



City of Richmond

Report to Committee Planning and Development Department

To: Planning Committee

Date: December 17, 2013

From: Wayne Craig
Director of Development

File: RZ 13-632272

Re: Application by Samuel Yau for Rezoning at 11320/11340 Kingsgrove Avenue from Two-Unit Dwellings (RD1) to Single Detached (RS2/K)

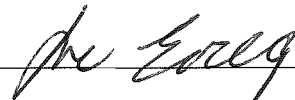
Staff Recommendation

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9095, for the rezoning of 11320/11340 Kingsgrove Avenue from "Two-Unit Dwellings (RD1)" to "Single Detached (RS2/K)", 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

Samuel Yau has applied to the City of Richmond for permission to rezone the property at 11320/11340 Kingsgrove Avenue from “Two-Unit Dwellings (RD1)” to “Single Detached (RS2/K)”, to permit the property to be subdivided to create two (2) lots fronting Kingsgrove Avenue (see **Attachments 1 and 2**). There is currently a duplex on the subject site, which will be demolished.

Findings of Fact

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

Surrounding Development

The subject site is located on the southwest corner of Kingsgrove Avenue and Seacote Road, in an established residential neighbourhood consisting mainly of single detached housing. The immediate area surrounding the subject site is described below:

- To the north, across Kingsgrove Avenue, is a single detached dwelling on a large lot zoned “Single Detached (RS1/E)”.
- To the east, across Seacote Road, are single detached dwellings on large lots zoned “Single Detached (RS1/E)”.
- To the south, is a single detached dwelling on a large lot zoned “Single Detached (RS1/E)” that fronts King Road.
- To the west, is a single detached dwelling on a large lot zoned “Single Detached (RS1/E)”.

Related Policies & Studies

2041 Official Community Plan (OCP) Designation

There is no Area Plan for this neighbourhood. The 2041 OCP Land Use Map Designation for the subject site 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 City Council in 1989, and amended in 1995, 2001, and October, 2013 (**Attachment 4**). The Lot Size Policy permits existing duplexes to rezone and subdivide into two (2) lots. This redevelopment proposal is consistent with Lot Size Policy 5409, and would result in a subdivision to create two (2) lots fronting Kingsgrove Avenue; with each lot measuring between 11 m and 13 m wide, and between 425 m² and 465 m² in area.

Affordable Housing Strategy

For single-family rezoning applications, 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 building area towards the City's Affordable Housing Reserve Fund.

The applicant proposes to provide a legal secondary suite in the dwelling on one (1) of the two (2) proposed lots. 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 required prior to adoption of Zoning Amendment Bylaw 9095. This agreement will be discharged from Title (at the initiation of the applicant) on the lot where the secondary suite is not proposed, after the requirements are satisfied.

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 square foot of the total buildable floor area of the proposed single-family development (i.e. \$5,282) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

Public Input

There have been no concerns expressed by the public about the development proposal in response to the placement of the rezoning sign on the property.

Staff Comments

Background

This redevelopment proposal would allow the creation of two (2) smaller lots from an existing large duplex-zoned lot on the south side of Kingsgrove Avenue in the Shellmont Planning Area.

The neighbourhood has seen limited redevelopment through rezoning and subdivision in recent years. There is potential for other lots in the neighbourhood to apply to rezone and subdivide in accordance with Lot Size Policy 5409.

Trees & Landscaping

A Certified Arborist's Report was submitted by the applicant, which identifies tree species on the site and within 2 m of the site, assesses the condition of trees, and provides recommendations on tree retention and removal relative to the development proposal. A list of tree species assessed as part of the Arborist's Report is included on the Tree Retention Plan (**Attachment 5**).

