

**Proposal:** Rezone from RA to RC to permit subdivision into two (2) single family and one duplex cluster residential lots. Development Variance Permit to reduce the minimum lot area for subdivision in the RC Zone.

**Recommendation:** Approval to Proceed

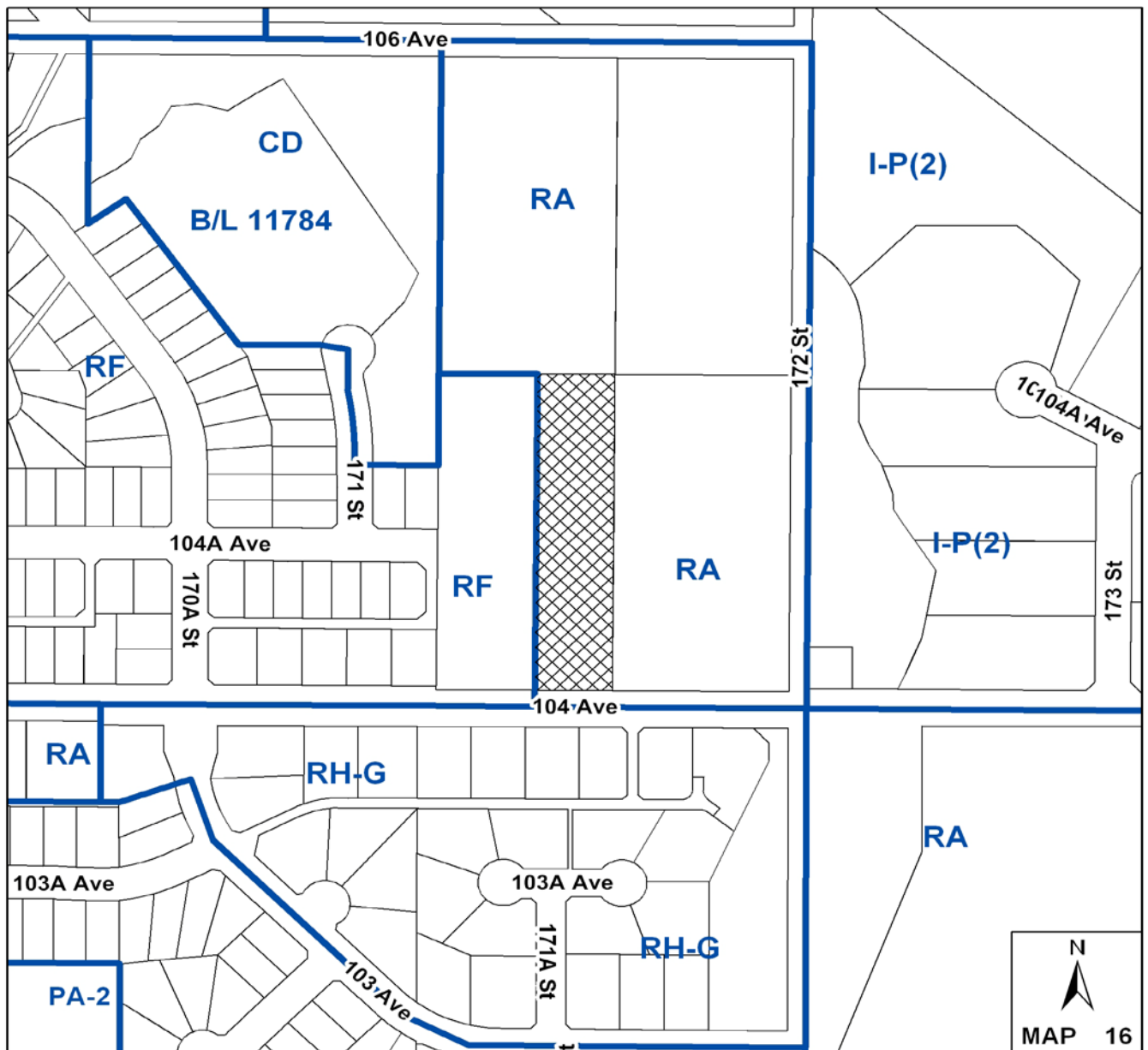
**Location:** 17139 - 104 Avenue

**Zoning:** RA

**OCP Designation:** Urban

**LAP Designation:**

**Owner:** Gabrijel and Bozena Culig



## PROJECT TIMELINE

Completed Application Submission Date:	August 29, 2003
Application Revision & Re-submission Date:	September 1, 2005
Revised Arborist Report and Building Design Guidelines Submission Dates:	March 1 and 9, 2006
Planning Report Date:	March 27, 2006

## PROPOSAL

The applicant is proposing:

- a rezoning from RA to RC; and
- a Development Variance Permit to vary the following by-law regulation:
  - reduce the minimum lot area for subdivision in the RC Zone from 2.0 ha (5 acres) to 0.83 ha (2.1 acres)

in order to allow subdivision into two (2) single family and one (1) duplex cluster residential lots and related open space.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Cluster Residential Zone (RC)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7903-0311-00 (Appendix IX), varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum lot area for subdivision in the RC Zone from 2.0 hectares (5 acres) to 0.83 hectare (2.12 acres).
3. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, 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) approval of Development Variance Permit No. 7903-0311-00; and
- (e) registration of a Restrictive Covenant on proposed Lots 1 to 3 to require mitigating measures to reduce the impact of external noise sources, in particular, the railway and South Fraser Perimeter Road.

## REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix IV).

Parks: No concerns (Appendix V).

School District: **School Impacts:**

### **Projected number of students from this development:**

Elementary students = 1 students  
 Secondary students = 1 students  
 Total new students = 2 students

### **School Catchment Area/Current Enrollment/School Capacity:**

Bothwell Elementary School = 206 enrolled/355 capacity  
 Fraser Heights Secondary School = 1,286 enrolled/1,000 capacity

### **Projected number of students from development approvals in the last 12 months (not including subject project) in the subject school catchment areas:**

Elementary students = 0 students  
 Secondary students = 29 students  
 Total new students = 29 students

### **Approved Capacity Projects and Future Space Considerations**

*An addition at Fraser Heights Secondary is identified in the 3<sup>rd</sup> year of the 2006-2010 Five Year Capital Plan submission.*

(Appendix VI)

Department of Fisheries and Oceans (DFO):

Support. The project was reviewed at the February 18, 2004 Environmental Review Committee (ERC) meeting wherein DFO accepted the proposed setbacks, subject to two-for-one compensation and final review and approval of the outfall plans at the Servicing Agreement stage.

### SITE CHARACTERISTICS

- **Existing Land Use** One single family dwelling to be demolished.
- **Significant Site Attributes** Tributaries of Centre Creek, a Class B (yellow coded) watercourse, that provide significant food and nutrient value for fish, are located within the subject site.
- **East:** Vacant parcel with a tributary of Centre Creek, a Class B (yellow coded) watercourse running through the site, zoned RA, designated Suburban in the OCP.
- **South:** Across 104 Avenue, single family residential, zoned RH-G, designated Suburban in the OCP.
- **West:** Recently approved OCP Amendment and Rezoning Application No. 7902-0302-00 creating eight single family lots, zoned RF, designated Urban in the OCP.
- **North:** Vacant parcels containing several Class A (red coded) tributaries, that potentially inhabit salmonids year-round, Class B (yellow coded) tributaries and the Canadian National Railway, zoned RA and designated Suburban and Industrial in the OCP.

### PLAN AND POLICY COMPLIANCE

OCP Designation:                      Complies.

### DEVELOPMENT CONSIDERATIONS

- The 0.83-hectare (2.0-acre) subject site is located on the north side of 104 Avenue between 171 Street and 172 Street in Fraser Heights and is designated Suburban in the Official Community Plan (OCP).
- The site is currently zoned "One-Acre Residential Zone (RA)". The applicant proposes to rezone the property to "Cluster Residential Zone (RC)" to allow subdivision into two (2) single family residential lots and one (1) duplex residential lot.
- The RC Zone requires that a significant percentage of the site be preserved in its natural state or retained for park and recreational purposes based on the lot types proposed. The applicant has proposed a combination of two Type I lots (proposed Lots 1 and 2) and one Type II lot (proposed Lot 3).
- The amount of open space is calculated based on the proportion of lot types; a minimum of 50% of the site area for Type I lots, and a minimum of 70% for Type II lots. Based on the proposed lots, the amount of open space required is 61% or 0.50 hectare (1.2 acres). The applicant intends to dedicate the land within the 10-metre (32.8 ft.) setback from top-of-bank to accommodate the RC Zone open space requirement (Appendix III). The amount of land to be dedicated equates to 61% of the site area.

- There are a number of cluster housing types permitted under the RC Zone.
- Single family dwellings are the only form of cluster housing permitted on Type I lots in the RC Zone. Proposed Lots 1 and 2 conform to the minimum requirements of Type I lots. The proposed lots range in size from 700 square metres (7,500 sq. ft.) to 931 square metres (10,021 sq.ft.), each with a lot width of 18 metres (60 ft.) and lot depth of approximately 50 metres (100 ft.).
- Both of these lots will gain driveway access from the 104A Avenue cul-de-sac.
- Single family dwellings and duplexes are permitted cluster housing forms on Type II lots in the RC Zone. Proposed Lot 3 meets the minimum requirements of a Type II duplex lot with an area of 1,162 square metres (12,508 sq. ft.), lot width of 43 metres (141 ft.) and lot depth of 30 metres (98 ft.).
- The single family dwelling currently fronting 104 Avenue, will be demolished.
- 104 Avenue is classified as an arterial road. Direct driveway access is not permitted for single family residential lots from an arterial roadway and alternative access is required.
- However, due to an existing home retained on the adjacent lot to the west, (File No. 7902-0302-00) an alternative access cannot be provided. Therefore, the Engineering Department has permitted a temporary driveway access to 104 Avenue until an alternative access is available. The access will be restricted to right-in/right-out only.
- Future development potential of the adjacent property to the east, located at 17169 - 104 Avenue, is limited due to topographical constraints and a tributary of a yellow coded watercourse located on the site.
- There is also another tributary located further east at 17205 and 17215 – 104 Avenue that will require a 15-metre (50 ft.) top-of-bank setback. This 15-metre (50 ft.) setback will also impact the property located at 17169 - 104 Avenue. A survey from an accredited Land Surveyor would need to be undertaken in order to further assess any future development potential.
- The applicant for the subject site 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 for all lots (Appendix VII).
- Basement-entry homes and secondary suites are not permitted.
- The Design Consultant has prepared a site-specific example of a suitable duplex design that can be accommodated on proposed Lot 3. The duplex design is consistent with the style of homes in the neighbouring development to the west.
- The applicant proposes to have in-ground basements on all lots. The south-west portion of proposed Lots 1 and 2, will have approximately 0.5 metre (1.6 ft.) to 2.0 metres (6.5 ft.) of fill to achieve the ultimate road grade. The southern portion of proposed Lot 3 will have approximately 0.5 metre (1.6 ft.) of fill. A preliminary lot grading plan was submitted and reviewed by staff and found to be generally acceptable.

- C. Kavolinas & Associates Inc. prepared the Arborist Report and Tree Preservation/Replacement Plans. They have been reviewed by the City's Landscape Architect and deemed acceptable (Appendix IX).
- A total of 25 mature trees have been identified within the developable portion of the site. These trees consist mainly of Maple, Cedar, and Spruce. Of this total, 1 will be retained in the side yard of proposed Lot 3; 19 will be removed as they are located within the future building envelopes or area to be filled and 5 will be removed due to their hazardous condition.
- The Arborist also identified 37 trees within the preservation area that will be retained.
- A total of 8 replacement trees consisting of Red Flowering Dogwood, Saucer Magnolia, Western Red Cedar and Douglas Fir are being proposed. There will be a minimum of 3 trees per lot.

### PRE-NOTIFICATION

Pre-notification letters were sent on October 28, 2005 and staff received the following comments:

- TLC, The Land Conservancy, expressed concerns regarding the potential negative impact on wildlife habitat and riparian areas this project may have on the ecological integrity of 17122 – 106 Avenue, located immediately north of the subject site, if there is an increase in public accessibility and impermeable surfaces, and the effect this will have on water levels and quality.

*(The northern portion of the site is to be dedicated as open space. The applicant will be required to erect a fence along the north property line of each proposed lot, which should prevent persons from trespassing onto what will be dedicated open space.)*

- One caller expressed concern with trucks accessing the site from 104A Avenue during construction and requested access be restricted to 104 Avenue.

*(Engineering confirmed that the applicant will be required to provide a temporary on-site construction access from 104 Avenue to the 104A Avenue cul-de-sac. Construction access through residential roads will not be permitted. This condition was placed in the servicing agreement for the adjacent development to the west (File No. 7902-0302-00) in order to address this same concern.)*

- One caller requested information on the proposed RC Zone as it pertains to the subject site.

*(The applicant is proposing to rezone to the RC Zone with a dedication of 61% open space. With a 61% dedication of open space, both Type I and Type II lots are permitted. Therefore, single family dwellings and duplexes are the permitted cluster housing types.*

*The minimum area requirement for Type I lots in the RC Zone is 700 square metres (7,500 sq.ft.) with a minimum lot width of 18 metres (60 ft.) and minimum lot depth of 30 metres (100 ft.)*

*Single family dwellings and duplexes are permitted cluster housing forms on Type II lots in the RC Zone. The minimum area requirement for Type II lots in the RC Zone is 745 square metres (8,000 sq.ft.) with a minimum lot width of 15 metres (50 ft.) and minimum lot depth of 30 metres (100 ft.)*

*Proposed Lot 3 meets the minimum requirements of a Type II duplex lot with an area of 1,162 square metres (12,508 sq. ft.), lot width of 43 metres (141 ft.) and lot depth of 30 metres (98 ft.).*

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the required minimum lot area for subdivision in the RC Zone from 2.0 hectares (5 acres) to 0.83 hectare (2.1 acres).

Applicant's Reasons:

- The size of the parcel does not meet the minimum required lot area for subdivision under the RC Zone; however, the property can be subdivided in accordance with all other RC Zone regulations.

Staff Comments:

- The size of the parcel does not meet the minimum required lot area for subdivision under the RC Zone; however, the property can be subdivided in accordance with all other RC Zone regulations.
- The applicant has demonstrated that development of the adjacent property to the east at 17169 - 104 Avenue, is limited due to topographical constraints and a tributary of a yellow coded watercourse located on the site.
- Staff support the requested variance.

#### 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.	Contour Map
Appendix III.	Proposed Subdivision Layout
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	School District Comments
Appendix VII.	Building Design Guidelines Summary
Appendix VIII.	Sample Potential Duplex Design and Siting

Appendix IX. Summary of Tree Survey and Tree Preservation  
Appendix X. Development Variance Permit No. 7903-0311-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated December 15, 2005.
- Tree Preservation and Replacement Plan dated March 9, 2006.

Murray Dinwoodie  
General Manager  
Planning and Development

JJ/kms

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## SUBDIVISION DATA SHEET

**Proposed Zoning: RC**

Requires Project Data	Proposed	
<b>GROSS SITE AREA</b>		
Acres	2.05 acres	
Hectares	0.828 ha	
<b>NUMBER OF LOTS</b>		
Existing	1	
Proposed	3	
<b>SIZE OF LOTS</b>		
Range of lot widths (metres)	18.0 m - 43.0 m	
Range of lot areas (square metres)	700 m - 1,162 m <sup>2</sup>	
<b>DENSITY</b>		
Lots/Hectare & Lots/Acre (Gross)	1.46 lots/ac	3.62 lots/ha
Lots/Hectare & Lots/Acre (Net)	1.55 lots/ac	3.83 lots/ha
<b>SITE COVERAGE (in % of gross site area)</b>		
Maximum Coverage of Principal & Accessory Building	13.5%	
Estimated Road, Lane & Driveway Coverage	7.1%	
Total Site Coverage	20.6%	
<b>PARKLAND</b>		
Area (square metres)	5,039 m <sup>2</sup>	
% of Gross Site	61%	
	<b>Required</b>	
<b>PARKLAND</b>		
5% money in lieu	NO	
<b>TREE SURVEY/ASSESSMENT</b>	YES	
<b>MODEL BUILDING SCHEME</b>	YES	
<b>HERITAGE SITE Retention</b>	NO	
<b>BOUNDARY HEALTH Approval</b>	NO	
<b>DEV. VARIANCE PERMIT required</b>		
Road Length/Standards	NO	
Works and Services	NO	
Building Retention	NO	
Site Area	YES	

CONTOUR MAP FOR SUBJECT SITE

