



# City of Richmond

## Report to Committee

Planning and Development Department

*To Council - Dec 16, 2012*

*To Planning - Dec 4, 2012*

To: Planning Committee

Date: November 14, 2012

From: Wayne Craig  
Director of Development

File: RZ 12-615299  
*12-8060-20-8970*

Re: Application by Ronald Herman, Anita Herman and Tammia Bowden for Rezoning at 10251 Bird Road from Single Detached (RS1/E) to Single Detached (RS2/B)

### Staff Recommendation

That Bylaw 8970, for the rezoning of 10251 Bird Road from "Single Detached (RS1/E)" to "Single Detached (RS2/B)", be introduced and given first reading.

*Wayne Craig*  
Wayne Craig  
Director of Development

CL:kt/big  
Att.

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	<input checked="" type="checkbox"/>	<i>[Signature]</i>

## Staff Report

### Origin

Ronald Herman, Anita Herman, and Tammia Bowden have applied to the City of Richmond for permission to rezone 10251 Bird Road from “Single Detached (RS1/E)” to “Single Detached (RS2/B)”, to permit the property to be subdivided into two (2) lots (**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 a large lot located on the north side of Bird Road, between St. Edwards Drive and Shell Road, in an existing residential neighbourhood that has undergone redevelopment to smaller lot sizes through rezoning and subdivision in recent years. Existing development immediately surrounding the site is as follows:

- To the North, is an east-west hydro line corridor and trail on a provincially-owned parcel zoned “School & Institutional Use (SI)”. Further north, there are commercial uses at the corner of St. Edwards Drive and Bridgeport Road on a lot zoned “Auto-Oriented Commercial (CA)”;
- To the East, are two (2) newer dwellings on lots zoned “Single Detached (RS1/B)” (RZ 06-330144, SD 06-330146);
- To the South, directly across Bird Road, is a series of newer dwellings on lots rezoned and subdivided to “Single Detached (RS1/B)” in the early 2000’s; and
- To the West, are two (2) dwellings on lots zoned “Single Detached (RS1/B)”, created in the early 1990’s.

### Related Policies & Studies

#### Official Community Plan (OCP) Designation

The subject property is located in the East Cambie Planning Area. The OCP’s 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.

#### Aircraft Noise Sensitive Development (ANSD) Policy

The ANSD Policy applies to the subject site, which is located within the “Aircraft Noise Notification Area (Area 4)”. In accordance with this Policy, all aircraft noise sensitive land uses may be considered. Prior to rezoning adoption, the applicants are 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.

### Lot Size Policy 5424

The subject property is located within the area covered by Lot Size Policy 5424, adopted by City Council in 1989 (**Attachment 3**). The Lot Size Policy permits properties on Bird Road to rezone and subdivide in accordance with "Single Detached (RS2/B)". This redevelopment proposal would allow for the creation of two (2) lots, each approximately 12-m wide and approximately 685 m<sup>2</sup> in area, which is consistent with the Lot Size Policy.

### Affordable Housing Strategy

Richmond's Affordable Housing Strategy requires a secondary suite on 50% of new lots, or a cash-in-lieu contribution of \$1.00/ft<sup>2</sup> of total building area toward the City's Affordable Housing Reserve Fund for single-family rezoning applications.

The applicants propose 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 applicants are 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 applicants) on the lot where the secondary suite is not required by the Affordable Housing Strategy after the requirements are satisfied.

Should the applicants 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 rezoning adoption, and would be based on \$1.00/ft<sup>2</sup> of total building area of the single detached dwellings (i.e. \$6,927).

### Flood Management

Registration of 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

Numerous similar applications to rezone and subdivide properties to the proposed "Single Detached (RS2/B)" zone have been approved within this block of Bird Road since the early 1990's. Other lots on the north side of this block have redevelopment potential in accordance with the existing Lot Size Policy.

