

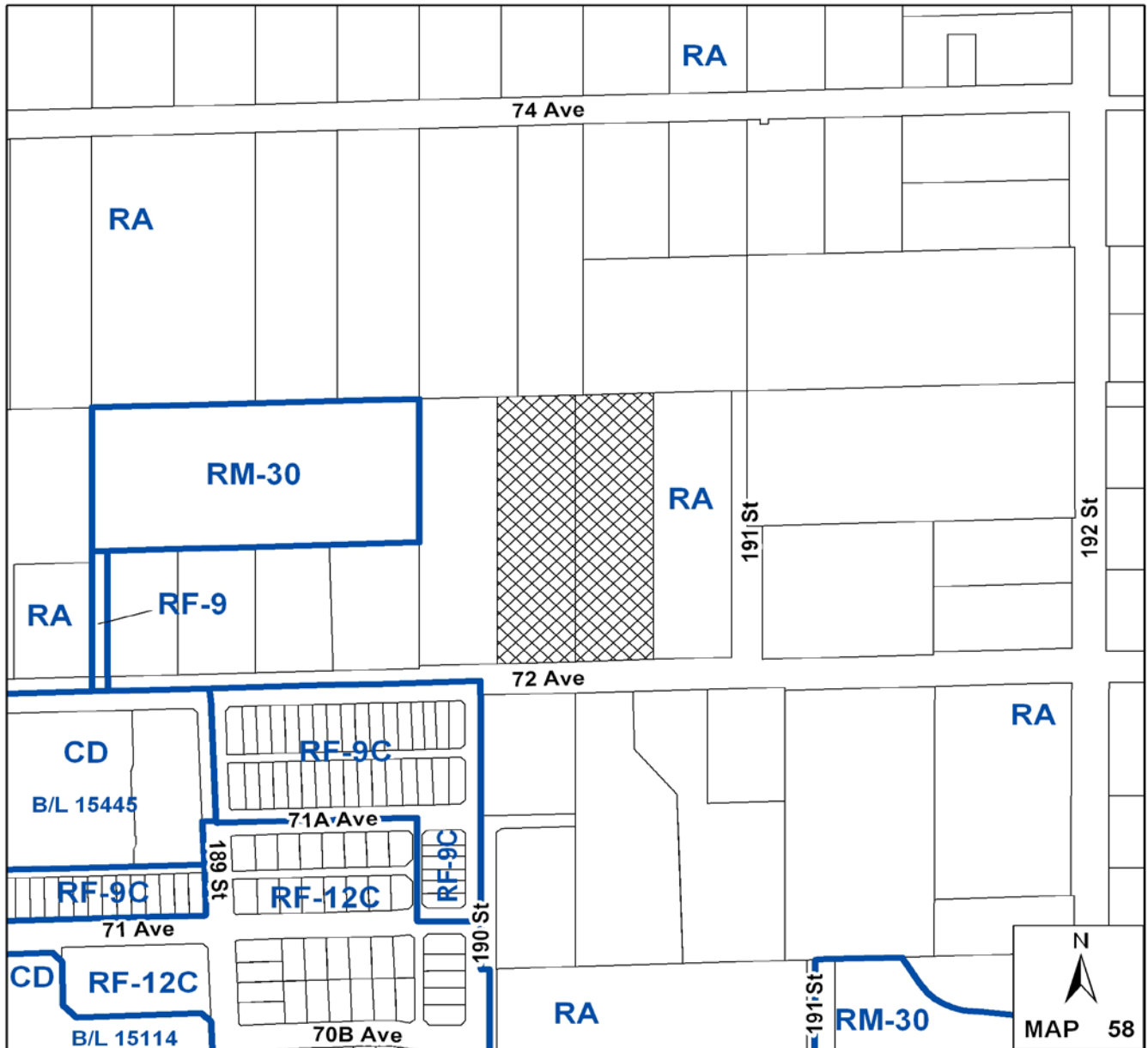
Proposal: Amend OCP on a portion from Suburban to Urban. Rezone a portion from RA to RF-9C to permit subdivision into 21 small single family lots and one remainder parcel. DVP to vary lot width.

Recommendation: Approval to Proceed

Location: 19027/19057 – 72 Avenue **Zoning:** RA

OCP Designation: Suburban

LAP Designation: 10-15 upa Med Density **Owners:** Nicholas Bodnarchuk et al.



PROJECT TIMELINE

Initial Application Date:	April 19, 2006
Completed Application Submission Date:	January 11, 2007
Planning Report Date:	February 26, 2007

PROPOSAL

The applicant is proposing:

- an OCP amendment of a portion from Suburban to Urban;
- rezoning of a portion from RA to RF-9C; and
- a Development Variance Permit to relax the following by-law regulation:
 - reduce the minimum lot width of the RA Zone from 50 metres (165 ft.) to 27.5 metres (90 ft.)

in order to permit the development of approximately 21 small single family lots with coach houses, a remainder RA parcel, and parkland.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to redesignate a portion of the property (Block B on Survey Plan) from Suburban to Urban and a date for Public Hearing be set (Appendix I).
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the *Local Government Act*.
3. a By-law be introduced to rezone Block B, as shown on the attached Survey Plan (Appendix I), from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential (9) Coach House Zone (RF-9C)" (By-law No. 12000) and a date be set for Public Hearing;
4. Council approve Development Variance Permit No. 7906-0174-00, (Appendix X) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum lot width of the RA Zone from 50.0 metres (165 ft.) to 27.5 metres (90.2 ft.) for proposed Lot 23.

5. 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) registration of a Section 219 Restrictive Covenant for "no build" on the proposed remainder RA lot until such time as conditions permit development of the site;
 - (e) finalization of the agreement for the acquisition by the City of the proposed open space for park purposes; and
 - (f) approval of Development Variance Permit No. 7906-0174-00.

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 V).

Parks: The applicants should provide the required 5% park dedication in accordance with the approved East Clayton NCP – North Extension. Parks, Recreation and Culture will acquire the remaining area intended for open space in the NCP. At time of development of the remainder parcel, Parks intends to acquire additional land in accordance with the NCP (Appendix VI).

School District: **School Impacts:**

Projected number of students from this development:

Elementary students = 10 students
 Secondary students = 4 students
 Total new students = 14 students

School Catchment Area/Current Enrollment/School Capacity:

East Clayton Elementary School = 299 enrolled/240 capacity
 Clayton Heights Secondary School = 1,192 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 = 200 students
 Secondary students = 224 students
 Total new students = 424 students

Approved Capacity Projects and Future Space Considerations

Two new school sites have been purchased in the East Clayton area to address residential build out pursuant to the NCP, and a new school is planned for possible opening by 2007-2008 school year to relieve projected overcrowding at Clayton and East Clayton. There is a new secondary school site approved for purchase in North Clayton area in the current year with construction proposed for approval in 2008. The proposed development will not have an impact on these projections

(Appendix VII)

Terasen Gas

Terasen Gas supports the proposal to use the right-of-way as parkland (Appendix VIII).

SITE CHARACTERISTICS

- **Existing Land Use** Acreage parcels, one vacant, and one with an existing home to be demolished, zoned RA, designated Suburban in the OCP and partially designated Public Open Space/Park and 10-15 u.p.a. (Medium Density) in the East Clayton NCP – North Extension.
- **Significant Site Attributes** A Terasen Gas right-of-way traverses the site.
- **East:** Park land and a vacant acreage lot created under Application No. 7906-0175-00, zoned RA, designated Suburban in the OCP and Public Open Space/ Park in the East Clayton NCP – North Extension.
- **South:** Across 72 Avenue, vacant parcels and GVRD water reservoir, zoned RA, designated Urban in the OCP and Utility – Open Space, 10-15 u.p.a. (Medium Density) in the East Clayton NCP.
- **West:** Existing single family dwelling on an acreage parcel, zoned RA, designated Suburban in the OCP and Public Open Space/Park, 15-25 u.p.a. (Medium-High Density) and 10-15 u.p.a. Special Residential in the East Clayton NCP – North Extension.
- **North:** Existing single family residential lots, zoned RA, designated Suburban.

PLAN AND POLICY COMPLIANCE

OCP Designation: Partially complies. Needs partial amendment from Suburban to Urban.

NCP Designation: Complies.

JUSTIFICATION FOR PLAN AMENDMENT

- The approximately 1.9-hectare (4.7-acre) site is designated Suburban in the Official Community Plan (OCP). The portion of the site to the south of the Terasen Gas right-of-way is located within the East Clayton NCP – North Extension area. The northern-most boundary of the right-of-way is the servicing boundary for the area; lands north of this particular boundary are outside of the sanitary sewer catchment area and stormwater drainage basin serving the East Clayton NCP – North Extension area (Appendix XII).
- Council, on July 28, 2004, approved Stage 1 (Corporate Report No. C009), which deals with land use designations and road network in the East Clayton NCP – North Extension area. On June 20, 2005, Council approved the corresponding Stage 2 Report (Corporate Report No. C011).
- Currently, the land use designations that are reflected in the East Clayton NCP – North Extension area require corresponding OCP designation amendments from Suburban to Urban . The approved Stage 2 Report (Corporate Report No. C011) directed staff to bring forward specific OCP amendments on a site-by-site basis concurrently with site-specific rezoning applications.
- The applicant is requesting an OCP amendment from Suburban to Urban. The proposal is consistent with the designation in the East Clayton – North Extension Neighbourhood Concept Plan (NCP) and is therefore appropriate.

