

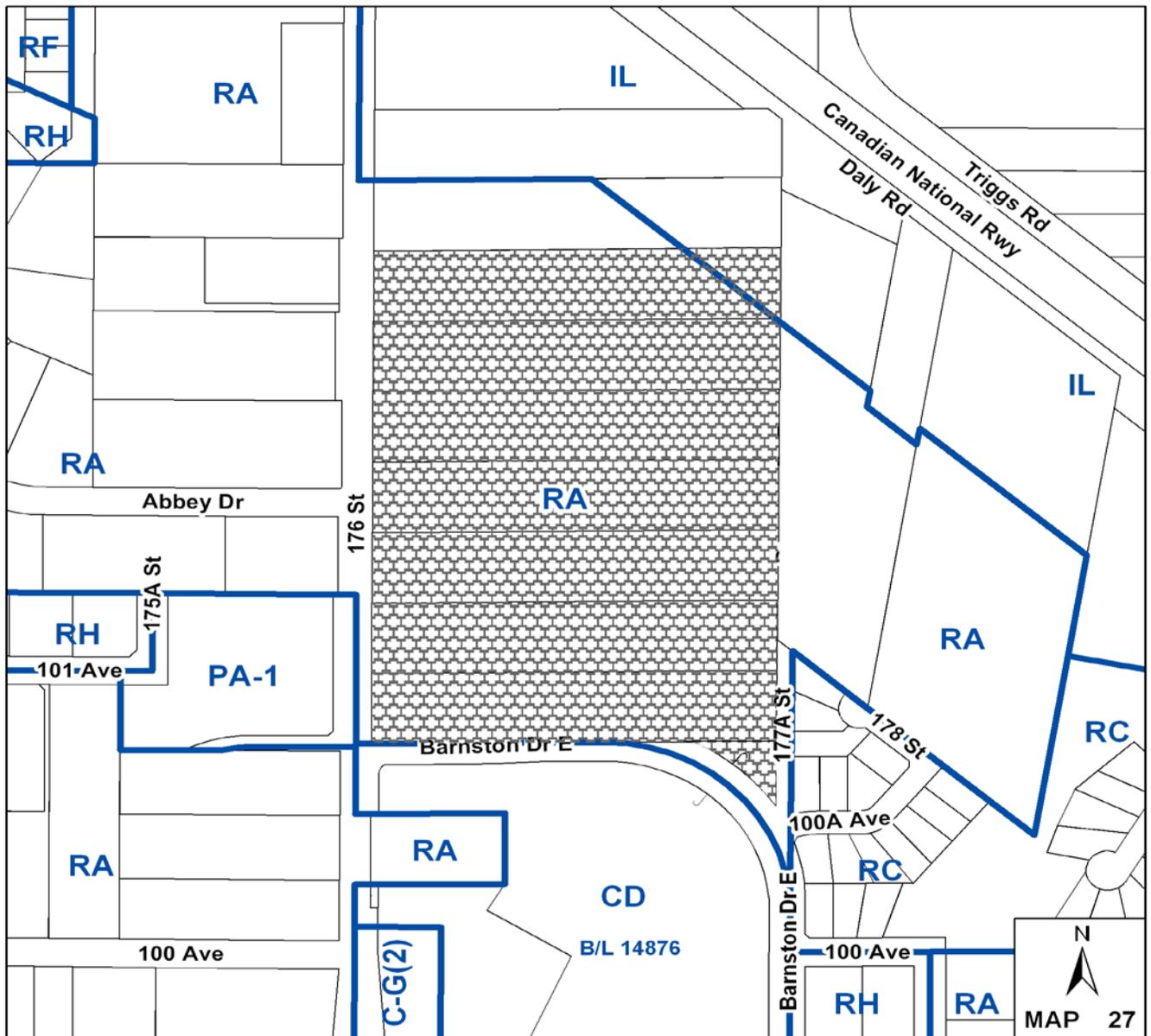
**Proposal:** Amendments to OCP Amendment By-law No. 15874 and Zoning Amendment By-law No. 15875 to permit subdivision into approximately 59 single family lots. DVP to vary the maximum fence height.

**Recommendation:** Approval to Proceed

**Location:** 176 Street & Barnston Drive East      **Zoning:** RA and IL

**OCP Designation:** Suburban/Industrial

**LAP Designation:** Suburban/Cluster Res.      **Owner:** Manjit Saini et al



## PROJECT TIMELINE

Application Revision & Re-submission Date: July 6, 2006  
Planning Report Date: July 24, 2006

## PROPOSAL

The applicant is requesting:

- an amendment to OCP Redesignation By-law No. 15874;
- an amendment to Rezoning By-law No. 15875; and
- a Development Variance Permit to vary the following by-law regulation:
  - to increase the maximum residential fence height from 1.8 metres (6 ft.) to 3.0 metres (10 ft.) within side yard or rear yard locations of the proposed lots adjacent to the South Fraser Perimeter Road (176 Street)

in order to allow subdivision into approximately 59 single family lots.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council rescind the resolution giving Third Reading of By-law No. 15874 and amend the by-law to reflect the new survey plan, (Appendix I) and a date be set for Public Hearing.
2. Council rescind Third Reading of By-law No. 15875 and amend the by-law to reflect the new survey plan, and a date be set for Public Hearing.
3. Council rescind the approval of Development Variance Permit No. 7905-0086-00 and approve the amended Development Variance Permit No. 7905-0086-00 (Appendix VI), varying the following to proceed to Public Notification:
  - (a) to increase the maximum residential fence height in the Zoning By-law from 1.8 metres (6 ft.) to 3.0 metres (10 ft.) within side yard or rear yard locations of the proposed lots adjacent the South Fraser Perimeter Road.
4. Council instruct staff to resolve the following issues 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 environmental assessment for review by the Department of Fisheries and Oceans (DFO) for the one-stream within the eastern part of the subject site;

- (c) submission of a subdivision layout to the satisfaction of the Approving Officer and, if necessary, by the Department of Fisheries and Oceans (DFO);
  - (d) approval from the Ministry of Transportation;
  - (e) submission of an acceptable tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (f) submission of a landscape plan for the landscape buffers and a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (g) registration of a Section 219 Restrictive Covenant for the completion of the landscaped buffers and protection and maintenance of the landscaped buffers thereafter;
  - (h) registration of a Section 219 Restrictive Covenant on all lots notifying the owners to the potential for noise related to adjacent uses and to require mitigating measures to reduce the impact of external noise sources from the proximity to the South Fraser Perimeter Road and ~~existing~~ industrial uses to the north; and
  - (i) provision of community benefit to satisfy the OCP Amendment policy for Type 2 applications.
5. Council pass a resolution to amend the North Slope Study to redesignate the land from Cluster Housing to Urban Residential when the project is considered for Final Adoption.

## DEVELOPMENT CONSIDERATIONS

### Background

- On November 7, 2005, Council considered a Planning Report concerning the subject properties, and approved an OCP amendment for a portions of the lands from Suburban and Industrial to Urban and a rezoning of a portion of the lands from RA and IL to RF in order to allow subdivision into approximately 70 single family residential lots. Council also approved a Development Variance Permit to vary the maximum residential fence height from 1.8 metres (6 ft.) to 3.0 metres (10 ft) within the side yard or rear yard locations of the proposed lots adjacent to the South Fraser Perimeter Road (176 Street).
- It was identified in the Planning Report that there was an unnamed creek located at the east end of the subject site which had not been identified on the City's watercourse classification system. As a requirement of rezoning, the applicant was to engage the services of an environmental consultant to prepare an environmental assessment of the creek for review by the Department of Fisheries and Oceans (DFO).
- OCP Amendment By-law No. 15874 to redesignate the site from Suburban and Industrial to Urban and Rezoning By-law No. 15975 both received Third Reading on November 30, 2005.

- The applicant hired an environmental consultant to undertake an assessment of the creek. This assessment identified the unnamed creek at the east end of the site as a Class B Yellow-coded watercourse. Such watercourses require a 15-metre (50 ft.) riparian setback area measured from the top-of-bank of the watercourse.
- Because of the timelines, and at the applicant's request, an initial Preliminary Layout Approval Letter (PLA) was issued on March 15, 2006 for a total of 24 lots which were not impacted by the creek location.
- More recently, DFO, on May 24, 2006, endorsed an amended subdivision layout with some encroachments into the environmental areas, and has approved the proposed setback areas, provided that there is the submission of a storm water management plan for approval, and final approval from the Approving Officer for the requested subdivision.
- This amended layout comprises 59 RF lots, a 10,451-square metre (2.6 acre) park area for creek protection and a remainder lot (proposed Lot 61) to be acquired by the Gateway Program for the future widening of 176 Street to provide connections to the South Fraser Perimeter Road.
- An amended PLA was issued on June 22, 2006, for this subdivision layout.
- One of the conditions of the PLA is a reconciliation of the lot lines to comply with the survey plan attached to the rezoning and OCP amendment by-laws to avoid any split-zoning and split-designation.
- The applicant reviewed in detail the revised layout to the survey plan attached to the rezoning by-law and identified some discrepancies between revised layout and the survey plan.
- In order to reconcile this discrepancy, the applicant has requested a minor adjustment of the OCP amendment and rezoning by-law boundaries.

### Current Proposal

- In order to reconcile the revised lot lines to comply with the survey plan attached to the OCP amendment and rezoning by-laws to avoid any split-designation or split-zoning, the applicant is requesting that the Urban boundary and RF zoning boundary be shifted approximately 6.0 metres (20 ft.) to the west into the portion of the subject properties being protected for the proposed South Fraser Perimeter Road (SFPR), shown as proposed Lot 61 in the subdivision plan (Appendix III).
- Whereas the original survey plan proposed an Urban designated area of 6.158 hectares (15.21 acres), the revised Urban area is 6.7188 hectares (16.6 acres).
- The area required for the SFPR (approximately 25,093 square metres [6.2 acres]) is not proposed for OCP amendment or rezoning.
- The Gateway Program is satisfied that the phased construction of the SFPR can be accommodated within this revised area.

- With the modification of the zoning boundary, the entire berm along the west property line is now proposed on private property. Revised landscape plans for the plant material maintain a 17.5-metre (57.4 ft.) wide area along both the future South Fraser Perimeter Road and Barnston Drive East.
- As the proposed area for Urban development is now a greater area than was presented at the Public Hearing, both by-laws will have to be amended and presented at a Public Hearing.
- It is therefore requested that Council amend both By-law Nos. 15874 and 15875 to reflect the attached survey plan and set a new date for Public Hearing. All other requirements outlined in the November 7, 2005 Planning Report (Appendix IV) are to be satisfied prior to the by-laws being presented for consideration of final adoption.

### PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the *Local Government Act*, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Part 4, General Provisions of the Zoning By-law, to increase the maximum height of a residential fence located within a rear and side yard from 1.2 metres (6 ft.) to 3.0 metres (10 ft.) for the lots abutting the future South Fraser Perimeter Road alignment.

Applicant's Reasons:

- To allow for the construction of a noise mitigation fence that is designed to provide sound attenuation for residents living immediately adjacent to ~~32 Avenue~~ the future South Fraser Perimeter Road.

Staff Comments:

- The future South Fraser Perimeter Road will be a transportation corridor, accommodating higher volumes of traffic, including trucks, resulting in increased noise to the future residential properties to the east.
- Measures have been taken in the design and landscaping of the proposed mitigation fence to minimize its visual impact upon future local residents in the proposed development. Therefore, the variance is considered to be supportable by Planning & Development Department staff.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary, Project Data Sheets and Survey Plan
- Appendix II. Contour Map
- Appendix III. Revised Subdivision Layout
- Appendix IV. Plan Showing Existing and Proposed Zoning
- Appendix V. Revised Berm Landscaping Plan
- Appendix VI. Development Variance Permit No. 7905-0086-00
- Appendix VII. Previous Planning Report

How Yin Leung  
Acting General Manager  
Planning and Development

LAP/kms

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Information for City Clerk

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

1. (a) Agent:      Name:                Richard Brooks, c/o H.Y. Engineering Ltd.  
                         Address:                #200 - 9128 - 152 Street  
   Surrey, B.C. V3R 4E7  
   Tel:                     604-583-1616

2.      Properties involved in the Application

(a)      Civic Addresses:      10094, 10112, 10136, 10168, 10178, 10216 and 10230 -  
   176 Street and a portion of 17626 Barnston Drive East

(b)      Civic Address:            10094 - 176 Street  
                         Owners:                    Amarjit Singh Hayre and Iqbal Singh Gill  
                         PID:                        012-346-756  
                         Lot 4 District Lot 389"A" Group 2 New Westminster District Plan 1778

(c)      Civic Address:            10112 - 176 Street  
                         Owner:                     Tip Top Developments Ltd.  
                         PID:                        000-454-338  
                         Lot 5 District Lot 389A Group 2 New Westminster District Plan 1778

(d)      Civic Address:            10136 - 176 Street  
                         Owner:                     680431 B.C. Ltd.

Director Information:  
Amarjit Kaur Saini  
Jetinder Kaur Saini

Officer Information: (as at November 3, 2005)  
Amarjit Kaur Saini (President)  
Jetinder Kaur Saini (Secretary)

PID:                            012-346-772  
Lot 6 District Lot 389"A" Group 2 New Westminster District Plan 1778

(e)      Civic Address:            10186 - 176 Street  
                         Owner:                     Surinder Kaur Siekham  
                         PID:                        012-346-781  
                         Lot 7 District Lot 389"A" Group 2 New Westminster District Plan 1778

(f)      Civic Address:            10178 - 176 Street  
                         Owner:                     Linda Chahl  
                         PID:                        012-346-802  
                         Lot 8 District Lot 389"A" Group 2 New Westminster District Plan 1778

- (g) Civic Address: 10216 - 176 Street  
 Owners: Linda Chahl  
 PID: 012-346-837  
 Lot 9 District Lot 389"A" Group 2 New Westminster District Plan 1778
- (h) Civic Address: 10230 - 176 Street  
 Owners: Somal & Litt Enterprises Ltd.  
 PID: 012-364-845  
 Lot 10 District Lot 389"A" Group 2 New Westminster District Plan 1778
- (g) Civic Address: Portion of 17626 Barnston Drive East  
 Owners: Annadale Holdings Ltd.  
 PID: 024-203-700  
 Lot 3 District Lots 389A and 390A Group 2 New Westminster District Plan PLMP38539

### 3. Summary

- (a) Rescind Third Reading of By-law No. 15874.  
 Amend By-law No. 15874 in Section 1 by:  
 Deleting the text:

"Portions of land shown on a Survey Plan attached hereto and forming part of this by-law as Schedule A, certified correct by P.J. Burnham, B.C.L.S. on the 2nd day of November, 2005, called Block B and containing 6.158 hectares, and more particularly described as follows:"

and replacing it with the following:

"Portions of land shown on a Survey Plan attached hereto and forming part of this by-law as Schedule A, certified correct by Eugene O. Wong, B.C.L.S. on the 30<sup>th</sup> day of June 2006, called Block B and containing 6.7188 hectares, and more particularly described as follows:"

And appending a new Survey Plan attached as Schedule A.

Set new Public Hearing date.

- (b) Rescind Third Reading of By-law No. 15875  
 Amend By-law No. 15875 in Section 1 by:  
 Deleting the text:

"Portions of land shown on a Survey Plan attached hereto and forming part of this by-law as Schedule A, certified correct by P.J. Burnham, B.C.L.S. on the 2nd day of November, 2005, called Block B and containing 6.158 hectares, and more particularly described as follows:"

and replacing it with the following:

"Portions of land shown on a Survey Plan attached hereto and forming part of this by-law as Schedule A, certified correct by Eugene O. Wong, B.C.L.S. on the 30<sup>th</sup> day of June 2006, called Block B and containing 6.7188 hectares, and more particularly described as follows:"

And appending a new Survey Plan attached as Schedule A.

Set new Public Hearing date.

- (c) Application is under the jurisdiction of MOT.  
File No. 1-6-22386
- (d) Rescind approval of Development Variance Permit No. 7905-0086-00.
- (e) Proceed to Public Notification for revised Development Variance Permit No. 7905-0086-00.

CONTOUR MAP FOR SUBJECT SITE

