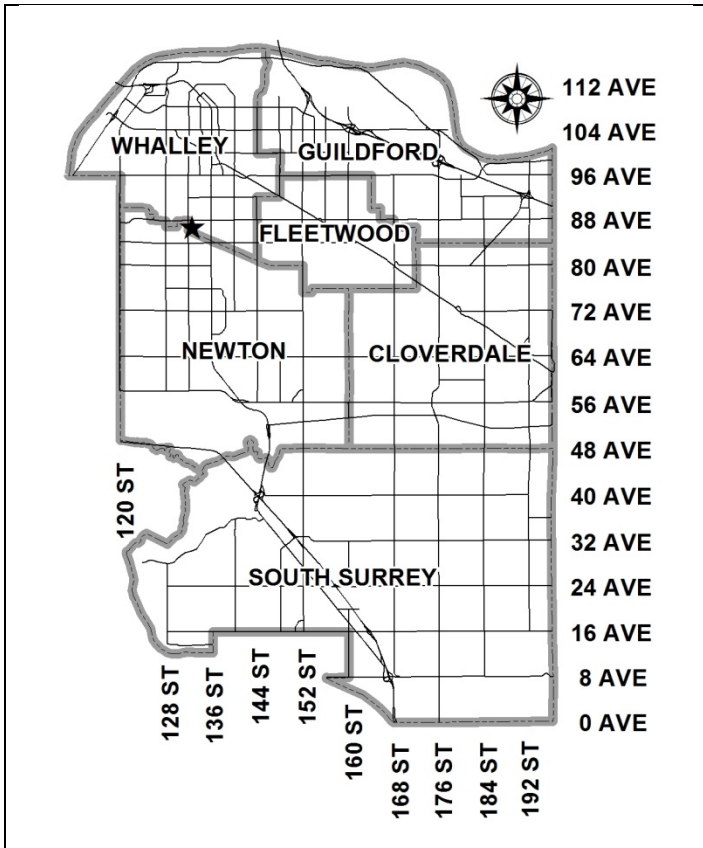


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0035-00

Planning Report Date: April 9, 2018



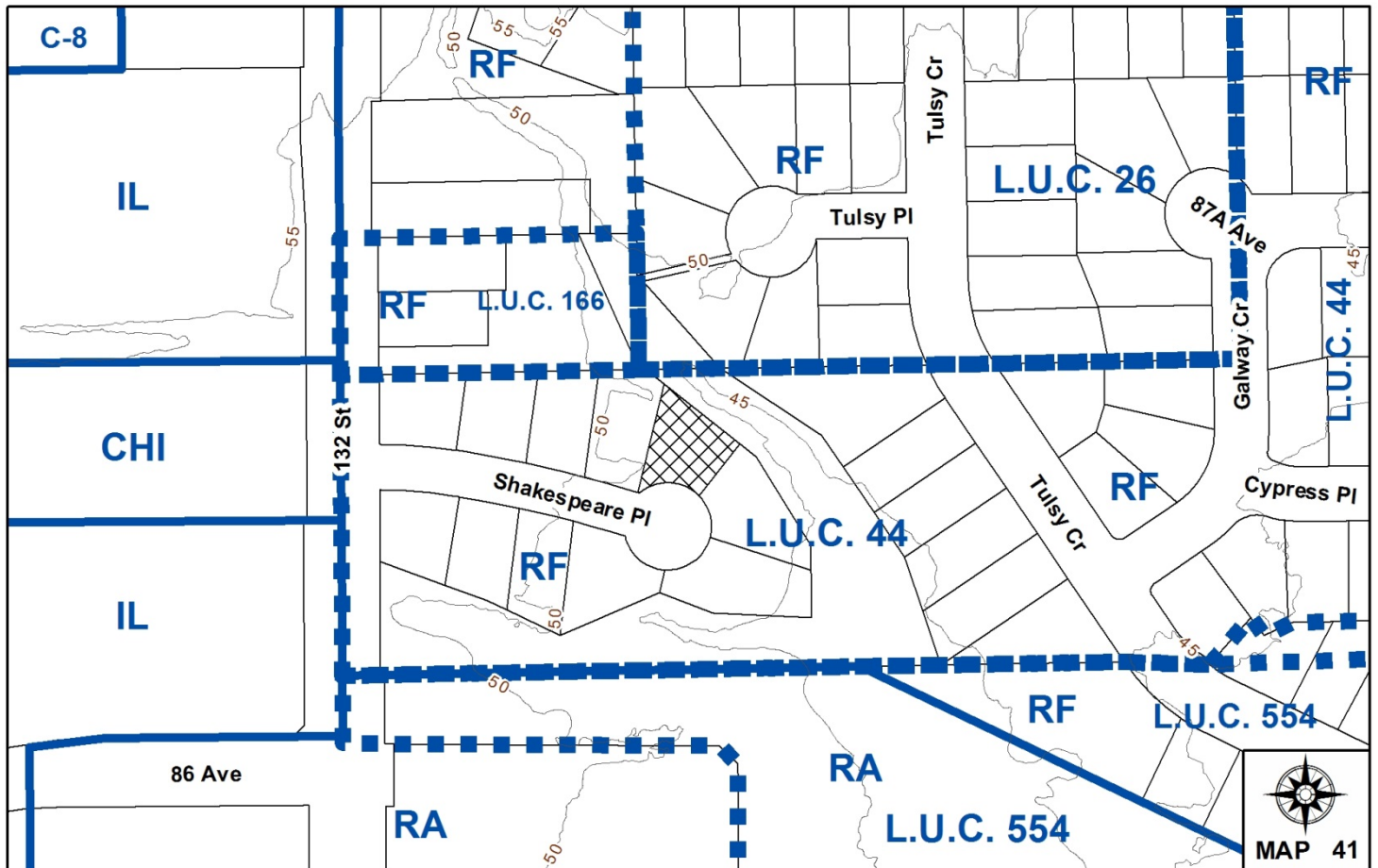
PROPOSAL:

- **Development Variance Permit**
 to vary the front and side yard setbacks of LUC No. 44 in order to permit construction of a new single family dwelling on the lot.

LOCATION: 13251 - Shakespeare Place

ZONING: LUC No. 44 (RF Zone underlying)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To permit the construction of a single family dwelling on the subject lot, the applicant is seeking to vary the setbacks in LUC No. 44 as follows:
 - Reduce the minimum front yard setback, from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) to the garage, and from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) for the remainder of the front face of the principal building including a front porch and stairs; and
 - Reduce the minimum southeast side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

RATIONALE OF RECOMMENDATION

- The overall lot coverage of all proposed buildings and structures on the lot will be 32%, which is less than the 33% maximum lot coverage of LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265). The proposed setback relaxations will accommodate a house size consistent with that allowable under LUC No. 44.
- As LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964 No. 2265) does not permit stairs to encroach into the building setback areas, the proposed minimum front yard setback reduction to 5.0 metres (16 ft.) is calculated from the front lot line to the outside edge of the front entrance stairs.
- An unnamed watercourse, a Class A (red-coded) Natural Stream, runs adjacent to the north property line of the subject site, entirely within an existing City-owned park parcel. The applicant has provided a detailed Riparian Areas Regulation (RAR) Assessment report, prepared by Ian Whyte, *R.P.Bio.*, of Envirowest Consultants Ltd. and dated February 6, 2018, confirming that the proposed development occurs outside of the provincially regulated Streamside Protection and Enhancement Area (SPEA) associated with the watercourse.
- The entirety of the 12.6-metre (41.6 ft.) wide SPEA, as measured from the high water mark of the adjacent watercourse, will be protected through the registration of a Section 219 Restrictive Covenant for "No Build" to limit disturbance.
- The applicant has demonstrated via a geotechnical report prepared by Braun Geotechnical Limited, dated October 19, 2017, that the proposed development will not cause any adverse slope stability issues on the subject property. The geotechnical report has recommended a geotechnical setback, measured from top-of-bank, of 6 metres (20 ft.) tapering to 3 metres (10 ft.) from north to south along the rear (northeast) property line. The entirety of the geotechnical setback area is contained within the proposed "No Build" area. The geotechnical report was peer-reviewed by an independent, third party and found to be acceptable.
- The applicant has demonstrated community support for the proposal, specifically that of the neighbouring property owner to the immediate southeast (13261 Shakespeare Place), who would be most impacted by the proposed variances.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7918-0035-00 (Appendix IV) varying the following setbacks in Land Use Contract No. 44, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback, from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) to the garage, and from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) for the remainder of the front face of the principal building including a front porch and stairs; and
 - (b) to reduce the minimum southeast side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

2. Council instruct staff to resolve the following issue prior to approval:
 - (a) registration of a Section 219 Restrictive Covenant for "No Build" over the portion of the Streamside Protection and Enhancement Area (SPEA) within the rear yard of the subject property.

REFERRALS

Engineering: The Engineering Department has no objection to the variances, provided a satisfactory geotechnical report is submitted, addressing slope setbacks and the registration of a Section 219 Restrictive Covenant for "No-Build" over the designated SPEA.

Parks, Recreation & Culture: No objection.

SITE CHARACTERISTICS

Existing Land Use: There is an existing one-storey single family dwelling on the lot, which is to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	City owned park lot containing an unnamed Class A (red-coded) Natural Stream	Urban	LUC No. 44 (RF Zone underlying)

Direction	Existing Use	OCP Designation	Existing Zone
East:	Single family dwelling constructed in 1975	Urban	LUC No. 44 (RF Zone underlying)
South (Across Shakespeare Place):	Single family dwellings constructed in 1975	Urban	LUC No. 44 (RF Zone underlying)
West:	Single family dwelling constructed in 2014	Urban	LUC No. 44 (RF Zone underlying)

DEVELOPMENT CONSIDERATIONS

Background and Current Proposal

- The 678-square metre (7,303-sq.ft.) subject property is located at 13251 - Shakespeare Place in Whalley.
- The subject lot is designated "Urban" in the Official Community Plan (OCP) and is regulated by Land Use Contract (LUC) No.44 with an underlying "Single Family Residential Zone (RF)".
- The subject property was created under Authorization By-law, 1974, No. 4245 in 1974. As per Schedule "B" of the Land Use Contract, all buildings, structures and improvements shall be sited upon the land in accordance with "Residential Zone Number Three (R-3)" of Surrey Zoning By-law, 1964, No. 2265.
- LUC Termination By-law No. 19152, to terminate LUC No. 44, was granted final adoption by Council on May 29, 2017. In accordance with the *Local Government Act*, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law (i.e., May 29, 2018). At the end of the one year grace period, the current underlying "Single Family Residential Zone (RF)" will automatically come into effect and regulate the subject property.
- In accordance with Section C of the R-3 Zone (By-law No. 2265), the minimum front yard and side yard setback requirements for the principal building are 7.5 metres (25 ft.) and 1.8 metres (6 ft.) respectively.
- The applicant is seeking a Development Variance Permit (DVP) to vary the setback requirements under LUC No. 44 to permit construction of a new single family dwelling on the subject property.
- The applicant has indicated that they are seeking approval for the requested variances prior to submission of the building permit. They have been informed by staff that the one-year grace period for LUC No. 44 expires on May 29, 2018. They have indicated that should Council approve the subject variances, they plan to submit a building permit application immediately after.

Sensitive Ecosystems (Streamside Areas) Development Permit

- An unnamed watercourse, a Class A (red-coded) Natural Stream, runs adjacent to the rear (north) property line of the subject site, entirely within an existing City-owned park parcel (see Appendix III).
- As the subject property is regulated by LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964 No. 2265) the Part 7A Streamside Protection setbacks of Surrey Zoning By-law, 1993, No. 12000, as amended, do not apply. Furthermore, as LUC No. 44 constitutes a comprehensive development permit regulating the use and development of the lands, including the conveyance of the riparian area associated with the unnamed watercourse adjacent to the subject property, it has been determined that a Sensitive Ecosystems Development Permit is not required as part of the subject application.
- To ensure that the proposed on-site development conforms to Provincial Riparian Areas Regulation (RAR) setbacks, the applicant has provided a detailed Riparian Area Regulation (RAR) Assessment report, prepared by Ian Whyte, *R.P.Bio.*, of Envirowest Consultants Ltd. The report, dated February 6, 2018, confirms that the proposed development occurs outside of the provincially regulated Streamside Protection and Enhancement Area (SPEA) associated with the watercourse. The RAR Assessment has been reviewed by the Province and found to be acceptable.
- The entirety of the 12.6-metre (41.6 ft.) wide SPEA, as measured from the high water mark of the adjacent watercourse, will be protected through the registration of a Section 219 Restrictive Covenant for "No Build" to limit disturbance (see Appendix II).

Hazard Lands (Steep Slopes) Development Permit

- The location of the existing and proposed home on the subject property is relatively flat; however, the north portion of the site adjacent to the watercourse slopes down approximately 3 metres (10 ft.).
- As the subject property is currently regulated by LUC No. 44 it has been determined that a Hazard Lands (Steep Slopes) Development Permit is not required as part of the subject application.
- Although a Development Permit is not required, the applicant has demonstrated, via a geotechnical report prepared by Braun Geotechnical Limited, dated October 19, 2017, and third-party peer reviewed by Braun Geotechnical Limited, that the proposed development will not cause any adverse slope stability issues on the subject property. The geotechnical report has recommended a geotechnical setback, as measured from top-of-bank, of 6 metres (20 ft.) tapering to 3 metres (10 ft.) from north to south along the north property line. The entirety of the geotechnical setback area is contained within the proposed "No Build" area.

BIODIVERSITY CONSERVATION STRATEGY

- The City of Surrey Biodiversity Conservation Strategy (BCS) Green Infrastructure Network (GIN) map, adopted by Council on July 21, 2014 (Corporate Report No. R141; 2014), identifies Local BCS Corridor No. 91 within the subject site, in the Green Timbers BCS management area, with Low ecological value.
- Within the subject property, the BCS recommends a target Corridor width of approximately 23 metres (75 ft.) and target area of 619 square metres (2,030 sq.ft.) which is approximately 92% of the subject property.
- Due to site constraints, the applicant is able to provide a corridor that varies between 3 metres (10 ft.) to 9 metres (30 ft.) in width. At the minimum proposed width, this is approximately 20 metres (65.5 ft.) less than the 23 metres (75 ft.) suggested.
- Protecting green infrastructure Hubs (large habitat areas) and Sites (smaller habitat areas) is critical to preserving natural habitat refuges and a diversity of habitat features, while maintaining/enhancing Corridors ensures connectivity between fragmented hubs for genetic variation throughout the City. The closest Biodiversity Hub connection in the GIN to the subject site is Bear Creek Park, and is located approximately 900 metres (2,952 ft.) to the east of the subject site.
- The development proposal conserves approximately 219 square meters (2,360 sq.ft.) of the subject site through the registration of a Section 219 Restrictive Covenant for "No Build", which is 35 % of the target GIN area. All mature trees located within the proposed "No Build" area are proposed for retention. This method of GIN retention will assist in the long term protection of the natural features and allows the City to better achieve biodiversity at this location consistent with the guidelines contained in the BCS.
- In order for the proposal to fully comply with the BCS target recommendations, an additional 400 square meters (4,305 sq.ft.) of the GIN area would be required on the subject site. However, due to the resultant development constraints on the single family residential lot and the existence of the Land Use Contract which exempts the lot from Development Permit requirements, this additional area has not been provided.

TREES

- No existing, mature trees are proposed to be removed from the subject property as a result of the proposed development.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To vary the setbacks of LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265), for the construction of a new single family dwelling, as follows:

- Reduce the minimum front yard setback, from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) to the garage, and from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) for the remainder of the front face of the principal building including a front porch and stairs; and
- Reduce the minimum southeast side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

Applicant's Reasons:

- The applicant has advised that given the setback restrictions on the subject property associated with the adjacent watercourse, the design of the proposed house has undergone a number of design iterations and the proposed variances have minimized potential setback encroachment and resulted in an appropriately sized building footprint on the lot.

Staff Comments:

- As LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964 No. 2265) does not permit stairs to encroach into the building setback areas, the proposed minimum front yard setback reduction to 5.0 metres (16 ft.) is calculated from the front lot line to the outside edge of the front entrance stairs.
- The proposed front yard setback reduction for the garage portion of the principal building, from 7.5 metres (25 ft.) to 6.0 metres (20 ft.), will ensure that the subject property will be able to accommodate a minimum of four (4) off-street parking spaces, two (2) in the garage and two (2) on the driveway.
- Shakespeare Place, a cul-de-sac connected to 132 Street containing eleven (11) single family lots, is located at the western edge of LUC No. 44. Several of the adjacent residential properties, including 13233 and 13243 Shakespeare Place west of the subject property, contain larger, more recently developed LUC-type homes, therefore, the proposal is generally in keeping with the established character of the neighbourhood.
- The overall coverage of all proposed buildings and structures on the lot will be 32%, which is less than the 33% maximum lot coverage of LUC No. 44 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265) and 38% maximum of the underlying RF Zone. The proposed setback relaxations will accommodate a house size consistent with that allowable under LUC No. 44.
- The proposed variances will not affect the one-year grace period associated with the Land Use Contract (LUC) Termination By-law in process. Staff can process the building permit application, once submitted, should Council approve the requested variances.
- The applicant has demonstrated that the proposed development conforms to Provincial Riparian Areas Regulation (RAR) setbacks and will not result in any adverse slope stability issues on the subject property. The entirety of the RAR and geotechnical setback area will be protected through the registration of a Section 219 Restrictive Covenant for "No-Build".

- The proposed “No-Build” Restrictive Covenant will limit the uses of that portion of the subject lot encompassed by the SPEA to permeable uses, such as lawns or gardens, while restricting buildings and structures as well as impermeable surfaces such as walkways or patios, thereby allowing for useable rear yard space while mitigating adverse impacts.
- The applicant has demonstrated community support for the proposal specifically that of the neighbouring property owner to the immediate southeast (13261 Shakespeare Place), who would be most impacted by the proposed variances.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary (Confidential) and Project Data Sheet
Appendix II.	Site Plan (Proposed)
Appendix III.	Neighbourhood Context Photo (COSMOS, May 2017 Aerial Photo)
Appendix IV.	Development Variance Permit No. 7918-0035-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by Braun Geotechnical Limited, Dated October 19, 2017.
- Geotechnical Study (Peer-Review) Prepared by Braun Geotechnical Limited, dated February 22, 2018.
- Riparian Areas Regulation (RAR) Assessment Report Prepared by Envirowest Consultants Limited, dated February 6, 2018.

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

CRL/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

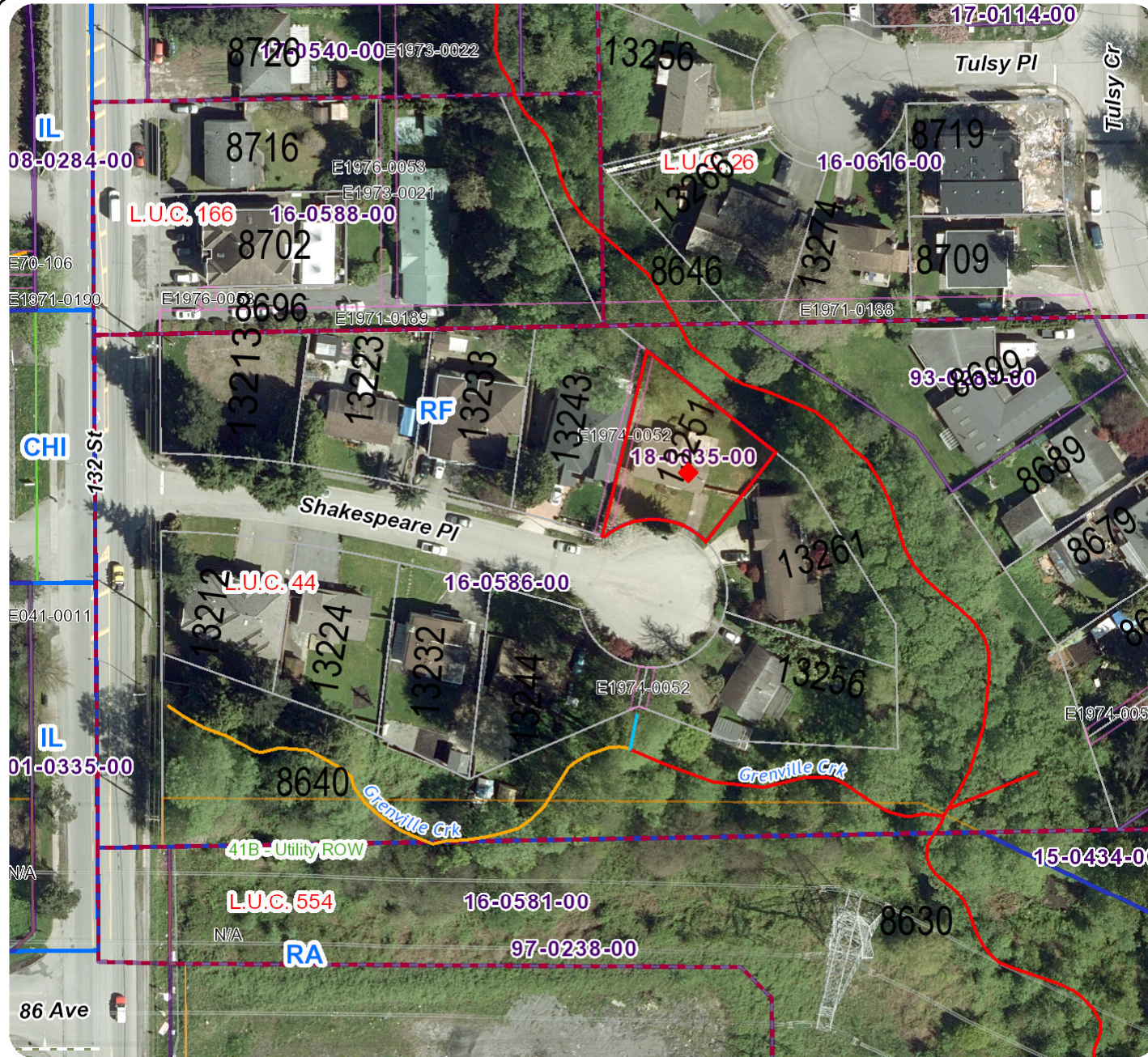
DEVELOPMENT DATA SHEET

Existing Zoning: LUC No. 44 (RF Zone Underlying)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	678 m ² (7,303 ft ²)	<i>No Change</i>
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	33%	32%
SETBACKS (in metres)		
Front	7.5 metres (25 ft.)	6.0 metres (20 ft.) for the garage portion; 5.0 metres (16 ft.) for the remainder of the front face of the principal building, including front porch and stairs
Rear	7.5 metres (25 ft.)	8.4 metres (27.8 ft.)
Side #1 (N)	1.8 metres (6 ft.)	1.8 metres (6 ft.)
Side #2 (S)	1.8 metres (6 ft.)	1.2 metres (4 ft.)*
BUILDING HEIGHT (in metres/storeys)		
Principal	9 metres (30 ft.)	9 metres (30 ft.)
Accessory		
PARKING (number of stalls)		
Total Number of Parking Spaces	3	4

*seeking variances

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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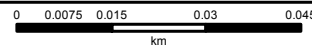
Legend

- Light Rail Transit Route
- Early Copy Lots**
- Early Copy Lots
- Light Rail Transit Stations
- Road Names1000_4000
- Buildings (labels)
- Dog-Off-Leash Area (labels)
- Park (labels)
- Plaza/Square (labels)
- Address Search
- ▲ Address Points
- Trails and Paths
- Fish Class (Open Channels)**
- A
- AO
- B
- C
- Unknown
- Fish Class (Water Bodies)**
- A
- AO
- B
- C
- Unknown
- Water Courses**
- River
- Creek
- Ditch
- Dev Apps - All (labels)
- Dev Apps - All
- Land Use Contracts**
-

Neighbourhood Context Plan (DVP 7918-0035-00)

Scale: 1:1,200

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



Map created on: 2018-02-27

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0035-00

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: 004-186-265
Lot 119 Section 29 Township 2 New Westminster District Plan 46714
13251 - Shakespeare Place

(the "Land")

3. Surrey Land Use Contract No. 44 Authorization By-law, 1974, No. 4245, Amendment By-law, 1976, No. 4698 is varied as follows:
 - (a) In Schedule B Siting, in accordance with Part IX, Section C – Residential Zone Number Three (3) of Surrey Zoning By-law, 1964, No. 2265, the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) to the garage, and from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) for the remainder of the front face of the principal building, including the front porch and stairs; and
 - (b) In Schedule B Siting, in accordance with Part IX, Section C – Residential Zone Number Three (3) of Surrey Zoning By-law, 1964, No. 2265, the minimum southeast side yard setback for the principal building is reduced from 1.8 metres (6 ft.) to 1.2 metres (4 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 – Linda Hepner

City Clerk – Jane Sullivan

