
COMMUNITY DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: RESIDENTIAL REZONING PROPOSAL 6392, 6430, 6450 AND 6372
MARINE DRIVE BIG BEND DEVELOPMENT PLAN AREA**

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Dr. Nikita Vizniak of 6472 Marine Drive.

REPORT

The Community Development Committee, at its 'Open' meeting held on 2011 October 25, received and adopted the *attached* report to respond to the request for the residential rezoning of 6392, 6430, 6450 and 6472 Marine Drive in the Big Bend Development Plan.

A delegation appeared at the Community Development Committee meeting on 2011 May 31 requesting an amendment to the Big Bend Development Plan in order to permit the rezoning and subdivision of the subject properties from A2 Agricultural District to the R5 or R9 Single Family Residential District. The report notes that the proposal is not consistent with the Burnaby Official Community Plan Designation as Semi-rural Single Family, nor is it consistent with the Council adopted Big Bend Development Plan's A2 Small Holdings designation for the area. Furthermore, given the substantial site slopes, and the resultant impacts to site access, developability in line with the R5 or R9 Residential Districts and impacts to down slope properties, the subject properties are unsuitable for more intensive residential subdivision and development.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor D. Johnston
Vice Chair

Councillor P. Calendino
Member

Copied to:	City Manager Dir. Engineering Dir. Plng. & Bldg. City Solicitor
------------	--

TO: CHAIR AND MEMBERS
COMMUNITY DEVELOPMENT COMMITTEE

DATE: 2011 October 20

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: RESIDENTIAL REZONING PROPOSAL
6392, 6430, 6450 AND 6472 MARINE DRIVE
BIG BEND DEVELOPMENT PLAN AREA**

PURPOSE: To respond to the request received for the residential rezoning of 6392, 6430, 6450 and 6472 Marine Drive in the Big Bend Development Plan.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Dr. Nikita Vizniak of 6472 Marine Drive.

REPORT

1.0 BACKGROUND

On 2011 May 31, the Community Development Committee received a delegation from Dr. Vizniak, owner of 6472 Marine Drive. Dr. Vizniak appeared in order to request support for a rezoning proposal for properties at 6392, 6430, 6450 and 6472 Marine Drive from the A2 Agricultural District to the R5 or R9 Single Family Residential District. The subject properties are located on the south side of Marine Drive between 10th Avenue and Thorne Avenue within the “Riverside” neighbourhood of the Big Bend Development Plan (see attached Sketch #1 and #2).

The intent of the rezoning request is to obtain development approval for the residential development of the subject lands on smaller subdivided lots. In response to the request received from the delegation, the Committee requested a staff report on the matter. This report addresses the request for information on the requested rezoning proposal.

2.0 COMMUNITY PLAN CONTEXT

Under the adopted Big Bend Development Plan, the subject properties are designated as A2 Small Holdings District in line with the prevailing zoning of the properties. Within the adopted (OCP), the properties are designated Semi-rural Single-Family which anticipates the continued use and development of the subject properties under the prevailing A2 Small Holding District (see attached Sketch #2).

From a broad policy basis, general urban residential development in the Big Bend area has generally not been supported or pursued by the City, given that the area below Marine Drive was historically part of the wetland environment associated with the Fraser River, with the natural property elevations generally being below Fraser River flood levels and subject to regular tidal inundation and flooding.

These conditions also resulted in very poor foundation conditions for development given the underlying peat based soils evident throughout the area. These conditions generally resulted in the area being more suitable for low intensity uses such as agricultural and rural/residential, with less concern for flood impacts or foundation conditions. On a broader scale, typically south of the rail line, a comprehensive approach to property development requires the filling and preloading (compression) of peat soils to achieve a flood proof elevation and suitable foundation conditions.

These factors were taken into account in the designation of principal lands uses in the Big Bend area, focusing on low scale development consisting primarily of industrial and business centre uses, the protection and preservation of agricultural lands within the Agricultural Land Reserve, and the protection of significant natural habitat and recreational lands. This range of uses was able to appropriately develop in the Big Bend area, either through the use of native low lying lands for agricultural, park and habitat purposes that benefited from and where not impacted by the soil conditions and flood risk; or a comprehensive approach to development through filling and preloading of property for development.

With respect to residential uses, the following three specific circumstances were defined where residential development was supported on the south side of Marine Drive:

- *Single Family Suburban*: First, as a continuation of upland R2 District zoned properties, lands on the south side of Marine Drive between Boundary Road and Southridge Drive are primarily designated Single Family Suburban, zoned R2 Residential District generally within 61m (200 ft) south of the centre line of Marine Drive. This area is shown on Sketch #3, **attached**. This designation generally captured the upland portion of the lands at the toe of the south slope to the transition of the low land Big Bend area. This designation allowed for the development of single family lots above the flood plain and generally on soils with good foundation conditions. This strip of residential use also provides for a residential context on both sides of Marine Drive, and provides for sufficient lot depth to create a rear yard buffer between the residential area and the balance of industrial, business centre and agricultural uses that occur on the flat lands of the Big Bend area to the south.
- *Single and Two Family Urban*: Secondly, as a continuation of the R5 District zoned properties to the north, lots on the south side of Marine Drive between Southridge Drive and 14th Avenue, and between 12th Avenue and 10th Avenue, have been designated Single and Two Family Urban, zoned R5 Residential District. These properties are shown on Sketch #2, **attached**. These properties were created and developed in the early 1940s. As the slope of the land south of Marine Drive becomes more extreme to the east, these lots have significant challenges in regards to access with the properties between Southridge Drive and 14th Avenue served by steep driveways from Marine Drive and the more steeply sloped sites between 12th Avenue and 10th Avenue being accessed via a rear lane, cut into the slope. Many of these properties are actually developed with their rooflines below the Marine Drive elevation. If the subdivision and development of these lots for single and two-family dwellings were requested today, support for an approvable application, due to site grades and access issues, would be difficult to achieve.
- *Semi Rural Single Family*: The third condition for residential uses is the allowance of a single family dwelling on the remaining larger and smaller agricultural lots in the area. This area is shown on Sketch #2, **attached**. The agricultural districts (A1, A2 and A3) allow for a single

family dwelling as a principal use – historically this consisted of a farm house for families undertaking agricultural or small farm activities. This use component for agricultural lands continues to be important to support agricultural activities from an economic, security and agricultural viability perspective. Within the Big Bend area, this residential development opportunity relates to lands within the Agricultural Land Reserve and the A2 Small Holdings properties in the Riverside area.

The subject properties are within this residential framework. The primary reason that the subject properties are not designated within the framework for Single Family Suburban or Single and Two Family Urban on the south side of Marine Drive, primarily relates to the increasing slope of the lands in this area. Specific discussion of this aspect of the subject property is provided in the following section of this report.

3.0 SUBJECT PROPERTIES

3.1 Current Zoning and Development Potential

Specifically, the delegation presented a proposal seeking the rezoning of the subject properties from the A2 Small Holdings District to either the R5 or R9 Residential Districts to allow for Single and Two Family urban residential subdivision and development of the subject properties. The subject properties currently accommodate modest single family dwellings with 6430 and 6450 Marine Drive being substantially vegetated. Access to each lot is accommodated via Marine Drive as there is no lane right-of-way provided to the rear of the properties. To the north of the subject properties is Marine Drive, to the south is Willard Park which is naturally vegetated, to the west is a number of single-family lots developed in the 1940s and to the east and southeast are A2 District properties developed with single-family houses and/or small farms.

The A2 District permits single-family residential uses on existing lots. The general intent of the District is to accommodate residential uses in a more rural setting with larger outdoor areas. The District also allows for agricultural uses to be undertaken as a principal or co-principal use with the permitted single-family use. The gross floor area under the A2 District is limited to 0.6 FAR or 590 m² (6,350.9 sq.ft.), whichever is less. The A2 District also allows for the potential subdivision of larger lots to create new lots of an area not less than 0.4 hectares (0.9884 acre) and a width of not less than 37 m (121.39 ft.) None of the lots in the subject area are of sufficient size to allow for subdivision under the prevailing zoning. Specifically, the four lots have an existing area and width as follows:

6382 Marine Drive	Area : 4,035.54 m ² (43,439 sq.ft. – 1.0 acres)	Width : 71.50 m (235 ft.)
6430 Marine Drive	Area : 6,798.72 m ² (73,183 sq.ft. – 1.6 acres)	Width : 146.01 m (479 ft.)
6450 Marine Drive	Area : 4,804.03 m ² (51,712 sq.ft. – 1.2 acres)	Width : 81.84 m (268 ft.)
6472 Marine Drive	Area : 3,053.63 m ² (32,870 sq.ft. – 0.7 acres)	Width : 81.84 m (268 ft.)

In terms of opportunities for agricultural production, as noted, the prevailing zoning of the subject properties allows for agricultural uses in addition to the principal residential use. The delegation noted that the subject properties are not currently used, and are unsuitable for general agricultural production. This is again somewhat related to the slope of the lands. The lots south of Marine Drive were initially cleared for agricultural purposes in the 1860s, with the current A2 lot pattern achieved through a 1908 subdivision. The lots that most contributed to agricultural production were, and are, typically located on flat lands. Naturally, these lots on flat land were preferred for higher intensity

seasonal vegetable production. However, all lots within the A2 District area retain some potential to be used in line with the intent of the A2 District through the development of agricultural uses only or in tandem with a single family residence. Sloped areas may be more suitable for orchards and fruit production or landscape plant production. This type of agricultural potential appears to be possible for the subject properties which could be developed with terraced gardens or landings which could benefit from the southern exposure and well draining soils. Other types of agricultural uses defined in the zoning district could also be appropriate, including kennels and stables, keeping of poultry or other residential based activities requiring larger outdoor areas.

3.2 Site Slope and Access Conditions

As indicated above, the subject properties under the residential framework for the Big Bend area were not designated for Single and Two Family urban residential uses, similar to the balance of the south side of Marine Drive due to consideration related to the slope of the lands in this area.

Specifically, the four subject properties are located on a substantial slope. The average elevation of the properties at Marine Drive is 32m (104ft.) dropping to 18m (59 ft.) at the rear property line. This results in average site grades from the front property line on Marine Drive to the rear property line being approximately 25% or 14°, with the gradient being most severe within 15m (49.2 ft.) of Marine Drive. Furthermore, given required setbacks of 6.0 m (19.7 ft.), the general ground level of a house would range from between 4.0 m (13.1 ft.) and 6.0 m (19.7 ft.) below the elevation of Marine Drive, with those choosing to setback further likely being completely below Marine Drive.

Currently, the four properties take access via Marine Drive via longer driveways that transverse and switchback against the slope. The proposal for rezoning and subdivision to create smaller single family lots meeting all the requirements of the R5 or R9 Districts with standard front yard setbacks of 6.0 m (19.7 ft.) would result in average driveway slopes of approximately 50% or 27°, grossly exceeding City standards of 10-15%. Generally, this condition would preclude the provision of appropriate and usable driveway access to the subject properties.

On a similar basis, it does not appear feasible to develop and construct rear lane access to the subject lands through the subdivision approval process given the slope of the subject lands. The rear lane constructed to serve the single-family subdivision to the west, constructed in the 1940s, is constructed across a 32% slope and extends only a short distance from 10th Avenue to 12th Avenue. On a similar basis, such a lane serving the subject properties would be required to cut into the slope, in some cases at a more severe 66% slope, and require the development of retaining structures on the lane to provide access to a surface parking area or garage, with resident pedestrian access to the dwelling requiring significant stairs or other means to access the dwelling. Access to any portion of rear lane that could be suitably developed would be required to be accessed via 12th Avenue and the existing lane to the west or Thorne Avenue to the east, as the construction of a road connection at 9th Avenue and 10th Avenue to Marine Drive would be precluded due to the slope of the land within the existing unopened road right-of-way from and the current boundaries of Willard Park.

While it is noted that the lane conditions would be somewhat similar, although more severe, than that of the single family houses to the west constructed in the 1940's, in terms of current development standards, however, this is generally not considered to be of an acceptable or approvable standard. Furthermore, the impacts and difficulty in achieving land access would be exacerbated on the subject sites, as the slope is somewhat greater than those of the older single-family lots to the west. As

To: Community Development Committee
From: Director Planning and Building
Re: Big Bend Development Plan Designation
2011 October20 Page 5

noted, this slope condition appears to have resulted in the subject properties not being developed early in the City's history as the nearby smaller single-family lots, and is a basis for their continued designation under the prevailing A2 District.

Given the prevailing slopes associated with the subject properties, staff continues to support the current designation of the property under the A2 District as being appropriate for these lands. The maintenance of these lots under the A2 District does, however, provide for the appropriate site area to accommodate the permitted residential development and provides a means to address the impacts of the grades associated with the property through development of longer driveway access points on these large sites.

4.0 CONCLUSION

On 2011 May 31 Dr. Nikita Vizniak, resident of 6472 Marine Drive, appeared as a delegation to request an amendment to the Big Bend Development Plan in order to permit the rezoning and subdivision of 6392, 6430, 6450 and 6472 Marine Drive from A2 Agricultural District to the R5 or R9 Single Family Residential District. As noted above, the proposal is not consistent with the Burnaby Official Community Plan Designation as Semi-rural Single Family, nor is it consistent with the Council adopted Big Bend Development Plan's A2 Small Holdings designation for the area. Furthermore, given the substantial site slopes, and the resultant impacts to site access, developability in line with the R5 or R9 Residential Districts and impacts to down slope properties, the subject properties were historically and are currently considered unsuitable for more intensive residential subdivision and development. It is therefore, the position of the department that support for an amendment to the Big Bend Development Plan or a rezoning and subdivision application for the subject properties into smaller R5 or R9 Residential District lots could not be given.

B. Luksun, Director
PLANNING AND BUILDING

JBS:spf
Attachments

cc: City Manger
Director Engineering
City Solicitor