

Report to **Development Permit Panel**

To:

Re:

Development Permit Panel

Date:

June 17, 2008

From:

Brian J. Jackson, MCIP

File:

DP 08-422493

Director of Development

Application by J. Sanghera, K. Sanghera, S. Sanghera, and G. Sanghera for a Development Permit at 8880 Sidaway Road

Staff Recommendation

That a Development Permit be issued which would permit the construction of a single family dwelling and provide compensation enhancement planting at 8880 Sidaway Road on a site zoned Agricultural District (AG1) and designated as an Environmentally Sensitive Area.

Brian J. Jackson, MCIP Director of Development

BJJ:dcb Att. 1

Staff Report

Origin

J. Sanghera, K. Sanghera, S. Sanghera, and G. Sanghera have applied to the City of Richmond for permission to construct an approximately 1503.64 m² (16,185.59 ft²) single-family dwelling at 8880 Sidaway Road on a site designated as an Environmentally Sensitive Area.

Development Information

The primary reason for the Development Permit application is due to the proposed placement of a single family residence and associated structures within an area designated as Environmentally Sensitive. The site is zoned Agricultural District (AG1) and there are setback requirements associated with this zoning schedule that affect the placement of the residential structures on the lot.

Please refer to the attached Development Application Data Sheet (**Attachment 1**) for a comparison of the proposed development data with the relevant Bylaw requirements. A location map, site plan, landscaping plan and building details are attached to the Development Permit.

Background

The context for the subject site is as follows:

- The subject site is one of 5 approximately two-acre sized lots in a row that front onto Sidaway Road. Only two of the five lots appear to have any significant agricultural activity with the remaining three lots being used primarily for single family residences. These five lots and all of the other lots surrounding the subject property are zoned Agricultural District (AG1).
- Lots on the west side of Sidaway Road are under active cultivation and typically contain single-family farm dwellings and associated structures.
- The lots to the east of the subject property are currently fallow fields and woodlot stands.
- The applicant has applied for a demolition permit in order to remove the existing dwelling from the subject property.
- A five metre wide Riparian Management Area (RMA) designation exists along the entire frontage of the subject property. The redevelopment of this site will impact portions of the RMA. More details on these impacts are provided in the "Staff Comments" section of this report.
- The site is entirely within an Environmentally Sensitive Area (ESA) designation reflecting the fact that a significant portion of the site is treed and has associated ground cover and shrub vegetation which provide habitat for wildlife. The development will impact the habitat features on the site. More details on the quality of the vegetation present at the site are provided in the "Staff Comments" section.

Rezoning and Public Hearing

There is no rezoning request associated with this application since the proposed use conforms to the current Agricultural District (AG1) zoning on the property. Consequently, no public hearing is required for this project.

Advisory Design Panel

As the primary purpose of the Development Permit is for the impacts upon the Environmentally Sensitive Area as opposed to architectural design review, the application was not referred to the Advisory Design Panel for comment.

Analysis

Placement of Structures

The applicant has worked with staff to ensure that the principle dwelling and all associated accessory structures, except for the septic field, will be located within the maximum 50m setback area. The consulting firm undertaking the planning for the septic system has advised that the space required for the septic field is greater than can be accommodated within the 50m setback area. The dispersal field has been placed so as to avoid impacting the compensation / enhancement areas along the sides and back of the lot.

To ensure all future residential buildings and structures conform to the maximum 50m setback the applicant will register a restrictive covenant that indicates all residential buildings and structures except for the septic field will be located within 50m of the front property line.

The applicant also worked with staff regarding the placement of the proposed driveway locations and a front yard fence. The driveway locations have been placed to ensure that a minimum 10m separation is maintained from driveways on adjacent properties. The front yard fencing is to be placed outside the Riparian Management Area and to ensure that a standard vehicle pulling into the driveway is fully clear of Sidaway Road even with the entry gate being closed.

The principle dwelling is proposed to be approximately 10.5m in height and almost 40m in width. However, the building will be situated with a 14m front yard setback and 20m side yard setbacks providing generous space between adjacent properties. Landscaping is proposed or retained on all sides of the lot helping to address any adjacency concerns.

To improve permeability of the site, the owner has incorporated extensive use of permeable paving materials in the parking area, outdoor deck areas and sidewalks around the house. Large portions of the site will also be grassed or planted vegetation surfaces.