### Trees & Landscaping

A tree survey submitted by the applicant shows the location of:

- Four (4) bylaw-sized trees on the subject property;
- Three (3) bylaw-sized trees on city-owned property in the boulevard along Bird Road;
- Two (2) bylaw-sized trees on the adjacent lot to the west (10235 Bird Road); and
- One (1) undersized tree on the adjacent lot to the east (10271 Bird Road).

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 redevelopment proposal.

The Report recommends retention of the three (3) Maple trees on City-owned property (identified as Trees # 46, 47, 48), as well as the three (3) off-site trees on adjacent lots (identified as Trees # 1, 2, and 3). Specifications for Tree Protection Fencing are also proposed by the Arborist. The Report also recommends removal of:

- One (1) on-site tree (identified as Tree # 49) due to poor condition;
- Two (2) on-site trees (identified as Trees # 97 and 98) due to their location within the building envelope; and
- One (1) dead Birch tree on-site.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report and conducted a Visual Tree Assessment (VTA). The City's Tree Preservation Coordinator concurs with the Arborist's recommendations for the removal of the dead birch tree and Tree # 49 (based on poor condition), and Trees # 97 and 98 (based on location within the building envelope and limited ability to adjust the building due to existing rights-of-ways over a significant portion of the rear yard). However, the City's Tree Preservation Coordinator recommends:

- That the specifications for Tree Protection Fencing for off-site trees must be consistent with the City's Tree Protection Information Bulletin (Bulletin TREE-03), rather than as specified in the Arborist's report.

The Tree Retention Plan is reflected in **Attachment 4**.

Tree Protection Fencing for the off-site trees identified as Trees # 46, 47, 48, 1, 2, and 3 must be installed to City standard prior to demolition of the existing dwelling and must remain in place until construction and landscaping on the future lots is completed.

Prior to final adoption of the rezoning bylaw, the applicants are required to submit a Contract with a Certified Arborist to supervise any on-site works within the Tree Protection Zones of off-site trees that encroach into the subject site. The Contract must include the proposed number of monitoring inspections at specified stages of construction, and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.

Based on the 2:1 tree replacement ratio goal in the OCP, and the size requirements for replacement trees in the City's Tree Protection Bylaw, a total of eight (8) replacement trees are required to be planted and maintained on the future lots [four (4) per future lot], with the following minimum sizes:

# Replacement Trees	Min. calliper of deciduous tree	or	Min. height of coniferous tree
5	6 cm		3.5 m
2	9 cm		5 m
1	conifer tree at 5 m high (for replacement of Tree # 97)		

To ensure that the eight (8) replacement trees are planted and maintained on the future lots, the applicants are required to submit Landscaping Securities to the City prior to rezoning adoption in the amounts of:

- \$3,500 for the seven (7) standard replacement trees (\$500/tree). The City will release 100% of this security after construction and landscaping on the future lots is completed, inspections are approved, and an acceptable Arborist's post-construction impact assessment report of off-site tree protection is received;
- \$5,000 for the one (1) large coniferous replacement tree. The City will release 90% of the security after construction and landscaping on the future lots is completed, inspections are approved, and an acceptable Arborist's post-construction impact assessment report is received. The remaining 10% of the security will be released one (1) year later, subject to inspection, to ensure the tree has survived.

#### Existing Utility Right-of-Way

There is an existing 6 m wide utility right-of-way (ROW) that runs east-west through the rear portion of the subject site. The applicants have been advised that no encroachment into the ROW is permitted. This includes no building construction, planting of trees, placement of fill and non-cast-in-place retaining walls above 0.9 m (3 ft) in height.

#### Site Servicing & Vehicle Access

There are no servicing concerns with rezoning.

Vehicular access to the site at redevelopment stage will be from Bird Road.

#### Subdivision

At Subdivision stage, the applicants will be required to pay Development Cost Charges (City and GVS&DD), Engineering Improvement Charge (for future frontage improvements), School Site Acquisition Charge, Address Assignment Fee, and Servicing costs.

