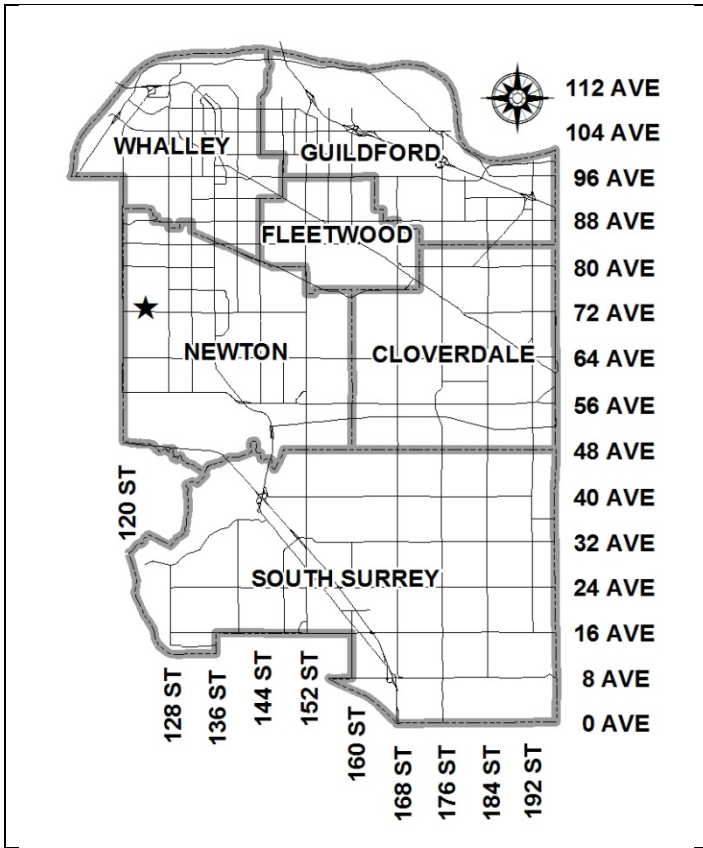


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0167-00

Planning Report Date: July 21 2014



PROPOSAL:

- Restrictive Covenant amendment

in order to **permit the removal of a specimen quality tree on a single family lot.**

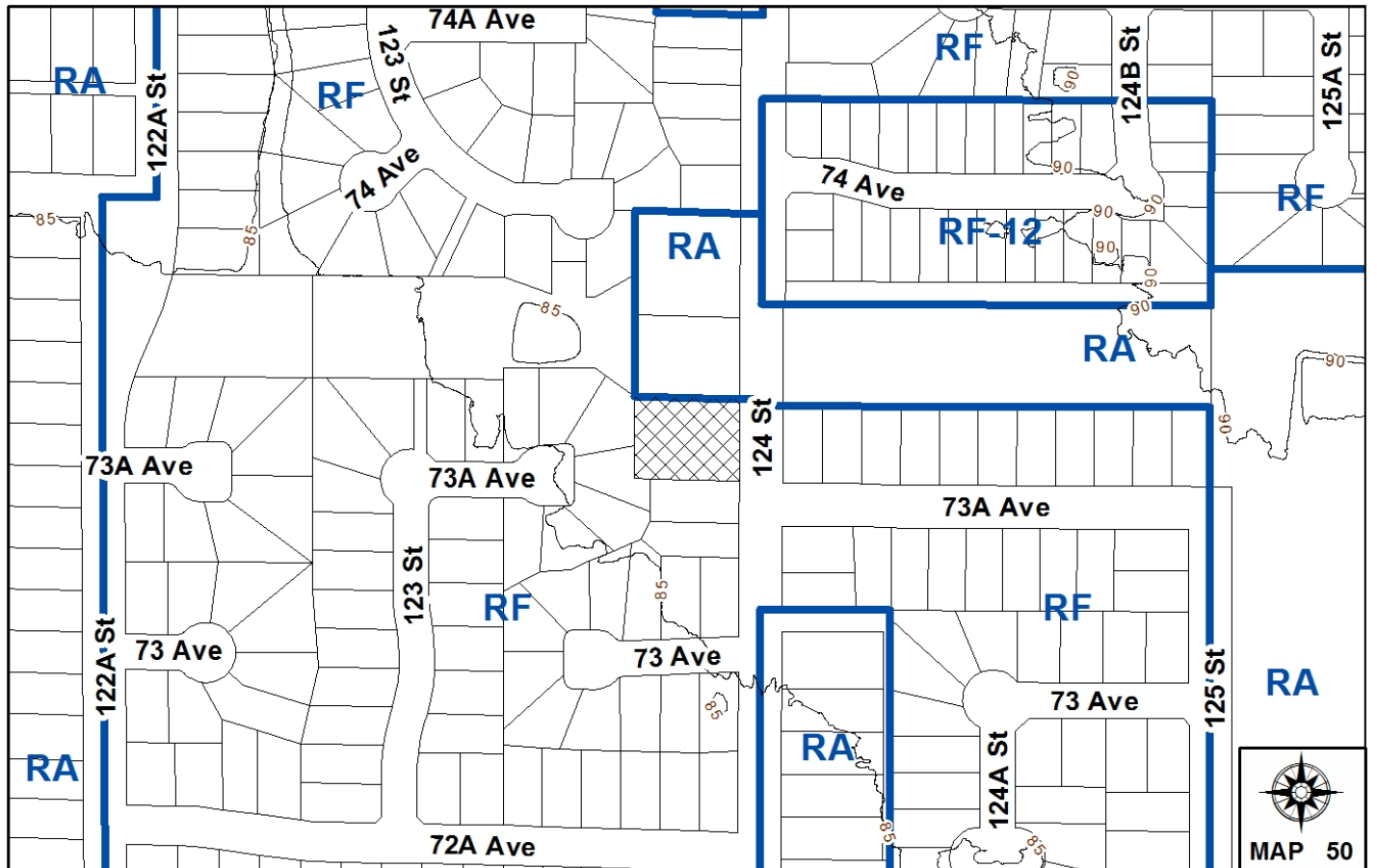
LOCATION: 7353 - 124 Street

OWNER: Jagdip S Brar
 Palbinder S Brar
 Jagroop K Brar

ZONING: RF

OCP DESIGNATION: Urban

NCP DESIGNATION: n/a



RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposed Restrictive Covenant amendment will result in the removal of a large, open-grown, healthy, specimen quality, Norway Maple tree in the rear yard of the subject property.
- City Staff, including a Certified Arborist, have confirmed the good health of the tree.
- The applicant has not provided a satisfactory justification for the removal of the tree.
- The RF zoned lot is of sufficient size that the maximum size house permitted in the RF Zone can be constructed with no impact to the tree.
- The Design Consultant designated for this subdivision has confirmed that there is no need to remove the tree in order to accommodate a full-sized RF dwelling on the lot.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

If, however, Council finds merit in the proposal, the appropriate motion is as follows:

- (a) Council approve the applicant's proposal to amend the restrictive covenant to permit removal of Tree #558 located on proposed Lot 1.

SITE CHARACTERISTICS

Existing Land Use: 2 vacant lots.

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North:	BC Hydro corridor with single family dwellings beyond.	Urban	RA
East (Across 124 Street), South, and West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONSProposal

- The applicant proposes to remove a large, healthy, specimen quality, open grown Norway Maple tree located in the rear yard of Lot 2 (#558) (Appendix II & Appendix III).
- The proposal is to accommodate the construction of matching houses on both Lots 1 and 2, which were both created by a recent subdivision application.

Site Description

- The subject properties are 2 RF Zoned lots, each 910m² (9,800 sq.ft.) in area, measuring 48 metres (157 ft.) deep and 19 metres (62 ft.) wide.
- Tree #558 is located approximately 12 metres (40 ft.) from the rear lot line. The critical root zone (no build area) extends a further 5.3 metres (17 ft.) into the lot, for a total of 17.3 metres (57 ft.) (Appendix III). There is one other tree located on the subject property (#559), located adjacent to the rear property line (with a smaller critical root zone).

Background

- A development application was made on the subject property on June 29, 2012 to rezone the property from RA ("One-Acre Residential Zone") to RF ("Single Family Residential Zone") and subdivide into two 910m² (9,800 sq.ft.) lots. (Application 7912-0189-00).

- On November 5, 2012 a report was forwarded for Council's consideration of 1st and 2nd Reading of the rezoning and subdivision application (Appendix III). 3rd Reading was granted after the Public Hearing on November 26th, 2012.
- The initial arborist report provided to staff as part of the aforementioned rezoning/subdivision application, as detailed in the November 5th 2012 Council Report, proposed that the tree in question, #558, be removed.
- Subsequent to Council granting 3rd Reading, upon further detailed review of the Arborist report previously supplied, it was noted by the City Landscape Architect that the tree in question, #558 (Norway Maple), was a specimen quality tree.
- The City of Surrey Tree Protection Bylaw (No. 16100) defines a specimen quality tree as "a tree of any size which an arborist, a landscape architect, or the General Manager deems to be of exceptional value because of its species, condition, form, age or size but which has not been designated by Council to be a significant tree."
- Staff requested that the applicant retain tree #558, and further requested that the applicant agree to have the tree placed on the City's Significant Tree List. The applicant agreed to retain the tree however declined to have it marked as significant. A revised Arborist report, showing tree #558 to be retained, was provided by the applicant and approved by staff.
- The applicant has since completed all requirements to complete the subdivision and rezoning application, including submission of signed Tree Protection Covenants (which have been released for registration at the Land Title Office) and payment of tree retention securities.
- Council granted Final Adoption to the rezoning Bylaw (No. 17800) on February 24th, 2014, based upon the completion of all outstanding requirements.
- Late in the application process, subsequent to submission of all requirements and after Final Adoption, the applicant raised objections to retaining the tree and attempted to have its removal approved. Staff advised the applicant to complete the subdivision application and apply for a restrictive covenant amendment if the applicant wished to remove the tree.

RESTRICTIVE COVENANT AMENDMENT EVALUATION

- (a) Amend Restrictive Covenant to permit the removal of Tree #558 on Lot 1.

Applicant's Reasons:

- The applicant and his brother own Lots 1 and 2, respectively, and would like to construct identical (mirror image) side-by-side houses on each lot. The proposed houses are set back considerably on the lots to provide for side-access garages and larger driveways (Appendix V).
- The location of tree #558 impedes the applicant's ability to construct a dwelling of his choosing.

Staff Comments:

- The tree was previously assessed and identified to be retained under application 7912-0189-00. Verbal and written agreement to retain the tree was provided by the applicant. Signed Tree Protection Covenants have been submitted and bonds (for tree retention) have been paid, consistent with the Tree Protection Bylaw.
- No justifiable reason, based upon City Policies and the Tree Protection Bylaw (No 16100), has been provided for the tree's removal.
- Removal of the tree will negatively impact the amenity of neighbouring property owners.
- The Design Consultant for the rezoning/subdivision application has confirmed that a maximum sized house permitted by the RF Zone can be constructed on the lot, without any need for setback variances, while retaining tree #558.
- The RF Zone has been amended since the initial rezoning/subdivision application was made. While the maximum floor area ratio of the RF Zone has in fact been increased, the maximum permissible site coverage on the subject site is now reduced, making a stronger case to retain the tree.
- The buildable area on Lot 2, assuming retention of tree #558, measures 24 metres (79 ft.) deep by 15.4 metres (50 ft.) wide, not including setback relaxations where allowed by the Zoning bylaw. This results in a total buildable area of 370m² (3,980 sq.ft.) with a typical front yard setback of 7.5 metres (25 ft.) and a rear yard of approximately 17 metres (56 ft.). The maximum site coverage for Lot 2 is 291m², smaller than the total buildable area, which provides flexibility in siting a house on the lot.
- Further flexibility for the siting of a dwelling on the subject site can be accommodated through a Development Variance Permit, which would permit the house to be located closer to the fronting road (and further move the house away from the tree). Staff also offered to support an identical variance on the neighbouring lot. The applicant has declined this option.
- Staff do not support the proposed restrictive covenant amendment.

PRENOTIFICATION

Pre-notification letters were mailed to the owners of 74 properties within 100 meters of the subject site. To date, staff have received three phone calls: two from separate and immediately adjacent property owners, and an additional from a nearby resident. All 3 callers object to the tree being removed if not absolutely necessary; reasons are that it provides a pleasant visual and noise barrier, improves greenery in the area, as well as provides wildlife (birds, squirrels) habitat.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Tree Retention Plan
Appendix III.	Photos of Tree #558
Appendix IV	Report to Council 7912-0189-00
Appendix V	Proposed Site Plan (Lots 1 and 2)

INFORMATION AVAILABLE ON FILE

- Arborist Report prepared by Diamond Head Consulting dated December 7th, 2012.

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

DS/da

\\file-server1\net-data\csdc\generate\areaproduct\save\19407608020.doc
DRV 7/17/14 12:35 PM

Information for City Clerk

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

1. (a) Agent: Name: Palbinder S Brar
 Address: 7472 - 122A Street
 Surrey, BC V3W 9N2
 Tel: (604) 591-1572

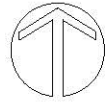
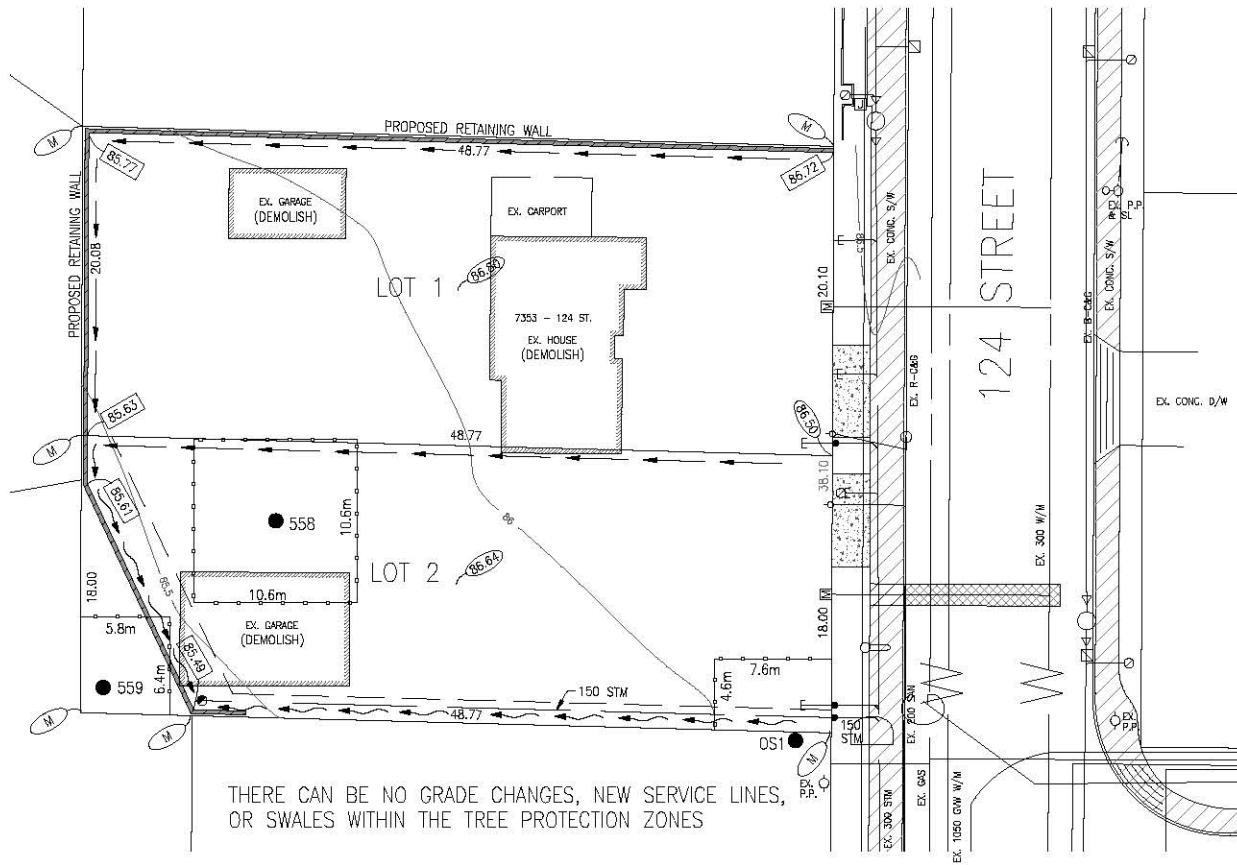
2. Properties involved in the Application

- (a) Civic Address: 7353 - 124 Street

- (b) Civic Address: 7353 - 124 Street
 Owner: Jagroop K Brar
 Palbinder S Brar
 Jagdip S Brar
 PID: 010-129-162
 Lot 3 Section 19 Township 2 New Westminster District Plan 15832

3. Summary of Actions for City Clerk's Office

No action required.



LEGEND

- = TREES TO BE RETAINED
- ⊗ = TREES TO BE REMOVED
- = PROTECTION BARRIER

DEC/12	CITY OF SURREY REQUEST	2
SEP/12	CITY OF SURREY REQUEST	1
DATE	REVISED	REVISED

C.KAVOLINAS & ASSOCIATES INC.
SISLA OSLA
2165 JONAS COURT
ABBOTSFORD, B.C.
V3G 3E8
PHONE (804) 857-2378

CLIENT
MR. NIKE KUMPTER
HLB ENGINEERING INC.
SUITE #101
7455 - 135 STREET,
SURREY, B.C.
V3W 1L8
PHONE (804) 072-4328

TYPE
PLAN VIEW
TREE LOCATION PLAN
TREE RETENTION PLAN
2 LOT SUBDIVISION
7353 - 124 STREET
SURREY, B.C.

SCALE 1:150	DATE AUG/12
DRAWN	DATE
CHKD	DATE
APPROV	DATE

PROJECT	JOB No.
	DRAWING No.
	TR-1

EXPLANATORY PLAN OF PART OF LOTS 1 AND 2
Sec 19 Tp 2 NWD PLAN EPP33136

PLAN EPP33504

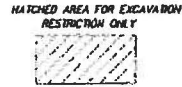
TO ACCOMPANY A COVENANT UNDER SECTION 219 LAND TITLE ACT
 PURSUANT TO SECTION 99 (1) (c) LAND TITLE ACT

"FOR TREE PROTECTION PURPOSES"
 BCGS MAP SHEET 92G.016

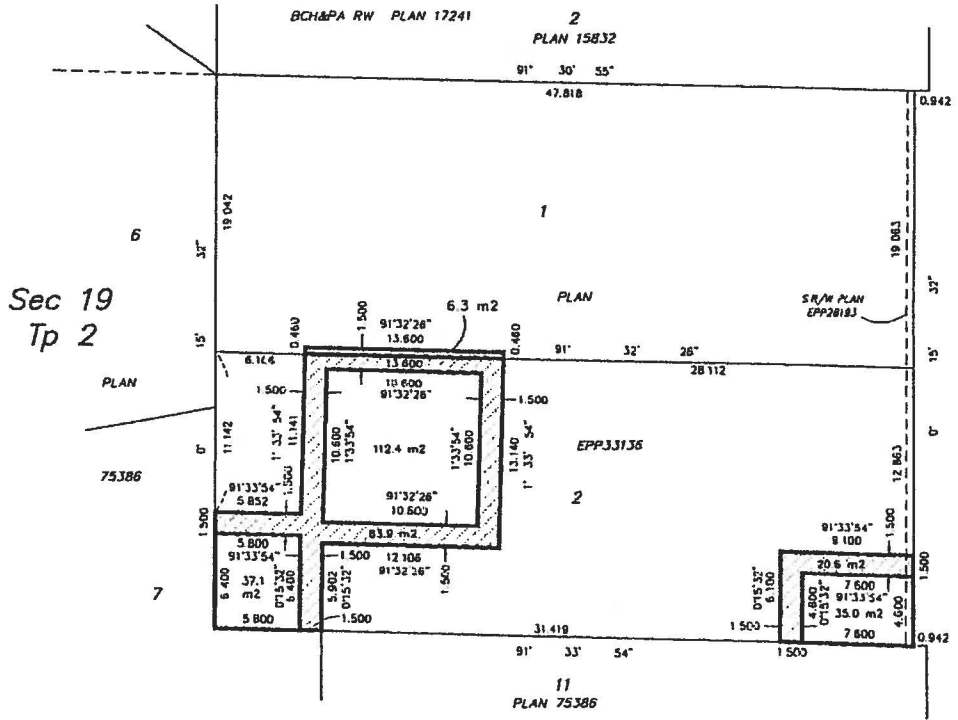


The intended plot size of this plan is 432mm in height
 by 560mm in width (C size) when plotted at a scale of 1:250

BOOK OF REFERENCE				
LOT	DESCRIPTION	PLAN	AREA	HATCHED AREA
1	SECTION 19 TOWNSHIP 2	EPP33136	---	6.3 m ²
2	SECTION 19 TOWNSHIP 2	EPP33136	35.0 m ²	20.6 m ²
2	SECTION 19 TOWNSHIP 2	EPP33136	37.1 m ²	83.9 m ²
2	SECTION 19 TOWNSHIP 2	EPP33136	112.4 m ²	



SCHEDULE "B"



INTEGRATED SURVEY AREA NO.1, SURREY
NAD83 (CSRS)

GRID BEARINGS ARE DERIVED FROM PLAN EPP33136
 GEODETIC CONTROL MONUMENTS 5227 AND 5588

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
 UNLESS OTHERWISE SPECIFIED TO COMPUTE GRID DISTANCES
 MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE
 COMBINED FACTOR OF 0.9995004 WHICH HAS BEEN DERIVED
 FROM GEODETIC CONTROL MONUMENTS 5227 AND 5588

SOUTH FRASER LAND SURVEYING LTD.
 B.C. LAND SURVEYORS
 SUITE 101 - 7405 130th STREET
 SURREY, B.C. V3W 1H8
 TELEPHONE: 604 599-1888
 FILE: 1260BCOV-3

THIS PLAN LIES WITHIN THE
 GREATER VANCOUVER REGIONAL DISTRICT

THIS PLAN IS BASED ON THE FOLLOWING LAND TITLE
 AND SURVEY AUTHORITY OF BC RECORDS:
 Plan EPP33136

DAVID J. DYCK, B.C.L.S. (S43) 8th DAY OF AUGUST, 2013



Tree #558, Norway Maple. Photo facing south-west.

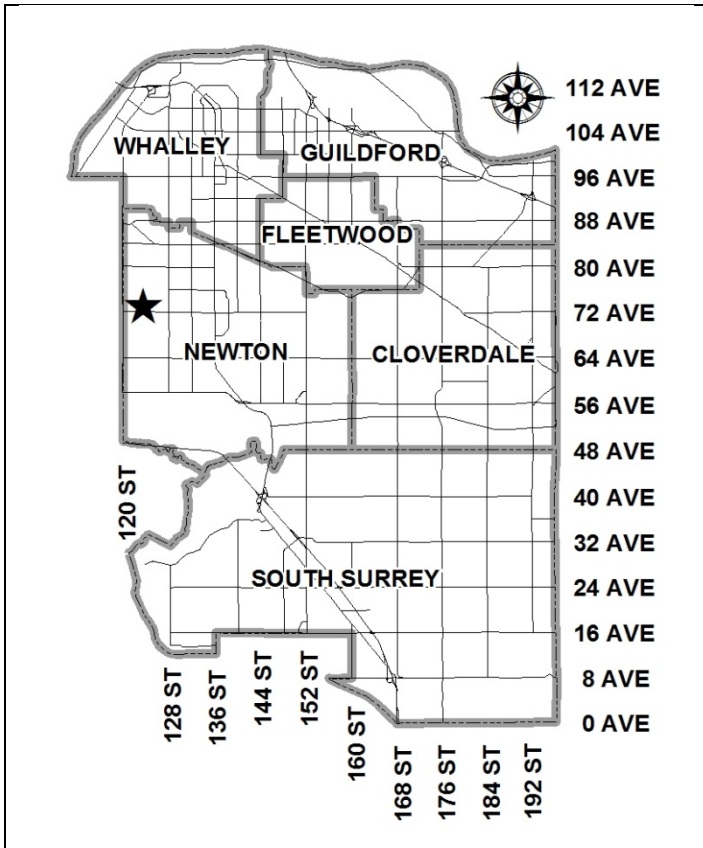


Tree #558, Norway Maple. Photo facing west. (Tree #559 to left).

**City of Surrey
PLANNING & DEVELOPMENT REPORT**

File: 7912-0189-00

Planning Report Date: November 5, 2012



PROPOSAL:

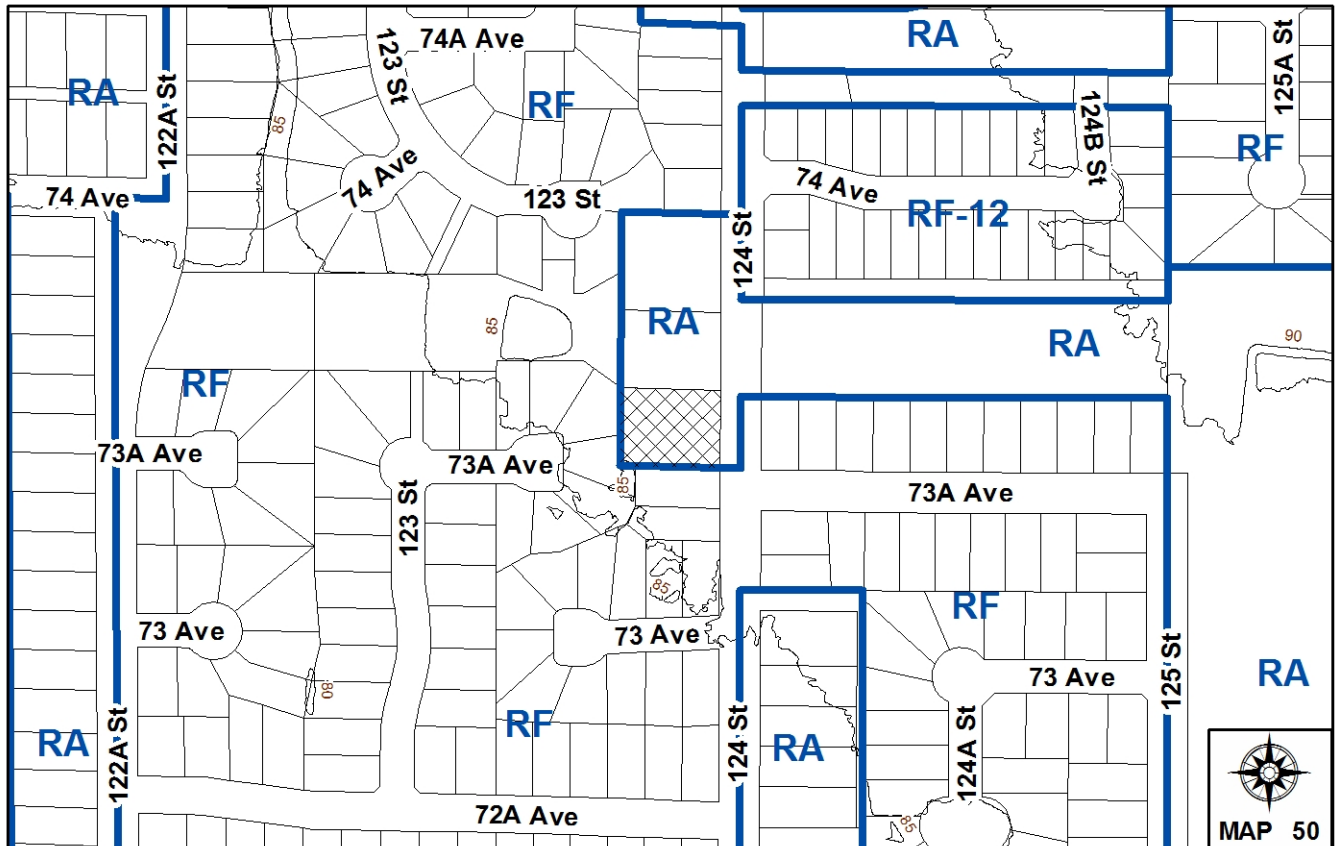
- **Rezoning** from RA to RF in order to allow subdivision into 2 single family lots.

LOCATION: 7353 - 124 Street

OWNER: Jagroop K. Brar
Palbinder S. Brar
Jagdip S. Brar

ZONING: RA

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Facilitates infill development consistent with the surrounding neighbourhood.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from One-Acre Residential Zone (RA) (By-law No. 12000) to Single Family Residential Zone (RF) (By-law No. 12000) and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue(s) prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (d) registration of a Section 219 Restrictive Covenant to ensure tree and root preservation to the satisfaction of the City Landscape Architect;
 - (e) the applicant address the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture; and
 - (f) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department.

REFERRALS

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

School District: **Projected number of students from this development:**

1 Elementary student at Strawberry Hill Elementary School
0 Secondary students at Princess Margaret Secondary School

(Appendix IV)

The applicant has advised that the dwelling units in this project are expected to commence construction in the summer of 2013.

Parks, Recreation & Culture: Parks have some concerns about the pressure this project will place on existing Parks & Recreation facilities in the neighbourhood.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling that will be removed.

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North:	BC Hydro corridor with single family dwellings beyond.	Urban	RA
East (Across 124 Street), South, and West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is 0.186 hectare (0.46 acre) in size and located on the west side of 124 Street, south of 75 Avenue. The property is immediately south of a major BC Hydro right-of-way.
- The property is designated "Urban" in the Official Community Plan (OCP) and zoned "One-Acre Residential Zone (RA)".

Proposal

- The applicant is proposing to rezone the property from "One-Acre Residential Zone (RA)" to "Single Family Residential Zone (RF)" in order to subdivide into two single family residential lots. The proposed RF Zone is consistent with the zoning in the area.
- The proposed lots exceed the minimum requirements of the RF Zone in terms of lot area, width, and depth (Appendix II). The lot areas range from 859 square metres (9,242 sq. ft.) to 959 square metres (10,315 sq. ft.). The lot widths range from 18.0 metres (59 ft.) to 20.1 metres (66 ft.). The lots are each over 48 metres (158 ft.) deep.
- The applicant is proposing to demolish the existing house and subdivide the lot into two.

Building Design and Lot Grading

- The applicant for the subject property has retained Tynan Consulting Ltd. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines (Appendix V).
- A preliminary lot grading plan submitted by Hub Engineering Inc. has been reviewed by staff and is considered acceptable. The plan shows moderate amounts of fill in order to meet existing grades. In-ground basements are not being proposed.

Tree Preservation

- Trevor Cox from Diamond Head Consulting Ltd. prepared the Arborist Report and Tree Preservation/Replacement Plans (Appendix VI). The Arborist Report indicates that there are 2 mature trees on the subject property. The Report proposes the removal of 1 tree because it is located within the proposed building envelope. The Report proposes 1 tree to be retained. The types of trees are as follows:

Tree Species	Total Number of Trees	Total Retained	Total Removed
Norway Maple	1	0	1
Douglas-Fir	1	1	0
Total	2	1	1

- The applicant will be required to replant trees on a 2 to 1 replacement basis. Based on this ratio, 2 replacement trees are required on the subject property. Five replacement trees are proposed on the subject property to achieve an average of 3 trees per lot.

PRE-NOTIFICATION

Pre-notification letters were mailed out on July 25, 2012 to 78 recipients. A development proposal sign was installed on August 2, 2012. Staff received no responses to date.

SUSTAINABLE DEVELOPMENT CHECKLIST

The applicant prepared and submitted a sustainable development checklist for the subject site on October 25, 2012. The table below summarizes the applicable development features of the proposal based on the seven (7) criteria listed in the Surrey Sustainable Development Checklist.

Sustainability Criteria	Sustainable Development Features Summary
1. Site Context & Location (A1-A2)	<ul style="list-style-type: none"> The site is located in an urban infill area. The proposal is consistent with the OCP.
2. Density & Diversity (B1-B7)	<ul style="list-style-type: none"> N/A
3. Ecology & Stewardship (C1-C4)	<ul style="list-style-type: none"> Absorbent soils, dry swales, and natural landscaping are proposed. The applicant is proposing to retain one tree and plant 5 replacement trees.
4. Sustainable Transport & Mobility (D1-D2)	<ul style="list-style-type: none"> N/A
5. Accessibility & Safety (E1-E3)	<ul style="list-style-type: none"> A fence with a maximum height of 1.2 metres will be provided along the north property line adjacent to the BC Hydro corridor.
6. Green Certification (F1)	<ul style="list-style-type: none"> N/A

Sustainability Criteria	Sustainable Development Features Summary
7. Education & Awareness (G1-G4)	<ul style="list-style-type: none"> Public notification has taken place.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

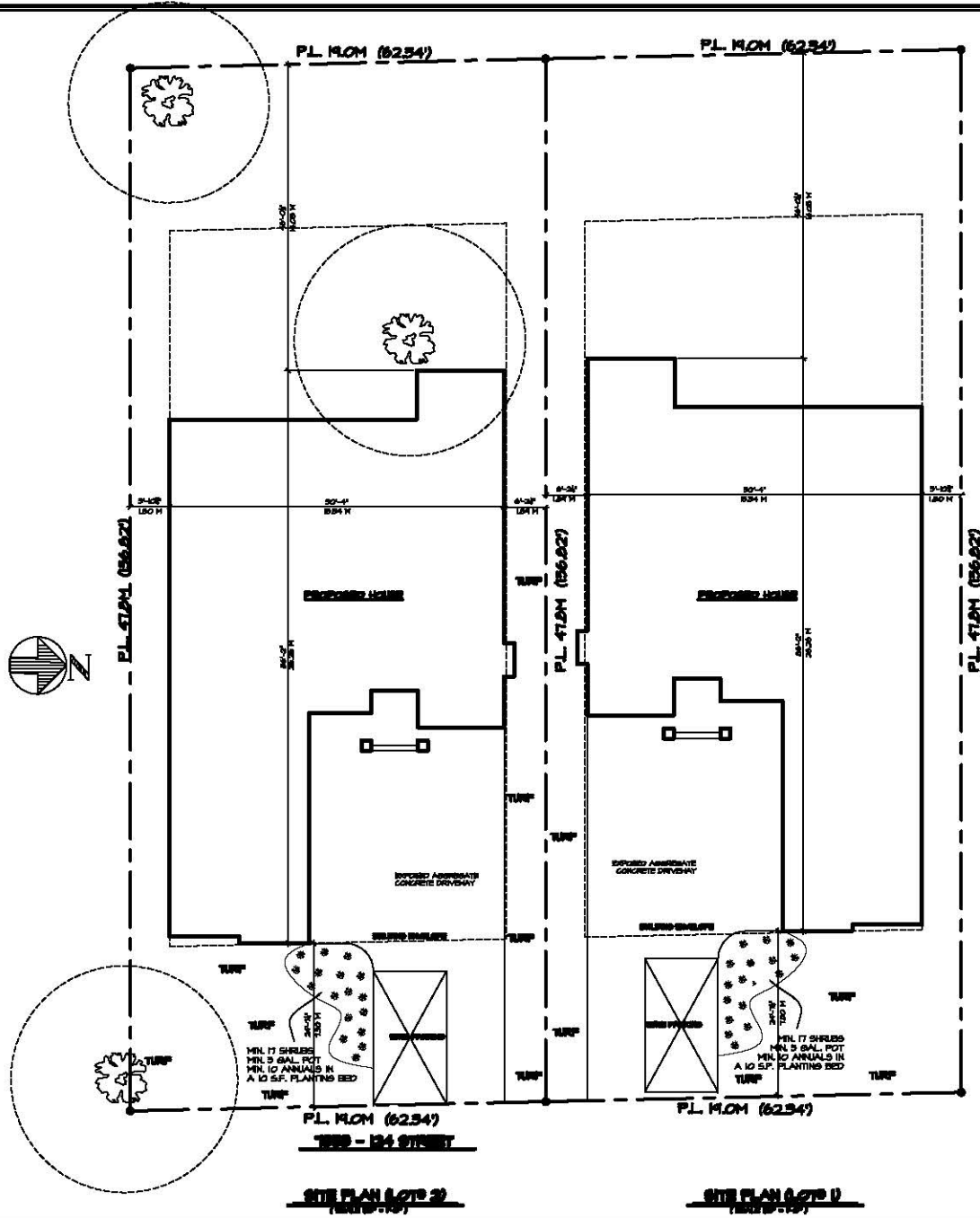
Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Summary of Tree Survey and Tree Preservation

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

MAJ/kms

\\file-server1\net-data\csdc\generate\areaproduct\save\28909248036.doc
. 11/1/12 12:06 PM



CIVIC ADDRESS:

1200 - 124 STREET,
 SENECA, SC.

CALCULATIONS:

LOT AREA = 4750 SQ.FEET (0.09)
 FIRST FLOOR = 4750 SQ.FEET (0.09)
 LESS 4000 SQ.FEET (0.08) FOR GARAGE
 NET AREA OF HOUSE = 4500 SQ.FEET (0.09)

PROPOSED FLOOR:
 GROUND FLOOR AREA = 2400 SQ.FEET (0.05)
 SECOND FLOOR AREA = 1000 SQ.FEET (0.02)
 GARAGE AREA = 1250 SQ.FEET (0.03)
 TOTAL AREA = 4650 SQ.FEET (0.09)

TERR. SITE COVERAGE = 50% = 2375 SQ.FEET (0.05)
 PROPOSED SITE COVERAGE = 50% = 2325 SQ.FEET (0.05)



THIS PLAN CONFORMS TO THE S.C. BUILDING CODE 2003 EDITION

PROPOSED HOUSE FOR PALMERS & BEALS AT 1200 - 124 STREET, SENECA, SC.

TITLE:
 SITE PLAN
 GROUND FLOOR