The City's Tree Preservation Official has reviewed the Arborist's Report, conducted a Visual Tree Assessment, and concurs with the following recommendations in the report:

- To retain and protect the Birch tree (Tree # 5) on the subject site in the rear yard, due to its good condition.
- To remove the Cherry tree (Tree # 1) located on the common property line with the adjacent lot to the west at 11300 Kingsgrove Avenue, due to its poor condition from being previously topped and showing the presence of decay in the main stem. The applicant has submitted written authorization by the neighbouring property owner(s) for the removal of this tree at future development stage.
- To protect the Hemlock tree (Tree #2) and Apple tree (Tree #3) on the adjacent lot to the west at 11300 Kingsgrove Avenue.
- To protect the Hazelnut tree (Tree # 4) on the adjacent lot to the south at 9611 Seacote Road.

The Tree Retention Plan is shown in **Attachment 5**.

Prior to demolition of the existing dwelling on the subject site, tree protection fencing must be installed around the Birch tree (Tree # 5) on-site and around the dripline of off-site trees to be retained (Tree# 2, #3, and #4). Tree protection fencing must be installed to City standard and in accordance with the City's Bulletin TREE-03 and must remain in place until construction and landscaping on the proposed lots is completed.

To ensure protection of trees to be retained, the following items are required to be completed prior to rezoning bylaw adoption:

- Submission of a contract with a Certified Arborist for supervision of any on-site works conducted within close proximity to the tree protection zones of the trees to be retained (Trees # 2, 3, 4, 5). No works are permitted to be undertaken within the tree protection zones, including changes to lot grading, installation of retaining walls and/or perimeter drainage. The contract must include the scope of work to be undertaken, including: the proposed number of site monitoring inspections (at specified stages of construction), and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.
- Submission of a security to the City in the amount of \$1,000.00 to ensure the survival of the Birch tree on-site (Tree #5). Following completion of construction and landscaping on the subject site, a landscaping inspection will be conducted to verify tree survival and 50% of the security will be released. The remaining 50% of the security will be released one year after the initial landscaping inspection if the tree has survived.
- Submission of a site plan for the proposed west lot to show that the proposed building footprint does not encroach into the required tree protection zone for Tree # 2 on the neighbouring property to the west at 11300 Kingsgrove Avenue.

The applicant proposes to plant and maintain three (3) trees on the proposed lots, which is consistent with the City's policies. These trees will be a minimum 6 cm deciduous calliper or 3 m high conifers. With the protection of the Birch tree (Tree # 5) in the rear yard of the subject site, there will be a total of four (4) trees on the proposed new lots. Prior to rezoning bylaw adoption, the applicant must submit a landscaping security in the amount of \$1,500 (\$500/tree) to ensure the trees are planted and maintained on-site.

Existing Covenant

An existing covenant is registered on Title, which restricts the use of the property to a duplex (i.e. BE77335). This covenant must be discharged from Title by the applicant prior to rezoning bylaw adoption.

Flood Management

Registration of a flood indemnity covenant on Title is required prior to rezoning bylaw adoption. The minimum flood construction level is at least 0.3 m above the highest elevation of the crown of the road.

Site Servicing & Vehicle Access

There are no servicing concerns with rezoning.

Prior to rezoning bylaw adoption, road dedication is required in order to achieve a 3 m x 3 m corner cut at the north-east corner of the subject site.

Vehicle access to the proposed west lot will be to/from Kingsgrove Avenue. Vehicle access to the proposed corner lot (east lot) must be located to meet the minimum distance to the intersection of Kingsgrove Avenue and Seacote Road, as required in the Residential Lot (Vehicular) Access Regulation Bylaw No. 7222.

Subdivision

At subdivision stage, the applicant will be required to pay servicing costs and pre-payment of current year's property taxes.

Analysis

The subject site is located in an established residential area consisting mainly of single detached housing.

This development proposal is consistent with Lot Size Policy 5409, which allows existing lots occupied by duplexes to rezone and subdivide into two (2) lots. The proposal rezoning will enable a subdivision to create two (2) lots, with each lot measuring between 11 m and 13 m wide, and between 425 m² and 465 m² in area.

There is potential for other lots in the neighbourhood to apply to rezone and subdivide consistent with Lot Size Policy 5409.

Financial Impact

None.

Conclusion

This rezoning application to permit subdivision of an existing large duplex-zoned lot into two (2) smaller lots complies with Lot Size Policy 5409 and applicable policies and land use designations contained within the Official Community Plan (OCP).

The list of rezoning considerations is included in **Attachment 6**, which has been agreed to by the applicant (signed concurrence on file).

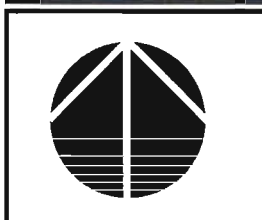
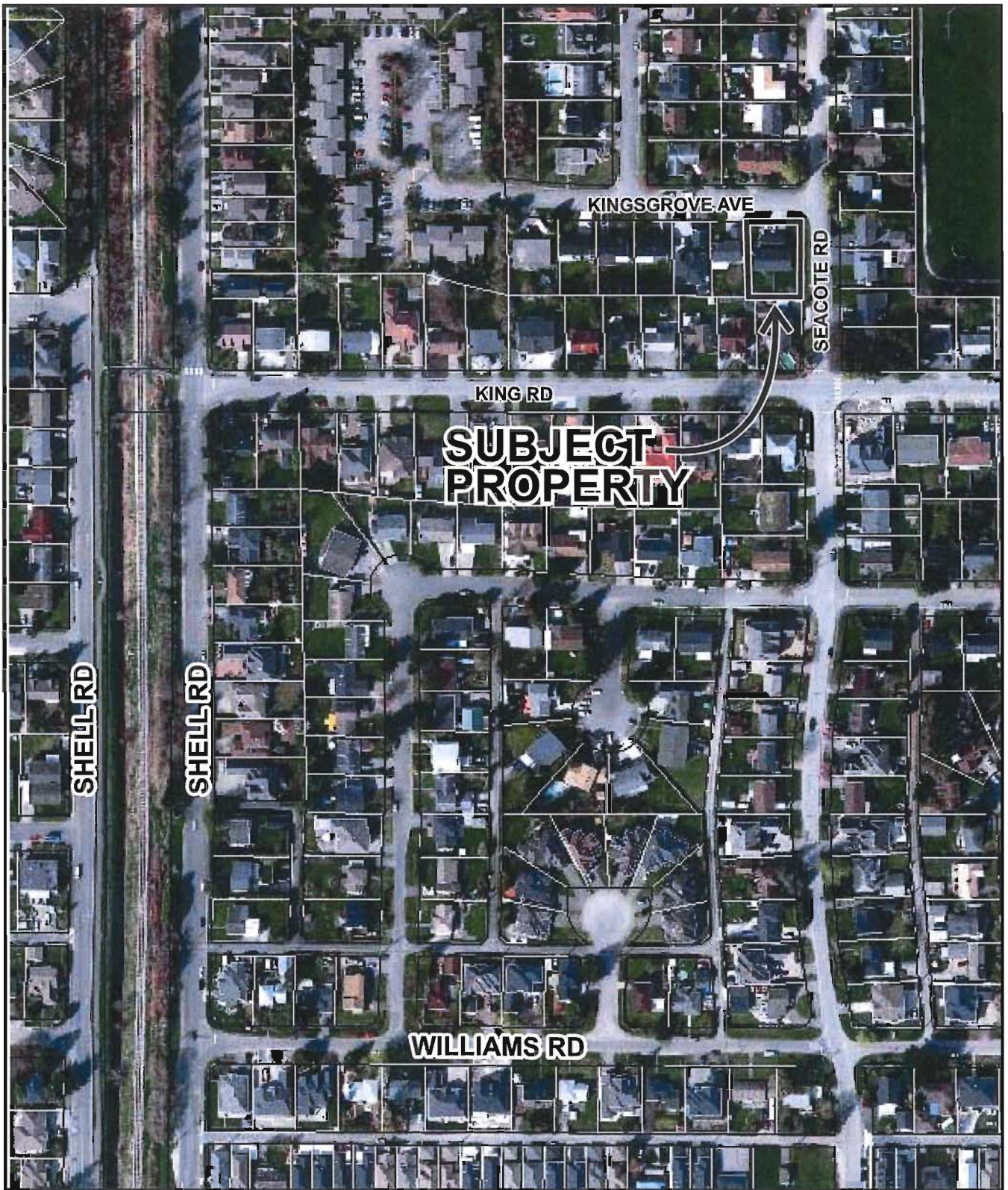
On this basis, staff recommends support for the application. It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 9095 be introduced and given first reading.



Cynthia Lussier
Planning Technician

CL:blg

- Attachment 1: Location Map/Aerial Photo
- Attachment 2: Proposed Subdivision Plan
- Attachment 3: Development Application Data Sheet
- Attachment 4: Lot Size Policy 5409
- Attachment 5: Tree Retention Plan
- Attachment 6: Rezoning Considerations Concurrence



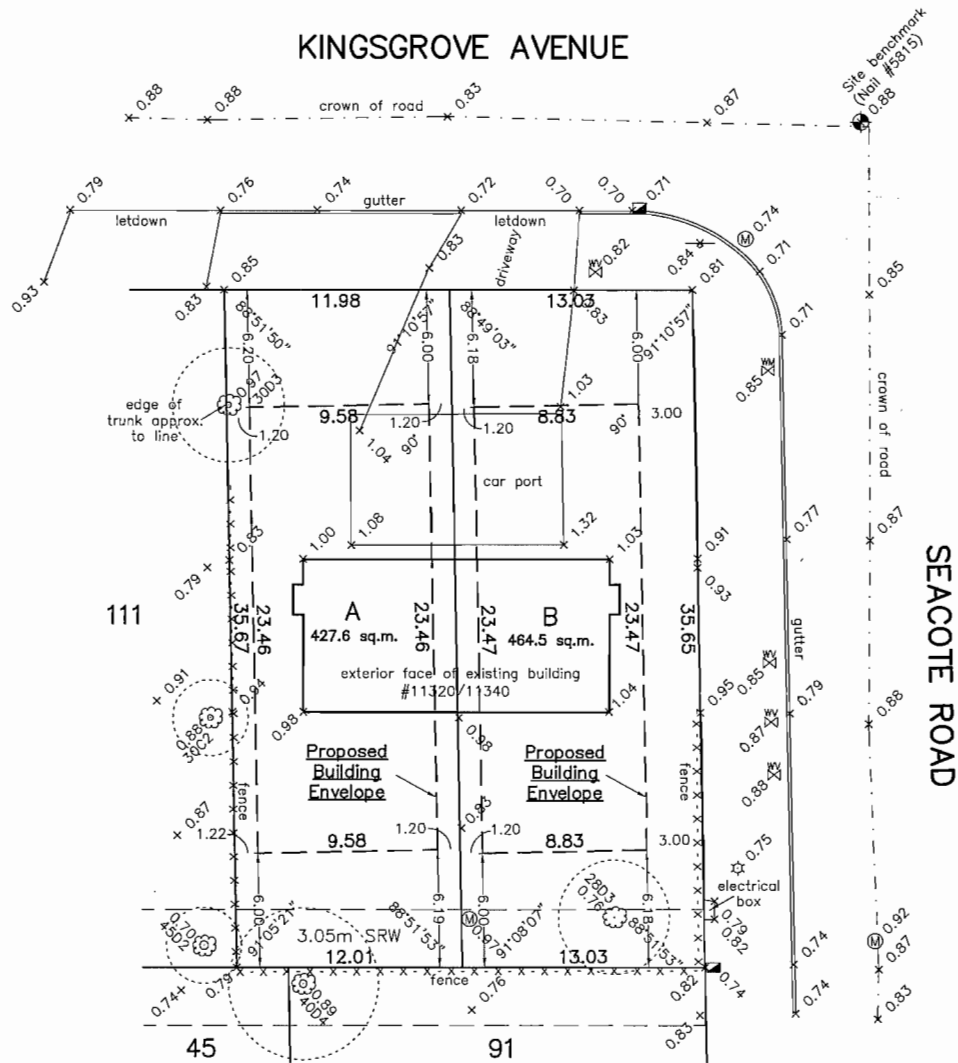
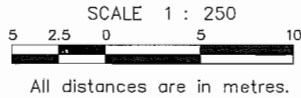
RZ 13-632272

Original Date: 03/22/13

Amended Date:

Note: Dimensions are in METRES

**SURVEY PLAN OF PROPOSED LOTS A AND B
CURRENTLY LOT 112, SECTION 25, BLOCK 4 N., RANGE 6 W.
NEW WESTMINSTER DISTRICT, PLAN 35761**



This property is subject to Covenant BE77335.

NOTES:

- Lot dimensions are derived from field survey.
- Elevations are based on the Geodetic Datum of Richmond and are derived from HPN#191 (02H2453) situated at the intersection of Riverside Drive and Featherstone Way. Elevation = 1.664 metres.
- All trees and stumps have been plotted as required by Richmond Bylaw 8057.
- All elevations along curb lines are gutter levels.
- All dimensions are to exterior faces unless otherwise noted.
- Symbols plotted are for illustrative purposes and are not representative of their true size.

- | | |
|--------------------------|------------------------|
| ☆ denotes lamp standard. | ○ denotes tree. |
| ⊠ denotes catch basin | 8C10 |
| Ⓜ denotes manhole | └ drip line radius (m) |
| ⊕ denotes water valve | └ C=coniferous |
| ⊖ denotes water meter | └ D=deciduous |
| ⊙ denotes sign post | └ diameter (cm) |

CIVIC ADDRESS

11320/11340 KINGSGROVE AVENUE
RICHMOND, B.C.

ZONING: RD1

PROPOSED LOT AND ENVELOPE ADDED
DATED THIS 6TH DAY OF MARCH, 2013
CERTIFIED CORRECT.
DATED THIS 6TH DAY OF MARCH, 2013

MULLAWAN KOESOEMA B.C.L.S.

LOUIS NGAN LAND SURVEYING

493B VICTORIA DRIVE
VANCOUVER, B.C. V5P 3T6
(604) 327-1535





RZ 13-632272

Attachment 3

Address: 11320/11340 Kingsgrove Avenue

Applicant: Samuel Yau

Planning Area(s): Shellmont

	Existing	Proposed
Owner:	Yuk Oi Law Kwong	To be determined
Site Size (m²):	892.10 m ²	Two lots, each between 425 m ² and 465 m ² in area
Land Uses:	Two-unit dwelling	Two (2) single detached dwellings
OCP Designation:	Neighbourhood Residential (NRES)	No change
702 Policy Designation:	Lot Size Policy 5409 permits rezoning and subdivision of lots containing duplexes into two (2) lots.	No change
Zoning:	Two-Unit Dwellings (RD1)	Single Detached (RS2/K)

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):	315 m ²	Between 425 and 465 m ²	none
Setback – Front & Rear Yards (m):	Min. 6.0 m	Min. 6.0 m	none
Setback – Interior Side Yard (m):	Min. 1.2 m	Min. 1.2 m	none
Setback – Exterior Side Yard (m):	Min. 3.0 m	Min. 3.0 m	none
Height (m):	Max. 2 ½ storeys	Max. 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:

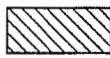
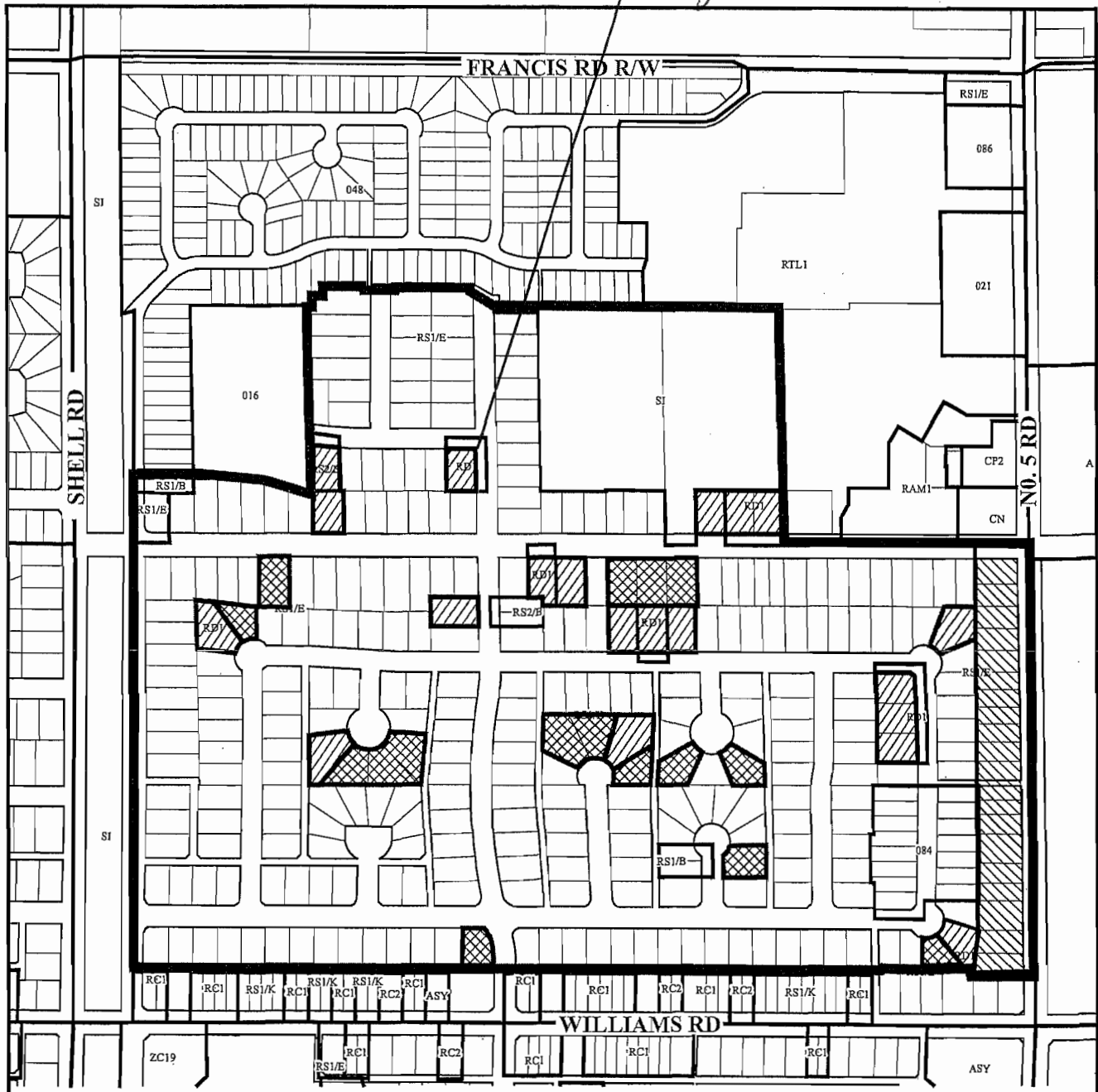
The following policy establishes lot sizes for the area generally bounded by **Shell Road, King Road, No. 5 Road and properties fronting onto Seaton Road**, in a portion of Section 25-4-6:

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).

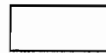
This policy, as shown on the accompanying plan, is to be used to determine the disposition of future single-family rezoning applications in this area for a period of not less than five years, unless changed by the amending procedures contained in Richmond Zoning Bylaw 8500.

* Original Adoption Date in Effect

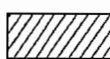
Subject Site



Rezoning and Subdivision permitted as per RS2/C



Rezoning and Subdivision permitted as per RS2/E



Duplexes eligible to be rezoned and subdivided into two lots.



Rezoning and subdivision permitted as per RS2/B

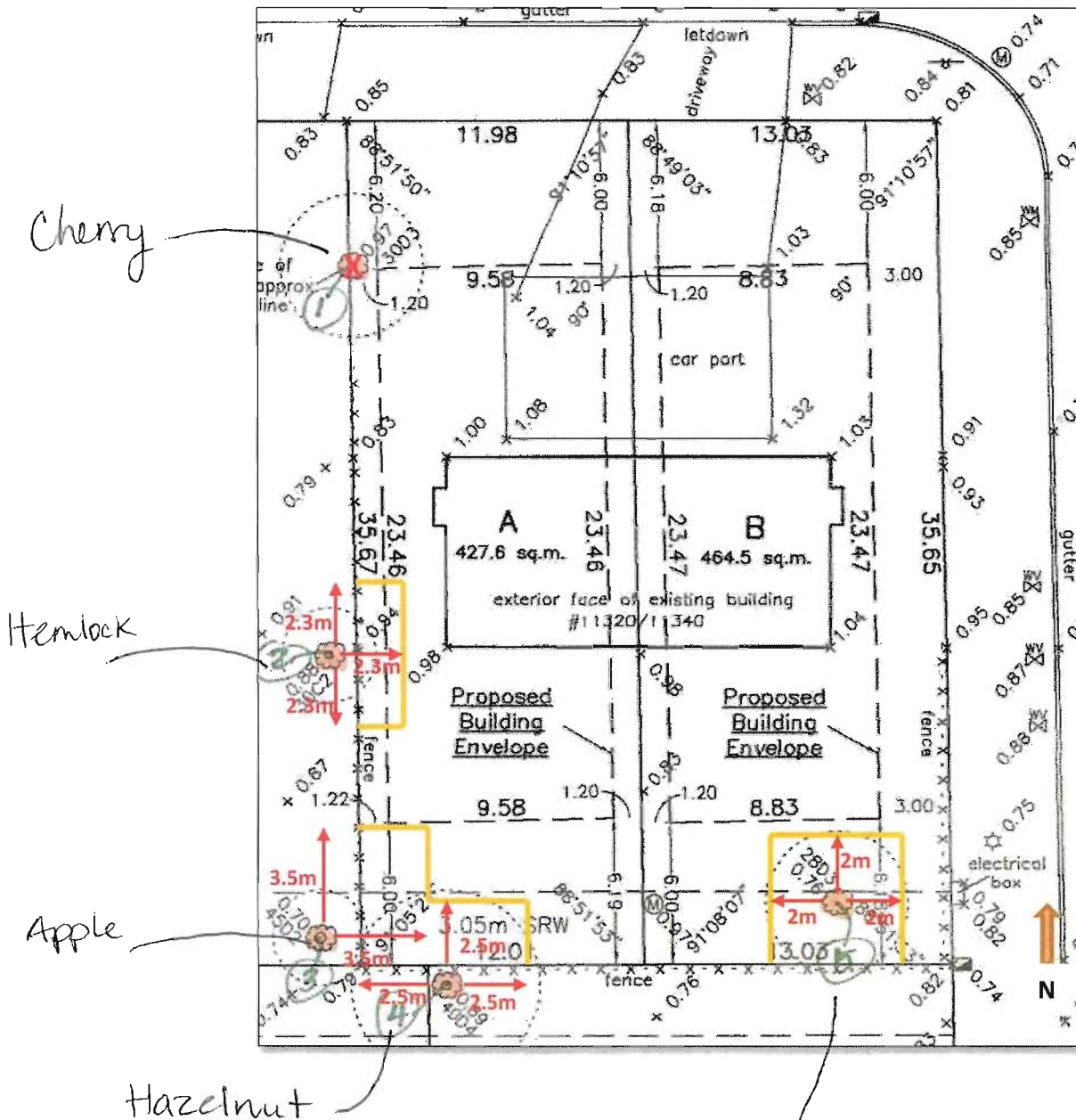


Policy 5409
Section 25,4-6

CNCL - 184

Adopted Date: 04/10/89
Amended Date: 07/16/01
Amended Date: 10/21/13

TREE MANAGEMENT & REMOVAL PLAN, SCALE 1:250



TREE #	TREE SPECIES (on site) (Botanical name)	DBH (cm)	SPREAD (m) Radius
5	Birch (<i>Betula sp.</i>)	33	2.25

SUITABLE REPLACEMENT TREES (Botanical name)
Golden Cedar <i>Cedrus deodara 'Aurea'</i>
Purple Fountain European Beech <i>Fagus sylvatica 'Purple Fountain'</i>
Japanese Tree Lilac 'Ivory Silk' <i>Syringa reticulata 'Ivory Silk'</i>
Dove Tree <i>Davidia involucrata</i>

CITY OF RICHMOND

DEC 19 2013

RECEIVED



Rezoning Considerations

Development Applications Division
6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 11320/11340 Kingsgrove Avenue

File No.: RZ 13-632272

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9095, the following items must be completed:

1. Dedication of property as road in order to achieve a 3 m x 3 m corner cut at the northeast corner of the subject site.
2. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within close proximity to the tree protection zone of the trees to be retained (Tree # 5 on-site, and Trees # 2, 3, and 4 off-site). No lot grade changes are to occur within tree protection zones, and retaining walls and perimeter drainage are to be installed outside of tree protection zones. The Contract must include the scope of work to be undertaken, including: the proposed number of site monitoring inspections (at specified stages of construction), and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.
3. Submission of a site plan for the proposed west lot to show that the proposed building footprint does not encroach into the required tree protection zone for Tree # 2 on the neighbouring property to the west at 11300 Kingsgrove Avenue.
4. Submission of a Tree Survival Security to the City in the amount of \$1,000.00 for the Birch tree (Tree # 5) to be retained.
5. Submission of a Landscaping Security to the City in the amount of \$1,500 (\$500/tree) to ensure that the new trees proposed by the applicant are planted and maintained on-site at future development stage, consistent with the City's policies (min. 6 cm deciduous calliper or 3 m high conifer).
6. Registration of a flood indemnity covenant on Title.
7. 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. \$5,282) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

8. Discharge of existing covenant BE77335 registered on Title, which restricts the use of the property to a duplex.

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

- Installation of tree protection fencing on-site around the Birch tree (Tree # 5) and the driplines of Tree #2, #3, and #4 (located on neighbouring property). Tree protection fencing must be installed to City standard and in accordance with the City's Tree Protection Information Bulletin TREE-03 prior to demolition of the existing dwelling on-site, and must remain in place until construction and landscaping on the proposed lots is completed.

Prior to Subdivision*, the following items must be completed:

- Payment of servicing costs and pre-payment of current year's property taxes.

Prior to Building Permit* issuance, the following items must 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.
- 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 9095 (RZ 13-632272)
11320/11340 Kingsgrove Avenue

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/K)".

P.I.D. 007-179-065

Lot 112 Section 25 Block 4 North Range 6 West New Westminster District Plan 35761

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9095".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED

Series of horizontal lines for recording readings and requirements.

Approval stamp: CITY OF RICHMOND, APPROVED by BK, APPROVED by Director or Solicitor with signature.

MAYOR

CORPORATE OFFICER