



City of Richmond

Memorandum

To: Mayor and Councillors

Date: November 16, 2020

From: Claudia Jesson
Director, City Clerk's Office

File: 12-8060-20-008057/Vol 01

Re: Tree Permit Refusal Appeal Process – Mr. Luis D. Cabido

In accordance with the City's Tree Protection Bylaw No. 8057, an applicant or owner may apply to Council for reconsideration of a tree permit that was refused by the Director, Building Approvals. As this is a relatively rare occurrence at Council, the attached document titled *Tree Permit Refusal Reconsideration Process* is provided as a general reminder and guideline on the procedure for the meeting. Mr. Cabido has been provided a copy of the general procedure and the Special (Open) Council agenda package.

Following the hearing, Council may:

1. Uphold the Director, Building Approvals' decision;
2. Overturn the Director, Building Approvals' decision;
3. Consider a motion to delay consideration of the matter (for example, pending further information requests by Council); or
4. Such other action as Council considers appropriate.

If you have any questions concerning this process, please feel free to contact me at 604-276-4006.

Claudia Jesson
Director, City Clerk's Office

Encl.

Tree Permit Refusal Reconsideration Process

Under Section 6.5 of Tree Protection Bylaw No. 8057, an applicant or owner of property is subject to a requirement or a decision made by the Director under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the City Council for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

The Hearing or Council Meeting

Tree permit refusal reconsiderations are generally heard at Open City Council meetings, which means members of the public or media are free to attend and observe the proceedings. Reconsiderations are generally set for a Special Council meeting, rather than a regularly scheduled Council meeting.

Agendas and Minutes

In accordance with normal practice, open Council meeting agendas are published on the City website prior to the meeting. Materials such as any supporting documents and reports are typically attached to the agenda and published to the City website. For tree permit refusal reconsiderations, the agenda materials may include the applicant's appeal letter and supporting materials, procedural information regarding the conduct of the hearing, and other relevant documents. All documents that are to be provided to Council will normally be provided to the applicant at least 10 days prior to the Council meeting at which the reconsideration will be heard.

Minutes are taken at the meeting. These minutes document the reconsideration hearing and any decision arrived at by City Council. In accordance with normal practice, minutes for Open City Council meetings are also published on the City website in the days following the meeting.

Conduct of the Reconsideration

The Mayor presides as the Chair of the meeting and will provide direction to the applicant as the proceedings unfold. Applicants and their representatives should address the Mayor as "Your Worship" and all questions about how the meeting is being conducted are to be directed to the Mayor.

The order of proceedings will be as follows:

1. Staff (Director, Building Approvals or designate) will be called upon by the Mayor to review the file, explain why the permit was refused, and answer any questions that may be posed by Council members.

2. Once Council has heard from staff, the applicant will be called forward by the Mayor to present the appeal. The applicant may present the appeal or have a representative do so on their behalf. There is no time limit placed on the applicant's presentation, provided the information provided is relevant and the proceedings are not being obstructed.
3. Following the applicant's presentation of the appeal, Council members may pose questions to the applicant.
4. Following any questions by Council members, the applicant may pose questions to the Director, Building Approvals or designate.
5. If any additional witnesses were called upon to provide information to Council, Council and the applicant may pose questions to the additional witnesses.
6. Once all questions have been answered, the applicant will be excused by the Mayor, at which time the applicant would return to the audience.
7. Council members would then deliberate on the matter in open session (meaning in front of any members of the public or media who may be present at the meeting). During Council deliberations, the applicant is not permitted to participate and can only observe from the audience.
8. Following deliberations, Council will take one of several possible actions:
 - a. Uphold the Director, Building Approvals' decision;
 - b. Overturn the Director, Building Approvals' decision;
 - c. Consider a motion to delay consideration of the matter (for example, pending further information requests by Council); or
 - d. Such other action as Council considers appropriate.

Council's Decision

Council's decision on a reconsideration is final and can only be overturned by judicial review. Written confirmation of Council's decision will be provided to the applicant in the days following the meeting. Council's decision is also published in the minutes of the meeting, which is available on the City website.

Extract from Tree Protection Bylaw No. 8057

6.5 Right of Reconsideration

- 6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the **Director** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the **City Council** for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.
- 6.5.2 An application for reconsideration must be delivered in writing to the **City Clerk** and must set out the grounds upon which the applicant considers the requirement or decision of the **Director** is inappropriate and what, if any, requirement or decision the applicant or owner considers the **Council** ought to substitute.
- 6.5.3 At the meeting of **Council**, **Council** may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Director** or substitute its own requirement or decision.



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

November 6, 2020
File: TZ 20-910489

Legal and Legislative Services Division
City Clerk's Office
Telephone: 604-276-4007
Fax: 604-278-5139

Luis D. Cabido
9388 Pendleton Road
Richmond, BC V7E 4N1

Attention: Luis D. Cabido

Dear Mr. Cabido:

Re: Appeal of Tree Removal Permit Refusal for 9388 Pendleton Road

This letter is in relation to your request to appear before Richmond City Council to appeal the Tree Removal Permit Refusal for the property at 9388 Pendleton Road.

Details of the appeal process are outlined in the attached document titled *Tree Permit Refusal Reconsideration Process*. Also, enclosed with this letter is the full document that will be presented to Council for the appeal hearing. Please review and familiarize yourself with this material and bring it with you to the meeting scheduled for **Monday, November 23, 2020 at 4:00 p.m.**, in Council Chambers, Richmond City Hall. In accordance with normal City practice, these documents will be published on the City website as part of the agenda for the open Council meeting at which your appeal will be heard.

Following receipt of this letter, please contact me directly at 604-276-4006 to confirm you have received this package and that you wish to proceed with the appeal.

If you have any further questions or concerns, please feel free to contact me.

Yours truly,

Claudia Jesson
Director, City Clerk's Office

CJ:eb

Att. 1

pc: Joe Erceg, General Manager, Planning and Development
James Cooper, Director, Building Approvals
Wayne Craig, Director, Development



City of Richmond

Report to Council

To: Richmond City Council
From: Wayne Craig
Director, Development

Date: October 30, 2020
File: T2 20-910489

Re: Appeal of Tree Removal Permit Refusal for 9388 Pendleton Road

Staff Recommendation

That the decision to refuse to issue a Tree Removal Permit to Luis D. Cabido for the property at 9388 Pendleton Road be upheld.

Wayne Craig
Director, Development
(604-247-4625)

James Cooper
Director, Building Approvals
(604-247-4606)

WC/JC:JR/GJ
Att. 3

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

Luis D. Cabido (the “Applicant”) has applied for a Tree Removal Permit associated with the construction of a single-family dwelling at 9388 Pendleton Road. The application was refused because the requested tree removal is contrary to the agreed upon tree retention plan secured through the rezoning of the property (RZ 16-732627).

Under the Richmond Tree Protection Bylaw No. 8057:

6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the Director under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the City Council for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

The applicant has requested that Council reconsider the decision to refuse the Tree Removal Permit.

Analysis

Rezoning of 9560 Pendleton Road

The subject property is the result of the rezoning and subdivision of 9560 Pendleton Road through Richmond Zoning Bylaw 8500, Amendment Bylaw 9661, which was adopted by Council on March 26, 2018. Excerpts of the minutes from the Planning Committee, Council, and Public Hearing meetings where the bylaw was considered are provided in Attachment A. The rezoning staff report is provided in Attachment B.

The rezoning applicant provided an Arborist Report with the rezoning application, and originally proposed to remove 20 of the 22 on-site trees due to conflicts with the proposed building envelopes. Staff did not agree with the assessment, and worked with the rezoning applicant and project arborist to retain numerous trees on-site. The requested Tree Removal Permit is for Tree # 866, which is a large (47 cm DBH) Pin Oak located in the rear yard of the subject property.

Through the site rezoning, staff identified that Tree # 866 was in good condition and could be successfully retained through a modification to the building envelope. A site-specific zone was created to facilitate tree retention, and is identical to the standard single-family zones except for a reduced front yard setback from 6.0 m to 4.5 m. The reduced front yard setback allows the building to be shifted away from the tree protection zone at the rear of the property. The City’s arborist and the rezoning applicant’s arborist agreed that the modified building envelope would enable the retention of Tree # 866. The final agreed upon Tree Retention Plan is shown in Attachment 7 of the rezoning staff report (Attachment B).

Prior to final adoption of the rezoning bylaw, the rezoning applicant provided a \$100,000 Tree Survival Security and proof of a contract with an arborist for supervision of works within tree protection zones. The City is still holding the entire Tree Survival Security pending completion of the construction works and receipt of a post-construction impact assessment.

The rezoning staff report contains a clerical error that led to some misunderstanding regarding the status of Tree # 866, specifically it being listed for both removal and retention in the body of the report, although the Tree Retention Plan clearly identified that the tree is to be retained. Staff advised the applicant that the Tree Retention Plan attached to the rezoning staff report accurately reflects the tree retention measures agreed upon through the rezoning application process.