#### **Analysis**

The subject property is located in an established residential neighbourhood that has seen redevelopment to smaller lot sizes through rezoning and subdivision in recent years, consistent with the Lot Size Policy for this neighbourhood. This redevelopment proposal would allow for the creation of two (2) lots, each approximately 12 m wide and 685 m<sup>2</sup> in area, which is consistent with the Lot Size Policy.

**Financial Impact**

None.

**Conclusion**

This rezoning application to permit subdivision of an existing large lot into two (2) smaller lots complies with applicable policies and land use designations contained within the OCP and the Lot Size Policy, and is consistent with the established pattern of redevelopment in the surrounding area.

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

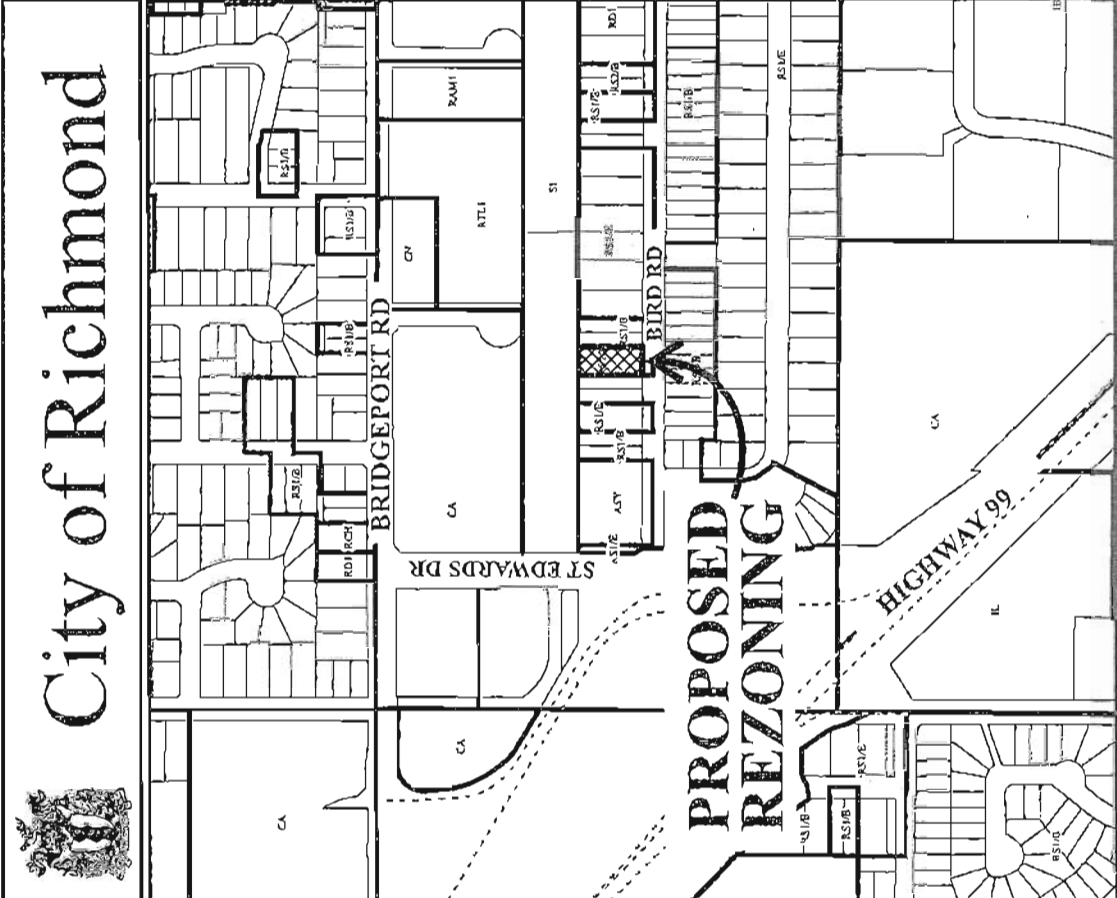
On this basis, staff recommends support for the application.



