

City of Richmond Planning and Development Department

Report to **Development Permit Panel**

To:

Development Permit Panel

Date:

June 27, 2007

From:

Jean Lamontagne

File:

DP 07-369495

Director of Development

Re:

Application by Kenny Lee for a Development Permit at 6131 No. 5 Road

Staff Recommendation

That a Development Permit be issued which would permit the construction of a single family dwelling with a septic field at 6131 No. 5 Road on a site zoned Agricultural District (AG1) and designated as an Environmentally Sensitive Area.

Jean Lamontagne

Director of Development

JL:dcb Att. 4

Staff Report

Origin

Kenny Lee has applied to the City of Richmond for permission to develop a large single family dwelling with a septic field at 6131 No. 5 Road on a 0.86 acre site zoned Agricultural District (AG1) and designated as an Environmentally Sensitive Area (ESA). The site is currently vacant and is partially forested. Some fill exists on the site from previous development activities. There is no evidence of agricultural activity on the property.

The primary reason for the Development Permit application is due to the fact that the parcel is designated as an ESA and that the proposed development will impact a portion of the treed area on the lot.

Background

Development surrounding the subject site is as follows:

To the north: A large lot zoned Agricultural District (AG1) and designated as an ESA. An ESA

DP (DP 07-271790) to enable the construction of a single family dwelling on this

site was issued on January 10, 2005;

To the east: Across No. 5 Road are single family residential dwellings with agricultural

activities at the rear. These lots are zoned Agricultural District (AG1);

To the south: A single family residential dwelling on a site zoned Agricultural District (AG1)

and designated as an ESA; and

To the west: A 4.3 acre lot that is three-quarters forested and one-quarter farmed. The lot is

zoned Agricultural District (AG1) and designated as an ESA.

The subject property and all of the surrounding properties are within the Agricultural Land Reserve.

Development Information

Please refer to attached Development Application Data Sheet (Attachment 1) for a comparison of the proposed development data with the relevant Bylaw requirements.

The proposed development does not required a rezoning as the proposed use is permitted under the existing Agricultural District (AG1) zoning applicable to the site.

Site Plan

The development proposal is to construct a large single-family dwelling toward the front of the site, a septic field toward the middle/rear of the lot and a driveway from the front to the back of the house. The proposal keeps all above ground structures and driveways within the zoning district's 50m maximum setback area. Driving surfaces are primarily permeable paving materials helping to reduce surface runoff from the property.

The main dwelling has been designed with the garages to the rear, multiple roofline gables facing the street, a porte cocherer entrance way at the front of the house and trees, shrubs and lawn to enhance the appearance from No. 5 Road. The proposed dwelling meets all the required setbacks and height restrictions under the Agricultural District (AG1) and no variances are required.

Biologist's Assessment and Landscape Plan

The applicant worked with staff and other professionals to reduce the impacts of the project upon the site's native vegetation. A Biologist's assessment was undertaken (see **Attachment 2**) which included recommendations for positioning of the septic field in order to retain some of the mature woodland at the west edge of the site to serve as a natural buffer between the future residential structures and the adjacent mature woods / farmlands to the west.

Based upon the assessment, the applicant's landscape architect prepared plans retaining and enhancing a 17m deep, property wide vegetated strip along the western property line. This area is to be protected through a restrictive covenant to prevent removal of the vegetation other than hazard trees and invasive species. Plant selections in the landscaping plan for both the covenant area and the perimeter of the lot were drawn primarily from the City's recommended list for natural areas and are intended to provide privacy for the owners as well as habitat benefits for small birds and animals. A landscape security in the amount of \$28,000 must be provided prior to issuance of the DP, to ensure this landscaping is installed.

The development will result in up to 5 bylaw sized trees being removed (see **Attachment 3**). As compensation, the landscape plan includes installation of 23 trees across the property.

Staff Comments

The proposed scheme attached to this report has satisfactorily addressed the significant urban design issues and other staff comments identified as part of the review of the subject Development Permit application. In addition, it complies with the intent of the applicable sections of the Official Community Plan and is generally in compliance with the Agricultural District (AG1) zoning.

Analysis

ESA Impacts

In order to accommodate the proposed development on the site, portions of the vegetation and treed area are proposed for removal. The Biologist's assessment provides the basis for the landscaping plan which results in retention and enhancement of a portion of the woodland and provides habitat value to the local area. The plant enhancements will afford shelter, shade and foraging values primarily to small birds in the area. Overall, the design solution reflects a careful and a reasonably sensitive approach to the environmental values at the site.

As part of the City-wide ESA review, consideration will be given to reducing the ESA designation on the site to include only the enhanced treed area at the western edge of the site.

Engineering Works Design/Review

Sanitary sewer is unavailable, therefore a septic tank & field are be required.

Aircraft Noise

The subject property is located within Aircraft Noise Sensitive Area 4, which permits all land use types. Registration of an aircraft noise sensitive use covenant is a requirement of the Development Permit.

Flood Indemnity

The subject property is outside the urban exempt area. The flood construction level for this property is 2.6m GSC. Registration of a flood plain covenant is a requirement of the Development Permit.

The conditional requirements are provided in **Attachment 4**.

Conclusions

The applicant has sufficiently addressed issues related to site planning, landscaping design and ESA concerns. The applicant has made a special effort to keep the site massing within the maximum setbacks as well as create a visually appealing, well landscaped frontage to No. 5 Road. Staff are recommending support for this Development Permit application.

David Brownlee

DCB:cas

The following are to be met prior to forwarding this application to Council for approval:

- Receipt of a Letter-of-Credit for landscaping in the amount of \$28,000 (based on applicant provided quote).
- Registration of a flood plain covenant (2.6m GSC FCL).
- Registration of an aircraft noise sensitive use covenant.
- Registration of a legal agreement on title to ensure a 17m wide vegetation area is maintained along the west property line. This agreement shall limit tree/vegetation removal to hazardous trees and invasive plant species.
- Registration of a legal agreement on title requiring that all residential buildings and accessory structures be located within 50m of the front property line.
- Installation of appropriate tree fencing for all trees to be retained.



Development Application Data Sheet

Development Applications Division

DP 07-369495	Attachment 1
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Address: 6131 No. 5 Road

Applicant: Kenny Lee Owner: Kenny and Gloria A. Lee

Planning Area(s): East Richmond

Floor Area Gross: 797.66 m² (8,586.23 ft²)

	Existing	Proposed
Site Area:	3,540 m ²	same
Land Uses:	Vacant	Single-family Residential
OCP Designation:	Agriculture	Same
Zoning:	Agricultural District (AG1)	Same
Number of Units:	1	1

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	0.60	0.23	none permitted
Lot Coverage:	NA	NA	None
Setback – Front Yard:	Min. 6.0 m	9.144 m	None
Setback – Side Yard:	Min. 1.2 m on one side with 3.0m on the other side	1.56 m and 7.92 m	None
Maximum Setback:	Max. 50 m	50 m	None
Setback – Rear Yard:	Min. 6.0 m	Exceeds minimum	None
Height (m):	Max. 2 ½ storeys but must not exceed 10.5 m	2 ½ storeys	None
Lot Size:	Min. 828 m ²	3,503 m ²	None
Total off-street Spaces:	2	4	None



ENVIRONMENTAL SERVICES LTD. 312 – 750 TERMINAL AVE. VANCOUVER, BC V6A 2M5 604-689-3888 fax: 689-3880

November 3, 2006

David Brownlee City of Richmond Urban Development Division 6911 No. 3 Road Richmond, BC. V6Y 2C1

Dear Mr. Brownlee:

Re: Environmental Assessment - Environmentally Sensitive Area 6131 No. 5 Road, Richmond, B.C.

Phoenix Environmental Services Ltd. (Phoenix) was retained by Mr. Kenny Lee to conduct an Environmental Assessment for an existing lot designated as part of an Environmentally Sensitive Area (ESA), which Mr. Lee intends to develop for residential purposes.

1. INTRODUCTION

A residential dwelling, detached garage and office buildings have been proposed for a 3,053 m² property located at 6131 No. 5 Road (the Site) in Richmond. The legal description for the Site is Lot 84, Section 12, Block 4 North, Range 6 West, NWD Plan 1452. The Site comprises the fourth lot south of Westminster Highway on the west side of No. 5 Road.

The proposed buildings and a large (25 m wide) septic field along the west side of the property will result in the entire Site being cleared. Because the property is within a designated Environmentally Sensitive Area (ESA), an Environmental Assessment is required by the City of Richmond. This Environmental Assessment has been prepared to address the City's requirement for an Environmental Assessment of proposed residential development within an ESA.

1.1 Objectives

The primary objectives of this Environmental Assessment are to:

- 1. undertake a field reconnaissance to document plants, animals and habitats, with a particular focus on assessing the potential for rare and endangered (i.e., red- and blue-listed; Species at Risk) species;
- 2. map general habitat conditions;
- 3. identify features or habitats of environmentally sensitivity;



- 4. describe the biological and regional significance of the property;
- 5. determine potential project effects; and
- 6. provide recommendations to mitigate impacts resulting from the project.

2. METHODOLOGY

This Environmental Assessment has been conducted by Ken Lambertsen, R.P.Bio.

2.1 Review of Existing Information

The City of Richmond's web page was accessed to determine the current ESA status of the subject property and adjacent properties, and to view colour air photos of the site. The Conservation Data Centre (CDC) was not contacted since it is highly unlikely that rare and endangered species have been previously identified on the site. However, CDC tracking lists were reviewed to assess whether any red- or blue-listed wildlife species had the potential to occur.

2.2 Field Assessment

A site reconnaissance of the study area was conducted on October 13 2006. The purpose of the site visit was to identify the occurrence of significant plant communities, birds, mammals, amphibians and reptiles, to document general vegetation and habitat characteristics, to assess use of the site by wildlife, and to locate raptor nests. Evidence of wildlife use was recorded during the field visit.

3. HABITAT ATTRIBUTES

The key habitat features of the subject property and surrounding lands are discussed in the following sections. Adjacent land use is presented first, followed by description of the subject Site.

3.1 Adjacent Land Uses

As is the case with the subject property, adjacent properties are zoned AG1 (Agricultural). The property to the north (i.e., 6091 No. 5 Road) has been extensively cleared and covered with structural fill (pre-load). A strip (±12 m) of birch-dominated (*Betula papyrifera*) forest (birch woodland) remains along the west side of the adjacent property to the north of the Site.

The property immediately to the south is occupied by an existing house with storage sheds surrounding by a large area of grass lawn. A strip of birch woodland has been retained along the west side of the adjacent lot to the south.



A large property to the west (i.e., 11720 Westminster Highway; 17,512 m²) is also designated as an ESA and is currently undeveloped. The majority of that property is dominated by open birch woodland with a dense shrub understorey of primarily Salal and domestic blueberry (*Vaccinium* spp.). Coniferous trees, including non-native varieties, are prevalent in the northeast quadrant and actively cultivated blueberry fields are present in the northwest quadrant.

The east side of the subject property is bounded by a four-lane wide section of No. 5 Road.

3.2 General Habitat Description of the Site

The subject property is vacant, but has been partially disturbed by fill placement. The approximate front (east) third has been filled with sand to about 1 m above grade. The western half consists of dense shrubs including immature Paper Birch (Betula papyrifera), Salal (Gaultheria shallon) and Hardhack (Spiraea douglasii), and a small wetland characterized by bog-associated species such as Labrador-Tea (Ledum groenlandicum), sphagnum (Sphagnum spp.) moss, and seedling Lodgepole Pine (Pinus contorta). The entire property is currently designated as an ESA.

Beyond the filled part of the site to the west there is a younger birch-dominated woodland – shrubland that occupies the central third of the site and along the south edge of the site (see attached Habitat Map). These parts of the Site appear to have been cleared in the relatively recent past (<10 years). Mature birch woodland extends along the western quarter of the site, and in a small pocket adjacent to the southwest edge of the fill area, as shown on the Habitat Map

3.2.1 Rare and Endangered Plant Species

Habitats on the property reflect previous and recent disturbance and only the west margin of the site contains native vegetation communities occurring in adjacent, more undisturbed areas. Rare and endangered plant species are not expected to occur on the property.

3.3 Wildlife Description

3.3.1 Birds

Several bird species were observed during the October 13 2006 field visit to the site. All of these species are year-round residents in the study area. Bird species observed are those expected to be common in birch/conifer woodlands with dense shrub understories in the Richmond area. The species observed, in decreasing order of abundance, include: Black-capped Chickadee (Poecile atricapilla), Northwestern Crow (Corvus caurinus), American Robin (Turdus migratorius), Spotted Towhee (Pipilo maculatus), Golden-crowned Kinglet (Regulus satrapa), House Finch (Carpodacus mexicanus), and Song Sparrow (Melospiza melodia).



3.3.1.1 On-Site Nests

Several nests (i.e., stick structures approximately 30 cm in diameter) were observed in mature birch at the western end of the property. The shape, size and location of these nests indicates that they are more than likely those of Northwestern Crow.

3.3.1.2 Nests on Adjacent Property

During a previous assessment of the property to the north of the site (October 2004), two other nests were located on the larger property to the west characterized by an open Paper Birch forest with dense Salal and domestic blueberry understorey. One large nest was in a lone Lodgepole Pine (DBH = 18 cm). The large size of the nest and presence of a portion of a mammalian skeleton (likely of a rodent) below the nest suggests that the nest may have been used by a raptor such as Red-tailed Hawk (*Buteo jamaicensis*) in the past. Another nest was located in a Paper Birch (DBH = 20) and is likely that of a Northwestern Crow. Both nests were a considerable distance (i.e., > 50 m) from the western edge of the subject property.

3.3.2 Mammals

Numerous Eastern Cottontail (*Sylvilagus floridanus*) pellets were observed throughout the sand fill area of the site, indicating that these species are common on and in the vicinity of the subject property. One rabbit was observed fleeing into the adjacent woodland from the fill margin during the site visit. Other mammal species likely to occur include Coyote (*Canis latrans*), Raccoon (*Procyon lotor*) and Deer Mouse (*Peromyscus maniculatus*).

3.3.3 Amphibians and Reptiles

Although amphibian and reptile species were not observed during the field visit, some common species such as Long-toed Salamander (*Ambystoma macrodactylum*) and Common Garter Snake (*Thamnophis sirtalis*) are expected to occur.

3.3.4 Rare and Endangered Wildlife Species

Few red- or blue-listed wildlife species are likely to occur on the subject property. The absence of ditches or ponds with permanent water likely precludes the occurrence of rare and endangered species such as Red-legged Frog (*Rana aurora*; blue-listed provincially, Special Concern federally) and Pacific Water Shrew (*Sorex bendirii*; red-listed provincially, Threatened federally). There is a recently constructed ditch adjacent to the site on the neighbouring property to the north that appeared to have been constructed to drain the pre-loaded area on the adjacent property (i.e. the property assessed in October 2004). There is a possibility that species such as Barn Owl (*Tyto alba*; blue-listed provincially; Special Concern federally) and Band-tailed Pigeon (*Columba fasciata*; blue-listed provincially) may occasionally roost or forage on the property.



3.4 Environmentally Sensitive Areas

The City of Richmond has designated the entire property as an ESA. However, the mainly disturbed nature of the site (i.e., the sand fill and recent clearing) indicate that the site is likely of lower value than larger and more natural areas in the immediate vicinity (e.g., lot to the west, and Richmond Nature Park north of Westminster Highway).

3.5 Valued Ecosystem Components

No significant snags of value to cavity-nesting species such as woodpeckers were observed within the property.

3.6 Regional Significance of the Study Area

Much of the site has been previously disturbed. However, the site is part of a larger City of Richmond designated ESA (i.e. disturbed fringe) and does provide habitat for native species such as Coyote and Douglas Squirrel, other small mammals and numerous native resident and migratory bird species. Habitats of the site are not unique from a biological or regional perspective.

4. ENVIRONMENTAL IMPACTS

Most of the site will be cleared to accommodate the proposed dwelling, ancillary buildings, driveway, landscaped yard, and septic field. Although the site has been previously disturbed, habitat for native wildlife species will be lost. Local populations of common species such as Deer Mouse and Song Sparrow are expected to decline. In addition, the overall size of the ESA area will be incrementally reduced. There will be increased disturbance to remaining wildlife during construction of the residential development at the site, and from possible future pets at the site.

Because the site has already been partially filled and cleared, its conservation as wildlife habitat is not as important as adjacent undisturbed and mature birch-bog areas within the designated ESA area.

5. MITIGATION RECOMMENDATIONS

The current design of the proposed residential development does not allow for the retention of the existing vegetation on the site. The current design would result in virtually all of the existing treed habitat being removed. Measures to minimize the impacts of the development on flora and fauna include:

1. relocating the septic field into the proposed lawn/landscaped areas to the southwest of the proposed structures on the site. Pressurized septic systems in imported sand fill have been used elsewhere with typical residential landscaping at the ground surface. This



would enable the retention of some of the mature woodland within the currently proposed septic field on the west edge of the site, as a natural buffer between the future residential structures and the adjacent undisturbed large mature woodland to the west;

- 2. planting native shrubs (e.g. salal) and trees (e.g. Lodgepole pine) within the landscaped areas of the site, especially along the edge (e.g. fill slope) of the retained woodland on the west edge of the site; and
- 3. avoiding clearing of vegetation within the breeding bird window (i.e., April 1 to July 31) to avoid impacts to breeding birds and contravention of the BC Wildlife Act.

6. CONCLUSIONS

The subject property (6091 No. 5 Road) does not represent habitat of regional significance, provide habitat for rare and endangered species or nesting areas for raptors, nor is part of a large contiguous undisturbed area.

Habitats beyond the fill portion of the subject property will be largely eliminated by development of the proposed residential structures and septic field. Impacts on existing wildlife populations (i.e. displacement, incrementally reduced available habitat) will result.

Significant developments have already occurred to the north, east and south. Maximizing the amount of vegetation retained along the west edge of the site and using native plants within the landscaped areas of the re-developed site will ensure that some habitats of value to wildlife are retained on the property.

7. CLOSURE

We trust that this Environmental Assessment of the subject property and proposed residential development of the property addresses the City of Richmond's concerns regarding the ESA designation of the subject property.

Please contact me at 604-689-3888 if you have any questions, or need additional information.

Sincerely,

Phoenix Environmental Services Ltd.

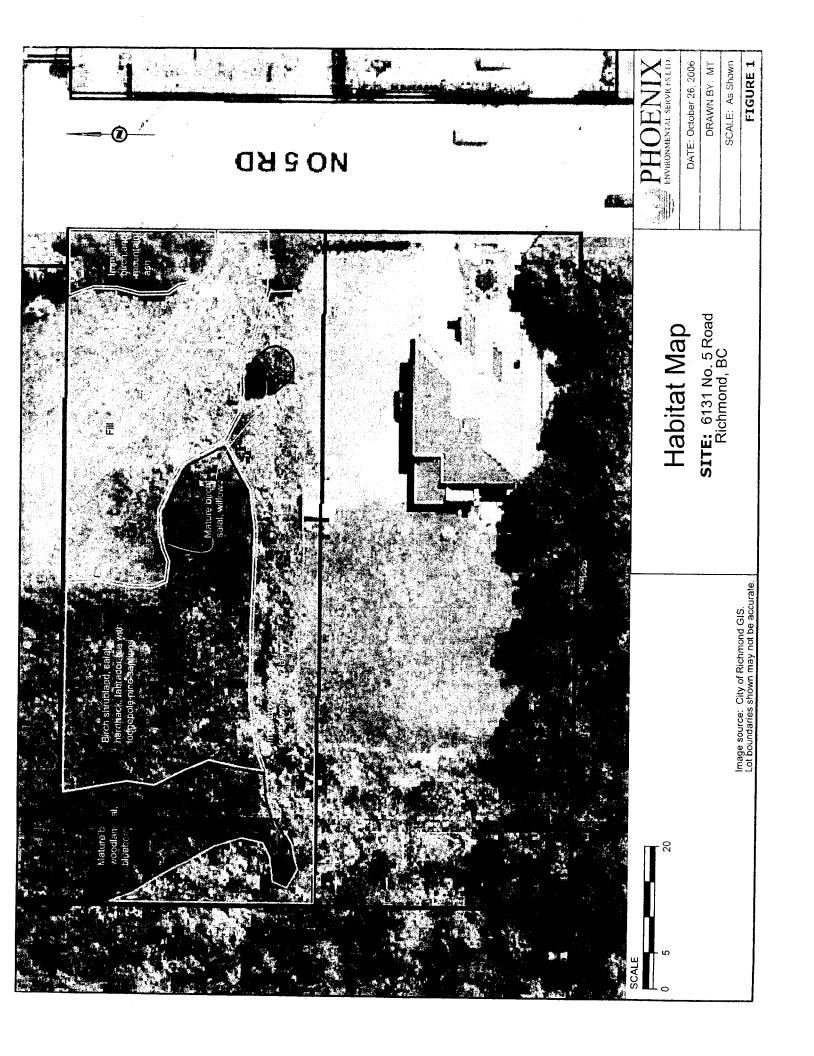
Ken Lambertsen, B.Sc., R.P.Bio.

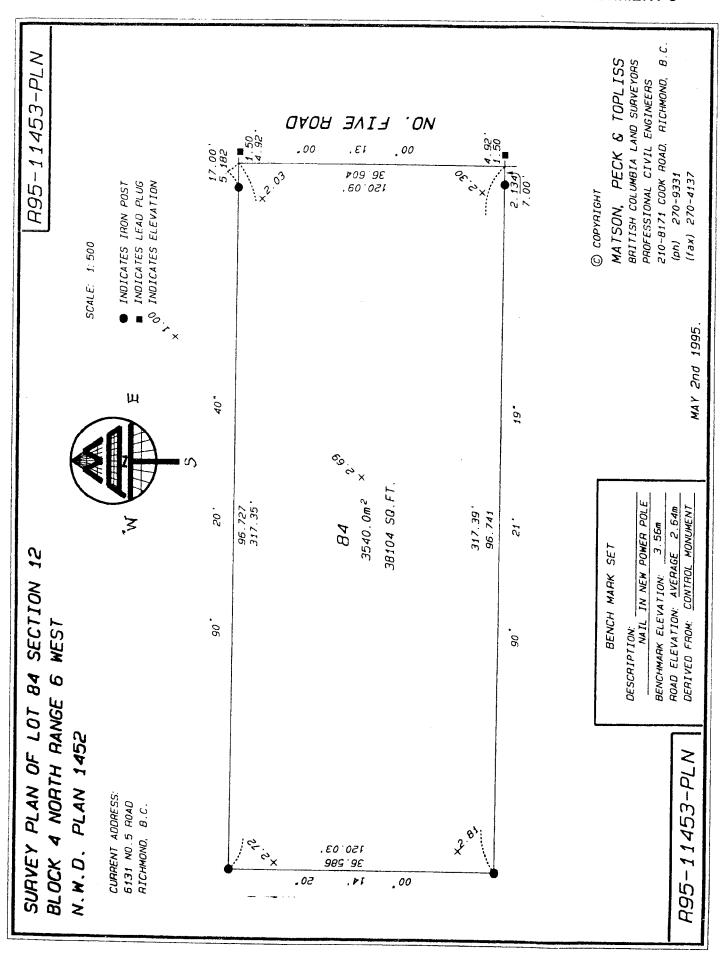
Principal

cc. Kenny Lee



Habitat Map





this document is not valid unless originally signed and sealed

All trees show to be removed

file 6086

Conditional Development Permit Requirements

6131 No. 5 Road DP 07-369495

Prior to forwarding this application to Council for Development Permit approval, the developer is required to complete the following requirements:

- 1. Registration of an aircraft noise sensitive use covenant on title.
- 2. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 2.6 m GSC.
- 3. Registration of a legal agreement on title ensuring the protection, and preventing the removal, of the vegetation in the western most 17m of the lot with the exception of the removal of hazardous trees, invasive species or excessive overgrowth.
- 4. Registration of a legal agreement on title requiring that all residential buildings and accessory structures be located within 50m of the front property line.
- 5. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to final approval of the Development Permit or any construction activities, including building demolition, occurring onsite.
- 6. Receipt of a Letter-of-Credit for landscaping in the amount of \$28,000 (based upon the submitted quotation).

Prior to Building Permit Issuance, submission of a Construction Parking and Traffic Management Plan to the Transportation Division. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.

[Signed Original on File]	
Signed	Date



Development Permit

No. DP 07-369495

To the Holder:

KENNY LEE

Property Address:

6131 NO. 5 ROAD

Address:

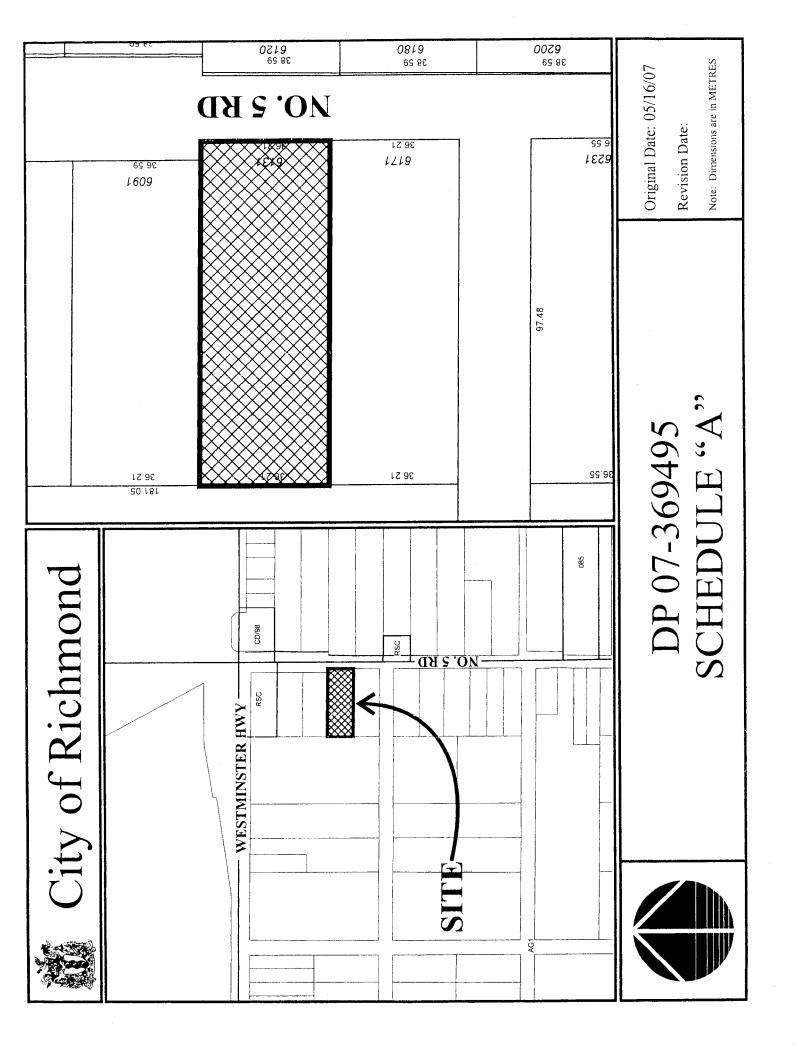
8877 ODLIN CRESCENT, UNIT 120 RICHMOND, B.C.

1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.

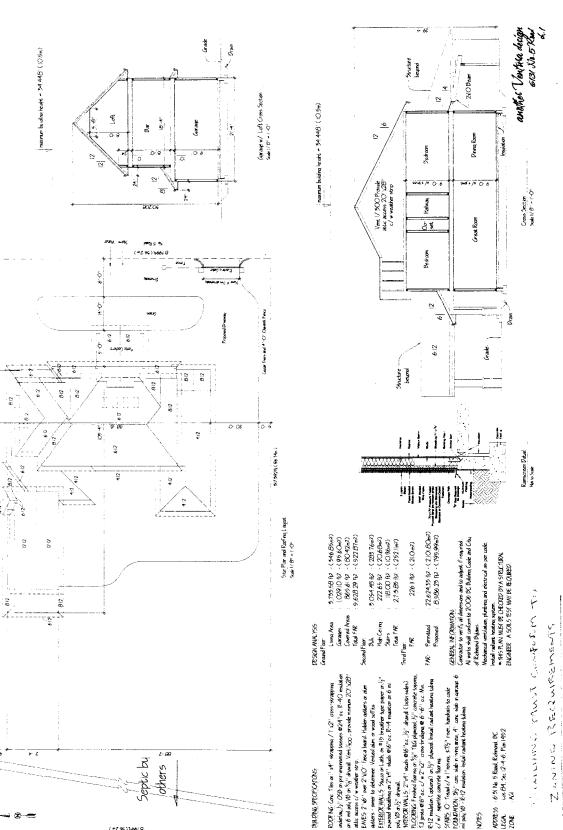
- 2. This Development Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. Subject to Section 692 of the Local Government Act, R.S.B.C.: buildings and structures; off-street parking and loading facilities; roads and parking areas; and landscaping and screening shall be constructed generally in accordance with Plans #1 to #3 attached hereto.
- 4. Sanitary sewers, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
- 5. As a condition of the issuance of this Permit, the City is holding the security in the amount of \$28,000, to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder. Should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived.
- 6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.

No. DP 07-369495

To the Holder:	KENNY LEE			
Property Address:	6131 NO. 5 ROAD			
Address: 8877 ODLIN CRESCENT, UNIT 120 RICHMOND, B.C.				
7. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.				
This Permit is not a Build	ling Permit.			
AUTHORIZING RESOLUT DAY OF ,	ION NO. ISSUED BY THE COUNCIL THE			
DELIVERED THIS D	AY OF .			
MAYOR				



Plan # 1



917.392R (96.74m)

- 2 ---