DEVELOPMENT CONSIDERATIONS

Site Context

- The subject site is located on the north side of 72 Avenue in the East Clayton – North Extension area. The site consists of two acreage parcels, which are encumbered by a Terasen Gas right-of-way traversing the site, generally from east-west.
- The site is designated Suburban in the Official Community Plan (OCP). The portion of the site to the south of the Terasen Gas right-of-way is designated Public Open Space/Park and 10-15 u.p.a. (Medium Density) in the East Clayton NCP – North Extension Neighbourhood Concept Plan (NCP). The portion of the site to the north of the right-of-way does not have an NCP designation.

- The subject site is currently zoned "One Acre Residential Zone" (RA). The applicant is proposing to rezone the southern 0.818-hectare (2.0-acre) portion of the site to "Single Family Residential (9) Coach House Zone" (RF-9C) to allow subdivision into approximately 21 small single family lots as per Block B on the Survey Plan (Appendix I).
- A 1.082-hectare (2.7-acre) portion of the site will remain zoned "One Acre Residential Zone" (RA) as per Block A on the Survey Plan (Appendix I). Approximately 4,959 square metres (1.2 acres) is designated for Park/Open Space as per the East Clayton NCP – North Extension. The applicant will dedicate 5% of this portion to the City; the remainder will be purchased by the City.
- Proposed Lot 23 will remain as an undeveloped RA lot. A Section 219 Restrictive Covenant (No Build) will be registered over this remainder parcel until such time as conditions permit redevelopment.

Proposed Subdivision Layout

- All 21 proposed RF-9C lots conform to the minimum requirements of the RF-9C Zone Type I Lot, in terms of lot area, width and depth. They range in size from 274 square metres (2,853 sq.ft.) to 446 square metres (4,801 sq.ft.). The lots range in width from 8.3 metres (27 ft.) to 11 metres (36 ft.).
- Access into the site will come from the future 190 Street, which connects to 72 Avenue. 190 Street will be constructed by the developer on the Statutory Right-of-Way registered on the neighbouring property to the west (18993 – 72 Ave), therefore allowing the construction of 190 Street in its proposed ultimate location.
- Proposed Lots 1 to 11 will front onto 72 Avenue. Vehicle access to these lots will be gained from a lane that connects to 190 Street.
- Proposed Lots 12 to 21 will front onto the future 72A Avenue. Vehicle access to these lots will be gained from a lane that connects to 190 Street.
- The proposed remainder RA parcel (proposed Lot 23) conforms to the minimum requirements of the RA in terms of lot area and depth. The lot area is 5,271 square metres (1.30 acres). The lot depth is 98.7 metres (324 ft.).
- The applicant is requesting a Development Variance Permit in order to vary the minimum lot width of the remainder RA parcel (proposed Lot 23) from 50 metres (164 ft.) to 27.5 metres (90 ft.) (see By-law Variance section).
- Proposed Lot 23 will gain access to 72A Ave via a temporary panhandle. This temporary panhandle will be subdivided and dedicated as park in the future. In the interim, a Section 219 Restrictive Covenant (No Build) will be registered over the whole parcel (see Appendix III).
- The proposed layout demonstrates the 4,927-square metres (1.22-acre) parcel of open space that is planned as part of the open space network for East Clayton, as indicated in the East Clayton NCP – North Extension.

- The applicant will dedicate 5% of the open space, which is equivalent to approximately 246 square metres (0.06 acre). As the proposed open space exceeds the statutory park dedication of 5%, the City will purchase the open space in excess of the 5% requirement.
- The provision of open space at this location will form part of the Clayton Greenway, which is located within the Terasen Gas Right-of-Way.

Design Considerations and Proposed Lot Grading

- The applicant for the subject site has retained Lisa de Vooght of Sandbox Design Works 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 VIII).
- In-ground basements are proposed based on the lot grading and tree preservation information that was provided by the applicant. Basements will be achieved with minimal cut or fill. The information has been reviewed by staff and found to be generally acceptable.
- Basement-entry homes will not be permitted.
- MGF Horticultural Inc. prepared the Arborist Report and Trees Preservation/Replacement Plans. They have been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report indicates there are 16 mature trees on the subject site. The report proposes the removal of 9 trees because they are located either within the building envelopes or the footprint of underground services. The Report proposes seven (7) trees be retained on proposed Lot 23. Twenty-one (21) replacement trees will be planted for a total of twenty-eight (28) trees on site, providing for an average of 1.3 trees per lot.
- Under the recently approved new Tree Protection By-law, tree replacement is required at specified ratios. Protected trees are to be replaced at a ratio of 2:1, while alder and cottonwood trees are to be replaced at a ratio of 1:1. As nine (9) protected trees are to be removed, a total of eighteen (18) replacement trees would be required for this application. The applicant proposes twenty-one (21) replacement trees. Under the requirements of the new Tree Preservation By-law, this does not result in a tree replacement deficit.

PRE-NOTIFICATION

Pre-notification letters were sent on January 22, 2007 and revised pre-notification letters were sent on February 12, 2007. Staff received no comments.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the *Local Government Act*, public consultation took place as part of the preparation of the East Clayton-North Extension NCP. Given that the proposal is in compliance with the NCP, 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 relax the minimum lot width of the RA Zone from 50 metres (164 ft.) to 27.5 metres (90 ft.) for proposed Lot 23.

Applicant's Reasons:

- The RA parcel under consideration is a remnant parcel that falls outside of the East Clayton NCP – North Extension area. It will be held as a remainder parcel until such time as a plan is developed for the area and conditions permit development.
- The only frontage possibility is along proposed 72A Ave, requiring temporary access to achieve legal frontage.
- Because the site is encumbered with the Terasen Gas right-of-way, a lot width of 27.5 metres (90 ft.) on the western property line is the maximum achievable.

Staff Comments:

- In order to create a legal lot, the applicant is required to provide a temporary access across the Terasen Gas right-of-way and proposed park. In the future, when conditions permit development of the remainder parcel, the temporary access will be dedicated to the City as park.
- The lot will be serviced.
- A Section 219 Restrictive Covenant (No Build) will be registered on this parcel.
- Staff are in agreement with the applicant's rationale and therefore, support the proposed variance.

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.	OCP Amendment Map
Appendix IV.	Proposed Subdivision Layout
Appendix V.	Engineering Summary
Appendix VI.	Parks Comments
Appendix VII.	School District Comments
Appendix VIII.	Terasen Gas Comments
Appendix IX.	Building Design Guidelines Summary
Appendix X.	Summary of Tree Survey and Tree Preservation
Appendix XI.	East Clayton NCP Extension – North of 72 Avenue
Appendix XII.	Development Variance Permit No. 7906-0174-00

INFORMATION AVAILABLE ON FILE

- Survey Plan, 3 copies
- Detailed Engineering Comments dated February 21, 2007.
- Tree Preservation and Replacement Plan dated February 2007.
- Soil Contamination Review Questionnaire prepared by Richard Brooks dated April 17, 2006

How Yin Leung
Acting General Manager
Planning and Development

CA/kms

Information for City Clerk

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

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

2. Properties involved in the Application

(a) Civic Address: 19027 and 19057 - 72 Avenue

(b) Civic Address: 19027 - 72 Avenue
 Owner: Nicholas William Bodnarchuk
 PID: 000-572-420
 Lot 67 Section 21 Township 8 New Westminster District Plan 62164

(c) Civic Address: 19057 - 72 Avenue
 Owners: Iqbal Gill, Amarjit Hayre, Dilbagh Dhaliwal and
 Mohinder Dhaliwal
 PID: 003-034-771
 Lot 68 Section 21 Township 8 New Westminster District Plan 62164

3. Summary of Actions for City Clerk's Office

(a) Introduce a By-law to amend the Official Community Plan to redesignate a portion of the property.

(b) Introduce a By-law to rezone a portion of the property.

(c) Proceed with Public Notification for Development Variance Permit No. 7906-0174-00.

SUBDIVISION DATA SHEET

Proposed Zoning: RF-9C/RA

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	4.70 ac
Hectares	1.9007 ha
NUMBER OF LOTS	
Existing	2
Proposed	23
SIZE OF LOTS	
Range of lot widths (metres)	9.8 m ² - 27.5 m ²
Range of lot areas (square metres)	274 m ² - 5,271 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	12.1 lots/ha 4.89 lots/ac
Lots/Hectare & Lots/Acre (Net)	17.9 lots/ha 7.25 lots/ac
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	34.9%
Estimated Road, Lane & Driveway Coverage	21.2%
Total Site Coverage	56%
PARKLAND	
Area (square metres)	4,927 m ²
% of Gross Site	25.9%
Required	
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Lot Width	YES

CONTOUR MAP FOR SUBJECT SITE