Cynthia Lussier  
Planning Technician  
(604-276-4108)

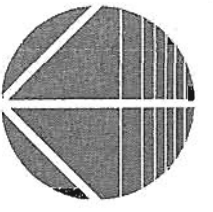
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- Attachment 1: Location Map/Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Lot Size Policy 5424
- Attachment 4: Tree Retention Plan
- Attachment 5: Rezoning Considerations Concurrence



275.27	12.19	12.19	12.19	12.19	24.38	24.38
56.06	56.19	56.34	56.39	10231	10271	10273
12.19	12.19	12.19	12.19	12.19	12.19	12.19
10235	10235	10235	10235	10235	10235	10235
12.19	12.19	12.19	12.19	12.19	12.19	12.19
10240	10242	10260	10262	10268	10280	10288
12.19	12.19	12.19	12.19	12.04	12.04	12.04
10240	10242	10260	10262	10268	10280	10288
12.19	12.19	12.19	12.19	12.04	12.04	12.04

BIRD RD

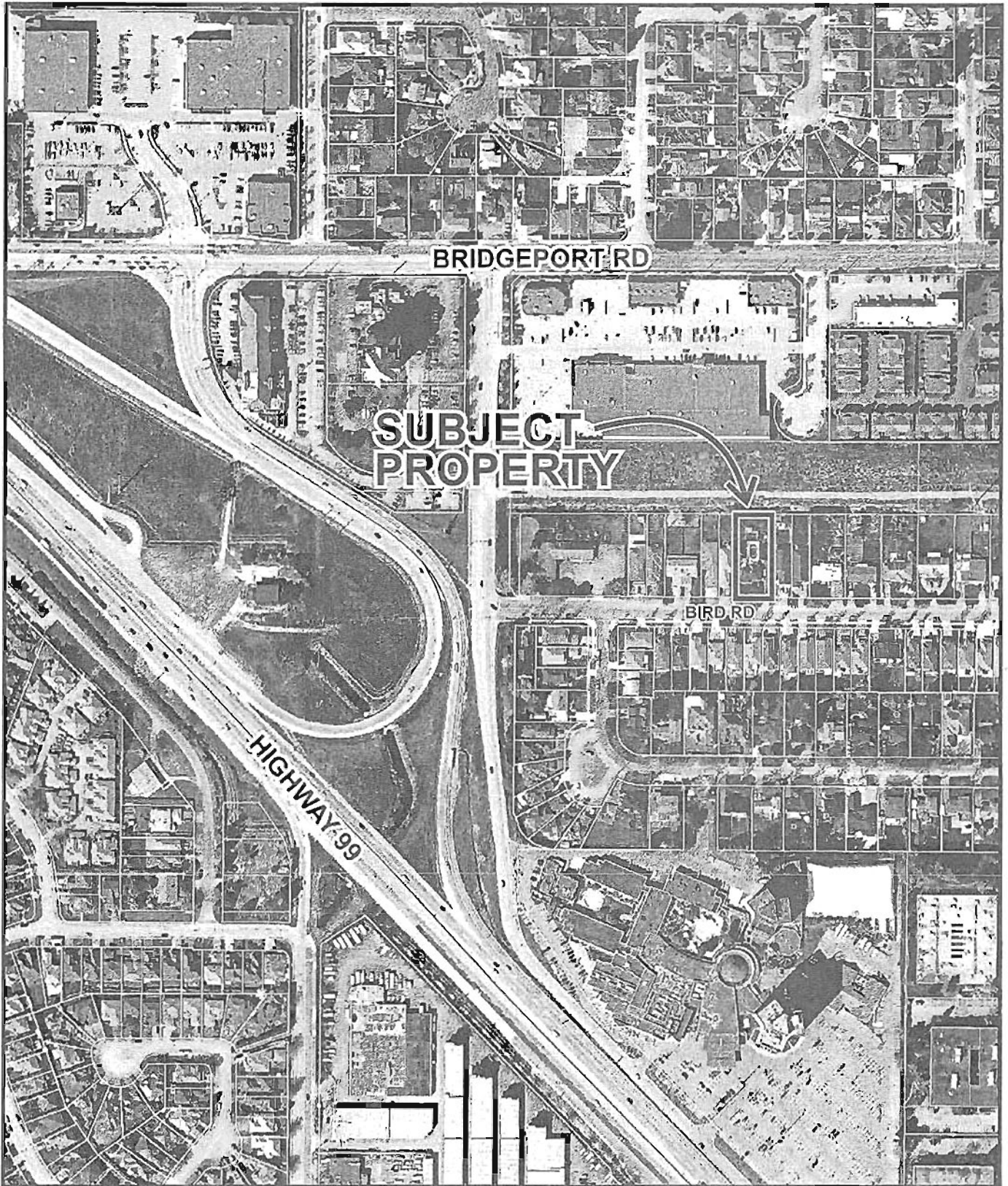


RZ 12-615299

Original Date: 08/28/12

Revision Date:

Note: Dimensions are in METRES



RZ 12-615299

Original Date: 08/28/12

Amended Date:

Note: Dimensions are in METRES





**RZ 12-615299**

**Attachment 2**

Address: 10251 Bird Road

Applicant: Ronald Herman, Anita Herman and Tammia Bowden

