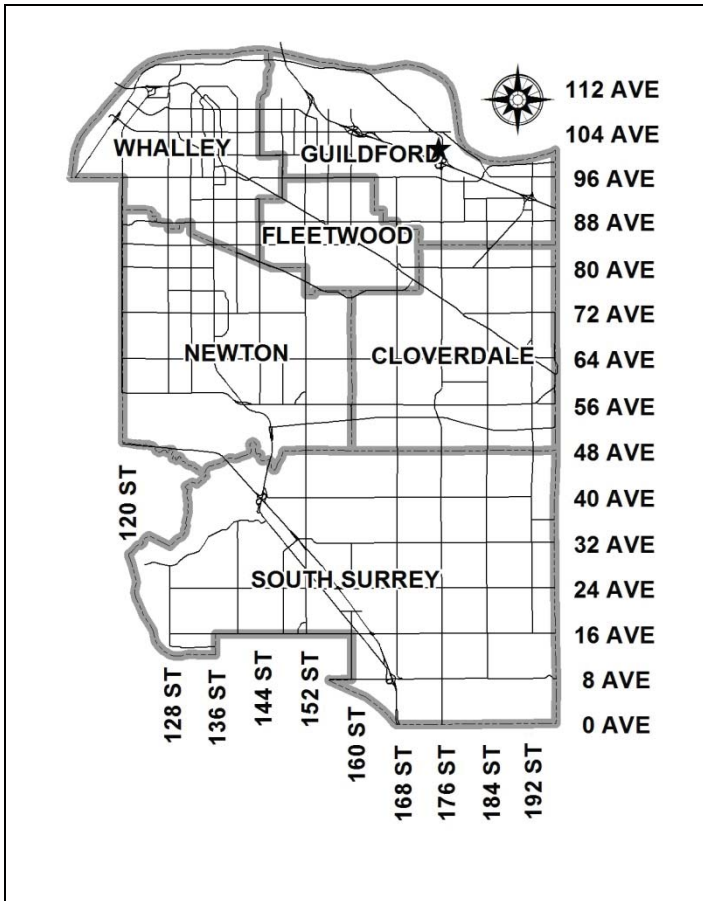


Planning Report Date: April 3, 2017

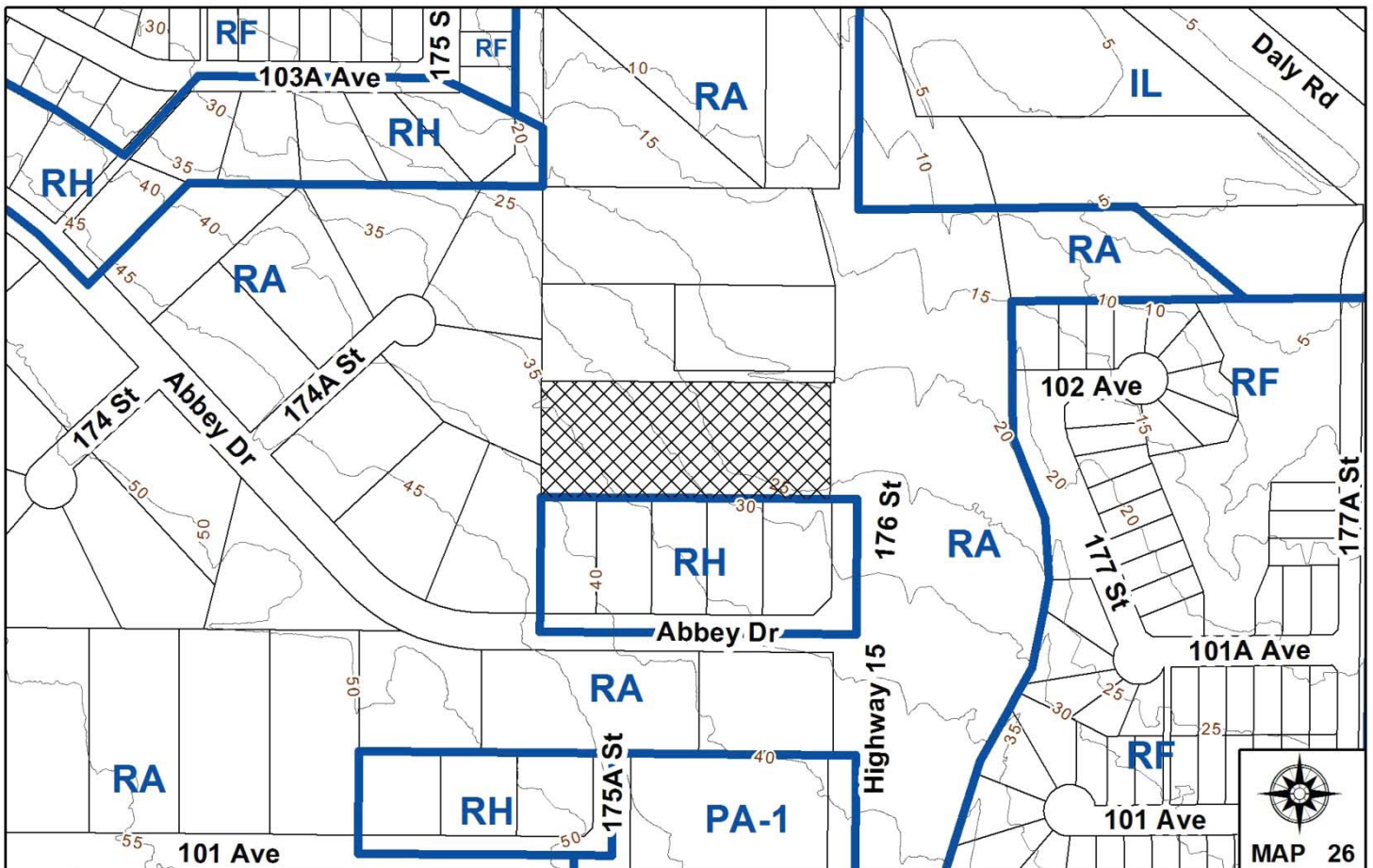


**PROPOSAL:**

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

to reduce the minimum streamside protection setback to enable a 5-lot suburban residential subdivision to proceed.

**LOCATION:** 10219 - 176 Street  
**OWNER:** His Grace Holdings Inc., Inc. No. BC1104769  
**ZONING:** RA (CD at 3<sup>rd</sup> Reading)  
**OCP DESIGNATION:** Suburban  
**LAP DESIGNATION:** Suburban Residential 2-4 UPA  
 Gross and Future Natural Area /  
 Buffer Fishclass B 15m (Abbey Ridge  
 Local Area Plan)



### 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 to reduce the streamside setback area for a Natural Class B (yellow-coded) Stream, as measured from top-of-bank, from 15 metres (50 ft.) to a minimum of 12 metres (39 ft.).

### RATIONALE OF RECOMMENDATION

- The applicant is proposing a rezoning of the subject site, from "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)", based on the RH-G Zone, to permit subdivision into five (5) small suburban lots and one (1) park lot. The rezoning by-law (No. 18653) received Third Reading on February 22, 2016.
- An unnamed watercourse, a Natural Class B (yellow-coded) Stream, runs through the subject property at the northwest corner and runs east-west adjacent to the northern property line of the lot. The subject site is encumbered by steep slopes in excess of 15% grade and located in a Hazard Land Development Permit Area (DPA) for steep slopes.
- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporated streamside protection regulations as Part 7A in the Zoning By-law.
- The application was in process, and the rezoning received Third Reading on February 22, 2016 prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Prior to Council considering final adoption of the rezoning of the subject site, a variance to the streamside regulations and a Hazard Land Development Permit (DP) must be in order for approval.
- Upon subdivision, approximately 1,475 square metres (15,876 sq.ft.) of gross site area, entirely within the riparian area will be conveyed to the City without compensation. The proposed 1,475 square metres (15, 876 sq.ft.) of open space satisfies the 15% open space requirement of the proposed CD By-law (based on the RH-G Zone).
- The applicant has entered into a P-15 agreement with the City for the removal of invasive species and the installation, monitoring and maintenance of re-plantings in the conveyed riparian area.
- The applicant provided a detailed Riparian Area Regulation (RAR) assessment of the unnamed watercourse to confirm the appropriate setbacks.
- The applicant has demonstrated via a comprehensive geotechnical report prepared by Valley Geotechnical Engineering Services Ltd., and dated March 16, 2017 that the proposed development will not cause any adverse slope stability issues on the subject property.

**RECOMMENDATION**

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7915-0141-00 for Hazard Land – Steep Slopes.
2. Council approve Development Variance Permit No. 7915-0141-00 (Appendix III) to reduce the minimum setback from top-of-bank of a Natural Class B Stream in Part 7A of Zoning By-law No. 12000 from 15 metres (50 ft.) to a minimum of 12 metres (39 ft.), to proceed to Public Notification.
3. Council instruct staff to resolve the following issue (in addition to issues identified in the Initial Planning Report) prior to approval:
  - (a) registration of Section 219 Restrictive Covenant to ensure the site grading and construction of dwellings complies with the approved site plan and recommendations of the geotechnical report.

**REFERRALS**

**Engineering:** The Engineering Department can support issuance of the DVP related to Stream and Riparian Area Protection since the rezoning was given Third Reading prior to the inclusion of the Stream and Riparian Area Protection clauses in the Zoning By-law and Official Community Plan.

**SITE CHARACTERISTICS**

**Existing Land Use:** Single family dwelling and accessory buildings, which are to be removed.

**Adjacent Area:**

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/LAP Designation</b>	<b>Existing Zone</b>
North:	Single family dwellings on 1-acre lots (Development Application No. 7915-0442-00 for an urban single family subdivision, Pre-Council)	Suburban in the OCP; Suburban Residential 2-4 UPA Gross, Low Density Cluster 4-6 UPA Gross and Buffer fishclass B 15m in the Abbey Ridge Local Area Plan (LAP)	RA

Direction	Existing Use	OCP/LAP Designation	Existing Zone
East (Across 176 Street / Highway No. 15):	Single family dwellings	Urban in OCP; Single Family Residential 4-6 UPA in Abbey Ridge LAP	RF
South:	Single family dwellings on half-acre lots	Suburban in OCP; Suburban Residential 2-4 UPA Gross in Abbey Ridge LAP	RH
West:	Single family dwellings on 1-acre lots	Suburban in OCP; Acreage Residential 1-2 UPA	RA

## DEVELOPMENT CONSIDERATIONS

### Background and Context

- The 0.9840-hectare (2.43-acre) subject lot is located at 10219 – 176 Street in Abbey Ridge. The subject site is designated Suburban in the Official Community Plan and Suburban Residential 2-4 UPA Gross in the Abbey Ridge Local Area Plan, which was approved by Council on February 6, 2017 (Corporate Report No. R032; 2017).
- On February 1, 2016 Council considered the Initial Planning Report No. 7915-0141-00 for the subject site, to rezone from "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" based on the "Half-Acre Residential Gross Density Zone (RH-G)", in order to allow subdivision into five (5) small suburban lots and one (1) lot to be conveyed to the City for parks purposes. Following the Public Hearing, Council granted Third Reading to Rezoning By-law No. 18653 on February 22, 2016.
- A portion of the subject site is encumbered by a Class B (yellow-coded) Natural Stream (unnamed watercourse) which flows through the northwest corner and east-west adjacent to the northern property line of the lot. The encumbered area, totaling 0.1475 hectare (0.36 acre) in area, will be conveyed to the City, without compensation, for riparian area protection and open space purposes.
- The applicant submitted a detailed Riparian Area Regulation (RAR) assessment report prepared by Phoenix Environmental Services Ltd. with regards to appropriate riparian setbacks. The RAR assessment report was subsequently reviewed by City staff and peer-reviewed by Environmental Dynamics Inc. and found to be generally acceptable. Auditing by the Ministry of Forests, Lands and Natural Resource Operations found the report met assessment and reporting criteria for the Riparian Area Regulations.
- The applicant's proposed development is not in compliance with the new setback requirements for streamside protection adopted by Council on September 12, 2016, and therefore, a Development Variance Permit (DVP) is required (see By-law Variance and Justification Section) to allow the application to finalize as originally contemplated.

- Due to the subject site being encumbered by steep slopes, a Hazard Land Development Permit (DP) was identified as an outstanding issue to be addressed to the satisfaction of the Delegated Official prior to approval of the associated subdivision.

