

City of Surrey ADDITIONAL PLANNING COMMENTS Application No.: 7915-0238-00 7915-0238-01

Planning Report Date: October 16, 2023

#### **PROPOSAL:**

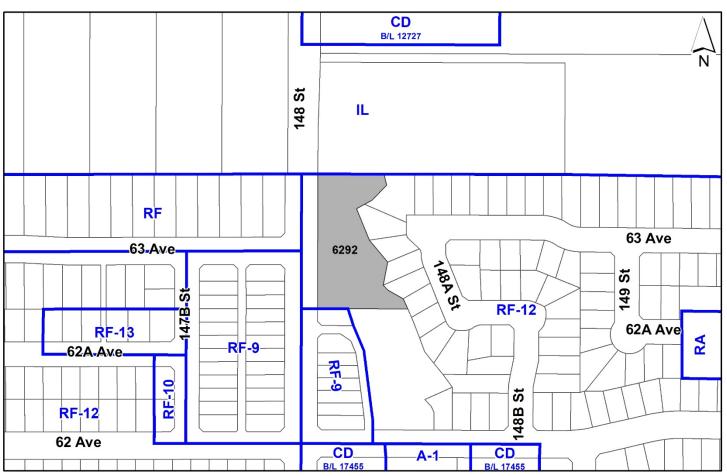
- Development Permit for Sensitive Ecosystems
- Development Variance Permit

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

LOCATION: 6292 148 Street

ZONING: RF-12
OCP DESIGNATION: Urban

NCP DESIGNATION: Creeks & Riparian Set Backs



# **RECOMMENDATION SUMMARY**

- Approval to draft Development Permit for Sensitive Ecosystem.
- Approval for 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 a proposed residential lot.

#### 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 ongoing protection and stewardship of the existing watercourse and riparian areas.
- The applicant provided a Riparian Areas Regulation Assessment Report (RAPR) for the on-site Class B watercourse, which was accepted by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).
- The requested variance to reduce the minimum lot depth of the "Single Family Residential (12) Zone (RF-12)" for proposed Lot 1 is necessary for the building lot to be located outside the riparian Streamside Protection and Enhancement Area (SPEA), as confirmed by the RAPR. The applicant proposes to increase the lot width 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 an 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 size of the side (north) yard. As development is not possible to the north of the proposed lot, the north side will effectively provide usable yard area for the proposed residential lot without impacting any adjacent property owners.
- The proposal complies with the Development Permit requirements in the OCP for Sensitive Ecosystems (Streamside Areas).

#### RECOMMENDATION

- 1. The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0238-01 (Appendix IV) 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 to 11.4 metres;
  - (b) to reduce the minimum rear yard setback of the RF-12 Zone on proposed Lot 1 from 7.5 metres to 2.0 metres; 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 to 8.8 metres.
- 2. Council authorize staff to draft Development Permit No. 7915-0238-00 for Sensitive Ecosystems (Streamside Areas), generally in accordance with the finalized Ecosystem Development Plan.
- 3. Council instruct staff to resolve the following issues prior to final approval:
  - (a) Submission of a finalized peer review of the Sensitive Ecosystem Development Plan (EDP) to the satisfaction of the General Manager, Planning & Development.

# **SITE CONTEXT & BACKGROUND**

Direction	<b>Existing Use</b>	NCP / OCP Designation	Existing Zone
Subject Site	Vacant lot, riparian area	Creeks & Riparian Setbacks	RF-12
North:	Industrial	Industrial / Industrial	IL
East (Across watercourse):	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 ST.):	Single family dwellings on small urban lots	Single Family Residential Flex 6- 14 u.p.a. / Urban	RF-9

