

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7919-0147-00

Planning Report Date: September 16, 2019

PROPOSAL:

- **Development Variance Permit**

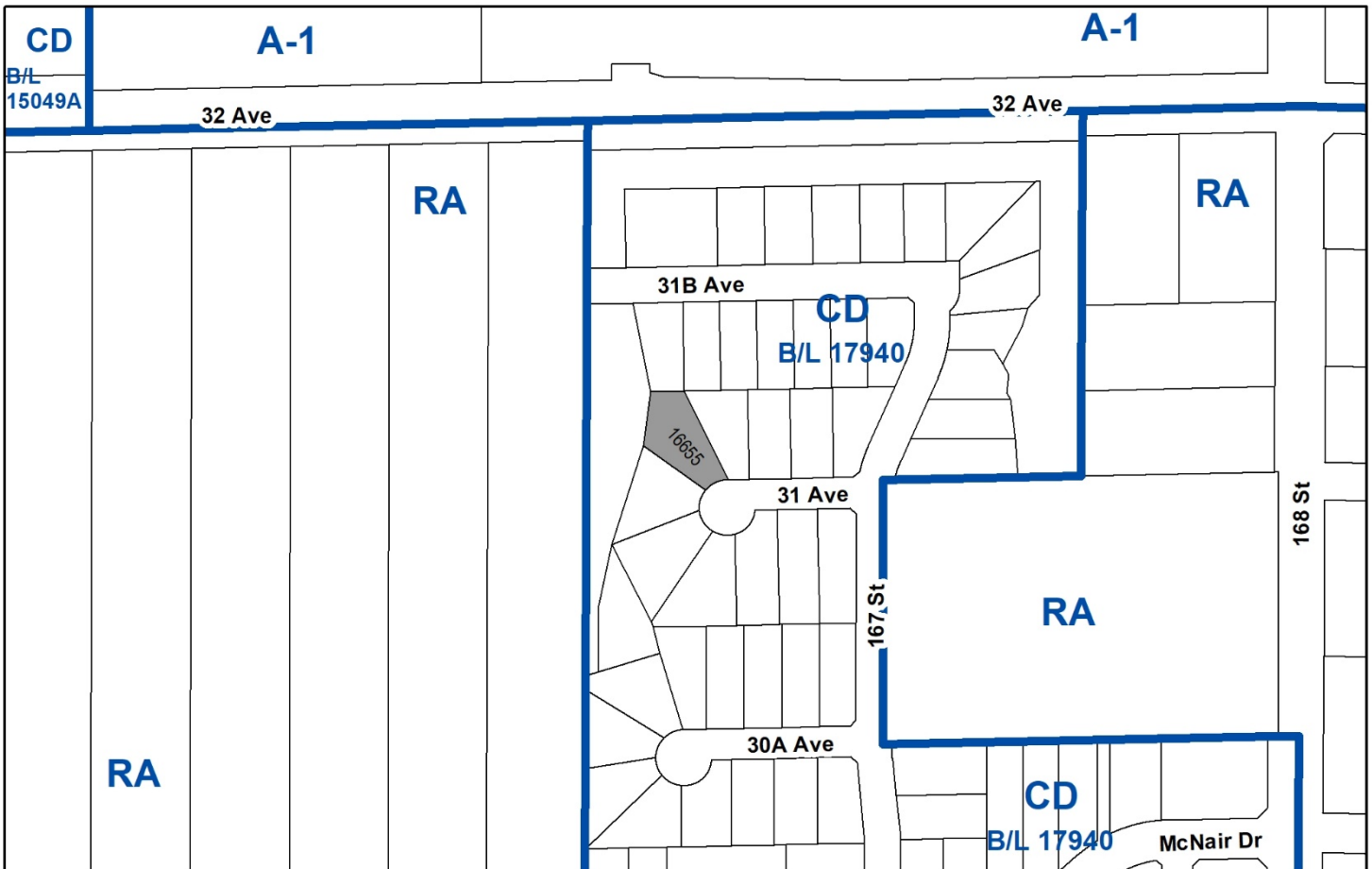
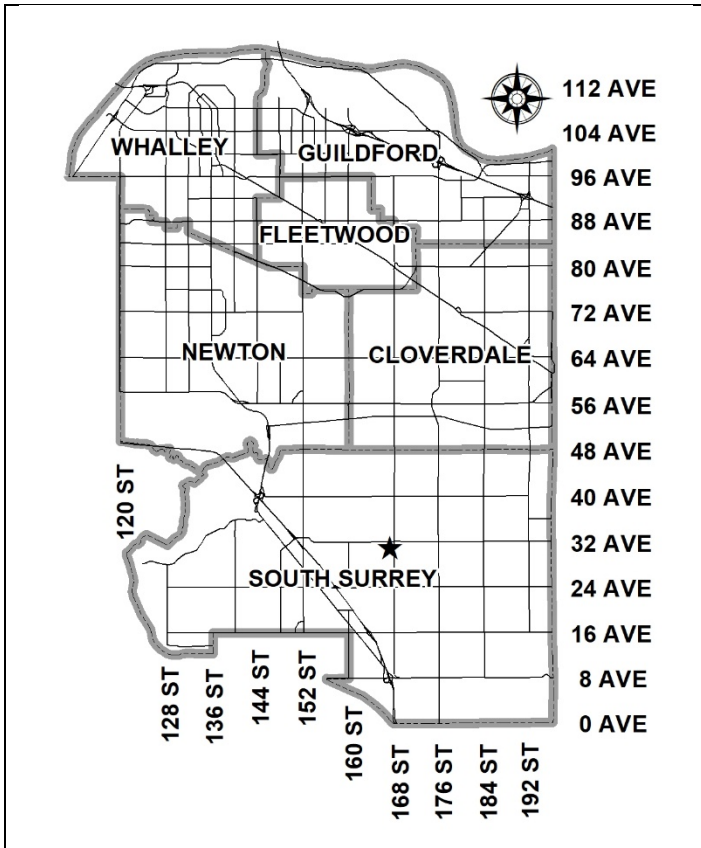
to reduce the minimum streamside setback from a Class B Watercourse.

LOCATION: 16655 - 31 Avenue

ZONING: CD (By-law 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

- The applicant is proposing to reduce the minimum distance (setback) from top of bank for a Class B creek 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 which demonstrated that all of the lots in the proposed subdivision were compliant with RAR.
- Prior to issuing the Building Permit for the proposed dwelling, a variance to the new streamside regulation is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7919-0147-00 (Appendix I) to reduce the minimum setback distance from the top-of-bank of a Class B creek from 15 metres (50 ft.) to 10.3 metres (34 ft.) at its narrowest point, measured from the top-of-bank to the west lot line, to proceed to Public Notification.

REFERRALS

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

Parks, Recreation & Culture: The Parks Department has no objection to the project.

Surrey Fire Department: No referral required.

SITE CHARACTERISTICS

Existing Land Use: Vacant Single Family Lot

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
East:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
South:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
West:	Single family acreage under application to develop into small suburban lots (7915-0336-00)	Proposed Open Space	RA

DEVELOPMENT CONSIDERATIONS

- The applicant is proposing to construct a single family dwelling on the subject lot.
- 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 Comprehensive Development Zone (CD) (By-law No. 17940) to allow to subdivision into 38 suburban single family lots.

- 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 processing of Development Application No. 7911-0223-00, the applicant had provided a Riparian Area Regulation (RAR) assessment report and peer review for the two Class B watercourses on the site, which were approved at a minimum of 10.0 metres (30 ft.) and an average of 15 metres (49 ft.) from the top of bank.
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit will not be required. However, prior to issuing the Building Permit, a Development Variance Permit is required.
- Under Development Application No. 7911-0223-00, the applicant entered into a P-15 agreement with the City for the monitoring and maintenance of plantings within the riparian area adjacent to the rear of the subject property. The P-15 agreement required a 1.2 metre (3.9 ft.) high black vinyl chainlink fence along the rear property line of the subject property.
- The chainlink fence at the rear of the subject property was installed incorrectly resulting in encroachment into City owned Riparian Area. The developer of the original subdivision is undertaking steps to correct the fence location and restore the area under the P-15 agreement. Restoration of the Riparian Area affected by the improperly installed fence will take place outside of this application.
- The applicant had the option of applying for a Development Variance Permit or Development Permit to complete landscape work within the required setback area. The subject property owner 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 15 metres (50 ft.) to 10.3 metres (34 ft.) to the west 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.

- The minimum streamside setback proposed on the subject lot is 10.3 metres which exceeds the minimum setback under Riparian Areas Regulation (RAR). The mitigation that supports the variance includes the increased setback and enhancements that have already been completed within the riparian area conveyed through the original subdivision.

Staff Comments:

- Under the original development application (7911-0223-00), the applicant had provided a Riparian Area Regulation (RAR) assessment and peer review for the two Class B watercourses, which set a minimum 10.0 metres (30 ft.) and an average of 15 metres (49 ft.) setback from top-of-bank. Prior to issuing the Building Permit for the subject lot, a Development Variance Permit is required to formalize what was originally supported for the subdivision.
- As the site was developed prior to the implementation of the Streamside Protection Measures in the Zoning Bylaw, and setbacks to the west 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. Development Variance Permit No. 7919-0147-00

INFORMATION AVAILABLE ON FILE

- Environmental Report prepared by Envirowest Consultants Inc. dated April 26, 2019.

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

WS/cm

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7919-0147-00

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: 029-929-032
Lot 7 Section 24 Township 1 New Westminster District Plan EPP55433
16651 - 31 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 Class B "Creek" is reduced from 15 metres (50 ft.) to 10.3 metres (34 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.

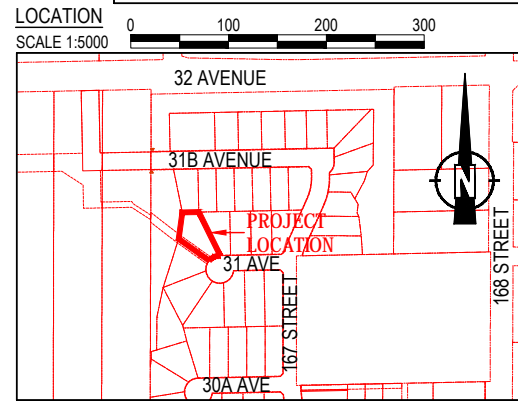
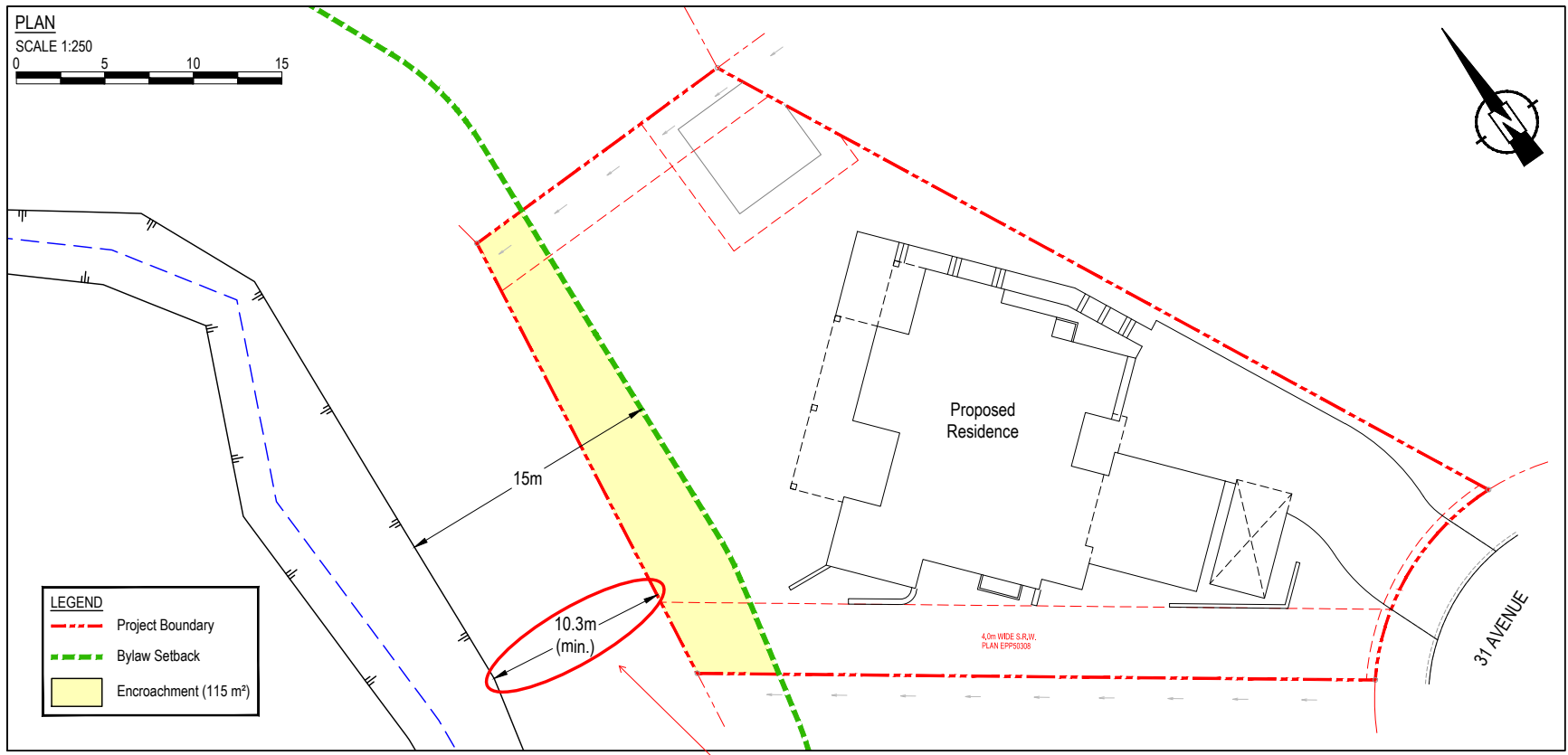
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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 – Doug McCallum

City Clerk – Jennifer Ficocelli



Seeking variance to reduce the minimum distance setback from the top of bank for a Class B creek from 15 metres (50 ft.) to 10.3 metres (34 ft.).

- REFERENCE DRAWINGS**
1. Email: Shokar-Harjinder - prelim site plan Apr12-19.dwg. Received April 12, 2019; Raymond S. Bontor, Designer Ltd.
 2. Email: Shokar Preliminary Site Plan.dwg. Received March 18, 2019; Raymond S. Bontor, Designer Ltd.
 3. 2018 Legal Base From City of Surrey.

VISTARA HOMES INC.

16655 - 31 AVENUE
Surrey, BC



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SETBACK			
DESIGN: IWW	DRAWN: SCM/CEV	CHECKED: IWW	REVISION: 00
SCALE: As Shown	DRAWING NUMBER: 2718-01-01		
DATE: April 12, 2019			