



Corporate Report

NO: R043

COUNCIL DATE: February 28,

2005

REGULAR COUNCIL

TO: Mayor & Council DATE: February 16,
2005

FROM: General Manager, FILE: 7903-0362-00
Planning and Development

SUBJECT:

**Tree Retention on the Property at 6520 – 194
Street and 65 Avenue Road Alignment Related
to a Proposed Development Variance Permit
for Property at 6572 – 194 Street -
Application No. 7903-0362-00**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
1. Approve Development Variance Permit No. 7903-0362-00, authorize the Mayor and Clerk to sign the Permit and authorize the transfer of the Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Permit; and
2. Instruct the City Clerk to forward a copy of this Corporate Report and the related Council resolution to Mrs. Veronica Sans, owner of the property at 6520 194 Street.

INTENT

The intent of this report is to provide Council with information on a review of the alignment of 65 Avenue, east of 194 Street in East Clayton and the related impact on trees on the property at 6520 – 194 Street and to recommend that Council approve Development Variance Permit No. 7903-0362-00, related to the property at 6572 194 Street.

BACKGROUND

An application to rezone the property at 6572 – 194 Street (Appendix I) from RA to RM 30 to allow the construction of approximately 83 townhouse units has been received by the City. The applicants have also applied for a Development Variance Permit to allow reduced setbacks (Appendix II). The development proposal conforms to the East Clayton Neighbourhood Concept Plan ("NCP").

The Public Hearing related to the rezoning by-law was held on October 18, 2004, at which time a property owner, Mrs. Veronica Sans, who owns the property at 6520 194 Street, which is located directly south of the subject site, raised concerns regarding the alignment of 65 Avenue and the preservation of trees on her property.

Subsequent to the Public Hearing, Council gave Third Reading to Rezoning By-law No. 15518, deferred

consideration of the associated Development Variance Permit and adopted the following resolution (RES R04-2749):

"That the road alignment and tree retention issues be dealt with before final adoption and a report be provided to Council".

DISCUSSION

The NCP for East Clayton provides for a mix of land uses to create a liveable and sustainable community. The NCP also establishes a network of roads and linear open spaces that promote efficient vehicular and pedestrian movement.

As of December 2004, sites allowing for the construction of approximately 2,340 dwelling units in the East Clayton NCP area are either zoned and under construction or expected to be under construction in the next year or so, due to being under application. This amount represents more than 49% of the 4,740 dwelling units anticipated for East Clayton, demonstrating considerable development activity in this NCP area since the NCP was given final approval approximately two years ago.

65 Avenue is planned to connect between 189 Street and 196 Street and is intended to support the grid road pattern that is being established in East Clayton. Although the majority of the roads being proposed/built in this community are being constructed as straight roads in an east/west or north/south orientation, 65 Avenue to the east of 194 Street does not follow a straight alignment, owing to the existing slope of the land in this area. In particular, severe slope conditions affecting the lands east of Mrs. Sans' property (see Appendix III) have precluded the possibility of building the road on a straight east/west alignment between 194 and 196 Streets. Instead, 65 Avenue is proposed to extend from 194 Street along the common property line between 6572 – 194 Street and Mrs. Sans property at 6520 – 194 Street, for about half the depth of these lots and then bend in a south-easterly direction, bisecting the easterly portion of Mrs. Sans' property from the remainder of her property.

As indicated in the NCP, a 40-metre (130-foot) wide north-south greenway is proposed to encompass the easterly part of both the property at 6572 – 194 Street (under application) and Mrs. Sans property at 6520 – 194 Street (see Appendix IV). The greenway follows the natural contours of the land on Mrs. Sans' property as well as on the properties to the south, which means the greenway runs in a diagonal direction from the north east to the south west across the easterly part of Mrs. Sans property.

Mrs. Sans' Concerns

Mrs. Sans' property at 6520 – 194 Street has an area of 1.8 hectares (4.4 acres) and is located directly south of the proposed development, related to Application No. 7903 0362-00. Mrs. Sans' property is zoned One-Acre Residential (RA) and designated High Density Residential (22 - 45 units per acre) in the East Clayton NCP. There is no development application for Mrs. Sans' property at this time. There is an existing home located on Mrs. Sans' lot, located on the easterly half of the lot, towards the southerly edge of the site. Except for the south-easterly portion of the site, which is steeply sloped in a south-easterly direction, the property slopes gently to moderately from north to south. The property is generally covered with mature trees, including Douglas Fir, Red Oak, and Big Leaf Maple.

Mrs. Sans has advised that it would be her preference if the bend in 65 Avenue could be located farther to the east (i.e., along the east property line of her property), to facilitate the preservation of existing trees on her property. As well, she advised that shifting the bend in the road to the east would reduce the amount of land required for the designated greenway along the easterly part of her property. Mrs. Sans further suggested that the designated greenway be expanded along the southerly edge of her lot to include the land on which two existing walnut trees are located, south of the existing house on the site.

Staff Comments

In response to Mrs. Sans' concerns and Council's direction, staff have requested a tree survey and an arborist report related to the existing trees located on Mrs. Sans' property, that are affected by the proposed 65 Avenue alignment.

With the information regarding the existing trees that will be impacted by the proposed 65 Avenue alignment, staff reviewed:

- the possibility of moving the bend in the 65 Avenue alignment farther east (as proposed by Mrs. Sans); and
- incorporating the land on which the two walnut trees are located, within an expanded greenway to the south.

The Engineering Department has advised that moving the bend in the road farther east would create a situation where a tighter bend in the road would be necessary, which would be below the minimum standard radius of 60 metres for through local roads and would result in grades in excess of maximum acceptable grades for through local roads. The combination of the tight curve and steeper grades (Appendix III) would be considered to be unsafe, particularly in view of the higher traffic volumes anticipated from full development of this multi-family area and in consideration that an alternative more suitable design can be achieved as is proposed in the NCP. The Engineering Department recommends that the current alignment, as indicated in the NCP for this portion of 65 Avenue, remain unchanged.

The Tree Survey Report has confirmed that there are two groves of trees along the common property line between Mrs. Sans' property and the site to the north; three stand alone trees that are greater than 30 centimetres (12 inches) in diameter on Mrs. Sans' property, located north-east of the proposed angular section of the 65 Avenue alignment within her property and a separate grove of 10 trees at the south-east corner of the Mrs. Sans' property (see Appendix V).

The City Landscape Architect has reviewed the arborist report and confirms that, regardless of the ultimate alignment of 65 Avenue (whether it remains as planned or the bend in the alignment is moved farther east as suggested by Mrs. Sans), it is unlikely that the trees on Mrs. Sans' property will survive, considering the corresponding alteration in grades and subsequent disturbance of water tables that will occur on the site, as well as on the neighbouring properties as these parcels develop in the future.

It has also been determined that the alignment of the greenway, as indicated in the NCP, should remain as planned. The existing walnut trees at the south limit of Mrs. Sans' property can be incorporated as part of the landscaping in the future multi-family development of that property.

Staff has been in conversation with Mrs. Sans, regarding her concerns with respect to the preservation of existing trees on her property and have advised her of the arborist report and staff's conclusions, related to the trees impacted by 65 Avenue alignment. She was also advised that a Corporate Report addressing her concerns would be forwarded to Council shortly and that a copy of that report would be forwarded to her, along with Council's decision on the matter.

CONCLUSION

Based on the above, it is recommended that Council approve Development Variance Permit No. 7903-0362-00, related to the property at 6572 – 194 Street, authorize the Mayor and Clerk to sign the Permit and authorize the transfer of the Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Permit. It is also recommended that Council instruct the City Clerk to forward a copy of this Corporate Report and the related Council resolution to Mrs. Veronica Sans, owner of the property at 6520 – 194 Street.

Murray Dinwoodie
General Manager
Planning and Development

JDM/kms/saw

Attachments:

- Appendix I Subject Site Under File No. 7903-0362-00
- Appendix II Proposed Site Plan for File No. 7903-0362-00
- Appendix III Contour Map Showing the Existing Lots
- Appendix IV Proposed Greenway in Relation to Mrs. Sans' Property
- Appendix V Tree Location in Relation to Proposed 65 Avenue

v:\wp-docs\planning\05data\jan-march\02161317.jdm.doc
SAW 2/28/05 10:51 AM











v:\wp-docs\planning\05data\jan-march\02161317.jdm.doc
SAW 2/28/05 10:51 AM