

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

TO: CITY MANAGER 1993 DECEMBER 14

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #61/93

22 LOT SMALL LOT SUBDIVISION PROPOSAL

ADDRESS: 7755, 7785 CLAYTON AVENUE; 5079, 5089 CLAUDE AVENUE (SEE ATTACHED SKETCH #1)

LEGAL: LOT C, D.L. 85, GROUP 1, N.W.D. PLAN 4949; LOT B, D.L. 85, GROUP 1, N.W.D. PLAN 4949; LOT 1 EXC. E. 87 FEET, D.L. 85, GROUP 1, N.W.D. PLAN 4949; E. 87 FEET OF LOT A, D.L. 79/85, GROUP 1, N.W.D. PLAN 4949

FROM: R4 RESIDENTIAL DISTRICT

TO: R9 RESIDENTIAL DISTRICT

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 1994 February 01.

RECOMMENDATIONS:

1. **THAT** the amendment to the Canada Way - Clayton Avenue Area Plan to accommodate the R9 small-lot concept for the sub-area between Sperling Avenue and Clayton Avenue as outlined in Sketch #2 be approved.
2. **THAT** a copy of this report be sent to the Burnaby School District, 5325 Kincaid Street, Burnaby, B.C. V5G 1W2 Attention: Secretary/Treasurer.
3. **THAT** the introduction of a Highway Exchange Bylaw be authorized according to the terms outlined in Section 4.4 of this report, contingent upon the granting from Council of Second Reading of the subject Rezoning Bylaw.
4. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

1994 January 10 and to a Public Hearing on 1994 February 01 at 7:30 p.m.

5. **THAT** the following be established as prerequisites to the completion of the rezoning:
- a) The deposit of sufficient monies to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - b) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - c) The removal of all existing improvements from the site prior to the completion of the rezoning but not prior to Third Reading of the bylaw as a condition of subdivision. In the event that existing improvements on the site are vacant and considered to be unsafe, unstable, and a hazard to life, the Fire Prevention Office may recommend immediate demolition of such improvements and removal of the resultant debris prior to Third Reading.
 - d) The satisfaction of all necessary subdivision requirements.
 - e) The granting of any necessary easements.
 - f) The dedication of any rights-of-way deemed requisite.
 - g) Submission of a tree survey, retention of as many existing mature trees as possible on the site and the Claude Avenue right-of-way, submission of a written undertaking to ensure that all site areas identified for preservation of existing vegetation are effectively protected by chain link fencing or other approved physical containment during the whole course of site preparation and construction work, and deposit of sufficient monies to ensure the protection of identified existing vegetation.

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

- h) The provision and development of a public park trail and landscaping to the approval of the Parks and Recreation Department.
- i) The approval of the Ministry of Transportation and Highways to the rezoning application.
- j) Completion of the Highway Exchange Bylaw.
- k) The deposit of the applicable per unit Neighbourhood Parkland Acquisition Charge.
- l) The completion of the sale and dedication of a portion of 5215 Clayton Avenue for the construction of the cul-de-sac on Clayton Avenue.

REPORT

1.0 REZONING PURPOSE:

The purpose of the proposed rezoning bylaw amendment is to permit the first phase of a small lot subdivision development in accordance with the R9 Residential District.

2.0 BACKGROUND INFORMATION:

- 2.1 On 1993 November 15 Council received a report from the Planning and Building Department regarding the rezoning of the subject site. The site is proposed to be rezoned for a 22-lot single-family, small lot development in the first phase of a larger single-family residential subdivision, based on R9 District zoning. The rezoning and subdivision are proposed as the first phase of a potential three phase, small lot subdivision extending from Clayton Avenue to Deer Lake Brook and Sperling Avenue (see attached Sketch #2).

The application is for the first phase of a potential three phase development which does not conform to the current Area Plan. The subject site is located within the Canada Way-Clayton Avenue Area Plan and is currently designated for low density, multiple family residential Comprehensive Development (refer to attached Sketch #3 and #4).

At that time Council authorized staff to seek public input on the proposed amendment to the Canada Way-Clayton Avenue Area Plan as generally outlined on Sketch #2 and as described in this report.

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

3.0 PUBLIC RESPONSE TO THE PROPOSED PLAN AMENDMENTS:

- 3.1 In late November, 157 copies of the rezoning report were mailed out to property owners and occupants in the neighbourhood within and surrounding the area proposed for the Area Plan amendment (see attached Sketch #5). In response, six letters were received from property owners within the public notification area. Two of the letters were supportive of the proposal in general, but strongly asserted that approval should be subject to safe access out of the area through access to a traffic signal. This issue is discussed in Section 4.1 of this report.

Three identical letters were received from two property owners representing three properties within Phase 2 of the proposed Area Plan amendment. The letter expressed general support for the rezoning to R9 District, but expressed concern with the road layout for Phase 2 and how it affects the existing properties and the use of Clayton Avenue as a public walkway. A primary concern is whether the property will be worth less due to the amount of road dedications and therefore, whether the developer will only pay for the portions of the existing properties which will become part of the proposed lots. Another letter, which was received from a property owner in Phase 2, states that he is opposed to the amendment to the Canada Way-Clayton Avenue Area Plan due to there not being sufficient detail in the information provided on the location of proposed roads and which properties are in Phase 2. Concern was expressed that there will be more land used for road purposes in Phase 2 than the other phases and that the land value in Phase 2 will decrease as a result.

A separate letter was also received by an interested resident expressing concerns that the nearest school in the area Buckingham Elementary was already over capacity.

- 3.2 In response to four letters commenting on road patterns and property values, the following information is provided as the basis for consideration of this Area Plan amendment and rezoning proposal:

- a) Phases 2 and 3 are conceptual proposals at this time, which demonstrate that the rezoning of Phase 1 can work not only in a comprehensive manner with the remainder of the properties in the area in terms of land use and a general subdivision layout, but also independently of the next phases. If the subject rezoning and concept layout is approved, this Department would continue to

consider refinements to the preliminary layouts for Phases 2 and 3. Any such refinements would need to take into consideration the required road rights-of-way standards and satisfactory road patterns, standard zoning and subdivision requirements for the proposed lots, the buffer zones required along the Trans Canada Highway and Canada Way and an appropriate relationship between the proposed subdivision layout and the subdivision potential of remaining properties.

- b) In order for a rezoning application to be submitted by a developer for any property in Burnaby, the property owners' authorization is required. Any acquisition negotiations between the developer and the property owner are considered a private matter.
- c) The Planning and Building Department considers proposed subdivision layouts based on the factors outlined in Point a) above, as well as other technical and land use considerations. The potential value of existing lots under a subdivision scheme is determined by the private sector, and not by the City.

Other factors that may affect the value of existing properties in relation to their subdivision potential are the initial servicing costs of the first phase, such as signalized access to the area, which would not be shared by subsequent phases, and the internal servicing costs related to the number of lots created.

- 3.3 The concerns expressed about school capacity in the area are commented on. In line with discussions with Burnaby School District staff, the approval by the Ministry of Education of capital funding for the expansion of school facilities is normally provided on the basis of actual enrollments rather than on development potential (proposed developments). The School District and City staff maintain a continuing liaison to assure that school planning can be facilitated in line with development trends. The subject R9 small lot proposal would result in approximately 20% fewer units than if the area were to be developed for the currently designated low-density multiple housing at 10 units per acre. The subject rezoning also only applies to a Phase I 22-lot proposal.
- 3.4 Based on receiving only six responses to the mailout, with only one property owner opposed, it is concluded that the proposed Area Plan amendments are appropriate.

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

4.0 GENERAL DISCUSSION:

4.1 Safe vehicular access from this area to Canada Way was a central theme of two of the letters received and is also of concern to the City of Burnaby and the Ministry of Transportation and Highways. The applicant has recently met with Burnaby staff and the Ministry regarding this issue and the possible methods to address this situation, including signalization at Canada Way and Sperling Avenue.

In order to address this concern and better understand the solutions, the applicant is engaging a traffic consultant to study traffic volumes and operational considerations under different options. The traffic study is expected to be completed by mid-January. Complete servicing requirements for this rezoning cannot be determined until the traffic study is completed and assessed by staff. It can be said, however, that staff consider the provision of safe, signalized vehicular access to this area to be an essential component of this rezoning.

4.2 If the traffic study supports a traffic signal at Canada Way and Sperling Avenue and the Ministry is supportive of such signalization, the City of Burnaby will also receive benefits from improved access in the area. A traffic signal at this intersection would provide improved access to the new Arts Centre, Deer Lake and the Burnaby Village Museum to the south and improved access for the No. 1 Fire Hall, north of Canada Way. Canada Way is also a designated provincial arterial highway. In light of the above considerations, if the traffic study supports signalization at Canada Way and Sperling Avenue, it is recommended that the Ministry of Transportation and Highways, the City of Burnaby and the developer share the necessary servicing costs. A further report will be submitted to Council regarding this cost sharing approach once all the pertinent information is available.

4.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to the following items. The construction of the internal road and Clayton Avenue to a full single-family residential standard with curbs, sidewalks and streetlighting, including the construction of the cul-de-sac at the south end of Clayton Avenue abutting Lot 23 and an interim road connection through Lot 13 are required. The pavement will be removed from the existing Claude Avenue right-of-way abutting the site with a landscaped berm and buffer area and a public trail to the approval of the Parks Department. A public pedestrian access route

CITY MANAGER
REZONING REFERENCE #61/93
1993 DECEMBER 14 ...PAGE 7

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20

from the Clayton Avenue cul-de-sac to Canada Way is to be provided. The servicing costs would also include traffic signalization and necessary related intersection improvements, dependent upon the results of the traffic study and the further report to Council.

- 4.4 A Highway Exchange Bylaw is required for the closure of the south end of Clayton Avenue to create Lot 23 and the dedication of the new internal road, including the interim road access through Lot 13. At this time, Lot 13 is to be dedicated for road purposes resulting in a balance of 22 lots for the Phase I proposal. The existing Claude Avenue right-of-way will be closed and become a City owned property, to be used as a buffer between the residential development and the Trans Canada Highway.
- 4.5 The applicant will be required to purchase a small portion of the City owned property at 5215 Clayton Avenue in order to construct the cul-de-sac fronting Lot 23. A further report will be submitted to Council regarding the details of the proposed sale.
- 4.6 A Neighbourhood Parkland Acquisition Charge of \$933.00 per unit is applicable to this development.
- 4.7 The approval of the Ministry of Transportation and Highways is required for this rezoning.
- 4.8 A tree survey will be required to identify significant trees within the proposed Claude Avenue buffer strip and the site itself.

5.0 CONCLUSION:

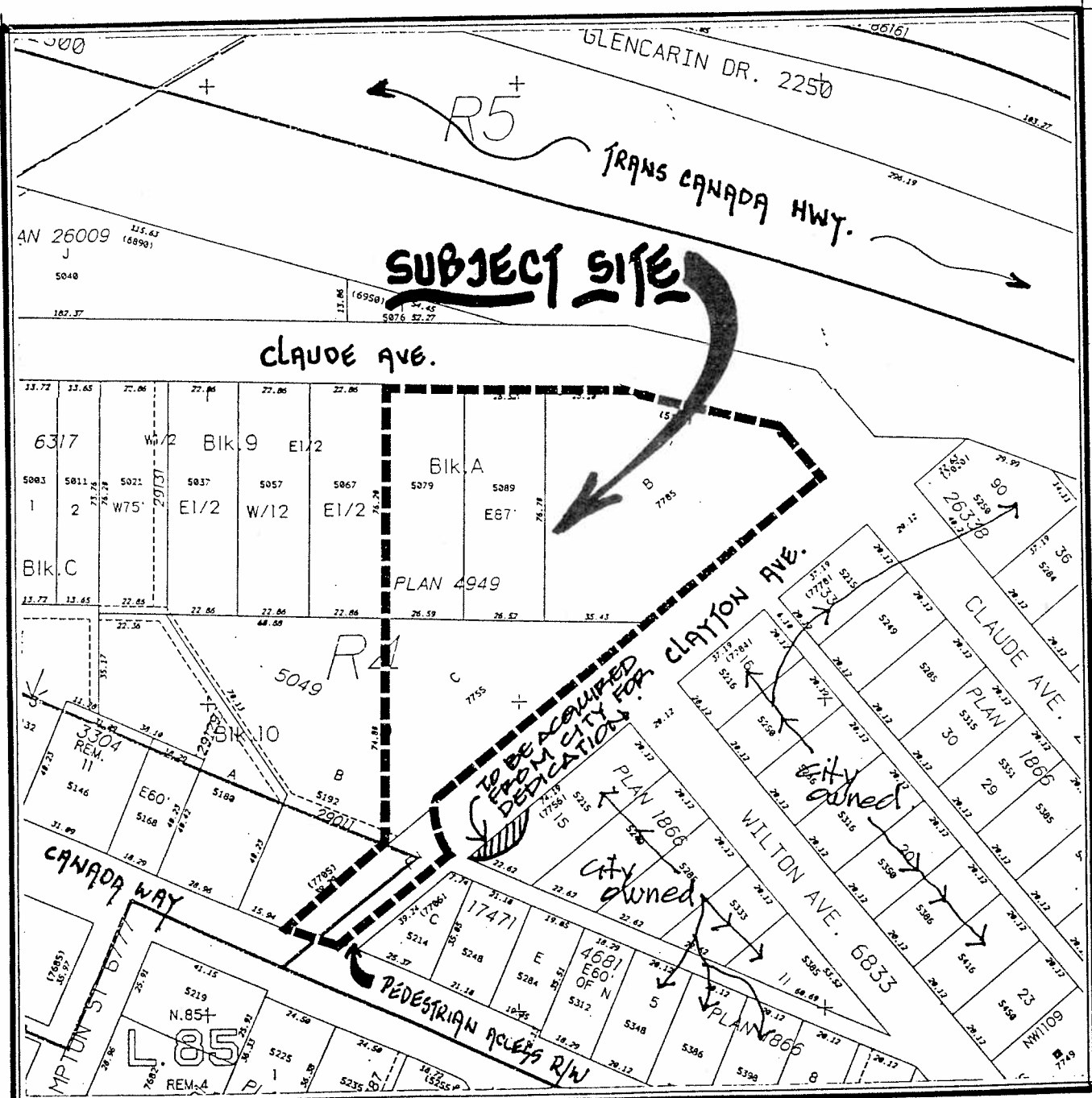
- 5.1 The public input process has revealed very little opposition to the land use and subdivision layout changes proposed for the Canada Way-Clayton Avenue Area Plan. It is therefore recommended that the subject rezoning, which is proposed to rezone the site to the R9 Residential District to permit a Phase I 22-lot small lot subdivision, be advanced to Public Hearing, based on the proposed layout concept.

JG
BW:yg
Attach.

D.G. Stenson
D.G. Stenson, Director
Planning and Building

cc: Director Engineering
City Solicitor
Director Recreation & Cultural Services
City Clerk
Director Administrative & Community Services

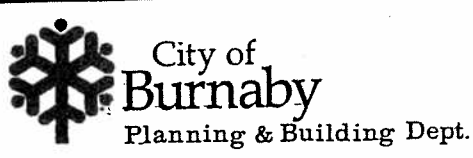
ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20



Date:
NOVEMBER 1993

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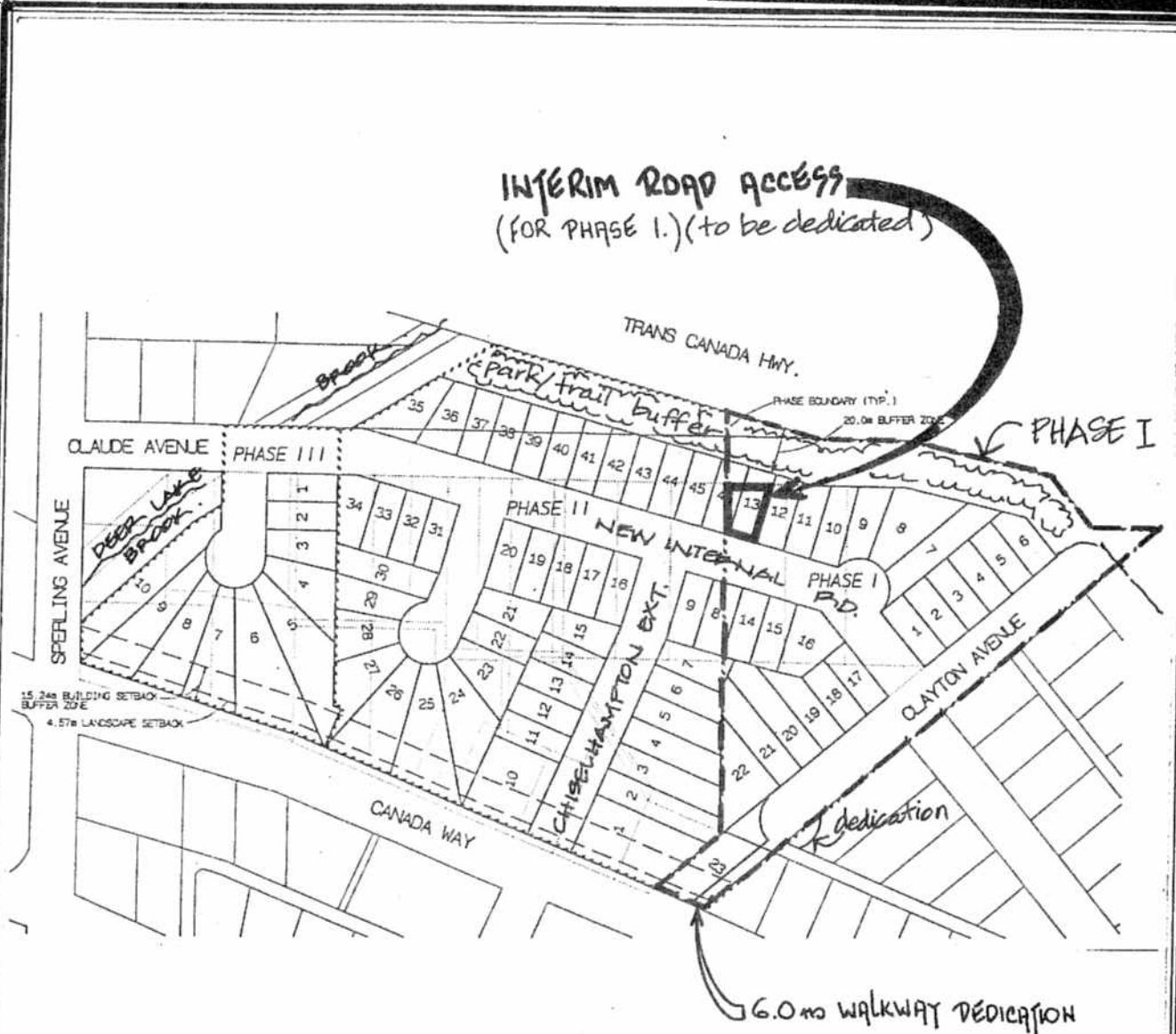
Drawn By:
J.P.C.



REZONING REFERENCE # 61/93
PHASE I

SKETCH # 1

ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20




PRELIMINARY LAY-OUT
R-9 PROPOSAL



Date:
DECEMBER 1993

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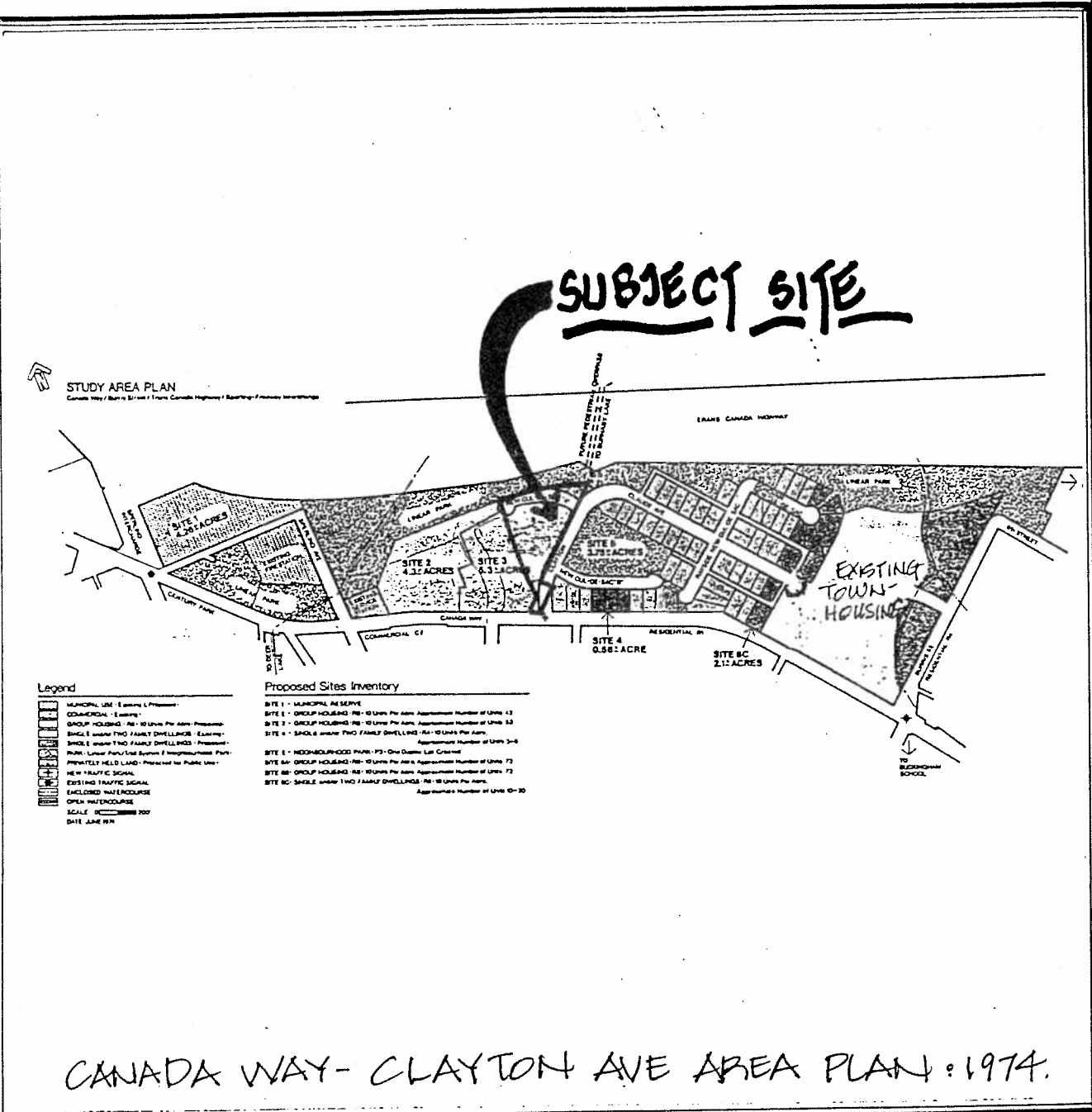
 **City of Burnaby**
 Planning & Building Dept.

178

REZONING REFERENCE # 61/93
 PROPOSED AMENDMENT TO AREA PLAN

SKETCH # 2

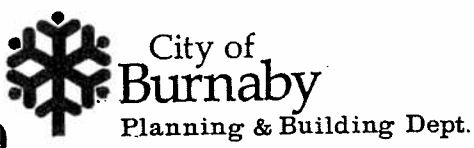
ITEM	16
MANAGER'S REPORT NO.	75
COUNCIL MEETING	93/12/20



Date:
NOVEMBER 1993

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J.P.C.

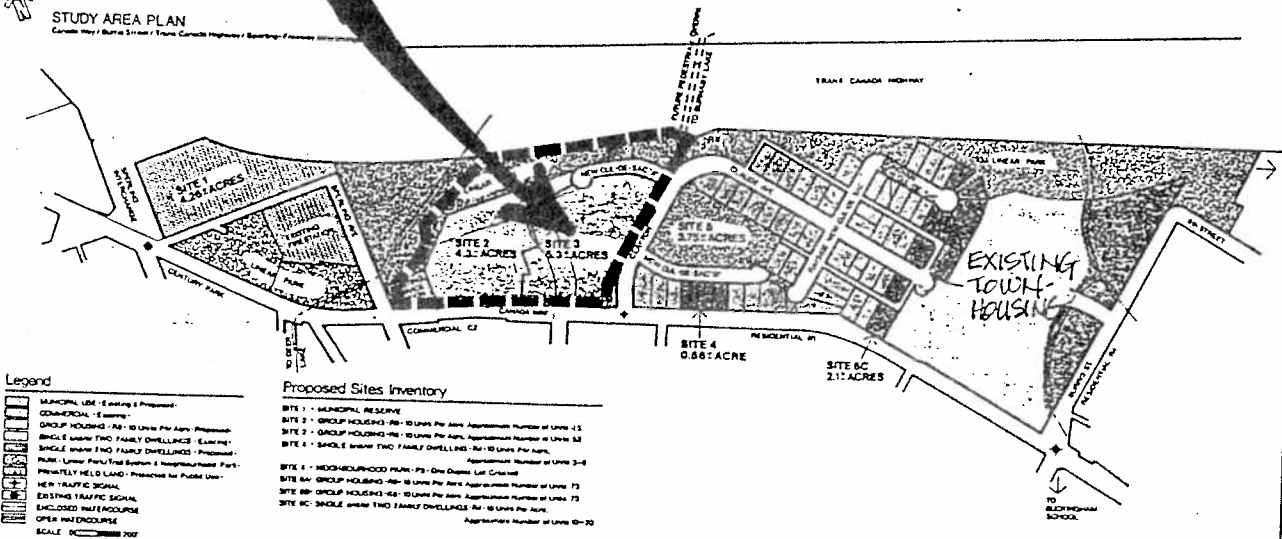


REZONING REFERENCE # 61/93

SKETCH #3.

AREA OF PROPOSED COMMUNITY PLAN AMENDMENT.

STUDY AREA PLAN
 Canada Way / Bona Street / Trans Canada Highway / Bayview / Bayview



- Legend**
- MUNICIPAL RESERVE - Existing & Proposed
 - COMMERCIAL - Existing & Proposed
 - GROUP HOUSING - A8 - 10 Units Per Acre - Proposed
 - SINGLE & SMALL TWO FAMILY DWELLINGS - Existing
 - SINGLE & SMALL TWO FAMILY DWELLINGS - Proposed
 - PARK - Linear Park, Tree Screen & Neighborhood Park
 - PRIVATELY HELD LAND - Proposed for Public Use
 - NEW TRAFFIC SIGNAL
 - EXISTING TRAFFIC SIGNAL
 - ENCLOSED WATER COURSE
 - OPEN WATER COURSE
 - SCALE: 1" = 100' 0"
 - DATE: JUNE 1994

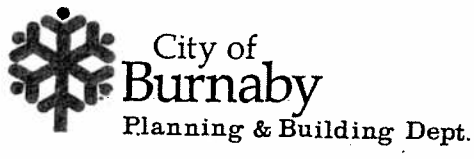
- Proposed Sites Inventory**
- SITE 1 - MUNICIPAL RESERVE
 - SITE 2 - GROUP HOUSING - A8 - 10 Units Per Acre - Approximate Number of Units: 45
 - SITE 3 - GROUP HOUSING - A8 - 10 Units Per Acre - Approximate Number of Units: 50
 - SITE 4 - SINGLE & SMALL TWO FAMILY DWELLINGS - A8 - 10 Units Per Acre - Approximate Number of Units: 3-4
 - SITE 4 - HIGH-NEIGHBORHOOD PARK - P3 - One District Lot Created
 - SITE 4A - GROUP HOUSING - A8 - 10 Units Per Acre - Approximate Number of Units: 75
 - SITE 4B - GROUP HOUSING - A8 - 10 Units Per Acre - Approximate Number of Units: 75
 - SITE 6C - SINGLE & SMALL TWO FAMILY DWELLINGS - A8 - 10 Units Per Acre - Approximate Number of Units: 20-25

CANADA WAY - CLAYTON AVE AREA PLAN - 1974

Date:
NOVEMBER 1993

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Drawn By:
J.P.C.



REZONING REFERENCE # 61/93

180

SKETCH # 4.

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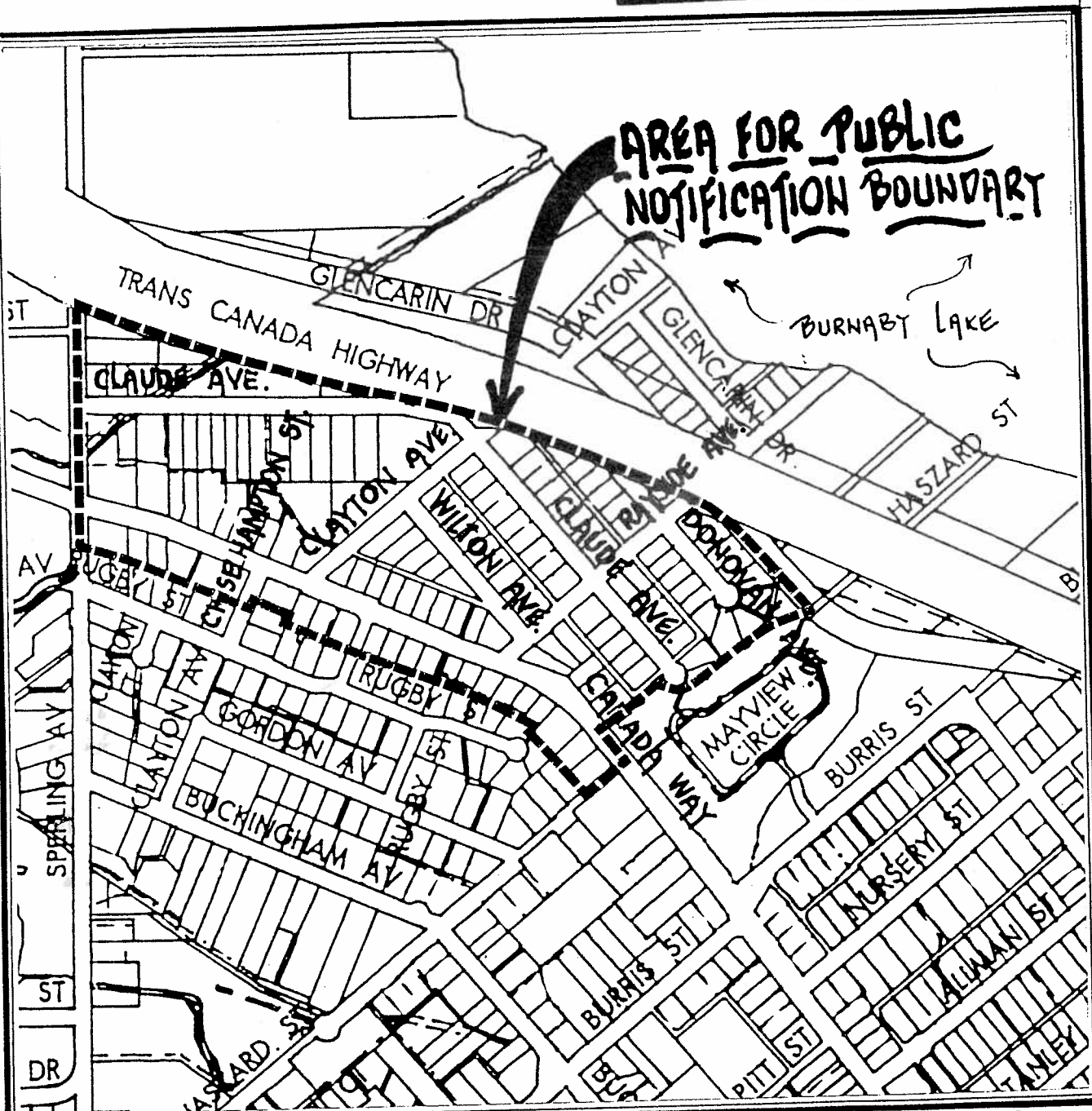
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MANAGER'S REPORT NO.

75

COUNCIL MEETING 93/12/20

AREA FOR PUBLIC NOTIFICATION BOUNDARY



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181

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REZONING REFERENCE # 61/93



North

SKETCH # 5