

City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7921-0048-00

Planning Report Date: September 27, 2021

PROPOSAL:

• **Rezoning** from RF to CD

to permit the construction of a new single family dwelling.

LOCATION: 3016 – Ohara Lane

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/flood construction floor level at 4.46 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	Single Family Residential	Urban Residential	RF
Northeast:	Single Family Residential	Urban Residential	RF
Southwest:	Single Family Residential	Urban Residential	RF, CD Bylaw no. 13925
Southeast (Across Ohara Lane):	Single Family Residential	Urban Residential	RF

Context & Background

- The subject property is located at 3016 Ohara Lane in Crescent Beach and is designated "Urban" in the Official Community Plan (OCP), 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 557 square metres in size.
- An existing single family dwelling is located on site and is located within the flood plain area for Crescent Beach. The existing single family dwelling was evaluated by a heritage consultant in 2006 and added to the City's Heritage inventory, however, the structure was never added to the Heritage registry. The City of Surrey Heritage Inventory is a working database that lists properties that potential have heritage significance, but have yet to be added to the City of Surrey Community Heritage Register.

- The subject Development Application was referred to the Surrey Heritage Advisory Commission (SHAC) on September 8, 2021. The Commission noted that it was unfortunate that the proposed application has resulted in the need to demolish the house and received the report as information. No further direction from the Commission was provided. The applicant is working with staff on assessing the feasibility of relocating the existing house off site in place of demolition. If relocation is determined to not be feasible the existing house is anticipated to be demolished.
- 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. 7917-0550-00 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;
 - Development Application No. 7920-0012-00 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
 - Development Application No. 7920-0020-00 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.
 - Development Application No. 7921-0113-00 at 2963 McBride Avenue was granted
 First and Second Reading by Council on September 13, 2021. Public Hearing is schedule
 for September 27, 2021.
- On April 6, 2020, Council received Corporate Report No. Ro60 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 2.44 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
 - 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 4.46 metres above sea-level. Rather than using fill to achieve this main floor elevation, the applicant is proposing a 2.44 metre high uninhabited open floor plan 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;
 - 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 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 2.44 metre high uninhabitable ground floor level that provides for increased flood mitigation with anticipated rising flood elevations in the future.

The current requirement for flood construction level (FCL) in Crescent Beach requires habitable space to be located at least 3.3 metres above sea level. The proposed single family dwelling's habitable space is proposed above 4.46 metres which is measured from sea-level to the bottom of the 2^{nd} floor joists.)

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	The uninhabitable ground floor level is
	located above	excluded from the floor area ratio
	grade is calculated	calculation.
	as floor area ratio	
Lot Coverage:	40% maximum	45% maximum
Yards and Setbacks		
Front Yard (southeast):	7.5 metres	7.5 metres
Front Yard (northwest):	7.5 metres	7.5 metres
Side Yard (northeast &	1.8 metres	1.8 metres
southwest):		
Principal Building	9 metres for roof	10.0 metres for roof slope greater than or
Height:	slope greater than	equal to 1:4;
	or equal to 1:4;	9.2 metres for roof slope less than 1:4
	7 metres for roof	
	slope less than 1:4	
Permitted Uses:	One single family	One single family dwelling where the ground
	dwelling	level is to only be used for parking.

• Permitted Use

- 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.
- 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)

- 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.
- The FAR calculation for the subject property under the existing RF Zone is 0.6 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 451 square metres; 172 square metres of uninhabitable space on the ground level and 279 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.
- The proposed CD Zone excludes the uninhabitable, ground floor area from the overall FAR calculation and restricts the space only for parking. Once the 172 square metre uninhabitable space is excluded from the FAR calculation, the proposed habitable area on the second and third levels totals 279 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.
- The applicant, under the CD Zone, is proposing to increase the maximum building height to 10.0 metres where the roof pitch is 1:4 or greater, and to 9.2 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 third floor covered deck.

PUBLIC ENGAGEMENT

• Pre-notification postcards were sent on June 21, 2021, and the Development Proposal Signs were installed on May 7, 2021. Staff have received no responses to date on the proposal.

TREES

• Andrew C. MacLellan, ISA Certified Arborist of BC Plant Health Care Inc. 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 (excluding Alder and Cottonwood Trees)						
Hickory spp.		1	1	0		
Coniferous Trees						
Western Red Cedar	2		2	0		
Total (excluding Alder and Cottonwood Trees)	3		3	О		
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		6				
Total Retained and Replacement Trees		6				
Contribution to the Green City Program		To be determined at Building Permit stage				

- The Arborist Assessment states that there are a total of three (3) mature trees on the site, with no Alder or Cottonwood trees. It was determined the three (3) on-site trees could not be retained under this application. 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 at a 2 to 1 replacement ratio. This will require a total of six (6) replacement trees on the site. The applicant has indicated they intend to plant six (6) replacement trees as required. Tree replacement details will be reviewed under the building permit stage for the proposed single family dwelling.
- In summary, a total of six (6) trees are intended to be retained or replaced on the site with final review to occur at the building permit stage for the proposal.

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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

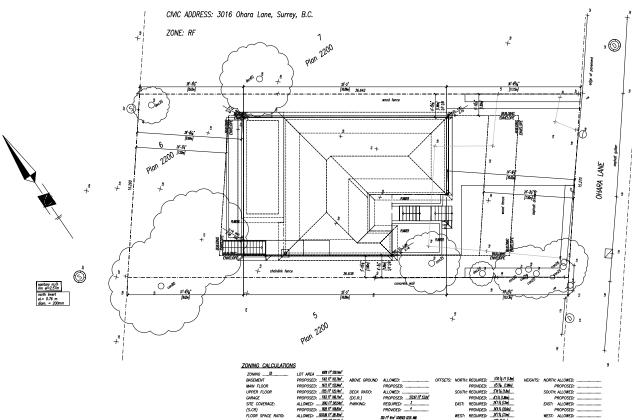
Appendix III. Summary of Tree Survey and Tree Preservation

approved by Shawn Low

Rémi Dubé Acting General Manager Planning and Development

WS/cm

TOPOGRAPHIC PLAN OF LOT 6 BLOCK 11 DISTRICT LOT 52 GROUP 2 NEW WESTMINSTER DISTRICT, PLAN 2200



(S.CR) FLOOR SPACE RATIO:

(F.S.R.)

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SURVEY LEGEND

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PROPOSED:

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PROVIDED: 30 (64%)

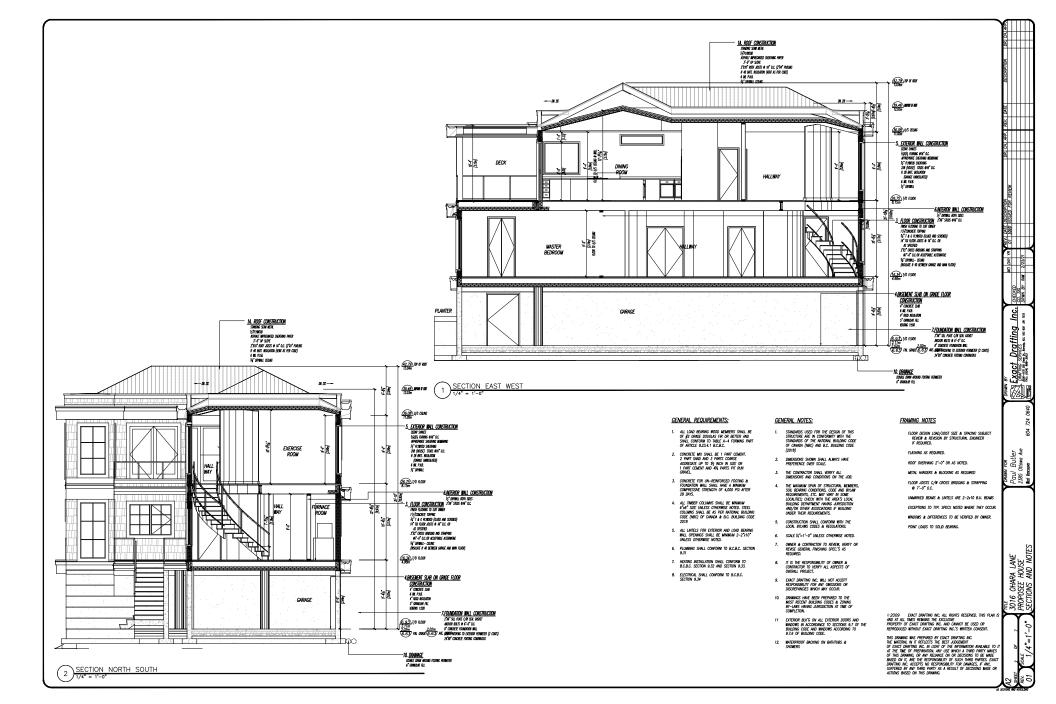
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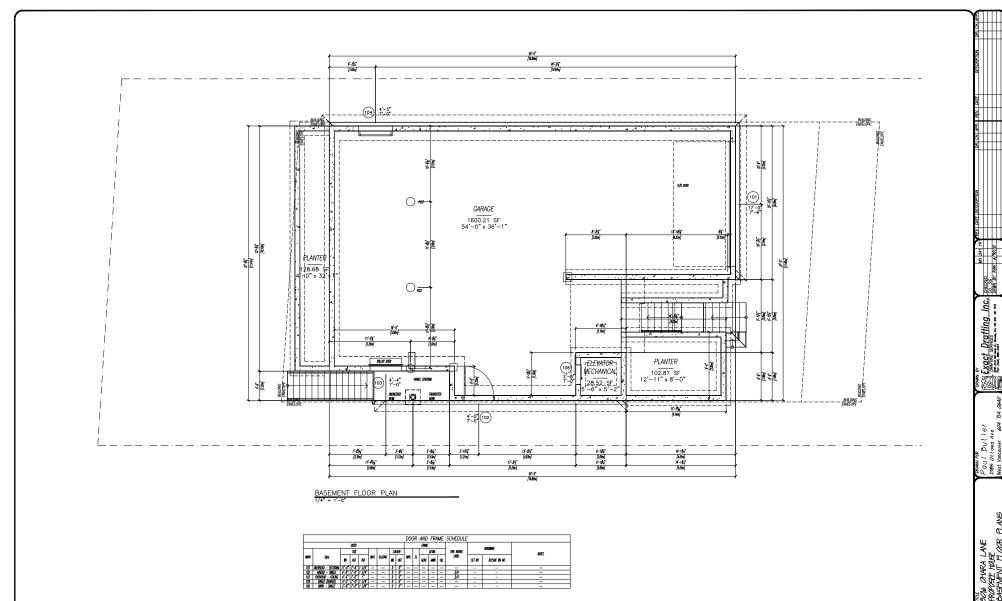
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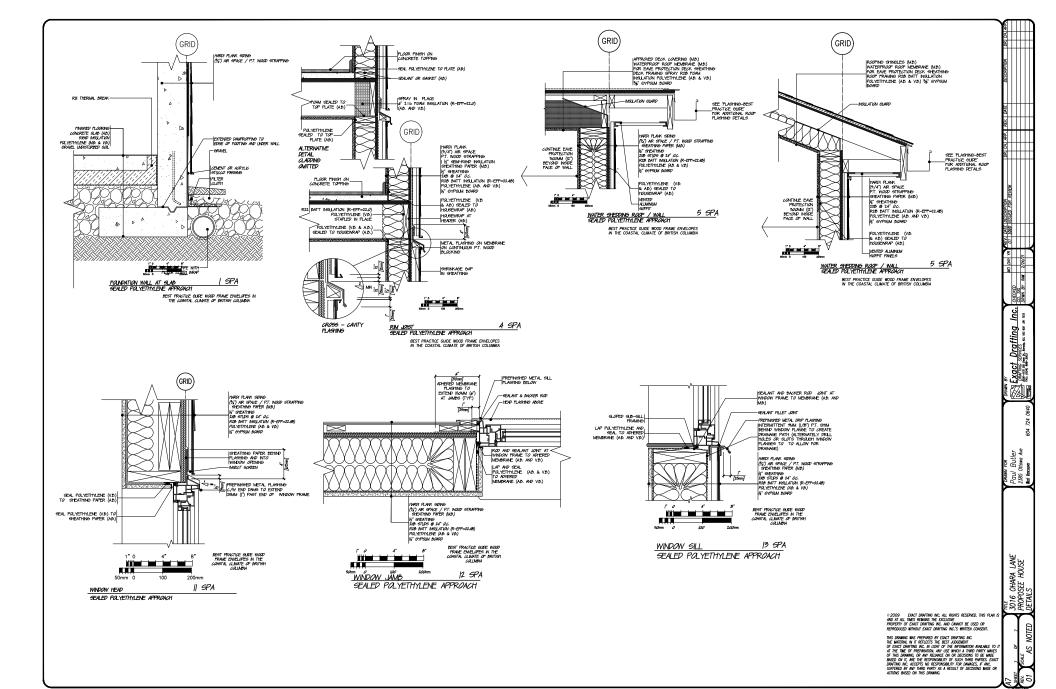




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INTER-OFFICE MEMO

TO: Manager, Area Planning & Development

- South Surrey Division

Planning and Development Department

FROM: Acting Development Services Manager, Engineering Department

DATE: September 17, 2021 PROJECT FILE: 7821-0048-00

RE: Engineering Requirements

Location: 3016 Ohara Lane

REZONE/SUBDIVISION

No Engineering concerns on the proposal as all habitable spaces are to be constructed above the Flood Construction Level, and the lowest floor is to be non-habitable.

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

BUILDING PERMIT

Standard Building Permit Application processes are to be followed, including evaluation of existing services and their adequacy (existing driveway, water, sanitary and storm service connections). Subject to review, installation of new services and abandonment of existing service may be required.

Jeff Pang, P.Eng.

Jeffy lang

Acting Development Services Manager

Tree Preservation Summary & Summary of Tree Preservation

Tree Preservation Summary							
Registered Arborist: Andrew C. MacLellan ISA #ON-1978A							
On-Site Trees				Number of Trees			
Protected Trees Identified							
(on-site and shared trees, including trees within boulevards and proposed streets				3			
and lanes, but excluding trees in proposed open space or riparian areas)							
Protected Trees to be Removed							3
Protected Trees to be Retained							0
(excluding trees within propose		en space or rip	oarian a	reas)			-
Total Replacement Trees Requ							
- Ald er & Cottonwo			1 to 1 F	Replace	ement Rati	io.	
0	Χ	one (1)	=	0			6
- All other Trees Req		-	cement				
3	Х	two (2)	=	6			
Replacement Trees Proposed					6		
Replacement Trees in Deficit					0		
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]					0		
Off-Site Trees				Number of Trees			
Protected Off-Site Trees to be Removed				0			
Total Replacement Trees Required:							
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio							
0	X	one (1)	=	0			0
- All other Trees Requiring 2 to 1 Replacement Ratio							
0	Х	two (2)	=	0			_
Replacement Trees Proposed				0			
Replacement Trees in Deficit				0			
Summary, report and plan prepared and submitted by: BC Plant Health Ca				are Inc.			
(Signature of Arborist) AJ MM Date March			24, 2021				

Summary of Tree Preservation by Tree Species						
Tree Species	Existing	Remove	Retain			
Deciduous Trees (excluding Alder and Cottonwood Trees)						
Carya ssp.	1	1	0			
Coniferous Trees						
Thuja plicata	2	2	0			
Total (excluding Alder and	3	3	0			
Cottonwood Trees)	3	3	0			
Total Replacement Trees Proposed (excluding Boulevard Street Trees)						
Total Retained and Replacement Trees						

