



**City of
Richmond**

To Council - May 27, 2013
Report to Committee
 Planning and Development Department

TO PLN - MAY 22, 2013

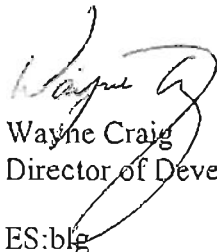
To: Planning Committee
 From: Wayne Craig
 Director of Development

Date: May 2, 2013
 RZ 13-628035
 File: 12-8060-12-9011

Re: Application by Ajit Thaliwal for Rezoning at 8960 Heather Street from Single Detached (RS1/B) to Single Detached (RS2/A)

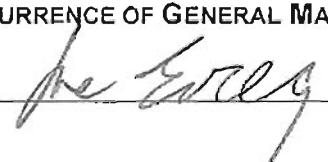
Staff Recommendation

That Bylaw 9011, for the rezoning of 8960 Heather Street from "Single Detached (RS1/B)" to "Single Detached (RS2/A)", be introduced and given first reading.



Wayne Craig
 Director of Development

ES:blg
 Att.

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing Engineering	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Staff Report

Origin

Ajit Thaliwal has applied to the City of Richmond for permission to rezone 8960 Heather Street from Single Detached (RS1/B) to Single Detached (RS2/A) in order to permit the property to be subdivided into two (2) single-family lots (**Attachment 1**).

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (**Attachment 2**).

Surrounding Development

The subject property is located on the east side of Heather Street between Francis Road and Dolphin Avenue. This residential neighbourhood has seen a great deal of redevelopment in the last 10 years with older homes on large lots being replaced by newer character single-detached dwellings on small and medium-sized lots. Other land uses also exist nearby in the neighbourhood (i.e. public open space, assembly, multi-family). Existing development immediately surrounding the site is as follows:

- To the north, is an older single detached dwelling zoned “Single Detached (RS1/B)”;
- To the east, is a townhouse development zoned “Low Density Townhouses (RTL1)”;
- To the south, are two (2) lots zoned “Single Detached (RS1/C)”, one (1) of which has a new home currently being constructed on it; and
- To the west, across Heather Street, is an older single detached dwelling zoned “Single Detached (RS1/B)”.

Related Policies & Studies

2041 Official Community Plan (OCP) Designation

The subject property is located in the Broadmoor Planning Area. The 2041 Official Community Plan’s (OCP) Land Use Map designation for this property is “Neighbourhood Residential”. The Ash Street Sub-Area Plan Land Use Map designation for this property is “Low Density Residential”. This redevelopment proposal is consistent with these designations.

Lot Size Policy

The subject property does not fall within a Lot Size Policy area.

Staff Comments

Background

This neighbourhood has undergone a great deal of redevelopment through rezoning and subdivision to smaller lot sizes in recent years. This property is one of the last few remaining lots which have subdivision potential on their own.

Trees & Landscaping

A survey submitted by the applicant shows the location of bylaw-sized trees on-site and immediately adjacent to the subject site (**Attachment 3**).

A Certified Arborist's Report, submitted by the applicant, identifies tree species, assesses tree condition and health, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses 16 bylaw-sized trees on the subject site and eight (8) trees on neighbouring properties.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report and conducted a visual tree assessment. The City's Tree Preservation Coordinator concurs with the Arborist's recommendations to:

- Remove and replace nine (9) on-site trees (tag #'s 329, 331, 332, 333, 334, 341, 342, 343 & 344) due to their poor condition (from being previously topped or exhibit structural defects). Note: one (1) tree (tag #330) was removed under separate Tree Permit (T2 12-624495) during construction of the adjacent single-family house at 8988 Heather Street (formerly 9271 Francis Road).
- Retain and protect eight (8) neighbouring trees (F, G, H, J, K, L, M & N).
- Retain and protect six (6) on-site trees:
 - A 42 cm calliper Douglas Fir tree (tag# 335), which has a co-dominant relationship with tree "H" located on the neighbouring property at 9291 Francis Road; and
 - Five (5) 33-56cm calliper Douglas Fir and Cedar trees (tag #'s 336, 337, 338, 339 & 340) located along the rear property line.

Tree protection fencing must be installed to City standards as per City of Richmond Tree Protection Information Bulletin Tree-03 prior to demolition of the existing dwelling on the subject site, and must remain in place until construction and landscaping on the future lots is completed.

The Final Tree Retention Plan which reflects the final outcome of tree protection and removal is included as **Attachment 4**.

As a condition of rezoning adoption, the applicant must submit:

- A Contract with a Certified Arborist for supervision of any works to be conducted within the Tree Protection Zone of on-site trees (tag #'s 335, 336, 337, 338, 339 & 340) and off-site trees (F, G, H, J, K, L, M & N) to be retained. The Contract must include the proposed number of site monitoring inspections (including stages of development), and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.
- A Tree Survival Security to the City in the amount of \$8,000 to ensure that on-site trees (tag #'s 335, 336, 337, 338, 339 & 340) and off-site trees (F, G, H, J, K, L, M & N) will be protected. The City will release 90% of the security after construction and landscaping on the future lots are completed, inspections are approved, and an acceptable post-construction impact assessment report is received. The remaining 10% of the security would be released one year later subject to inspection.

Based on the Official Community Plan's (OCP) tree replacement ratio goal of 2:1, and the size requirements for replacement trees in the City's Tree Protection Bylaw, a total of 18 replacement trees are required to be planted. Considering the effort to be taken by the applicant to retain the on-site trees, and the limited space in the yards of the future lots, staff recommend only 10 replacement trees be required. Since not all 10 replacement trees can be accommodated on-site, staff recommend six (6) replacement trees be planted and maintained on-site (three (3) per future lot) and that the applicant make a voluntary contribution to the City's Tree Compensation Fund in the amount of \$2,000 (\$500/tree) prior to rezoning adoption in-lieu of planting the balance of replacement trees on-site. Replacement trees must meet the following minimum height/size requirements:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
6	8 cm		4 m

To ensure that the replacement trees are planted and maintained, the applicant is required to submit a Landscaping Security to the City in the amount of \$3,000 (\$500/tree) prior to final adoption of the rezoning bylaw.

Affordable Housing Strategy

Richmond's Affordable Housing Strategy requires a secondary suite on 50% of new lots, or a cash-in-lieu contribution of \$1.00/ft² of total building area toward the City's Affordable Housing Reserve Fund for single-family rezoning applications.

The applicant proposes to provide a legal secondary suite on one (1) of the two (2) future lots at the subject site. To ensure that the secondary suite is built to the satisfaction of the City in accordance with the City's Affordable Housing Strategy, the applicant is required to enter into a legal agreement registered on Title, stating that no final Building Permit inspection will be granted until the secondary suite is constructed to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw. This legal agreement is a condition of rezoning adoption. This agreement will be discharged from title (at the initiation of the applicant) on the lot where the secondary suite is not required by the Affordable Housing Strategy after the requirements are satisfied.

Should the applicant change their mind prior to rezoning adoption about the affordable housing option selected, a voluntary contribution to the City's Affordable Housing Reserve Fund in-lieu of providing the secondary suite will be accepted. In this case, the voluntary contribution would be required to be submitted prior to rezoning adoption, and would be based on \$1.00/ft² of total building area of the single detached dwellings (i.e. \$4,902).

Flood Management

Registration of flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Existing Utility Right-of-Way

There is an existing 6 m wide (3 m of it on the subject property) utility right-of-way (ROW) that runs north-south along the rear lot line of the subject site. There is a 1.7 m encroachment permitted from the west side of the right-of-way.

Site Servicing

Prior to subdivision, the developer is required to design and pay to construct (via a work order) a 600 mm diameter permanent storm sewer along the entire frontage of the site to connect to the culvert infill at 8988 Heather Street. A manhole may be required at the connection point. Design to be supplied by the owner's civil engineering consultant.

Subdivision

Prior to approval of subdivision, the developer will be required to pay Development Cost Charges (City & GVS&DD), Engineering Improvement Charges for future road improvements (curb, gutter, tree/grass boulevard, sidewalk and street lighting), School Site Acquisition Charge, Address Assignment Fee, and servicing costs.

Analysis

The proposal to rezone and subdivide the subject property into two (2) single-family residential lots is consistent with all applicable land use designations guiding development in this block. It is similar to developments already undertaken in the immediate vicinity of the site.

The remaining few larger lots along this block of Heather Street have the potential to rezone and subdivide. Given that the majority of the lots in the immediate area are small already and/or have relatively new housing, this proposal is congruent with the character of the neighbourhood.

Financial Impact

Staff recommend a capital submission by the Engineering Department as part of next year's (2014) Capital Budget for the completion of frontage improvements for the east side of Heather Street between Francis Road and the north property line of 8880 Heather Street.

Conclusion

This rezoning application to permit subdivision of an existing large lot into two (2) smaller lots complies with all applicable land use designations and policies contained within the OCP, and is consistent with the established pattern of redevelopment in the neighbourhood.

The list of rezoning conditions is included as **Attachment 5**, which has been agreed to by the applicant (signed concurrence on file).

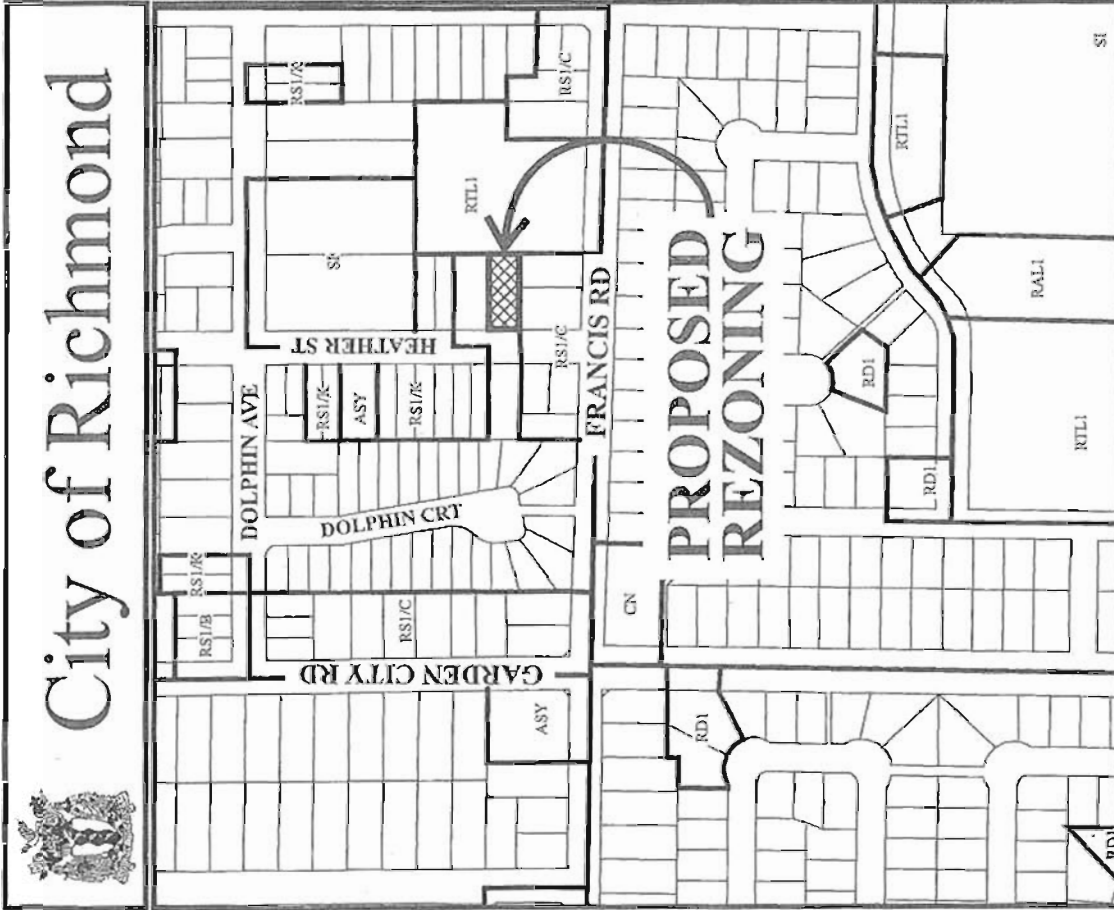
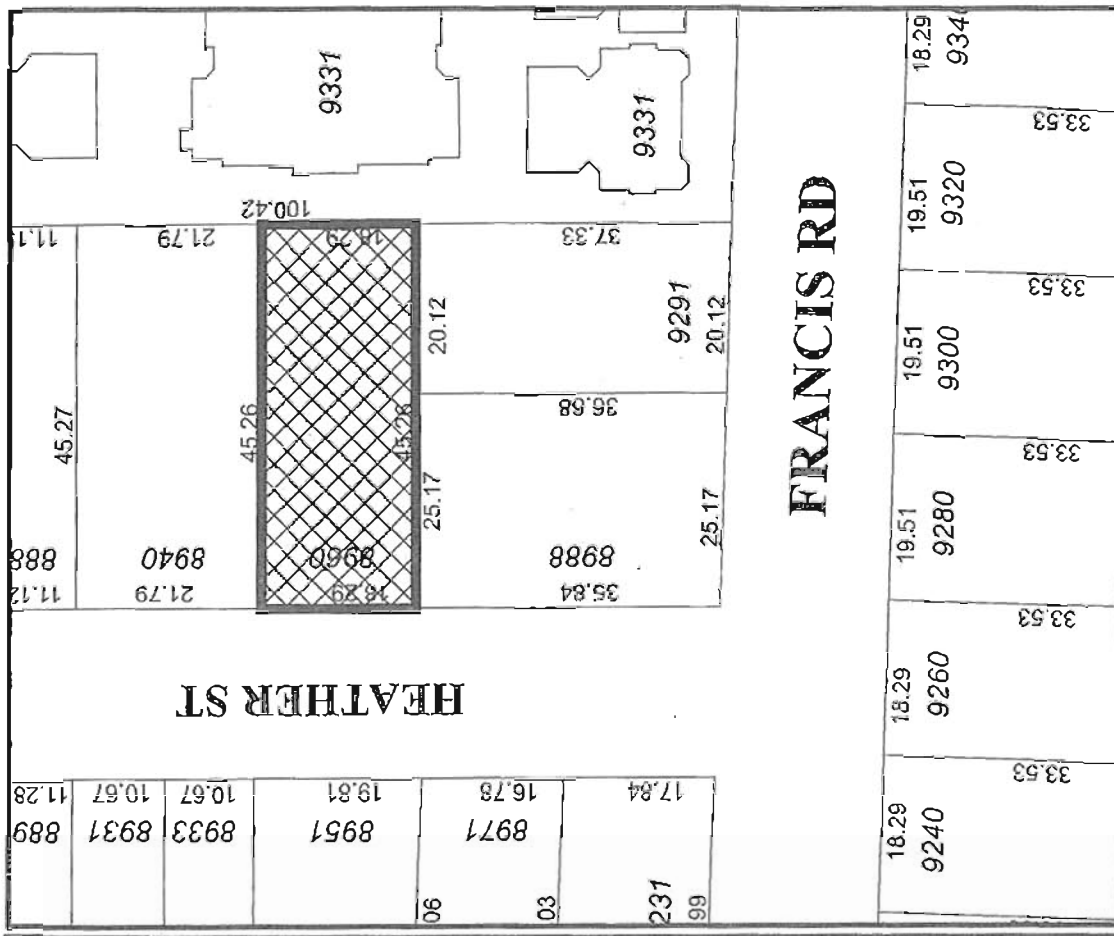
On this basis, staff recommend support for the application.



Erika Syvokas
Planning Technician
(604-276-4108)

ES:blg

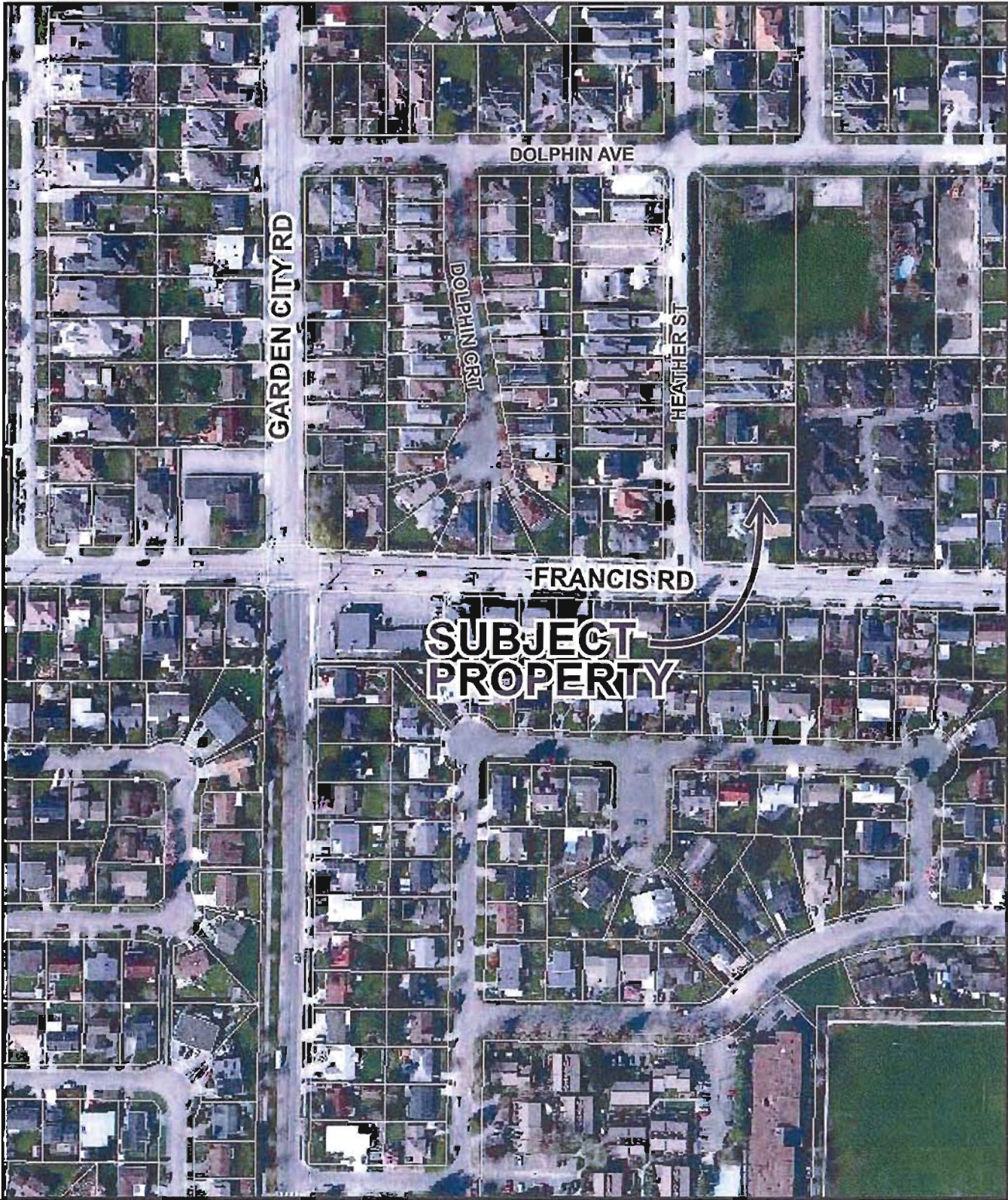
- Attachment 1: Location Map/Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Tree Survey/Proposed Subdivision Plan
- Attachment 4: Tree Retention Plan
- Attachment 5: Rezoning Considerations Concurrence





RZ 13-628035

Original Date: 01/21/13
Revision Date:
Note: Dimensions are in METRES



RZ 13-628035

Original Date: 01/21/13

Amended Date:

Note: Dimensions are in METRES



RZ 13-628035

Attachment 2

Address: 8960 Heather Street

Applicant: Ajit Thaliwal

Planning Area(s): Broadmoor – Ash Street Sub Area

	Existing	Proposed
Owner:	Syed Hasan and Harsh Sharma	To be determined
Site Size (m ²):	828 m ² (8,913 ft ²)	Lot 1 – 414 m ² (4,456 ft ²) Lot 2 – 414 m ² (4,456 ft ²)
Land Uses:	One (1) single-family dwelling	Two (2) single-family dwellings
OCP Designation:	"Neighbourhood Residential"	No change
Area Plan Designation:	Low Density Residential	No change
702 Policy Designation:	N/A	N/A
Zoning:	Single Detached (RS1/B)	Single Detached (RS2/A)
Number of Units:	1	2

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55	Max. 0.55	none permitted
Lot Coverage – Building:	Max. 45%	Max. 45%	none
Lot Size (min. dimensions):	270 m ² (2,906 ft ²)	Lot 1 – 414 m ² (4,456 ft ²) Lot 2 – 414 m ² (4,456 ft ²)	none
Setback – Front & Rear Yards (m):	Min. 6 m	Min. 6 m	none
Setback – Side Yard (m):	Min. 1.2 m	Min. 1.2 m	none
Height (m):	2 ½ storeys	2 ½ storeys	none
Width (m):	9 m	Lot 1 - 9.143 m Lot 2 - 9.143 m	none

Other: Tree replacement compensation required for loss of significant trees.



Address: 8960 Heather Street

File No.: RZ 13-628035

Prior to final adoption of Zoning Amendment Bylaw 9011 , the developer is required to complete the following:

1. Submission of a Landscaping Security to the City in the amount of \$3,000 (\$500/tree) to ensure that the six (6) required replacement trees are planted and maintained on the future lots, with the following minimum sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
6	8 cm		4 m

The City will release 100% of this security after construction and landscaping on the future lots are completed, inspections are approved, and an acceptable Arborist's post-construction impact assessment report of tree protection is received.

2. City acceptance of the developer's offer to voluntarily contribute \$2,000 to the City's Tree Compensation Fund for the planting of replacement trees within the City.
3. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of on-site trees (tag #'s 335, 336, 337, 338, 339 & 340) and off-site trees (F, G, H, J, K, L, M, & N) to be retained. The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
4. Submission of a Tree Survival Security to the City in the amount of \$8,000 to ensure that on-site trees (tag #'s 335, 336, 337, 338, 339 & 340) and off-site trees (F, G, H, J, K, L, M, & N) will be retained and protected. The City will release 90% of the security after construction and landscaping on the future lots are completed, inspections are approved, and an acceptable post-construction impact assessment report is received. The remaining 10% of the security would be released one year later subject to inspection.
5. Registration of a flood indemnity covenant on Title.
6. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on one (1) of the two (2) future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.

Note: Should the applicant change their mind about the Affordable Housing option selected prior to final adoption of the Rezoning Bylaw, the City will accept a voluntary contribution of \$1.00 per buildable square foot of the single-family developments (i.e. \$4,902) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

At Subdivision* stage, the applicant must complete the following:

- Design and pay to construct (via a work order) a 600 mm diameter permanent storm sewer along the entire frontage of the site to connect to the culvert infill at 8988 Heather Street. A manhole may be required at the connection point. Design to be supplied by owner's civil engineering consultant.

- Pay Development Cost Charges (City & GVS&DD), Engineering Improvement Charges for future road improvements (curb, gutter, treeed/grass boulevard, sidewalk and street lighting), School Site Acquisition Charge, Address Assignment Fee, and servicing costs.

Prior to Demolition Permit* issuance, the following is required to be completed:

- Installation of appropriate tree protection fencing around all trees to be retained as part of the development (P, G, H, J, K, L, M, & N and tag #'s 335, 336, 337, 338, 339 & 340) prior to any construction activities, including building demolition, occurring on-site. Tree Protection fencing must remain in place until construction and landscaping on the future lots has been completed.

Prior to Building Permit* issuance, the following is required to be completed:

- 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.
- Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Division at 604-276-4285.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

[Signed original on file]

Signed _____

Date _____



Richmond Zoning Bylaw 8500
Amendment Bylaw 9011 (RZ 13-628035)
8960 Heather Street

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

- 1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it SINGLE DETACHED (RS2/A).

P.I.D. 007-730-021
Lot 138 Section 22 Block 4 North Range 6 West
New Westminster District Plan 37935

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9011".

FIRST READING

MAY 27 2013

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER DEVELOPMENT REQUIREMENTS SATISFIED

ADOPTED

Stamp: CITY OF RICHMOND APPROVED by HB APPROVED by Director or Solicitor

MAYOR

CORPORATE OFFICER