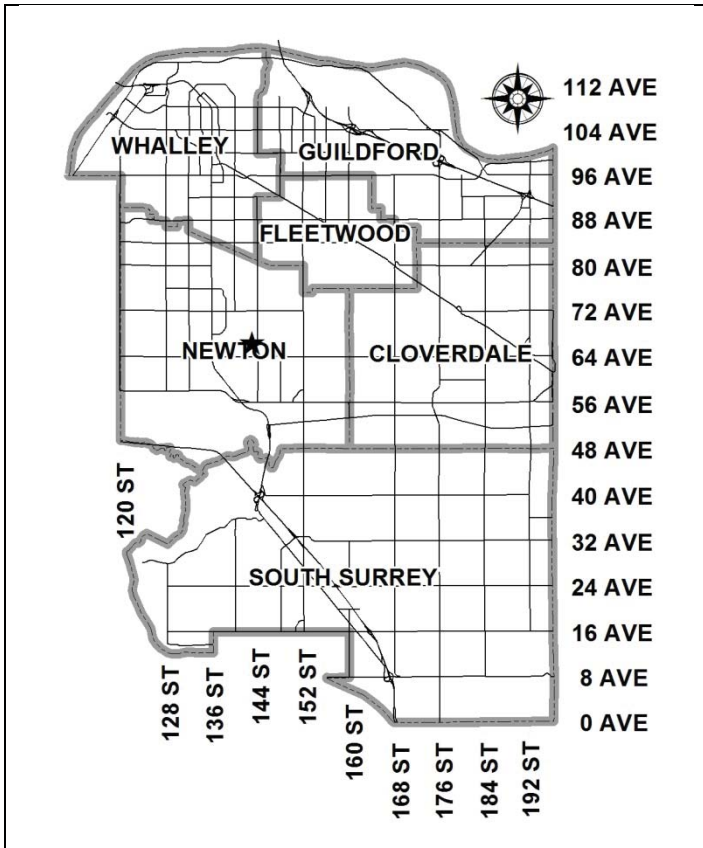


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0120-00

Planning Report Date: June 12, 2017



PROPOSAL:

- Development Permit
- Development Variance Permit

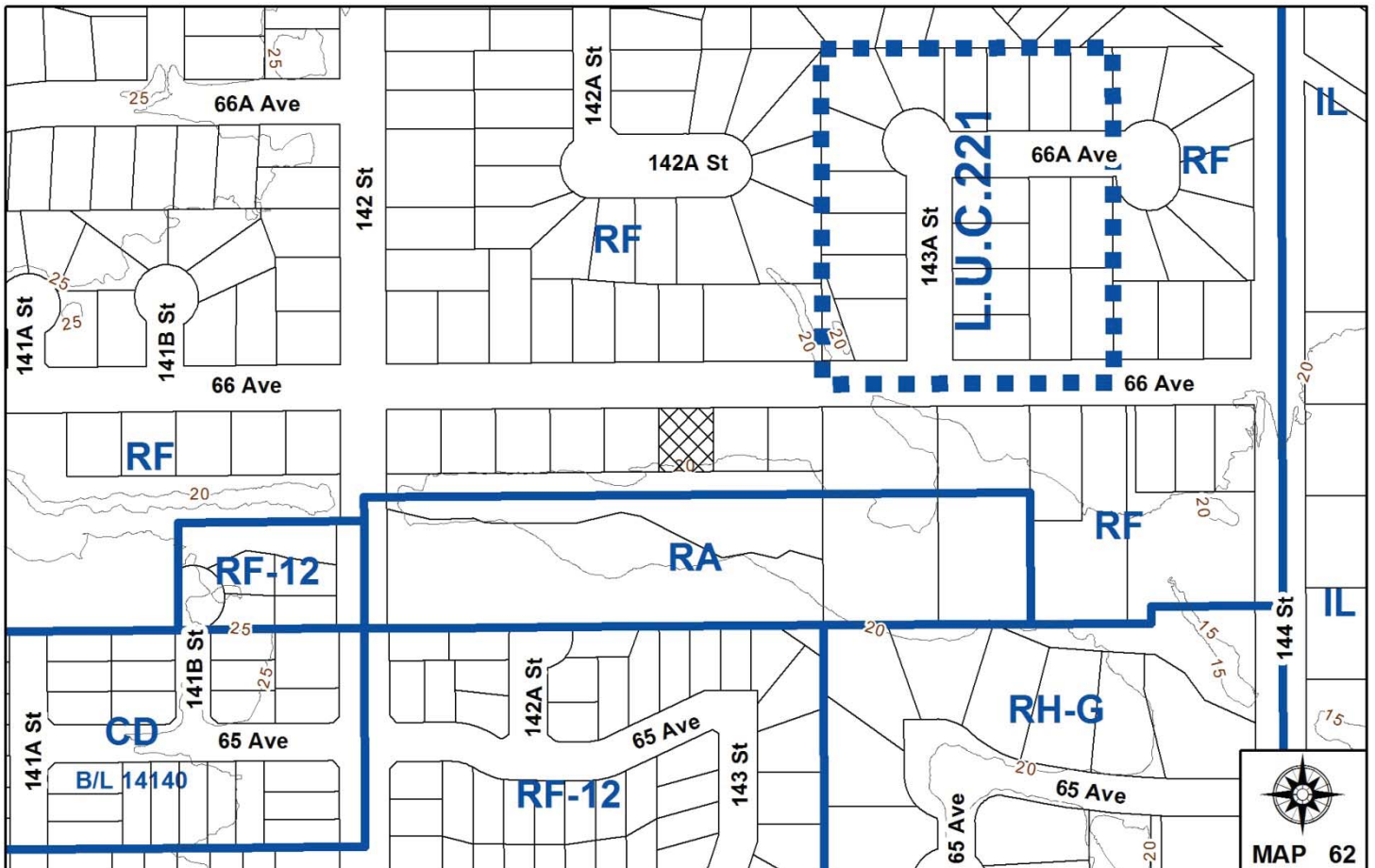
for Sensitive Ecosystems and to reduce the minimum front yard setback to facilitate construction of a single family dwelling.

LOCATION: 14268 – 66 Avenue

OWNER: Charanjit S. Mattu

ZONING: RF

OCP DESIGNATION: Urban



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 minimum front yard setback of the RF Zone.

RATIONALE OF RECOMMENDATION

- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 15 metre (50 ft.) setback from top of bank for all Class A stream types for lots of record.
- Part 7A in the Zoning By-law further states that any requirements in Riparian Areas Regulation, B.C. Reg. 376/2004 that are greater than those specified in this Part must be complied with along with any other applicable legislation.
- A Riparian Areas Regulation (RAR) Assessment Report, prepared by Enkon Environmental, dated November 29, 2016, confirmed that the required Streamside Protection and Enhancement Area (SPEA) is 20.7 metres (68 ft.) from high water mark, which exceeds the minimum setback outlined in Part 7A of the Zoning By-law.
- Adhering to RAR greatly restricts the potential building envelope and house design, resulting in a buildable area that is too small to accommodate the proposed house.
- The reduced front yard (north) setback will allow the house to be sited closer to the front lot line, ensuring that RAR is adhered to, and also providing a reasonable separation between the RAR boundary and the rear of the proposed house.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7917-0120-00 for Sensitive Ecosystems.
2. Council approve Development Variance Permit No. 7917-0120-00 (Appendix III), to reduce the minimum front yard (north) setback of the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 2.9 metres (9.5 ft.) to the house and 4 metres (13 ft.) to the garage, to proceed to Public Notification.
3. Council instruct staff to resolve the following issues prior to Development Permit issuance:
 - (a) submission of a landscaping planting plan and landscaping cost estimate for the enhancement of the Streamside Setback Area, to the satisfaction of the General Manager, Parks, Recreation & Culture and the City Landscape Architect; and
 - (b) registration of a combined Restrictive Covenant/Statutory Right-of-Way against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity.

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Parks, Recreation & Culture:	Parks, Recreation & Culture has no objection to the project. The applicant is required to remove all fencing and other materials, as well as invasive species, from within the Streamside Protection Area and to renaturalize the area and install encroachment fencing immediately outside the 20.7 metre (68 ft.) Riparian Areas Regulation SPEA.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 66 Avenue):	Single family dwellings	Urban	RF

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East:	Single family dwelling	Urban	RF
South:	Park	Urban/Creeks & Riparian Setbacks	RF & RA
West:	Single family dwelling	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The 668-square metre (7,190 sq. ft.) subject property is located on the south side of 66 Avenue, east of 142 Street.
- The site is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The applicant applied for a Building Permit in August 2016 to construct a single family dwelling.
- Hyland Creek, a red-coded watercourse, is located on a City-owned greenbelt directly south of the subject property and a Green Infrastructure Network (GIN) corridor runs along Hyland Creek.
- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 15 metre (50 ft.) setback from top of bank for all Class A stream types for lots of record.
- Part 7A in the Zoning By-law further states that any requirements in Riparian Areas Regulation, B.C. Reg. 376/2004 that are greater than those specified in this Part must be complied with along with any other applicable legislation.
- A Riparian Areas Regulation Assessment Report, prepared by Enkon Environmental, dated November 29, 2016 confirmed that the required Streamside Protection and Enhancement Area (SPEA) is 20.7 metres (68 ft.) from high water mark, which exceeds the minimum setback outlined in Part 7A of the Zoning By-law.
- The applicant is proposing a Development Variance Permit to reduce the minimum front yard (north) setback from 7.5 metres (25 ft.) to 2.9 metres (9.5 ft.) to the house and 4 metres (13 ft.) to the garage in order to site the proposed house to comply with the Riparian Areas Regulation SPEA requirement.

Sensitive Ecosystem Development Permit

- On September 12, 2016, Council approved changes to the Official Community Plan (OCP) to create a new Sensitive Ecosystem Development Permit Area (DPA).

- The subject site falls within the Sensitive Ecosystem DPA due to both its proximity to Hyland Creek and the Green Infrastructure Network corridor, which covers approximately 45 percent of the site (Appendix II).
- In addition to the RAR Assessment Report submitted in November 2016, the applicant also submitted an Ecosystem Development Plan (EDP) prepared by Enkon Environmental, dated April 24, 2017. The EDP proposes a Streamside Protection Area based on the Riparian Areas Regulation SPEA setback of 20.7 metres (68 ft.) from high water mark, which exceeds the City's Streamside Setback of 15 metres (50 ft.) from top of bank. The Streamside Protection Area will be separated from the remainder of the site by encroachment fencing immediately outside the SPEA setback.
- The applicant has submitted a Landscape Planting Plan and cost estimate for the enhancement of the Streamside Protection Area. The Plan includes removal of anthropogenic debris and invasive species from the area, the planting of 236 square metres (2,540 sq. ft.) of former lawn and unvegetated areas with native trees and shrubs, and the installation of encroachment fencing immediately outside the SPEA.
- A combined Restrictive Covenant/Statutory Right-of-Way is required to be registered against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity. The applicant has expressed opposition to this requirement, however, it is standard practice for the protection and maintenance of riparian areas within the Sensitive Ecosystem DPA.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard (north) setback of the RF Zone from 7.5 metres (25 ft.) to 2.9 metres (9.5 ft.) to the house and 4 metres (13 ft.) to the garage.

Applicant's Reasons:

- The reduced front yard setback will allow the proposed house to be sited closer to the front lot line, so that the Riparian Areas Regulation SPEA setback can be adhered to at the rear of the property.

Staff Comments:

- The Riparian Areas Regulation SPEA setback exceeds the City's Streamside Setback. The more stringent setback area required under the Riparian Areas Regulation results in a buildable area that is too small to accommodate the proposed house.
- The reduced front yard setback will allow the house to be sited in accordance with the Riparian Areas Regulation, while allowing for a reasonably sized house. The reduced front yard setback will also allow for a 3 metre (10 ft.) strip of land between the riparian setback and the rear of the house to allow for house maintenance without encroaching into the riparian area. Similarly, the setback will also allow for a small rear yard for the residents enjoyment.

- The applicant has demonstrated that the 3 parking spaces required under the Zoning By-law can still be accommodated with the reduced front yard setback.
- Staff support the requested variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Sensitive Ecosystem DPA Map
Appendix III.	Development Variance Permit No. 7917-0120-00

INFORMATION AVAILABLE ON FILE

- Riparian Areas Regulation (RAR) Assessment Report prepared by Enkon Environmental dated November 29, 2016
- Ecosystem Development Plan prepared by Enkon Environmental dated April 24, 2017
- Landscape Planting Plan and Cost Estimate prepared by Enkon Environmental dated May 25, 2017

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

Information for City Clerk

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

1. (a) Agent: Name: Charanjit S. Mattu

 Address: 13498 – 64A Avenue
 Surrey, BC V3W 6S1

2. Properties involved in the Application
 - (a) Civic Address: 14268 – 66 Avenue

 - (b) Civic Address: 14268 – 66 Avenue
 Owner: Charanjit S. Mattu
 PID: 016-451-601
 Lot 6 Section 16 Township 2 New Westminster District Plan 86617

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0120-00 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 once all outstanding conditions pertaining to the Development Permit are satisfied.



**14268 66 Ave
Riparian
Setbacks**

client:
SGJ Construction

- Watercourses
- A
 - AO
 - B
 - C
 - UN

- 30m RAA
- Top of Bank / HWM
- RAR SPEA Setback
- 15m CoS Streamside Setback
- Subject Property
- GIN Corridors

Proposed Site Plan
(June 2017)



Scale - 1:250

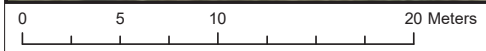
Figure

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Revised June 7, 2017



Base data from the City of Surrey
Open Data website.



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0120-00

Issued To: CHARANJIT S. MATTU

(the "Owner")

Address of Owner: 13498 – 64A Avenue
Surrey, BC V3W 6S1

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: 016-451-601

Lot 6 Section 16 Township 2 New Westminster District Plan 86617

14268 – 66 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Subsection F. Yards and Setbacks of Part 16 Single Family Residential Zone, the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 2.9 metres (9.5 ft.) to the house and 4 metres (13 ft.) to the garage.
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.
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