## **Context & Background**

- The subject site is located at 6292 148 Street and is 4,400 square metre (1.1 acre) in area. The property is in the South Newton Neighbourhood Concept Plan (NCP) and is zoned "Single Family Residential (12) Zone (RF-12)".
- The subject site is designated "Creeks & Riparian Set Backs" in the South Newton NCP and is designated "Urban" in the Official Community Plan (OCP).
- The parcel was originally created under Development Application No. 7904-0038-00, which received final adoption at the Regular Council Land Use meeting on December 13, 2010. Although the lot is largely encumbered by undevelopable riparian area, under 7904-0038-00 the City requested 5% cash-in-lieu of parkland dedication, which was paid by the developer, and the lot has remained under private ownership.
- After the approval of Development Application No. 7904-0038-00, it was determined that there may not be a viable building envelope on this property under the standard provisions of the RF-12 zone.
- At the Regular Council Public Hearing meeting on November 21, 2016, Council approved Development Variance Permit No. 7915-0238-00 to reduce the minimum lot depth, reduce the minimum rear yard setback, and reduce the streamside setback to permit subdivision into one single family residential lot and conveyance of 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 Development Variance Permit requires that the corresponding subdivision be completed within two years of issuance. As the subdivision plans for the project were not registered in the Land Title and Survey Authority office, the Development Variance Permit expired.
- Completion of the proposed subdivision requires re-issuance of the subject variance and issuance of a new Preliminary Layout Approval letter (PLA).
- The subject site falls under the Sensitive Ecosystem Development Permit (SEDP) area. An exemption was previously granted due to the applicant's submission of a peer reviewed Riparian Areas Regulation assessment report. Based on the time that has passed since the variance was initially issued and updates to the SEDP process, it was determined that the development permit would be required for finalization of the subject proposal.
- The subject site also falls under a Hazardous Lands Development Permit (HLDP) area based
  on steep slopes impacting the site. An HLDP exemption was granted as the steep slopes do
  not coincide with the proposed residential Lot 1 or servicing area. However, a peer reviewed
  geotechnical assessment was still required to address potential issues with development of the
  proposed lot.

#### **DEVELOPMENT PROPOSAL**

# **Planning Considerations**

- The subject application is for re-issuance of the previously accepted variances to permit subdivision of the property into one residential lot and conveyance of the remaining land to the City as parkland.
- The applicant proposes creating an irregularly shaped lot in which the east (rear) property line follows the streamside protection and enhancement (SPEA) setback. The proposed lot width of 26 metres is substantially higher than the minimum requirement under the "Single Family Residential (12) Zone" of 12-13 metres.
- The proposed lot is shown to have a side yard (north) setback or width of 9.74 metres. This will compensate for the lack of a functional rear yard, due to the proposed rear yard setback reduction and proximity to the SPEA. This will not result in privacy impacts, as the north side of the lot abuts land without residential development potential.
- The Class B unnamed tributary of Hyland Creek traverses the subject site in a north-south direction. The stream is surrounded by residential developments to the east, south and west and is enclosed in a storm sewer downstream of the subject 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.
- 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
  because of the reduced setback.

	Proposed
Lot Area	
Gross Site Area:	4,399 square metres
Undevelopable Area (Lot 2 or	3,971 square metres
Riparian Area and Open	
Space for conveyance):	
Net Site Area (Lot 1 or Single	428 square metres
Family Lot):	
Number of Lots:	2 (one residential, one open space)
Unit Density (Lot 1):	23.36 units per hectare
Lot Sizes (Lot 1):	428 square metres
Lot Width (Lot 1):	26.0 metres
Lot Depths (Lot 1):	11.4 metres

#### Referrals

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

Engineering requirements for subdivision will be the same as those previously issued for this file, with fees adjusted to reflect current

rates.

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 replanting 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.

### **Parkland and Natural Area Considerations**

- Most of the subject property (3,971 square metres) is proposed for conveyance to the City for maximum safeguarding of the riparian area as open space.
- The applicant proposes a maintenance and enhancement plan for the riparian area proposed for conveyance. This includes removal of invasive vegetation and replanting in accordance with a landscape enhancement plan (Appendix III). Monitoring and maintenance would be conducted for five years following this landscape treatment. The estimated cost of this work is approximately \$133,350.00 and would be bonded under the subject application.
- The applicant would be required to enter into a P-15 agreement for the monitoring and maintenance of the replanting in the riparian area on a City parcel after conveyance.

#### **POLICY & BY-LAW CONSIDERATIONS**

## **Zoning By-law**

# Lot Depth, Setback, and Streamside Variances

- The applicant is requesting the following variances:
  - To reduce the minimum lot depth of the RF-12 Zone on proposed Lot 1 from 22.0 metres to 11.4 metres;
  - 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
  - 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.
- The variances are necessary to locate the proposed residential dwelling outside the Streamside Protection and Enhancement Area (SPEA). The proposed residential lot will meet the minimum area required for an RF-12 subdivision and will have a width of 26 metres, far above

the minimum RF-12 lot width of 12-13 metres. This results in a lot that is functionally similar to a standard RF-12 property, with the width and depth of the parcel reversed.

- The SPEA and approximately 90% of the property is proposed for permanent safeguarding through conveyance to the City. The applicant's Impact Mitigation Plan indicates that the streamside variance will result in a net setback area loss of 32 square metres, which is not anticipated to impact hydrological conditions or stream quality.
- Development will still be set back from the watercourse by 10 metres from the high water mark, in-accordance with the detailed methodology of the Riparian Areas Protection Regulation (RAPR). This setback has been accepted by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).
- Staff support the requested variances to proceed for consideration.

# Lot Grading

 A preliminary lot grading plan, submitted by WSP Canada Inc and dated March 2016 has been reviewed by staff and found to be generally acceptable. The feasibility of in-ground basements will be confirmed once the City's Engineering Department has reviewed and accepted the applicant's final engineering drawings.

#### **DEVELOPMENT PERMITS**

### Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of an existing Class B (yellow-coded) watercourse which flows northwards bisecting the property. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, a Class B (yellow-coded) Natural watercourse requires a minimum streamside setback of 15 metres, as measured from the top of bank.
- The remainder of the on-site riparian area is proposed to be conveyed to the City as a lot for conservation purposes as a condition of the Variance and Development Permit issuance, in compliance with the OCP.
- An Ecosystem Development Plan and Impact Mitigation Plan, prepared by Ian Whyte *P.Ag.* and Christine Gibson *R.P. Bio.*, of Envirowest Consultants Inc. and dated March 7, 2023, was reviewed by staff and found to be generally acceptable, with a peer review and modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit.
- An Impact Mitigation Plan (IMP) is prepared when a variance to the City's Streamside Protection setback is proposed. The IMP indicates that the proposed variance will only result

in a setback area loss of 32 square metres, which will not result in changes to the stream or water quality, and will not result in hydrological conditions as the stream only conveys limited flows from a small catchment area.

• Ian Whyte *P.Ag.* of Envirowest Consultants Inc. prepared a Riparian Area Protections Regulations (RAPR) report for the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) confirming that the proposal was compliant with the RAPR setback with the proposed variance to the City's 15 metre setback. FLNRORD accepted the report on August 19, 2021.

#### **TREES**

• Morgan Sullivan, ISA Certified Arborist of Diamond Head Consulting Ltd. prepared an Arborist Assessment for the proposed residential portion of the subject property. The table below provides a summary of the proposed tree retention and removal by tree species:

Table 1: Summary of Proposed Tree Preservation by Tree Species:

Table 1. Summary of Froposed Tree Freservation by Tree Species.					
Tree Species	Ext	isting	Remove	Retain	
Deciduous Trees (excluding Alder and Cottonwood Trees)					
Lombardy Poplar		1	1	0	
Coniferous Trees					
Ponderosa Pine	2		2	0	
Grand Fir	1		1	0	
<b>Total</b> (excluding Alder and Cottonwood Trees)	4		4	0	
Additional Trees in the proposed Open Space / Riparian Area	5		2	3	
Total Replacement Trees Proposed (excluding Boulevard Street Trees)			2		
Total Retained and Replacement Trees Proposed		5			
Estimated Contribution to the Green City Program		\$4,000.00			

- The Arborist Assessment states that there are a total of 9 mature trees on the site, including
  one dead Grand Fir, and no Alder and Cottonwood trees. The applicant proposes to remove 6
  on-site trees 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.
- The trees are proposed for removal due to conflicts with the house construction location on proposed Lot 1.

- Three Ponderosa Pines, one Western Redcedar, and one dead Grand Fir are identified as "Additional Trees" in the table above, because they are located in area proposed for conveyance to the City. Two of these Ponderosa Pines and the dead Grand Fir are proposed for removal. These trees are identified on the "Off-site Trees" table in the Tree Preservation Summary (Appendix II).
- A detailed planting plan prepared by a Registered Professional Biologist (R.P. Bio.) and an associated P-15 agreement have been provided for the monitoring and maintenance of the proposed trees to be planted in the conveyed riparian area (Appendix III). The planting plan features a selection of plantings including six Western Redcedars, four Broadleaf Maples, and four Douglas Firs. These proposed plantings are not included in the table above and are not calculated as replacement trees.
- For those trees that cannot be retained, the applicant will be required to plant trees a 2 to 1 replacement ratio. This will require a proposed total of 10 replacement trees on the site. Since 2 replacement trees are proposed on the site, the proposed deficit of 10 replacement trees will require an estimated cash-in-lieu payment of \$4,000.00, representing \$400 per tree for an application received before 2021, to the Green City Program, in accordance with the City's Tree Protection By-law.
- In summary, a total of 5 trees are proposed to be retained or replaced on the site with an estimated contribution of \$4,000.00 to the Green City Program. The trees proposed for the protected open space in the detailed planting plan are not represented in this figure or the table above.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Plan

Appendix II. Summary of Tree Survey and Tree Preservation

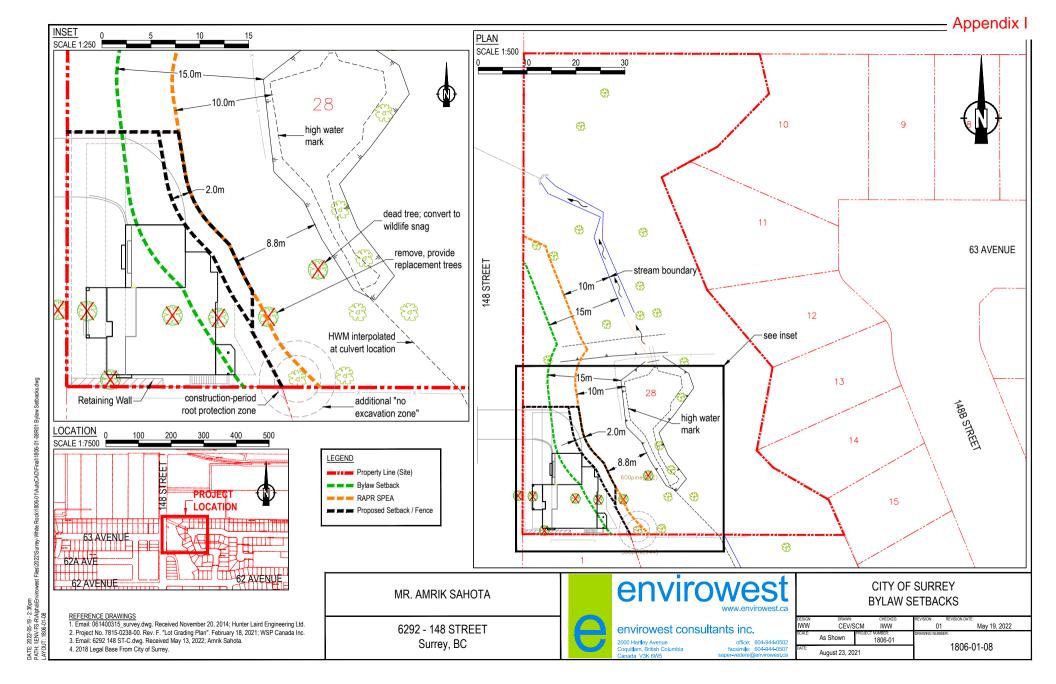
Appendix III. P-15 Landscape Plan

Appendix IV. Development Variance Permit No. 7915-0238-01

approved by Shawn Low

Don Luymes General Manager Planning and Development

JK/ar



# 4.0 Tree Preservation Summary

Table 2: City of Surrey tree preservation summary table for on-site and off-site trees, including the number of replacement trees proposed.