Riparian Management Area Impacts and Response

The proponent has submitted both a Topographic Plan and Tree Survey Plan as well as an Environmental Assessment Report prepared by a registered Biologist. These documents were used to assess the development impacts upon both the Riparian Management Area (RMA) and the Environmentally Sensitive Area (ESA). The applicant worked with staff to minimize vegetation impacts within both these areas.

The primary impacts to the Sidaway Road Ditch Riparian Management Area (RMA) are a result of the relocation of one of the two existing access driveways, the removal of trees in poor condition, and new driveway construction. The Biologist's report indicates that 10 trees and assorted shrubs would be removed from the RMA as a result of these works. However, the proponent agree that only 6 trees (#292, 290, 291, 303,308, 309) will be removed due to these works. Impacts to under storey vegetation will only occur due to the driveway relocation. It is staff's understanding that no other trees or vegetation will be disturbed in the RMA as a result of any other works, including the removal of the old septic field and fencing installation.

Compensation planting within the RMA for the construction impacts will include planting of 20 assorted native tree (W. Red Cedar, Red Alder, Vine Maple, Bitter Cherry species) and 22 shrubs (Red Elderberry, Red Osier Dogwood and Salmonberry species). The compensation / enhancement plan has been reviewed and approved by the Department of Fisheries and Ocean (DFO).

DFO staff will monitor all compensation /enhancement planting installed outside the property boundary and related to the driveway crossings. Planting in that area is not included in the Landscaping Plan. Compensation / enhancement planting for the RMA to be installed inside the subject property boundary is shown on Landscaping Plan 3b and will be monitored through the Development Permit landscaping review process The usual landscaping security will be held for 1 year for all the vegetation installations shown on Plan 3b.

Environmentally Sensitive Area Impacts and Response

The previous owners of the site had raised much of the southern portion of the lot leaving the largely treed northern half of the site at a lower elevation. Over time, this situation has contributed to a decline in the health of the birch trees which dominate the forest stand. The Biologist's report notes that "the north half of the property is dominated by Birch in poor health characterized by broken tops or crown dieback, dead branches, root lift and decay". The report recommends the removal of many of these trees due to their poor health.

Species at Risk Analysis

In terms of Species at Risk, the Biologist's report concluded that it is unlikely that rare and endangered species would occur on this site due to poor foraging habitat, the level of disturbance the dominance of invasive species and limited wildlife habitat connectivity.

Impact, Mitigation and Compensation Plan

The developer proposes to excavate the footprint for the house, use the excavated material to level out portions of the northern half of the site then bring in structural fill to raise the house to the appropriate flood construction elevation. These works will impact portions of the tree and vegetation stands on the property.

Excluding the Riparian Management Area, 51 bylaw sized trees were inventoried on the subject property. Seventeen trees located at the rear of the property are proposed for retention. The 34 trees proposed for removal will be replaced with 68 assorted native species replacement trees meeting the Official Community Plan replacement criteria of 2 for 1. Replacement tree selections will include Vine Maple, Western White Birch, Douglas Fir, Cascara and Mountain Ash species.

The compensation plan also includes the installation of 91 native shrubs and 116 ground cover plants plus the relocation of a minimum of 34 large native shrubs and an additional 50 ground cover plants from areas of the site that will be disturbed by the development. Replacement shrub species will include Red Osier Dogwood, Red Elderberry, Snowberry and Blueberry.

Prior to construction activity, the developer will work with their Biologist to ensure that appropriate sediment control measures are in place and a nesting bird survey is undertaken to minimize impacts upon any active nests.

The combination of the retained tree stand plus the replanted compensation area will cover approximately 2,600 m² (refer to Plan 3d) which will be protected through the registration of a restrictive covenant on title.

As part of the long term maintenance of the protected area the owner will be permitted to remove hazard trees (subject to appropriate tree removal permits), any overgrowth beyond the conservation area and any invasive species from the protected area as appropriate.

The combination of the enhancements to both the Riparian Management Area and the Environmentally Sensitive Area will result in a net improvement of the quality of the habitat available for wildlife at this site by providing a broader mix of foraging tree and plant species, healthier tree species for the site and retention of a protected natural area.

Flood Protection

The Flood Construction Elevation for habitable uses at this site is 3.0m GSC. The project design accommodates this requirement through a combination of fill and structural means. Registration of a flood plain covenant is a condition of the Development Permit approval.

Conclusions

The proposed scheme attached to this report has satisfactorily addressed the significant urban design issues and other staff comments identified as part of the review of the subject Development Permit application. In addition, it complies with the intent of the applicable sections of the Official Community Plan and is generally in compliance with the Agricultural District (AG1) Zoning Schedule and no zoning variances are being sought for this development.

Although impacts will occur to habitat in both the Riparian Management Area and the Environmentally Sensitive Area, the compensation and enhancement proposals for these areas should result in an overall improvement to the quality of the habitat features and functions at this site.

Staff are recommending support for the Development Permit application.

David Brownlee

Planner 2

DCB:cas

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

- Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.0m GSC.
- Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to final adoption of the rezoning bylaw or any construction activities, including building demolition, occurring onsite.
- Receipt of a Letter-of-Credit for landscaping in the amount of \$30,094.44 (based on the Cost Estimate provided by the Registered Landscape Architect).
- Registration of a Covenant for the protection of the Environmentally Sensitive Enhancement and Preservation Area.
- Registration of a covenant prohibiting the placement of any residential dwellings, residential accessory buildings or structures, except for a septic field and related infrastructure, beyond 50 metres from the lot's front property line.

List of Attachments

Attachment 1 Development Application Data Sheet

Attachment 2 Conditional Development Permit Requirements



Development Application Data Sheet

Development Applications Division

Attachment 1 DP 08-422493

Address:

8880 Sidaway Road

J. Sanghera, K. Sanghera,

J. Sanghera, K. Sanghera,

Applicant: S. Sanghera, and G. Sanghera

Owner: S. Sanghera, and G. Sanghera

Planning Area(s): East Richmond

Floor Area Gross: 1503.64 m² (16,185.59 ft²)

Floor Area Net: same

	Existing	Proposed
Site Area:	7921.77 m²	same
Land Uses:	Residential	Same
OCP Designation:	Agriculture	Same
Zoning:	Agricultural (AG1)	Same
Number of Units:	1	1

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	0.6	0.19 approx.	none permitted
Setback – Front Yard:	Min. 6 m	14.09 m	None
Setback – Side Yard:	Min. 1.2 m one side and 6m on the other side	20.14 m	None
Setback – Rear Yard:	Min. 6 m	Exceeds 6m	None
Maximum Building Setback	50 m	50 m	None
Height (m):	Max. 2.5 storeys and 10.5 m	10.5 m	None
Lot Size:	828 m ²	7921.77 m²	None
Total off-street Spaces:	2	6 plus	None

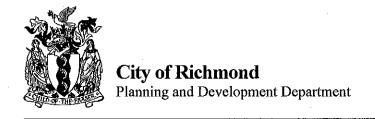
Conditional Development Permit Requirements

8880 Sidaway Road DP 08-422493

Prior to final adoption of the Development Permit for 8880 Sidaway Rd., the developer is required to complete the following:

- 1. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.0m GSC.
- 2. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to final adoption of the rezoning bylaw or any construction activities, including building demolition, occurring onsite.
- 3. Receipt of a Letter-of-Credit for landscaping in the amount of \$30,094.44 (based on the Cost Estimate provided by the Registered Landscape Architect).
- 4. Registration of a Covenant for the protection of the Environmentally Sensitive Enhancement and Preservation Area.
- 5. Registration of a covenant prohibiting the placement of any residential dwellings, residential accessory buildings or structures, except for a septic field and related infrastructure, beyond 50 metres from the lot's front property line.

* Note: This requires a separate appli	tion,
(Signed Original on File)	
Signed	Date



Development Permit

No. DP 08-422493

To the Holder:

J. SANGHERA, K. SANGHERA, S. SANGHERA, AND

G. SANGHERA

Property Address:

8880 SIDAWAY ROAD

Address:

C/O 5580 CATHAY RD RICHMOND, B.C. V7C 3E2

1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.

- 2. This Development 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. Subject to Section 692 of the Local Government Act, R.S.B.C.: buildings and structures; off-street parking and loading facilities; roads and parking areas; and landscaping and screening shall be constructed generally in accordance with Plans #1 to #4b attached hereto.
- 4. Sanitary sewers, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
- 5. As a condition of the issuance of this Permit, the City is holding the security in the amount of \$30,094.44 to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder. Should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived.
- 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 and the security shall be returned in full.

Development Permit

No. DP 08-422493

Ta	tha	\Box	lder:
10	me	П()	K ICI

J. SANGHERA, K. SANGHERA, S. SANGHERA, AND

G. SANGHERA

Property Address:

8880 SIDAWAY ROAD

Address:

C/O 5580 CATHAY RD

RICHMOND, B.C. V7C 3E2

7. 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.

This Permit is not a Building Permit.

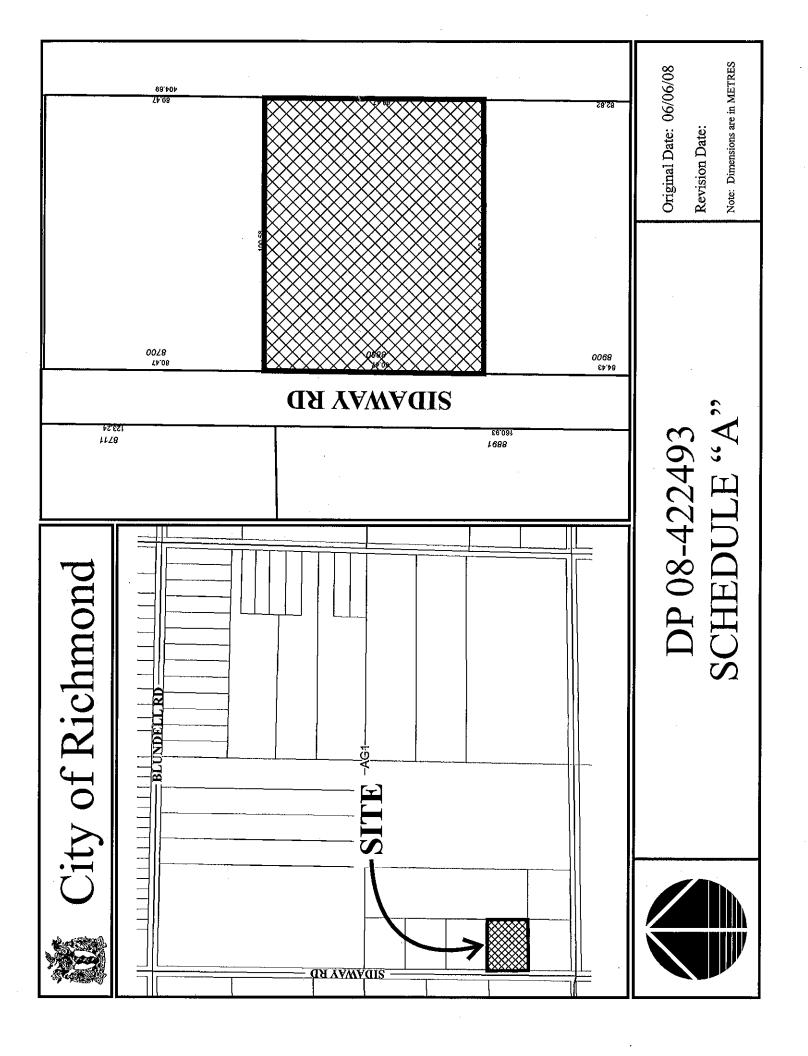
AUTHORIZING RESOLUTION NO. DAY OF . . .

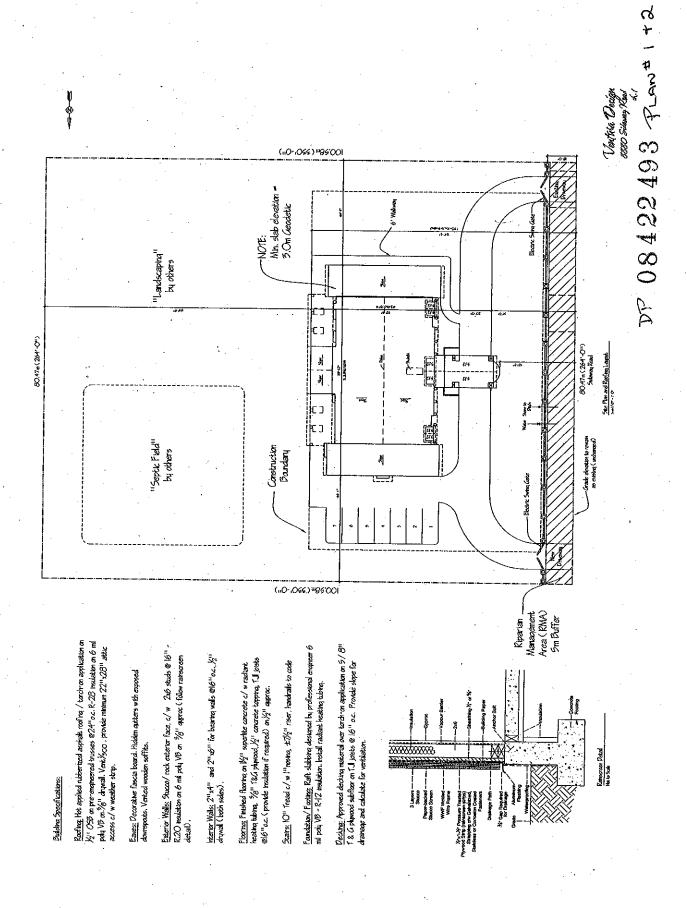
ISSUED BY THE COUNCIL THE

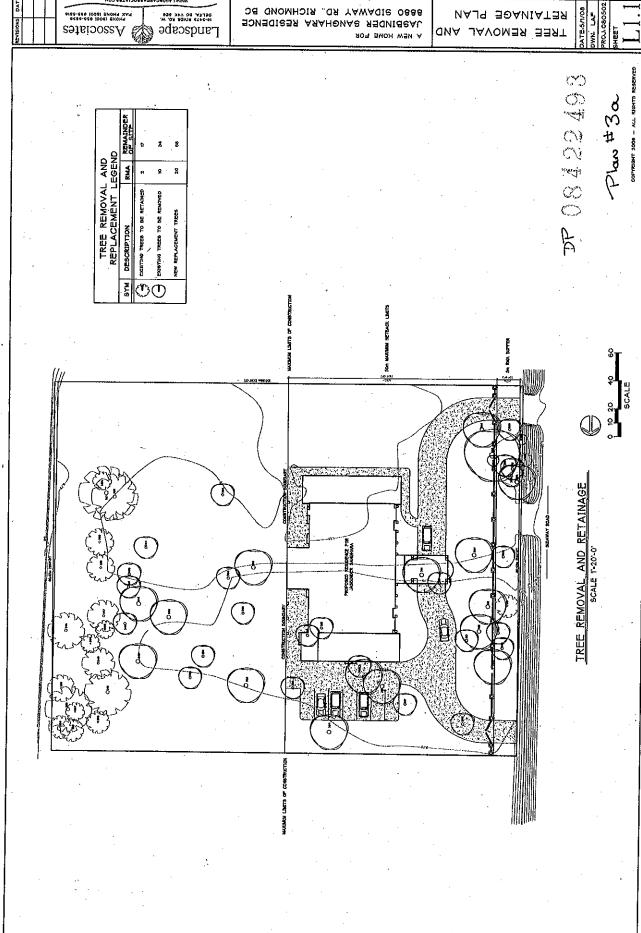
DELIVERED THIS

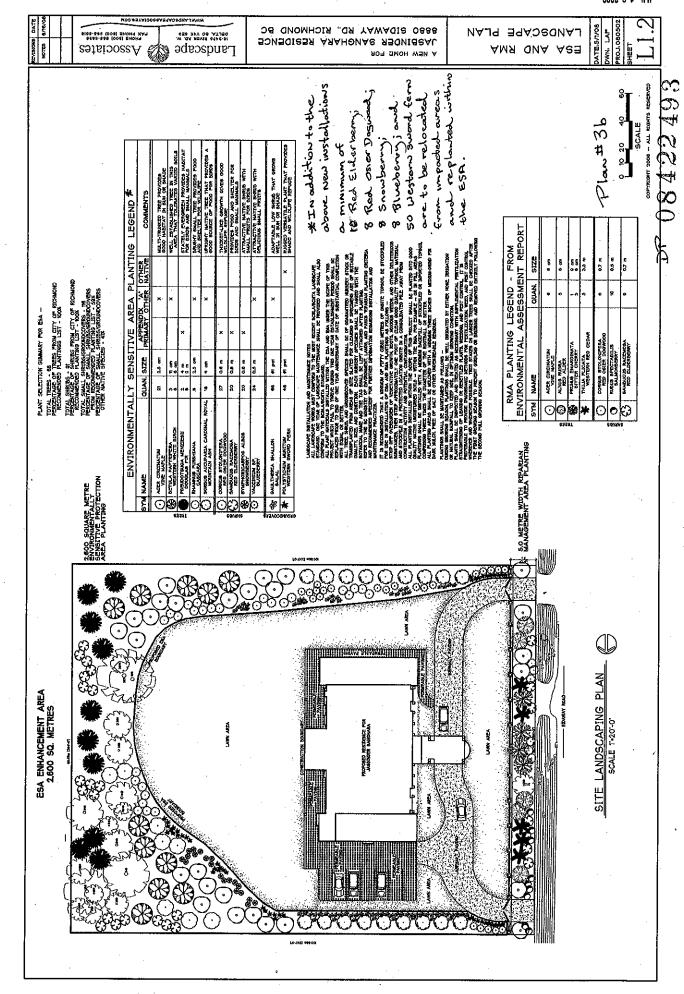
