



City of Richmond

Report to Committee

To: Planning Committee

Date: March 12, 2019

From: Barry Konkin
Manager, Policy Planning

File: RZ 19-850784

Re: Application by Wing Kuen Becky Chan for Rezoning at 11120 Granville Avenue from "Agriculture (AG1)" to a Site Specific Agriculture Zone to Permit a Larger House Size

Staff Recommendation

That the application for the rezoning of 11120 Granville Avenue from "Agriculture (AG1)" to a Site Specific Agriculture Zone, to permit a house up to 500 m² in floor area, be denied.

Barry Konkin
Manager, Policy Planning

BK:sds
Att. 7

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications	<input checked="" type="checkbox"/>	

Staff Report

Origin

Wing Kuen Becky Chan has applied to the City of Richmond for permission to rezone the property at 11120 Granville Avenue from the “Agriculture (AG1)” zone to a Site Specific Agriculture Zone, in order to permit a single-family dwelling with a floor area of 500 m² (5,382 ft²). The maximum floor area permitted in the existing “Agriculture (AG1)” zone for a single-family dwelling (and all accessory buildings or structures) is 400 m² (4,306 ft²). The subject property is approximately 0.44 acres (0.18 hectares) in area and is located within the Agricultural Land Reserve (ALR). A location map and aerial photograph are provided in Attachment 1.

The subject site is currently occupied by a vacant single-family dwelling, which is proposed to be demolished. A Building Permit (B7 18-843077) was submitted on December 17, 2018 for a new single-family dwelling with a total floor area of 500 m² (5,382 ft²). The Building Permit was submitted during the Council endorsed withholding period for Building Permits that conflicted with the bylaw amendments under preparation and consideration by Council, which included reducing the maximum floor area permitted in the “Agriculture (AG1)” zone to 400 m² (4,306 ft²). The amendments to the AG1 zone were adopted by Council on December 17, 2018, and the Building Permit was subsequently cancelled as it did not comply with the new regulations (maximum house size of 400 m²). The applicant submitted the subject rezoning application in order to permit a single-family dwelling with a maximum floor area of 500 m² (5,382 ft²). The proposed Site Plan for the house is provided in Attachment 2.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 3).

Surrounding Development

To the North: Across Granville Avenue, single-family dwellings and agricultural uses on lots zoned “Agriculture (AG1)”, located within the Agricultural Land Reserve (ALR).

To the South: No access parcels zoned “Agriculture (AG1)”, located in the ALR.

To the East & West: Single-family dwellings and agricultural uses on lots zoned “Agriculture (AG1)” fronting Granville Avenue, located within the ALR.

Related Policies & Studies

Official Community Plan/East Richmond Area McLennan Sub-Area Plan

The Official Community Plan (OCP) land use designation for the subject site is “Agriculture (AGR)”. The East Richmond Area McLennan Sub-Area Plan land use designation for the subject site is “Agriculture” (Attachment 4). The “Agriculture” designation comprises of those

areas of the City where the principal use is agriculture and food production, but may include other land uses as permitted under the Agricultural Land Commission Act (ALCA).

The OCP includes policies on residential development in the ALR, including limiting the area used for residential development on properties in the ALR. As per Section 7.0 of the OCP (p. 7-4) (Attachment 5), the following policies are provided as guidelines which may be applied by Council, in a flexible manner, individual or together, to increase house size in the City's agricultural areas:

- the need to accommodate a variety of a cultural and inter-generational family needs and farm situations;
- verification that the site has been or can be used for agricultural production;
- verification that the applicant has been farming in Richmond or elsewhere, for a significant period of time, or if they are a new farmer, they can demonstrate that they are, or will be, capable of farming;
- demonstration that there is a need for a larger farm house, to accommodate existing and/or anticipated workers on the site, through the submission of a detailed report from a Professional Agriologist indicating such, or through other information;
- submission of a farm plan which is acceptable to Council that may include justifying any proposed on-site infrastructure, or farm improvements including providing financial security to ensure that the approved farm plan is implemented.

The applicant has advised that some farming is proposed at the rear of the property (i.e. chickens and vegetable growing); however, the applicant's stated reason for the proposed rezoning is the timing of the withholding period and cancellation of the previous Building Permit. The applicant's statement of intent is provided in Attachment 6. Therefore, the above-noted guidelines cannot be applied in this context and the proposal is not consistent with OCP policies.

Public Consultation

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

Analysis

Proposed Rezoning Application

On December 17, 2018, Council adopted amendments to the "Agriculture (AG1)" zone to limit residential development on agriculturally zoned lands, including:

- a maximum house size of 400 m² (4,306 ft²);
- a maximum two storey building height;
- a maximum house footprint of 60% of the total floor area;
- a maximum farm home plate of 1,000 m² (10,764 ft²); and

- requiring the septic field to be located within the farm home plate.

Prior to adoption, there was a withholding period of building permits that conflicted with the bylaws in preparation and consideration by Council, from November 13, 2018 to December 17, 2018. The associated Building Permit for the subject property was submitted during the withholding period and subsequently cancelled after the withholding period ended, as it did not comply with the new regulations. A timeline of applicable events is provided in Attachment 7.

The proposal is not consistent with the 400 m² (4,306 ft²) maximum floor area requirements of the "Agriculture (AG1)" zone. The Development Application Data Sheet in Attachment 3 provides details about the development proposal in comparison to the current requirements of the AG1 zone.

On November 27, 2018, Bill 52 (*Agricultural Land Commission Amendment Act, 2018*) was given third reading and royal assent. This legislation establishes a maximum single-family dwelling size of 500 m² (5,382 ft²) in total floor area for land located within the Agricultural Land Reserve (ALR). On February 22, 2019, the new ALR Regulation changes brought the changes as per Bill 52 into force and effect. Although the subject property is located in the ALR, the proposal is within the Provincial limit and thus not required to submit a non-farm use application to the Agricultural Land Commission (ALC).

Conclusion

Wing Kuen Becky Chan has applied to the City of Richmond for permission to rezone the property at 11120 Granville Avenue from the "Agriculture (AG1)" zone to a Site Specific Agriculture Zone, in order to permit a single-family dwelling up to a maximum floor area of 500 m² (5,382 ft²).

The application is not consistent with the current AG1 zone and does not comply with applicable policies contained within the OCP and Area Plan for construction of a single-family dwelling larger than 400 m² (4,306 ft²) on the subject site.

On this basis, it is recommended that the application be denied.



Steven De Sousa
Planner 1

SDS:cas

- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Conceptual Development Plans
- Attachment 3: Development Application Data Sheet
- Attachment 4: East Richmond Area McLennan Sub-Area Plan Land Use Map
- Attachment 5: Official Community Plan Section 7-4
- Attachment 6: Statement of Intent
- Attachment 7: Timeline of Events



City of
Richmond



91		11001	11011	11031	11051	11111	11131	11151	11171	11191	11211	11231
	31.19	26.62	19.26	19.00		17.01	21.52	19.27	19.27	18.29	20.23	18.29
GRANVILLE AVE												
	31.13	22.25	23.64	19.27	19.27	19.26	19.26	19.27	19.27	19.20	19.33	19.26
		11020	11040	11060	11080	11120	11140	11160	11170	11180	11200	11220
80.46	92.10	91.88	91.91	91.82	91.82	91.83	91.90	91.90	91.90	91.90	91.90	91.90
38.40	31.05	22.25	23.69	19.25	19.25	19.26	19.26	19.27	19.27	19.20	19.33	19.26
			38.53		38.53	38.53				38.53		38.53



RZ 19-850784

Original Date: 01/18/19

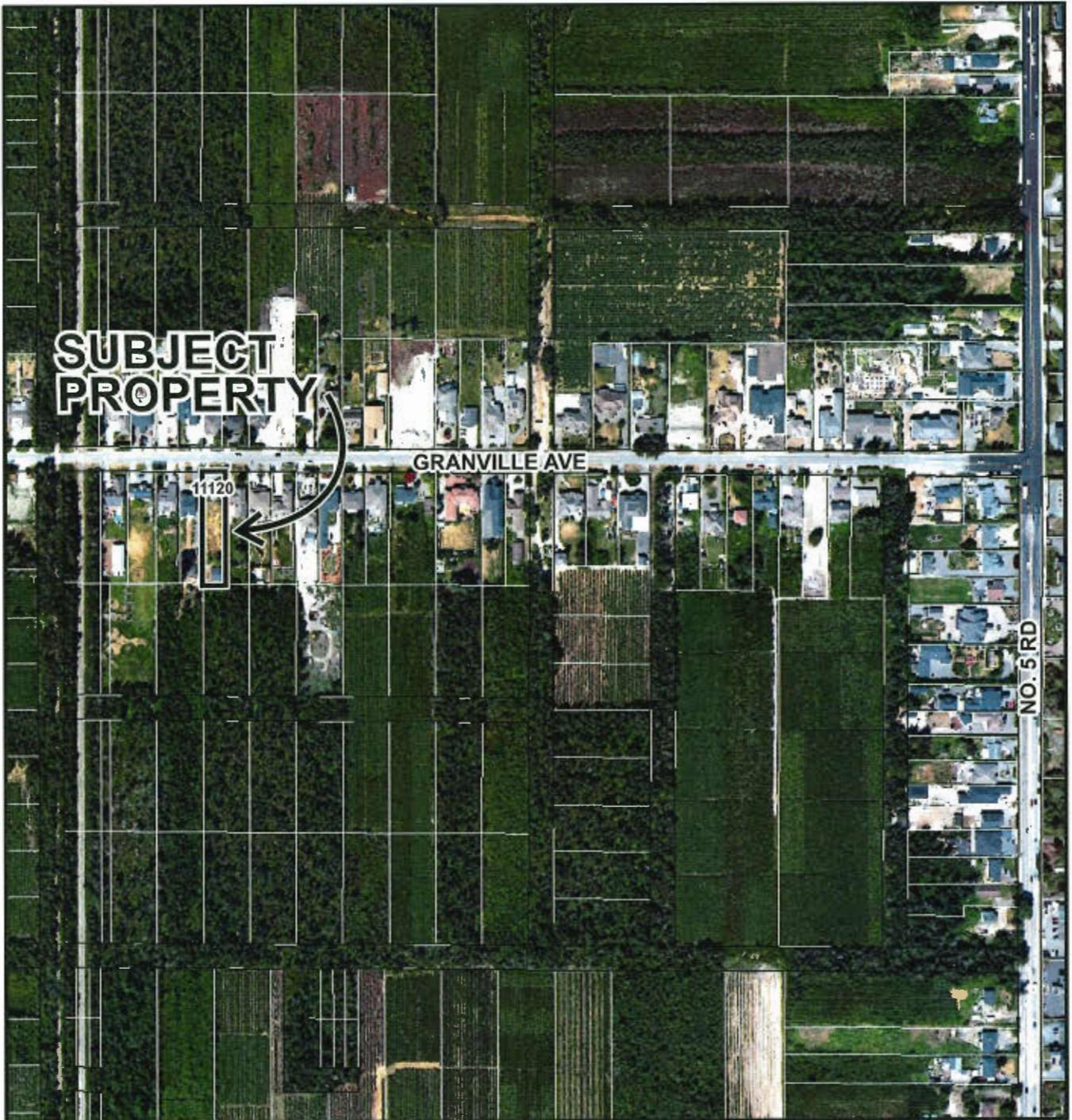
Revision Date:

Note: Dimensions are in METRES

CNCL - 500



City of
Richmond



RZ 19-850784

Original Date: 01/18/19

Revision Date:

Note: Dimensions are in METRES

CNCL - 501



RZ 19-850784

Attachment 3

Address: 11120 Granville Avenue

Applicant: Wing Kuen Becky Chan

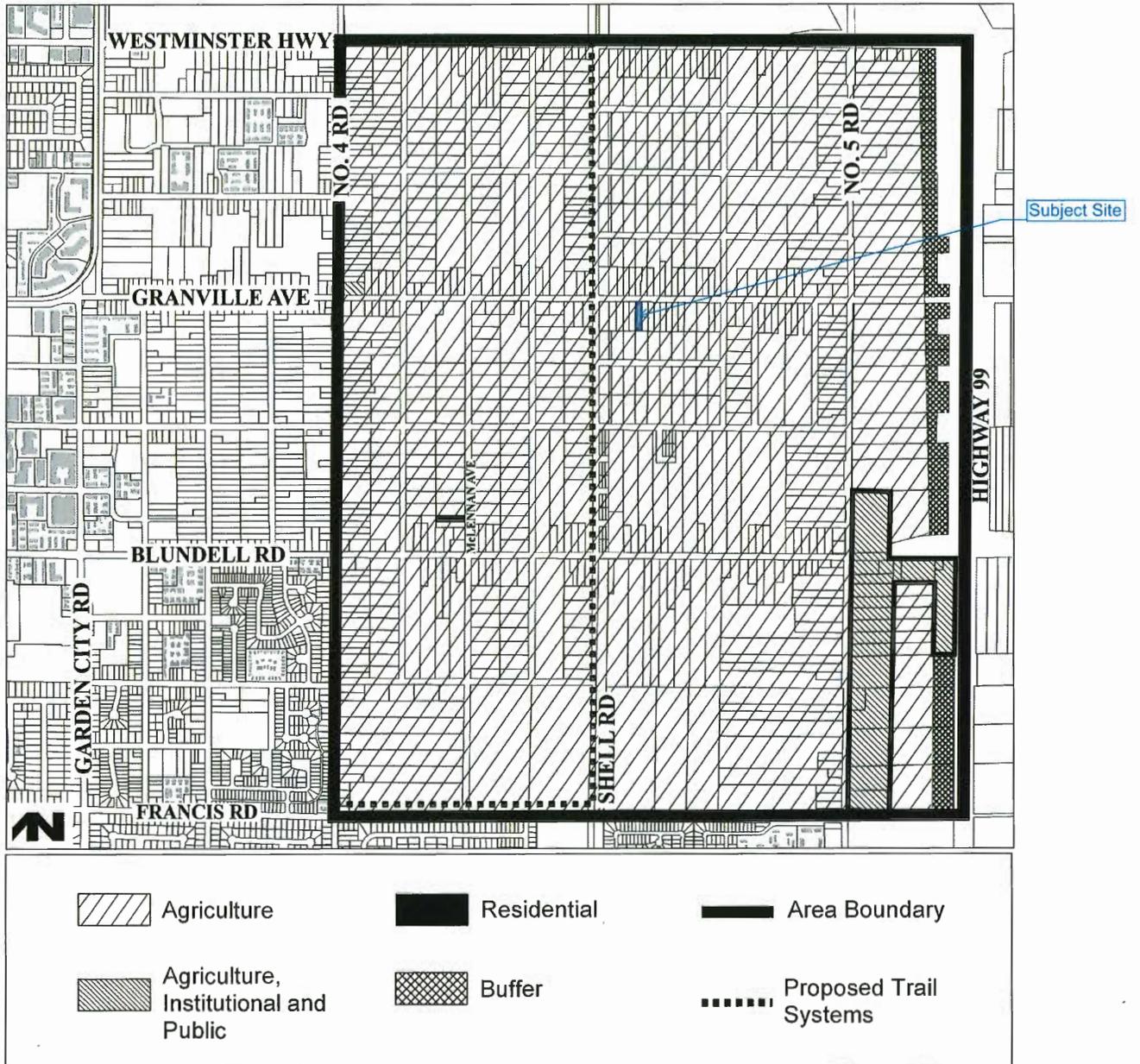
Planning Area(s): East Richmond

	Existing	Proposed
Owner:	W. Chan	No change
Site Size:	1,771 m ² (0.44 ac / 0.18 ha)	No change
Land Uses:	Single-family residential	No change
OCP Designation:	Agriculture (AGR)	No change
Area Plan Designation:	Agriculture	No change
Zoning:	Agriculture (AG1)	Site Specific Agriculture Zone to permit a larger house size

	Bylaw Requirement (AG1)	Proposed	Variance Rezoning Requested
Buildable Floor Area:	Max. 400 m ² (4,306 ft ²)	500 m ² (5,382 ft ²)	
Farm Home Plate:	Max. 50% of the lot area for lots less than 0.2 ha	50% of the lot area	None
House Footprint:	Max. 60% of the maximum floor area ratio	60%	None
Setback – Farm Home Plate:	Max. 75 m	Complies	None
Setback – Single Detached Housing Building:	Max. 50 m	Complies	None
Setback – Front:	Min. 6.0 m	6.0 m	None
Setback – Interior Side:	Min. 1.2 m	1.2 m	None
Setback – Other Side:	Min. 4.0 m	Min. 4.0 m	None
Setback – Rear:	Min. 10.0 m	45 m	None
Height:	Max. 2 storeys (9.0 m)	2 storeys (7.8 m)	None

City of Richmond

Land Use Map Bylaw 8791
2012/09/10





Bylaw 9706
2017/05/17

Residential Development

- f) limit the area used for residential development on properties in the Agricultural Land Reserve. The following policies are to be regarded as guidelines which may be applied by Council, in a flexible manner, individually or together, on a case-by-case basis, when considering rezoning applications, to increase house size in the City's agricultural areas:
- the need to accommodate a variety of a cultural and inter-generational family needs and farm situations;
 - verification that the site has been or can be used for agricultural production;
 - verification that the applicant has been farming in Richmond or elsewhere, for a significant period of time, or if they are a new farmer, they can demonstrate that they are, or will be, capable of farming;
 - demonstration that there is a need for a larger farm house, to accommodate existing and / or anticipated workers on the site, through the submission of a detailed report from a Professional Agrologist indicating such, or through other information;
 - submission of a farm plan which is acceptable to Council that may include justifying any proposed on-site infrastructure, or farm improvements including providing financial security to ensure that the approved farm plan is implemented;

Bylaw 9869
2018/06/18

- g) limit the number of principal dwelling units to one (1) on agriculturally zoned properties, and only permit one (1) additional dwelling unit provided the property is 8 ha (20 ac.) in area or greater, the property is classified as a farm under the BC *Assessment Act*, and if the owner provides a statutory declaration that the additional dwelling unit is for full-time farm workers only, and submits a report from a Professional Agrologist which demonstrates that:
- full-time farm labour is required to live on the farm;
 - the secondary farmhouse is subordinate to the principal farm dwelling unit.

Any proposals for more than one (1) additional dwelling unit on agriculturally zoned land would be considered through a rezoning application and would be reviewed on a case-by-case basis.

January 14, 2019

Subject Property: 11120 Granville Ave

To whom it may concern,

My name is Becky Chan, I have been a Richmond resident for over 30 years. During these past 30+ years I have worked and raised my family in Richmond, we love the city and cannot imagine living anywhere else.

I bought the subject property 11120 Granville Ave to build a house for myself and my son and his family. When I made an offer for this property, we can build on 60% on the site area and were planning to build a 7500SF home. After becoming a firm offer, the city changed the rules to limit the house size to 500 square meters maximum. We completed the sale of the property on June 1, 2017 and started planning for the new house. The current house on the property is not in a livable condition since I bought it. We started working on the planning, the architect, geo-tech, engineering, septic tank design, landscape design, land survey, asbestos removal, etc. We needed to do all this one by one and it took a lot of time.

My son had actually tried to submit the application for building a couple times before the deadline, but had missing information and we had to make changes. At the last time he tried, the lady at the city told him not to worry because we are not planning a 10000SF monster house. At the end, our submission date was Dec. 13, 2018 and our application fee was accepted.

I am building this house for myself and my extended family. I am the owner of ABC Realty for over 26 years, my son and daughter-in-law are also a part of the company now. They have a baby of 10 months old, and another one on the way. I need to move in with my son and his family so they can take over the business and I can look after his children. I am also 65 years old and its time for me to retire and help out my son and his family. They will be looking after me when I get older, as I am a diabetic patient with a family history of strokes and cancer.

We are planning to build this "forever home" for us and 400 Square meters is too small for our growing family and needs. We are not planning to re-sell this house for profit. We found 500 square meters is just enough for our minimum requirements, and urge you to let us pass this application.

Thank you for your consideration.

Yours truly,



Becky Chan

Timeline of Events

Date	Event
November 6, 2018 (Special Council)	<ul style="list-style-type: none"> • Council directed staff to prepare a bylaw that limits residential development in the "Agriculture (AG1)" zone, which included a maximum house size of 500 m². • Council resolution included a withholding period for all Building Permit applications in conflict with the proposed bylaws in preparation, received more than 7 days after the passage of the resolution.
November 13, 2018 (Regular Council)	<ul style="list-style-type: none"> • The proposed bylaws to limit residential development in the AG1 zone (Bylaw 9965, 9966, 9967 & 9968) were introduced for Council's consideration. • The proposed bylaws were amended by Council to limit house size on agricultural land to a maximum floor area of 400 m². • The proposed bylaws received first reading and were forwarded to the following Public Hearing (December 17, 2018).
November 13, 2018 (Withholding period begins)	<ul style="list-style-type: none"> • Withholding period begins for all Building Permit applications in conflict with the proposed bylaws noted above, which included a maximum house size of 400 m².
November 27, 2018	<ul style="list-style-type: none"> • Bill 52 (<i>Agricultural Land Commission Amendment Act, 2018</i>) was given third reading and royal assent, which included a maximum house size of 500 m².
December 13, 2018	<ul style="list-style-type: none"> • Submission of associated Building Permit for the subject property for a single-family dwelling of 500 m² (B7 18-843077).
December 17, 2018 (Public Hearing)	<ul style="list-style-type: none"> • Council adopted the bylaws limiting residential development in the AG1 zone (Bylaw 9965, 9966, 9967 & 9968), which included a maximum house size of 400 m².
December 17, 2018 (Withholding period ends)	<ul style="list-style-type: none"> • Withholding period for all Building Permit applications in conflict with the proposed bylaws ends. • Building Permits submitted during the withholding period were cancelled (did not comply with the new regulations). • All Building Permit applications must now comply with the adopted changes to the AG1 zone.
January 14, 2019	<ul style="list-style-type: none"> • Subject Rezoning application (RZ 19-850784) submitted in order to permit a larger house size than permitted in the AG1 zone, as per the previous Building Permit submitted.
February 22, 2019	<ul style="list-style-type: none"> • Agricultural Land Reserve (ALR) Regulation amended to reflect the changes as per Bill 52, including a maximum house size of 500 m² for properties located in the ALR.