

# **Report to Committee**

Planning and Development Division

To:

Re:

Planning Committee

Date:

January 31, 2017

From:

Wayne Craig

File:

RZ 15-716841

Director, Development

Application by Aman Hayer for Rezoning at 3411/3431 Lockhart Road from

"Single Detached (RS1/E)" to "Single Detached (RS2/B)"

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9683, for the rezoning of 3411/3431 Lockhart Road from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/B)" zone, be introduced and given first reading.

Director, Development

CL:blg Att. 6

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Affordable Housing		pe Evres	

#### Staff Report

#### Origin

Aman Hayer has applied to the City of Richmond for permission to rezone the property at 3411/3431 Lockhart Road from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/B)" zone, to permit the property to be subdivided to create two lots (Attachment 1). A survey of the subject site, which illustrates the proposed subdivision plan, is included in Attachment 2.

#### **Findings of Fact**

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

#### Site Description and Surrounding Development

The subject site is located on the north side of Lockhart Road; between Marrington Road and No. 1 Road, in the Seafair Planning Area. The subject site currently contains an existing non-conforming duplex, which will be demolished at future development stage.

Existing development immediately surrounding the subject site is as follows:

- To the North, fronting Granville Avenue, are two lots zoned "Single Detached (RS1/B)"; each containing a single-family dwelling.
- To the South, immediately across Lockhart Road, are two lots zoned "Single Detached (RS1/B)"; each containing a single-family dwelling.
- To the East, is a property zoned "Single Detached (RS1/E)"; which contains an existing non-conforming duplex.
- To the West, fronting Marrington Road, are three lots zoned "Single Detached (RS1/B)"; each containing a single-family dwelling.

#### Related Policies & Studies

#### Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is "Neighbourhood Residential". This redevelopment proposal is consistent with this designation.

#### Single-Family Lot Size Policy 5447

The subject site is located within the area governed by Single-Family Lot Size Policy 5447; adopted by Council on September 16, 1991, and subsequently amended in 1998 and 2003 (Attachment 4). The Policy permits properties on Lockhart Road to be rezoned and subdivided subject to the requirements of the "Single Detached (RS2/B)" zone.

This redevelopment proposal would allow for the creation of two lots of approximately 12 m in width and 579 m<sup>2</sup> (6,232 ft<sup>2</sup>) in area, consistent with the requirements of the "Single Detached (RS2/B)" zone.

#### Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Flood Plain Designation and 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 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.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

#### **Analysis**

#### **Existing Legal Encumbrances**

There is currently a Statutory Right-of-Way registered on Title of the subject site for the existing sanitary sewer, which is located in the rear yard parallel to the north property line.

There is also currently a covenant that is registered on Title of the strata lots which restricts the use of the property to a duplex (i.e., RD52761). The covenant must be discharged from Title prior to approval of the subdivision application.

The existing Strata Plan NWS937 must also be discharged from Title prior to approval of the subdivision application.

#### Site Access

Vehicle access to the proposed lots is to be from Lockhart Road via separate driveway crossings.

## **Tree Retention and Replacement**

The applicant has submitted a Certified Arborist's Report, which identifies on-site and off-site tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses one bylaw-sized tree on the subject property, and five trees on neighbouring properties.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report and has the following comments:

- One tree (tag # A) located on the subject site is in moderate condition and is suitable for
  retention. Tree protection must be provided as per City of Richmond Tree Protection
  Information Bulletin TREE-03. The tree protection area is to extend 4.0 m from the base of
  the tree in each direction. The proposed building footprint on the east lot must be outside of
  the tree protection area. All work within the tree protection area must be supervised by a
  Certified Arborist.
- Five trees (tag # B, C, 37, 38, 39) located on the adjacent neighbouring properties at 3491 Lockhart Road, 7016 and 7020 Marrington Road, and 3240 and 3260 Granville Avenue are identified to be retained and protected. Tree protection must be provided as per City of Richmond Tree Protection Information Bulletin TREE-03.

