

## PLANNING \& DEVELOPMENT REPORT <br> \section*{Application No.:}

7921-0113-00

Planning Report Date: September 13, 2021

## PROPOSAL:

- Rezoning from RF to CD
to permit the construction of a new single family dwelling.
LOCATION: 2963 - McBride Avenue
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Urban Residential



## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for rezoning.


## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None


## RATIONALE OF RECOMMENDATION

- The proposal complies with the "Urban" designation in the Official Community Plan (OCP), the "General Urban" designation in the Metro Vancouver Regional Growth Strategy (RGS) and the "Urban Residential" designation in the Crescent Beach Local Area Plan (LAP).
- The proposed dwelling establishes the habitable floor level at 4.3 metres above sea-level.
- The proposal responds to rising sea levels and will help maintain the water volume carrying capacity of the Crescent Beach floodplain in a flood event while ensuring that the habitable area of the proposed dwelling is above the Flood Construction Level (FCL).
- With the proposed "Comprehensive Development Zone (CD)" the applicant is seeking to accommodate a more flood resilient dwelling with an appropriate built form compatible with the neighbourhood character.
- Staff support the proposed application as a progressive pilot project for the construction of flood tolerant buildings in the Crescent Beach floodplain.


## RECOMMENDATION

The Planning \& Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
(a) registration of a Section 219 Restrictive Covenant that stipulates the ground level is not to be used as habitable space or storage area, all mechanical and electrical systems are to be constructed above the flood construction level of Crescent Beach, and that the City is indemnified against any potential losses to the property owner as a result of having the uninhabitable space within a floodplain.

## SITE CONTEXT \& BACKGROUND

| Direction | Existing Use | LAP Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| Subject Site | Vacant Lot | Urban Residential | RF |
| Northwest (Across Ohara Lane): | Single Family <br> Residential | Urban Residential | RF; CD (By-law <br> No. 13925) |
| Southwest: | Single Family <br> Residential | Urban Residential | RF |
| Southeast (Across McBride <br> Avenue): | Single Family <br> Residential | Urban Residential | RF; CD (By-law <br> No. 20147) |
| Northeast: | Single Family <br> Residential | Urban Residential | RF |

## Context \& Background

- The subject property is located at 2963 - McBride Avenue in Crescent Beach and is designated "Urban" in the Official Community Plan (ОСР), and "Urban Residential" in the Crescent Beach Local Area Plan (LAP).
- The subject property is currently zoned "Single Family Residential Zone (RF)" and is approximately 558 square metres in size.
- The property is currently vacant with no buildings on-site and is located within the flood plain area for Crescent Beach.
- The current Flood Construction Level (FCL) for Crescent Beach is 3.3 metres above sea-level. This means that buildings within the Crescent Beach floodplain must have their habitable space located above this elevation level.
- Based on the Provincial Sea Level Rise Curve for year 2100 and local wave effects, the future FCL requirement for Crescent Beach is expected to increase by more than a metre from the current level.
- To date, three pilot rezoning applications have received approval in order to permit the construction of flood tolerant single family dwellings with non-habitable ground floor levels in the Crescent Beach Neighbourhood. The applications are as follows:
o Development Application No. 7917-0550-oo at 2954 - Ohara Lane was granted Final Adoption by Council to rezone from the RF Zone to a CD Zone (By-law No. 19705) on December 16, 2019;
o Development Application No. 7920-oor2-oo at 2798 - McBride Avenue was granted Final Adoption by Council to rezone from RF Zone to a CD Zone (By-law No. 20147) on April 12, 2021; and
o Development Application No. 7920-o020-oo at 12183 - Agar Street was granted Final Adoption by Council to rezone from RF Zone to a CD Zone (By-law No. 20169) on January 11, 2021.
- On April 6, 2020, Council received Corporate Report No. Ro6o as information and instructed staff to consult with area residents on proposed new zoning provisions that take into account current and future flood construction level requirements for all new single family dwellings constructed in the Crescent Beach Neighbourhood. Work on the public consultation strategy is anticipated to resume in the Fall of 2021.


## DEVELOPMENT PROPOSAL

## Planning Considerations

- The property owners are proposing to build a flood resilient, three-storey single family dwelling on the subject lot. All stories are proposed to be above grade. The ground level would be a 2.5 metre high, uninhabitable, flood tolerant space used for parking only. The second and third levels of the building would be habitable living space constructed at an elevation that is above current and anticipated future FCL requirements.
- The purpose of the proposed house construction is to provide for increased flood mitigation with anticipated rising flood elevations in the future. The uninhabitable space at the ground floor level will also maintain the existing water volume carrying capacity of the floodplain in a flood event.
- To permit this construction, the applicant is proposing to rezone the subject property from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" in order to:
o Have the ground floor level be built below the FCL at full 1 storey height and excluded from Floor Area Ratio (FAR) (density) calculation requirements; and
o Increase building height to accommodate the raised main floor level above the FCL.
- The property owners have proposed an RC indemnifying the City for the proposed construction in the floodplain which will include provisions that prohibit the ground floor level from being used as a living or storage space.
- Staff support the application as a pilot project reflecting flood adaptation strategies for new construction in the Crescent Beach floodplain while the planning process that is looking at the larger issue of flood resilient development in the Crescent Beach community is being explored. As such, the proposed regulatory changes (CD Bylaw) in this application are not intended to be implemented broadly in Crescent Beach at this time.


## Crescent Beach Building Practices

## Current Practices

- The Flood Construction Level (FCL) for Crescent Beach is based on the Geodetic Survey of Canada and is currently set at 3.3 metres above sea-level. This means that buildings within the Crescent Beach floodplain must have all habitable space located above this elevation.
- To comply with the FCL for the area, newly constructed homes either need to be built atop a fill pad that is 3.3 metres above sea-level or be constructed with a crawl space that is no more than 1.5 metres high and brings the main floor of the building out of the FCL.


## Proposed Construction

- The property owners are proposing to build a flood-resilient house that raises the habitable areas of the dwelling above the anticipated future FCL. To achieve this, the proposal is to build the underside of the habitable floor space at 4.3 metres above sea-level. Rather than using fill to achieve this main floor elevation, the applicant is proposing a 2.5 metre high uninhabited open space on the ground floor level. The ground floor would be constructed with concrete walls and floor which could withstand a future flood event.
- By keeping the ground floor level as a single open and uninhabitable room, the property maintains the carrying capacity of the Crescent Beach floodplain. In contrast, when fill is used to reach the FCL, space for accommodating flood waters in the existing floodplain is displaced. As more properties use fill for their construction, the 200-year flood elevation increases above the natural level for the area due to the reduced overall water volume carrying capacity of the floodplain.
- The property owners would be permitted to use the ground floor level for parking only. No storage, electrical, plumbing, or windows. These no-build provisions will be included in the proposed indemnification Restrictive Covenant.


## Restrictive Covenant

- Under Section 219 of the Land Title Act, a local government and property owner may enter into a covenant to enact additional restrictions beyond the standard Zoning Bylaw regulations on how a building may be built or used on a given property. These covenants are registered on the property's title and are in effect in perpetuity.
- The applicant has proposed a Restrictive Covenant in support of the construction of a flood tolerant ground floor level in their new dwelling. The Restrictive Covenant will cover the following:
o The ground floor level is not to be used as habitable space or storage area;
o No mechanical, electrical, heating, or plumbing systems are to be installed in the ground floor level;
o No windows are to be provided in the ground floor level; and
o Indemnification for the City against any potential losses suffered by the property owner as a result of having an uninhabitable space within a floodplain.


## Referrals

Engineering:
The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

## Transportation Considerations

- The subject site will be accessible via McBride Avenue and Ohara Lane.


## POLICY \& BY-LAW CONSIDERATIONS

## Regional Growth Strategy

- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).


## Official Community Plan

## Land Use Designation

- The proposal complies with the Urban designation in the Official Community Plan (OCP).


## Themes/Policies

The proposed development is supported by the following policies of the OCP.

- D2.10 - Consider and prepare for the projected impacts of climate change on flood hazard areas due to sea level rise and flood risk. Take into account the effects of long-term climate change such as increased flooding events, increased runoff due to development and a reduced percentage of overall mature tree cover.
(The proposed development includes a 2.5 metre high uninhabitable ground floor level that provides for increased flood mitigation with anticipated rising flood elevations in the future.)


## Secondary Plans

## Land Use Designation

- The proposal complies with the Urban Residential designation in the Crescent Beach Local Area Plan (LAP).


## Themes/Objectives

- Preserve and enhance the semi-rural residential and seaside village character of the community, maintaining the dominant character of the residential buildings.
- Encourage the design of new homes to maintain the existing seaside architectural style.


## CD By-law

- The applicant proposes to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)".
- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed single family dwelling on the subject site. The CD By-law will be based on the "Single Family Residential Zone (RF)". The CD By-law for the proposed development site identifies appropriate uses and densities.
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the RF Zone and the proposed CD By-law is illustrated in the following table:

| Zoning | RF Zone (Part 16) | Proposed CD Zone |
| :--- | :---: | :---: |
| Floor Area Ratio: | All covered area <br> located above <br> grade is calculated <br> as floor area ratio | The uninhabitable ground floor level is <br> excluded from the floor area ratio <br> calculation. |
| Lot Coverage: | $40 \%$ maximum | $40 \%$ maximum |
| Yards and Setbacks | Front Yard (southeast): <br> Front Yard (northwest): <br>  <br> southwest): |  |
| 7.5 metres <br> 7.5 metres <br> 1.8 metres | 7.5 metres |  |
| 1.8 metres |  |  |

## - Permitted Use

o Under the existing RF Zone, the property owners are permitted to have a single family dwelling (with secondary suite) on their property. The RF Zone's permitted uses section does not stipulate what each storey of the single family dwelling is to be used for.
o The CD Zone has been proposed to permit a single family dwelling provided that the ground floor level, which is to be built below the 3.3 metre FCL, is to be used only for parking.

## - Floor Area Ratio (FAR)

o Floor Area Ratio (FAR) is a form of density in the Zoning Bylaw which regulates the maximum amount of floor area permitted for buildings and structures based on the area of a given lot. All covered areas of a building or structure that are constructed above grade are counted towards the FAR maximum for a lot. Basement levels, which by definition, are building levels that are a minimum of $50 \%$ in-ground, are not applied against the maximum FAR of a lot.
o The FAR calculation for the subject property under the existing RF Zone is o. 6 and would permit the property owners to construct a new single family dwelling with a maximum habitable floor area of approximately 335 square metres.
o However, based on how floor area is defined in the Zoning Bylaw, the proposed three-storey single family dwelling results in a total floor area of 532 square metres; 207 square metres of uninhabitable space on the ground level and 325 square metres of habitable space on the second, and third levels. This total floor area exceeds the maximum FAR allowance if the property were to remain in the RF Zone.
o The proposed CD Zone excludes the uninhabitable, ground floor area from the overall FAR calculation and restricts the space only for parking. Once the 207 square metre uninhabitable space is excluded from the FAR calculation, the proposed habitable area on the second and third levels totals 325 square metres, which is below what would normally be permitted under the RF Zone for the subject site. As such, the property owners are not receiving additional habitable floor area by way of the CD Zone when compared with the existing RF Zone.

## - Building Height

o Under the existing RF Zone, the maximum building height for a principal dwelling is 9 metres where the roof pitch is $1: 4$ or greater, and 7.5 metres where the roof pitch is less than 1:4 (flat roof). The measurement for building height is taken from the existing average grade of the property to the mid-point between the ridge and the eaves of the highest building roof.
o The applicant, under the CD Zone, is proposing to increase the maximum building height to 10.7 metres where the roof pitch is $1: 4$ or greater, and to 9.0 metres where the roof pitch is less than 1:4 (flat roof) in order to accommodate the higher main floor elevation of the proposed dwelling, and a roof top deck.

## PUBLIC ENGAGEMENT

- Pre-notification postcards were sent on June 25, 2021, and the Development Proposal Signs were installed on June 28, 2021. Staff have received no responses to date on the proposal.


## TREES

- Terry Thrale, ISA Certified Arborist of Woodridge Tree Consulting Arborists Ltd. prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

| Tree Species | Existing | Remove | Retain |
| :---: | :---: | :---: | :---: |
| Deciduous Trees <br> (excluding Alder and Cottonwood Trees) |  |  |  |
| Horse Chestnut | 1 | 1 | 0 |
| Plum | 1 | 0 | 1 |
| Coniferous Trees |  |  |  |
| Grand Fir | 1 | 0 | 1 |
| Douglas Fir | 1 | 1 | 0 |
| Total (excluding Alder and <br> Cottonwood Trees) | $\mathbf{2}$ | 2 |  |


| Total Replacement Trees Proposed <br> (excluding Boulevard Street Trees) | 2 |
| :--- | :---: |
| Total Retained and Replacement Trees | 4 |
| Contribution to the Green City Program | $\mathbf{\$ 1 , 1 0 0}$ |

- The Arborist Assessment states that there are a total of four (4) mature trees on the site, with no Alder or Cottonwood trees. It was determined that two (2) trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a a 2 to 1 replacement ratio. This will require a total of four (4) replacement trees on the site. Since only two (2) replacement trees can be accommodated on the site (based on an average of 2 trees per lot), the deficit of two (2) replacement trees will require a cash-in-lieu payment of $\$ 1,100$, representing $\$ 550$ per tree, to the Green City Program, in accordance with the City's Tree Protection By-law.
- In summary, a total of four (4) trees are proposed to be retained or replaced on the site with a contribution of $\$ 1,100$ to the Green City Program.


## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:
Appendix I. Site Plan, Building Elevations, and Perspective
Appendix II. Engineering Summary
Appendix III. Summary of Tree Survey and Tree Preservation
approved by Shawn Low

Rémi Dubé
Acting General Manager
Planning and Development
SR/cm





| TO: | Manager, Area Planning \& Development |
| :--- | :--- |
|  | - South Surrey Division |
|  | Planning and Development Department |

FROM: Development Engineer, Engineering Department
DATE: August 26, $2021 \quad$ PROJECT FILE: 7821-0113-oo
RE: $\quad$ Engineering Requirements
Location: 2963 McBride Ave

## REZONE/SUBDIVISION

No drainage concerns on the proposal for lowest floor to be non-habitable and be constructed below the Flood Construction Level (FCL). All habitable spaces to be constructed above the FCL.

A Servicing Agreement is not necessary for the proposed rezone as no works and services are required.

## BUILDING PERMIT

Standard Building Permit Application processes are to be followed, including evaluation of adequacy of existing services (existing driveway, water, sanitary and storm service connections) and relocation/upgrade or construction as required through the Building Permit process. This will also include abandonment of existing service connections as required.


Jeff Pang, P.Eng. Development Engineer

## Tree Preservation Summary

Surrey Project No:
Address: 2963 McBride Avenue

Registered Arborist: Woodridge Tree Consulting Arborists Ltd., Terry Thrale- PN6766A

| On-Site Trees | Number of Trees | Off-Site Trees | Number of Trees |
| :---: | :---: | :---: | :---: |
| Protected Trees Identified* | 4 | Protected Trees Identified | 2 |
| Protected Trees to be Removed | 2 | Protected Trees to be Removed | 1 |
| Protected Trees to be Retained (excluding trees within proposed open space or riparian areas) | 2 | Protected Trees to be Retained | 1 |
| Total Replacement Trees Required: <br> - $\quad$ Alder \& Cottonwoods to be removed (1:1) $0 X$ one (1) $=0$ <br> - All other species to be removed (2:1) $2 X$ two (2) $=4$ | 4 | Total Replacement Trees Required: <br> - $\quad$ Alder \& Cottonwoods to be removed (1:1) $0 x \text { one }(1)=0$ <br> - All other species to be removed (2:1) <br> 1 X two (2) $=2$ | 2 |
| Replacement Trees Proposed | 2 | Replacement Trees Proposed | 0 |
| Replacement Trees in Deficit | 2 | Replacement Trees in Deficit | 2 |
| Protected Trees to be Retained in Proposed Open Space or Riparian Areas | 0 |  |  |
| *on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas |  |  |  |

Summary, report and plan prepared and submitted by:


