

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

Application No.: 7918-0067-00

Planning Report Date: October 21, 2024

**PROPOSAL:**

- Development Permit
- Major RC Amendment

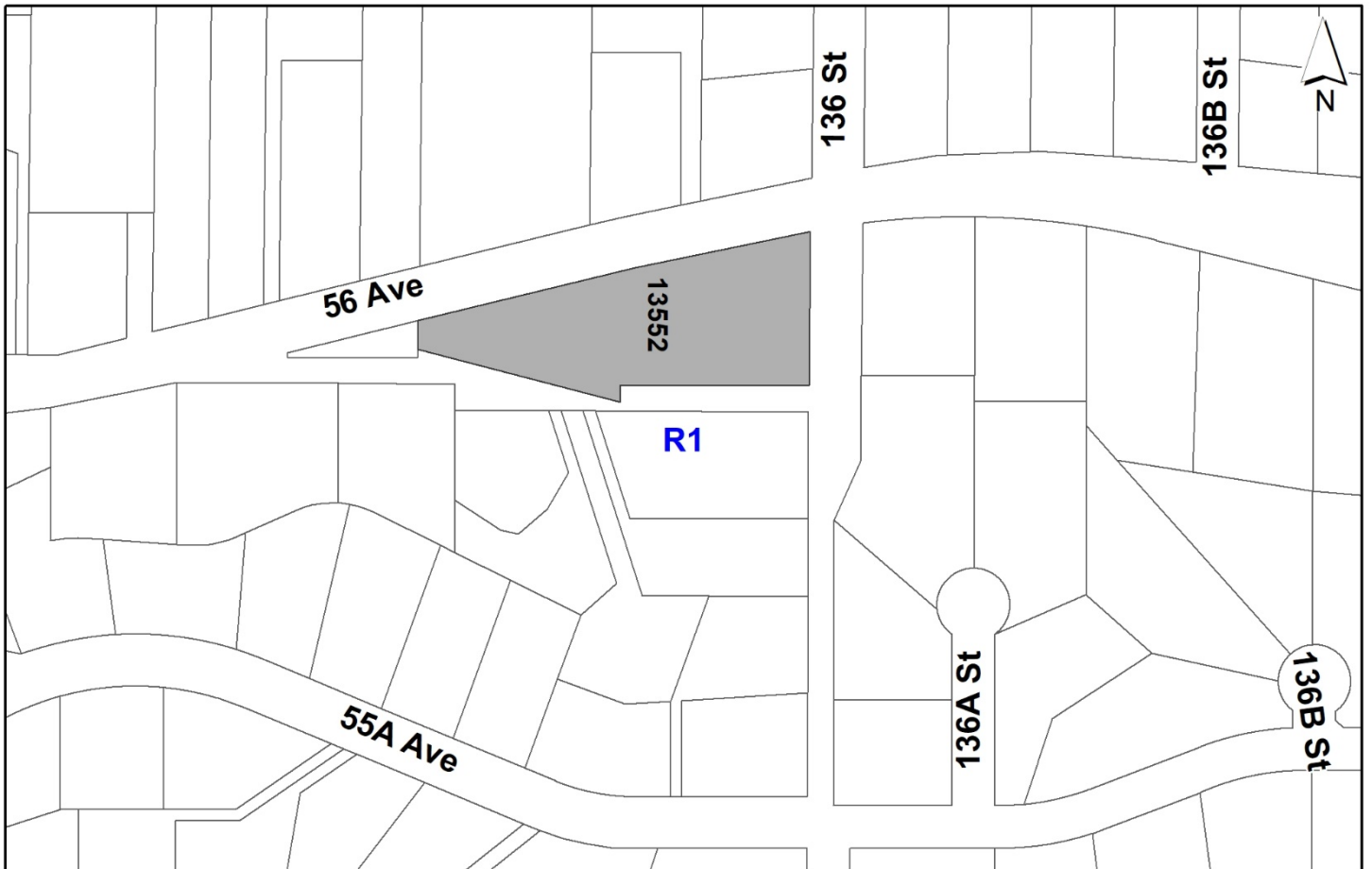
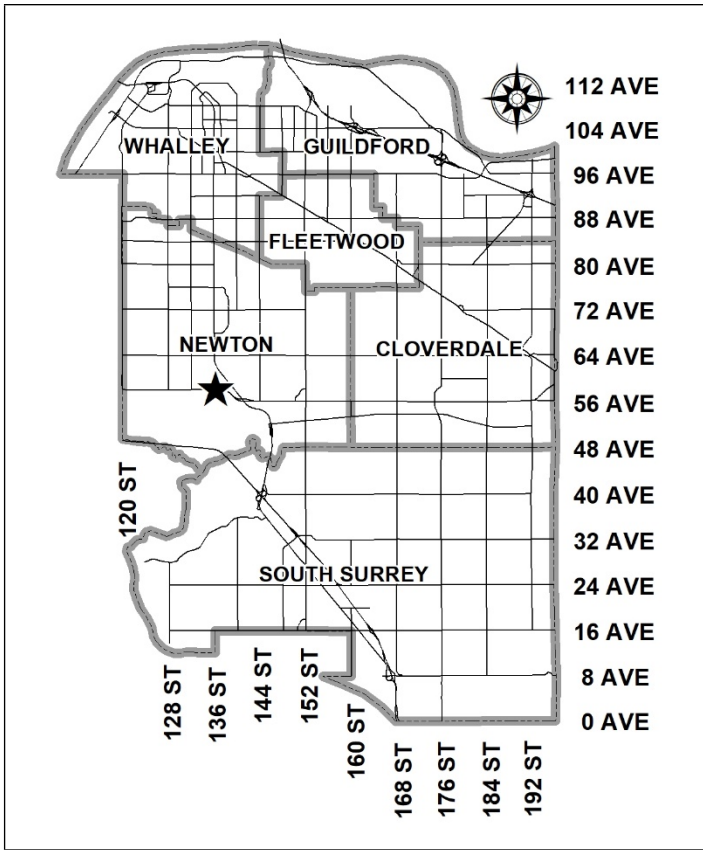
to subdivide a parcel into three lots

**LOCATION:** 13552 - 56 Avenue

**ZONING:** R1

**OCP DESIGNATION:** Suburban Density Exception Area  
(max 2 upa)

**LAP DESIGNATION:** Suburban Residential ½ Acre



## RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application be referred to the Approving Officer to ensure the proposal limits the hazardous condition of the proposed new lots. This would require a reduction in the number of lots from what is currently proposed.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to deviate from the Development Permit (DP<sub>2</sub>) requirements in the Official Community Plan (OCP) for Hazard Lands (Steep Slopes) by allowing development in area of steep slope that have a slope gradient of 30% or greater and including these areas within the lot size calculation.

## RATIONALE OF RECOMMENDATION

- The Development Permit Procedures and Delegation Bylaw, 2016, No. 18642 delegates Hazard Land Development Permits to the Delegated Official; however, where the content of a development permit cannot be agreed upon between the Delegated Official and the applicant, authority to consider an application for a development permit remains with Council. The subject Development Permit No. 7918-0067-00 is being brought forward for Council's consideration at the request of the applicant.
- Despite Council's purview over development permits, Section 86(1) of the Land Title Act outlines the "matters to be considered by approving officer on application for approval [of subdivision plans]". This includes subsection (c)v. "the land is subject, or could reasonably be expected to be subject, to flooding, erosions, land slip or avalanche". Therefore, consideration for subdivision, including evaluating concerns for land slip, rests solely with the Approving Officer.
- The Approving Officer is of the opinion that the proposed subdivision intensifies development in a hazardous area, increases risk and could reasonably be expected to be subject to land slip.
- The proposal does not comply with the Development Permit requirements in the OCP for Hazard Lands (Steep Slopes). Lands within the Hazardous Development Permit Area that are greater than 30% are to be excluded from the lot area calculation when considering subdivision within steep slope areas. When lands with a slope gradient of 30% or greater are excluded from the lot area of the proposed lots, Lot 2 has an area of 657 square metres and Lot 3 has an area of 246 square metres, well below the required 1,858 square metres for subdivision.
- The applicant prepared a building envelope concept demonstrating the locations of the new dwellings on three proposed lots. The proposed building envelopes for Lots 2 and 3 are entirely on the slope and almost entirely within areas where there is a slope gradient of 30% or greater, with the slope gradient on Lot 3 exceeding 40% (Appendix I).

- The proposal increases the number of lots that could be potentially subject to land slip due to the significant slopes on the two new proposed lots (three lots in total). Therefore, the proposal intensifies development within a hazardous area.
- While the applicant has prepared a geotechnical report stating that new dwellings could possibly be geotechnically engineered and constructed on the steeply sloped lots, the geotechnical report states that the geotechnical engineer accepts no liability as a result of use of the report. This suggests that, even if the recommendations in the report are followed, which may create a condition for new homes to feasibly be constructed, the geotechnical engineer accepts no liability should the slope fail.
- A restrictive covenant was registered on title in 1994 limiting subdivision of the property into no more than two lots.

## RECOMMENDATION

The Planning & Development Department recommends that this application be referred to the Approving Officer to ensure the proposal limits the hazardous condition of the proposed new lots. This would require a reduction in the number of lots from what is currently proposed.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Single detached dwelling	Suburban Residential ½ Acre	R1
North (Across 56 Avenue):	Single detached dwelling	Suburban Residential ½ Acre	R1
East (Across unopened 136 Street road allowance):	Single detached dwelling	Suburban Residential ½ Acre	R1
South (Across):	Single detached dwellings and 81C-Greenbelt Park	Suburban Residential ½ Acre	R1
West (Across):	Cartwright Lookout Park	Suburban Residential ½ Acre	R1

### Context & Background

- The subject property is located along 56 Avenue in West Panorama Ridge and is approximately 6,176 square metres in size. The site is currently designated "Suburban" and located within the Density Exception Area (maximum 2 units per acre) in the OCP; "Suburban Residential ½ Acre" in the West Panorama Ridge Local Area Plan (LAP); and zoned "Suburban Residential Zone (R1)".
- In 1994, the previous owners of the subject property and the City agreed to an exchange of land which included the dedication of approximately 22 square metres of land for road allowance and the closure, purchase and consolidation with the subject site of approximately 1,274 square metres of surplus road allowance. The exchange was proposed by the previous owners of the property to obtain legal rights to the land that had been used, unpermitted, as their backyard.
- The area of land that was to be purchased by the previous owners and consolidated with the subject property was large enough that the subject property would become of sufficient size to subdivide into three lots, based on lot size alone but not taking into consideration other environmental or geotechnical factors, under the minimum subdivision requirements of the Zoning By-law. Without the acquisition of the road allowance, the subject property was only large enough to subdivide into two lots.
- The Road Exchange Agreement was endorsed by Council under Resolution 94-1197 on April 18, 1994 under Corporate Report Item S283.

- The lands to be purchased by the previous owners were therefore appraised according to the future subdivision potential into three lots. Due to the higher valuation than the previous owners had anticipated, the City agreed to reduce the valuation based on a future subdivision potential of two lots, provided the owner registered a restrictive covenant limiting future subdivision to a maximum total of two lots. This allowed the previous owners to provide a lesser purchase amount to acquire the lands.
- A Special Council Report, dated July 12, 1994 was brought forward to Council to seek approval for the adjusted value from \$64,000 to \$9,400 based on the reduced subdivision potential to only two lots. The Special Council Report highlighted the purpose of the restrictive covenant was to limit future subdivision into only two lots, while also ensuring this hazardous area is more adequately protected from development.
- The proposed reduced value was supported by Council and the road closure and purchase was completed by the previous owners in conjunction with the registration of a restrictive covenant limiting future development to two lots.
- The applicant has requested to purchase the existing 55A Avenue and 136 Street road allowances to the south and east of the subject site, respectively. Staff have confirmed for the applicant that the City is not supportive of selling these lands. Moreover, these lands are completely encumbered by a steep slope, which would not support any future development.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant proposes a Hazard Lands Development Permit for Steep Slopes for subdivision into three lots.
- The proposed Hazard Lands Development Permit for Steep Slopes is to be considered by Council in accordance with Development Permit Procedures and Delegation Bylaw, 2016, No. 18642, which requires Council consideration of Hazard Land Development Permits when there is disagreement between the applicant and the Delegated Official regarding the content of the Development Permit.
- The subject Development Permit No. 7918-0067-00 is being brought forward for Council's consideration at the request of the applicant.

	Proposed
<b>Lot Area</b>	
Gross Site Area:	6,176 square metres
Road Dedication:	n/a
Undevelopable Area:	n/a
Net Site Area:	6,176 square metres

	Proposed
<b>Number of Lots:</b>	3
<b>Unit Density:</b>	2 units per acre
<b>Range of Lot Sizes</b>	1,858 – 2,461 square metres
<b>Range of Lot Widths</b>	40.4 – 68.9 metres
<b>Range of Lot Depths</b>	11 – 59.6 metres

## PUBLIC ENGAGEMENT

- A Development Proposal Sign was installed on June 11, 2024. Staff did not receive any responses from neighbouring residents.
- The applicant submitted signed letters from residents in support of the proposal, including both people who reside in West Panorama Ridge and those who live elsewhere in Surrey. In total, 29 residents who reside in West Panorama Ridge and 47 residents who reside elsewhere in Surrey signed a letter in support. An additional four residents submitted separate emails indicating their support for the proposal.
- The subject development application was reviewed by the West Panorama Ridge Ratepayers Association (WPRRA). The WPRRA is opposed to the proposed development for the following reasons:
  - The proposed development will remove many trees;
  - The proposed development will not maintain the standard 15 metre wide setback, inclusive of a 7.5 metre wide landscape buffer on 56 Avenue that is typical for new developments in this area; and
  - The proposed subdivision may negatively impact the adjacent property to the east.

## DEVELOPMENT PERMITS

### Hazard Lands (Steep Slope) Development Permit Requirement

- The subject property falls within the Hazard Lands (Steep Slope) Development Permit Area (DPA) in the OCP, given that the site contains steep slopes in excess of 20% gradient. The Hazard Land (Steep Slope) Development Permit is required to protect developments from hazardous conditions.
- There is an existing dwelling within the western half of the property where there is a gentle slope. The eastern half of the subject property is significantly sloped from north to south with a slope gradient of approximately 40% for the majority of this half of the property, increasing to 60% in certain areas of proposed Lot 3 (the eastern-most lot). The slopes are based on survey information and geotechnical information provided by the applicant in support of the proposal (Appendix I).
- A geotechnical report, prepared by Tegbir S. Bajwa, *P. Eng.*, of Able Geotechnical Ltd. and dated July 4, 2024 was peer reviewed by Qiyan Jiang, *P. Eng.*, of Tetris Geotechnical Engineering Ltd. and found to be generally acceptable by the peer reviewer. However, staff have significant concerns with increasing the existing hazardous condition by allowing subdivision into three single-detached lots.

- The geotechnical report investigated issues related to slope stability and natural storm water drainage, from a geotechnical perspective, to determine the feasibility of developing the site and proposing recommendations to help the ongoing stability of the slope.
- The applicant prepared a building envelope analysis identifying the location of the new dwellings on three proposed lots. The proposed building envelope for Lots 2 and 3 are almost entirely within areas where there is a slope gradient of 30% or greater, with the slope gradient on Lot 3 exceeding 40%.
- The geotechnical report does not include any geotechnical setback distances, which is typically provided for developments within steep slope areas. However, the omission of a geotechnical setback is due to the new building envelopes being located entirely on or below the geotechnical ridge itself.
- Despite Council's purview over development permits, Section 86(1) of the Land Title Act outlines the "matters to be considered by approving officer on application for approval [of subdivision plans]". This includes subsection (c)v. "the land is subject, or could reasonably be expected to be subject, to flooding, erosions, land slip or avalanche". Therefore, consideration for subdivision, including evaluating concerns for land slip, rests solely with the Approving Officer.
- The Approving Officer is of the opinion that the proposed subdivision intensifies development in a hazardous area, increases risk and could reasonably be expected to be subject to land slip.
- While the applicant has prepared a geotechnical report stating that new dwellings could be geotechnically engineered and constructed on the steeply sloped lots, the geotechnical report suggests that the geotechnical engineer accepts no liability as a result of use of the report. This suggests that, even if the recommendations in the report are followed, which may create a condition for new homes to feasibly be constructed, the geotechnical engineer accepts no liability should the slope fail.
- The proposal does not comply with the Development Permit requirements in the OCP for Hazard Lands (Steep Slopes). Lands within the Hazardous Development Permit Area that are greater than 30% are to be excluded from the lot area calculation when considering subdivision within steep slope areas. When lands with a slope gradient of 30% or greater are excluded from the lot area of the proposed lots, Lot 2 has an area of 657 square metres and Lot 3 has an area of 246 square metres, well below the required 1,858 square metres for subdivision in the R1 zone. The areas of Lot 2 and Lot 3 that have a slope gradient of less than 30% are not conducive or of sufficient size to locate any single-detached dwellings.

## TREES

- Jeff Ross, ISA Certified Arborist of Mike Fadum and Associates Ltd. prepared an Arborist Assessment for the subject property. There are a significant number of mature trees on the subject site. The applicant's preliminary arborist assessment includes a review of trees that could be targeted for retention (Appendix III). If the application is referred back to staff by Council, the applicant would be required to provide a revised arborist assessment that

includes replacement trees, where determined as appropriate by the geotechnical engineer so as to avoid impact to the existing steep slope.

- The proposed subdivision would result in significant tree removal and necessitate severe grading on the steep slope.

