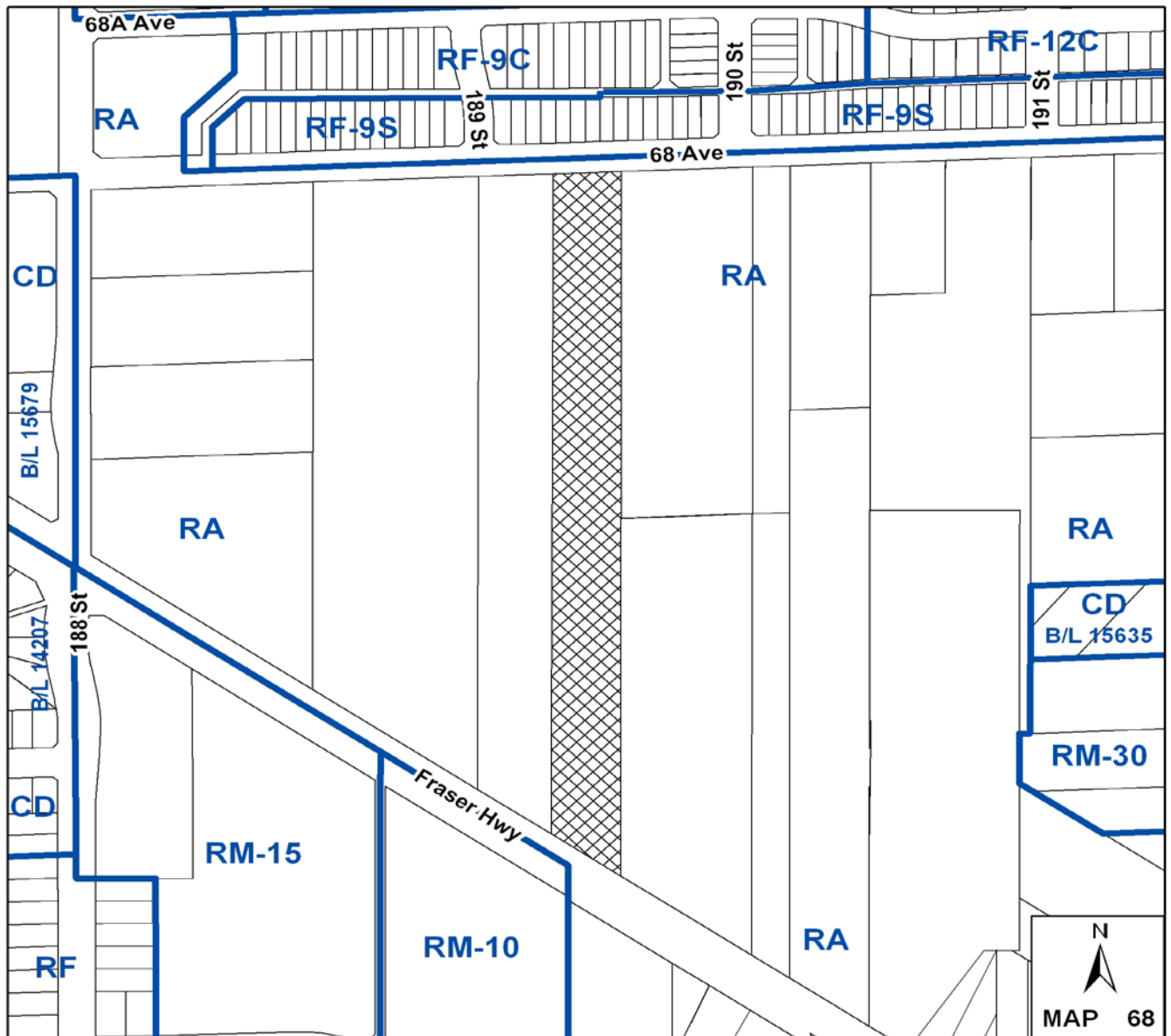


Proposal: Amend NCP on a portion from Business Park to Special Residential. Rezone a portion from RA to RF-9S in order to allow subdivision into approximately 12 small lots and 2 remainder RA lots in East Clayton.

Recommendation: Approval to Proceed

Location:	18951 Fraser Highway	Zoning:	RA
OCP Designation:	Urban	Owner:	Gary Match
NCP Designation:	Special Res. & Bus. Park		



PROJECT TIMELINE

Completed Application Submission Date: June 8, 2006
Planning Report Date: February 26, 2007

PROPOSAL

The applicant is proposing:

- an NCP amendment for a portion from Business Park to 10-15 upa Special Residential; and
- a rezoning of a portion from RA to RF-9S

in order to allow subdivision into approximately 12 special single family lots, which allow certain low impact retail and service commercial uses, and 2 remainder lots in East Clayton.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone Block A as shown on the attached Survey Plan from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Special Single Family Residential (9) Zone (RF-9S)" (By-law No. 12000) and a date be set for Public Hearing.
2. 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) registration of a Section 219 Restrictive Covenant to secure a "no build" on the proposed remainder Lots 13 and 14 to protect for future development based on the Business Park designation in the NCP;
 - (d) registration of a Section 219 Restrictive Covenant to secure a "no build" on portions of proposed Lots 1, 8 and 12 to ensure future consolidation with adjacent parcels;
 - (e) registration of a Section 219 Restrictive Covenant on proposed Lot 13 to protect the required buffer area;
 - (f) registration of a Section 219 Restrictive Covenant on proposed Lots 1 to 12, notifying future owners of the more stringent Building Code requirements that have to be complied with in constructing or upgrading an existing house to operate a business as permitted under the RF-9S Zone;

- (g) demolition of existing structures to the satisfaction of the Building Division; and
 - (h) the applicant address the tree replacement requirements under the new Tree Protection By-law.
3. Council pass a resolution to amend the East Clayton NCP for a portion of the site from Business Park to Special Residential when the project is considered for final adoption (Appendix III).

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).

School District:

School Impacts:

Projected number of students from the combined development:

Elementary students = 4 students
 Secondary students = 2 students
 Total new students = 6 students

School Catchment Area/Current Enrollment/School Capacity:

Combined Clayton & 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 projects) in the subject school catchment areas:

Elementary students = 200
 Secondary students = 219
 Total new students = 419

Approved Capacity Projects and Future Space Considerations

Two new school sites have been purchased to address growth with a new school planned for possible opening by 2007-2008 school year. A new secondary school site has been approved for purchase, with construction proposed for approval in 2008.

(Appendix V)

Parks, Recreation & Culture: The applicant to provide cash-in-lieu of parkland dedication and park amenity contributions in keeping with the East Clayton NCP (Appendix VI).

SITE CHARACTERISTICS

- **Existing Land Use:** The subject site is being used for acreage residential purposes. Existing buildings and structures will be demolished.
- **Significant Site Attributes:** The site is relatively flat with existing vegetation that has to be removed to accommodate the proposed development.
- **East:** An acreage parcel zoned RA, split-designated Special Residential and Business Park in the East Clayton NCP, with an in-stream application (File No. 7906-0099-00) for a proposed NCP amendment and a rezoning for a portion to create 24 RF-9S lots and a remainder lot (Rezoning By-law No. 16184 at Third Reading).
- **West:** Acreage parcels zoned RA, split-designated Special Residential and Business Park in the East Clayton NCP, with an in-stream application (File No. 7906-0137-00) for a proposed NCP amendment and a rezoning for a portion to create 52 RF-9S lots and 4 remainder RA lots (Rezoning By-law No. 16183 at Third Reading).
- **North:** Across 68 Avenue are newly-built homes on small lots zoned RF-9S and designated Special Residential in the East Clayton NCP.
- **South** Remainder acreage parcel zoned RA and designated Business Park in the East Clayton NCP.

Appendix VIII shows in-stream applications on adjacent lands.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

NCP Designation: Needs amendment.

JUSTIFICATION FOR NCP AMENDMENT

- The approximately 1.9-ha. (4.69-acre) subject site is located south of 68 Avenue and is part of a large block of acreage parcels that are split-designated Special Residential and Business Park in the East Clayton NCP. Specifically, the NCP identifies the northerly 0.37-hectare (0.91 acre) for Special Residential, with the remainder portion (1.53 hectares or 3.8 acres) for Business Park uses (Appendix VII).

