



City of Richmond
Planning and Development Department

Report to Committee

To: Planning Committee **Date:** November 7, 2011
From: Brian J. Jackson, MCIP **File:** RZ 11-582017
Director of Development
Re: **Application by 0897099 BC Ltd. and Wei Chen for Rezoning at
4911/4931 McLure Avenue from Single Detached (RS1/E) to Single Detached
(RS2/B)**

Staff Recommendation

That Bylaw No. 8833, for the rezoning of 4911/4931 McLure Avenue from "Single Detached (RS1/E)" to "Single Detached (RS2/B)", be introduced and given first reading.

Brian J. Jackson, MCIP
Director of Development

ES:blg
Att.

FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

0897099 BC Ltd. and Wei Chen have applied to the City of Richmond for permission to rezone 4911/4931 McLure Avenue from “Single Detached (RS1/E)” to “Single Detached (RS2/B)”, to permit the property to be subdivided to create two (2) lots (**Attachment 1**). There is currently an existing strata-titled duplex on the subject site, which is proposed to be demolished.

Findings of Fact

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

Surrounding Development

The area is an established residential neighbourhood that contains a mix of older and newer single-family dwellings on large lots zoned Single Detached (R1/E).

- To the north, are single detached dwellings zoned “Single Detached (RS1/E)”;
- To the east, across Montana Road, are single detached dwellings zoned “Single Detached (RS1/E)”;
- To the south, are single detached dwellings zoned “Single Detached (RS1/E)”;
- To the west are single detached dwellings zoned “Single Detached (RS1/E)”.

Related Policies & Studies

Official Community Plan (OCP) Designation

There is no Area Plan for this neighbourhood. The Official Community Plan (OCP) Generalized Land Use Map designation for this project is “Neighbourhood Residential”, and the Specific Land Use Map designation is “Low-Density Residential”. This redevelopment proposal is consistent with these designations.

Lot Size Policy

The subject property is not located within a Lot Size Policy area.

Staff Comments

Background

This neighbourhood has seen limited redevelopment through rezoning and subdivision in recent years. There are two (2) other duplex lots on Cabot Road zoned Two-Unit Dwellings (RD1) which have the potential to rezone and subdivide.

Trees & Landscaping

A Certified Arborist's Report was submitted by the applicant, which identifies tree species, assesses the structure and condition of trees, and provides recommendations on tree retention and removal relative to the development proposal. The Report identifies and assesses:

- three (3) bylaw-sized trees on the subject property; and
- three (3) bylaw-sized trees on the neighbouring property to the west.

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

- Retain and protect two (2) bylaw-sized trees (Trees #154 and #155) on the subject property and the three (3) trees (Trees A, B & C) located on the neighbouring property to the west (4891 McLure Avenue).
- Remove and replace one (1) bylaw-sized tree (Tree # 156) on the subject property which is in very poor condition.

Tree protection fencing must be installed to City standard prior to demolition of the existing dwelling on-site and must remain in place until construction and landscaping on the future lots is completed.

The Final Tree Retention Plan, which reflects the final outcome of tree protection and removal, is included as **Attachment 3**.

Based on the 2:1 tree replacement ratio goal in the Official Community Plan (OCP), and the size requirements for replacement trees in the City's Tree Protection Bylaw, a total of two (2) replacement trees are required to be planted and maintained on the future lots with a minimum sizes/height of 6 cm deciduous calliper/2.5 m coniferous height.

A Landscaping Security of \$1,000 (\$500/tree) is required prior to rezoning adoption to ensure the proposed number of replacement trees are planted and maintained.

To ensure the survival of protected trees, the applicant must submit the following prior to rezoning adoption:

- A Contract with a Certified Arborist for on-site supervision of all works to be conducted at development stage within close proximity to the tree protection zones of trees to be retained. The Contract must include the proposed number of site monitoring inspections (e.g. demolition, excavation, perimeter drainage etc.), as well as a provision for the Arborist to submit a post-construction impact assessment report for the City to review; and

- A Tree Survival Security to the City in the amount of \$3,000 to ensure that on-site trees (Trees #154 & #155) and off-site trees (Trees A, B & C) will be protected. The City will release 90% of the security after construction and landscaping on the future lots are completed, inspections are approved, and an acceptable post-construction impact assessment report is received. The remaining 10% of the security would be released one year later subject to inspection.

Affordable Housing

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

The applicant proposes to provide a cash-in-lieu contribution. 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 (i.e. \$5,669).

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 proposal to build a secondary suite on one (1) of the two (2) future lots at the subject site. To ensure that a secondary suite is built to the satisfaction of the City in accordance with the Affordable Housing Strategy, the applicant is required to enter into a legal agreement registered on Title as a condition of rezoning, stating that no final Building Permit inspection will be granted until a secondary suite is constructed to the satisfaction of the City, in accordance with the BC Building Code and the City's Zoning Bylaw. This agreement would 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.

Analysis

The subject property is located within an established residential neighbourhood consisting of single-detached housing and a few duplexes. This redevelopment proposal would allow for the creation of two (2) lots fronting McLure Avenue, each with an average width of approximately 14.94 m and 491.7 m² and 489.7 m² in area. A restrictive covenant will be required at subdivision stage to ensure vehicular access for the proposed corner lot is from McLure Avenue, at or near the proposed west property line of the corner lot.

Consistent with the Zoning Bylaw provisions regarding the rezoning and subdivision of duplexes (**Attachment 4**), there is potential for other properties with duplexes in this neighbourhood to apply to rezone and subdivide.

Conclusion

This rezoning application to permit subdivision of an existing large lot into two (2) smaller lots complies with Richmond Zoning Bylaw 8500 and all applicable policies and land use designations contained within the Official Community Plan (OCP).

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

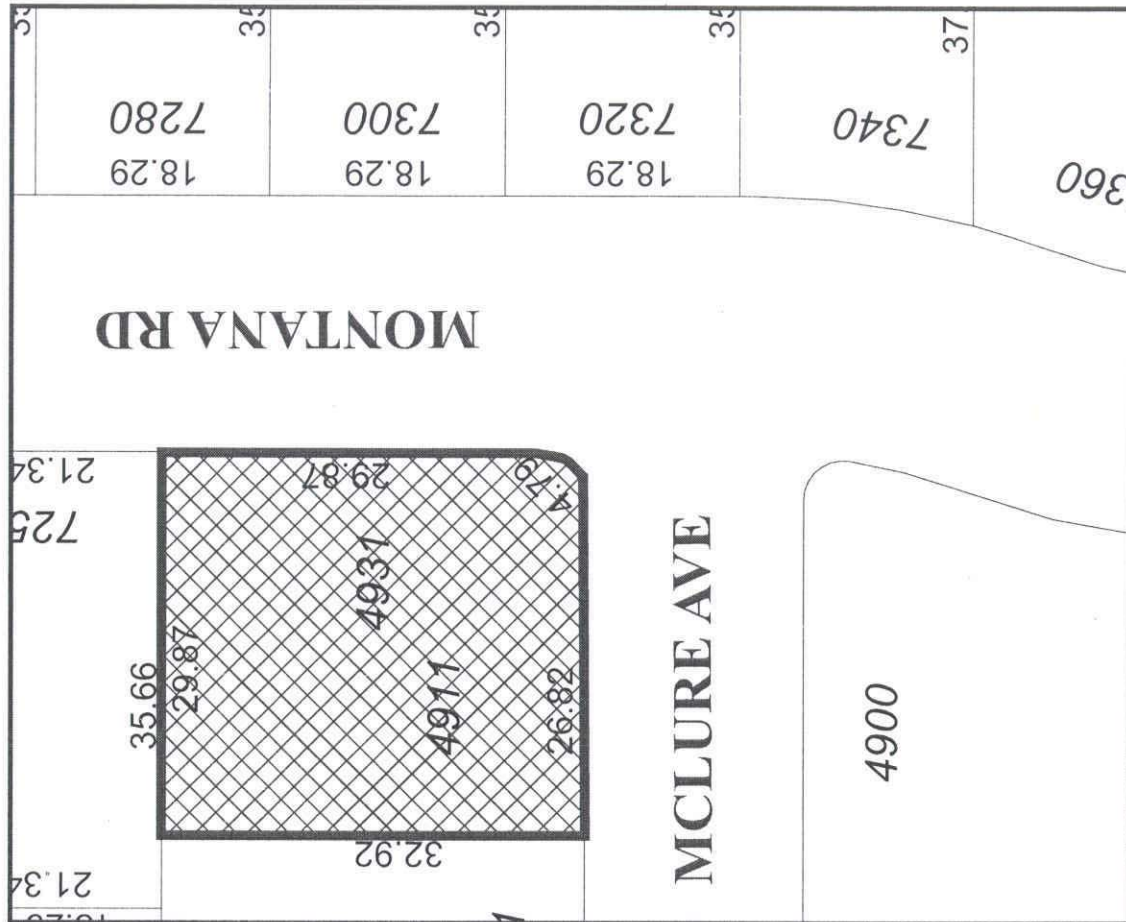
On this basis, staff support the application.



Erika Syvokas
Planning Technician
(604-276-4108)

ES:blg

- Attachment 1: Location Map/Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Tree Retention Plan
- Attachment 4: Richmond Zoning Bylaw 8500 (Excerpt)
- Attachment 5: Rezoning Considerations Concurrence

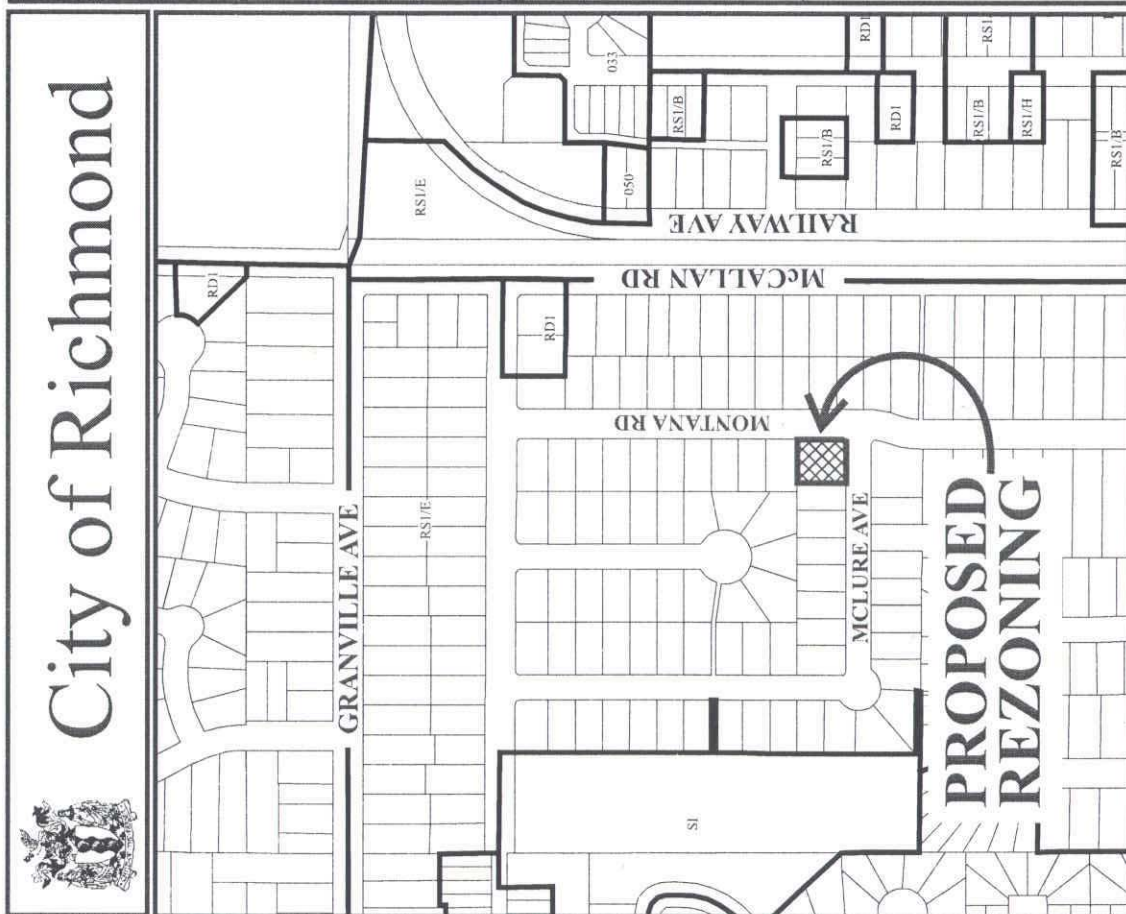
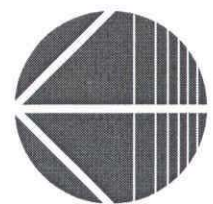


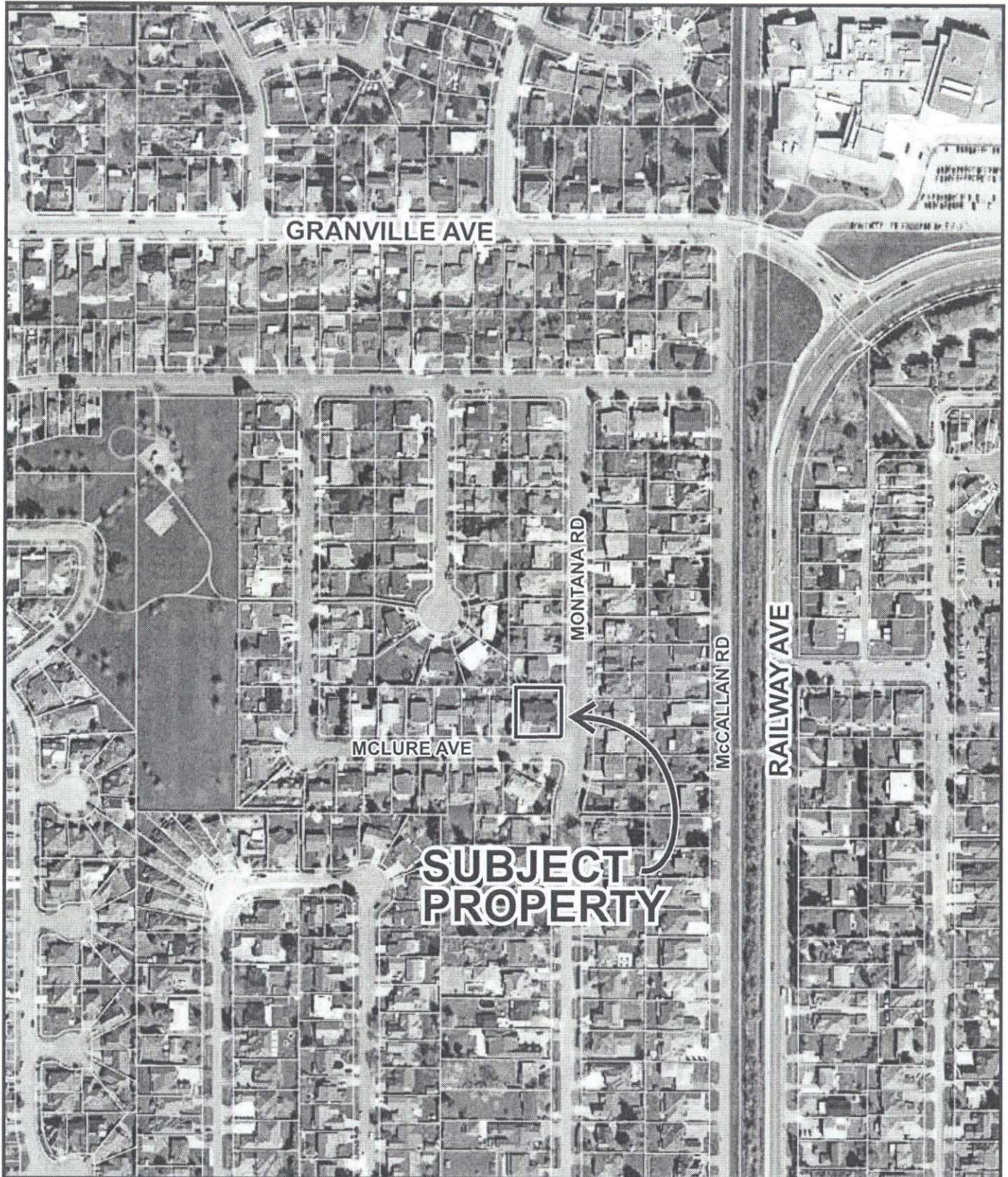
Original Date: 06/15/11

Revision Date: 11/17/11

Note: Dimensions are in METRES

RZ 11-582017





RZ 11-582017

Original Date: 06/15/11

Amended Date:

Note: Dimensions are in METRES



City of Richmond

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

Development Application Data Sheet

RZ 11-582017

Attachment 2

Address: 4911/4931 McLure Avenue

Applicant: 0897099 BC Ltd. and Wei Chen

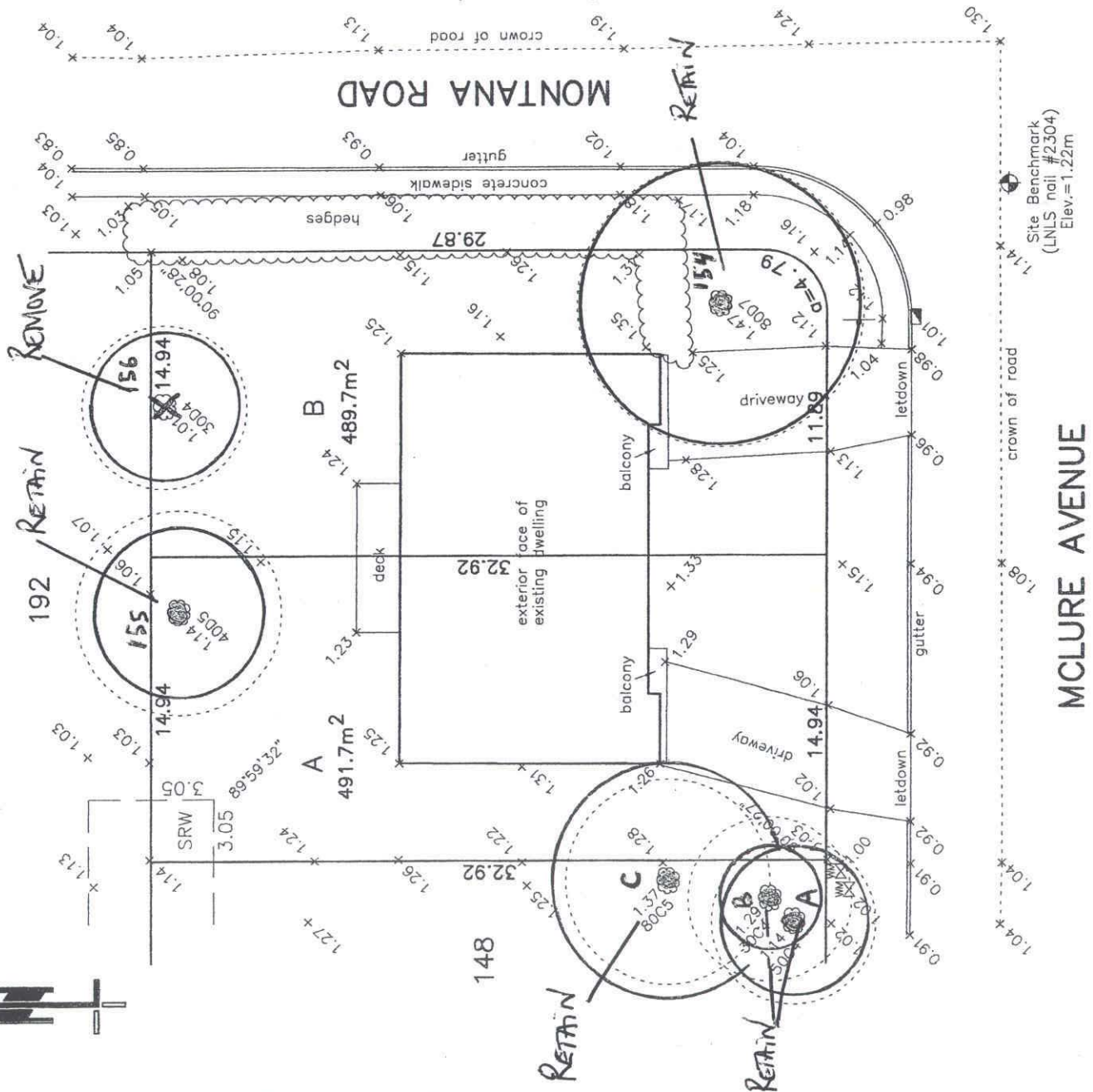
Planning Area(s): Seafair

	Existing	Proposed
Owners:	Strata Lot 1 - 0897099 B.C. Ltd. Strata Lot 2- Wei Chen	To be determined
Site Size (m²):	981.4 m ² (10,564 ft ²)	Two (2) lots 491.7 m ² (5,293 ft ²) and 489.7 m ² (5271 ft ²)
Land Uses:	One (1) single detached dwelling	Two (2) single detached dwellings
OCP Designation:	<ul style="list-style-type: none"> Generalized Land Use Map – Neighbourhood Residential Specific Land Use Map designation is "Low-Density Residential" 	No change
Area Plan Designation:	None	No change
702 Policy Designation:	None	No change
Zoning:	Single Detached (RS1/E)	Singe 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 Size (min. dimensions):	360 m ²	491.7 m ² (5,293 ft ²) & 489.7 m ² (5271 ft ²)	none
Setback – Front Yard & Rear Yards (m):	Min. 6.0 m	Min. 6.0 m	none
Setback – Side Yard (m):	Min. 1.2 m / Min. 3.0 m along Montana Road	Min. 1.2 m / Min. 3.0 m along Montana Road	none
Height (m):	2.5 storeys	2.5 storeys	none

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

Tree Location + Protection Plan



Excerpt from Richmond Zoning Bylaw 8500

2.3. Applications for R1 Subdivision Areas

- 2.3.1. Where an **owner** of land which is zoned R1 submits a rezoning application to transfer the land from one **subdivision** area to another **subdivision** area within the **zone** (i.e., RS1/E to RS1/A), staff shall report to the appropriate standing committee, or where necessary, directly to **Council**, and recommend whether such an amendment should be more appropriately considered in the context of setting a policy respecting **lot** sizes for a larger area and, if so, staff shall recommend the boundaries of such larger area.
- 2.3.2. Subject to the provisions of the Council Procedure Bylaw, the Committee, having considered the staff report, shall make a recommendation to **Council** as appropriate.
- 2.3.3. Where **Council** determines that consideration of a larger area is appropriate, **Council** shall first consider and determine a **lot** size policy for the larger area for a period of not less than five years, prior to approval of the rezoning. All subsequent rezoning applications within that same area shall be considered in conjunction with or in the context of the policy.
- 2.3.4. Notwithstanding Section 2.3.3, where a rezoning application is contrary to a lot size policy for a larger area which has been adopted by **Council** within the preceding five years, the current rezoning application shall be submitted to **Council**, and **Council** shall either direct staff to process the application in conjunction with a reconsideration of the policy or deny the application.
- 2.3.5. Where a **lot** size policy is proposed or is being amended, the policy and proposed amending bylaw shall be submitted to a public hearing. Notice shall be given to all affected property **owners** and tenants within the **lot** size policy area.
- 2.3.6. After a **lot** size policy has been considered at a public hearing, **Council** may, without further notice, adopt, amend, rescind, reaffirm or amend and then adopt the subject policy, or deal with a policy recommendation in any other manner provided for in the Council Procedure Bylaw.
- 2.3.7. Section 2.3 does not apply to land which is the subject of the application if:
- a) the land is the **site** of a legal **two-unit housing unit** and is intended to be subdivided into no more than two **single detached housing lots**;
 - b) the land is located along an **arterial road** and not within a **lot** size policy area that has been adopted within the previous five years; or
 - c) the land is located within an Area Plan or Sub-Area Plan of the **Official Community Plan**.
- 2.3.8. For the purposes of Section 2.3, the RS1, RS2 and RS3 **zones** are deemed to be interpreted as complying with the R1/A-H or R1/J-K zones with regard to any existing or proposed **lot** size policy.
- 2.3.9. Where there is a rezoning application along an **arterial road** in an existing **lot** size policy area that has been in place over five years, **Council** will determine whether to remove all the properties in the block which front the subject **arterial road** from the applicable **lot** size policy when considering the rezoning application.

Rezoning Considerations

4911/4931 McLure Avenue RZ 11-582017

Prior to final adoption of Zoning Amendment Bylaw 8833, the applicant is required to complete the following:

1. Submission of a Landscaping Security to the City in the amount of \$1,000 (\$500/tree) for the planting and maintenance of two (2) replacement trees with a minimum sizes/height of 6 cm deciduous calliper/2.5 m coniferous height.
2. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any works to be conducted within the Tree Protection Zone of on-site trees to be retained (Trees #154 & #155) and the off-site trees to be protected (Trees A, B, & C) located on the neighbouring property to the west (4891 McLure Avenue). The Contract must include the scope of work to be undertaken, including: the proposed number of site monitoring inspections (e.g. demolition, excavation, perimeter drainage etc.) and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.
3. Submission of a Tree Survival Security to the City in the amount of \$3,000 to ensure that on-site trees (Trees #154 & #155) and off-site trees (Trees A, B & C) are protected. The City will release 90% of the security after construction and landscaping on the future lots are completed, inspections are approved, and an acceptable post-construction impact assessment report is received. The remaining 10% of the security would be released one (1) year later subject to inspection.
4. Confirmation to the City that Strata Plan NW388 has been cancelled.
5. The City's acceptance of the applicant's voluntary contribution of \$1.00 per buildable square foot of the single-family developments (\$5,669) to the City's Affordable Housing Reserve Fund.

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 proposal to build a secondary suite on one (1) of the two (2) future lots at the subject site. To ensure that a secondary suite is built to the satisfaction of the City in accordance with the Affordable Housing Strategy, the applicant is required to enter into a legal agreement registered on Title as a condition of rezoning, stating that no final Building Permit inspection will be granted until a secondary suite is constructed to the satisfaction of the City, in accordance with the BC Building Code and the City's Zoning Bylaw.

6. Registration of a flood indemnity covenant on Title.

At Demolition stage*, the applicant will be required to:

- Install Tree Protection Fencing around Trees # 154, 155, A, B & C as per City of Richmond Tree Protection Barrier requirements. Tree protection fencing must be installed to City standard prior to demolition of the existing dwelling on-site and must remain in place until construction and landscaping on the future lots is completed.

At Subdivision stage*, the applicant will be required to:

- Pay Servicing costs.
- Pay Servicing Design fee or hire a civil engineer to design service connections.
- Sign a restrictive access covenant to ensure vehicular access for the corner lot is from McLure Avenue, at or near the proposed west property line of the corner lot.

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.

[Signed original on file]

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 8833 (RZ 11-582017)
4911/4931 MCLURE 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/B)**.

P.I.D. 001-318-837

Strata Lot 1 Section 14 Block 4 North Range 7 West New Westminster District Strata Plan NW388 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

and

P.I.D. 001-318-845

Strata Lot 2 Section 14 Block 4 North Range 7 West New Westminster District Strata Plan NW388 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 8833”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER DEVELOPMENT REQUIREMENTS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER