

# City of Surrey <br> PLANNING \& DEVELOPMENT REPORT <br> File: <br> 7913-0187-oo 

Planning Report Date: March 31, 2014

PROPOSAL:

- Restrictive Covenant Amendment
in order to permit the removal of three trees.

LOCATION: $\quad$| $2668-143 A$ Street |  |
| :--- | :--- |
|  | $2650-143 A$ Street |

OWNERS: Amrik, Jisbinder and Manvir Purewal

ZONING:
CD (By-law No. 17425)
OCP DESIGNATION: Suburban
LAP DESIGNATION: Half-Acre Residential


## RECOMMENDATION SUMMARY

- The Planning \& Development Department recommends that the proposal to amend Restrictive Covenant No. CA3194338 to permit the removal of one tree located on Lot 6 be denied; and
- Request the applicant to undertake mitigative measures to prevent the decline in health of two trees on Lot 7 .


## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.


## RATIONALE OF RECOMMENDATION

- The proposed Restrictive Covenant amendment will result in removal of three existing trees previously identified for retention under application No. 7910-0165-oo. Under application No. 7910-0165-00, 18 trees were removed and 7 trees (including the 3 trees in this application) were retained.
- A minor amendment of the Restrictive Covenant to reduce the tree protection areas on Lots 6 and 7 , was accepted to enable greater flexibility for the siting of new dwellings.
- The lots are of significant size that could easily accommodate a dwelling that does not conflict with the retained trees.
- A number of area residents and the Sunnyside Acres Heritage Society have expressed opposition with the removal of mature trees in the neighbourhood.
- The City Landscape Architect reviewed the proposed Restrictive Covenant amendment and is of the opinion that there is no adequate reason that the tree on Lot 6 be removed or the Restrictive Covenant be amended. As stated in the arborist report, proper pruning by a qualified arborist would address any limb drop and that the tree has a low risk to fail by toppling (i.e. windthrow failure) if maintained appropriately.
- The City Landscape Architect reviewed the proposed Restrictive Covenant amendment and is of the opinion that there is no adequate reason that the trees on Lot 7 be removed or the Restrictive Covenant be amended. The arborist report advises that some measures could be attempted to assist the trees to recovery, including soil amendment and supplemental watering for an interim period.
- Based on the assessment submitted by the arborist, every effort should be made to preserve the trees on Lot 7. However, if the trees cannot be recovered with measures to prevent the decline in health by the end of August, 2015 and pose a hazardous risk with proper documentation by a certified arborist, the trees can then be removed.


## RECOMMENDATION

The Planning \& Development Department recommends that:
(a) Council deny the removal of Tree 571 on Lot 6;
(b) Council request the applicant to undertake mitigative measures to prevent the decline in health of Trees 581 and 582 on Lot 7; and
(c) Council allow Trees 581 and/or 582 to be removed if the mitigative measures are ineffective by the end of August, 2015 with the documentation and confirmation of a certified arborist.

If, however, Council finds merit in the proposal, the appropriate motion is as follows:
(a) Council approve the applicant's request to amend Restrictive Covenant No. CA3194338 to permit the removal of three trees located on Lots 6 and 7 .

## REFERRALS

Trees and Landscaping: Trees and Landscaping does not support the removal of the trees. The arborist report states that proper pruning by a qualified arborist would address limb drop and that the trees have low risk of failure.

## SITE CHARACTERISTICS

Existing Land Use: $\quad 2668-143$ A Street (Lot 6): Single family dwelling under construction. 2650-143A Street (Lot 7): Vacant lot.

Adjacent Area:

| Direction | Existing Use | OCP/NCP <br> Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| North (Across 27 Avenue): | Suburban Residential | Suburban/ <br> One-Acre Residential | RA |
| East: | Suburban Residential | Suburban/ <br> Half-Acre Residential | CD <br> (By-law No. 17425) |
| South and West: | Suburban Residential | Suburban/ <br> One-Acre Residential | RA-G |

## DEVELOPMENT CONSIDERATIONS

## Background

- The subject properties are located west of 144 Street and south of 28 Avenue. The property is designated "Suburban" in the Official Community Plan (OCP) and "Half-Acre Residential" in the Semiahmoo Peninsula Local Area Plan (LAP).
- The subject properties were created and rezoned from "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" (By-law No. 17425) under Application No. 7910-0165-oo to permit 9 single family lots. The subdivision was approved on February 28, 2012.
- Both Lots 6 and 7 are irregular pie-shaped lots. Lot 6 is 1,609 square metres ( 17,319 square feet) in area and can accommodate a maximum dwelling size of 515 square metres ( 5,543 square feet). A dwelling at the maximum allowable size and lot coverage $(25 \%)$ is currently under construction and nearing completion. Lot 7 is 1,858 square metres ( 20,000 square feet) and can accommodate a maximum dwelling size of 465 square metres ( 5,005 square feet). The lot is currently vacant.
- The associated rezoning and subdivision application required a Section 219 Restrictive Covenant in order to ensure tree retention for 7 existing trees. Subsequently, the same applicant applied for a minor amendment to Restrictive Covenant No. CA3194338 to reduce the required tree protection area on Lots 6 and 7 to permit greater flexibility for the siting of proposed dwellings. The Trees and Landscaping Division accepted the amendment on April 26, 2013.
- A tree bonding security of $\$ 21,000$ ( $\$ 3,000$ per tree) was collected for the retention of the 7 trees as required under Section 36 of the Tree Protection Bylaw (No. 16100). The security will be held by the City until final building approval has been issued to ensure that the retained trees are properly protected and maintained.


## Current Proposal

- The same applicant is proposing a major amendment to Restrictive Covenant No. CA3194338 to permit the removal of three trees - a Douglas-fir (Tree 571, 52 dbh ) on Lot 6, a Douglas-fir (Tree 581, 72 dbh ) and Western Redcedar (Tree 582, 45 dbh ) on Lot 7 .
- The applicant has retained Arbortech Consulting Ltd. to provide current assessments of the trees proposed to be removed on the subject properties.


## PRE-NOTIFICATION

- A Development Proposal Sign was installed in front of the properties on December 16, 2013. To date, the Planning and Development Department has received one (1) phone call and one (1) email from area residents who inquired about the reasons for the proposal and to express objection to the proposed Restrictive Covenant amendment. Both residents expressed concerns that the subdivision of the lands in 2012 resulted in the removal of numerous trees (18) and that they were not supportive of removing additional mature trees that were previously identified to be protected. Residents also suggested that mitigative measures could be taken to reduce any risks to continue preservation.
- Staff received one (1) email from the Sunnyside Acres Heritage Society which indicated their sensitivity to the removal of or damage to trees and vegetation in the area. They expressed that if the trees on the subject properties were healthy, that they deserve full protection.


## RESTRICTIVE COVENANT AMENDMENT EVALUATION

(a) Amend Restrictive Covenant No. CA3194338 to permit the removal of Tree 571 on Lot 6.

## Applicant's Reasons:

- The applicant advises that the tree poses a hazard to personal safety due to numerous falling branches. The applicant is also concerned with the close proximity of the tree to the constructed dwelling and the related damage and increased maintenance to the home.

Staff Comments:

- The tree proposed to be removed was previously assessed and identified to be retained under the rezoning and subdivision application No. 7910-0165-00 for which 18 trees were removed. Flexibility for the siting of the new dwelling was also granted by amending Restrictive Covenant No. CA3194338 to allow a reduction in the tree protection area.
- The City Landscape Architect has reviewed the proposed Restrictive Covenant amendment and is of the opinion that there is no adequate reason that the tree be removed or the Restrictive Covenant be amended. As stated in the arborist report, proper pruning by a qualified arborist would address any limb drop and that the tree has a low risk to fail by toppling (i.e. windthrow failure) if maintained appropriately (Appendix IV).
(b) Amend Restrictive Covenant No. CA3194338 to permit the removal of Trees 581 and 582 on Lot 7.

Applicant's Reasons:

- The applicant advises that the trees pose a hazard to personal safety due to numerous falling branches. The pie-shaped configuration of the lot together with the tree protection area at the front of the lot also limits the design of the entry area of the proposed dwelling.

Staff Comments:

- The trees proposed to be removed was previously assessed and identified to be retained under the rezoning and subdivision Application No. 7910-0165-oo for which 18 trees were removed.
- Flexibility for the siting of the proposed dwelling was granted by amending the Restrictive Covenant No. CA3194338 to allow a reduction of the tree protection area.
- The lot is of significant size ( 1,858 square metres $/ 20,000$ square feet) that could easily accommodate a dwelling that does not conflict with the retained trees.
- The City Landscape Architect has reviewed the proposed Restrictive Covenant amendment and is of the opinion that there is no adequate reason that the trees be removed or the Restrictive Covenant be amended. The arborist report advises that some measures could be attempted to assist the trees to recovery, including soil amendment and supplemental watering for an interim period (Appendix V).
- Based on the assessment submitted by the arborist, every effort should be made to preserve the trees. However, if the trees cannot be recovered with measures to prevent the decline in health by the end of August, 2015 and pose a hazardous risk with proper documentation by a certified arborist, the trees can then be removed.


## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:
Appendix I. Lot Owners, Action Summary and Project Data Sheets
Appendix II. Covenant Area Plan and Location of Retained Trees
Appendix III. Tree Protection Areas and Proposed/Existing Dwellings
Appendix IV. Tree Assessment for Lot 6
Appendix V. Tree Assessment for Lot 7
original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

## DH/da

## Information for City Clerk

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

1. (a) Agent: Name:

Amrik Purewal
Address: 14360-91 Avenue Surrey, BC
$\mathrm{V}_{3} \mathrm{~V}_{7} \mathrm{~T}_{7}$
Tel: 604-583-3533
2. Properties involved in the Application
(a) Civic Address: 2668-143A Street
(b) Civic Address: 2668-143A St

Owner: Amrik Purewal Jisbinder Kaur Purewal
PID: o28-796-811
Lot 6 Section 21 Township 1 New Westminster District Plan BCP50402
(c) Civic Address: 2650-143A St

Owner: Amrik Purewal
Jisbinder Kaur Purewal Manvir Singh Purewal
PID: o28-796-829
Lot 7 Section 21 Township 1 New Westminster District Plan PLBCP50402
3. Summary of Actions for City Clerk's Office

## SUBDIVISION DATA SHEET

Existing Zoning: CD

| Requires Project Data | Proposed |
| :---: | :---: |
| GROSS SITE AREA |  |
| Acres | o. 86 |
| Hectares | 0.35 |
| NUMBER OF LOTS |  |
| Existing | 2 |
| Proposed |  |
| SIZE OF LOTS |  |
| Range of lot widths (metres) | 17.6-20.3 m |
| Range of lot areas (square metres) | 1,609 m ${ }^{2}-1,858 \mathrm{~m}^{2}$ |
| DENSITY | N/A |
| Lots/Hectare \& Lots/Acre (Gross) |  |
| Lots/Hectare \& Lots/Acre (Net) |  |
| SITE COVERAGE (in \% of gross site area) | N/A |
| Maximum Coverage of Principal \& Accessory Building |  |
| Estimated Road, Lane \& Driveway Coverage |  |
| Total Site Coverage |  |
| PARKLAND | N/A |
| Area (square metres) |  |
| \% of Gross Site |  |
|  |  |
|  | Required |
| PARKLAND |  |
| 5\% money in lieu | NO |
|  |  |
| TREE SURVEY/ASSESSMENT | YES |
|  |  |
| MODEL BUILDING SCHEME | NO |
|  |  |
| HERITAGE SITE Retention | NO |
|  |  |
| FRASER HEALTH Approval | NO |
|  |  |
| DEV. VARIANCE PERMIT required | N/A |
| Road Length/Standards |  |
| Works and Services |  |
| Building Retention |  |
| Others |  |

REFERENCE PLAN OF COVENANTS
OVER PARTS OF LOTS 6, 7 AND 8, ALL OF
SECTION 21 TOWNSHIP 1
NEW WESTMINSTER DISTRICT

## PLAN BCP50402

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Bacs 920.006




## Note: Tree locations herein are derived from fopographic survey suppiled by clien. <br> Note: Conceptual architectural site plan supplied by client.


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aclgroup.ca

ARBORTECH
(10)

IREE MANAGEMENT DRAWING FOR RC
PROJECT: $\operatorname{BP}$ APPLICATION LOT 6
ADDRESS: 2668 143A STREET SURREY, BC
-. (ix) mile
Scale 1:250
CO S U L T N G
CLIENT: 1025


# ARBORTECHconsulting 

November 25, 2013

Attn.: Doris Ho<br>City of Surrey

14245 56 ${ }^{\text {th }}$ Avenue
Surrey, BC V3X 3A2
CC:
Amrik Purewal - Owner
ACLFile: 10258
Project Ref: 2668 143A Street Surrey BC
Re: Tree 571
DearMs. Ho,
Pursuant to my site visit from October 18 2013, I report that the retained fir tree \#571 was suc cessfully protected through to the "lock-up" stage of house construction.

The owner has expressed concem about the potential for the tree to fail in whole, as well asbranches breaking and the related risksto his fa mily. I observed that there were branches on the ground that had naturally fa iled from this tree during recent late summer wind stoms, and one of those branches was nearly 10 cm dia meter.
The owner is also concemed about the overhanging foliage above the roof and related damage and increased maintenance related to that.
My commentary in respect of the owner's risk concems are that;

- With the continued and successful protection of this tree through to completion of construction and landsc a ping, this tree is a nd should continue to be at low risk to fail by toppling (i.e. windthrow failure).
- There is risk of branch failure during high wind events or from heavy precipitation loads. Branch breakage is a nature risk with trees in
 general, but more commonly with this speciesthan with many otherspecies. There are many limbs of the medium size category that could cause serious personal injury or property damage. Pruning can be an effective mitigation treatment, however it would not eliminate that risk. And in this case, I cannot identify any limbs that have signific antly more risk than the other limbs, so pruning would be indisc riminate at best. It is common in our region for these risks to be tolerated by tree owners. It is my understanding that the owner wishes to remove this tree to address his risk concems.

If you require any further information, please contact the undersigned.
Regards,

# ARBORTECH consulting 

## November 25, 2013

Attn.: Doris Ho
City of Surrey
14245 56 ${ }^{\text {th }}$ Avenue
Surrey, BC V3X 3A2
CC: Amrik Purewal-Owner
ACLFile: 10258
Project Ref: 2650 143A Street Surrey BC
Re:
Trees 581 and 582

Rev 1: J a nuary 142014

DearMs. Ho,
Pursuant to my site visit from Oc tober 18 2013, I report that the retained fir tree \#'s 581 and 582 appear to have been adequately protected through to the completion of the civil infrastructure construction (servicing, lot grading, etc). There is no house construction commenced on this lot as yet. The owner has expressed concem about the curent health condition of the tree.

- Tree \# 581 is in early stages of declining health, manifested by random limb mortality in all parts of the crown.
- The adjacent fir tree \# 582 located to the northwest, as well as off-site tree \# 583 located on adjacent lot 8 are also in declining health as manifested by overall severely reduced vigour and dieback. This is relevant in that it is an indicatorasto the cause of the dieback.
- It is my opinion that the dec line in health is from root related issues. It could be from a general soil hydrology change in the past few
 years related to the lot grading and civil works, or it could be root disease related.
- Some measures could be attempted to try and assist trees 581 and 582 in recovery. Those measures may include soil amendment and supplemental watering for an interim period. I expect that tree this tree will continue to decline if untreated, and it is possible that even if treated it may still not recover. I understand that owner wishesto remove and replace these two trees.

If you require any further information, please contact the undersigned.
Regards,

Nomman Hol, Consulting Arborist Direct: 6048139194 Email: nom@aclgroup.ca

Qualifications:
ISA Certified Arborist \#PN-0730

