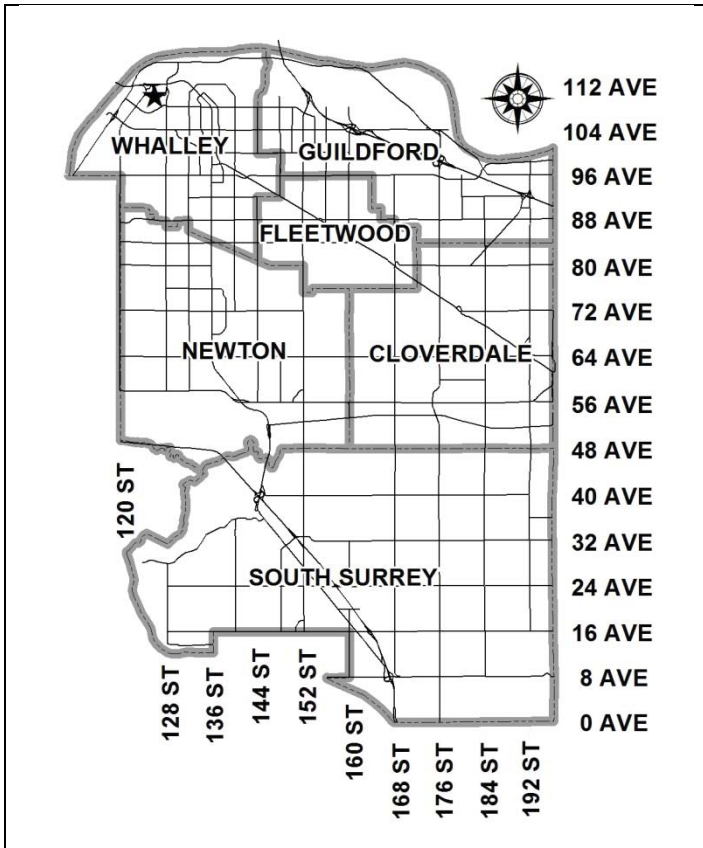


City of Surrey  
**ADDITIONAL PLANNING COMMENTS**

File: 7916-0685-00

Planning Report Date: July 24, 2017

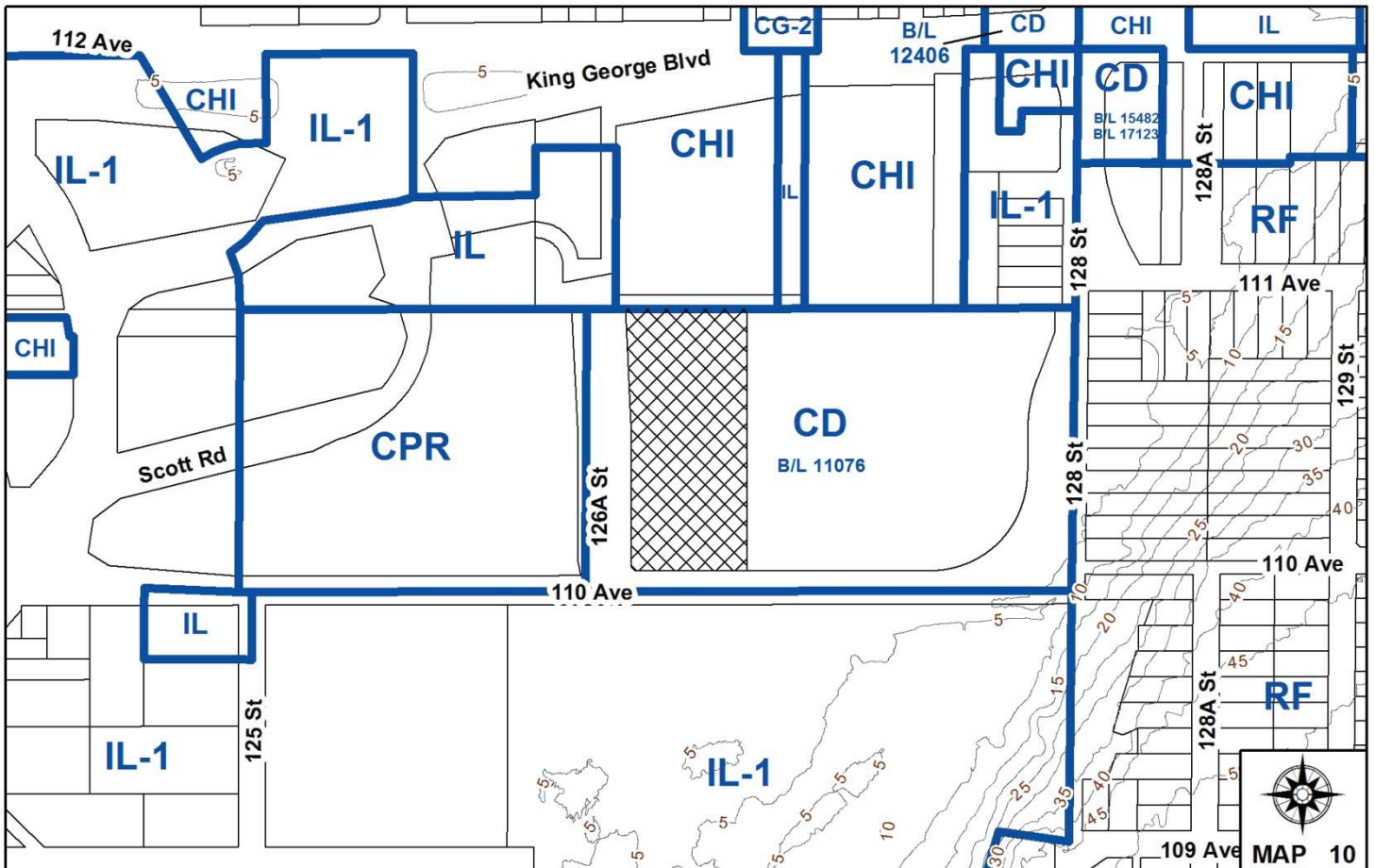


**PROPOSAL:**

- **Development Variance Permit**

to reduce the streamside setback area to permit a mixed-use retail and multiple unit residential development.

**LOCATION:** 12661 – 110 Avenue  
**OWNER:** Waterstone Holdings No 2 Ltd.  
**ZONING:** CD (By-law No. 11076)  
**OCPC DESIGNATIONS:** Commercial and Mixed Employment  
**NCP DESIGNATION:** Highway Commercial



### RECOMMENDATION SUMMARY

- 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 'Channelized Class A (red-coded) Stream', as measured from the top-of-bank, from 25 metres (82 ft.) to a minimum of 10.0 metres (33 ft.) at the northwest corner of the subject site.

### RATIONALE OF RECOMMENDATION

- Due to an oversight in the process, a Development Variance Permit (DVP) to reduce the streamside setback area was not included in the original Planning Report for the subject development, which proposes a mixed-use retail and multiple unit residential development. The DVP has now been included in the application.
- The proposed streamside setbacks have been verified to be Riparian Area Regulations (RAR) compliant, and have been reviewed by City staff.
- The proposed DVP is to allow a portion of the subject site, at the northwest corner, to encroach within the streamside setback area. No buildings proposed on the subject site will be located within the streamside setback area.
- The Streamside Protection and Enhancement Area (SPEA) will be protected by fencing, in order to restrict public access.
- As part of the subject development application, the applicant is required to construct 126A Street along the west property line, in compliance with the South Westminster Neighbourhood Concept Plan (NCP). The road will be constructed within the existing road allowance for 126A Street, and is not expected to negatively impact the existing watercourse.
- In accordance with the Streamside Protection By-law (Part 7A, Section 2 of the Zoning By-law), the construction, maintenance or operation of municipal works and services, including a road, are exempt from the streamside setback area requirements. Therefore, no variance is required to reduce the streamside setback area from the top-of-bank of the 'Class A Channelized Stream' to the western edge of 126A Street.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0685-00 (Appendix II) to vary Part 7A of Zoning By-law No. 12000 to reduce the minimum setback distance from the top-of-bank of a 'Class A Channelized Stream' from 25 metres (82 ft.) to a minimum of 10.0 metres (33 ft.) at the northwest corner of the subject site to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: The Home Depot parking lot encroaches onto the eastern portion of the subject site; otherwise, the site is currently vacant.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North (Beyond City-owned lot for future 111 Avenue):	SkyTrain guideway above unauthorized truck parking.	Business / Residential Park	CHI
East:	Home Depot.	Highway Commercial	CD (By-law No. 11076)
South (Across 110 Avenue):	City-owned vacant land (Trouton Pit) under Application No. 7917-0170-00 for a sport and ice arena (pre-Council).	Retail / Residential and Multiple Residential	IL-1
West (Across 126A Street):	Scott Road Park & Ride.	Transit-Oriented Urban Village	CPR
Further West (Across Scott Road):	Scott Road SkyTrain Station.	SkyTrain	CPR

DEVELOPMENT CONSIDERATIONSBackground

- At the May 29, 2017 Regular Council – Land Use meeting, Council granted Third Reading to Application No. 7916-0685-00 (OCP Amendment By-law No. 19243 and Rezoning By-law No. 19257), which allows for the development of four (4), 6-storey buildings on two (2) lots, containing approximately 33,950 square metres (365,460 sq.ft.) of residential space (514 units) and 1,102 square metres (11,867 sq.ft.) of ground floor commercial retail space.

- There is a 'Class A Channelized Stream' located west of the subject site, across the 126A Street road allowance
- Due to an oversight in the process, a Development Variance Permit (DVP) to reduce the streamside setback area for the adjacent channelized stream was not included in the original Planning Report for the subject proposal. The DVP has now been included in this application.
- If the subject DVP to reduce the streamside setback area is supported, it will be forwarded to Council for consideration of issuance and execution in conjunction with the final adoption of the associated Re-zoning By-law (No. 19257).

#### Sensitive Ecosystem Development Permit

- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) (Corporate Report No. R188) to implement Sensitive Ecosystem Development Permit Areas (DPA) and Streamside Protection Measures, for the protection of the natural environment, including riparian areas.
- An environmental report prepared by Libor Michalak of Pieris Ecological Consulting and dated July 13, 2017, was found to be acceptable by City staff. The report indicated that only a portion of the subject site is located within the streamside setback area and that the proposed reduction in the streamside setback area will not negatively impact the stream.
- Although the subject site is located within a Sensitive Ecosystem DPA, a Development Permit for Sensitive Ecosystems has not been required for the subject application for the following reasons:
  - The applicant submitted an environmental report from a Registered Professional Biologist confirming that the proposed development will not negatively impact the stream;
  - The portion of the subject site that is within the Sensitive Ecosystem DPA is across the street (126A Street) from the stream; and
  - The streamside protection area will be fenced to protect the habitat features.

#### Streamside Protection

- On September 12, 2016, Council also approved the Streamside Protection Measures as part of Corporate Report No. R188 which were incorporated into the Zoning By-law as Part 7A Streamside Protection.
- Part 7A Streamside Protection of the Zoning By-law No. 12000 identifies the specific protection areas that are required to be established for Streamside Setback Areas. The environmental report prepared by Libor Michalak of Pieris Ecological Consulting determined that the subject watercourse is a 'Channelized Class A (red-coded) Stream', which requires a 25-metre (82 ft.) streamside setback area.
- The applicant is seeking a variance to reduce the streamside setback area for a 'Channelized Class A (red-coded) Stream', as measured from the top-of-bank, from 25 metres (82 ft.) to a minimum of 10.0 metres (33 ft.) at the northwest corner of the subject site. See By-law Variance section for more details.

- There are no existing trees on the subject site, and no trees within the riparian area will be removed.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Part 7A Streamside Protection of the Zoning By-law to reduce the minimum required streamside setback area, measured from the top-of-bank, from 25 metres (82 ft.) to a minimum of 10.0 metres (33 ft.) at the northwest corner of the subject site, for a 'Class A Channelized Stream'.

Applicant's Reason:

- A small portion of the subject site is located within the 25-metre (82-ft.) streamside setback area, but the reduced streamside setback area will not impact the existing 'Class A Channelized Stream' to the west.

Staff Comments:

- The 'Class A Channelized Stream' flows on City land to the west, between the Scott Road Park & Ride and the existing 126A Street road allowance. The subject site is located directly east of the 126A Street road allowance, and only a portion (at the northwest corner) of the subject site is located within the minimum required 25-metre (82 ft.) streamside setback area.
- The applicant has demonstrated via an environmental report prepared by Pieris Ecological Consulting and dated July 13, 2017, that the proposed reduction to the streamside setback area will not result in any negative impact on the adjacent stream to the west. City staff have reviewed the report and have no concerns.
- Road allowance (for 126A Street) currently exists between the 'Class A Channelized Stream' and the subject site, and the road will be constructed as part of the subject application in compliance with the South Westminster Neighbourhood Concept Plan (NCP). The southern half of 126A Street currently exists as a half-road, and will be extended northward to connect to 128 Street to the east, in the future.
- The entire road construction of 126A Street encroaches within the streamside setback area; however, the applicant's Qualified Environmental Professional (QEP) confirms that the stream is not expected to be impacted by the construction of this road. The QEP recommends however, that an Environmental Monitor be retained to ensure that the watercourse is protected during the construction works.
- In accordance with the Streamside Protection By-law (Part 7A, Section 2 of the Zoning By-law), the construction, maintenance or operation of municipal works and services, including a road, are exempt from the streamside setback requirements. Therefore, a

- streamside setback area variance is required for the subject development site, but not for the construction 126A Street.
- The proposed 10.0-metre (33-ft.) streamside setback area at the northwest corner of the subject site is at a pinch-point where the stream meanders eastward and is culverted as it flows under the SkyTrain guideway. The proposed streamside setback area increases southward along the west property line, until the subject site is no longer encroaching within the required 25-metre (82 ft.) streamside setback area.
  - The QEP recommends protecting the Streamside Protection and Enhancement Area (SPEA) with fencing, in order to restrict public access.
  - No existing vegetation including trees around the stream are proposed to be removed as part of the construction of 126A Street or the construction proposed on the subject site.
  - 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. Development Variance Permit No. 7916-0685-00

*original signed by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:     Name:             Victor Jeon  
  WestStone Group  
  Address:           10090 – 152 Street, Unit 300  
  Surrey, BC V3R 8X8
  
2.     Properties involved in the Application
  - (a)     Civic Address:            12661 – 110 Avenue
  
  - (b)     Civic Address:            12661 – 110 Avenue  
          Owner:                     Waterstone Holdings No 2 Ltd.  
          PID:                      029-684-994  
          Lot 1 Section 17 Block 5 North Range 2 West New Westminster District Plan EPP39522
  
3.     Summary of Actions for City Clerk's Office
  - (a)     Proceed with Public Notification for Development Variance Permit No. 7916-0685-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with the final adoption of the associated Rezoning By-law (No. 19257).



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0685-00

Issued To: WATERSTONE HOLDINGS NO 2 LTD.

(the "Owner")

Address of Owner: 1430, 1100 - Melville Street  
Vancouver, BC V6E 4A6

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: 029-684-994

Lot 1 Section 17 Block 5 North Range 2 West New Westminster District Plan EPP39522

12661 - 110 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In the table in Section B.1 of Part 7A Streamside Protection, the minimum required distance from top-of-bank of a "Class A Channelized Stream" is reduced from 25 metres (82 ft.) to a minimum of 10.0 metres (33 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            , 2017.  
ISSUED THIS            DAY OF            , 2017.

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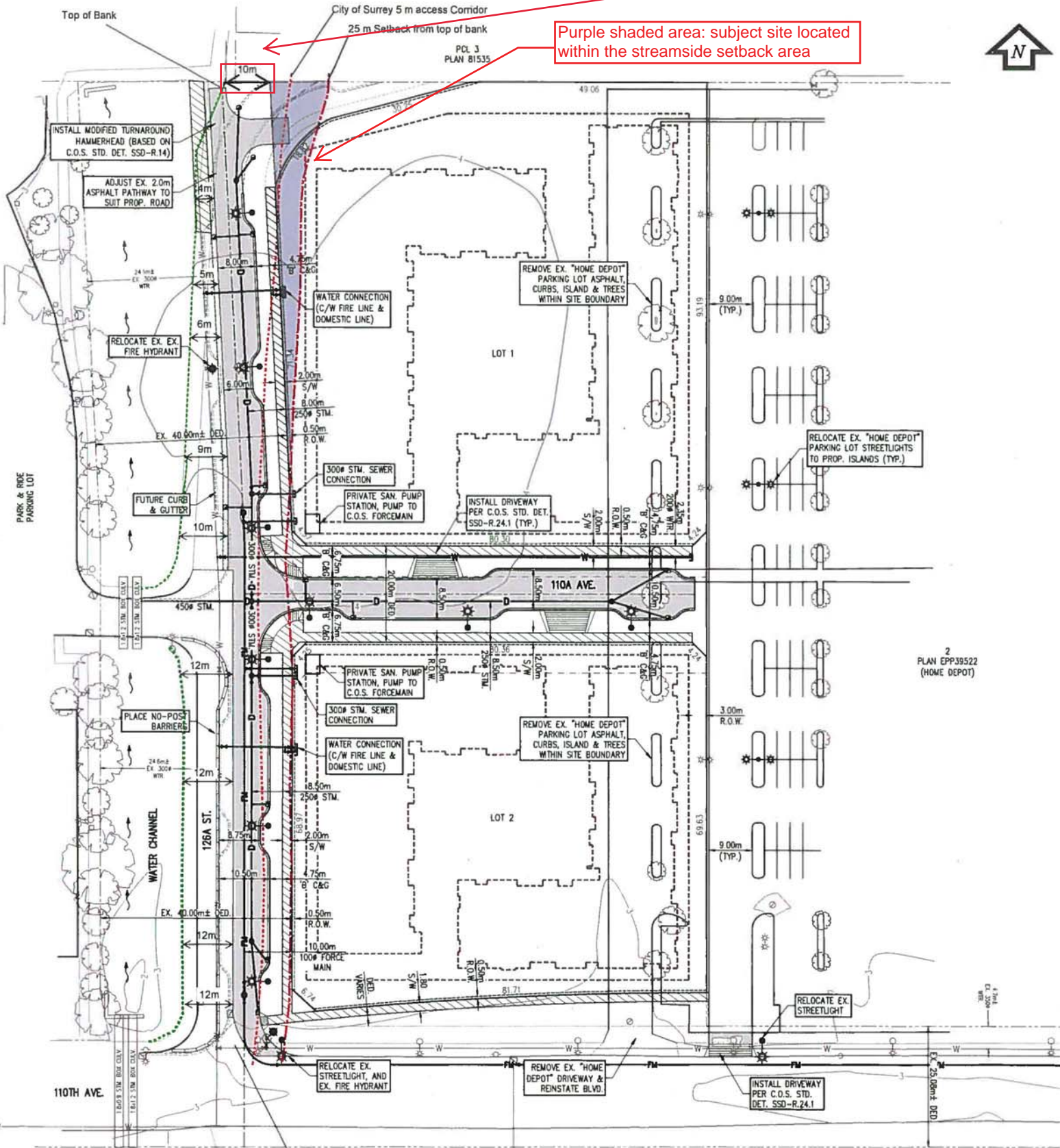
Mayor – Linda Hepner

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City Clerk – Jane Sullivan

Reduce the minimum streamside setback, as measured from top-of-bank, from 25 metres (82 ft.) to a minimum of 10 metres (33 ft.)

Purple shaded area: subject site located within the streamside setback area



Setback Area Affected Area for Road works proposed (approx. 450 m sq.).