Planning Area(s): East Cambie

	Existing	Proposed
Owner:	Ronald Herman, Anita Herman & Tammia Bowden	To be determined
Site Size (m <sup>2</sup> ):	1,371 m <sup>2</sup> (14,757 ft <sup>2</sup> )	West future lot - 685 m <sup>2</sup> (7,373 ft <sup>2</sup> ) East future lot - 686 m <sup>2</sup> (7,384 ft <sup>2</sup> )
Land Uses:	One (1) single detached dwelling	Two (2) single-family lots
OCP Designation:	Neighbourhood Residential	No change
Area Plan Designation:	Residential (Single-Family Only)	No change
702 Policy Designation:	Lot Size Policy 5424	No change
Zoning:	Single Detached (RS1/E)	Single Detached (RS2/B)

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55	Max. 0.55	none permitted
Lot Coverage – Building:	Max. 45%	Max. 45%	none
Lot Size (min. dimensions):	360 m <sup>2</sup>	West future lot - 685 m <sup>2</sup> East future lot - 686 m <sup>2</sup>	none
Setback – Front & Rear Yards (m):	Min. 6 m	Min. 6 m	none
Setback – Side Yard (m):	Min. 1.2 m	Min. 1.2 m	none
Height (m):	2.5 storeys	2.5 storeys	none