Surrey Project Number: 7915 0238 00 Site Address: 6292 148 Street, Surrey

**Registered Arborist** 

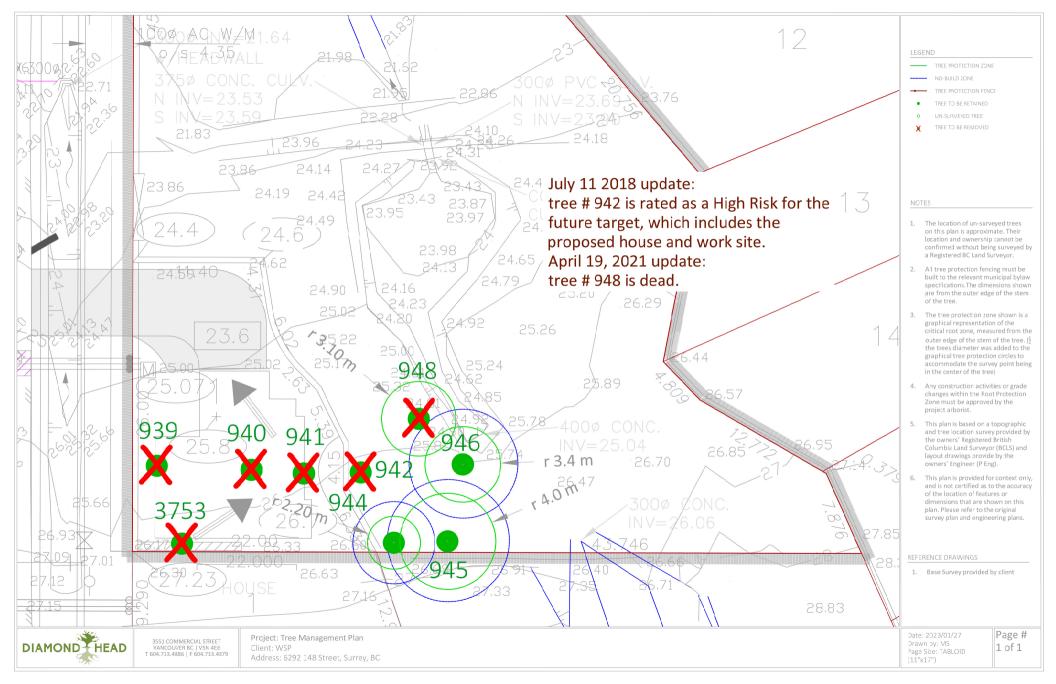
On-Site Trees	Number of Trees
Protected Trees Identified	4
(On-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)	
Protected Trees to be Removed	4
Protected Trees to be Retained	0
(Excluding trees within proposed open space or riparian areas)	
Total Replacement Trees Required:	
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio	
X one (1) = 0	8
- All other Trees Requiring 2 to 1 Replacement Ratio	
4 X two (2) = 8	
Replacement Trees Proposed	2
Replacement Trees in Deficit	6
Protected Trees to be Retained in Proposed Open Space / Riparian Areas	3

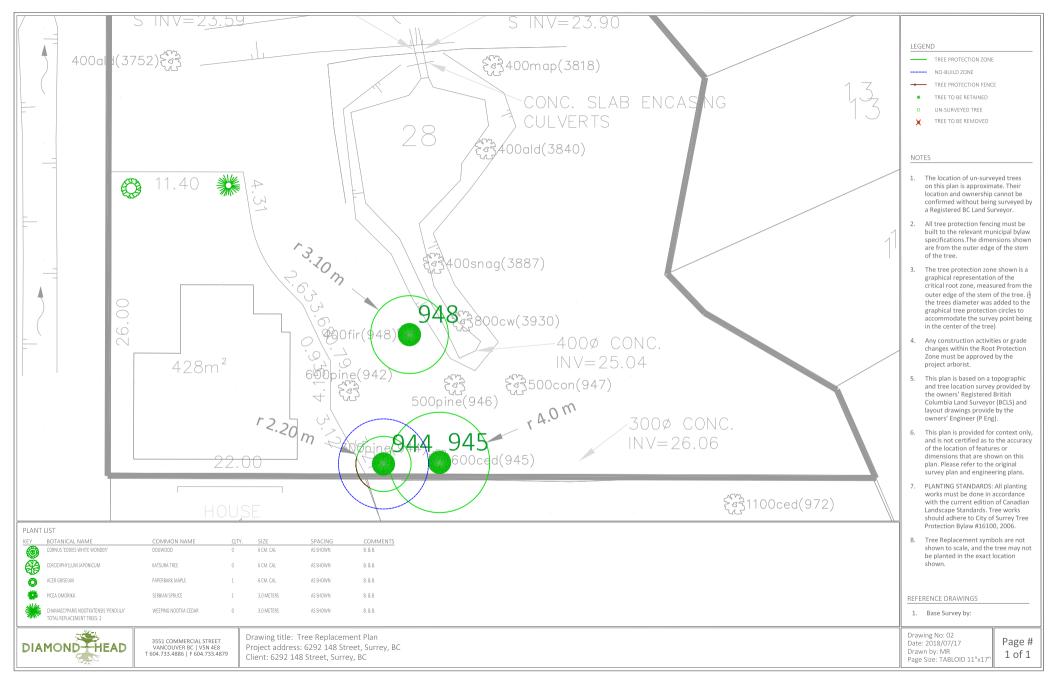
Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	2
Total Replacement Trees Required:	
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio	
X one (1) = 0	4
- All other Trees Requiring 2 to 1 Replacement Ratio	
2 X two (2) = 0	
Replacement Trees Proposed	0
Replacement Trees in Deficit	4