Following rezoning and subdivision of the property, each of the three new lots were sold by the rezoning applicant to new owners, one of which is Luis D. Cabido.

Correspondence with the Applicant

Staff received several inquiries from the applicant about removal of three trees on the property in late 2019. In November, 2019, staff provided the applicant with a copy of the approved Tree Retention Plan showing the trees to be retained, however, when corresponding with the applicant staff incorrectly identified that Tree # 866 could be removed. In early January, 2020, staff reiterated to the applicant that the Tree Retention Plan secured through the rezoning process could not be revised and on February 12, 2020, staff clarified in writing that Tree #866 must be retained as per the Tree Retention Plan. Staff understand that the applicant purchased the lot in mid-January, 2020.

Construction at 9388 Pendleton Road

The applicant applied for a Building Permit for a new single-family dwelling on May 11, 2020, which was issued on July 13, 2020. The dwelling is currently under construction. The design of the building respected the retained trees and does not encroach into the tree protection zone established at the time of rezoning. Some crown pruning is necessary as per the Tree Retention Plan, and can be done without impacting the health or structure of the tree. The project arborist associated with the rezoning application has been retained for supervision of these works and for submission of a post-construction impact assessment.

A City arborist was involved in the review of the Building Permit application, and has been in contact with the project arborist on matters related to tree retention. Both the City arborist and project arborist agree that the tree is in good health, and that the design of the dwelling approved through the issued Building Permit will enable this tree to be retained successfully. Photos taken on October 28, 2020 are provided in Attachment C.

Application for a Tree Removal Permit

The applicant submitted a Tree Removal Permit Application on August 19, 2020, which was refused by staff on August 26, 2020. The Richmond Tree Protection Bylaw No. 8057 stipulates that a Permit application is required for the City to consider removal of any tree. The City allows the application fee to be waived for one Tree Removal Permit application per year. However, the application serves only to initiate an assessment under strict criteria intended to prevent removal of healthy trees. In this case, the criteria for removal are not met.

As per the Richmond Tree Protection Bylaw No. 8057, the applicant appealed to the Director of Building Approvals to issue the Permit. The appeal was refused in consultation with the Director

of Development, as the origin of the required tree retention was through the rezoning of the property. This decision was communicated to the applicant via email on September 9, 2020.

Financial Impact

None.

Conclusion

The subject property is the result of a rezoning and subdivision, which included a tree retention plan negotiated between the City and the previous owner/rezoning applicant. Tree health and building placement were reviewed through the rezoning application for the site. Tree # 866 remains in good condition and does not impact the single-family dwelling currently under construction on the property.

It is recommended that Council uphold staff's refusal to issue a Tree Removal Permit to Luis D. Cabido for the property at 9388 Pendleton Road.



Jordan Rockerbie
Planner 1
(604-276-4092)



Gordon Jaggs
Program Lead, Tree Preservation
(604-247-4910)

JR:blg

Attachments:

Attachment A: Excerpts from Meeting Minutes

Attachment B: Staff Report for RZ 16-732627

Attachment C: Site Photos

Discussion ensued with regard to (i) the lack of funding dedicated to affordable housing from senior levels of government, (ii) increasing the recommended built affordable housing unit contribution percentage to 15%, (iii) increasing the cash-in-lieu contribution for single-family developments, (iv) further reducing the built unit thresholds to below 60 units, (v) encouraging development of accessible units, (vi) the potential impact of the proposed recommendations on townhouse development, (vii) working with School District No. 38 to build density around low enrolment schools, and (viii) the availability of amenity space for new affordable housing.

It was moved and seconded

That the recommended Affordable Housing Strategic approach and policy actions, as outlined in the staff report titled, "Affordable Housing Strategy Update – Draft Policy Review and Recommendations," be approved for the purpose of key stakeholder consultation and the results of the consultation be reported back to Planning Committee.

The question on the motion was not called as discussion ensued with regard to (i) utilizing micro suites for affordable housing, (ii) meeting the demand for affordable housing, and (iii) utilizing not-for-profit organizations to manage affordable housing units.

In reply to queries from Committee, Kim Somerville, Manager, Community Social Development, noted that staff will seek opportunities to partner with not-for-profit organizations and senior levels of government to develop affordable housing and that consultation will include feedback from the public.

PLANNING AND DEVELOPMENT DIVISION

3. **APPLICATION BY DAVA DEVELOPMENTS LTD. TO AMEND ATTACHMENT 1 TO SCHEDULE 1 OF THE OFFICIAL COMMUNITY PLAN AT 9560 PENDLETON ROAD FROM "PARK" TO "NEIGHBOURHOOD RESIDENTIAL", AND FOR REZONING AT 9560 PENDLETON ROAD FROM "SCHOOL & INSTITUTIONAL USE (SI)" ZONE TO "SINGLE DETACHED (ZS28)" – PENDLETON ROAD (WEST RICHMOND) ZONE**

(File Ref. No. 12-8060-20-009661/9662; CP 16-733600; RZ 16-732627) (REDMS No. 5193684)

It was moved and seconded

- (1) *That Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662, to re designate 9560 Pendleton Road from "Park" to "Neighbourhood Residential" in Attachment 1 to Schedule 1 of Official Community Plan Bylaw OCP Bylaw 9000, be introduced and given first reading;*

Planning Committee
Tuesday, May 16, 2017

- (2) *That Bylaw 9662, having been considered in conjunction with:*
- (a) *The City's Financial Plan and Capital Program; and*
 - (b) *The Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*
- is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act;*
- (3) *That Bylaw 9662, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation; and*
- (4) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9661, to create the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, and to rezone 9560 Pendleton Road from the "School & Institutional Use (SI)" zone to the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, be introduced and given first reading.*

CARRIED

4. RICHMOND RESPONSE: METRO VANCOUVER REGIONAL GROWTH STRATEGY AMENDMENT BYLAW NO. 1243, 2017 AND RGS PERFORMANCE MONITORING GUIDE

(File Ref. No. 08-4040-01) (REDMS No. 5386785)

Terry Crowe, Manager, Policy Planning, briefed Committee on Metro Vancouver's proposed Regional Growth Strategy Amendment Bylaw No. 1243, 2017 and the Regional Growth Strategy Performance Monitoring Guide, noting that it was proposed that performance measures be reduced from 55 to 15 key measures.

It was moved and seconded

- (1) *That the staff report titled, "Richmond Response: Metro Vancouver Regional Growth Strategy Amendment Bylaw No. 1243, 2017 and RGS Performance Monitoring Guide" dated May 8, 2017 from the General Manager, Planning and Development, be received for information; and*
- (2) *That the staff recommendation to advise the Metro Vancouver Regional Board that the City of Richmond supports the proposed Metro Vancouver Regional Growth Strategy Amendment Bylaw 1243, 2017 and RGS Performance Monitoring Guide be endorsed.*

CARRIED



Regular Council
Tuesday, May 23, 2017

10. APPLICATION BY DAVA DEVELOPMENTS LTD. TO AMEND ATTACHMENT 1 TO SCHEDULE 1 OF THE OFFICIAL COMMUNITY PLAN AT 9560 PENDLETON ROAD FROM "PARK" TO "NEIGHBOURHOOD RESIDENTIAL", AND FOR REZONING AT 9560 PENDLETON ROAD FROM "SCHOOL & INSTITUTIONAL USE (SI)" ZONE TO "SINGLE DETACHED (ZS28)" – PENDLETON ROAD (WEST RICHMOND) ZONE

(File Ref. No. 12-8060-20-009661/9662; CP 16-733600; RZ 16-732627) (REDMS No. 5193684, 5374953, 5374956)

- (1) *That Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662, to re designate 9560 Pendleton Road from "Park" to "Neighbourhood Residential" in Attachment 1 to Schedule 1 of Official Community Plan Bylaw OCP Bylaw 9000, be introduced and given first reading;*
- (2) *That Bylaw 9662, having been considered in conjunction with:*
 - (a) *The City's Financial Plan and Capital Program; and*
 - (b) *The Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act;
- (3) *That Bylaw 9662, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation; and*
- (4) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9661, to create the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, and to rezone 9560 Pendleton Road from the "School & Institutional Use (SI)" zone to the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, be introduced and given first reading.*

ADOPTED ON CONSENT



**Regular Council meeting for Public Hearings
Monday, June 19, 2017**

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Derek Dang
Councillor Carol Day
Councillor Ken Johnston
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves

Claudia Jesson, Acting Corporate Officer

Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

1. **OFFICIAL COMMUNITY PLAN BYLAW 9000, AMENDMENT
BYLAW 9662
RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9661**
(Location: 9560 Pendleton Road) (Applicant: Dava Developments Ltd.)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

Ming Hao Chen, 9380 Pendleton Road (Schedule 1)

Submissions from the floor:

None.

PH17/6-1 It was moved and seconded

*That Official Community Plan Bylaw 9000, Amendment Bylaw 9662 be
given second and third readings.*

CARRIED



**Regular Council meeting for Public Hearings
Monday, June 19, 2017**

PH17/6-2

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9661 be given second and third readings.

CARRIED

2. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9699

(Location: City-wide) (Applicant: City of Richmond)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

None.

Submissions from the floor:

None.

PH17/6-3

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9699 be given second and third readings.

CARRIED

PH17/6-4

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9699 be adopted.

CARRIED

3. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9714

(Location: 22720 & 22740 Westminster Highway) (Applicant: 102843 BC Ltd.)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

None.

Submissions from the floor:

None.

Schedule 1 to the Minutes of the
Public Hearing meeting of
Richmond City Council held on
Monday, June 19, 2017.

MayorandCouncillors

From: Webgraphics
Sent: Monday, 12 June 2017 06:02
To: MayorandCouncillors
Subject: Send a Submission Online (response #1147)

Send a Submission Online (response #1147)

Survey Information

Site:	City Website
Page Title:	Send a Submission Online
URL:	http://cms.richmond.ca/Page1793.aspx
Submission Time/Date:	6/12/2017 6:20:28 AM

Survey Response

Your Name	Ming Hao Chen
Your Address	9380 Pendleton Road
Subject Property Address OR Bylaw Number	9560 Pendleton Road
Comments	Hope the community could keep the landscaped area.



Regular Council
Monday, March 26, 2018

BYLAWS FOR ADOPTION

R18/6-7

It was moved and seconded

That the following bylaws be adopted:

Revenue Anticipation Borrowing (2018) Bylaw No. 9831

Council Procedure Bylaw No. 7560, Amendment Bylaw No. 9832

Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9508

Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9571

Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9595

Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9661

Richmond Official Community Plan Bylaw 9000, Amendment Bylaw No. 9662

CARRIED

DEVELOPMENT PERMIT PANEL

R18/6-8

19. It was moved and seconded

- (1) *That the minutes of the Development Permit Panel meeting held on March 14, 2018, and the Chair's report for the Development Permit Panel meetings held on April 12, 2017, September 27, 2017, October 11, 2017 and January 31, 2018 be received for information; and*
- (2) *That the recommendation of the Panel to authorize the issuance of an environmentally sensitive Area (ESA) Development Permit (DP 16-735007) for the property at 6020 No. 4 Road be endorsed, and the Permits so issued.*

CARRIED



City of
Richmond

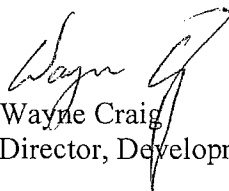
Report to Committee
Planning and Development Division

To: Planning Committee **Date:** May 1, 2017
From: Wayne Craig **File:** CP 16-733600
 Director, Development RZ 16-732627
Re: **Application by Dava Developments Ltd. to Amend Attachment 1 to Schedule 1 of the Official Community Plan at 9560 Pendleton Road from "Park" to "Neighbourhood Residential", and for Rezoning at 9560 Pendleton Road from "School & Institutional Use (SI)" Zone to "Single Detached (ZS28)" – Pendleton Road (West Richmond) Zone**

Staff Recommendation

1. That Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662, to re-designate 9560 Pendleton Road from "Park" to "Neighbourhood Residential" in Attachment 1 to Schedule 1 of Official Community Plan Bylaw OCP Bylaw 9000, be introduced and given first reading.
2. That Bylaw 9662, having been considered in conjunction with:
 - The City's Financial Plan and Capital Program; and
 - The Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act.
2. That Bylaw 9662, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation.
3. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9661, to create the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, and to rezone 9560 Pendleton Road from the "School & Institutional Use (SI)" zone to the "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, be introduced and given first reading.


 Wayne Craig
 Director, Development

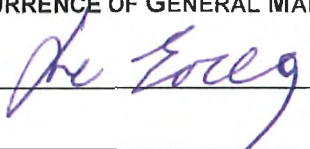
WC:jr
 Att. 8

May 1, 2017

- 2 -

CP 16-733600

RZ 16-732627

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	<input checked="" type="checkbox"/>	
Parks	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	

Staff Report

Origin

Dava Developments Ltd. has applied to the City of Richmond for permission to rezone 9560 Pendleton Road from the “School & Institutional Use (SI)” zone to a new site-specific “Single Detached (ZS28) – Pendleton Road (West Richmond)” zone, to permit the property to be subdivided to create three single-family lots with vehicle access from Pendleton Road (Attachment 1). The proposed subdivision plan is shown in Attachment 2.

The proposed rezoning requires an amendment to the Official Community Plan (OCP), to redesignate the property from “Park” to “Neighbourhood Residential” in Attachment 1 to Schedule 1 of Official Community Plan Bylaw OCP Bylaw 9000. These two applications are being processed concurrently.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 3.

Surrounding Development

Development immediately surrounding the site is as follows:

- To the North and West, across Pendleton Road: Hugh Boyd Secondary School and park; on a lot zoned “School & Institutional Use (SI).”
- To the South: Three single-detached dwellings on lots zoned “Single Detached (RS1/E)”; with vehicle access from Pendleton Road and Pendlebury Road.
- To the East: One single-detached dwelling on a lot zoned “Single Detached (RS1/E)”; with vehicle access from Pendleton Road.

Related Policies & Studies

Official Community Plan

The subject property is located in the Seafair Planning Area, and has an OCP designation of “Park” (Attachment 4). This application would change the designation to “Neighbourhood Residential” to permit development of the subject property.

The proposed rezoning and subdivision is consistent with the proposed “Neighbourhood Residential” designation. Final adoption of Official Community Plan Amendment Bylaw 9662 is required prior to final adoption of the rezoning bylaw.

Floodplain Management Implementation Strategy

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

Staff have reviewed the proposed OCP amendment, with respect to the BC *Local Government Act* and the City’s OCP Consultation Policy No. 5043 requirements, and recommend that this report does not require referral to external stakeholders.

Richmond Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found to not require further consultation.

The public will have an opportunity to comment further on the proposed amendment at the Public Hearing.

School District

This application was not referred to School District No. 38 (Richmond) because it does not have the potential to generate 50 or more school aged children. This application only involves three single-family housing units.

Site History and Council-Approved Land Sale

The property was originally acquired by the City in 1962 for municipal purposes, as a single property encompassing the current 2 lots at 9560 and 9580 Pendleton Road. The transaction was part of a larger acquisition of land for the development of the combined high school and community park (Hugh Boyd Secondary and Hugh Boyd Community Park). In the November 28th, 1961 report to Council recommending the acquisition, it was suggested that “this isolated parcel of land be subdivided by the Municipality into single family residential lots to be disposed of at some appropriate time in the future”. The property was subdivided to create the two lots at 9560 and 9580 Pendleton Road in 1983.

The property at 9560 Pendleton Road has been maintained by the City as a passive park with no program elements constructed within it. Staff reviewed the property in 2015 to consider its value and function as a park and its role in the City’s parks and open space system. Staff determined that the property was not required, in order to meet the City’s park quantity standard of 7.66 acres/1,000 population, and it was not required to fulfill overall park needs in the area.

As the property was deemed surplus by the Parks Department, it was recommended to Council that the property be sold. The sale was approved to proceed by Council in November of 2015. Sale of the property assumed a future subdivision to create three lots.

Public notification of the City's intent to dispose of the property was advertised in the Richmond News on February 24, 2016 and March 4, 2016. The sale to River Road Investments Ltd. was completed April 29, 2016, and revenue from the sale of the property was used to fund city-wide park acquisition priorities.

Analysis

Site-specific Zone – “Single Detached (ZS28) – Pendleton Road (West Richmond)”

This rezoning application would result in the creation of a site-specific zone: “Single Detached (ZS28) – Pendleton Road (West Richmond)”. This site-specific zone would vary the requirements of the “Single Detached (RS2/E)” zoning bylaw to allow a reduced front yard setback from 6.0 m to 4.5 m and set the minimum lot size at 700.0 m². All other aspects of the proposed “Single Detached (ZS28) – Pendleton Road (West Richmond)” zoning bylaw are consistent with the “Single Detached (RS2/E)” zoning bylaw. The minimum lot size requirements contained in the zone allow no more than three lots to be created through subdivision.

The purpose of the reduced front yard is to shift the building massing toward the front lot line, to facilitate tree retention at the rear of the development site. The subject site was maintained by the City as a park, and contains 20 bylaw-sized trees. These mature trees have large canopies as a result of the open growth conditions, and most are in good health. There is a grove of trees at the rear of the proposed new lots, of which 6 will be retained through this application.

Staff have worked with the applicant to ensure that tree retention goals can be met while allowing the proposed subdivision and development to proceed. A total of 10 on-site trees will be retained through this application. Additional details on tree retention and replacement are contained in later sections of this report, and in the attached tree protection plan (Attachment 7).

Built Form and Architectural Character

As the proposed subdivision will create a new corner lot, the applicant has submitted conceptual plans showing the proposed architectural elevations of the dwelling on Proposed Lot 1 (Attachment 5). The primary access to the dwelling and attached garage is from the west side of the lot, which enables retention of two good quality, mature trees in the front yard. A porch wraps around the corner of the dwelling, and projections on the north face break up the dwelling into smaller components.

Prior to final adoption of the rezoning bylaw, the applicant is required to register a legal agreement on Title, specifying that the Building Permit application and ensuing development of the corner lot must be generally consistent with the conceptual plans included in Attachment 5 to this report. Plans submitted at Building Permit application stage must also demonstrate compliance with Richmond Zoning Bylaw 8500 and all City regulations at the time of submission.

Prior to final adoption of the rezoning bylaw, the applicant is required to submit a Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, for Proposed Lot 1. The Landscape Plan must comply with the requirements for

corner lots in Richmond Zoning Bylaw 8500. A Landscape Security, including installation costs and a 10% contingency, will be held by the City to ensure the approved landscaping is installed.

Transportation and Site Access

Vehicle access is proposed to be provided from Pendleton Road to the north via separate driveways to two of the proposed new lots. Access to the corner lot will be provided from the west side of the lot to facilitate tree retention in the front yard.

Tree Retention and Replacement

The subject property is a unique situation in the city – there has not been any development on the lot to date. The property is surrounded by properties which have developed and re-developed in recent years. The majority of the existing trees on the site are in good to excellent condition, but are in locations which conflict with proposed building envelopes. As described above, the site was originally secured as a development property, and was recently sold as such. Consistent with the City's tree bylaw and development procedures, tree removal can be considered for conflict with potential building envelopes.

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 20 bylaw-sized trees on the subject property, six trees on neighbouring properties, one tree on City property, and one tree on a property line shared with the City. As described below, 10 of the on-site trees are being retained by shifting building envelopes in respect to the tree protection zones.

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

- Six London Plane trees (Tag # 856, 857, 858, 859, 860, and 861); ranging in size between 35 cm and 65 cm caliper, located on the development site are in excellent condition (open growth, no structural defects, and good health). Two trees (Tag # 856 and 857) are to be retained and protected. Four trees (Tag # 858, 859, 860 and 861) are to be removed.
- Three Maple trees (Tag # 850, 851, and 852); ranging in size between 29 cm and 36 cm caliper; located on the development site are in excellent condition (open growth, no structural defects, good health). Two trees (Tag # 850 and 852) are to be retained and protected. Tree # 851 is to be removed.
- Four Western Red Cedar trees (Tag # 862, 863, 864, and 865); ranging in size between 35 cm and 55 cm caliper, located on the development site are in excellent condition (good health, canopies inter-grown at the base due to proximity, no visible structural defects). All these trees are to be retained.
- Four Pin Oak trees (Tag # 866, 867, 868 and 869); ranging in size between 40 cm and 55cm caliper, located on the development site are in good condition (no visible defects, open growth, some minor limb dieback due to crowding). Three trees (Tag # 866, 867, and 869) are to be retained and protected. Tree # 868 is to be removed.

- Four Austrian Pine trees (Tag # 847, 848, 854, 855); ranging in size between 37 cm and 60 cm caliper, located on the development site in two groups are in poor condition. All four of these trees are to be removed.
- Six trees located on neighbouring property (Tag # 846, 870, 871, 872, 873, 874, and 875) are to be retained and protected.
- Replacement trees should be specified at 2:1 ratio as per the OCP.

The City's Parks Department has assessed the City-owned trees and has the following comments:

- One Austrian Pine tree (Tag # 853) located on City property is in poor condition and will be removed.
- One Austrian Pine tree (Tag # 849) located on a shared property line with the City is in poor condition and will be removed.
- Compensation is required for the City to plant four trees at or near the development site.

Tree Protection

Ten trees on the subject property (Tag # 850, 852, 856, 857, 862, 863, 864, 865, 867, and 869) and six trees (Tag # 846 and 870-875) on neighbouring properties are to be retained and protected. The applicant has submitted a conceptual site plan (Attachment 6) and a tree protection plan showing the trees to be retained and the measures taken to protect them during development stage (Attachment 7). 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. 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.
- Prior to final adoption of the rezoning bylaw, the City's acceptance of a \$100,000 Tree Survival Security.
- Prior to final adoption of the rezoning bylaw, registration of a legal agreement on Title to ensure that the Building Permit application and ensuing development of the site is generally consistent with the preliminary site plan contained in Attachment 6 of this report.
- Prior to demolition of the existing dwelling on the subject site, installation of tree protection fencing around all trees to be retained. 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 Replacement

The applicant wishes to remove 10 on-site trees (Tag # 847, 848, 851, 854, 855, 858, 859, 860, 861, 866, and 868). The 2:1 replacement ratio would require a total of 20 replacement trees.

The applicant has agreed to plant four replacement trees on the development site. The required replacement trees are to be of the following minimum sizes, based on the size of the trees being removed as per Tree Protection Bylaw No. 8057.

No. of Replacement Trees	Minimum Caliper of Deciduous Replacement Tree	Minimum Height of Coniferous Replacement Tree
4	11 cm	6 m

To satisfy the 2:1 replacement ratio established in the OCP, the applicant will contribute \$8,000 to the City’s Tree Compensation Fund in lieu of the remaining 16 trees that cannot be accommodated on the subject property after redevelopment.

The applicant wishes to remove two trees within the City-owned boulevard. The applicant will contribute \$2,600 to the City’s Tree Compensation Fund for the City to plant four trees at or near the development site. The total Tree Compensation Fund contribution of \$10,600 is required prior to final adoption of the rezoning bylaw.

Affordable Housing Strategy

The Affordable Housing Strategy for single-family rezoning applications requires a secondary suite or coach house on 100% of new lots created, or a suite or coach house on 50% of new lots created together with a cash-in-lieu contribution to the City’s Affordable Housing Reserve Fund of \$2.00/ft² of the total buildable area of the remaining lots.

The applicant proposes to build secondary suites on two of the three proposed lots, together with a \$7,797.05 contribution to the City’s Affordable Housing Reserve Fund. This proposal is consistent with the Affordable Housing Strategy.

Prior to final adoption of the rezoning bylaw, the applicant is required to register a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on two of the three future lots, to the satisfaction of the City in accordance with the BC Building Code and the City’s Zoning Bylaw.

Site Servicing and Frontage Improvements

At a future subdivision stage, the applicant is required to complete the following:

- Payment of the current year’s taxes, Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, and Address Assignment Fees.
- Enter into a Servicing Agreement for the required servicing works and off-site improvements described in Attachment 8.

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).

May 1, 2017

- 9 -

CP 16-733600
RZ 16-732627


Conclusion

The purpose of this application is to amend the Official Community Plan designation of 9560 Pendleton Road from "Park" to "Neighbourhood Residential," and to rezone the property from the "School & Institutional Use (SI)" zone to a the site-specific "Single Detached (ZS28) – Pendleton Road (West Richmond)" zone, to permit the property to be subdivided to create three single-family lots with vehicle access from Pendleton Road.

The proposed rezoning and subdivision is generally consistent with the applicable plans and policies for the area.

The list of rezoning considerations is included in Attachment 8; which has been agreed to by the applicant (signed concurrence on file).

It is recommended that Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662 and Richmond Zoning Bylaw 8500, Amendment Bylaw 9661 be introduced and given first reading.



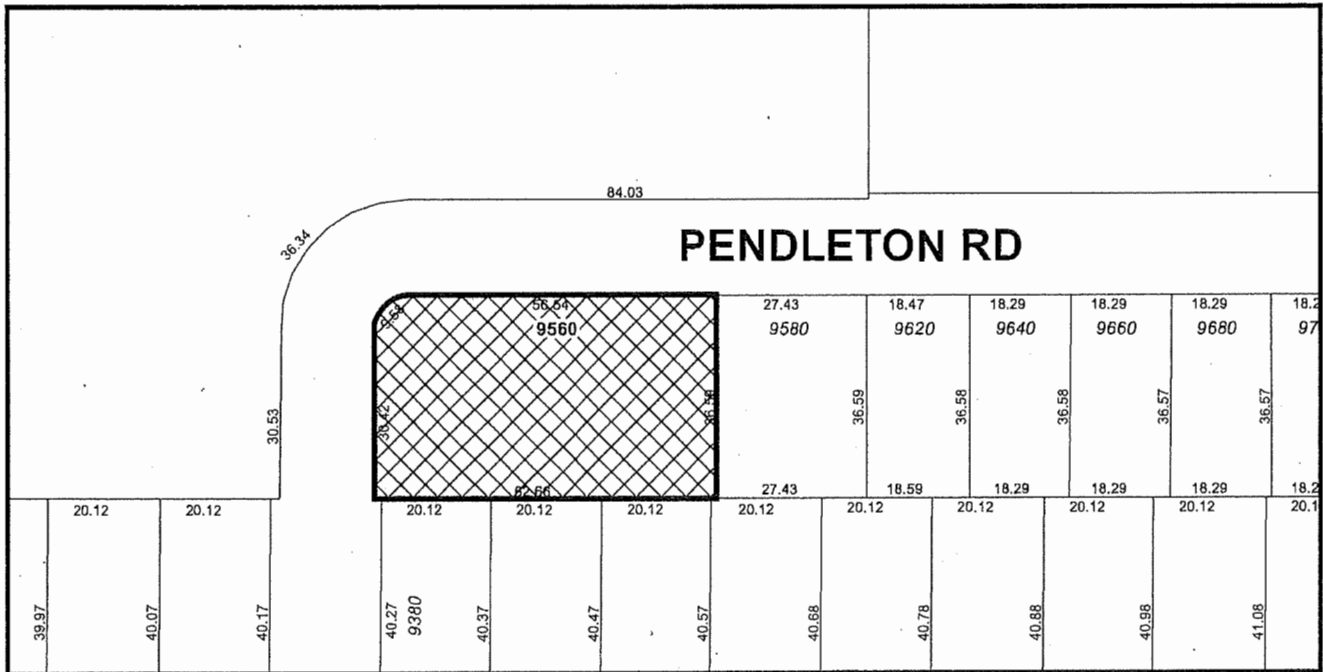
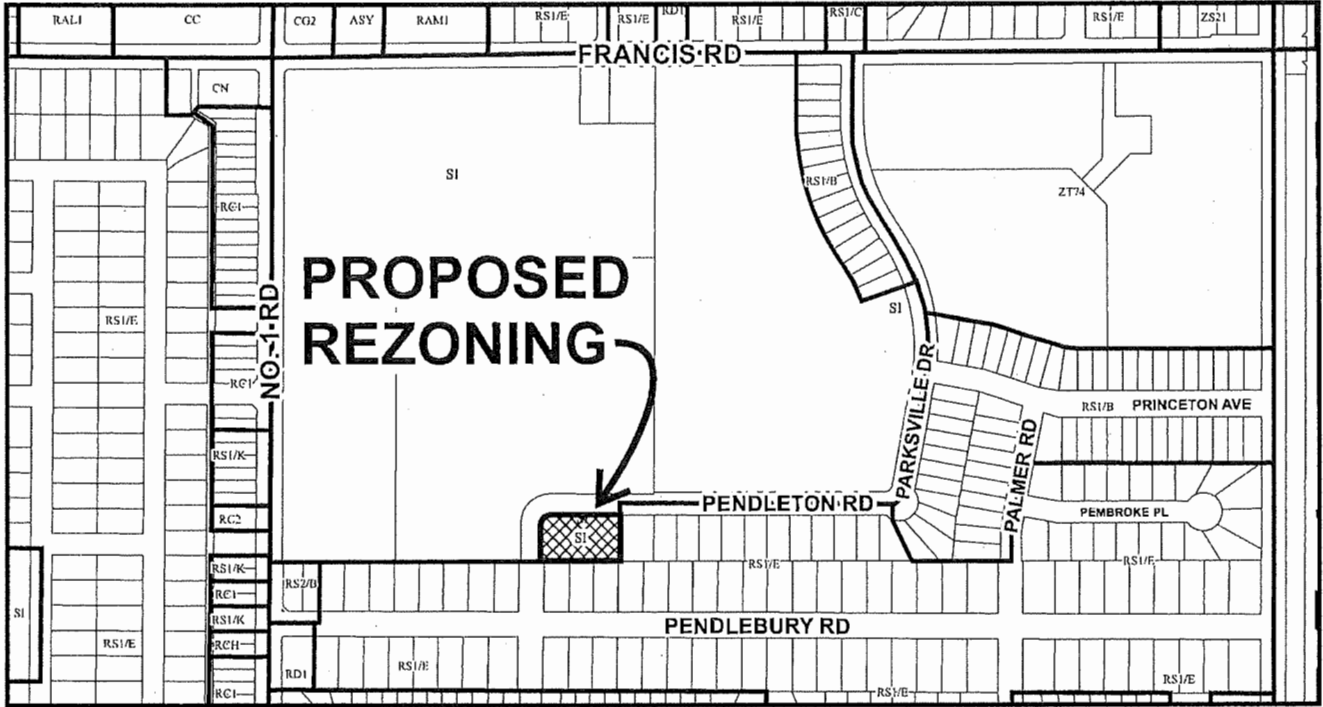
Jordan Rockerbie
Planning Technician
(604-276-4092)

JR:blg

- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Proposed Subdivision Plan
- Attachment 3: Development Application Data Sheet
- Attachment 4: Seafair Area Land Use Map
- Attachment 5: Conceptual Development Plans
- Attachment 6: Conceptual Site Plan
- Attachment 7: Tree Retention Plan
- Attachment 8: Rezoning Considerations



City of
Richmond



	<p>RZ 16-732627</p>	<p>Original Date: 06/10/16 Revision Date: 04/20/17 Note: Dimensions are in METRES</p>
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City of Richmond

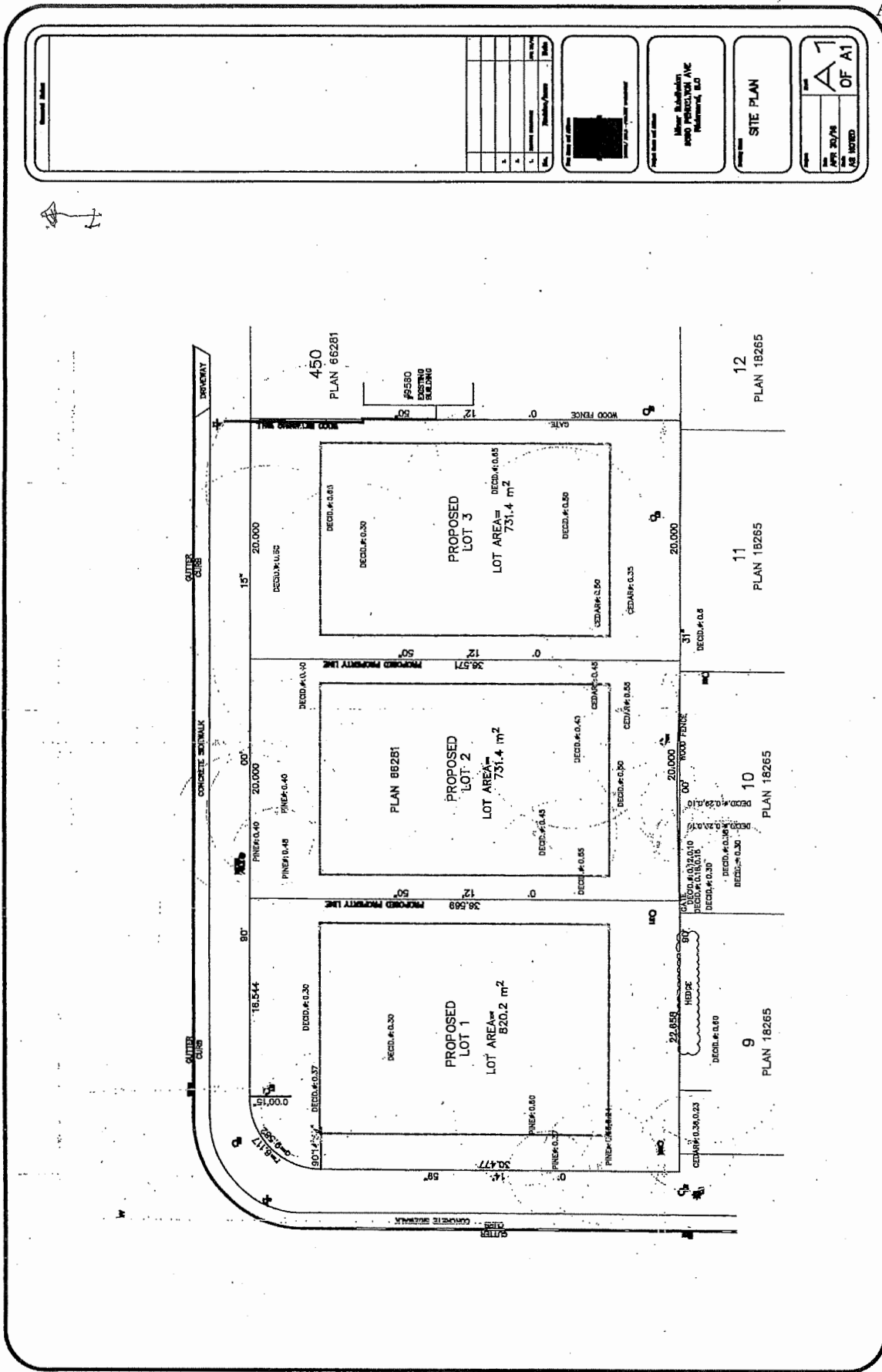


RZ 16-732627

Original Date: 06/10/16

Revision Date:

Note: Dimensions are in METRES



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**City of
Richmond**

Development Application Data Sheet
Development Applications Department

RZ 16-732627

Attachment 3

Address: 9560 Pendleton Road

Applicant: Dava Developments Ltd.

Planning Area(s): Seafair

	Existing	Proposed
Owner:	1068801 B.C. LTD.	To be determined
Site Size (m²):	2,283 m ²	Lot 1: 820.2 m ² Lot 2: 731.4 m ² Lot 3: 731.4 m ²
Land Uses:	Park	Three single-family dwellings
OCP Designation:	Park	Neighbourhood Residential
Zoning:	School & Institutional (SI)	Single Detached (ZS28) – Pendleton Road (West Richmond)

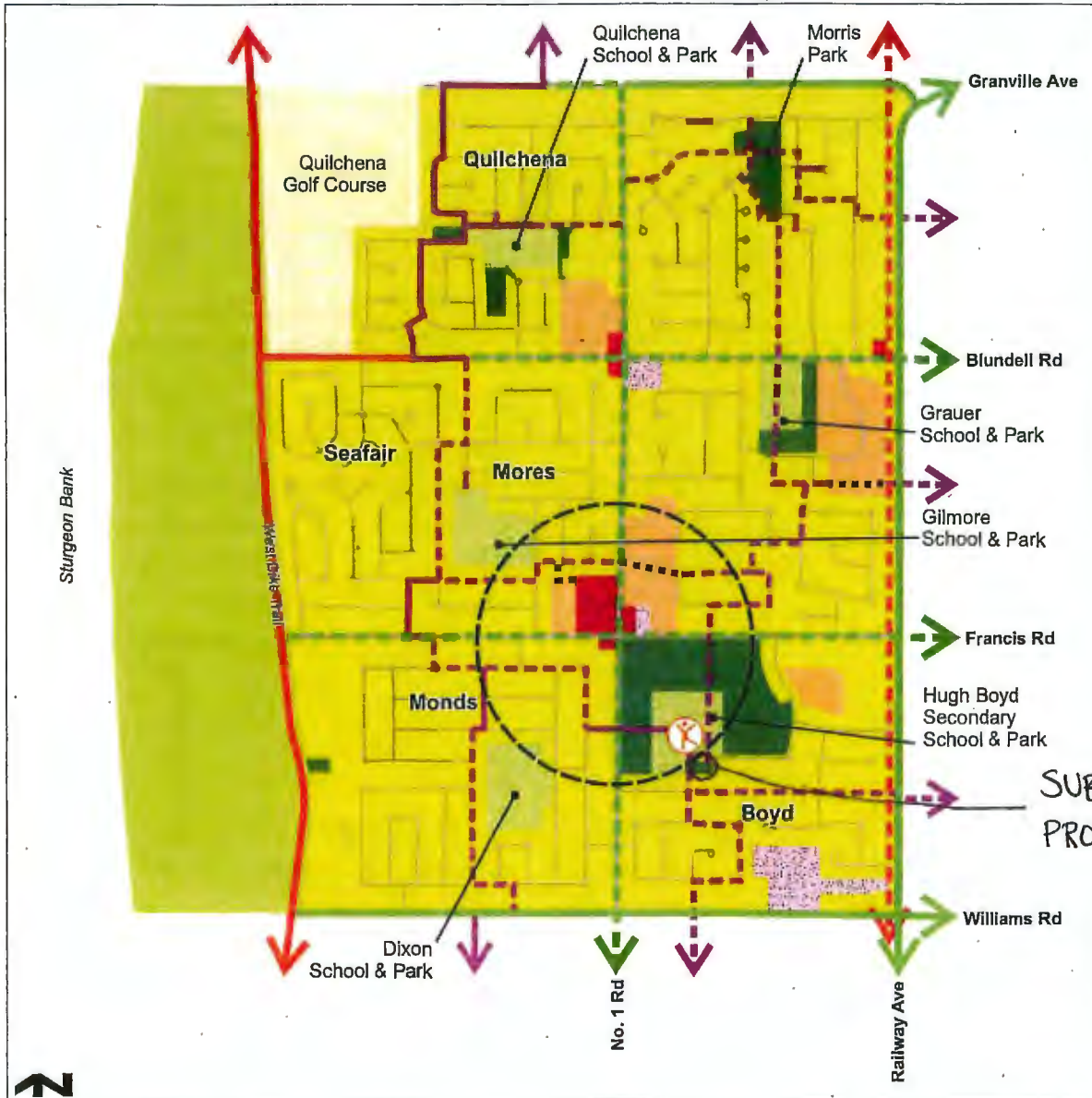
On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5 m ²	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5 m ²	none permitted
Buildable Floor Area (m ²):*	Lot 1: Max. 362.18 m ² (3,898 ft ²) Lots 2 & 3: Max. 335.55 m ² (3,611 ft ²)	Lot 1: Max. 362.18 m ² (3,898 ft ²) Lots 2 & 3: Max. 335.55 m ² (3,611 ft ²)	none permitted
Lot Coverage (% of lot area):	Building: Max. 45% Non-porous Surfaces: Max. 70%	Building: Max. 45% Non-porous Surfaces: Max. 70%	none
Lot Size:	550.0 m ²	Lot 1: 820.2 m ² Lots 2 & 3: 731.4 m ²	none
Lot Dimensions (m):	Lot 1 Width: 20.0 m Lots 2 & 3 Width: 18.0 m Depth: 24.0 m	Lot 1 Width: 22.66 m Lots 2 & 3 Width: 20.00 m Depth: 36.57 m	none
Setbacks (m):	Front: Min. 4.5 m Rear: Min. 6.0 m Side: Min. 2.0 m Exterior Side: Min. 3.0 m	Front: Min. 4.5 m Rear: Min. 6.0 m Side: Min. 2.0 m Exterior Side: Min. 3.0 m	none
Height (m):	Max. 9.0 m	Max. 9.0 m	none

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

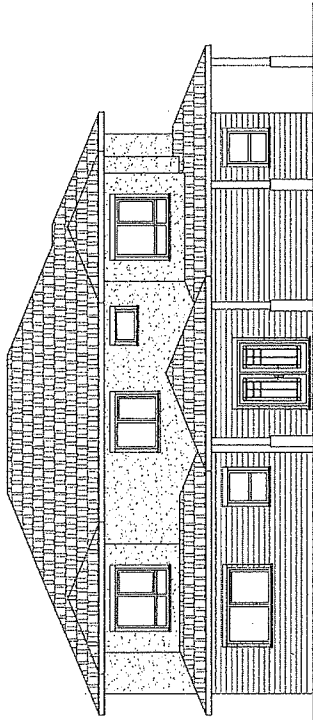
* Preliminary estimate; not inclusive of garage; exact building size to be determined through zoning bylaw compliance review at Building Permit stage.



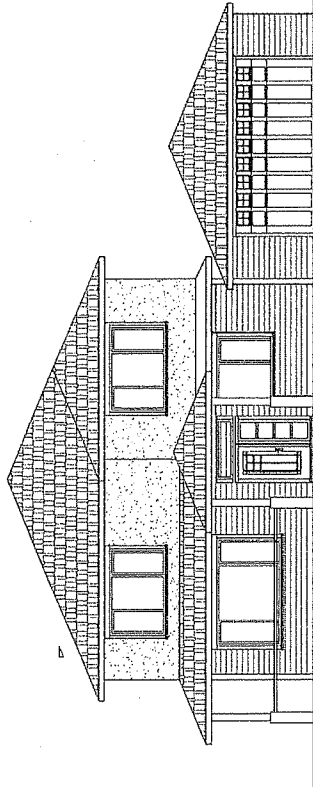
3. Seafair



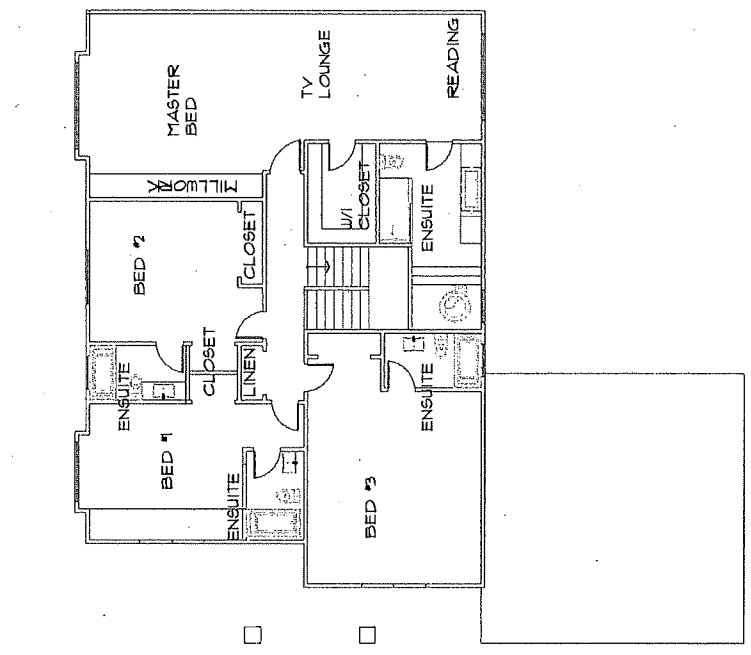
Agricultural	Seafair Neighbourhood Centre (future)
Apartment Residential	West Richmond Community Centre and Pitch & Putt
Commercial	Existing Major Street Bike Route
Community Institutional	Future Major Street Bike Route
Conservation	Existing Greenway/Trail
Neighbourhood Residential	Future Greenway/Trail
Neighbourhood Service Centre	Existing Neighbourhood Link - enhanced
Park	Future Neighbourhood Link - unenhanced
School	Future Neighbourhood Link



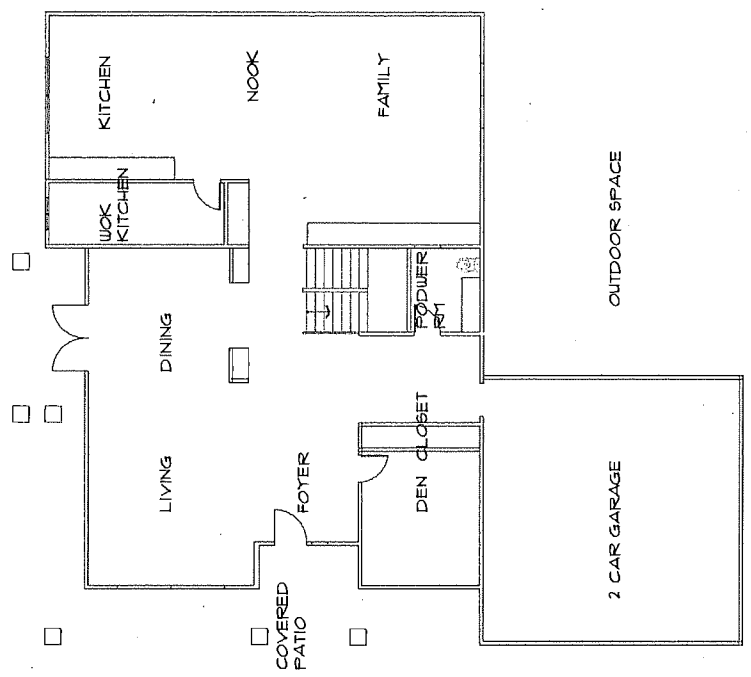
NORTH ELEVATION 3/4" = 1'0"



WEST ELEVATION 3/4" = 1'0"

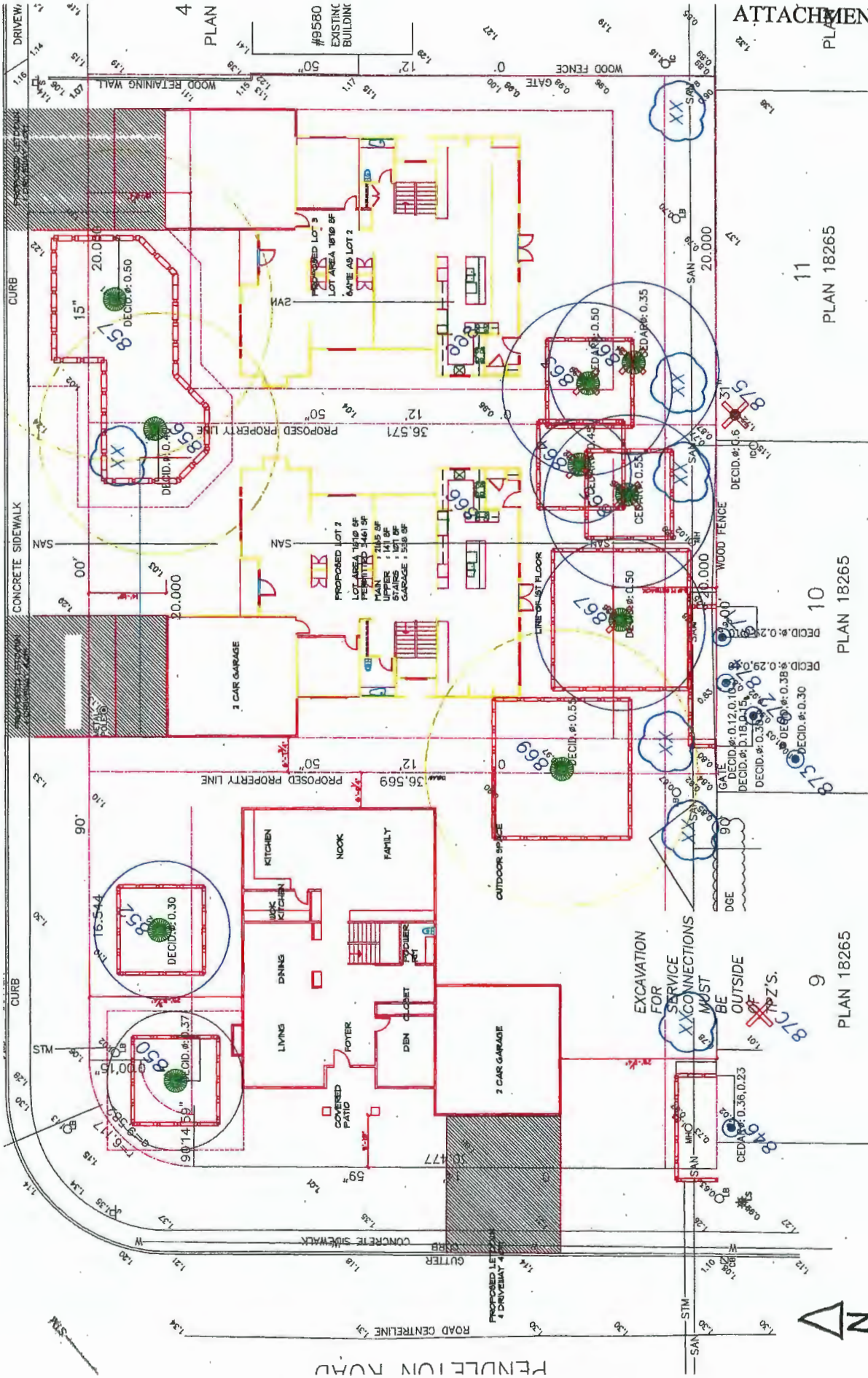


UPPER FLOOR PLAN 3/4" = 1'-0"



MAIN FLOOR PLAN 3/4" = 1'-0"

PROPOSED LOT 1
 -OT AREA 8925 SF
 PERMITTED 3898 SF



PLAN 18265
11

PLAN 18265
10

PLAN 18265
9





City of
Richmond

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

Address: 9560 Pendleton Road

File No.: RZ 16-732627

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9661, the developer is required to complete the following:

1. Final Adoption of Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662.
2. Submission of a Landscape Security in the amount of \$2,000 (\$500/tree) to ensure that a total of four replacement trees are planted and maintained in the development. **NOTE: minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A – 3.0 Replacement Trees.**
3. Submission of a Landscape Plan for Proposed Lot 1, 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 and a 10% contingency. The Landscape Plan should:
 - Comply with the requirements for landscaping on corner lots contained in Richmond Zoning Bylaw 8500.
 - Include a mix of coniferous and deciduous trees.
 - Include the dimensions of tree protection fencing as illustrated on the Tree Retention Plan attached to this report.
 - Include any required replacement trees.
4. City acceptance of the developer's offer to voluntarily contribute \$10,600 to the City's Tree Compensation Fund for the planting of replacement trees within the City.
5. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of the trees to be retained. 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.
6. Submission of a Tree Survival Security to the City in the amount of \$100,000 for the 10 trees to be retained.
7. Registration of a flood indemnity covenant on Title.
8. Registration of a legal agreement on Title to ensure that the Building Permit application and ensuing development of Proposed Lot 1 is generally consistent with the preliminary conceptual plans contained in Attachment 5 of this report.
9. Registration of a legal agreement on Title to ensure that the Building Permit application and ensuing development of the site is generally consistent with the preliminary site plan contained in Attachment 6 of this report.
10. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on two of the three future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
11. The City's acceptance of the applicant's voluntary contribution of \$2.00 per buildable square foot of the single-family development on Proposed Lot 1 (i.e. \$7,797.05) to the City's Affordable Housing Reserve Fund.

Prior to Demolition* stage, the developer must complete the following requirements:

1. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.

Prior to removal of Trees # 849 and 853 on City property, the developer must complete the following requirements:

1. Send notification to the City Parks Department at least four days prior to removal of the trees, to allow proper signage to be posted. Notification must be given by calling 604-244-1208 ext. 1317.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. 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.

At Subdivision* stage, the developer must complete the following requirements:

1. Payment of the current year's taxes, Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, and Address Assignment Fees.
2. Enter into a Servicing Agreement* for the design and construction of engineering infrastructure improvements. Works include, but may not be limited to the following:

Water Works:

- Using the OCP Model, there is 145 L/s of water available at a 20 psi residual at the Pendleton Road frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- The Developer 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.
- At the Developers cost, the City is to:
 - Install three new 25 mm water service connections, off of the existing 150 mm AC watermain on Pendleton Road; each complete with meter and meter box.
 - Cut and cap at main, the existing water service connection at the northeast corner of the subject site.

Storm Sewer Works:

- The Developer is required to:
 - Install approximately 200 m of 600 mm storm sewer pipe along and beyond both of the site's frontages, centered within the roadway. New manholes are required to tie into the existing drainage pipe fronting 9580 Pendleton Road and on Pendlebury Road. Subject to funding approval, the City will fund works beyond the subject site's frontage.
 - Install a new storm service connection for the eastern most subdivided lot complete with inspection chamber.
 - Install a new storm service connection complete with inspection chamber and dual service leads for the middle and western most subdivided lots.
 - Cut, cap and remove the existing storm lateral and inspection chamber STIC57588 and STIC48597 at the subject site's frontage.

Sanitary Sewer Works:

- The existing 200 mm AC sanitary sewer inside the subject site will need to be abandoned in order to subdivide as per the submitted plans. In order to maintain the service to the north, the sewer will need to be re-routed.

- The Developer is required to:
 - Remove or abandon the existing 200 mm AC sanitary sewer within the subject site prior to building construction and re-route the sanitary sewer by installing approximately 90.0 m of sanitary sewer along Pendleton Road, complete with three new manholes.
 - Provide a 3.0 m wide utility SRW along the entire south property line of the subject site.
 - Install a new sanitary service connection complete with inspection chamber and dual service leads for the middle and western most subdivided lots off of the newly installed sanitary sewer.
 - Install a new sanitary service connection extending off of the newly installed sanitary manhole north of the subject site, complete with inspection chamber for the eastern most subdivided lot.
- At Developer's cost, the City is to:
 - Cut and cap the existing service connection at the southeast corner of the subject site.
 - Complete all tie-in works to existing City infrastructure.

Frontage Improvements:

- The Developer 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 (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc.). These should be located on-site.

General Items:

- The Developer 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.

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.

- 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

Date



Richmond Zoning Bylaw 8500
Amendment Bylaw 9661 (RZ 16-732627)
9560 Pendleton Road

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

- 1. Richmond Zoning Bylaw 8500, as amended, is further amended by:
a. Inserting the following into the table contained in Section 5.15.1A regarding Affordable Housing density bonusing provisions:

Table with 2 columns: Zone, Sum Per Buildable Square Foot of Permitted Principal Building. Row 1: 'ZS28', '\$2.00'

- b. Inserting the following into Section 15 (Site Specific Residential (Single Detached) Zones), in numerical order:

15.28 Single Detached (ZS28) – Pendleton Road (West Richmond)

15.28.1 Purpose

The zone provides for single detached housing with a range of compatible secondary uses, and provides for a density bonus that would be used for rezoning applications in order to help achieve the City's affordable housing objectives.

15.28.2 Permitted Uses

- housing, single detached

15.28.3 Secondary Uses

- boarding and lodging
• community care facility, minor
• home business
• secondary suite
• bed and breakfast

15.28.4 Permitted Density

- 1. The maximum density is one principal dwelling unit per lot.
2. The maximum floor area ratio is 0.40 applied to a maximum of 464.5 m^2 of the lot area, together with 0.30 applied to the balance of the lot area in excess of 464.5 m^2.

3. Notwithstanding Section 15.28.4.2, the reference to "0.40" is increased to a higher **density** of "0.55" if:
 - a) the building contains a **secondary suite**; or
 - b) the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the ZS28 **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw.
4. Further to Section 15.28.4.3, the reference to "0.40" in Section 15.28.4.2 is increased to a higher **density** of "0.55" if:
 - a) an **owner** subdivides bare land to create new lots for single detached housing; and
 - b)
 - i) 100% of the **lots** contain **secondary suites**; or
 - ii) at least 50% of the **lots** contain a **secondary suite** and the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the ZS28 **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw for the **floor area** permitted on any **lot** not containing a **secondary suite**; or
 - iii) at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the ZS28 **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw.

15.28.5 Permitted Lot Coverage

1. The maximum **lot coverage** is 45% for **buildings**.
2. No more than 70% of a **lot** may be occupied by **buildings, structures** and **non-porous surfaces**.
3. 30% of the **lot area** is restricted to **landscaping** with live plant material.

15.28.6 Yards & Setbacks

1. The minimum **front yard** is 4.5 m.
2. The minimum **interior side yard** is:
 - a) 2.0 m for **lots** of 20.0 m or more in width;
 - b) 1.8 m for **lots** of 18.0 m or more but less than 20.0 m in width; or
 - c) 1.2 m for **lots** less than 18.0 m wide.
3. The minimum **exterior side yard** is 3.0 m.
4. The minimum **rear yard** is 6.0 m. For a **corner lot** where the **exterior side yard** is 6.0 m, the **rear yard** is reduced to 1.2 m.

15.28.7 Permitted Heights

1. The maximum **height** for **principal buildings** is 2 ½ **storeys**, but it shall not exceed the **residential vertical lot width envelope** and the **residential vertical lot depth envelope**. For a **principal building** with a flat roof, the maximum **height** is 7.5 m.
2. The maximum **height** for **accessory structures** is 9.0 m.
3. The **residential vertical lot depth envelope** in Section 15.28.7.1 is:
 - a) calculated from the **finished site grade**; and
 - b) formed by a plane rising vertically 5.0 m to a point and then extending upward and away from the required **yard setback** at a rate of two units of vertical rise for each single unit of horizontal run to the point at which the plane intersects to the maximum **building height**.

15.28.8 Subdivision Provisions/Minimum Lot Size

1. The minimum **lot** dimensions and areas are as follows, except that:
 - a) the minimum **lot width** for **corner lots** is 20.0 m.

Minimum frontage	Minimum lot width	Minimum lot depth	Minimum lot area
7.5 m	18.0 m	24.0 m	700.0 m ²

15.28.9 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided according to the provisions of Section 6.0.

15.28.10 On-Site Parking and Loading

1. On-site **vehicle** parking shall be provided according to the standards set out in Section 7.0.
2. For the purpose of this **zone**, a driveway is defined as any **non-porous surface** of the **lot** that is used to provide space for **vehicle** parking or **vehicle access** to or from a public **road** or **lane**.

15.28.11 Other Regulations

1. In addition to the regulations listed above, the General Development Regulations in Section 4.0 and Specific Use Regulations in Section 5.0 apply.
2. 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 (ZS28) – PENDLETON ROAD (WEST RICHMOND)**”.

P.I.D. 003-751-651

Lot 449 Section 26 Block 4 North Range 7 West New Westminster District Plan 66281

- 3. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 9661**”.

FIRST READING

MAY 23 2017

A PUBLIC HEARING WAS HELD ON

JUN 19 2017

SECOND READING

JUN 19 2017

THIRD READING

JUN 19 2017

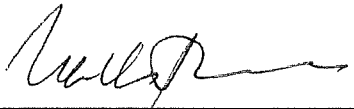
OTHER CONDITIONS SATISFIED

MAR 21 2018

ADOPTED

MAR 26 2018





 MAYOR



 CORPORATE OFFICER



Richmond Official Community Plan Bylaw OCP Bylaw 9000
Amendment Bylaw 9662 (CP 16-733600)
9560 Pendleton Road

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

1. Richmond Official Community Plan Bylaw OCP Bylaw 9000 is amended by repealing the existing land use designation in Attachment 1 to Schedule 1 thereof of the following area and by designating it Neighbourhood Residential.

P.I.D. 003-751-651

Lot 449 Section 26 Block 4 North Range 7 West New Westminster District Plan 66281

2. This Bylaw may be cited as “**Richmond Official Community Plan Bylaw OCP Bylaw 9000, Amendment Bylaw 9662**”.

FIRST READING

MAY 23 2017

PUBLIC HEARING

JUN 19 2017

SECOND READING

JUN 19 2017

THIRD READING

JUN 19 2017

OTHER CONDITIONS SATISFIED

MAR 21 2018

ADOPTED

MAR 26 2018



MAYOR

CORPORATE OFFICER





CNCL - 46
(Special)



CNCL - 47
(Special)



**CNCL - 48
(Special)**



CNCL - 49
(Special)