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



Page 1 of 1

Adopted by Council: November 20, 1989

Policy 5424

File Ref: 4045-00

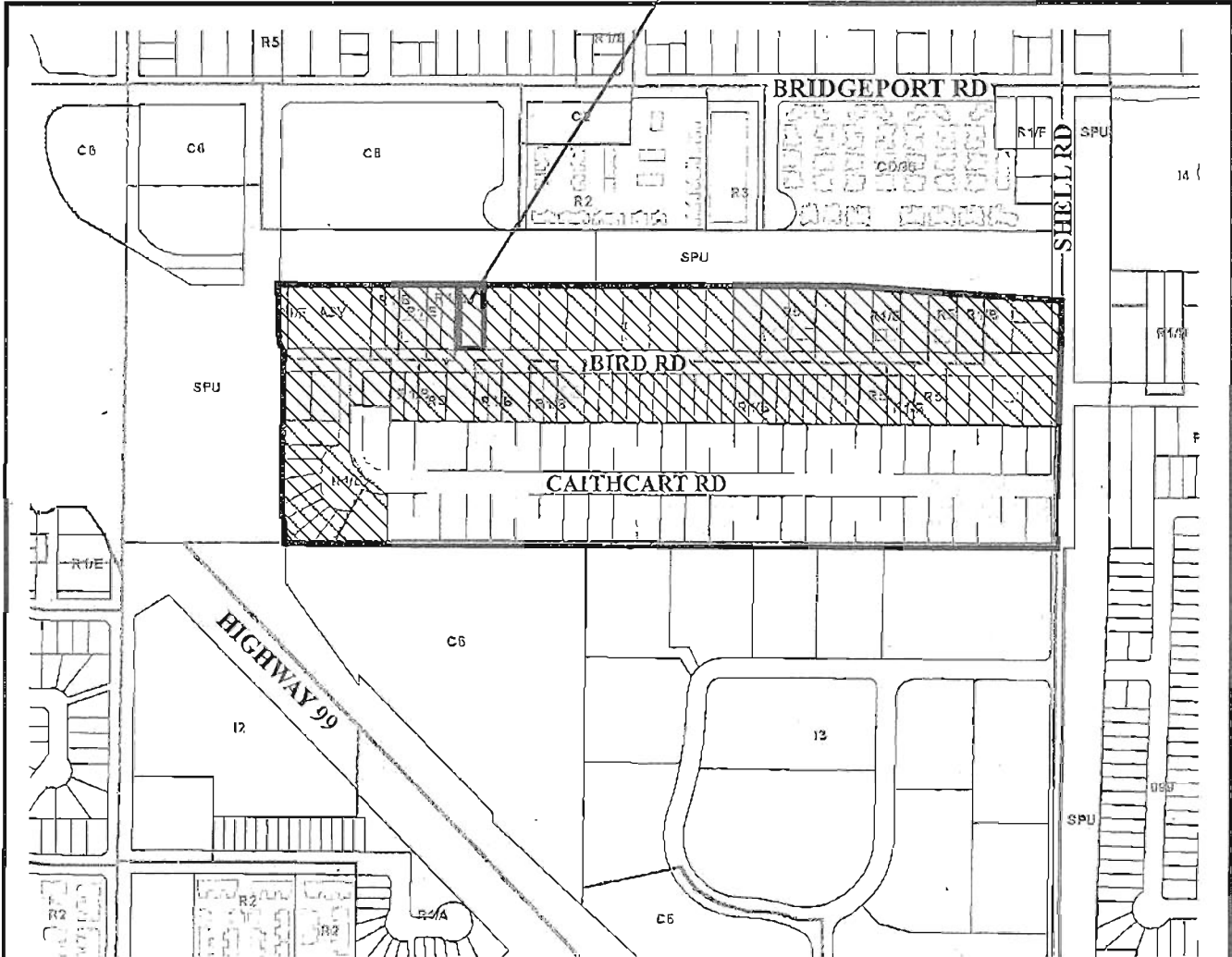
SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 26-5-6



**Policy 5424:**

The following policy establishes lot sizes in Section 26-5-6, located on Bird Road and Caithcart Avenue:

That properties located in a portion of Section 26-5-6, be permitted to subdivide on Bird Road and at the westerly end of Caithcart Road in accordance with the provisions of Single-Family Housing District (R1/B) and be permitted to subdivide on the remainder of Caithcart Road in accordance with the provisions of Single-Family Housing District (R1/E) in Zoning and Development Bylaw 5300, and that this policy, as shown on the accompanying plan, 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.

SUBJECT SITE



-  Subdivision permitted as per Single-Family Housing District (R1/B) on Bird Road and Caithcart Road.
-  Subdivision permitted as per Single-Family Housing District (R1/E) on Caithcart Road.



**POLICY 5424**  
**SECTION 26, 5-6**

Adopted Date: 11/20/89  
 Amended Date:

**TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF LOT 36  
BLOCK B SECTION 26 BLOCK 5 NORTH RANGE 6 WEST  
NEW WESTMINSTER DISTRICT PLAN 14105**

SCALE: 1:250

#10251 BIRD ROAD,  
RICHMOND, B.C.  
P.I.D 009-884-467

2 Off Site (#1&2) prunus  
spp.  
N/O existing fence.

0 6 10 20  
ALL DISTANCES ARE IN METRES AND DECIMALS  
THEREOF UNLESS OTHERWISE INDICATED

**LEGEND:**

- (c) denotes coniferous
- (d) denotes deciduous
- ⊙ denotes power pole
- ⊙ denotes round catch basin
- ⊙ denotes inspection chamber
- ≡ denotes water valve
- TW denotes top of retaining wall
- BW denotes bottom of retaining wall



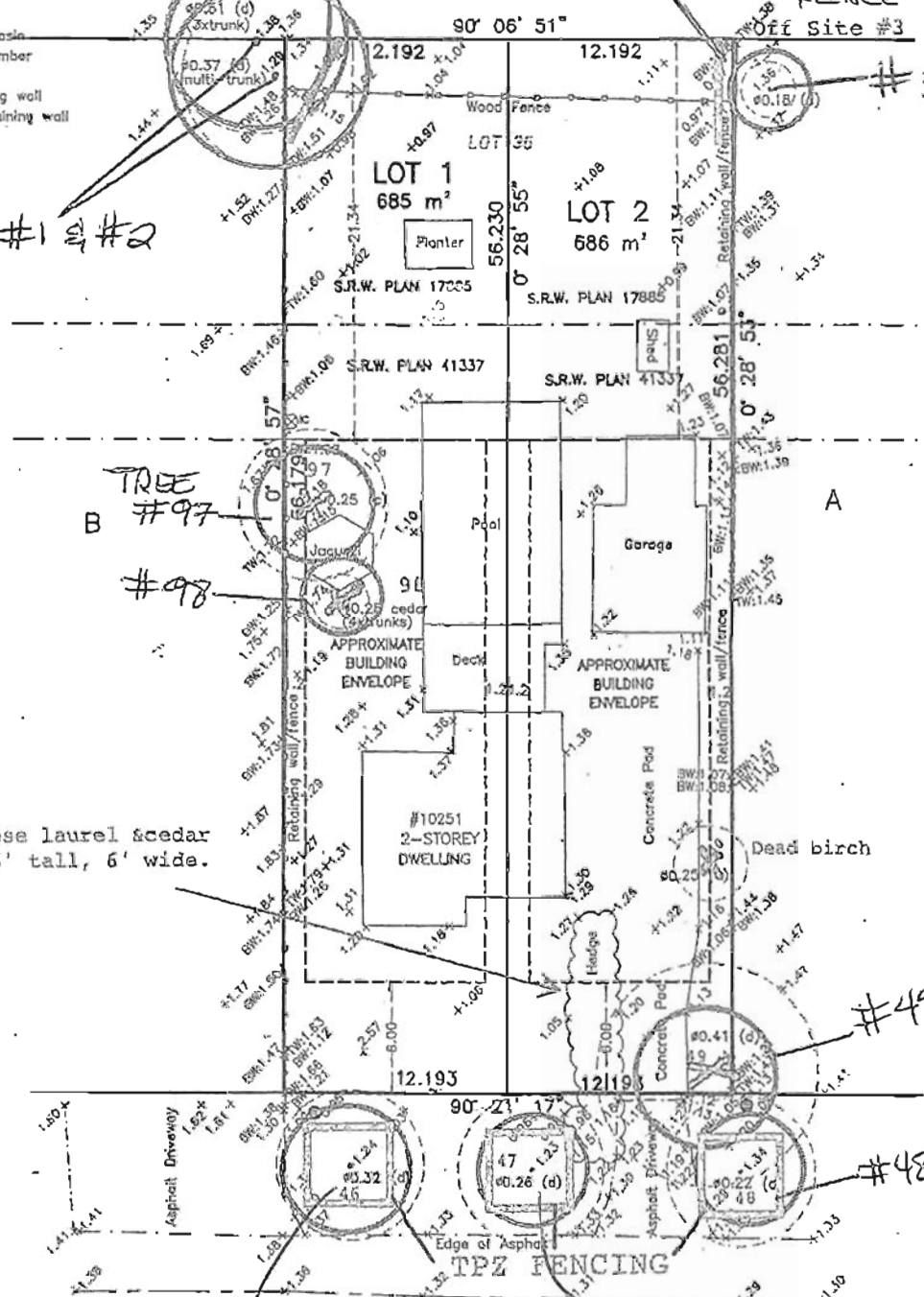
#1 & #2

TREE PROTECTION  
FENCE

TREE PROTECTION  
FENCE

LOT 59

Off Site #3  
#3



Portuguese laurel & cedar  
hedge. 6' tall, 6' wide.

© copyright  
J. C. Tam and Associates  
Canada and B.C. Land Surveyor  
115 - 8833 Dellen Crescent  
Richmond, B.C. V6X 3Z7  
Telephone: 214-E928  
Fax: 214-8529  
E-mail: office@jctam.com  
Website: www.jctam.com  
Job No. 4908  
FB-MM 54-56  
Drawn By: TH

**NOTE:**  
Elevations shown are based on City of Richmond HPN  
Benchmark network.  
Benchmark: HPN #194; Control Monument 02H2415  
In slab of Both Slough North pump, sin E of No.5 Rd.  
Elevation = 3.333 m

**PH - 70**

**CERTIFIED CORRECT:**  
LOT DIMENSION ACCORDING TO  
FIELD SURVEY.

*[Signature]*  
JOHNSON C. TAM, B.C.L.S.

JUNE 11th, 2012

DWG No. 4908-TOPO



Address: 10251 Bird Road

File No.: RZ12-615299

**Prior to final adoption of Zoning Amendment Bylaw 8970, the applicants are required to complete the following:**

1. Provincial Ministry of Transportation & Infrastructure Approval.
2. 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 off-site Trees # 46, 47, 48, 1, 2, 3. The Contract must include the scope of work to be undertaken, including: the proposed number of site monitoring inspections at specified stages of construction, and a provision for the Arborist to submit a post-construction impact assessment report to the City for review.
3. Submission of Landscaping Securities to the City in the amounts of:
  - a) \$3,500 (\$500/tree) to ensure that the seven (7) standard replacement trees are planted and maintained on the future lots. The City will release 100% of this security after construction and landscaping on the future lots is completed, inspections are approved, and an acceptable Arborist's post-construction impact assessment report of off-site tree protection is received; and
  - b) \$5,000 for the one (1) large coniferous replacement tree. The City will release 90% of this security after construction and landscaping on the future lots is completed, inspections are approved, and an acceptable Arborist's post-construction impact assessment report is received. The remaining 10% of this security will be released one (1) year later, subject to inspection, to ensure the tree has survived.

Replacement trees with the following minimum sizes are required to be planted and maintained:

# Replacement Trees	Min. calliper of deciduous tree	or	Min. height of coniferous tree
5	6 cm		3.5 m
2	9 cm		5 m
1	conifer tree at 5 m high (for replacement of Tree # 97)		

If required replacement trees cannot be accommodated on-site, a cash-in-lieu contribution in the amount of \$500/tree to the City's Tree Compensation Fund for off-site planting will be accepted.

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.

**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. \$6,927) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

**At Subdivision\* stage, the applicants must complete the following:**

- Pay Development Cost Charges (City and GVS&DD), Engineering Improvement Charge (for future frontage improvements), School Site Acquisition Charge, Address Assignment Fee, and Servicing costs.

**Prior to Demolition Permit\* issuance, the applicants must complete the following requirements:**

- Tree Protection Fencing for the off-site trees identified as Trees # 46, 47, 48, 97, 1, 2, and 3 must be installed to City standard and must remain in place until construction and landscaping on the future lots is completed.

**Prior to Building Permit\* issuance, the applicants must complete the following requirements:**

- Submission of a Construction Parking and Traffic Management Plan to the Transportation Division. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
- 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 Division at 604-276-4285.

**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.

(signed concurrence on file)

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date



Richmond Zoning Bylaw 8500
Amendment Bylaw 8970 (RZ 12-615299)
10251 Bird Road

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. 009-884-467
Lot 36 Block B Section 26 Block 5 North Range 6 West
New Westminster District Plan 14105

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8970".

FIRST READING

DEC 10 2012

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL

OTHER REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER