



City of Richmond

Report to Committee Planning and Development Department

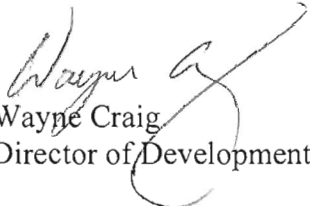
To: Planning Committee
From: Wayne Craig
Director of Development

Date: April 9, 2015
File: RZ 14-665401

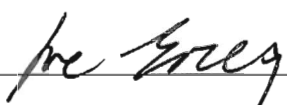
Re: Application by Sukinder Mangat for Rezoning at 9840 Seaton Court from Single Detached (RS1/E) to Single Detached (RS2/B)

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9244, for the rezoning of 9840 Seaton Court from "Single Detached (RS1/E)" to "Single Detached (RS2/B)", be introduced and given first reading.


Wayne Craig
Director of Development

CL:blg
Att.

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

Staff Report

Origin

Sukinder Mangat has applied to the City of Richmond for permission to rezone the property at 9840 Seaton Court from the “Single Detached (RS1/E)” zone to the “Single Detached (RS2/B)” zone, to permit the property to be subdivided to create two (2) lots with vehicle access to a rear lane (Attachment 1). A survey of the subject site is included in Attachment 2.

Findings of Fact

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

Surrounding Development

Existing development immediately surrounding the subject site is as follows:

To the north, is a dwelling on a lot zoned “Single Detached (RS1/E)”, which was created through subdivision in 2005.

To the east, immediately across the rear lane, are two (2) dwellings on lots zoned “Single Detached (RS1/E)” fronting Seabright Road.

To the south, is a dwelling on a lot zoned “Single Detached (RS1/E)” fronting Seaton Court.

To the west, immediately across Seaton Court, are two (2) dwellings on lots zoned “Single Detached (RS1/B)”, which were created through rezoning and subdivision in 1997.

Related Policies & Studies

Official Community Plan (OCP)

The OCP land use designation for the subject property is “Neighbourhood Residential”. This redevelopment proposal is consistent with this designation.

Lot Size Policy 5409

The subject property is located within the area covered by Lot Size Policy 5409 (adopted by Council in 1989; amended in 1995, 2001, and 2013). This Policy permits rezoning and subdivision of lots shown cross-hatched on the accompanying plan to the Policy in accordance with the “Single Detached (RS2/B)” zone (Attachment 4). This redevelopment proposal is consistent with the Lot Size Policy.

Flood Management

The proposed development must meet the requirements of Flood Plain Designation & Protection Bylaw No. 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Public Consultation

A rezoning sign has been placed on the property. Staff has received comments from a neighbouring resident at 9880 Seaton Court by phone and in writing (Attachment 5). The resident has expressed general concerns about continued infill development in this and other neighbourhoods in Richmond. Specific concerns about the proposed development on the subject site include:

- Construction practices such as lot grading and maximizing the building envelope.
- Adjacency impacts resulting from tree removal and building separation, such as the loss of the existing screening and privacy that is provided by mature trees, and the proximity and extent of the new building facades to neighbouring lots.

Proposed development on the subject site must comply with all aspects of zoning at the Building Permit application stage. The building envelope under the proposed “Single Detached (RS2/B)” zone is relatively the same as under the existing “Single Detached (RS1/E)” zone. The proposed new dwellings must achieve the minimum flood construction level required in Flood Plain Designation & Protection Bylaw No. 8204, which is 0.3 m (1 ft.) above the highest elevation of Seaton Court. The method of achieving the minimum flood construction level can be by raising the lot grade, by structural elevation of the habitable floor elevation, or by a combination of both methods.

Tree retention, removal, and replacement has been assessed as part of this development application and is described below. On-site works at future development stage are not permitted to negatively impact trees identified for protection, and any works proposed to be conducted within or adjacent to tree protection zones must be done under supervision of a Certified Arborist.

Analysis

Background

The subject property is located on the east side of the Seaton Court cul-de-sac, in an established residential area. Seaton Court has undergone some redevelopment through rezoning and subdivision since the late 1980's, consistent with applicable land use policies.

Site Servicing, Off-Site Improvements, and Vehicle Access

Vehicle access to the proposed lots is to be from the existing rear lane. Prior to rezoning adoption, the applicant is required to register a restrictive covenant to ensure no vehicular access to Seaton Court and that access is to be to/from the existing rear lane only.

Prior to final adoption of the rezoning bylaw, the applicant is required to enter into a Servicing Agreement for the design and construction of rear lane drainage and asphalt grading over the lane's full width from the north property line of the subject property to Seaton Road. The design is to include the water, storm, and sanitary connections for the proposed lots. The preliminary scope of work is outlined in Attachment 7.

Trees and Landscaping

A Certified Arborist's Report was submitted by the applicant, which identifies on and off-site tree species, assesses their structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses:

- Five (5) bylaw-sized trees on the subject property.
- One (1) bylaw-sized tree located on the west property line of the subject site, which is shared with City-owned property.
- Three (3) bylaw-sized trees located entirely in the Seaton Court boulevard on City-owned property.
- Three (3) bylaw-sized trees located on the south property line, which are shared with the adjacent property to the south at 9880 Seaton Court.
- Two (2) bylaw-sized trees located entirely on the adjacent property to the south at 9880 Seaton Court.

The City's Tree Preservation Coordinator and the City's Parks Department Arborist have reviewed the Arborist's Report, conducted visual tree assessment, and provide the following comments:

- Five (5) trees located on-site are recommended for removal due to poor condition from historic topping, co-dominant stems, and inclusions (Trees # 748, 749, 750, 751, 752).
- The four (4) trees that are either shared with the City or located entirely in the boulevard on City-owned property are recommended for retention as they are outside of the building envelope (Trees # 744, A, B, C).
- Tree # 745 is recommended for retention as it is outside of the building envelope.
- The four (4) trees that are either shared with or located entirely on the adjacent property at 9880 Seaton Court are recommended for removal (subject to neighbouring property owners' authorization) due to their marginal condition and significant root loss that would result with development at the subject site (Trees # 746, 747, D, E).

The neighbouring property owners at 9880 Seaton Court wish to retain Trees # 746, 747, D, E, despite the recommendations of the project Arborist's and City staff. Since Trees # 746 and 747 are co-owned and Trees D and E are located entirely on the neighbouring property at 9880 Seaton Court, these trees must be retained and protected unless the applicant obtains written authorization from the property owners.

The proposed Tree Retention Plan is shown in Attachment 6.

To ensure protection of Trees # 744, 745, 746, 747, A, B, C, D, E, the applicant is required to complete the following prior to rezoning approval:

- Submit a contract with a Certified Arborist for supervision of all works conducted within close proximity to tree protection zones. The contract must include the scope of work, including the number of monitoring inspections at specified stages of construction, any special measures to ensure tree protection, and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.

- Submit a survival security in the amount of \$7,000. The security will not be released until an acceptable impact assessment report is submitted and a landscaping inspection has been passed by City staff.

Prior to demolition of the existing dwelling on the subject site, the applicant is required to install tree protection fencing around all trees to be retained. Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin TREE-03 prior to any works being conducted on-site, and must remain in place until construction and landscaping on-site is completed.

Consistent with the Official Community Plan (OCP) tree replacement ratio of 2:1, a total of 10 replacement trees are required on the proposed lots. Due to the limited space available in the yards of the proposed lots and the considerable effort to be taken by the applicant to protect a total of eight (8) trees shared with or located entirely on adjacent property, staff recommend that a total of six (6) replacement trees be required to be planted and maintained on the subject at development stage.

To ensure that the six (6) replacement trees are planted and maintained, the applicant is required to submit a landscaping security in the amount of \$3,000 (\$500/tree) prior to final adoption of the rezoning bylaw. Suitable tree species for the proposed lots, as recommended by the project Arborist and the City's Tree Protection Department staff, include: Paperbark Maple, Japanese Snowbell, and Dogwood.

Affordable Housing Strategy

For single-family development proposals, Richmond's Affordable Housing Strategy requires a secondary suite within a dwelling on 50% of new lots created through rezoning and subdivision, or a cash-in-lieu contribution of \$1.00/ft² of total buildable area towards the City's Affordable Housing Reserve Fund.

The applicant proposes to provide a legal secondary suite on one (1) of the two (2) lots proposed 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 on title 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. Registration of this legal agreement is required prior to final adoption of the rezoning bylaw. 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 final adoption of the rezoning bylaw, and would be based on \$1.00/ft² of total building area of the single detached dwellings to be constructed (e.g. approximately \$5,623).

Subdivision Stage

At subdivision and future development stage, the developer is required to pay Development Cost Charges (City and GVS&DD), School Site Acquisition Charge, and Address Assignment Fees.

Rezoning Considerations

The list of rezoning considerations is included in Attachment 7, which has been agreed to by the applicant (signed concurrence on file).

Financial Impact or Economic Impact

None.

Conclusion

The purpose of this rezoning application is to rezone the property at 9840 Seaton Court from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/B)" zone, to permit the property to be subdivided to create two (2) lots with vehicle access to a rear lane.

This rezoning application complies with the land use designations and applicable policies contained within the OCP for the subject site, and with Lot Size Policy 5409.

On this basis, it is recommended that Zoning Bylaw 8500, Amendment Bylaw 9244 be introduced and given first reading.



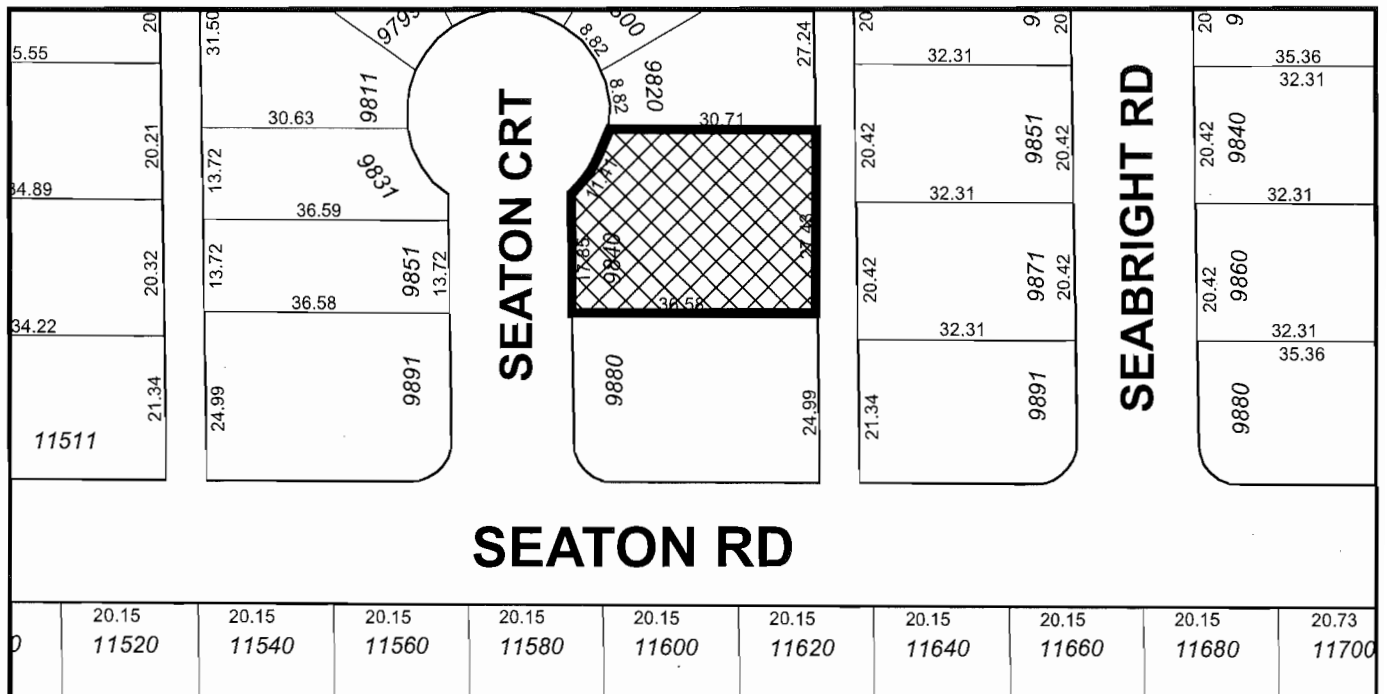
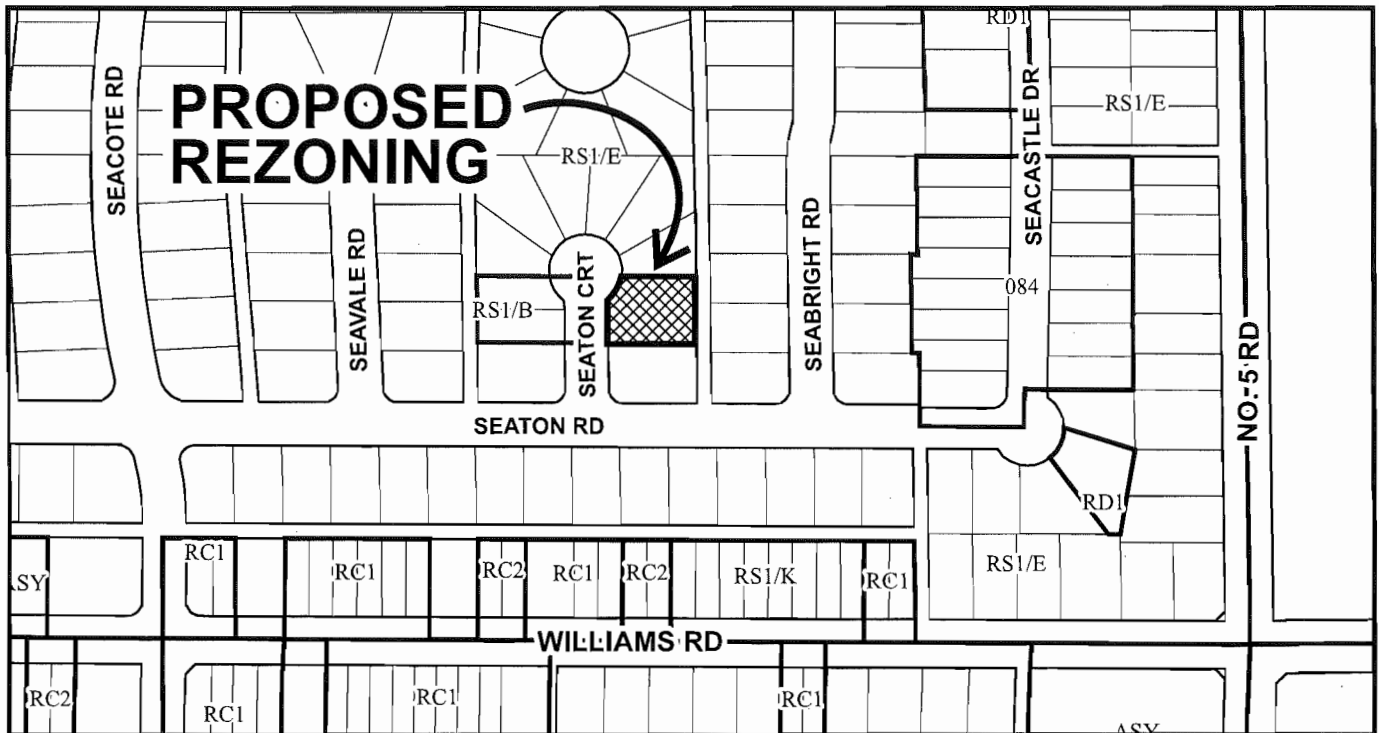
Cynthia Lussier
Planning Technician – Design
(604-276-4108)

CL:blg

- Attachment 1: Location Map/Aerial Photo
- Attachment 2: Survey of the Subject Property
- Attachment 3: Development Application Data Sheet
- Attachment 4: Lot Size Policy 5409
- Attachment 5: Correspondence from neighbouring resident at 9880 Seaton Court
- Attachment 6: Tree Retention Plan
- Attachment 7: Rezoning Considerations



City of
Richmond



RZ 14-665401

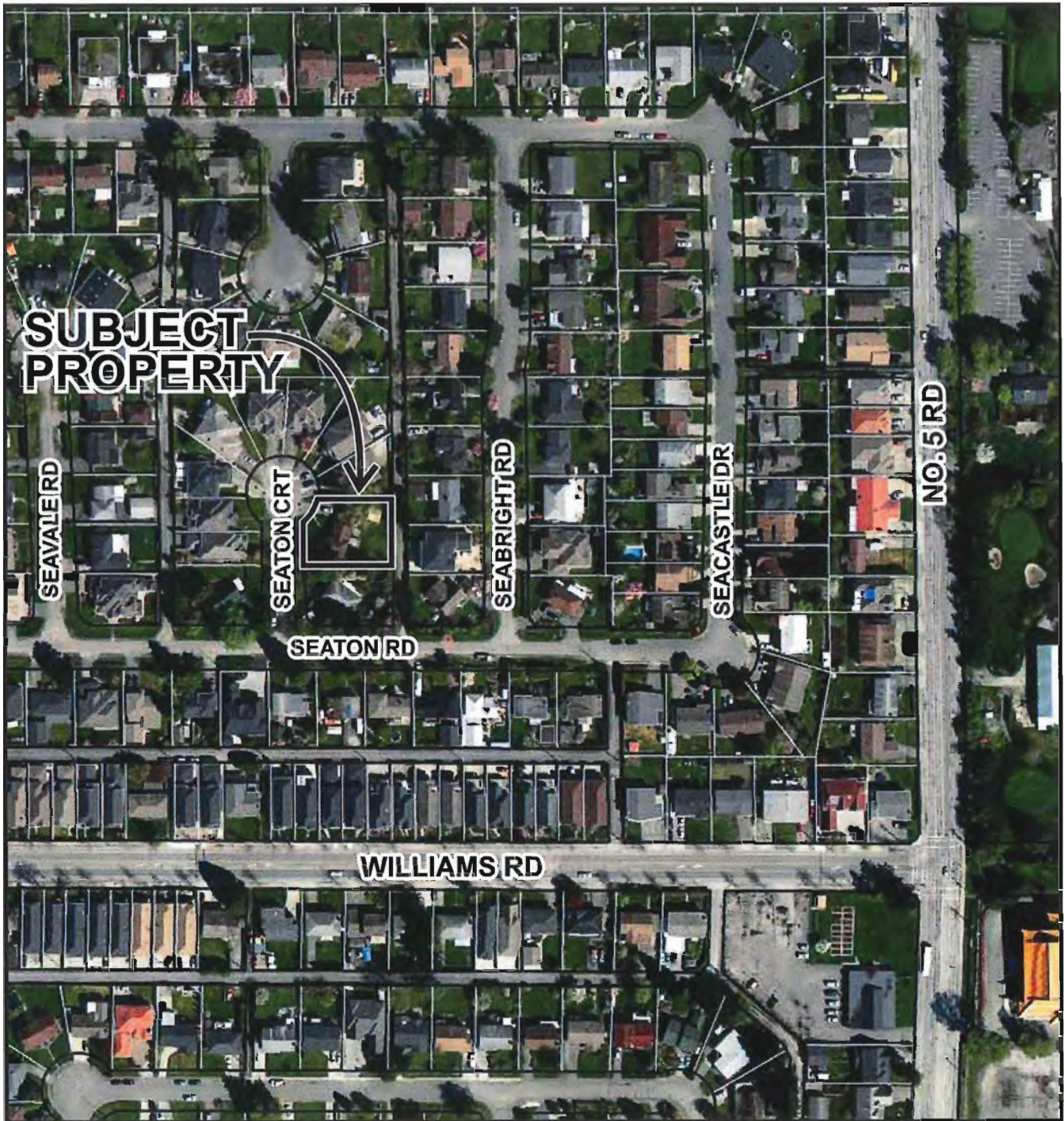
Original Date: 06/18/14

Revision Date: 04/14/15

Note: Dimensions are in METRES



City of
Richmond



RZ 14-665401

Original Date: 06/18/14

Revision Date:

Note: Dimensions are in METRES

TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF LOT 11 BLOCK 6

SECTION 25 BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 19923

#9840 SEATON COURT,
RICHMOND, B.C.
P.I.D 003-958-230



- LEGEND:**
- (c) denotes conifer
 - (d) denotes deciduous
 - denotes water meter
 - denotes power pole
 - denotes round catch basin
 - ⊙ denotes manhole
 - NR denotes north rim