#### Tree Protection

A total of one tree on the subject site and five trees on neighbourhood sites are to be retained and protected. The applicant has submitted a tree retention plan showing the trees to be retained and the tree protection area to be installed at development stage (Attachment 5, annotated). To ensure that the trees identified for retention are protected at development stage, the applicant is required to complete the following items:

- Prior to final adoption of the rezoning bylaw, submission to the City of:
  - A contract with a Certified Arborist for the supervision of all works conducted within or in close proximity to tree protection zones (tag #'s A, B, C, 37, 38, 39). The contract must include the scope of work required, the number of proposed monitoring inspections at specified stages of construction, any special measures required to ensure tree protection, and a provision for the arborist to submit a post-construction impact assessment to the City for review.
  - A survival security in the amount of \$10,000 for tree tag # A. The security will be held until construction and landscaping on the subject site is completed and a landscape inspection has been passed by City staff. The City may retain a portion of the security for a one-year maintenance period from the date of the landscape inspection to ensure that the tree survives.
- Prior to demolition of the existing dwelling on the subject site, installation of tree protection
  fencing around all trees to be retained (tag #'s A, B, C, 37, 38, 39). 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 remain in place until
  construction and landscaping on-site is completed.

#### Tree Planting

In accordance with City Policy 5032 – Tree Planting (Universal), the applicant has agreed to plant two trees on the proposed west lot and one tree on the proposed east lot, which will result in a total of two trees per lot (minimum 6 cm deciduous caliper or 3 m high conifer).

To ensure that the three new trees are planted and maintained on the proposed lots, the applicant is required to submit a Landscaping Security in the amount of \$1,500 (\$500/tree) prior to final

adoption of the rezoning bylaw. The Security will not be released until construction and landscaping on the subject site is completed and a landscape inspection has been passed by City staff. The City may retain a portion of the security for a one-year maintenance period from the date of the landscape inspection.

#### **Affordable Housing Strategy**

The City's Affordable Housing Strategy for single-family rezoning applications requires: a) secondary suite(s) on 100% of new lots proposed; b) secondary suite(s) on 50% of new lots proposed and a cash-in-lieu contribution to the City's Affordable Housing Reserve Fund based on \$2.00/ft<sup>2</sup> of the total buildable area on the remaining lots; or c) in cases where a secondary suite cannot be accommodated, a cash-in-lieu contribution to the City's Affordable Housing Reserve Fund based on \$2.00/ft<sup>2</sup> of the total buildable area on 100% of new lots proposed.

Consistent with the Affordable Housing Strategy, the applicant proposes to construct a secondary suite on both proposed lots. Prior to rezoning, the applicant is required to register a legal agreement on Title stating that no final Building Permit inspection will be granted until the secondary suites are constructed to the satisfaction of the City in accordance with the BC Building Code and Richmond Zoning Bylaw 8500.

#### Site Servicing and Frontage Improvements

Prior to final adoption of the rezoning bylaw, the applicant is required to submit a cash contribution of \$42,881.20 to the City for cost-recovery of the off-site improvements undertaken as part of a Capital works project on Lockhart Road in 2016, as follows:

- \$12,650 for two new 25 mm water service connections each complete with meters and meter boxes, in keeping with Waterworks and Water Rates Bylaw No. 5637,
- \$30,231.20 for the design and construction of road widening, street lighting, treed/grassed boulevard, concrete curb and gutter, and concrete sidewalk, in keeping with Subdivision and Development Bylaw No. 8751.

If the rezoning application is not completed, the subject site will be added to the Works and Services Cost Recovery Bylaw No. 8752 as benefitting property of the Capital works project undertaken in 2016.

At future Subdivision stage, the applicant is required to pay the costs associated with future storm sewer and sanitary connection works, as described in Attachment 6.

#### **Financial Impact**

This rezoning application results in an insignificant Operational Budget Impact (OBI) for off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals).

#### Conclusion

The purpose of this application is to rezone the property at 3411/3431 Lockhart Road from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/B)" zone; to permit the property to be subdivided to create two lots.

This rezoning application complies with the land use designation and applicable policies for the subject site that are contained within the OCP and Single-Family Lot Size Policy 5447.

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

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 9683 be introduced and given first reading.

Cynthia Lussier

Planner 1

(604-276-4108)

CL:blg

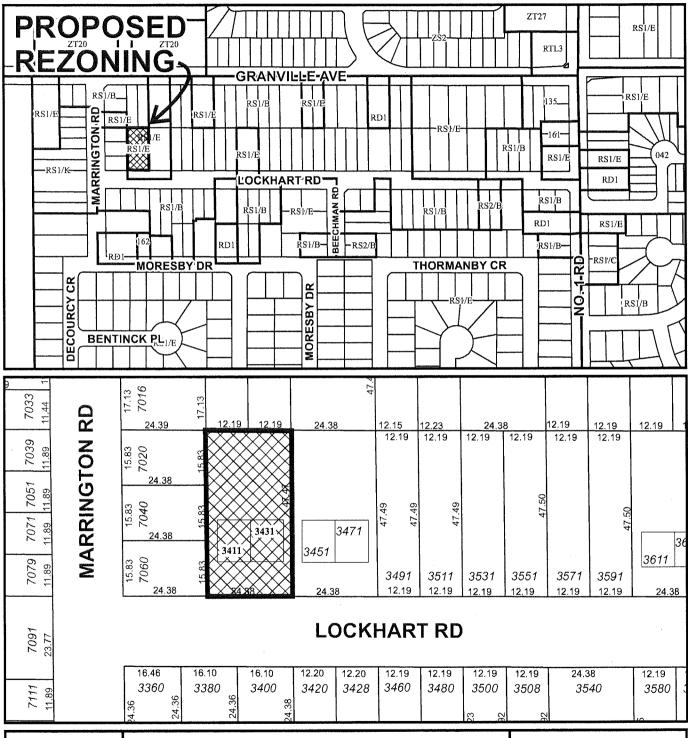
Attachment 1: Location Map/Aerial Photo

Attachment 2: Site Survey

Attachment 3: Development Application Data Sheet Attachment 4: Single Family Lot Size Policy 5447 Attachment 5: Proposed Tree Retention Plan

Attachment 6: Rezoning Considerations







RZ 15-716841

Original Date: 01/12/16

**Revision Date:** 

Note: Dimensions are in METRES







RZ 15-716841

Original Date: 01/12/16

Revision Date: 02/02/13

Note: Dimensions are in METRES

## TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF STRATA PLAN NW937

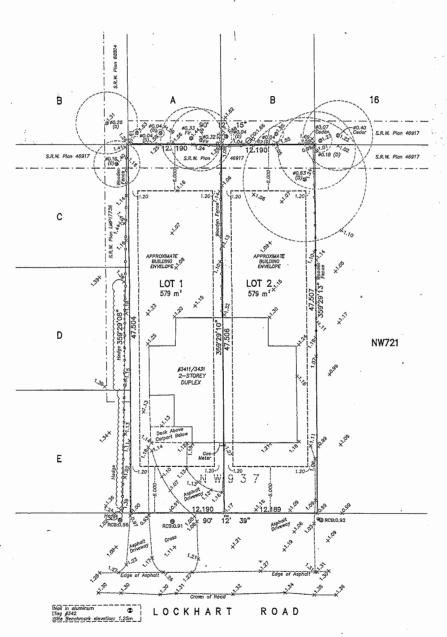
SECTION 15 BLOCK 4 NORTH RANGE 7 WEST

#### NEW WESTMINSTER DISTRICT

#3411 LOCKHART ROAD, (P.I.D. 001-579-550) #3431 LOCKHART ROAD, (P.I.D. 001-579-614) RICHMOND, B.C.



DISTANCÉS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE INDICATED



LEGEND:
(b) denotes deciduous
denotes round catch basin
denotes water valve
denotes cleanaut
denotes power post

NOTE:
Elevations shown are bosed an City of
Richmand MPN Benchmark network.
Benchmark: HPN \$234
Cantral Monument 7714891
Elevation: 1.125m
Benchmark: HPN \$235
Cantral Monument 77714885
Elevation: 1.103m

NOTE: Use site Benchmark Tag #342 for construction elevation control.

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Canada and B.C. Land Surveyor
115 – 8833 Odin Crascent
Richmand, B.C. V6X 3Z7
Telephone: 214-8928
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E-meit: office@jetom.com
Website: www.jetom.com
Job No. 5983
T8-277 P111-114
Drawn By: 10

DWG No. 5983-Topo

**CNCL - 344** 

CERTIFIED CORRECT:
LOT DIMENSION ACCORDING TO
FIELD SURVEY,

PRIL 20th, 2015.



# **Development Application Data Sheet**

**Development Applications Department** 

RZ 15-716841 Attachment 3

Address: 3411/3431 Lockhart Road

Applicant: Aman Hayer

Planning Area(s): Seafair

	Existing	Proposed
Owner:	Amanjot Singh Hayer Raymond Man Chiu Liu	To be determined
Site Size (m²):	1,158 m² (12,464 ft²)	Two lots, each 579 $m^2$ (6,232 $ft^2$ )
Land Uses:	One duplex	Two residential lots
OCP Designation:	Neighbourhood Residential	No change
Single-Family Lot Size Policy Designation:	Single-Family Lot Size Policy 5447 permits properties on Lockhart Road to rezone and subdivide consistent with the minimum requirements of the "Single Detached (RS2/B)" zone.	
Zoning:	Single Detached (RS1/E)	Single Detached (RS2/B)

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55 for lot area up to 464.5 m <sup>2</sup> plus 0.3 for area in excess of 464.5 m <sup>2</sup>	Max. 0.55 for lot area up to 464.5 m <sup>2</sup> plus 0.3 for area in excess of 464.5 m <sup>2</sup>	none permitted
Buildable Floor Area (m²):*	Each max. 289.83 m² (3,119 ft²)	Each max. 289.83 m² (3,119 ft²)	none permitted
Lot Coverage (% of lot area):	Building: Max. 45% Non-porous Surfaces: Max. 70% Live Plant Material: Min. 25%	Building: Max. 45% Non-porous Surfaces: Max. 70% Live Plant Material: Min. 25%	none
Min. Lot Size:	360 m²	Each 579 m²	none
Min. Lot Dimensions (m):	Width: 12 m Depth: 24 m	Width: 12.19 m Depth: 47.50 m	none
Min. Setbacks (m):	Front: Min. 6 m Rear: Min. 6 m Side: Min. 1.2 m	Front: Min. 6 m Rear: Min. 6 m Side: Min. 1.2 m	none
Height (m):	2 ½ storeys (max. 9.0 m, peaked roof; max. 7.5 m flat roof)	2 ½ storeys (max. 9.0 m, peaked roof; max. 7.5 m flat roof)	none
On-site Vehicle Parking Spaces:	Min. two spaces	Min. two spaces	none

<sup>\*</sup> Preliminary estimate; not inclusive of garage; exact building size to be determined through zoning bylaw compliance review at Building Permit stage.

		City of Richmond	Policy	Manual
	Page 1 of 2	Adopted by Council: September 16, 1991		POLICY 5447
,		Amended by Council: July 20, 1998		
		Amended by Council: October 20th, 2003		
	File Ref: 4430-00	SINGLE-FAMILY LOT SIZE POLICY IN QUARTER	R-SECTION 15	-4-7

#### **POLICY 5447:**

The following policy establishes lot sizes in a portion of Section 15-4-7, located generally between the south side of Granville Avenue, the west side of Marrington Road, the north side of Moresby Drive and No. 1 Road:

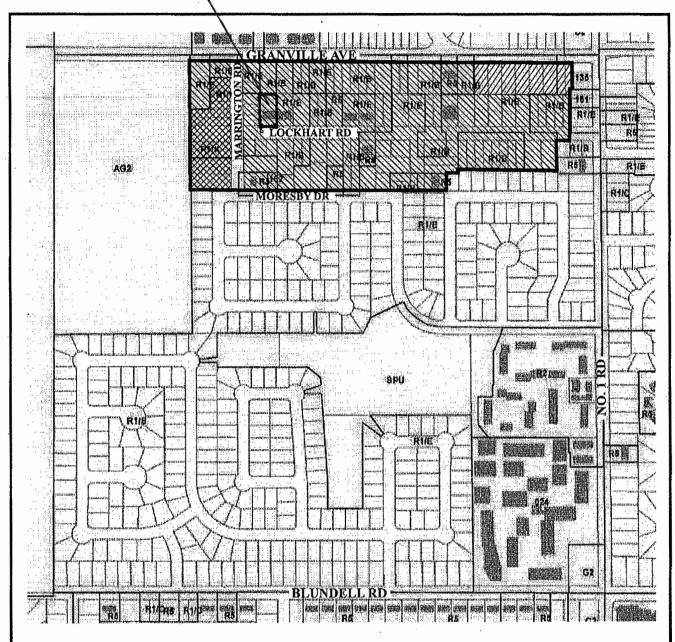
That properties within the area generally bounded by the south side of Granville Avenue, the north side of Moresby Drive, the west side of Marrington Road and No. 1 Road, in a portion of Section 15-4-7, be permitted to subdivide in accordance with the provisions of Single-Family Housing District (R1/B) in Zoning and Development Bylaw 5300, with the following provisions:

- a) That properties between and including 3620 and 3780 Granville Avenue be permitted to subdivide as per Single-Family Housing District (R1/C) zoning;
- (b) That properties between and including 7151 and 7031 Marrington Road be permitted to subdivide as per Single-Family Housing District, Subdivision Area K (R1/K) zoning;

and that this policy, as shown on the accompanying plan, 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 the Zoning and Development Bylaw.

1081048







Subdivision permitted as per R1/B with the following provisions:



1. Between 3620 and 3780 Granville Avenue R1/C.



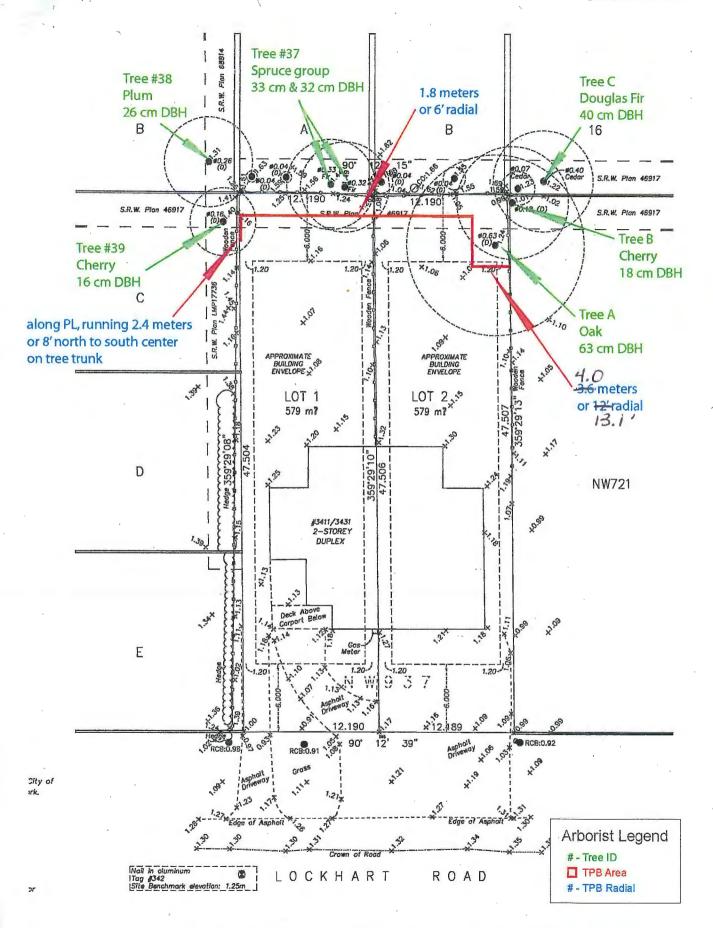
2. Between 7151 and 7031 Marrington Road R1/K.



Policy 5447 Section 15-4-7 Adopted Date: 09/16/91

Amended Date: 10/20/03

Note: Dimensions are in METRES



ANNOTATED TRENCIRE FENTION PLAN



# **Rezoning Considerations**

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

Address: 3411/3431 Lockhart Road

File No.: RZ 15-716841

# Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9683, the applicant is required to complete the following:

- 1. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within tree protection zones of the trees to be retained (tag #'s A, B, C, 37, 38, 39). 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. Notes: the tree protection area for tree tag # A is to extend 4.0 m from the base of the tree in each direction. The proposed building footprint on the east lot must be outside of the tree protection area.
- 2. Submission of a Tree Survival Security to the City in the amount of \$10,000 for tree tag # A on-site to be retained. The security will be held until construction and landscaping on the subject site is completed and a landscape inspection has been passed by City staff. The City may retain a portion of the security for a one-year maintenance period from the date of the landscape inspection to ensure that the tree survives.
- 3. Submission of a Landscape Security in the amount of \$1,500 (\$500/tree) to ensure that two trees are planted and maintained on the proposed west lot, and that one tree is planted and maintained on the proposed east lot (for a total of three trees); minimum 6 cm deciduous caliper or 3.5 m high conifers.
- 4. City acceptance of the applicant's voluntary contribution in the amount of \$12,650, for cost-recovery of the two new 25 mm water service connections each complete with meters and meter boxes; which was previously completed as part of a Capital works project on Lockhart Road in 2016.
- 5. City acceptance of the applicant's voluntary contribution in the amount of \$30,231.20; for cost-recovery of the design and construction of road widening, street lighting, treed/grassed boulevard, concrete curb and gutter, and concrete sidewalk, which was previously completed as part of a Capital works project on Lockhart Road in 2016."
- 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 each of the two lots proposed, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.

#### Prior to Demolition Permit\* issuance, the applicant must complete the following requirements:

• Installation of tree protection fencing around all trees to be retained (tag #'s A, B, C, 37, 38, 39). 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 remain in place until construction and landscaping on-site is completed. Notes: the tree protection area for tree tag # A is to extend 4.0 m from the base of the tree in each direction.

#### Prior to Subdivision\* approval, the applicant must complete the following requirements:

- Discharge of covenant RD 52761 from title of the strata lots, which restricts the use of the property to a duplex.
- Cancellation of Strata Plan NWS937.
- Pay the costs associated with the required service connections, as described below:

#### Water Works

Using the OCP Model, there is 159.0 L/s of water available at a 20 psi residual at the hydrant on Marrington Road. Based on your proposed development, your site requires a minimum fire flow of 95 L/s. At future Building Permit

**CNCL - 349** 

stage, the applicant is required to submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for on-site fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage Building designs.

#### Storm Sewer Works

At the applicant's cost, the City is to retain the existing storm service connections at southeast and southwest corners of the development site.

#### Sanitary Sewer Works

At the applicant t's cost, the City is to:

- Cut and cap the existing sanitary service connection and remove the existing Inspection Chamber (IC) located at the northwest corner of the development site.
- Install a new sanitary IC complete with dual service connection along the north common property line of the development site.

Note: All sanitary works must be completed prior to any on-site building construction.

#### Frontage Improvements:

The applicant is required to coordinate with BC Hydro, Telus and other private communication service providers:

- To underground Hydro service lines.
- When relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
- To determine if above ground structures are required and coordinate their locations on-site (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc.).

#### General Items:

The applicant is required to enter into, if required, 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, 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.

## Prior to Building Permit\* issuance, the applicant must complete the following requirements:

- Submit a Construction Parking and Traffic Management Plan to the Transportation Department. The 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 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.

**CNCL - 350** 

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 concurrence on file)		
Signed	Date	



# Richmond Zoning Bylaw 8500 Amendment Bylaw 9683 (RZ 15-716841) 3411/3431 Lockhart Road

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. 001-579-550

Strata Lot 1 Section 15 Block 4 North Range 7 West New Westminster District Strata Plan NW937 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1.

P.I.D. 001-579-614

Strata Lot 2 Section 15 Block 4 North Range 7 West New Westminster District Strata Plan NW937 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1.

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9683".

FIRST READING	CITY OF RICHMOND
A PUBLIC HEARING WAS HELD ON	APPROVED by
SECOND READING	APPROVED by Director
THIRD READING	or Solicitor  Al
OTHER CONDITIONS SATISFIED	
ADOPTED	
MAYOR	CORPORATE OFFICER