DAY OF

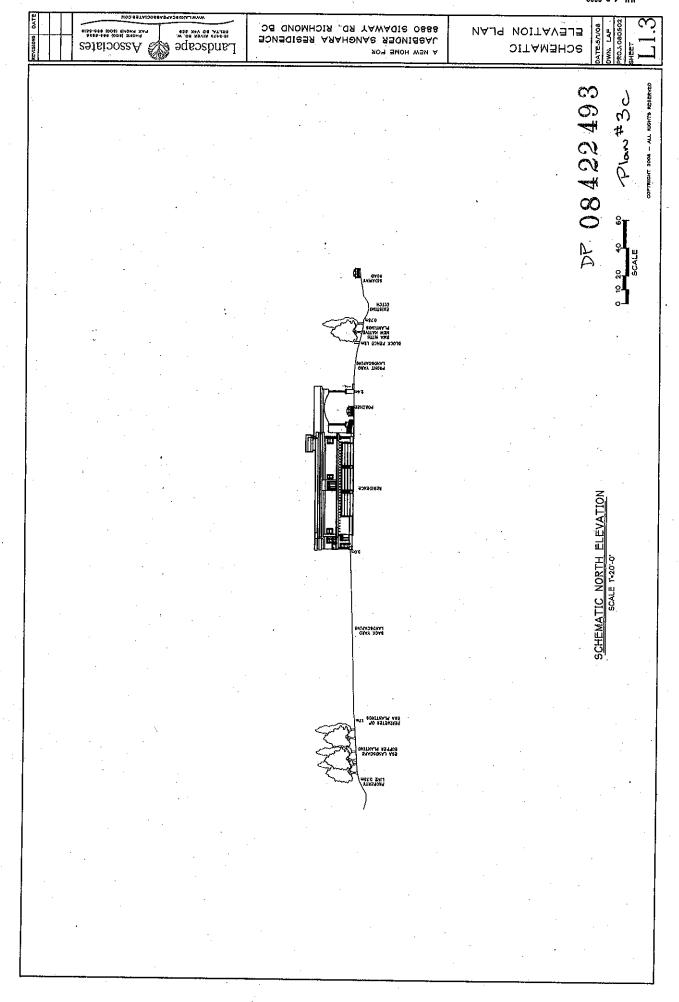
MAYOR

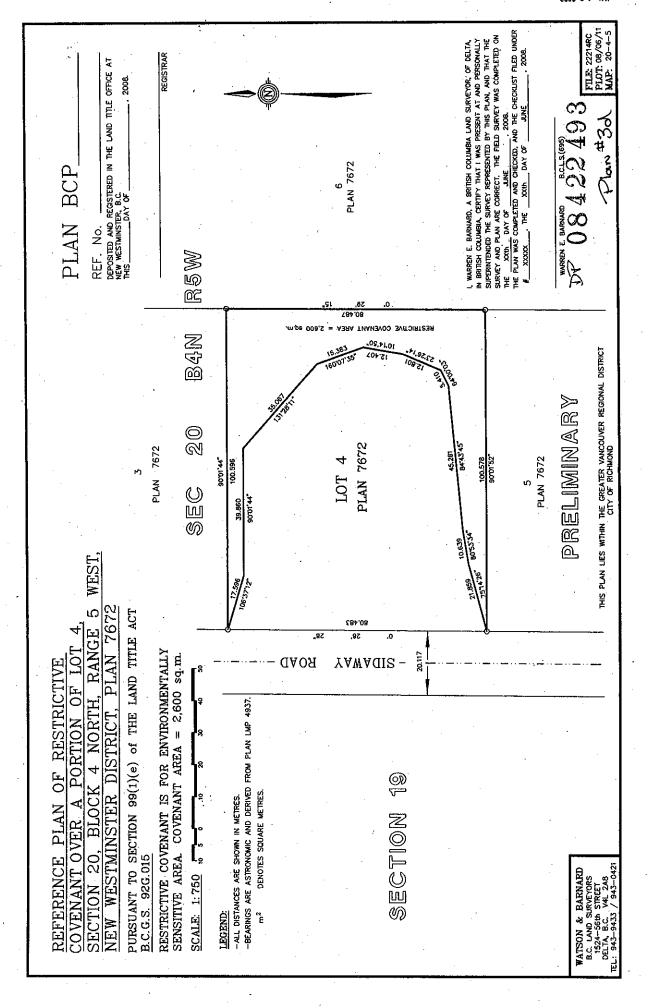


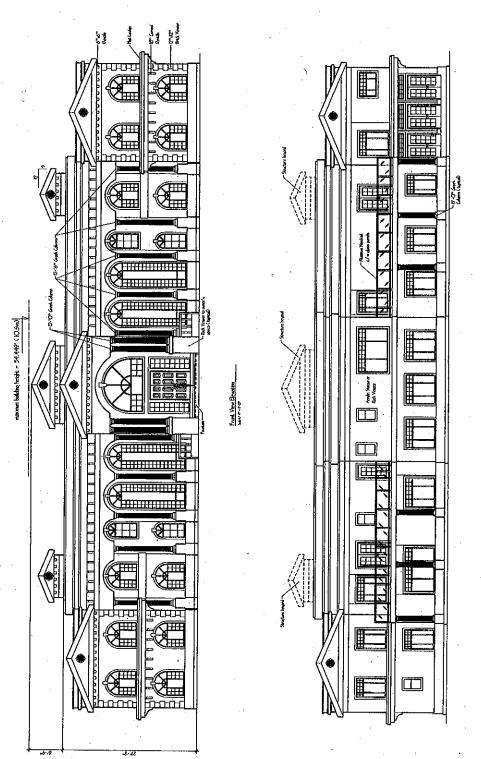






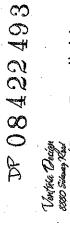




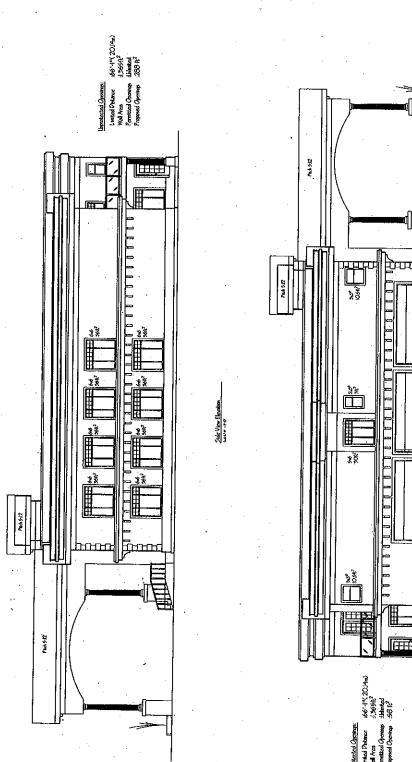


Rear Vew Elevation

9 H#WOLD



Side View Blooden



10L 1 6 2008