NOTE:
Elevations shown are based on City
of Richmond HPN Benchmark network.
Benchmark: HPN #191,
Central Monument 02H2453
Located at S edge traffic island @
Riverside Dr & Featherstone Way
Elevation = 1.664 metres

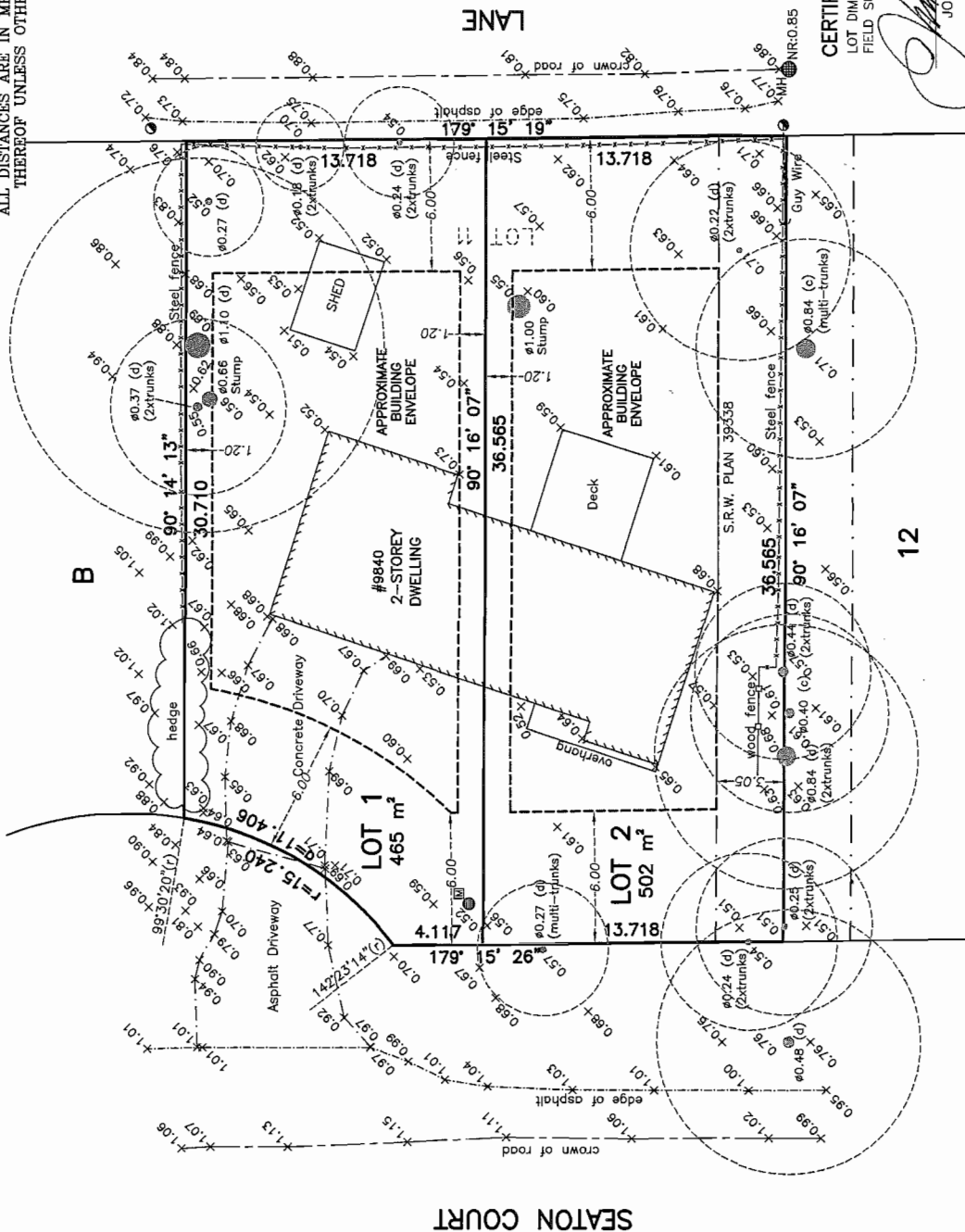
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Website: www.jctam.com
Job No. 5564
FB-256 P51-54, 60
Drawn By: MY

DWG No. 5564-TOPO

SCALE: 1:200



ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE INDICATED



CERTIFIED CORRECT:
LOT DIMENSION ACCORDING TO
FIELD SURVEY.

John C. Tam
JOHNSON C. TAM, B.C.L.S.
MAY 23rd, 2014.



RZ 14-665401

Attachment 3

Address: 9840 Seaton Court

Applicant: Sukinder Mangat

Planning Area(s): Shellmont

	Existing	Proposed
Owner:	Harjinder Dhaliwal Gurmeet Dhaliwal	To be determined
Site Size (m²):	967 m ²	Proposed north lot – 465 m ² Proposed south lot – 502 m ²
Land Uses:	One (1) single detached dwelling	Two (2) residential lots
OCP Designation:	Neighbourhood Residential	No change
Lot Size Policy Designation:	Lot Size Policy 5409 permits rezoning and subdivision of the subject site in accordance with the "Single Detached (RS2/B)" zone, as shown cross-hatched on the plan that accompanies the policy	No change
Zoning:	Single Detached (RS1/E)	Single Detached (RS2/B)

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 Coverage – Buildings, structures, and non-porous surfaces	Max. 70%	Max. 70%	none
Lot Coverage – Landscaping with live plant material	Min. 25%	Min. 25%	none
Lot Size (min. dimensions):	360 m ²	Proposed north lot – 465 m ² Proposed south lot – 502 m ²	none
Setback – Front & Rear Yard (m):	Min. 6.0 m	Min. 6.0 m	none
Setback – Side Yards (m):	Min. 1.2 m	Min. 1.2 m	none
Height (m):	2 ½ storeys	2 ½ storeys	none

Other: Tree replacement compensation required for loss of bylaw-sized trees.



City of Richmond

Policy Manual

Page 1 of 2

Adopted by Council: April 10, 1989
 Amended by Council: October 16, 1995
 Amended by Council: July 16, 2001*
 Amended by Council: October 21, 2013

POLICY 5409

File Ref: 4045-00

SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 25-4-6**POLICY 5409:**

The following policy establishes lot sizes for the area generally bounded by **Shell Road, King Road, No. 5 Road** and **properties fronting onto Seaton Road**, in a portion of Section 25-4-6:

1. That properties within the area be permitted to rezone and subdivide in accordance with the provisions of Single Detached (RS2/E) in Richmond Zoning Bylaw 8500, with the following exceptions:
 - (a) properties with existing duplexes identified on the accompanying plan may be rezoned and subdivided into a maximum of two lots;
 - (b) properties with frontage on No. 5 Road may be rezoned and subdivided as per Single Detached (RS2/C); and
 - (c) properties shown as "cross-hatched" on the accompanying plan may be rezoned and subdivided as per Single Detached (RS2/B).

This policy, as shown on the accompanying plan, is to be used to determine the disposition of future single-family rezoning applications in this area for a period of not less than five years, unless changed by the amending procedures contained in Richmond Zoning Bylaw 8500.

* Original Adoption Date In Effect

From: B Masson [mailto:bec_masson@hotmail.com]
Sent: Monday, 03 November 2014 6:04 AM
To: Lussier, Cynthia
Subject: re: 9840 Seaton Crt

Date: 03.Nov.2014

From:
G. & R. Masson
9880 Seaton Court
Richmond V7A 4B8
(604) 271-0384
Email: <bec_masson@hotmail.com>

To: Cynthia Lussier
Planning Technician
Development Applications Division
City of Richmond
Tel: 604-276-4108
Email: clussier@richmond.ca
Re: Development & Rezoning of 9840 Seaton Court

We are concerned about the back filling, raising the height of the lot as per Richmond City building code, and how it will effect the trees along the property line, general increased drainage of ground water into our property and the maintenance of the structures and drainage lines put in place to mitigate any of these negative impacts into to the future.

Can you clarify what the exact requirements are concerning the raising of the lot height on new construction is. Is it the lot that has to be raised, (a portion of the lot or the whole lot) or is it just a requirement to have the foundation of the house at a specific height in relationship to the crown of the road?

Could the new construction be done without changing the height of the 9840 Seaton Court lot along our property line within a specified zone that would limit the effect to us regarding the trees, drainage etc.

This is a follow up to a phone call on Monday, October 27th, left a message.

Regards



Address: 9840 Seaton Court

File No.: RZ 14-665401

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9244, the following must be completed:

1. 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 the trees to be retained (Trees # 744, 745, 746, 747, A, B, C, D, E). The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections at specified stages of construction, any special measures to ensure tree protection, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
2. Submission of a Tree Survival Security to the City in the amount of \$7, 000 for the trees to be retained (Trees # 744, 745, 746, 747, A, B, C, D, E).
3. Submission of a landscaping security to the City in the amount of \$3,000 for the planting and maintenance of a total of six (6) replacement trees on the future lots, with the following minimum sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
2	11 cm		6 m
2	8 cm		4 m
2	6 cm		3.5 m

If required replacement trees cannot be accommodated on-site, a cash-in-lieu contribution in the amount of \$500/tree to the City's Tree Compensation Fund for off-site planting is required.

4. Registration of a flood indemnity covenant on title.
5. Registration of a legal agreement on title ensuring that the only means of vehicle access is to the rear lane and that there be no access to Seaton Place.
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. \$5,623) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

7. Enter into a Servicing Agreement* for the design and construction of upgrades to the rear lane, including (but not limited to): rear lane drainage and modification of asphalt grading over the lane's full width from the subject property's north property line to Seaton Road. No street lighting or curbs are required in the lane. A centre swale with 200 mm diameter storm drainage pipe, inspection chambers, and manholes is required. Subject to approval, the City will fund construction work extending beyond the development's frontage, the cost of which will be added to the Cost Recovery Bylaw. Note: the design is to include the water, storm, and sanitary connections for the proposed lots (as described below).

Water Works

- Using the OCP Model, there is 92.6 L/s of water available at a 20 psi residual at the Seaton Court frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s. and as a result upgrade to the frontage water main along Seaton Court may be required. Or alternatively, please submit fire flow calculations signed and sealed by a professional engineer based on the Fire Underwriter Survey (FUS) or

CNCL-178

Initial: _____

International Organization for Standardization (ISO) to confirm that there is adequate available flow for onsite fire protection without needing to upgrade the existing frontage water main.

- A water main upgrade may be required pending the review of the FUS calculation to be submitted by the developer.
- City to disconnect the existing 20mm water connection and install two new 25mm diameter water connections complete with meter boxes at the PL fronting Seaton Court.

Storm Sewer Works:

- City to relocate the two existing storm inspection chambers onto the City boulevard and reconnect services to provide on-site drainage for each subdivided lot.
- Depending on the final lot elevations and driveway locations, 2 additional inspection chambers will be required on Seaton Court for boulevard drainage. Boulevards must be swaled to inspection chambers to prevent storm water ponding on the road, driveway and boulevard.
- Lane drainage upgrade is required. See detail in Frontage Improvements section.

Sanitary Sewer Works:

- No sanitary sewer upgrade is required.
- City to cut and cap the existing sanitary connection at the inspection chamber in the northeast property corner, and install a new inspection chamber and two service connections at the common property line in the rear lane.

General Items:

- Proposed driveway locations must not conflict with existing street lights and/or utility poles. Requests to relocate street lights and/or utility poles will not be considered other than under exceptional circumstances.

At Demolition* stage, the following must be completed:

- Installation of tree protection fencing around all trees to be retained (Trees # 744, 745, 746, 747, A, B, C, D, E). Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin TREE-03 prior to any works being conducted on-site, and must remain in place until construction and landscaping on-site is completed.

At Subdivision* & Future Development* stage, the following must be completed:

- Pay Development Cost Charges (City and GVS&DD), School Site Acquisition Charge, and Address Assignment Fees.

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

- 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 Department 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.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

(signed original on file)

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 9244 (RZ 14-665401)
9840 Seaton Court**

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/B)"**.

P.I.D. 003-958-230

Lot 11 Block 6 Section 25 Block 4 North Range 6 West New Westminster District Plan 19923

2. This Bylaw may be cited as **"Richmond Zoning Bylaw 8500, Amendment Bylaw 9244"**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER