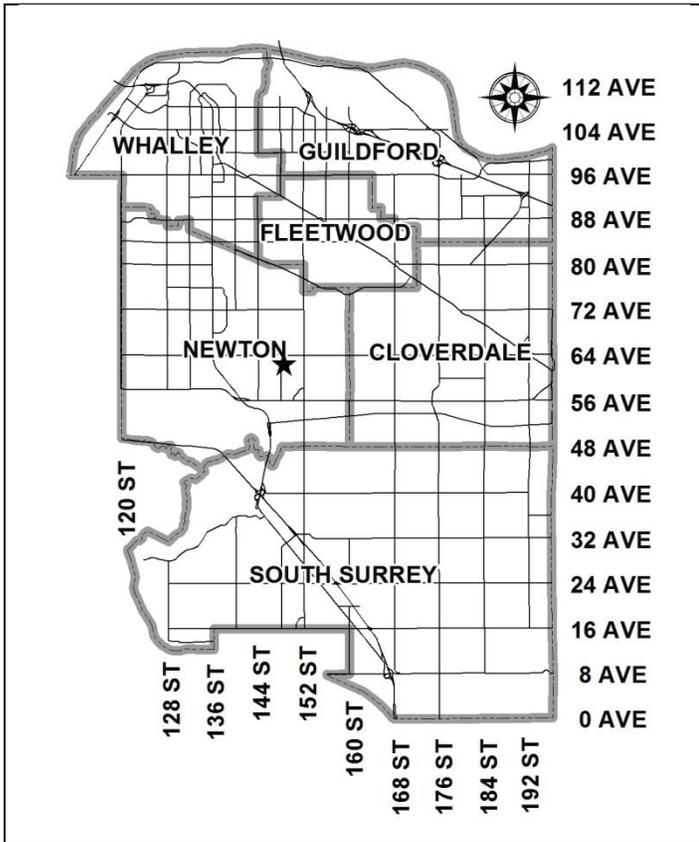


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0238-00

Planning Report Date: November 7, 2016



**PROPOSAL:**

- **Development Variance Permit**

to reduce the minimum lot depth, rear yard setbacks and the minimum streamside setback, in order to permit subdivision into one (1) single family lot and open space.

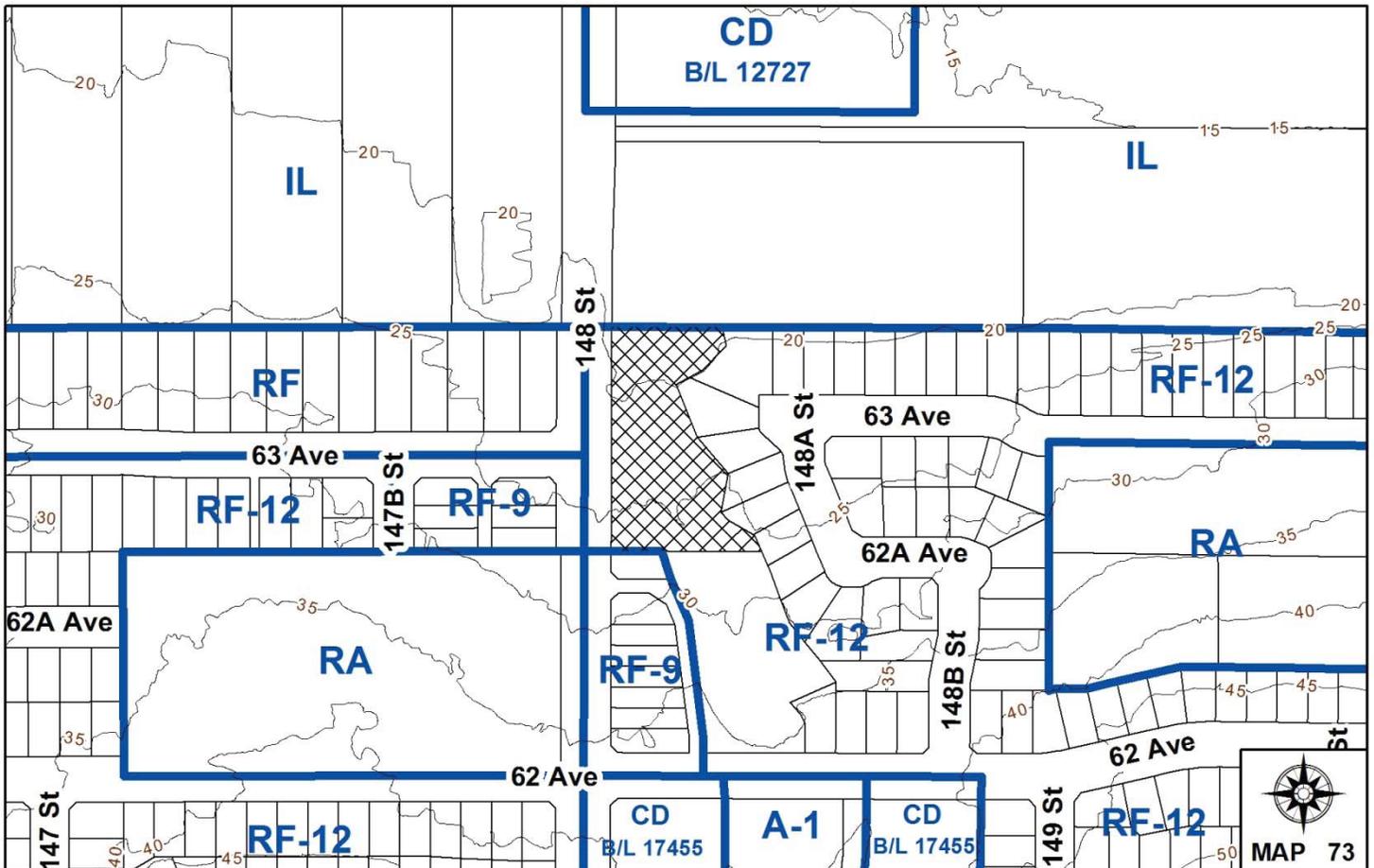
**LOCATION:** 6292 - 148 Street

**OWNER:** o875510 B.C. Ltd.

**ZONING:** RF-12

**OCP DESIGNATION:** Urban

**NCP DESIGNATION:** Creeks & Riparian Set Backs



### RECOMMENDATION SUMMARY

- Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking variances to the minimum lot depth, rear yard setbacks and streamside setback from top-of-bank for a "Natural Class B Stream" for proposed Lot 1.

### RATIONALE OF RECOMMENDATION

- The applicant demonstrated that the requested streamside setback relaxation does not impact the objectives outlined in the Official Community Plan for protecting sensitive ecosystems.
- Upon subdivision, approximately 90% of the gross site area will be conveyed to the City as open space, for the on-going protection and stewardship of the existing watercourse and riparian areas.
- Prior to the adoption of the new streamside regulations, the applicant provided a Riparian Areas Regulation (RAR) assessment report and peer review for the on-site Class B watercourse, which was accepted by staff. The proposed subdivision is in keeping with the setbacks in the RAR report; however, a variance to the Streamside Setback Areas is now required.
- The requested variance to reduce the minimum lot depth of the "Single Family Residential (12) Zone (RF-12)" for proposed Lot 1 is necessary in order for the building lot to be located outside the Streamside Protection and Enhancement Area (SPEA), as determined by the RAR assessment. The applicant proposes to increase the lot width in order to meet the minimum lot area requirement of the RF-12 Zone.
- The requested variance to reduce the rear yard setbacks for proposed Lot 1 is necessary to achieve an appropriately sized house on the proposed irregularly shaped lot that is in keeping with the character of the surrounding neighbourhood. To compensate for the reduced rear yard, the applicant proposes to increase the north side yard. As no development is proposed to the north, the north side yard will effectively provide usable yard area for proposed Lot 1 without impacting any adjacent property owners.

**RECOMMENDATION**

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0238-00 (Appendix III) varying the following to proceed to Public Notification:

- (a) to reduce the minimum lot depth of the RF-12 Zone on proposed Lot 1 from 22.0 metres (72 ft.) to 11.4 metres (37 ft.);
- (b) to reduce the minimum rear yard setback of the RF-12 Zone on proposed Lot 1 from 7.5 metres (25 ft.) to 2.0 metres (7 ft.); and
- (c) to reduce the minimum streamside setback distance from the top-of-bank for a "Natural Class B Stream" in Part 7A of Zoning By-law No. 12000, from 15 metres (50 feet) to 8.8 metres (29 feet).

**REFERRALS**

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

**Parks, Recreation & Culture:** Parks, Recreation & Culture will accept the encumbered area conveyed as parkland without compensation. A P-15 agreement is required for monitoring and maintenance of replantings in the conveyed riparian area. All fencing adjacent to parkland is to be permeable, located on the private property line, and not higher than 1.2 metres (4 ft.)

**SITE CHARACTERISTICS**

**Existing Land Use:** Vacant lot

**Adjacent Area:** A yellow-coded (Class B) unnamed tributary of Hyland Creek traverses the site.

Direction	Existing Use	NCP/OCP Designation	Existing Zone
North:	Industrial	Industrial / Industrial	IL
East:	Single family dwellings on small urban lots	Single Family Residential Flex 6-14 u.p.a. / Urban	RF-12
South:	Single family dwellings on small urban lots	Single Family Residential Flex 6-14 u.p.a. / Urban	RF-9
West (Across 148 Street):	Single family dwellings on small urban lots	Single Family Residential Flex 6-14 u.p.a. / Urban	RF-9

## DEVELOPMENT CONSIDERATIONS

### Background and Proposal

- The 4,400 square metre (1.1 acre) subject site is located at 6292 – 148 Street in the South Newton Neighbourhood Concept Plan (NCP) and is zoned "Single Family Residential (12) Zone (RF-12)".
- The site is designated Creeks & Riparian Set Backs in the South Newton NCP and is designated Urban in the Official Community Plan (OCP).
- This lot was created under Development Application No. 7904-0038-00, which received final adoption on December 13, 2010. Although the lot is largely encumbered by a riparian area, under Development Application No. 7904-0038-00 the City requested 5% cash-in-lieu of parkland dedication, which was paid by the developer, and the lot has remained in private ownership. Subsequent to the approval of Development Application 7904-0038-00, further analysis of the site has demonstrated that there is a viable building envelope on this property.
- The applicant proposes to subdivide the property into one (1) single family residential lot and will convey the remaining 3,971 square metre (1 acre) portion of the site (Lot 2) to the City for open space purposes, which is approximately 90% of the gross site area.
- The proposed subdivision (Appendix II) is not in compliance with the new setback requirements for streamside protection and therefore, a Development Variance Permit is required to allow the subdivision to proceed as originally contemplated.
- The applicant is also seeking variances to reduce the minimum lot depth and rear yard setbacks for proposed Lot 1.

### Streamside Protection Considerations

- In July 2014, Council endorsed the Biodiversity Conservation Strategy and the implementation measures it recommended to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protecting Surrey's natural environmental assets.
- 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.
- 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.

- 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.
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan will not be required. The applicant demonstrated that the requested setback reduction does not impact the objectives outlined in the Official Community Plan for protecting sensitive ecosystems, and in support of this, the applicant:
  - Submitted a Riparian Areas Regulation (RAR) assessment report dated March 19, 2015, prepared by Envirowest Consultants Inc. for the on-site Class B watercourse;
  - Submitted a Peer Review conducted by Dillon Consulting Ltd. dated October 7, 2015, which concluded that the RAR assessment is acceptable;
  - Upon subdivision, the applicant will convey the remaining portion of the site outside the proposed building lot to the City as open space, which is approximately 90% of the gross site area, for on-going protection and stewardship of this area; and
  - The applicant will enter into a P-15 agreement for the monitoring and maintenance of the replantings in the riparian area.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum lot depth of the RF-12 Zone on proposed Lot 1 from 22.0 metres (72 ft.) to 11.4 metres (37 ft.).

Applicant's Reasons:

- The requested variance is necessary in order for the building lot to be located outside the Streamside Protection and Enhancement Area (SPEA), as determined by the RAR assessment.

Staff Comments:

- The Streamside Protection and Enhancement Area (SPEA) restricts the ability to achieve the minimum lot depth for proposed Lot 1.
- The applicant is proposing to create an irregularly shaped building lot in which the east (rear) property line follows the SPEA boundary and substantially increases the lot width, which will allow the lot to meet the minimum area requirement of the RF-12 Zone.
- Staff support the requested variance.

## (b) Requested Variance:

- To reduce the minimum rear yard setback of the RF-12 Zone on proposed Lot 1 from 7.5 metres (25 ft.) to 2.0 metres (7 ft.).

## Applicant's Reasons:

- The requested variance is necessary to achieve an appropriately sized house on the proposed irregularly shaped lot that is in keeping with the character of the surrounding neighbourhood.

## Staff Comments:

- The applicant proposes to increase the north side yard to compensate for the reduced rear yard.
- As no development is proposed to the north, the north side yard will effectively act as the usable yard for proposed Lot 1 without impacting any adjacent property owners.
- Staff support the requested variance.

## (c) Requested Variance:

- To reduce the minimum streamside setback from top-of-bank for a "Natural Class B Stream" in Part 7A of the Zoning By-law from 15 metres (50 ft.) to 8.8 metres (29 ft.) measured to the east lot line of proposed Lot 1.

## Applicant's Reasons:

- The applicant has taken appropriate measures to ensure the objectives of the sensitive ecosystems guidelines in the OCP have been met.
- The applicant will convey approximately 90% of the site to the City as open space.

## Staff Comments:

- The Class B unnamed tributary of Hyland Creek, traverses the subject site in a north-south direction. The stream is surrounded by residential development to the east south and west, and is enclosed in a storm sewer downstream of the site. The downstream storm sewer extends through industrial lands to the north and discharges into a ditch alongside the railway tracks, further north of the subject site. This ditch then flows into a culvert under 64 Avenue and subsequently flows into Hyland Creek.
- The RAR assessment and peer review indicate that the stream is ephemeral and was dry at the time of both the assessment and the peer review site visit.
- The peer review field assessment confirmed the Class B classification (no fish but a significant food-nutrient contribution to fish-occupied reaches), as shown on the City's COSMOS website.

- In accordance with the newly approved streamside setback areas in the Zoning By-law, the minimum required setback measured from the top-of-bank is 15 metres (50 ft.).
- The requested DVP seeks a minimum 8.8 metre (29 ft.) setback from the top-of-bank setback measured to the east lot line of proposed Lot 1.
- Where a development is proposing to reduce the streamside setback area, a Development Variance Permit is required and is to include 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, cause flooding or other negative impacts on the property owners located next to the stream, or increase City of Surrey maintenance costs as a result of the reduced setback.
- 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 Areas Regulation (RAR) assessment report for the on-site Class B watercourse. The RAR report confirmed a maximum Streamside Protection and Enhancement Area (SPEA) of 10 metres (33 ft.), which the boundaries of proposed Lot 1 are based on;
  - A Peer Review was conducted by Dillon Consulting Ltd. which concluded that the RAR assessment is acceptable;
  - The amount of open space being conveyed to the City is 3,971 square metres (1 acre), or approximately 90% of the gross site area. The proposed open space will be added to the existing greenbelt that extends south approximately 300 metres (984 ft.) from the subject site to 61 Avenue; and
  - The applicant will enter into a P-15 agreement for the monitoring and maintenance of the replantings in the riparian area.
- The requested DVP is required for the associated proposed 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 Layout
- Appendix III. Development Variance Permit No 7915-0238-00

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

EM/da



"INDUSTRIAL LANDS"

148 ST.

10

11

2

"Park"  
3971m<sup>2</sup>

12

13

14

11.40

9.74

4.31

6.02

R=10.00

2.63

2.63

2.63

6.80

7.9

26.00

2.00

1

428m<sup>2</sup>

2.21

0.93

4.15

5.17

3.21

2.00

3.33

1.21

22.00

1.21

5.23

1

EXISTING PARK

RF12 Zone

7915-0238-00

#6292 148 Street

Amrik Sahota

WSP CANADA INC.

#300 - 65 RICHMOND STREET  
NEW WESTMINSTER, B.C.  
CANADA V3L 5P5  
TEL. 604-525-4651 | FAX. 604-525-5715  
WWW.WSPGROUP.COM



May 2016  
#061400315

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0238-00

Issued To: o875510 BC LTD.  
(the Owner)

Address of Owner: 18888 - 80 Avenue  
Surrey, BC V4N 4J1

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: 028-581-181  
 Lot 28 Section 10 Township 2 New Westminster District Plan BCP47981  
 6292 - 148 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 titles have been issued, as follows:

Parcel Identifier:

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

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4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Subsection F. Yards and Setbacks of Part 17A Single Family Residential (12) Zone (RF-12) the minimum lot depth is reduced from 22.0 metres (72 ft.) to 11.4 metres (37 ft.) for Lot 1;
  - (b) In Subsection F. Yards and Setbacks of Part 17A Single Family Residential (12) Zone (RF-12) the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 2.0 metres (7 ft.) for Lot 1; and
  - (c) In Part 7A Streamside Protection of Surrey Zoning By-law, No. 12000, the minimum distance from the top of bank for a Natural Class B Stream is reduced from 15 metres (50 ft.) to 8.8 metres (29 ft.), measured to the east lot line of proposed Lot 1.
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



148 ST.

"INDUSTRIAL LANDS"

600 $\phi$  STM  
200 $\phi$  SAN

10

11

"Park"  
3971m<sup>2</sup>

15m

12

TOP OF BANK

13

11.40

9.2m

Minimum Streamside Protection setback reduced from 15.0 m to 8.8 m.

14

8.8m

4.31

6.02

R=10.00

2.63

3.68

0.79

1

428m<sup>2</sup>

0.95

11.2m

RF12 Zone

26.00

22.00

EXISTING PARK

7915-0238-00  
#6292 148 Street  
Amrik Sahota

WSP CANADA INC.  
#300 - 65 RICHMOND STREET  
NEW WESTMINSTER, B.C.  
CANADA V3L 5P5  
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