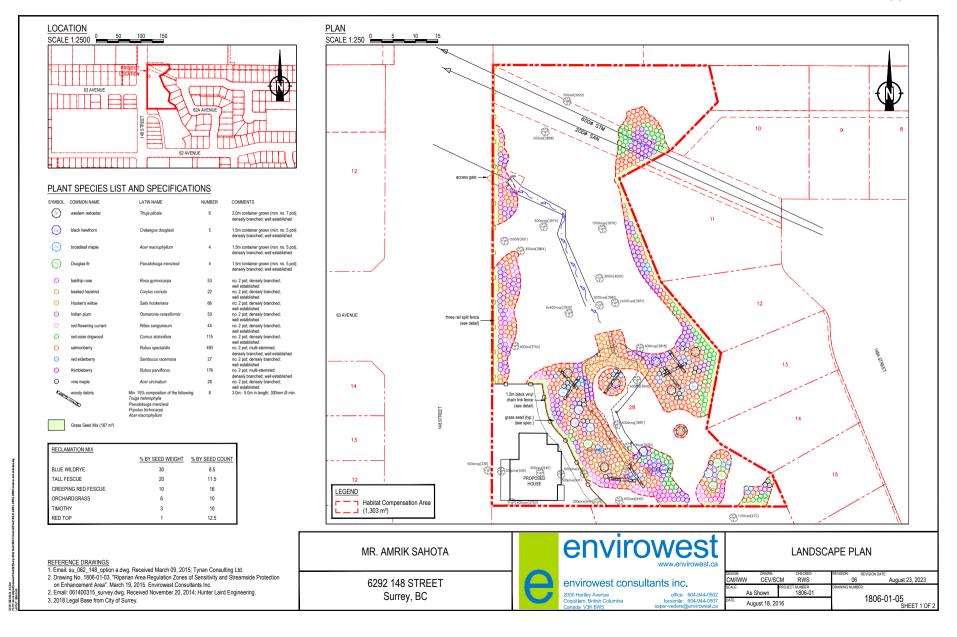
Summary, report and plan prepared and submitted by

Signature of Arborist:

Date: January 27, 2023







# **CITY OF SURREY**

(the "City")

# **DEVELOPMENT VARIANCE PERMIT**

		NO.: 7915-0238-0
Issued	d To:	
		(the Owner)
Addre	ess of Ov	wner:
1.	statut	evelopment variance permit is issued subject to compliance by the Owner with all es, by-laws, orders, regulations or agreements, except as specifically varied by this opment variance permit.
2.	witho	evelopment variance permit applies to that real property including land with or ut improvements located within the City of Surrey, with the legal description and 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:
	(b)	If the civic addresses change, the City Clerk is directed to insert the new civic addresses for the Land, as follows:
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 to 11.4 metres 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 to 2.0 metres 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 to 8.8 metres, measured to the east lot line of proposed Lot 1.
- 5. This development variance permit applies to only the <u>portion of the Land</u> 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 .

Mayor – Brenda Locke

City Clerk – Jennifer Ficocelli