- The Business Park designation allows uses that may include high tech industries and light (clean) manufacturing that will create local employment. The designation supports the City's vision of creating complete communities.
- The Special Residential designation, on the other hand, accommodates residential developments with densities ranging from 10-15 units per acre in either single detached dwellings, townhouses or row houses that allow, as an optional use, certain types of home-based businesses or occupations. This designation is specifically identified for the lands south of 68 Avenue to provide the needed transition to the Business Park designation to the south.
- The applicant is proposing to amend the NCP designation on a portion of the subject site from Business Park to Special Residential to allow the development of small lots under the RF-9S Zone.
- Over the last several months, Council has given Third Reading to the following rezoning by-laws for three identical applications as the current application within the same block (Appendix VIII):

File No.	By-law No.	Third Reading Date
7905-0137-00	16183	December 18, 2006
7906-0099-00	16184	December 18, 2006
7905-0384-00	16244	February 12, 2007

- The subject application continues the land use pattern that has been established by the three neighbouring applications.
- Given the combined 4 NCP amendment applications involving 8 parcels within the block, it is estimated that approximately 1.07 hectares (2.6 acres) of Business Park designated lands will be lost, representing 12% of the subject lands that are designated Business Park in East Clayton (see the following table).

File Nos.	Total Amount of Lands Designated Business Park	Amount of Lands Being Re-designated from Business Park to Special Residential	Remainder Business Park Designated Lands	% Loss to Business Park Designation in East Clayton NCP
7906-0255-00 (Subject Application)	1.53 ha. (3.8 acres)	0.10 ha. (0.25 acre)	1.43 ha. (3.5 acres)	1.2
7905-0137-00 (By-law @ 3rd Reading)	4.5 ha. (11 acres)	0.38 ha. (0.94 acre)	4.12 ha. (10 acres)	4.2
7906-0099-00 (By-law @ 3rd Reading)	1.4 ha. (3.5 acres)	0.20 ha. (0.49 acre)	1.2 ha. (3.0 acres)	2.3
7905-0384-00 (By-law @ 3rd Reading)	1.16 ha. (2.9 acres)	0.39 ha. (1.0 acre)	0.76 ha. (1.9 acres)	4.3
Total	8.59 ha. (21.2 acres)	1.07 ha. (2.6 acres)	7.51 ha. (18.6 acres)	12.0

- While there is an overall net loss of approximately 1.07 hectares (2.6 acres) from the Business Park designated lands, such loss is not considered overly significant when the remaining lands between 188 and 192 Streets are considered. An analysis of the pros and cons of the proposed NCP amendment is presented below.

Positive Aspects of the Proposed NCP Amendment

- The additional row of small single family lots on the south side of the proposed 67A Avenue, coupled with a 6-metre (20-ft.) wide lane directly south of the proposed lots provides a better interface with the lands designated Business Park.
- The proposed 6-metre (20-ft.) wide landscape buffer south of the proposed lane will serve as a better separation between the proposed uses (residential and industrial). To ensure a continuous buffer between the proposed small lots and the designated business park lands to the south, the applicants for the similar applications adjacent to the subject site are also required to provide the buffer. A Restrictive Covenant securing the location and width of the buffer area will be required in conjunction with the rezoning of the subject application.
- Future homes on the north side of proposed 67A Avenue do not have to directly front onto the future industrial or business uses.
- With single family lots fronting both sides of 67A Avenue (where on-street parking will be permitted), there will be a significant reduction in truck traffic along 67A Avenue, thus significantly reducing conflicts between residential and commercial traffic.
- The overall road layout serving the Business Park designated lands will generally remain the same as reflected in the East Clayton NCP.
- There will be a significant increase in the amount of NCP amenity contributions and DCC payments resulting from the NCP re-designation. The table below shows the comparisons in the potential NCP amenity contributions and DCC payments that will be generated between the proposed single family lots and business park uses.

Land Use Based on Site Area Being Re-designated (0.10 ha. or 0.25 acre)	Potential NCP Amenity Contributions based on 2007 Rates ¹	DCC payments, Based on 2006 Rates ²
4 Single Family Lots	\$4,868	\$60,076
Warehouse/Retail Use	\$308	\$10,589

¹ Based on \$1,217/RF-9S lot and \$1,233/acre of Non-Residential Use

² Based on \$15,019/RF-9S lot and \$42,356/acre of Industrial Use

- The RF-9S Zone allows live-work where certain low impact commercial uses (retail, professional offices, eating establishments, craft making, etc.) can be pursued by the homeowner and as such, both employment and livelihood potentials are not totally lost.
- The proposed amendment has no negative impact on the ability of the property owner to pursue business park-related uses on the remainder lands.

Negative Aspects of the Proposed NCP Amendment

- While not overly significant, the proposed amendment, if approved, will further reduce the amount of industrial designated lands in the City.
- The continuing loss of industrial lands to residential uses erodes the City's ability to promote itself as a place for sustainable employment and livelihood.
- The loss of industrial lands will reinforce the City's heavy reliance on residential taxes as a primary source of income.

Project Evaluation

- While there are a number of negative aspects to the proposed NCP amendment, there are also benefits that can be derived as a result of the proposed amendment.
- The combined loss (from the 4 applications involving 8 separate parcels within the block) represents 12% of the corresponding Business Park designated lands, which is considered quite minimal.
- The subject application is a continuation of the recently approved NCP amendments and rezonings.
- Therefore, on balance, the proposed NCP amendment from Business Park to Special Residential is not expected to have a significant impact on the existing Business Park designated lands in East Clayton and thus, staff support the proposed NCP amendment

DEVELOPMENT CONSIDERATIONS

- The subject application involves the following:
 - NCP amendment on a portion from Business Park to Special Residential; and
 - rezoning of a portion from RA to RF-9S.
- The proposed subdivision layout (Appendix IX) will create 12 RF-9S interior lots, which conform to the subdivision dimensions of the RF-9S lots as shown below:

	Interior Lot Requirements	Proposed Lots 1-12
Lot Size	250 m ² (2,690 ft ²)	Minimum of 255 m ² (2,745 ft ²)
Lot Width	9 metres (30 ft.)	9 metres (30 ft.)
Lot Depth	28 metres (90 ft.)	28 metres (90 ft.)

- The RF-9S Zone allows either a coach house or a secondary suite, but not both. The RF-9S Zone also permits home-based businesses. Examples of home-based business include selling of goods and services, operating an eating establishment or a bakery, craft making and similar uses. However, in order to pursue any of these "work" activities in combination with the single family

dwelling use, the owners will be required to build the house (or upgrade an existing house on an RF-9S-zoned lot) in compliance with the requirements of the Building Code.

- To ensure that future owners are made aware of the "live work" opportunities as permitted under the RF-9S Zone and the corresponding Building Code requirements for the "live work" option, the applicants will be required to register a Section 219 Restrictive Covenant, giving such notice to future owners. The registration of the Covenant is a subject condition of rezoning.

Proposed Roads and Lanes

- The proposal will facilitate the following:
 - the dedication and construction of rear lanes, providing rear driveway access for each lot in compliance with the RF-9S Zone;
 - dedication and construction of 67A Avenue, providing street frontage to the proposed single family lots and on-street parking options; and
 - the dedication of a portion of 65 Avenue that will provide frontage to proposed Lots 13 and 14, which are designated Business Park, but will remain zoned RA at this time.

"No Build" Restrictive Covenant on Remainder RA Lots

- The proposed subdivision will create 2 remainder large lots (proposed Lots 13 and 14) under the RA Zone, with lot areas of approximately 5,949 sq. m. (1.47 acres) and 7,268 sq. m. (1.8 acres), respectively. A "No Build" Section 219 Restrictive Covenant will be registered on proposed Lots 13 and 14 to ensure that the lands will be developed based on the Business Park designation in the East Clayton NCP.

"No Build" Restrictive Covenant to Protect Future Subdivision Potential

- The proposed subdivision layout indicates strips of lands in excess of the RF-9S subdivision requirements, but at the same time, are needed to complete the future subdivision of adjacent parcels. To illustrate:
 - The westerly portions of proposed Lots 1 and 8 can be consolidated with the lands to the west, currently under an in-stream NCP amendment, rezoning and subdivision application (File No. 7905-0137-00).
 - The easterly portion of proposed Lot 12 can be consolidated with the lands to the east, currently under an in-stream NCP amendment, rezoning and subdivision application (File No. 7906-0099-00).
- In order to ensure that these strips of excess lands are protected for future consolidation with the adjacent parcels, a "No Build" Section 219 Restrictive Covenant will be registered on the three specific lots. As well, the proposed Covenant will indicate the minimum side yard setbacks between the proposed homes on the parent lots and the ultimate property lines to ensure

conformity with the setback requirements of the RF-9S Zone. The registration of the Covenant is a subject condition of rezoning.

Proposed Design Guidelines, Lot Grading and Tree Replacement

- The proposed building design guidelines for the proposed lots (prepared by Tynan Design Consulting) comply with the General Urban Design Guidelines established for the East Clayton NCP. The design guidelines stipulate that new homes follow the Neo-Heritage style, the same style that is evident in the newly built homes in this neighbourhood.
- The design guidelines prohibit the construction of basement-entry homes.
- In-ground basements are proposed based on the preliminary lot grading information provided by the applicant. These will be achieved with minimal cut or fill. Fill of less than one metre (3 ft.) is indicated on the proposed lots. The information has been reviewed by staff and found to be generally acceptable.
- The approved Arborist Report is limited to the northerly portion of the site that is subject of the proposed NCP amendment and rezoning. The report indicates that this portion of the site accommodates 50 alder and cottonwoods, all of which will be removed.
- A total of 12 replacement trees are proposed based on a ratio of one tree per lot.
- The development application was submitted prior to final adoption of Tree Protection By-law No. 16100 and is covered by the one-year grace period.
- Under the new Tree Protection By-law, a tree replacement ratio of 1:1 applies, i.e., one replacement tree for every alder or cottonwood that will be removed.
- Based on the tree replacement ratio of 1:1, a total of 50 replacement trees would be required. However, small lots (e.g., RF-12C, RF-9C and RF-9S) can only accommodate 1 tree per lot and as such, only 12 trees can practically be installed on the proposed lots. Thus, a deficiency of 38 replacement trees is noted. The applicant has volunteered to contribute a total of \$11,400 to the Green City Fund (at \$300 times 38 trees). The contribution will be provided prior to Final Adoption of the associated rezoning by-law.
- Trees that have been found outside of the NCP amendment and rezoning area are not covered by the Tree Survey and will be assessed when this portion of the site is ready for development in the future.

PRE-NOTIFICATION

Pre-notification letters were sent on August 8, 2006 and staff received no comments.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary, Project Data Sheet, and Survey Plan
Appendix II.	Contour Map
Appendix III.	Proposed NCP Amendment Map
Appendix IV.	Engineering Comments Summary
Appendix V.	School District Comments
Appendix VI.	Parks, Recreation and Culture Comments
Appendix VII.	East Clayton NCP Map
Appendix VIII.	Similar Applications in the Vicinity of the Subject Site
Appendix IX.	Proposed Subdivision Layout
Appendix X.	Proposed Building Design Guidelines Summary
Appendix XI.	Summary of Tree Survey and Tree Preservation

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated February 16, 2007.
- Revised Tree Survey and Arborist Report Plan prepared by Randy Greenizan and dated January 22, 2007
- Residential Character Study and Proposed Building Scheme prepared by Mike Tynan and dated December 20, 2006.
- Soil Contamination Review Questionnaires prepared by Gary Matich and dated June 7, 2006.

How Yin Leung
Acting General Manager
Planning and Development

JDM/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: Darren Braun, McElhanney Consulting Services Ltd.
 Address: 13160 - 88 Avenue
 Surrey, B.C.
 V3W 3K3
 Tel: 604-596-0391

2. Properties involved in the Application
 - (a) Civic Address: 18951 Fraser Highway

 - (b) Civic Address: 18951 Fraser Highway
 Owner: Gary Sandy Matich
 PID: 011-082-984
 Lot 2 Except: Part Shown on Statutory Right-of-Way Plan 4500 Section 16
 Township 8 New Westminster District Plan 4195

3. Summary of Actions for City Clerks Office
 - (a) Introduce a By-law to rezone a portion of the site (Block A) shown on the Survey Plan.

SUBDIVISION DATA SHEET

Proposed & Existing Zoning: RF-9S & RA

Required Project Data	Proposed RF-9S Lots	Proposed Remainder RA Lots
GROSS SITE AREA		
Acres	1.26	3.5
Hectares	0.50	1.4
NUMBER OF LOTS		
Range of Lot Widths	9.0-11 m	50 m.
Range of Lot Areas	255-275 sq. m.	1.47 & 1.8 acres
DENSITY		
Units Per Acre (Gross)	8 upa	N/A
SITE COVERAGE (in %)		
Maximum Coverage of Principal and Accessory Building	29%	with a No Build RC
Est. Roads, Lane, Driveways	32%	
Total Site Coverage	52%	with a No Build RC
PARKLAND		
5 % Dedication (in sq. m.)	No	N/A
PARKLAND		
5% money in lieu	Yes	N/A
MODEL DESIGN GUIDELINES		
	Yes	N/A
TREE SURVEY/ASSESSMENT		
	Yes	N/A, to be dealt with later
DVP REQUIRED		
	No	No

CONTOUR MAP FOR SUBJECT SITE