### Streamside Protection

- In July 2014, Council endorsed the Biodiversity Conservation Strategy (BCS). The BCS included implementation measures to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. The document identifies the use of a Development Permit Area (DPA) as an effective means to protect Surrey's natural environmental assets.
- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and Zoning By-law No. 12000 to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of natural environments, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016.
- The OCP is used to identify the specific types of ecosystems that are intended to be protected including Class A, A/O or B streams, and the Zoning By-law (Part 7A Streamside Protection) is used to identify the specific protection areas that are required to be established for Streamside Setback Areas.
- Section B.1 of Part 7A Streamside Protection of the Zoning By-law states that the minimum required setback from top-of-bank of a Natural Class B (yellow-coded) Stream is 15 metres (50 ft.). The unnamed watercourse, which flows through the northwest corner and along the northern perimeter of the subject site, is a Natural Class B (yellow-coded) Stream.
- During the drafting of the Streamside Protection Measures, staff were aware that its implementation would result in 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.
- Although the subject site is located within the Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan will not be required for the following reasons:
  - The applicant submitted a detailed Riparian Area Regulation (RAR) assessment report for the on-site Class B watercourse;
  - Upon subdivision, the applicant will convey 0.1475-hectare (0.36-acre) of gross site area, entirely within the riparian area, for riparian protection and open space purposes;
  - The applicant has entered into a P-15 agreement for the installation, monitoring and maintenance of re-plantings in the riparian area; and
  - The subject application was in process and the rezoning received Third Reading prior to the DP requirements taking effect.

### Hazard Land Development Permit (Steep Slopes)

- The site is subject to a Hazard Land Development Permit for Steep Slopes due to the presence of steep slopes exceeding 15% grade along the northern, southern and western portions of the subject property. In order to address this requirement the applicant submitted a Development Feasibility Study consisting of an integrated geotechnical report, arborist report, tree management plans and lot grading/site servicing plans providing stability analysis in relation to the on-site slope and its ability to accommodate development.
- The overall northeastern to southwestern elevation differential is approximately 18 metres (59 ft.) across the entire width of the property with a north-south oriented ridge line bisecting the lot.
- The geotechnical report, prepared by Valley Geotechnical Engineering Services Limited, and dated April 24, 2015, makes recommendations on site preparation, structural fill, building footings, foundations and floor slabs, seismic design of foundations and drainage for the proposed houses as well as site preparation and sub-grade conditions for the construction of the proposed cul-de-sac road.
- As part of the detailed design phase of the rezoning and subdivision application, the applicant worked with City staff to further refine the lot grading and site servicing plans to reduce the use of retaining walls within the proposed suburban lots and to ensure that any on-site sanitary and stormwater management systems would not pose a dewatering hazard to the existing watercourse due to groundwater interception. Furthermore, revisions were made to road/parkland interface to replace a more substantial retaining wall and guardrail system with a 3:1 slope and significantly smaller natural boulder retaining wall within the proposed parkland. Following the revisions to the subject application, a revised geotechnical report was received from Valley Geotechnical Engineering Services Limited, and dated March 16, 2017, and found acceptable after review by City staff.
- The geotechnical study and recommendations by Valley Geotechnical Engineering Services Limited and the lot grading plan by Aplin and Martin Consultants Limited will be incorporated into the Hazard Land Development Permit (DP) and also registered on title through a restrictive covenant.
- As a Development Variance Permit is now required to be considered and approved by Council (see By-law Variance section) Council issuance, rather than Delegated Official issuance, of the DP is required prior to final subdivision approval.

### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum setback for a Natural Class B (yellow-coded) Stream in Part 7A of Zoning By-law No. 12000, as measured from top-of-bank, from 15 metres (50 ft.) to a minimum of 12 metres (39 ft.).

**Applicant's Reasons:**

- The applicant has taken appropriate measures to ensure that the Sensitive Ecosystem guidelines of the OCP have been met. This includes the establishment of geotechnical setbacks for slope stability in relation to the proposed cul-de-sac road, removal of invasive species and the identification and protection of all SPEA trees within the riparian area as well as the retention of existing, high-value riparian areas through conveyance to the City.
- Upon subdivision, the applicant will convey to the City without compensation a 0.1475-hectare (0.36-acre) portion of the site, which is entirely within the riparian area and 15% of the gross site area.

**Staff Comments:**

- An unnamed watercourse, a Natural Class B (yellow-coded) Stream, runs through the subject property at the northwest corner and runs east-west adjacent to the northern property line of the lot. In accordance with the streamside setback area regulations of the Zoning By-law (approved on September 12, 2016), the minimum setback, as measured from top-of-bank, is 15 metres (50 ft.).
- The applicant engaged Phoenix Environmental Services Ltd. to prepare a detailed Riparian Area Regulation (RAR) assessment report for the on-site Class B watercourse, which recommended protecting a minimum 10-metre (33-ft.) streamside protection and enhancement area (SPEA) setback, as measured from high water mark. An additional 2-metre (6.5 ft.) width of SPEA protection area, for a total minimum SPEA setback of 12 metres (39 ft.) as measured from high water mark, was added to incorporate the root protection zones of existing trees found within the riparian area.
- Generally, where a development is proposing to reduce the streamside setback area, an Impact Mitigation Plan. This is intended to ensure that the proposed setback reduction does not create negative impacts on the sensitive ecosystems that are intended to be protected.
- It has been determined that an Impact Mitigation Plan is not required in this scenario and the requested variance has merit for the following reasons:
  - The applicant provided a Riparian Area Regulation (RAR) assessment report for the on-site and adjacent portions of the unnamed Class B watercourse prepared by Phoenix Environmental Services Ltd., and dated April 30, 2015. The RAR report supported the proposed streamside protection area setbacks;
  - The RAR assessment report was found to be acceptable following peer-review by Environmental Dynamics Inc., auditing by the Ministry of Forests, Lands and Natural Resource Operations and review by City staff;
  - The amount of open space being dedicated is approximately 1,475 square metres (15,876 sq.ft.), or 15% of the gross site area. The proposed open space area satisfies the 15% open space requirement of the proposed CD By-law;

- The applicant has initiated a P-15 agreement for the installation, monitoring and maintenance of re-plantings in the conveyed riparian area. The P-15 agreement will be required to be completed prior to consideration of Final Adoption of the rezoning application; and
- The application was in process, and the Rezoning By-law received Third Reading, prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
- The requested Development Variance Permit and Development Permit are required in order for the associated rezoning to receive Final Adoption and the subdivision to be approved.
- Staff support the requested variance.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Subdivision Plan
Appendix III.	Development Variance Permit No. 7915-0141-00

#### INFORMATION AVAILABLE ON FILE

- Geotechnical Study prepared by Valley Geotechnical Engineering Services Limited, dated April 24, 2015, a revised report dated September 14, 2015 and a finalized report dated March 17, 2017.
- Riparian Area Regulation (RAR) assessment report prepared by Phoenix Environmental Services Ltd., dated April 30, 2015.
- Environmental Peer Review Report by EDI Environmental Dynamics Inc., dated July 23, 2015.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

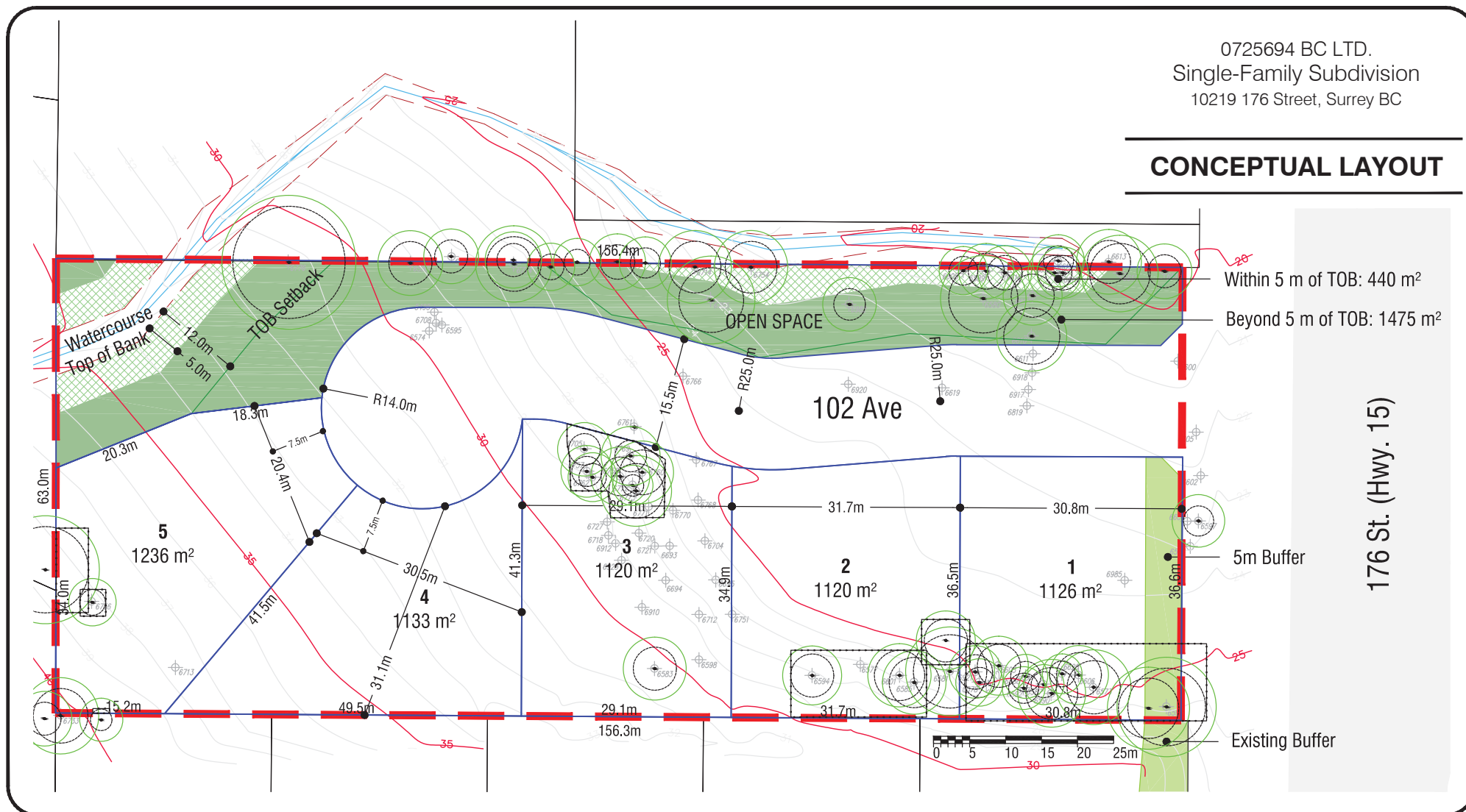
CRL/da





0725694 BC LTD.  
Single-Family Subdivision  
10219 176 Street, Surrey BC

**CONCEPTUAL LAYOUT**



Within 5 m of TOB: 440 m<sup>2</sup>  
Beyond 5 m of TOB: 1475 m<sup>2</sup>

176 St. (Hwy. 15)

**LEGAL DESCRIPTION**

LOT 2 SECTION 6 TOWNSHIP  
9 PLAN 14637 NWD PART NE  
1/4, EXCEPT PLAN ROAD  
REF PLAN LMP9457  
PID: 009-966-943

**GROSS SITE AREA**

0.98 hectares / 2.43 acres (approx.)

**EXISTING DESIGNATIONS**

Zoning: RA One Acre Residential  
NCP: N/A  
OCP: Suburban

**PROPOSED DESIGNATIONS**

Zoning: CD (Based on RH-G)  
NCP: N/A  
OCP: No Change

**LOT YIELD**

Existing Number of Lots: 1  
Proposed Number of Lots: 5

**DENSITY**

Gross: 5 uph / 2 upa  
Net: 6 uph / 3 upa

NOTE: Conceptual layout only, subject to change without notice. Property of Aplin & Martin Consultants Ltd. and not to be reproduced or used without written permission by the Company.

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Project No.: 14-327  
Date: 22 January 2016

Drawing  
**1**

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0141-00

Issued To: HIS GRACE HOLDINGS INC., INC NO. B1104769  
("the Owner")

Address of Owner: 15039 – 69 Avenue  
Surrey, BC V3S 0X1

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: 009-966-943  
Lot 2 Except: Part Road on Plan LMP9457, Section 6 Township 9 New Westminster  
District Plan 14637

10219 - 176 Street

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

\_\_\_\_\_

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

\_\_\_\_\_

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section B.1 of Part 7A "Streamside Protection", the minimum streamside setback area for a "Natural Class B (yellow-coded) Stream" as measured from top-of-bank is reduced from 15 metres (50 ft.) to a minimum of 12 metres (39 ft.).
5. 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.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
9. This development variance permit is not a building permit.

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

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Mayor – Linda Hepner

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City Clerk – Jane Sullivan

