

City of Richmond Planning and Development Department

Report to Committee

To:

Planning Committee

Date:

April 11, 2011

From:

Brian J. Jackson, MCIP

Director of Development

File:

RZ 10-549144

Re:

Application by Kulwinder S. Kandola and Kulvir S. Uppal for Rezoning at

11951/11971 Montego Street from Two-Unit Dwellings (RD1) to Single

Detached (RS2/B)

Staff Recommendation

That Bylaw No. 8756, for the rezoning of 11951/11971 Montego Street from "Two-Unit Dwellings (RD1)" to "Single Detached (RS2/B)", be introduced and given First Reading.

Brian Jackson, MCIP Director of Development

CL:blg Att.

FOR ORIGINATING DEPARTMENT USE ONLY

ROUTED TO:

CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Affordable Housing

YEND

PH - 153

Staff Report

Origin

Kulwinder S. Kandola and Kulvir S. Uppal have applied to the City of Richmond for permission to rezone 11951/11971 Montego Street from "Two-Unit Dwellings (RD1)" to "Single Detached (RS2/B)", to permit the existing duplex property to be subdivided into two (2) lots fronting Montego Street (Attachment 1).

Findings of Fact

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

Surrounding Development

The subject property is located on the northwest corner of Montego Street and No. 5 Road in the East Cambie planning area. The surrounding area contains predominantly single detached housing and two-unit dwellings mostly on large lots, with some smaller lots that have been created through rezoning and subdivision.

To the north of the subject site, is a new dwelling on a large lot zoned "Single Detached (RS1/E)" fronting No. 5 Road.

To the east, immediately across No. 5 Road, are newer dwellings fronting No. 5 Road on small lots zoned "Single Detached (RS1/A)", created through rezoning and subdivision in the mid 1990's.

To the south, immediately across the street on the southwest corner of Montego Street and No. 5 Road, is the Richmond Faith Fellowship Church on a lot zoned "Assembly (ASY)".

To the west, is an older dwelling on a large lot zoned "Single Detached (RS1/E)" at the corner of Montego Street and Aztec Street.

Related Policies & Studies

Official Community Plan (OCP) Designation

The OCP's Generalized Land Use Map designation for this property is "Neighbourhood Residential". The East Cambie Area Plan's Land Use Map designation for this property is "Residential (Single-Family only)". This redevelopment proposal is consistent with these designations.

Lot Size Policy 5454, and the Arterial Road Redevelopment Policy

The subject property is not located within a Lot Size Policy area. The subject site falls immediately adjacent to the area boundary of Lot Size Policy 5454 (adopted by Council in 1994), which permits the rezoning and subdivision of duplexes to create no more than two (2) lots (Attachment 3). The Lot Size Policy was amended in 2001 to remove the subject site and all other properties fronting or abutting No. 5 Road between Thorpe Road and Highway 91, due to the Arterial Road Redevelopment Policies at that time, which generally allowed for redevelopment on arterial roads using either dedicated or interim lanes secured via right-of-way (ROW) over private property for access out to arterial roads. The revised Arterial Road Redevelopment Policy approved by Council in 2006 does not designate this section of No. 5 Road for redevelopment. The subject proposal is, therefore, being considered on its own merit.

Aircraft Noise Sensitive Development Policy

The Aircraft Noise Sensitive Development (ANSD) Policy applies to the subject site, which is located within the Moderate Aircraft Noise Area (Area 3). In accordance with this Policy, all aircraft noise sensitive land uses may be considered. Prior to rezoning adoption, the applicant is required to register an aircraft noise sensitive use covenant on Title to address public awareness and to ensure aircraft noise mitigation is incorporated into dwelling design and construction.

Affordable Housing Strategy

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 toward the Affordable Housing Reserve Fund for single-family rezoning applications.

The applicant proposes to provide a legal secondary suite on one (1) of the two (2) future lots at the subject site. To ensure that the secondary suite is built to the satisfaction of the City in accordance with the City's Affordable Housing Strategy, the applicant is required to enter into a legal agreement 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 a condition of rezoning adoption. This agreement will be discharged from Title (at the initiation of the applicant) on the lot where the secondary suite is not required by the Affordable Housing Strategy after the requirements are satisfied.

Should the applicant change their minds prior to rezoning adoption about the affordable housing option selected, a voluntary contribution to the City's Affordable Housing Reserve Fund in-lieu of providing the secondary suite will be accepted. In this case, the voluntary contribution would be required to be submitted prior to final adoption of the rezoning bylaw, and would be based on \$1.00/ft² of total building area of the single detached dwellings (i.e. \$6,104).

Flood Management

Registration of a flood indemnity covenant on title is required prior to final adoption of the rezoning bylaw.

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 is to enable the creation of two (2) smaller lots (each approximately 14 m wide) from an existing large duplex-zoned lot. In recent years, the surrounding neighbourhood has undergone some redevelopment through rezoning and subdivision of duplex properties to smaller lot sizes, consistent with the Lot Size Policy, which covers all properties on Montego Street with the exception of the subject site. This redevelopment proposal is consistent with the established pattern of redevelopment in the neighbourhood.

Trees & Landscaping

A Certified Arborist's Report was submitted by the applicant, which identifies tree species, assesses the condition of trees, and provides recommendations on tree retention and removal relative to the development proposal. The Report identifies and assesses four (4) bylaw-sized trees (Trees # 1-4) and one (1) hedge (Tree # 5) on the subject site, all of which are recommended for removal.

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 remove all trees from the subject site on the basis of poor tree condition and structure (e.g. unstable root system, dieback in the canopy, co-dominant stems, bark inclusion, previous topping, decay, and other structural defects).

The hedge is not subject to the Tree Protection Bylaw and was not assessed by the City's Tree Preservation Coordinator. The Certified Arborist's Report recommends removal due to poor condition caused by blackberry suppression and the unlikelihood of recovery.

The City's Tree Preservation Coordinator notes that the three (3) undersized City-owned street trees in the boulevard along No. 5 Road are to be retained. Tree Protection Fencing cannot be accommodated, as the trees are located in the existing concrete sidewalk.

The final Tree Retention Plan is included in **Attachment 4**.

Consistent with the 2:1 tree replacement ratio goal in the Official Community Plan (OCP), the applicant proposes to plant a total of eight (8) replacement trees of the following minimum sizes:

# Replacement Trees	Min. calliper of deciduous tree		Min. height of coniferous tree
2	11 cm	or	6 m
4	9 cm		5 m
2	6 cm		3.5 m

Preliminary Landscape Plan & Architectural Elevations

The applicant has submitted a preliminary landscape plan and conceptual architectural elevation plans to illustrate how the front and exterior side yards will be enhanced and how the future corner lot interface will be treated (Attachments 5 & 6). The preliminary landscape plan also illustrates the proposed number, sizes, and locations of required replacement trees, the proposed concept for the new driveway crossings and for the required frontage improvements along Montego Street.

The preliminary landscape plan generally complies with the guidelines in the OCP. Prior to rezoning adoption, the applicant must submit a final Landscape Plan, prepared by a Registered Landscape Architect, along with a Landscaping Security based on 100% of the cost estimate provided by the landscape architect.

The proposed conceptual elevation plans are consistent with the character of new dwellings being constructed city-wide. At Building Permit stage, the final building design must comply with all City regulations.

Existing Covenant

There is currently a covenant on title that restricts the use of the property to a duplex (charge # AD250425). This covenant must be discharged by the applicant prior to rezoning adoption.

Existing Utility Right-of-Way

There is an existing 6 m wide utility right-of-way (ROW) that runs along the north property line of the subject site. The City's Engineering Division has reviewed the right-of-way (ROW) agreement, and advises that it is no longer required as there are no subsurface utilities located within it. The right-of-way (ROW) should be discharged by the applicant prior to rezoning adoption (charge # 251157C).

Site Servicing & Vehicle Access

There are no servicing concerns with rezoning.

Prior to rezoning adoption, the applicant is required to dedicate a 4 m x 4 m corner cut at the intersection of Montego Street and No. 5 Road.

Vehicle access is not permitted to or from No. 5 Road in accordance with Bylaw 7222.

An existing driveway crossing is currently located along the west property line of the subject site, which is shared with the adjacent property to the west at 11911 Montego Street. The applicant has attempted to discuss proposed development plans with the neighbouring property owner without success.

The City's Transportation Division requires that:

- The existing shared driveway crossing along the west property line of the subject site be maintained for the proposed west lot; and,
- That the new driveway crossing for the proposed east lot be located as far west as possible from No. 5 Road.

The final design of the driveway crossings will be determined at subdivision stage;

Subdivision

At subdivision stage, the applicant is required to:

- Enter into a standard Servicing Agreement for the design and construction of frontage improvements along the entire frontage on Montego Street. Improvements are to include, but are not limited to: curb & gutter, pavement widening, 1.5 m concrete sidewalk, min.
 1.5 m grass boulevard, street trees at 9 m spacing, and street lighting. The design is to include driveway locations, water, storm and sanitary connections for each lot;
- Register a cross-access agreement over the portion of the existing shared driveway
 crossing located on the subject site to legitimize the existing situation, and enabling
 residents of 11911 Montego Street to cross over the common property line to enter and
 exit through the subject site; and,
- Register a restrictive covenant on title to ensure that vehicular access to the proposed corner lot is located as far west as possible from No. 5 Road.

Analysis

As mentioned previously, the surrounding neighbourhood has undergone some redevelopment through rezoning and subdivision of duplex properties to smaller lot sizes, consistent with the Lot Size Policy, which covers all properties on Montego Street with the exception of the subject site. The Lot Size Policy was amended in 2001 to remove the subject site and all other properties fronting or abutting No. 5 Road between Thorpe Road and Highway 91, due to the previous Lane Establishment and Arterial Road Redevelopment Policies. The revised Lane Establishment and Arterial Road Redevelopment Policies approved by Council in 2006, do not designate this section of No. 5 Road for redevelopment.

Although this property is located on an arterial road, the introduction of a rear lane on the west side of this block of No. 5 Road (between Woodhead Road and Montego Street) is not suitable for the following reasons:

- The configuration and shallow depth of the existing properties on the west side of this block of No. 5 Road does not allow for the introduction of a lane and the minimum depth required under existing single-family zoning to be achieved;
- The newer character of some dwellings limits the redevelopment potential of this block in the near future;

- The subject proposal, which has been reviewed by the City's Transportation division, meets the transportation objectives of the Arterial Road Redevelopment Policy as it does not result in the creation of new driveway crossings on No. 5 Road;
- The subject proposal is consistent with the City's Zoning Bylaw provisions (Section 2.3.7a) which allow duplex lots to rezone and subdivide into no more than two (2) lots, the rationale being that there is no resulting increase in unit density; and,
- The subject proposal is consistent with the pattern of redevelopment already established on Montego Street, and provides for a number of community benefits (i.e. vehicle access to and from Montego Street as opposed to No. 5 Road, frontage improvements along Montego Street, a secondary suite consistent with the Affordable Housing Strategy, and opportunities for design input into landscaping and architectural elevations along the No. 5 Road streetscape).

Financial Impact

None.

Conclusion

This rezoning application to permit subdivision of an existing large duplex-zoned lot into two (2) smaller lots complies with applicable policies and land use designations contained within the Official Community Plan (OCP), and is consistent with the direction of redevelopment established on Montego Street.

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

On this basis, staff recommends support for the application.

Cynthia Lussier Planning Technician (604-276-4106)

CL:blg

Attachment 1: Location Map/Aerial Photo

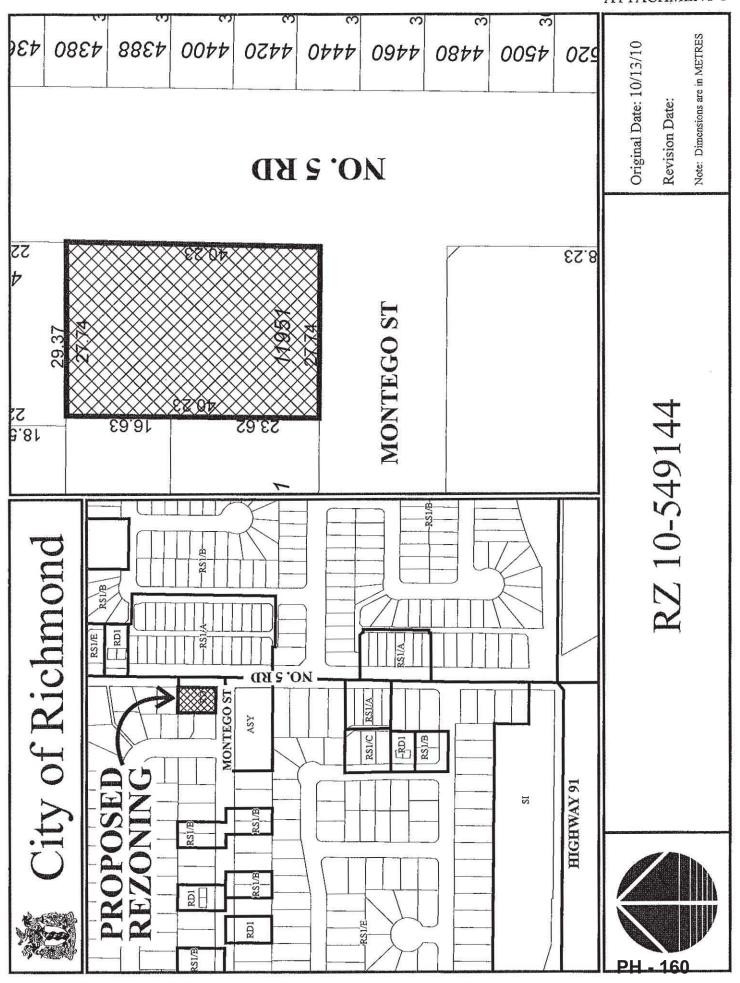
Attachment 2: Development Application Data Sheet

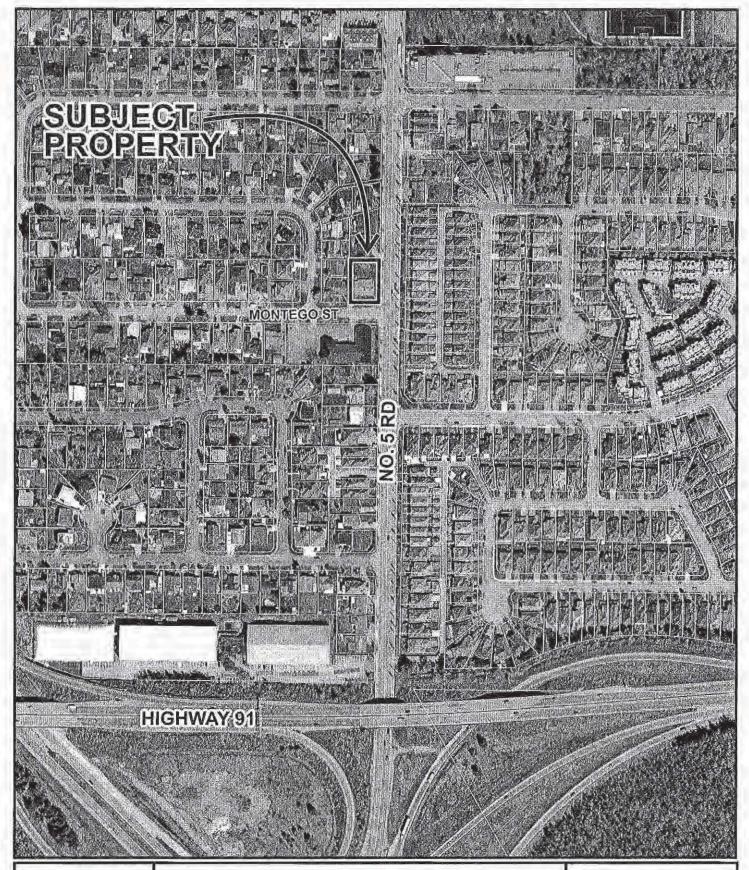
Attachment 3: Lot Size Policy 5454 Attachment 4: Tree Retention Plan

Attachment 5: Preliminary Landscape Plan (future corner lot)

Attachment 6: Preliminary Architectural Elevations (future corner lot)

Attachment 7: Rezoning Considerations Concurrence







RZ 10-549144

Original Date: 10/13/10

Amended Date:

Note: Dimensions are in METRES PH - 161



Development Application Data Sheet

RZ 10-549144

Attachment 2

Address: 11951/11971 Montego Street

Applicant: Kulwinder S. Kandola & Kulvir S. Uppal

Planning Area(s): East Cambie

	Existing	Proposed
Owner:	Kulwinder S Kandola & Kulvir S Uppal	To be determined
Site Size (m²):	1,693 m² (18,224 ft²)	West lot – approx 539.3 m² (5,805 ft²) East lot – approx 576.8 m² (6,209 ft²)
Land Uses:	One (1) two-family dwelling	Two (2) single-family lots
OCP Designation:	Generalized Land Use Map designation – "Neighbourhood Residential"	No change
Area Plan Designation:	"Residential (Single-Family Only)"	No change
702 Policy Designation:	Located outside the area boundary of Lot Size Policy 5454	No change
Zoning:	Two-Unit Dwellings (RD1)	Single Detached (RS2/B)
Number of Units:	2	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):	360 m²	West lot – approx 539.3 m² East lot – approx 576.8 m²	none
Setback - Front & Rear Yards (m):	Min. 6 m	Min. 6 m	none
Setback – Side Yards (m):	Interior - Min. 1.2 m Exterior - Min. 3 m	Interior - Min. 1.2 m Exterior - Min. 3 m	none
Height (m):	2.5 storeys	2.5 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: May 16, 1994 Amended by Council: February 19, 2001 * Amended: November 17, 2003	POLICY 5454
File Ref: 4045-00	SINGLE-FAMILY LOT SIZE POLICY IN QUART	TER-SECTION 36-5-6

POLICY 5454:

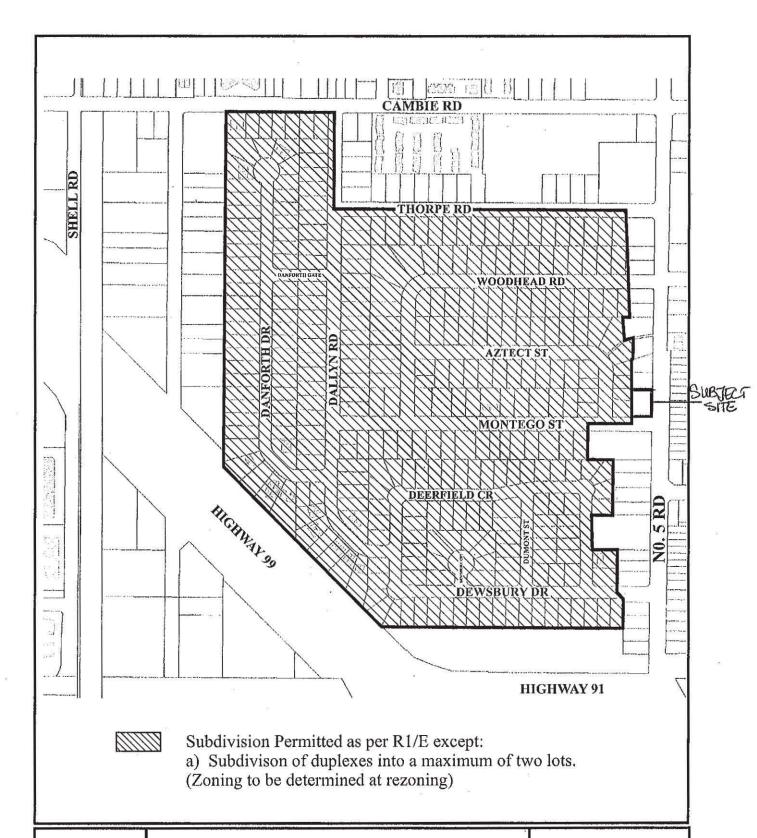
The following policy establishes lot sizes in a portion of Section 36-5-6, generally bounded by the area west of No. 5 Road, south of Thorpe Road, east of Highway 99 and north of Highway 91.

That properties generally within the area west of No. 5 Road, south of Thorpe Road, east of Highway 99 and north of Highway 91 in a portion of Section 36-5-6 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 5300, with the following exception:

Duplexes on lots which do not have the sufficient dimensions to subdivide as per Single-Family Housing District, Subdivision Area E (R1/E) be permitted to subdivide to an appropriate subdivision category of the Single-Family Housing District zone provided that the creation of more than two parcels is not possible;

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



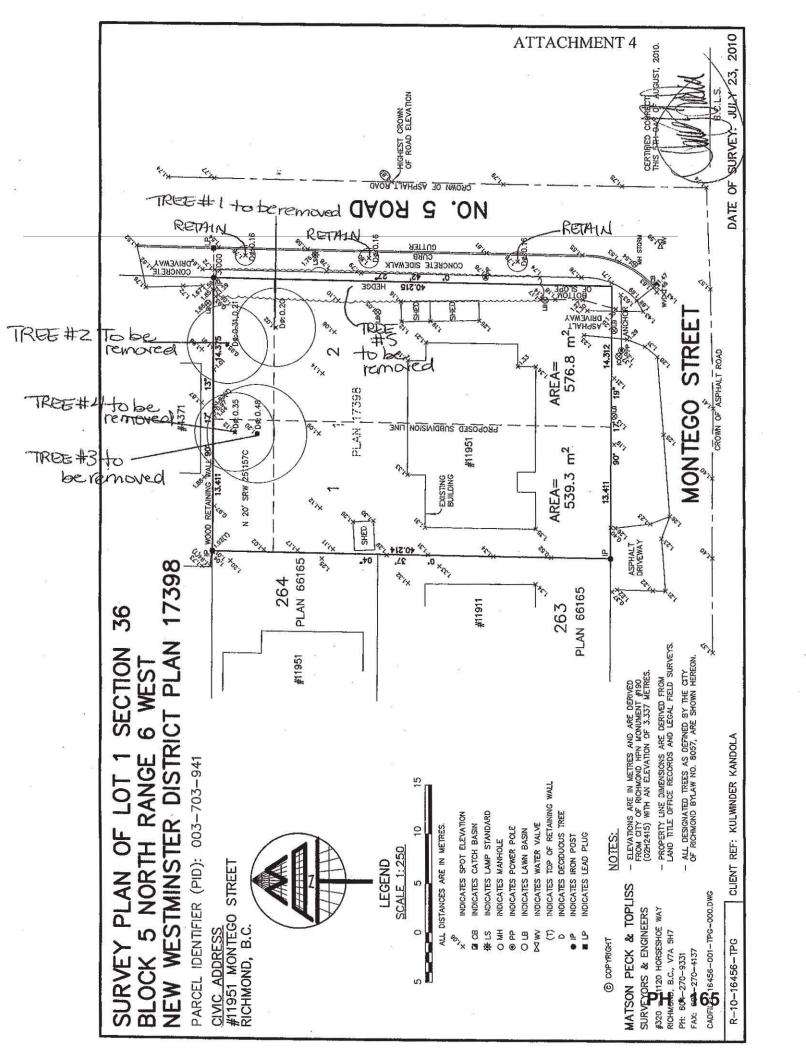


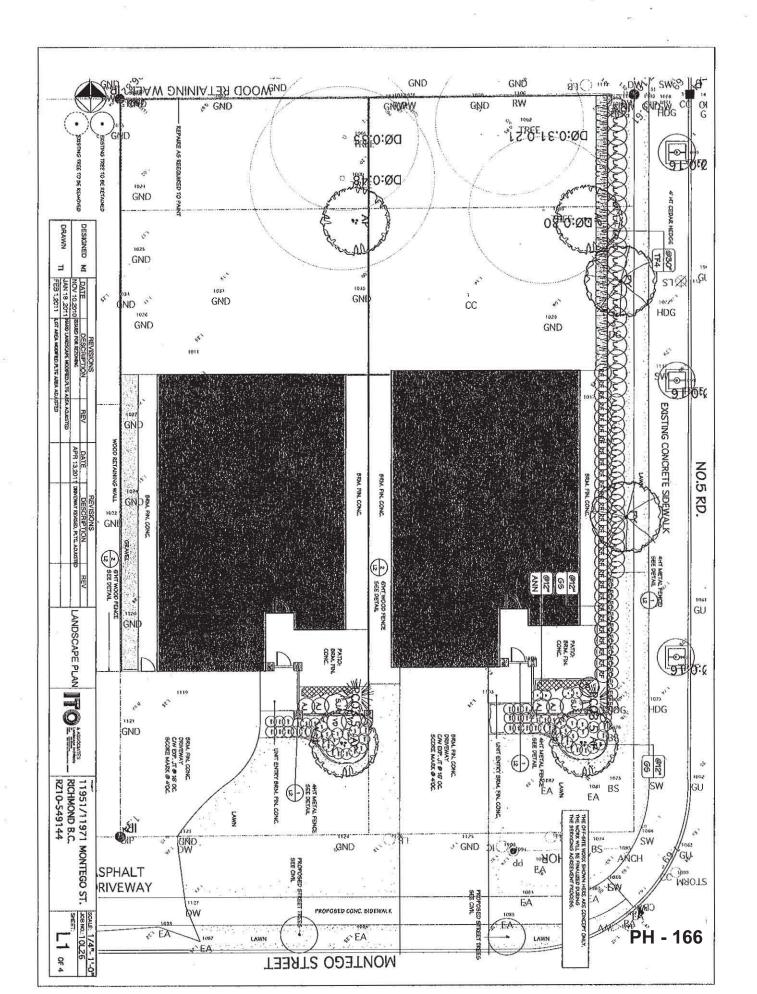
Policy 5454 Section 36-5-6

Adopted Date: 05/16/94

Amended Date: 11/17/03

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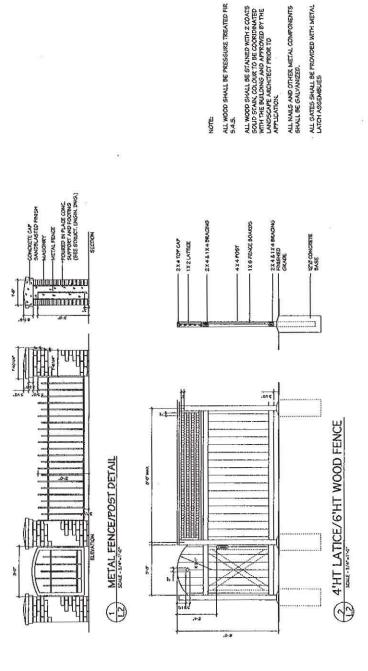
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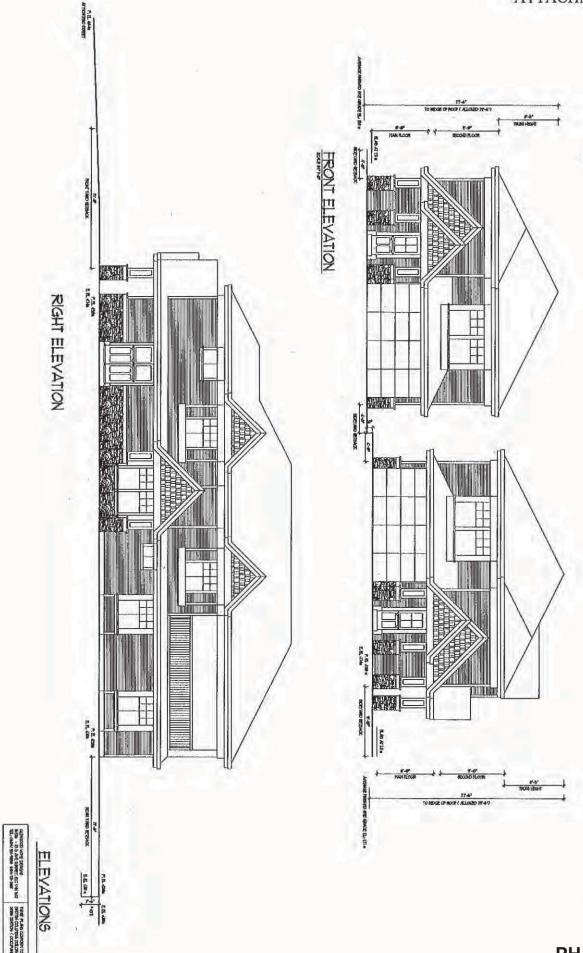
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Rezoning Considerations

11951/11971 Montego Street RZ 10-549144

Prior to final adoption of Zoning Amendment Bylaw 8756, the following items are required to be completed:

- 1. Provincial Ministry of Transportation & Infrastructure Approval.
- 2. Dedication of a 4 m x 4 m corner cut at Montego Street and No. 5 Road.
- 3. Submission of a final Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, and deposit of a Landscaping Security based on 100% of the cost estimate provided by the Landscape Architect, including installation costs. The Landscape Plan should:
 - comply with the guidelines of the OCP's Lane Establishment and Arterial Road Redevelopment Policies and should not include hedges along the front or exterior yard property lines;
 - · include a mix of coniferous and deciduous trees;
 - include the eight (8) required replacement trees with the following minimum sizes:

# Replacement Trees	Min. calliper of deciduous tree		Min. height of coniferous tree
2	11 cm	or	6 m
4	9 cm		5 m
2	6 cm		3.5 m

- 4. Registration of an aircraft noise sensitive use covenant on title.
- 5. Registration of a flood indemnity covenant on title.
- 6. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on one (1) of the two (2) future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
- 7. **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. \$6,104) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.
- 8. The discharge of the existing covenant on title restricting the use of the property to a duplex (charge # AD250425).
- 9. The discharge of the existing 6 m wide utility right-of-way located along the north property line of the subject site on title (charge # 251157C).

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

- Enter into a standard Servicing Agreement for the design and construction of frontage improvements along the entire frontage on Montego Street. Improvements are to include, but are not limited to: curb & gutter, pavement widening, 1.5 m concrete sidewalk, min.
 1.5 m grass boulevard, street trees at 9 m spacing, and street lighting. The design is to include driveway locations, water, storm and sanitary connections for each lot.
- Register a cross-access agreement over the portion of the existing shared driveway
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 residents of 11911 Montego Street to cross over the common property line to enter and
 exit through the subject site; and,
- Register a restrictive covenant on title to ensure that vehicular access to the proposed corner lot is located as far west as possible from No. 5 Road.

[Signed original on file]		
Signed	Date	



Richmond Zoning Bylaw 8500 Amendment Bylaw 8756 (RZ 10-549144) 11951/11971 MONTEGO STREET

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it SINGLE DETACHED (RS2/B).

P.I.D. 003-703-941 Lot 1 Section 36 Block 5 North Range 6 West New Westminster District Plan 17398

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8756".

FIRST READING	MAY 0 9 2011
A PUBLIC HEARING WAS HELD ON	
SECOND READING	
THIRD READING	
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL	
OTHER REQUIREMENTS SATISFIED	
ADOPTED	
MAYOR	CORPORATE OFFICER

CITY OF RICHMOND APPROVED