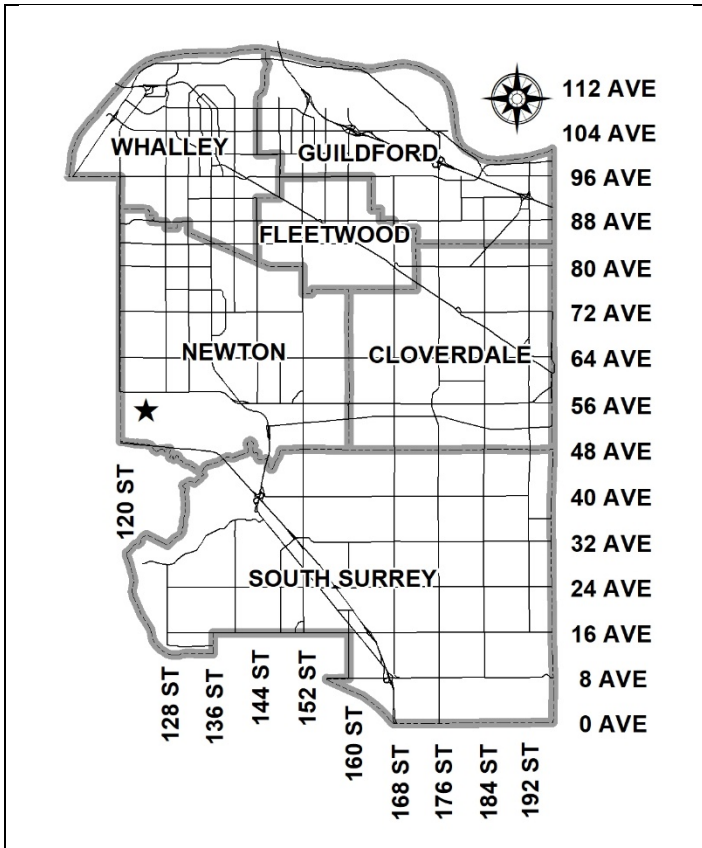


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0457-00

Planning Report Date: December 17, 2018



PROPOSAL:

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

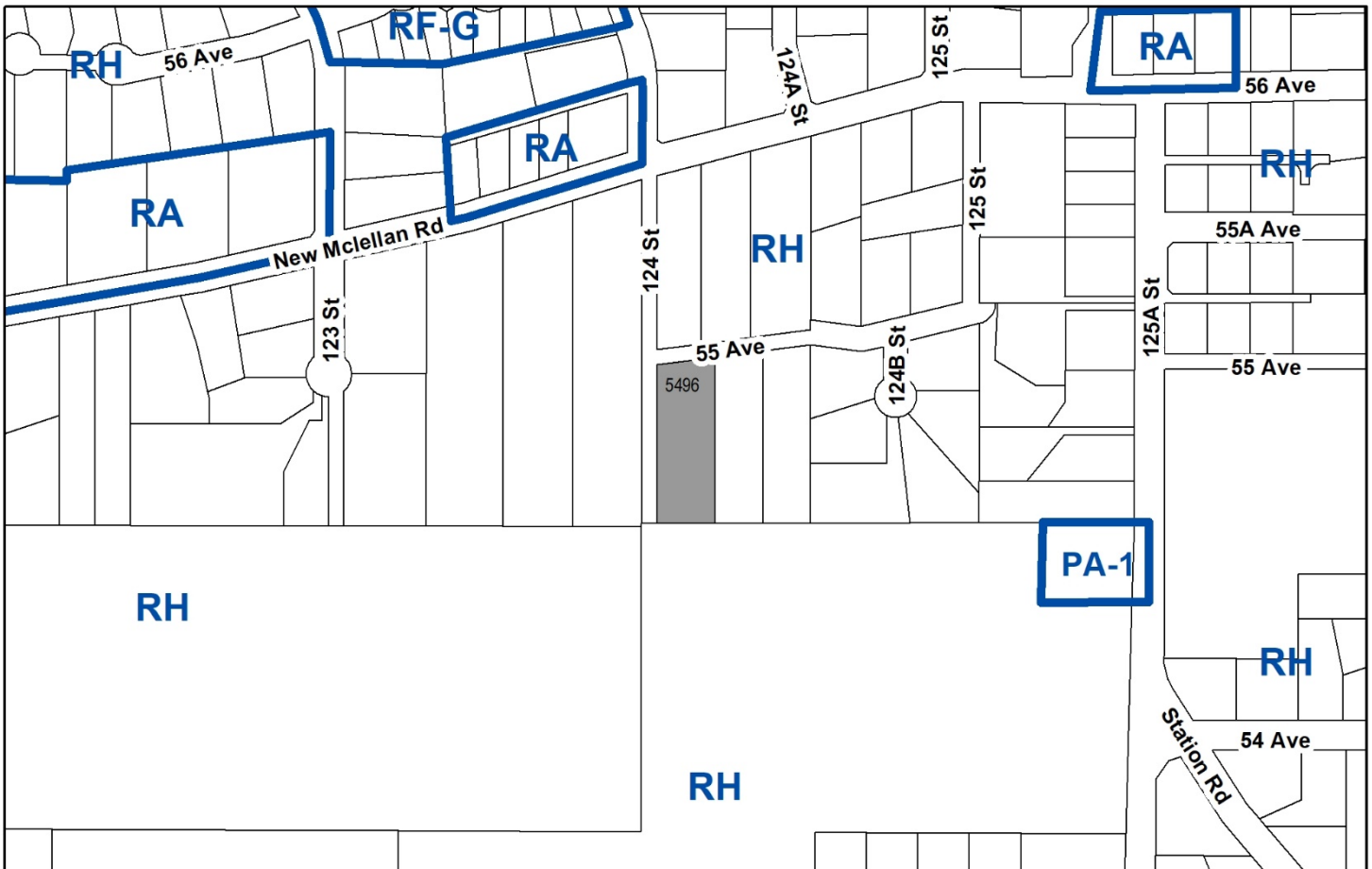
to reduce the minimum front yard, side yard, and streamside setbacks to facilitate construction of a single family dwelling.

LOCATION: 5496 - 124 Street

ZONING: RH

OCF DESIGNATION: Suburban / Suburban Density Exception Area (max. 2 upa)

LAP DESIGNATION: Suburban Residential (1/2 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 proposing to reduce the minimum front yard setback, the side yard (east) setback, and the minimum setback from the Top of Bank of a "Natural Class B Stream".

RATIONALE OF RECOMMENDATION

- A Class B watercourse, Eugene Creek, borders the property along the west and south property lines. Eugene Creek is located within a ravine with steep slopes with a gradient ranging from 35% to 66%. The site beyond the Top of Bank to the north and east is relatively flat.
- Adhering to the required setbacks under the Zoning By-law would render nearly 95% of the property undevelopable, leaving only about 215 square metres (2,315 sq. ft.) available to redevelop.
- The proposed variances to the front yard, side yard, and streamside setbacks would allow the applicant to construct a new single family dwelling on the property in approximately the same location as the existing house.
- The applicant has provided a Geotechnical Slope Stability Assessment, an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), and a Riparian Areas Regulation (RAR) Assessment Report in support of the proposed variance to the streamside setback.
- The proposed variances to the front yard and side yard (east) setbacks allow for the house to be located further away from the watercourse, while providing for additional floor area to enable the applicant to achieve a reasonably sized house for a property of this size.
- The applicant will be required to register a combined Restrictive Covenant and Statutory Right-of-Way against the property to protect the Streamside Protection Area and to provide a 3.0 metre (16 ft.) Right-of-Way to provide for Engineering access to the Streamside Protection Area.
- Fencing and signage will be installed along the boundary of the Streamside Protection Area to identify it as an environmentally sensitive area where no encroachment or disturbance is allowed.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7917-0457-00 for Hazard Lands and Sensitive Ecosystems generally in accordance with the Geotechnical Slope Stability Assessment prepared by Able Geotechnical Ltd. and the Ecosystem Development Plan and Impact Mitigation Plan prepared by Stickleback Environmental.
2. Council approve Development Variance Permit No. 7917-0457-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RH Zone from 7.5 metres (25 ft.) to 4.5 metres (15 ft.);
 - (b) to reduce the minimum side yard (east) setback of the RH Zone from 4.5 metres (15 ft.) to 1.8 metres (6 ft.); and
 - (c) 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 15.0 metres (50 ft.) to a minimum of 4.0 metres (13 ft.).
3. Council instruct staff to resolve the following issues prior to Development Permit and Development Variance Permit issuance:
 - (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;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) submission of a landscaping planting plan and landscaping cost estimate for the enhancement of the Streamside Setback Area, to the satisfaction of the General Manager, Planning and Development; and
 - (d) registration of a Combined Restrictive Covenant and Statutory Right of Way for City access to the riparian area.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

Parks, Recreation & Culture:

Parks recommends maximizing the Streamside Protection Area while allowing for a reasonable building footprint. Parks supports the fencing proposed by the applicant's environmental consultant along the boundary of the Streamside Protection Area. The applicant is required to submit a landscape restoration plan and cost estimate as part of the Impact Mitigation Plan.

Fire Department

Referral not required.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	LAP Designation	Existing Zone
North (Across 55 Avenue):	Vacant lot and single family dwelling	Suburban Residential (1/2 acre)	RH
East:	Single family dwelling	Suburban Residential (1/2 acre)	RH
South:	Joe Brown Park	Open space	RH
West (Across 124 Street):	Single family dwelling	Suburban Residential (1/2 acre)	RH

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The 4,233 square metre (1.05 acre) subject property is located at 5496 – 124 Street in West Panorama Ridge and is zoned "Half-Acre Residential Zone (RH)".
- The site is designated Suburban in the Official Community Plan (OCP) and Suburban residential (1/2 acre) in the West Panorama Ridge Local Area Plan (LAP). The site is also located within a Suburban Density Exception Area under the OCP, which restricts the maximum density to 2 units per acre.
- A Class B watercourse, Eugene Creek, borders the property along the west and south property lines. Eugene Creek is located within a ravine with steep slopes with a gradient ranging from 35% to 66%. The site beyond the Top of Bank to the north and east is relatively flat.
- The property is within the Hazard Lands Development Permit Area due to the steep ravine slopes located on the property and the Sensitive Ecosystem Development Permit Area due to the presence of a Class B watercourse.

- The applicant is proposing to construct a new single family dwelling on the property in approximately the same area as the existing house. Adhering to the required setbacks under the Zoning By-law would render nearly 95% of the property undevelopable, leaving only about 215 square metres (2,315 sq. ft.), fragmented into two separate areas, available to redevelop.
- The applicant is therefore proposing variances to the front yard, side yard, and streamside setbacks in order to locate the house as far away from the watercourse as possible, while also achieving a reasonably sized house of approximately 465 square metres (5,000 sq. ft.).

Hazard Lands Development Permit

- The subject property contains steep slopes in excess of 20% and therefore requires a Hazard Lands Development Permit in order to construct a new house.
- The applicant has provided a Geotechnical Slope Stability Assessment in support of the proposed development.
- The Geotechnical Slope Stability Assessment recommends a 4.0 metre (13 ft.) building setback from Top of Bank to meet life safety criteria and a 2.0 metre (6.5 ft.) no disturbance setback from Top of Bank to protect the bank slope and its vegetation.
- Provided the recommendations detailed in the Geotechnical Slope Stability Assessment report are adhered to, the site is considered safe for the intended use.
- The Geotechnical Slope Stability Assessment was peer reviewed by a separate Qualified Professional, who found the report acceptable.
- Staff have reviewed the Geotechnical report to confirm that the Development Permit Guidelines identified in the Official Community Plan (OCP) for Hazard Lands have been considered. City staff do not approve these reports and rely on the peer review process to confirm the appropriateness of the findings in the Geotechnical report.

Sensitive Ecosystem Development Permit

- The subject property is bordered by a Class B watercourse along the west and south property lines and therefore requires a Sensitive Ecosystems Development Permit in order to allow construction of a new house.
- The applicant has provided an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), and a Riparian Areas Regulation (RAR) Assessment Report in support of the proposed development.
- These reports were reviewed by City staff and found generally acceptable. The RAR Assessment Report was also peer reviewed by a separate Qualified Professional, who found the report acceptable.
- The RAR Assessment Report recommends a 10.0 metre (33 ft.) setback from the high-water mark for the protection of the riparian area. This recommendation has been taken in conjunction with the recommended Geotechnical building setback to establish a Streamside Protection Area meeting the greater of these two setback requirements.

- A variance is required to reduce the minimum setback distance from Top of Bank of a "Natural Class B Stream" in Part 7A of the Zoning By-law. This is discussed further in the By-law Variance and Justification section below.
- The applicant will be required to register a combined Restrictive Covenant and Statutory Right-of-Way against the property to protect the Streamside Protection Area and to provide a 3.0 metre (16 ft.) Right-of-Way to ensure safeguarding and maintenance of the Streamside Protection Area.
- Fencing and signage, secured through the Development Permit, will be installed along the boundary of the Streamside Protection Area to identify it as an environmentally sensitive area where no encroachment or disturbance is allowed.

TREES

- Jeff Ross, ISA Certified Arborist of Mike Fadum and Associates Ltd. 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:

Tree Species	Existing	Remove	Retain
Alder and Cottonwood Trees			
Alder	14	0	14
Deciduous Trees (excluding Alder and Cottonwood Trees)			
Cherry	1	1	0
Magnolia	1	0	1
Maple	1	0	1
Vine Maple	2	0	2
Coniferous Trees			
Douglas Fir	40	0	40
Western Hemlock	1	1	0
Western Red Cedar	16	0	16
Total (excluding Alder and Cottonwood Trees)	62	2	60
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		0	
Total Retained and Replacement Trees		74	
Contribution to the Green City Fund		\$1,600	

- The Arborist Assessment states that there is a total of 62 protected trees on the site, excluding Alder and Cottonwood trees. Fourteen (14) existing trees, approximately 18% of the total trees on the site, are Alder and Cottonwood trees. It was determined that 74 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.
- 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 of four (4) replacement trees on the site. Since no replacement trees are being proposed on the site, the deficit of four (4) replacement trees will require a cash-in-lieu payment of \$1,600, representing \$400 per tree, to the Green City Fund, in accordance with the City's Tree Protection By-law.
- In summary, a total of 74 trees are proposed to be retained on the site with a contribution of \$1,600 to the Green City Fund.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of the RH Zone from 7.5 metres (25 ft.) to 4.5 metres (15 ft.);
- To reduce the minimum side yard (east) setback of the RH Zone from 4.5 metres (15 ft.) to 1.8 metres (6 ft.); and
- 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 15.0 metres (50 ft.) to a minimum of 4.0 metres (13 ft.).

Applicant's Reasons:

- Adhering to the required setbacks under the Zoning By-law would render nearly 95% of the property undevelopable, leaving only about 215 square metres (2,315 sq. ft.), fragmented into two separate areas, available to redevelop.
- The proposed variances allow for sufficient protection of the watercourse, while still allowing for the construction of a new house of a reasonable size in relation to the size of the property.

Staff Comments:

- The proposed variances to the front yard, side yard, and streamside setbacks would allow the applicant to construct a new single family dwelling on the property in approximately the same location as the existing house.

- The applicant has provided a Geotechnical Slope Stability Assessment, an Ecosystem Development Plan (EDP) and Impact Mitigation Plan (IMP), and a Riparian Areas Regulation (RAR) Assessment Report in support of the proposed variance to the streamside setback.
- The Geotechnical Slope Assessment Report recommends a 4.0 metre (13 ft.) building setback and a 2.0 metre (6.5 ft.) no disturbance setback from Top of Bank and the RAR Assessment Report recommends a 10.0 metre (33 ft.) setback from the high-water mark.
- The proposed streamside setback will vary between 4.0 metres (13 ft.) and 5.3 metres (17 ft.), which adheres to both the recommended Geotechnical building setback and the recommended RAR setback from the high-water mark.
- The Streamside Protection Area will be safeguarded through registration of a combined Restrictive Covenant and Statutory Right-of-Way on the title of the property. The Streamside Protection Area will be fenced, and signs will be installed identifying it as an environmentally sensitive area where no encroachment or disturbance is allowed.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary (Confidential)
Appendix II.	Engineering Summary
Appendix III.	Summary of Tree Survey and Tree Preservation
Appendix IV.	Development Variance Permit No. 7917-0457-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by Able Geotechnical Ltd. dated August 27, 2018
- Environmental Report Prepared by Stickleback Environmental dated August 8, 2018

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

INTER-OFFICE MEMO

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

FROM: **Development Engineer, Engineering Department**

DATE: **Dec 11, 2018** PROJECT FILE: **7817-0457-00**

RE: **Engineering Requirements
Location: 5496 124 Street**

DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

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

- Provide a 3.0 metre Access ROW 4.0 metres from Top of Bank complete with fencing as shown on Apex Design Group Inc. plan (dated 2018-11-15) and included in the Sensitive Ecosystem Development Permit and Impact Plan 5496 – 124 Street, Surrey BC (File No. 192A) submitted by Stickleback Environmental.



For Tommy Buchmann, P.Eng.
Acting Development Services Manager

LR

MIKE FADUM AND ASSOCIATES LTD.
VEGETATION CONSULTANTS

Tree Preservation Summary

Surrey Project No: TBD


Address: 5496 - 124 Street

Registered Arborist: Corey Plester #PN-8523A

On-Site Trees	Number of Trees
Protected Trees Identified (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)	76
Protected Trees to be Removed	2
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	74
Total Replacement Trees Required: <ul style="list-style-type: none"> - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 X one (1) = 0 - All other Trees Requiring 2 to 1 Replacement Ratio 2 X two (2) = 4 	4
Replacement Trees Proposed	TBD
Replacement Trees in Deficit	TBD
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	NA

Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	0
Total Replacement Trees Required: <ul style="list-style-type: none"> - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 X one (1) = 0 - All other Trees Requiring 2 to 1 Replacement Ratio 0 X two (2) = 0 	0
Replacement Trees Proposed	NA
Replacement Trees in Deficit	NA

Summary report and plan prepared and submitted by: Mike Fadum and Associates Ltd.

<p>Signature of Arborist: </p>	<p>Date: December 4, 2018</p>
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Mike Fadum and Associates Ltd.
#105, 8277-129 Street, Surrey, BC, V3W 0A6
Phone 778-593-0300 Fax 778-593-0302



MIKE FADUM AND ASSOCIATES LTD. VEGETATION CONSULTANTS

#105, 8277 129 St.
 Surrey, British Columbia
 V3W 0A6
 Ph: (778) 593-0300
 Fax: (778) 593-0302
 Mobile: (604) 240-0309
 Email: mfadum@fadum.ca

CLIENT

FILE NO.

PROJECT TITLE
TREE PRESERVATION AND PROTECTION PLAN
 5496 124 STREET
 SURREY, B.C.

REVISIONS:

NO.	DATE	BY	REVISION
1	JULY1317	SL	PROPOSED SITE PLAN
2	AUG3117	MK	REVISED SITE PLAN
3	JUL2718	SL	REVISED SITE PLAN
4	NOV1418	MK	REVISED SITE PLAN

NOTE: REASSESS ALL TREES WITH FINAL DRIVEWAY LOCATION, SERVICES AND BUILDING PLANS.

NOTE: TREE PROTECTION FENCING TO BE MEASURED FROM THE OUTER EDGE OF TREE TRUNK AND SHALL BE CONSTRUCTED TO MUNICIPAL STANDARDS. REASSESS TREES WITH LOT GRADING PLANS.

NOTE: REPLACEMENT TREES SHALL CONFORM TO CNLA LANDSCAPE STANDARDS. SPECIES AND LOCATIONS TO BE DETERMINED AT LANDSCAPE STAGE.

SHEET TITLE
T1 - TREE PRESERVATION AND REMOVAL PLAN

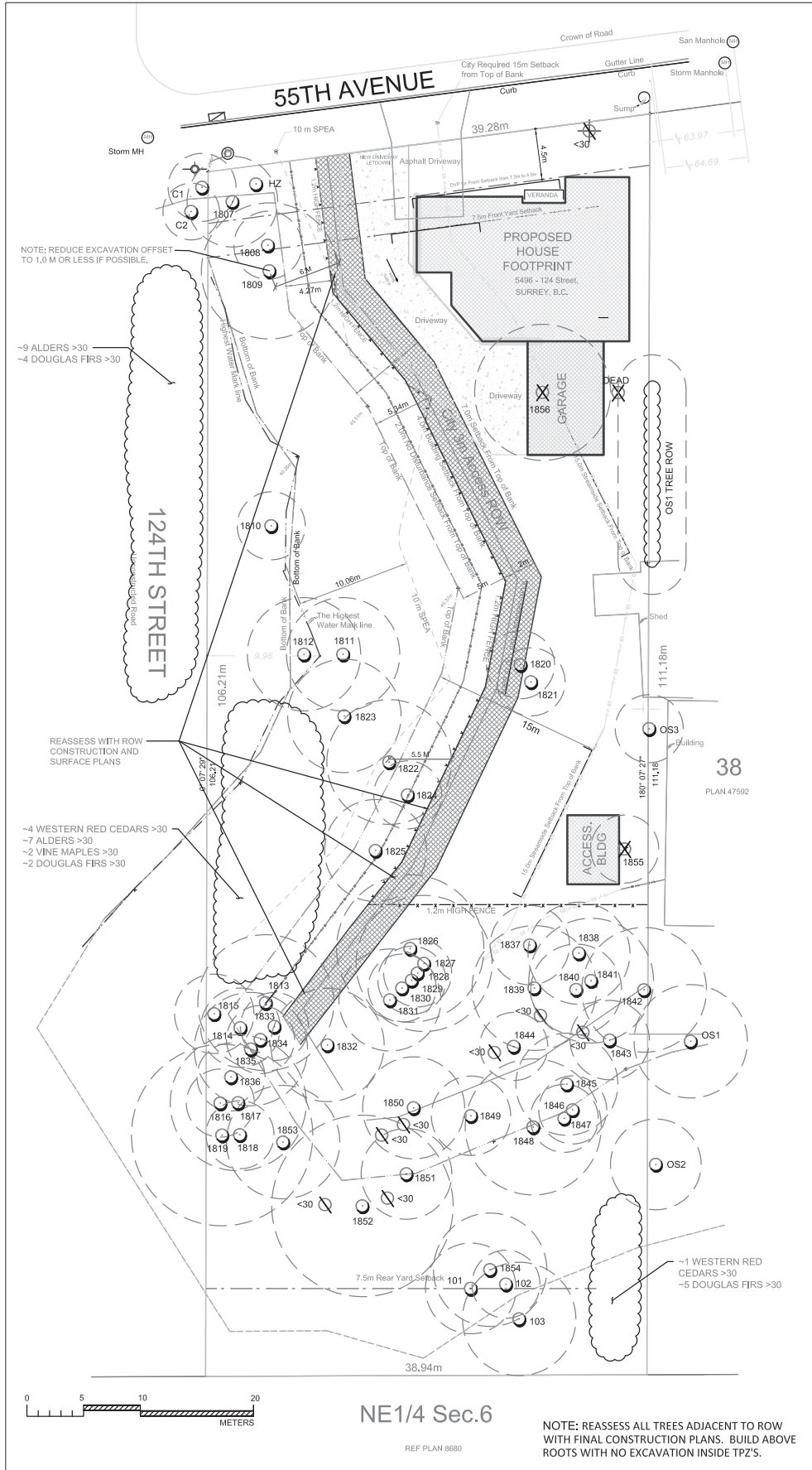
© Copyright Reserved. This drawing and design is the property of Mike Fadum and Associates Ltd. and may not be reproduced or used for other projects without their permission.

DRAWN
MK

SCALE
AS SHOWN

DATE
JUNE 28, 2017

T-1
 SHEET 1 OF 2



NOTE: REDUCE EXCAVATION OFFSET TO 1.0 M OR LESS IF POSSIBLE.

-9 ALDERS >30
 -4 DOUGLAS FIRS >30

-4 WESTERN RED CEDARS >30
 -7 ALDERS >30
 -2 VINE MAPLES >30
 -2 DOUGLAS FIRS >30

REASSESS WITH ROW CONSTRUCTION AND SURFACE PLANS

-1 WESTERN RED CEDARS >30
 -5 DOUGLAS FIRS >30

LEGEND

-  TREE TO BE RETAINED
-  TREE TO BE REMOVED
-  NON-BY-LAW TREE
-  MINIMUM NO DISTURBANCE ZONE



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0457-00

Issued To:

(the "Owner")

Address of 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: 006-199-551

Lot 37 Section 6 Township 2 New Westminster District Plan 47592

5496 – 124 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 14 "Half-Acre Residential Zone (RH)", the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 4.5 metres (15 ft.);
 - (b) In Section F. Yards and Setbacks of Part 14 "Half-Acre Residential Zone (RH)", the minimum side yard (east) setback is reduced from 4.5 metres (15 ft.) to 1.8 metres (6 ft.); and
 - (c) 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 15.0 metres (50 ft.) to a minimum of 4.0 metres (13 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.

