



City of Richmond
Planning and Development Department

**Report to
Development Permit Panel**

To: Development Permit Panel
From: Brian J. Jackson, MCIP
Director of Development
Date: September 22, 2009
File: DV 09-482429
Re: **Application by Sid Gupta for a Development Variance Permit at
8300 Railway Avenue**

Staff Recommendation

That a Development Variance Permit be issued which would vary the provisions of the Zoning and Development Bylaw No. 5300 to reduce the minimum lot width required for:

- a) a corner lot from 20 m to 17.8 m; and,
- b) an interior lot from 18 m to 17.4 m;

to permit a two (2) lot subdivision fronting Colbeck Road on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E) at 8300 Railway Avenue.

Brian J. Jackson, MCIP
Director of Development

CL:blg
Att.

Staff Report

Origin

Mr. Sid Gupta has applied to the City of Richmond for permission to vary the minimum lot width required for:

- a) a corner lot from 20 m to 17.8 m; and,
- b) an interior lot from 18 m to 17.4 m;

to permit a subdivision on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E)" at 8300 Railway Avenue to create two (2) lots fronting Colbeck Road. The site currently contains a single-family dwelling and detached two-door garage, and is located at the northeast corner of Railway Avenue and Colbeck Road (see **Schedule A**).

Findings of Fact

The subject property is zoned "Single-Family Housing District, Subdivision Area E (R1/E)" and is located in the Blundell Planning Area at the northeast corner of Railway Avenue and Colbeck Road. The Official Community Plan's Generalized Land Use Map designation for this property is "Neighbourhood Residential" and the Specific Land Use Map designation is "Low-Density Residential".

Lot Size Policy 5453

The subject property is located within the area covered by Lot Size Policy 5453 (adopted by Council November 15, 2003, and subsequently amended in January, 2001 and October, 2003) (**Attachment 1**). This Policy limits subdivision of lots in accordance with "Single-Family Housing District, Subdivision Area E (R1/E)", with the exception that lots with existing duplexes be permitted to subdivide in accordance with "Single-Family Housing District, Subdivision Area B (R1/B)".

Prior to this application for a Development Variance Permit, the previous property owners submitted applications for rezoning and subdivision, which proposed three (3) lots fronting Colbeck Road, contrary to the Lot Size Policy, and which would have also required a variance. Those applications have since been withdrawn in order to pursue an application for Subdivision in accordance with the Lot Size Policy, but which requires a variance to the minimum lot width.

Variances are not typically considered in Lot Size Policy areas, however, due to site specific issues regarding driveway access and tree preservation at this site, this Development Variance Permit application is being considered for reasons discussed further in the section entitled "Zoning Compliance/Variations" of this report.

Surrounding Development

Development surrounding the subject site is as follows:

- To the north, are single-family dwellings constructed in the mid 1990's on lots zoned "Single-Family Housing District, Subdivision Area E (R1/E) fronting Calder Court;
- To the east, is a single-family dwelling constructed in 1990 on a non-conforming lot (10 m width) zoned "Single-Family Housing District, Subdivision Area E (R1/E)";
- To the south, immediately across Colbeck Road, is an older character single-family dwelling on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E), with subdivision potential under the existing zoning; and
- To the west, is Railway Avenue and a linear railway right-of way, with a low-density townhouse complex beyond that on a lot under Land Use Contract 020 at 8031 Colonial Drive.

Development Information

Please refer to the attached Development Application Data Sheet (**Attachment 2**) for a comparison of the proposed development data with the relevant Bylaw requirements.

Staff Comments

The proposed development plans attached to this report have satisfactorily addressed the significant planning issues identified as part of the review of the subject Development Variance Permit application (Plan # 1). In addition, it complies with the intent of the applicable sections of the Official Community Plan (OCP), the existing Lot Size Policy, and is generally in compliance with the requirements of the "Single-Family Housing District, Subdivision Area E (R1/E)" zoning except for the variance requested.

Analysis

Conditions of Adjacency

- At future development stage, plans must comply with the zoning in terms of building height, mass, coverage and siting, which ensures that the existing character in the neighbourhood is maintained.

Conceptual Development Plans

- The applicant has submitted conceptual designs (**Reference Plan # 1**) to illustrate how the future corner lot interface will be treated. The corner lot west elevation will be screened by an existing hedge and mature trees to be protected on City-owned property along the Railway Avenue boulevard. The proposed conceptual designs are consistent with the character of new dwellings being constructed city-wide.
- At future development stage, a Building Permit must be obtained by the applicant and the final building design must comply with all City regulations.

Tree Preservation & Landscaping

- A Tree Survey, Certified Arborist's Report, and Landscape Plan have been submitted by the applicant, which address proposed tree retention/removal, tree replacement, and landscape design.
- The City's Tree Preservation Coordinator has reviewed the Arborist's Report and concurs with the recommendation to retain Tree # 187 on-site and Tree # 136 on the neighbouring property at 5051 Colbeck Road, and to remove Tree # 157 from the subject property on the basis of poor condition.
- The City's Parks Department has reviewed the Arborist's Report and concurs with the recommendation to retain nine (9) mature trees (Trees # 169 to 174, as well as 185, 186) and the Cedar hedgerow in the boulevard on City-owned property along Railway Avenue and to remove the portion of the hedgerow (including a Pine and Japanese Maple) abutting Colbeck Road to enable proposed frontage improvements and driveway crossings at future development stage. Prior to removal of the hedgerow along Colbeck Road, the applicant must obtain formal written approval from the City's Parks Department, including submission of compensation to the City's Tree Compensation Fund in the amount of \$3,000.

- The Landscape Plan (**Reference Plan # 2**) includes a Tree Retention Plan that corresponds with the Arborist's Report recommendations and includes details for proposed Tree Protection Fencing for on-site and off-site protected trees. Tree Protection Fencing must be installed to City standards prior to demolition of the existing dwelling on the subject site, and must remain in place until construction of the future dwellings on the site is complete.
- To ensure the survival of the mature trees and hedge on-site and on City-owned property along the Railway Avenue boulevard, the applicant must submit the following items prior to this application being forwarded to Council for approval:
 - a contract with a Certified Arborist for supervision of any on-site works to be conducted within tree protection zones. The contract must include the scope of work to be undertaken, including the proposed number of site monitoring inspections, as well as the preparation of a post-construction impact assessment report by the Arborist to the City for review.
 - A Survival Security to the City in the amount of \$10,000. The City will retain 90% of the security until the proposed construction and landscaping is completed to the satisfaction of the City, with the remaining 10% of the security released one (1) year after inspection of the completed construction and landscaping to ensure the trees have survived.
- The Landscape Plan submitted by the applicant illustrates that, in addition to tree retention, a combination of deciduous and coniferous replacement trees are proposed in both the front and rear yards of the future lots, which exceeds the OCP 2:1 replacement planting goal [i.e. a total of two (2) replacement trees are required].
- Additional soft and hard landscaping including a variety of evergreen and flowering shrubs, low-lying vegetation, lawn, and paving treatments is also illustrated in the Plan. Low brick post and rail fencing with a pedestrian gate is proposed along Colbeck Road, with 6 ft. high Cedar fencing proposed along the interior side and rear yards. Low Cedar fencing is proposed towards the rear of the flanking side yard along Railway Avenue, which will be screened by the protected hedgerow and mature trees.
- In order to ensure that this landscaping work is undertaken, the applicant will be required to submit a Landscaping Security in the amount of \$57,915.95 (100% of the cost estimate provided by the Landscape Architect) prior to this application being forwarded to Council for approval.

Subdivision

At future Subdivision stage, the developer will be required to:

- Pay Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, Address Assignment Fee, and Servicing Costs;
- Register a statutory right-of-way (ROW) on Title for the extension of the sanitary sewer along the north property line to service the future west lot;
- Dedicate a 4 m x 4 m corner cut at Railway Avenue and Colbeck Road; and
- Enter into a standard Servicing Agreement for the design and construction of frontage improvements along Colbeck Road, and for the sanitary sewer extension.

Zoning Compliance/Variances

The applicant has requested permission to vary the minimum lot width required in the Zoning and Development Bylaw No. 5300 for:

- a) a corner lot from 20 m to 17.8 m; and,
- b) an interior lot from 18 m to 17.4 m;

to permit a subdivision on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E)" at 8300 Railway Avenue to create two (2) lots fronting Colbeck Road.

The Zoning and Development Bylaw defines "Width of Lot" as:

"the average distance between the side property lines measured at the front property line and at the rear property line".

This is intended to provide a method for calculating the lot width of irregular-shaped lots. Due to the slightly irregular shape of the subject site and the requirement for an additional 2 m in lot width for a corner lot, the minimum lot width required to subdivide fronting Colbeck Road under the existing zoning cannot be achieved. However, the frontage width of each proposed lot, as perceived from Colbeck Road, is equal in width to other lots zoned "Single-Family Housing District, Subdivision Area E (R1/E)" (i.e. 18 m)

Staff recommends support for the lot width variance because an application for a two (2) lot subdivision fronting Railway Avenue under the existing Zoning and in accordance with the Lot Size Policy is achievable, but is not supported by staff for the following reasons:

1. *It would involve the creation of an additional driveway onto the arterial road, which is contrary to the City's Arterial Road Redevelopment Policy;*
2. *Proposed vehicular access off Colbeck Road complies with the City's Residential Lot Access Bylaw No. 7222 (i.e. 12 m minimum setback from the arterial road);*
3. *There would be limited opportunity for mature tree preservation on-site and on City-owned property along the Railway Avenue boulevard with a two-lot subdivision oriented towards Railway Avenue; and*
4. *The provision of a rear lane off Colbeck Road is not appropriate in this case.*

Conclusions

The applicant has applied to the City of Richmond for permission to vary the minimum lot width required in Zoning and Development Bylaw No. 5300 for:

- a) a corner lot from 20 m to 17.8 m; and,
- b) an interior lot from 18 m to 17.4 m;

to permit a subdivision on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E)" at 8300 Railway Avenue to create two (2) lots fronting Colbeck Road.

The proposed development generally conforms to the intent of the Lot Size Policy, applicable policies contained within the City's Official Community Plan (OCP), and is generally in compliance with the Single-Family Housing District, Subdivision Area E (R1/E), with the exception of the variance discussed.

The applicant has satisfactorily addressed the significant planning issues and other staff comments identified as part of the application review, and Staff feels that the proposal is the preferred redevelopment scenario for this site in terms of maximizing tree preservation and avoiding additional vehicular access onto Railway Avenue. On this basis, Staff recommends support for the application.



Cynthia Lussier
Planning Technician
(604-276-4108)

CL:blg

The following are to be met prior to forwarding this application to Council for approval:

- Submission of a Contract with a Certified Arborist for supervision of any on-site works to be conducted within tree protection zones. The contract must include the scope of work to be undertaken, including the proposed number of site monitoring inspections, as well as the preparation of a post-construction impact assessment report by the Arborist to the City for review.
- Submission of a Survival Security to the City in the amount of \$10,000 for mature tree preservation on-site and in the boulevard along Railway Avenue on City-owned property.
- Submission of a Landscaping Security to the City in the amount of \$57,915.95 (100% of the cost estimate provided by the Landscape Architect) to ensure the planting of proposed landscaping and required replacement trees.

Prior to removal of the hedgerow from City-owned property along Colbeck Road, the applicant must:

- Obtain formal written approval from the City's Parks Department directly [one (1) week prior], to enable Tree Removal signage to be posted at least 48 hours prior to removal; and,
- Submit compensation to the City's Tree Compensation Fund in the amount of \$3,000 to the City's Parks Department for removal of the hedgerow (including a Pine and Japanese Maple).

Prior to demolition stage, the following item is to be addressed:

- Installation of Tree Protection Fencing as illustrated on the Landscape Plan, to City standards prior to obtaining a demolition permit for existing dwellings on-site. Tree Protection Fencing must remain in place until future development on the site is complete.

At future subdivision stage, the developer will be required to:

- Enter into a standard Servicing Agreement for the design and construction of frontage improvements along the entire frontage on Colbeck Road and for the sanitary sewer extension, to include: curb & gutter, pavement widening, 1.5m concrete sidewalk, grass & treed boulevard (min. 1.5 m wide), and street lighting. Note: Design to include Water, Storm & Sanitary service connections for both lots.
- Pay Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, Address Assignment Fee. Note: Servicing costs will be determined via the Servicing Agreement.
- Register a 4 m wide statutory right-of-way on Title for the extension of the sanitary sewer along the north property line to service the future west lot.
- Register a Flood Indemnity Covenant on Title.
- Register a restrictive Covenant on Title of the proposed corner lot to ensure no direct vehicular access to Railway Avenue, and to ensure proposed vehicular access to Colbeck Road is located at the easternmost end of the proposed corner lot.
- Dedicate a 4 m x 4 m corner cut at Railway Avenue and Colbeck Road.

Prior to future Building Permit issuance, the developer is required to:

- Obtain a Building Permit for new dwelling construction and for any construction hoarding associated with the proposed development. If construction hoarding is required to temporarily occupy a street, or any part thereof, or occupy the air space above a street or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. *For further information on the Building Permit, please contact Building Approvals Division at 604-276-4285.*
- Submit a construction traffic and parking management plan to the satisfaction of the City's Transportation Division (<http://www.richmond.ca/services/ttp/special.htm>).



City of Richmond

Policy Manual

Page 1 of 2

Adopted by Council: November 15, 1993

POLICY 5453

Amended by Council: January 15, 2001 *
October 20th, 2003

File Ref: 4045-00

SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 24-4-7

POLICY 5453:

The following policy establishes lot sizes in Section 24-4-7, located in the area generally **bounded by Francis Road, Blundell Road, Railway Avenue and No. 2 Road** as shown on the attached map:

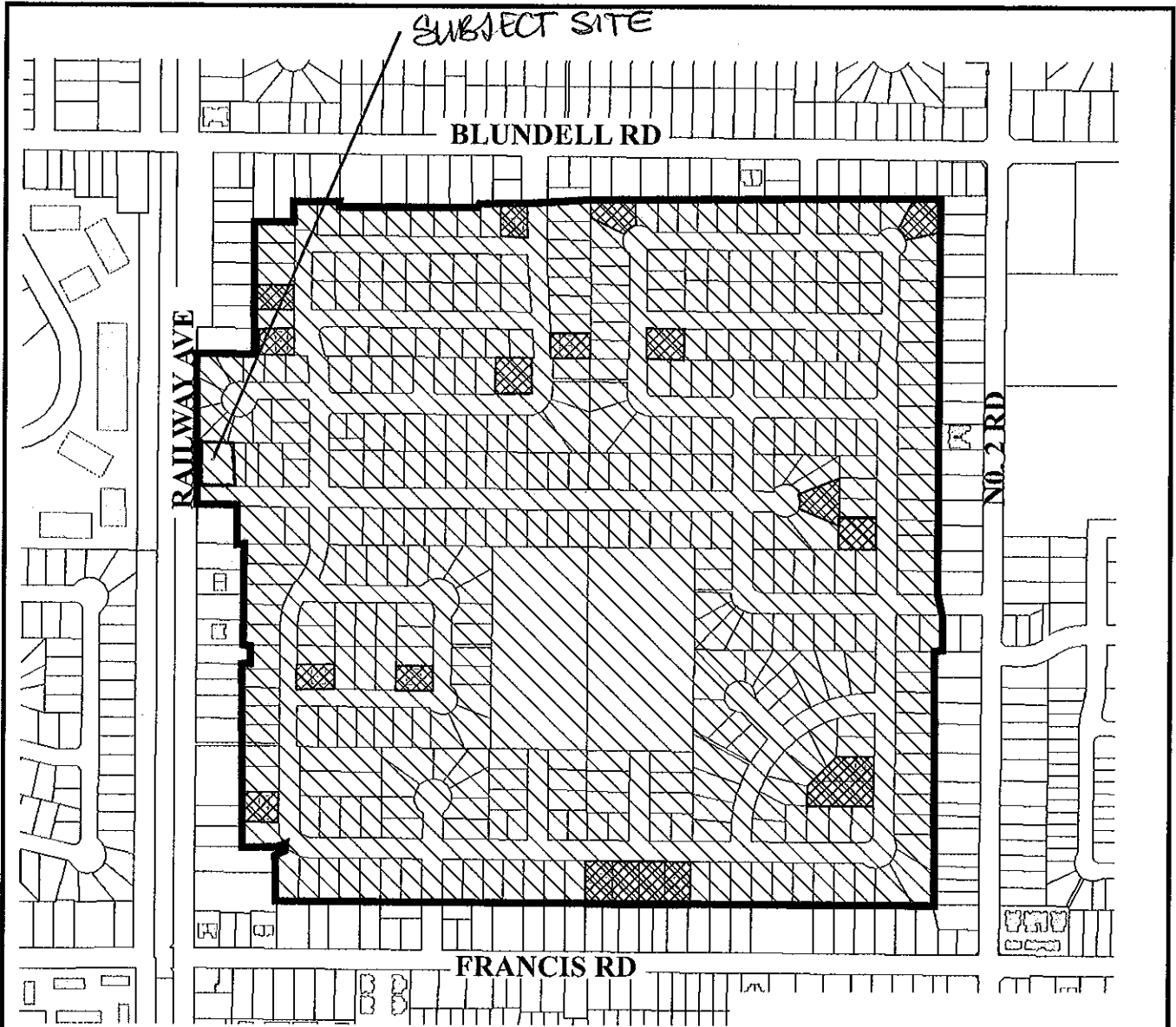
That properties located within the area generally bounded by Francis Road, Blundell Road, Railway Avenue and No. 2 Road in Section 24-4-7, as shown on the attached map, be permitted to subdivide in accordance with the provisions of Single-Family Housing District, Subdivision Area E (R1/E) in Zoning and Development Bylaw No. 5300, with the following exceptions:



- (i) That lots with existing duplexes be permitted to subdivide as per Single-Family Housing District, Subdivision Area B (R1/B); and

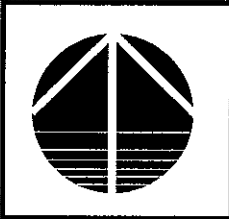
and that this policy be used to determine the disposition of future rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw 5300.

* Original Adoption Date In Effect

1081046



-  Subdivision Permitted as Per R1/E
-  Subdivision of Duplexes Permitted as Per R1/B



Policy 5453
Section 24-4-7

Adopted Date: 11/15/93
 Amended Date: 10/20/03



City of Richmond

6911 No. 3 Road
 Richmond, BC V6Y 2C1
 www.richmond.ca
 604-276-4000

**Development Application
 Data Sheet**
 Development Applications Division

DV 09-482429 **Attachment 2**

Address: 8300 Railway Avenue

Applicant: Sid Gupta Owner: Sudershan Kumar Gupta
 Chander Mohini Gupta

Planning Area(s): Blundell

	Existing	Proposed
Site Area:	1517 m ² (16,329 ft ²)	West Lot – 767 m ² (8,256 ft ²) East Lot – 750 m ² (8,073 ft ²)
Land Uses:	One (1) single-family dwelling	Two (2) single-family dwellings
OCP Designation:	<ul style="list-style-type: none"> Generalized Land Use Map Designation – <i>Neighbourhood Residential</i> Specific Land Use Map Designation – <i>Low-Density Residential</i> 	No change
Zoning:	Single-Family Housing District, Subdivision Area E (R1/E)	No change
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):	550 m ² (5,920 ft ²)	West Lot – 767 m ² (8,256 ft ²) East Lot – 750 m ² (8,073 ft ²)	none
Lot Width* (min. dimensions):	18 m and 20 m for corner lot	West (corner) Lot – 17.8 m East Lot – 17.4 m	West (corner) Lot – 2.2 m East Lot – 0.6 m
Setback – Front Yard:	Min. 6 m	Min. 6 m	none
Setback – Side Yard:	Min. 1.2 m and 3 m flanking side yard	Min. 1.2 m and 3 m flanking side yard	none
Setback – Rear Yard:	Min. 6 m	Min. 6 m	none
Height (m):	2 ½ storeys	2 ½ storeys	none

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

* calculated as “the average distance between the side property lines measured at the front property line and at the rear property line”, as defined in Zoning & Development Bylaw No. 5300.



City of Richmond
 Planning and Development Department

Development Variance Permit

No. DV 09-482429

To the Holder: SID GUPTA
 Property Address: 8300 RAILWAY AVENUE
 Address: C/O 2228 E. 54TH AVENUE
 VANCOUVER, BC V5P 1Y7

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied to reduce the minimum lot width required for:
 - a) a corner lot from 20 m to 17.8 m; and,
 - b) an interior lot from 18 m to 17.4 m;
 to permit a subdivision fronting Colbeck Road on a lot zoned "Single-Family Housing District, Subdivision Area E (R1/E)" at 8300 Railway Avenue;
4. This Development Variance Permit applies to the proposed development as indicated in Plan # 1. All substantial renovations, building alterations, extensions or reconstruction shall be undertaken in accordance with the existing zoning.
5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

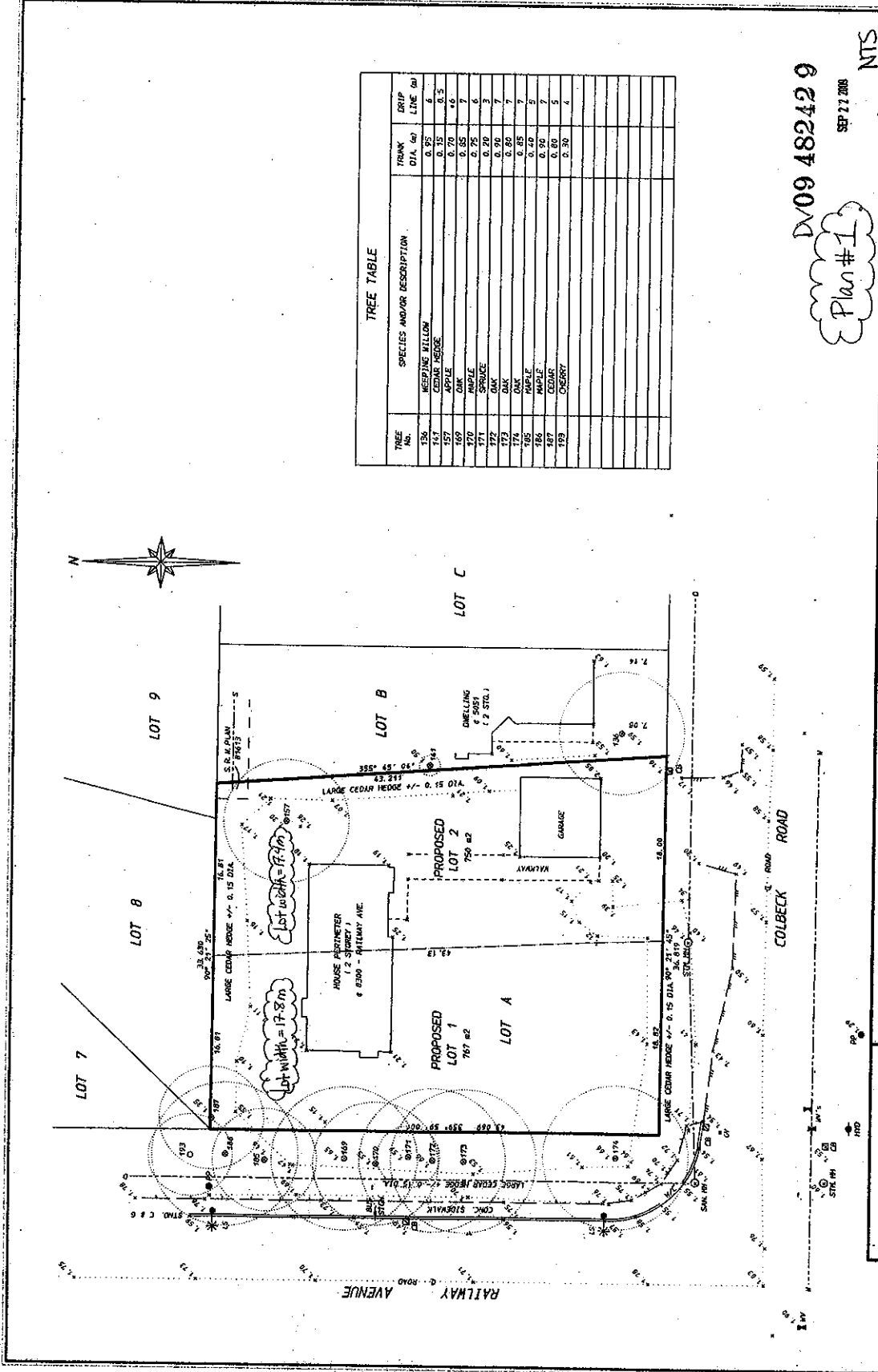
This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
 DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

 MAYOR



TREE TABLE

TREE No.	SPECIES AND/OR DESCRIPTION	TRUNK DIA. (in)	CRIP LINE (in)
136	WEeping WILLOW	0.15	0.3
147	CEdAR HEDGE	0.15	0.3
157	APPLe	0.70	0.3
169	oAK	0.55	0.3
170	APPLe	0.75	0.3
171	SPRUce	0.20	0.3
172	oAK	0.90	0.3
173	oAK	0.85	0.3
174	oAK	0.80	0.3
185	MAPLLe	0.50	0.3
186	MAPLLe	0.50	0.3
187	CEdAR	0.60	0.3
199	CHERRY	0.30	0.3

D\09 482429
 Plan #1
 SEP 27 2008
 NTS

PLAN SHOWING TREES AND PROPOSED SUBDIVISION
 LOT A, SEC. 24, B. & N. R. 7 N. NIND, PLAN B1612

CITY OF RICHMOND
 SCALE: 1:250 (METRIC)
 FIELD SURVEY COMPLETED: JUNE 26, 2007
 ADDITIONAL SURVEY: JULY 13, 2009

FILE: 9080
MAP

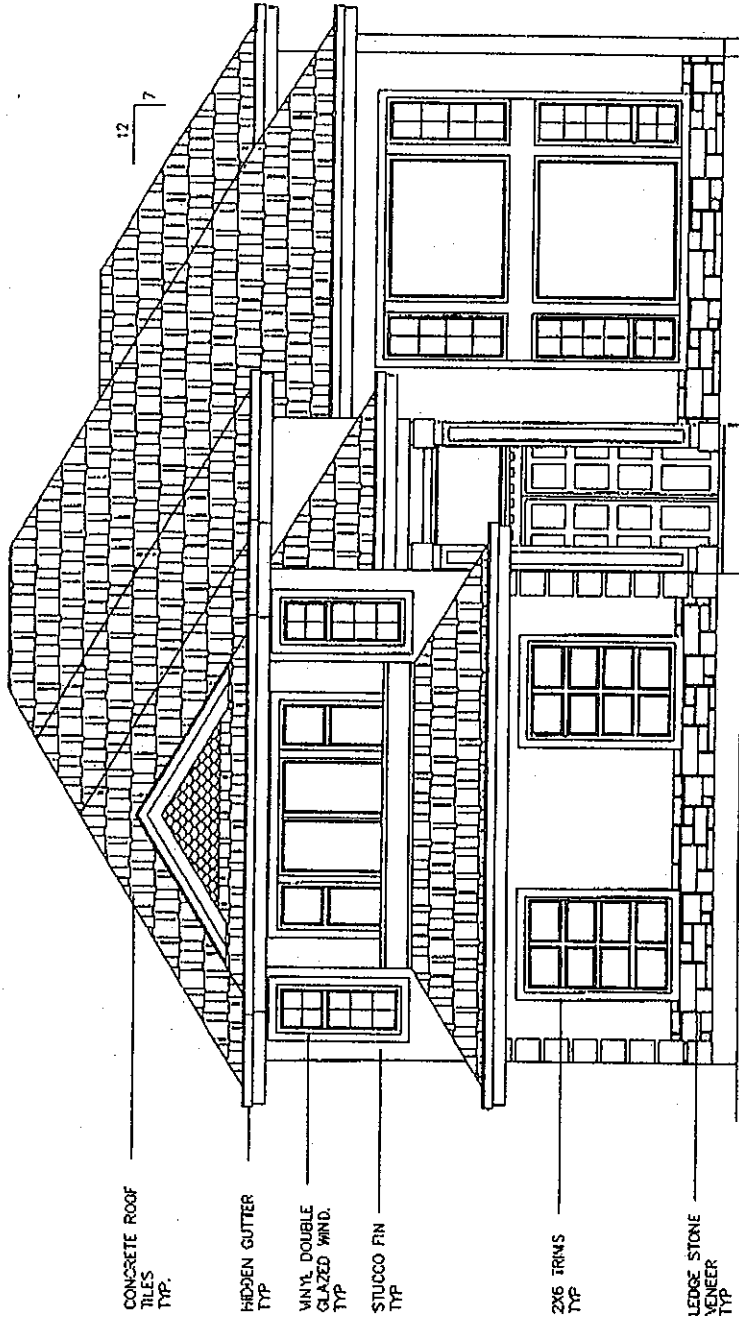
NOTES:
 - ELEVATIONS ARE ON GEODETIC DATUM, SHOWN IN METERS.
 - ELEVATIONS ARE FROM RICHMOND'S MNG 202 (FIRMAD33).
 - ELEVATION = 1.027 m.

○ 222 DEBRITS TREE
 --- DENOTES LIMIT OF STAT. R/W OR DASHBENT
 --- DENOTES HEDGE LIMIT

--- DENOTES ELEVATION

THIS PLAN, DATE OF JULY, 2009
 S.D. WILKER B.C.L.S.

COMPANED B. WILKER
 612-500-4774
 612-500-4774
 DELTA, D.C. 444 179
 FAX: 612-500-4774



CONCRETE ROOF
TILES
TYP.

HIDDEN GUTTER
TYP.

VINYL DOUBLE
GLAZED WIND.
TYP.

STUCCO FIN
TYP.

2X6 TRIMS
TYP.

LEDGE STONE
VENEER
TYP.

FRONT ELEVATION (CORNER LOT)
LOT 1 - COLBECK RD.

RECEIVED
SEP 03 2009
BY: Tom Fox

REFERENCE PLAN #1

FILE NO. DV09-482429

COPYRIGHT RESERVED BY: Rafiq Shaikh Designs Ltd. Custom House Designs. 4580 PENDLEBURY ROAD, RICHMOND, B.C. V7E 1E7 TEL (604) 241-7699 FAX (604) 304-1377	STRUCTURAL ENGINEER:	SHEET COMMENTS:	PROJECT : 8300 RAILWAY RD. RICHMOND, B.C. FOR MR & MRS GUPTA LOT 1 COLBECK RD. RICHMOND	DWG NO: SEP 27 2009	of NTS
	DATE: AUG 2009	SCALE: 1/8" = 1'-0"	DATE: AUG 2009	FRONT ELEVATION	DRAWN:

