

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0487-00

Planning Report Date: December 4, 2017

PROPOSAL:

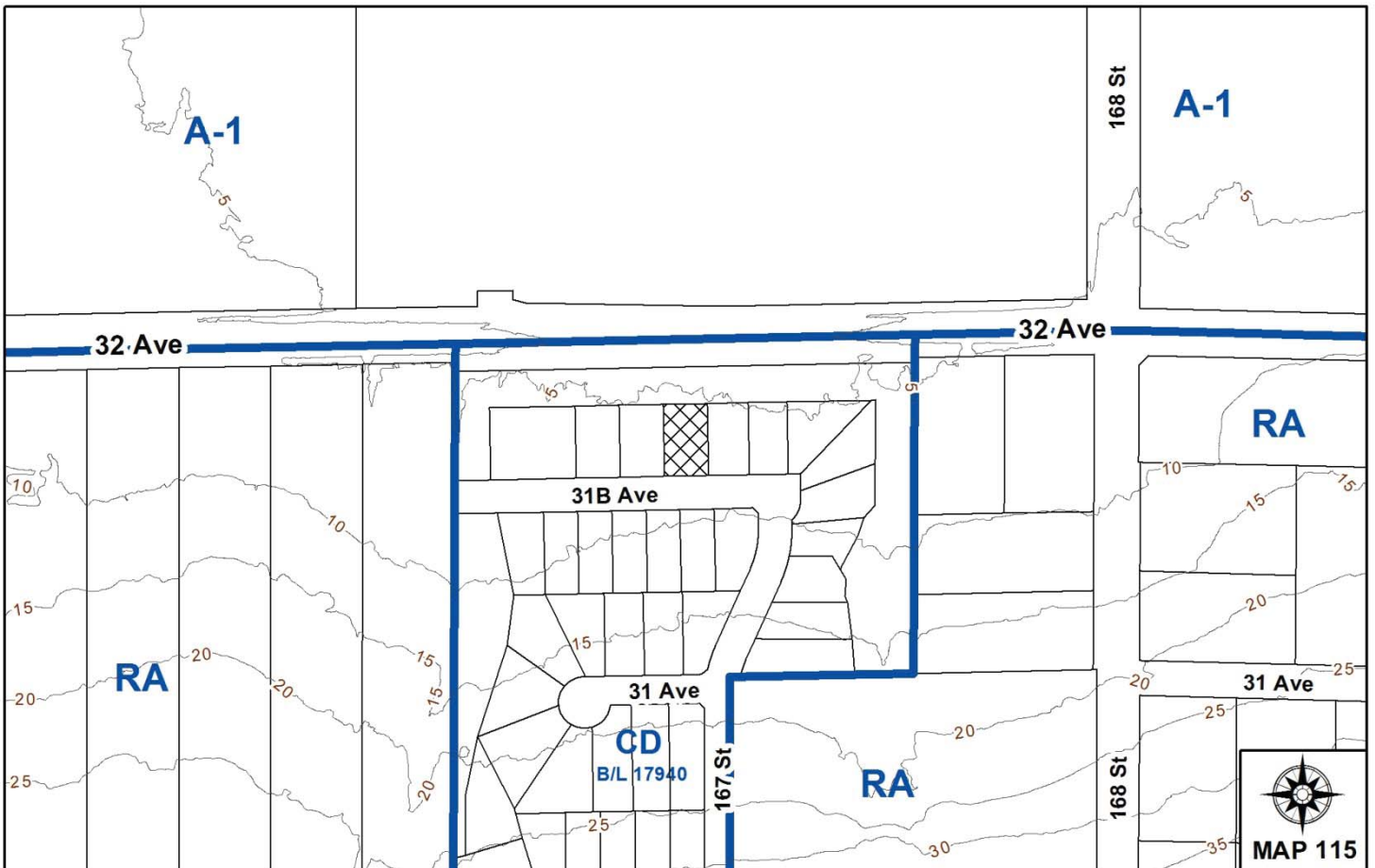
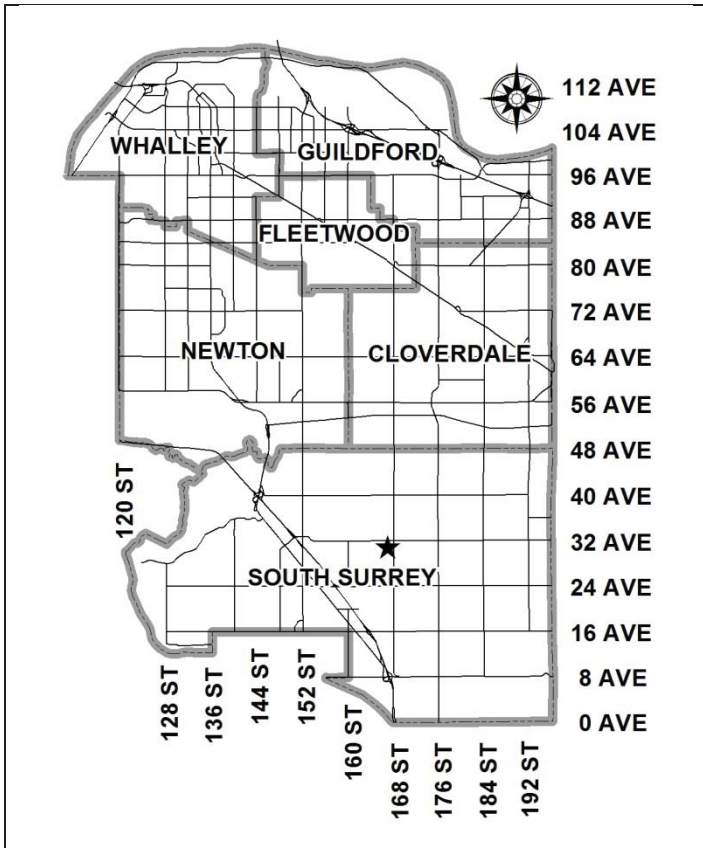
- **Development Variance Permit**
to reduce the minimum streamside setback.

LOCATION: 16673 - 31B Avenue

ZONING: CD Bylaw No. 17940

OCP DESIGNATION: Suburban

NCP DESIGNATION: Single Detached (2 u.p.a.)



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking variance to reduce the minimum distance (setback) from top-of-bank for a Class A ditch in Part 7A of Zoning By-law.

RATIONALE OF RECOMMENDATION

- The subject lot is part of a subdivision which was approved under Development Application No. 7911-0223-00 in 2013, prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Upon subdivision, approximately 15% of the gross site area was conveyed to the City as open space in the form of a 20 metre (66 ft.) wide buffer along 32 Avenue, the protection and enhancement of two Class "B" watercourse riparian areas, and the dedication of a neighbourhood passive park.
- Under the development application, the applicant provided a Riparian Area Regulation (RAR) assessment report and peer review for the on-site Class A watercourse.
- Prior to issuing the Building Permit, a variance to the new streamside regulation is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7917-0487-00 (Appendix II) to reduce the minimum setback distance from the top-of-bank for a Class A ditch in Part 7A of Zoning By-law No. 12000, from 10 metres (33 ft.) to 5.5 metres (18 ft.), measured from the top-of-bank to the north lot line, to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant Single Family Lot

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 32 Avenue):	Farmland within the ALR	Agricultural	A-1
East:	Single family lots	Suburban / Single Detached (2 u.p.a.)	CD (By-law No. 17940)
South (Across 31B Avenue):	Single family lots	Suburban/ Single Detached (2 u.p.a.)	CD (By-law No. 17940)
West:	Single family lots	Suburban/ Single Detached (2 u.p.a.)	CD (By-law No. 17940)

DEVELOPMENT CONSIDERATIONS

- The subject lot was created as part of Development Application No. 7911-0223-00, which was approved in 2013 for an amendment to the North Grandview Heights Neighbourhood Concept (NCP) and rezoning to CD (By-law No. 17940) to allow to subdivision into 38 suburban single family lots.
- In July 2014, Council endorsed the Biodiversity Conservation Strategy and the implementation measures it recommended to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protecting Surrey's natural environmental assets.
- On September 12, 2016, Council approved changes to the Official Community Plan (OCP) and the Zoning By-law to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of the natural environment, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016.

- During drafting of the Streamside Protection Measures, staff were aware that its implementation would create a number of non-conforming sites throughout the City of Surrey. As such, it was anticipated that Development Variance Permit (DVP) applications could be considered in specific extenuating circumstances.
- As part of the Development Application No. 7911-0223-00, the applicant had provided a Riparian Area Regulation (RAR) assessment report and peer review for the on-site Class A watercourse, which proposed a 20 metre riparian buffer along 32 Avenue to encompass all riparian values and setbacks for the watercourse.
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan will not be required. However, prior to issuing the Building Permit, a Development Variance Permit is required.
- The applicant had the option of applying for a Development Variance Permit or Development Permit to complete landscape work within the required setback area. Adjacent properties located at 16695 31B Avenue (Development Application No. 7917-0466-00) and 16687 31B Avenue (Development Application No. 7917-0512-00) currently have applications to complete Development Permit for Landscaping, which requires no variance to the setback. The subject property owner was advised of the Development Permit option, however, indicated interest in proceeding with the Development Variance Permit.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum distance (setback) from top-of-bank in Part 7A of the Zoning By-law from 10 metres (33 ft.) to 5.5 metres (18 ft.) to the north property line.

Applicant's Reasons:

- The lot was created under Development Application No. 7911-0223-00, which conveyed approximately 15% of the site to the City for open space purposes.

Staff Comments:

- At the time of application, the applicant had provided a Riparian Area Regulation (RAR) assessment report and peer review for the on-site Class A watercourse, which proposed a 20 metre riparian buffer along 32 Avenue to encompass all riparian values and setbacks for this watercourse. Prior to issuing the Building Permit, a Development Variance Permit would be required.
- As the site was developed prior to the implementation of the Streamside Protection Measures in the Zoning Bylaw, and setbacks to the north property line are RAR compliant, staff have no objections to the proposed 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. 7917-0487-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

HS/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0487-00

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: 029-929-172
Lot 21 Section 24 Township 1 New Westminster District Plan EPP55433
16673 - 31B Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In the table in Section B.2 of Part 7A "Streamside Protection", the minimum distance from top of bank for "Ditches" is reduced from 10 metres (33 ft.) to 5.5 metres (18 ft.) measured to the northern lot line of the Land.
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