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

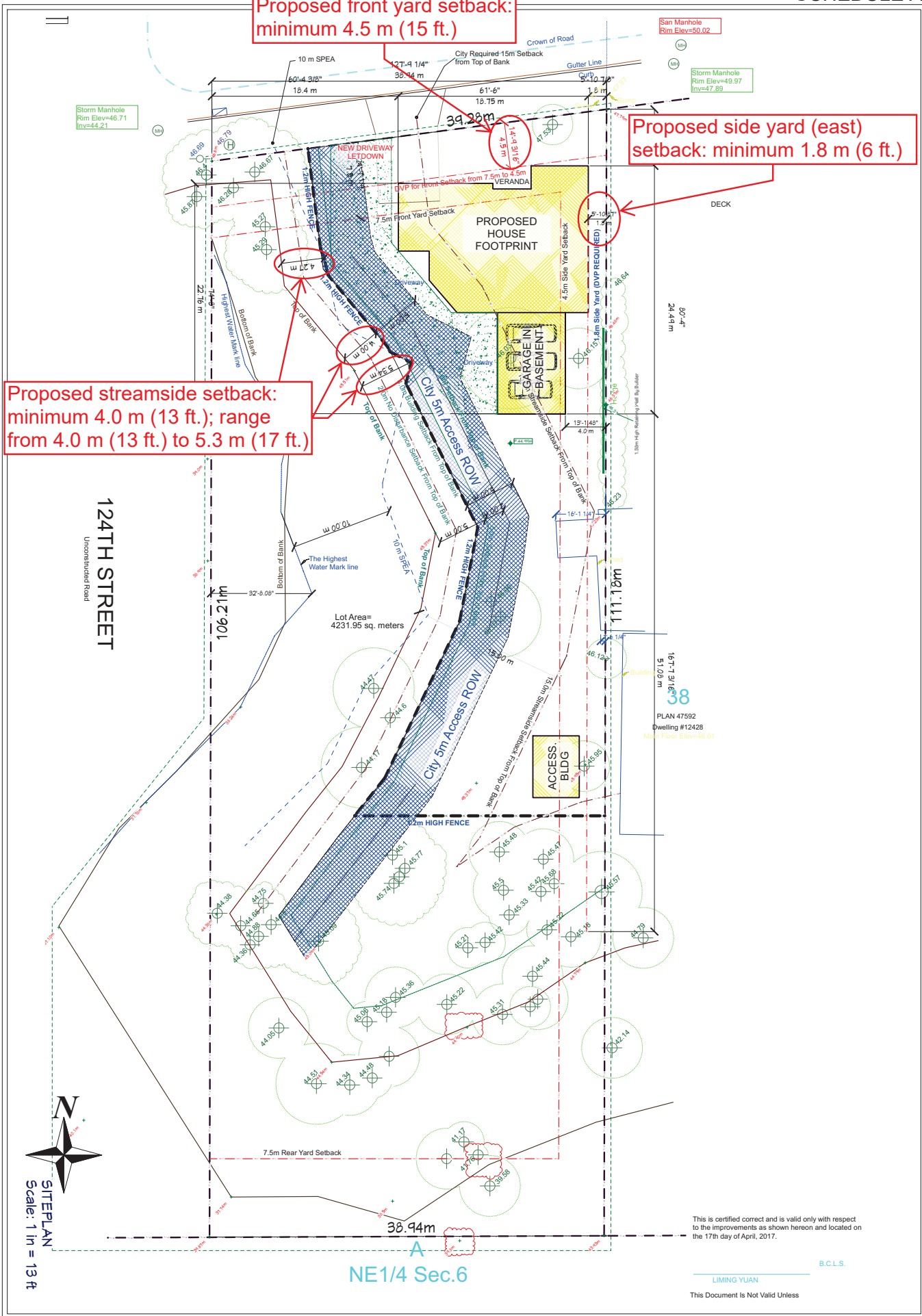
Mayor – Doug McCallum

City Clerk

Proposed front yard setback: minimum 4.5 m (15 ft.)

Proposed side yard (east) setback: minimum 1.8 m (6 ft.)

Proposed streamside setback: minimum 4.0 m (13 ft.); range from 4.0 m (13 ft.) to 5.3 m (17 ft.)



124TH STREET
Unconstructed Road

SITEPLAN
Scale: 1 in = 13 ft

NE1/4 Sec.6

This is certified correct and is valid only with respect to the improvements as shown hereon and located on the 17th day of April, 2017.
B.C.L.S.
LIMING YUAN
This Document is Not Valid Unless

SHEET: Siteplan	SCALE: 2018-12-10	DATE: 2018-12-10	ARCHITECTURAL DESIGNER: Apex Design Group Inc. Ran Chahal, Architectural Technologist, AIBC, CRD Unit 157, 8120-128 Street Surrey, BC, V3W 1R3 (O): 604-543-8281 (F): 604-543-8248 info@apexdesigngroup.com	PROJECT: Jagdeep Gill-RH-5496-124 St 5RY- X10-2018.12.10 R1	REVISION TABLE		
					NO.	DATE	REVISED BY
				1	2017-11-20	RAN C	ADJUSTED LABELS & SETBACK LINES