## CONCLUSION

- This report is being forwarded to Council for consideration only of the Development Permit for Hazard Lands, in accordance with the Development Permit Procedures and Delegation Bylaw, 2016, No. 18642. The review of the proposed subdivision will be a separate and independent decision by the Approving Officer.
- The Approving Officer is not supportive of the proposed subdivision for the following reasons:
  - Section 86(1) of the Land Title Act outlines the "matters to be considered by approving officer on application for approval [of subdivision plans]". This includes subsection (c)v. "the land is subject, or could reasonably be expected to be subject, to flooding, erosions, land slip or avalanche";
  - the Geotechnical Report prepared by Tegbir S. Bajwa, *P. Eng.* of Able Geotechnical Ltd. states that "Able and its employees accept no responsibility to another party for loss or liability incurred as a result of use of this report" suggesting that even if the recommendations in the report may create a condition for new homes to feasibly be constructed, the geotechnical engineer accepts no liability;
  - the proposed measures for building the homes on the steep slope represent a harsh engineering approach to mitigating risk and would result in significant tree removal and necessitate severe grading.
  - the Approving Officer is of the opinion that the proposed subdivision is contrary to the objectives of the DP2 Hazard Lands policies in the OCP;
  - all of the new homes will be constructed on or below the ridge within the steep slope areas; and
  - the proposed subdivision would unreasonably increase risk by intensifying the number of lots, structures and persons who could be subject to land slip.
- The Planning & Development Department recommends that this application be referred to the Approving Officer to ensure the proposal reasonably limits the hazardous condition of the proposed new lots. This would require a reduction in the number of lots from what is currently proposed.



**INFORMATION ATTACHED TO THIS REPORT**

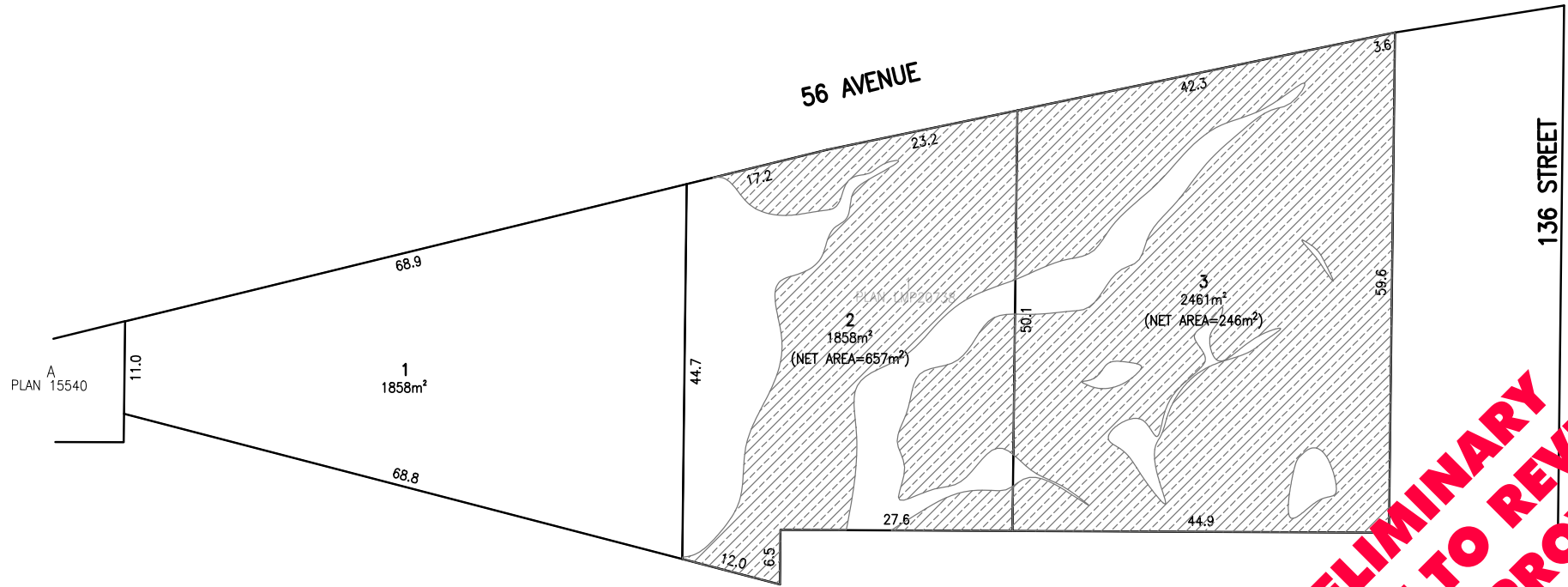
The following information is attached to this Report:

- Appendix I. Proposed Subdivision Layout
- Appendix II. Summary of Tree Survey, Tree Preservation and Tree Plans
- Appendix III. Aerial Image with Contours
- Appendix IV. Pictometry Image of Subject Site

*approved by Shawn Low*

Ron Gill  
Acting General Manager  
Planning and Development

KS/cb



**PRELIMINARY  
SUBJECT TO REVIEW  
AND APPROVAL**

G:\Projects\18012.ssm\AD Drawings\Layouts\Lot\_Layout - Op 5 - Oct 1, 2024.dwg [Lot\_Layout 11x17] 10/01/2024 10:14AM

CLIENT:		PROJECT: 13552 56 AVENUE, SURREY			
DRAWING TITLE: RESIDENTIAL SUBDIVISION					
PROJECT No.	DATE:	LEGAL:	SCALE:	MUNICIPAL PROJECT No:	
18012	OCT 2024		1:500		
PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES					

**Hub Engineering Inc.**  
Engineering and Development Consultants



Suite 212, 12992 - 76 Avenue, Surrey, B.C. V3W 2V6  
tel: 604-572-4328 | fax: 604-501-1625 | mail@hub-inc.com | www.hub-inc.com

## Tree Preservation Summary

**Surrey Project No: TBD**

**Address: 13552 - 56 Avenue**

**Registered Arborist: Elvis Truong, PN-9567A**

On-Site Trees	Number of Trees
<b>Protected Trees Identified</b> (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)	97
<b>Protected Trees to be Removed</b>	36
<b>Protected Trees to be Retained</b> (excluding trees within proposed open space or riparian areas)	61
<b>Total Replacement Trees Required:</b>  - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 2 X one (1) = <u>2</u>  - All other Trees Requiring 2 to 1 Replacement Ratio 34 X two (2) = <u>68</u>	70
<b>Replacement Trees Proposed</b>	15
<b>Replacement Trees in Deficit</b>	55
<b>Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]</b>	NA

Off-Site Trees	Number of Trees
<b>Protected Off-Site Trees to be Removed</b>	13
<b>Total Replacement Trees Required:</b>  - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 4 X one (1) = 4  - All other Trees Requiring 2 to 1 Replacement Ratio 9 X two (2) = 18	22
<b>Replacement Trees Proposed</b>	NA
<b>Replacement Trees in Deficit</b>	NA

Summary report and plan prepared and submitted by: Mike Fadum and Associates Ltd.

Signature of Arborist:

Date: June 26, 2024

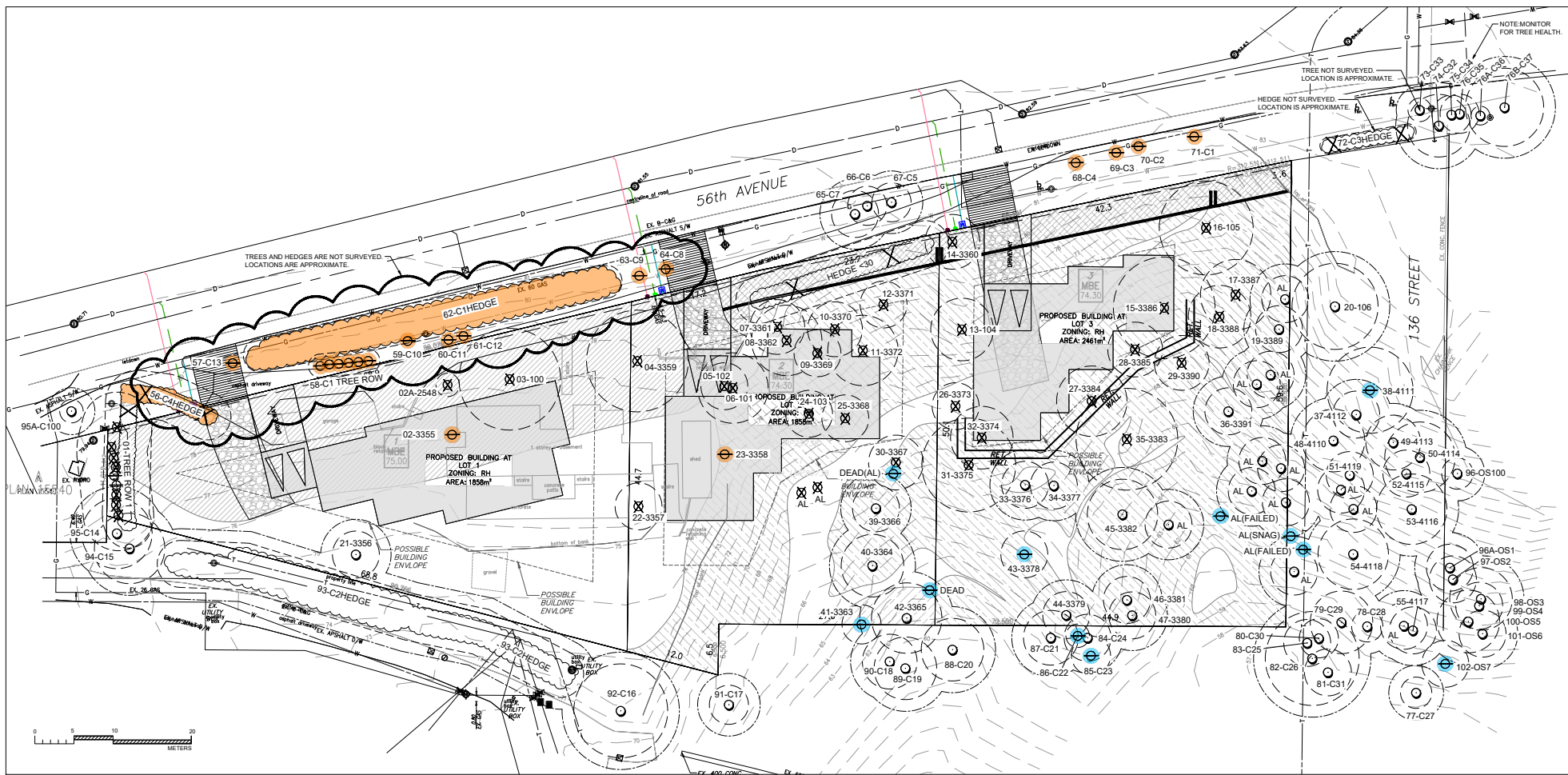


**Table 1: Summary of Tree Preservation by Tree Species:**

Tree Species	Existing	Remove	Retain
<b>Alder and Cottonwood Trees</b>			
Alder/Cottonwood	14	2	12
<b>Deciduous Trees (excluding Alder and Cottonwood Trees)</b>			
Apple	1	0	1
Beech	1	0	1
Birch, Paper	6	2	4
Cherry, Bitter	1	0	1
Maple, Bigleaf	39	19	20
Maple, Japanese	1	1	0
Magnolia sp.	1	1	0
Locust, Black	4	1	3
Japanese Snowbell	1	0	1
<b>Coniferous Trees</b>			
Cedar, Western Red	4	0	4
Falsecypress	2	2	0
Douglas-fir	21	8	13
Larch, European	1	0	1
<b>Total (Not including Alder and Cottonwood)</b>	83	34	49
<b>Additional Trees in the proposed Open Space / Riparian Area</b>	NA	NA	NA
<b>Total Replacement Trees Proposed (excluding Boulevard Street Trees)</b>		15	
<b>Total Retained and Replacement Trees</b>		76	

**\*TOTALS DO NOT INCLUDE OFFSITE TREES**





**LEGEND**

- TREE TO BE RETAINED
- TREE TO BE REMOVED
- NON-BY-LAW TREE
- MINIMUM NO-DISTURBANCE ZONE
- 1.5m NO-BUILD ZONE
- FILL IN EXCESS OF 05.m
- SLOPE IN EXCESS OF 30%
- FAILED/ DEAD/ SNAG TREE AS OF JUNE 19, 2024 SITE VISIT
- TREE/HEDGE REMOVED AS OF JUNE 19, 2024 SITE VISIT

**GENERAL NOTES:**

- ALL RETAINED TREES TO UNDERGO AN EDGE TREE RISK ASSESSMENT.
- ALL TREES TO BE REASSESSED IN CONJUNCTION WITH FINAL DEVELOPMENT, GRADING AND CONSTRUCTION PLANS.
- STUMPS TO BE REMOVED AND LEFT IN THE GROUND TO BE DETERMINED BY THE GEOTECHNICAL ENG. OR APPROPRIATE PROFESSIONAL.



STAMP	NO.	DATE	BY	REVISION
	1	DEC22/17	MK	UPDATED SURVEY
	2	JAN05/18	MK	REVISIONS
	3	MAY16/19	MK	GRADING PLAN AND LOT LAYOUT
	4	JUN17/24	MK	GRADING PLAN, LOT LAYOUT AND BUILDING PLANS

**MIKE FADUM AND ASSOCIATES LTD.**  
**VEGETATION CONSULTANTS**

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**PROJECT TITLE**  
 13552 56 AVENUE  
 SURREY, B.C.

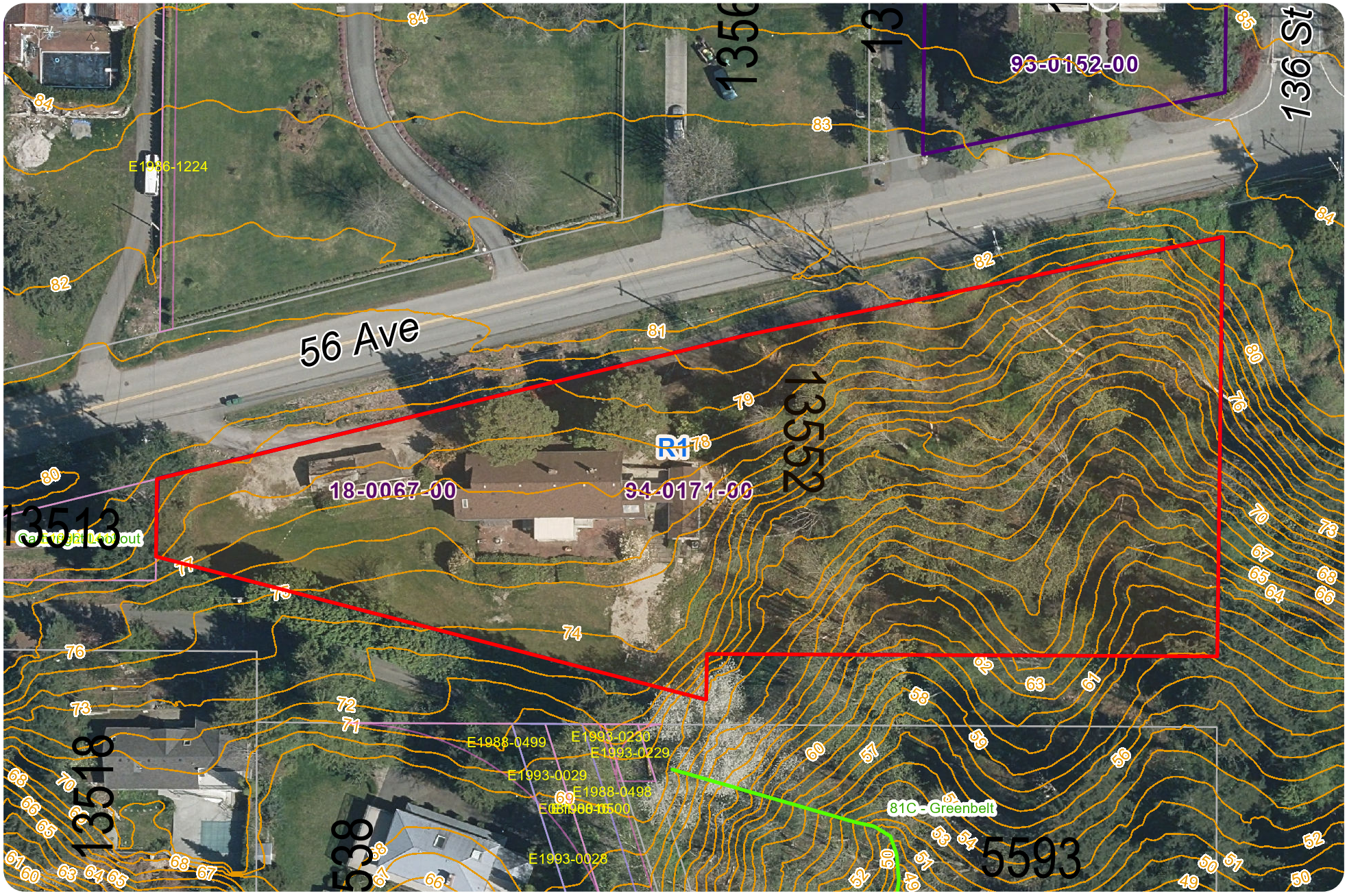
**SHEET TITLE**  
 T1 - TREE REMOVAL AND PRESERVATION PLAN

**CLIENT**  
 \_\_\_\_\_

**DRAWN** MK  
**SCALE** AS SHOWN  
**DATE** AUGUST 29, 2017

**T-1**  
 SHEET 1 OF 2

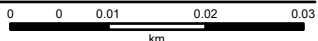




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