

To:	Planning	Committee
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From: Wayne Craig Director, Development 
 Date:
 February 23, 2022

 File:
 RZ 18-802860

Re: Application by Art Homes Ltd. for Rezoning at 4400, 4420, and 4440 Smith Crescent from the "Single Detached (RS1/F)" Zone to the "High Density Townhouses (RTH1)" Zone

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9877, for the rezoning of 4400, 4420, and 4440 Smith Crescent from the "Single Detached (RS1/F)" zone to the "High Density Townhouses (RTH1)" zone, be introduced and given First Reading.

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

WC:jr Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	V	be Erceg

#### Staff Report

#### Origin

Art Homes Ltd. (Director: Buta S. Dosamjh), on behalf of South Rich Homes JV Ltd. (Director: Buta S. Dosamjh), has applied to the City of Richmond to rezone 4400, 4420, and 4440 Smith Crescent from the "Single Detached (RS1/F)" zone to the "High Density Townhouses (RTH1)" zone, to permit the development of 34 townhouse units. A location map and aerial photo are provided in Attachment 1.

#### Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 2.

#### Subject Site Existing Housing Profile

There are three single detached dwellings on the subject site, which would be demolished. None of the dwellings contain a secondary suite. The dwellings were previously owner-occupied and are currently vacant.

#### **Surrounding Development**

Development immediately surrounding the subject site is as follows:

- To the North: A single detached dwelling on a property zoned "Single Detached (RS1/F)".
- To the South: A single detached dwelling on a property zoned "Single Detached (RS1/F)".
- To the East: The Highway 91A road allowance, which includes a pedestrian overpass connecting the pathway behind the subject site to Hamilton Highway Park and Thompson Road.
- To the West, across Smith Crescent: Hamilton VLA Park, which includes a playground, sport courts, and open field.

#### **Related Policies & Studies**

#### Official Community Plan/Hamilton Area Plan

The subject site is located in the Hamilton planning area, and is designated "Neighbourhood Residential" on the Official Community Plan (OCP) land use map and "Neighbourhood Residential (Townhouse 0.75 FAR)" on the Hamilton Area Plan land use map (Attachment 3). The FAR referenced in the Hamilton Area Plan land use designation is the intended maximum density, inclusive of bonus density associated with the Affordable Housing Strategy and Hamilton Area Plan amenity contributions. The proposed rezoning is consistent with these designations.

The Hamilton Area Plan requires a cash contribution for neighbourhood amenity space at a rate of \$6.55 per buildable square foot for townhouse development. Prior to final adoption of the rezoning bylaw, the applicant made a \$323,714.10 contribution to the Hamilton Amenity Fund.

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The Hamilton Area Plan includes objectives to improve non-motorized transportation options in the neighbourhood to better connect residents with parks and amenities. The proposed development would provide a new public pathway linking Smith Crescent to the pathway in the highway right-of-way (ROW) behind the subject site. This would allow more direct access to and from the pedestrian overpass crossing Highway 91A.

#### Affordable Housing Strategy

Residential rezoning applications involving townhouse developments are required to provide a cash-in-lieu contribution towards the City's Affordable Housing Reserve Fund. As per the City's Affordable Housing Strategy, townhouse rezoning applications received prior to November 15, 2021 are required to provide a cash-in-lieu contribution of \$8.50 per buildable square foot. Consistent with the strategy, a \$420,087.00 contribution 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.

The Flood Construction Level in Hamilton is 3.5 m GSC. Structural elevation of the floor systems containing habitable space is proposed to meet the Flood Construction Level. No indoor habitable space is proposed at grade. The storage areas in the garages cannot be used as habitable space. Prior to final adoption of the rezoning bylaw, the applicant must register a legal agreement on title restricting conversion of any garage or storage area to habitable space.

This proposal is consistent with Richmond Flood Plain Designation and Protection Bylaw 8204 and the form of development is typical in the Hamilton area.

#### Ministry of Transportation and Infrastructure Approval

As the subject site abuts a Provincially-controlled highway, this redevelopment proposal has been referred to the Ministry of Transportation and Infrastructure (MOTI). Preliminary approval has been received from MOTI, and formal approval 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*.

#### Analysis

#### Urban Design and Site Planning

The proposed development consists of six buildings containing a total of 34 townhouse units. The site plan and massing are generally consistent with the Development Permit Guidelines contained in the OCP and Hamilton Area Plan. Conceptual development plans are provided in Attachment 4.

All of the units would be three storeys, with living space located on the second and third storey. Living space is not permitted on the ground floor due to the flood construction level in the Hamilton neighbourhood.

The site plan is structured around a pedestrian circulation network. Building 1 fronts Smith Crescent, Buildings 2 and 3 front an interior walkway, and Buildings 5 and 6 front the public walkway. Building 4 fronts the drive aisle, due to the challenge of adding accessible footpaths through the cluster of mature trees between this building and the off-site pathway behind the site.

All of the units have private outdoor space at grade and at least one balcony. Units in Buildings 1, 2, 3, 5, and 6 feature two projecting balconies, which are stacked to provide weather protection to the balcony or porch below. Units in Building 4 have a single recessed balcony, but have a larger outdoor space at grade than units in other buildings.

Building 6 is set back 2.91 m from the rear property line, which abuts the Highway 91A road allowance. The applicant has provided an acoustical report, which includes recommendations for building upgrades to achieve CHMH indoor noise standards in Buildings 4 and 6. These recommendations will be further reviewed and secured through the Development Permit process.

The proposed rear yard setback is consistent with Richmond Zoning Bylaw 8500, but encroaches into the 4.5 m setback to highways required by the Ministry of Transportation and Infrastructure (MOTI). Prior to advancing the Development Permit application to the Development Permit Panel the applicant is required to receive MOTI approval for a setback permit exception.

The shared outdoor amenity area is proposed in the southwest corner of the site, and is specifically located to facilitate retention of two large trees. The current concept includes a large play structure, bench seating, picnic table, and landscaping around the two retained trees. Detailed design and programming of the private and shared outdoor amenity spaces will be reviewed through the Development Permit process.

A garbage and recycling room is proposed near the middle of the site flanking the central drive aisle. Vehicles servicing the site would be able to complete a three-point turn in the drive aisle to enter and exit the site in a forward motion.

#### Housing Type and Tenure

The proposed development consists of ground-oriented townhouses that would be stratified and sold upon completion. Consistent with OCP policy respecting townhouse and multiple family housing development projects, and in order to maximize potential rental and housing opportunities throughout the City, the applicant has agreed to register a restrictive covenant on title prior to rezoning bylaw adoption, prohibiting: (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.

#### Transportation and Site Access

Vehicle access is proposed from a single driveway to Smith Crescent located in the approximate centre of the frontage. Vehicle and bicycle parking for residents and visitors are provided consistent with Richmond Zoning Bylaw 8500, except for a variance to the maximum percentage of tandem parking spaces for residents. The proposed development would require 68 parking spaces for residents, of which a maximum of 50% can be provided in a tandem arrangement. The proposed development has 59% of the parking spaces (i.e., 40 spaces) in a tandem arrangement.

Staff support the requested variance as it is a direct response to the Flood Construction Level and has been accepted in similar developments in the Hamilton neighbourhood. In addition, the applicant is providing voluntary Transportation Demand Management (TDM) measures to reduce future residents' vehicle dependence. The proposed TDM measures include:

- 60% increase over the minimum Class 1 bicycle parking requirements for residents.
- 75% increase over the minimum Class 2 bicycle parking requirements for visitors.
- Significant cycling and pedestrian upgrades as required by the Hamilton Area Plan, including off-street pathways and road upgrades. Additional details are provided below.

The proposed pedestrian pathway system would connect Smith Crescent with the existing pedestrian path adjacent to Highway 91A, which is consistent with the Hamilton Area Plan. This public pathway will be secured through a 6.0 m wide Statutory Right-of-Way (SRW) along the south property line and will include a 3.0 m wide paved surface, lighting, and landscaping. Future development to the south would be required to provide an additional 6.0 m wide Statutory Right-of-Way (SRW) and increase the width of the pathway. Improvements to the pathway in the highway right-of-way (ROW) behind the subject site will also be required, consisting of pavement widening to 3.0 m, lighting, and landscaping. Detailed design of the new and upgraded pathways will be through the Servicing Agreement process.

#### Tree Retention and Replacement

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 57 bylaw-sized trees on the subject property, three trees on neighbouring properties, and four street trees on City property.

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

- Two Maple trees (Tag # 24 and 25) located in the front yard of 4420 Smith Crescent are in excellent condition and should be retained and protected. Provide a 4.5 m tree protection zone from the base of each tree. A \$10,000.00 Tree Survival Security is required for each tree.
- One Cherry and one Maple tree (Tag # 33 and 34) located in the rear yard of 4420 Smith Crescent site are proposed to be retained. Provide a 4.5 m tree protection zone from the base of each tree. A \$5,000.00 Tree Survival Security is required for each tree.
- Seven Western Red Cedar trees (Cluster noted as Tag # 55) located in the rear yard of 4400 Smith Crescent are proposed to be retained. Provide a 4.5 m tree protection zone from the base of each tree. A \$5,000.00 Tree Survival Security is required for each tree.
- One Ash tree (Tag # 54) located on the neighbouring property to the north and two trees (Cluster noted as Tag # 55) located on the neighbouring properties to the north and east to be protected as per City of Richmond Tree Protection Information Bulletin Tree-03.
- One tree (Cluster noted as Tag # 55) located in the rear yard of 4400 Smith Crescent is in conflict with Building 4. Remove and replace.
- Three Western Red Cedar trees (Tag # 21, 22, and 23) located in the side yard of 4420 Smith Crescent ranging in size from 30 cm to 42 cm caliper are in good condition but are in conflict with the proposed driveway and Building 5. Several revised site plans were considered in an effort to retain these trees, but resulted in impacts to urban design objectives or the retention of other trees on the development site. These trees are growing as a hedge and are not suitable for relocation. Remove and replace.
- 42 trees (Tag # 1-20, 26-32, 35-38, 41-50, and 52) located on the development site are either dead, dying (sparse canopy foliage), are infected with Fungal Blight or exhibit structural defects such as cavities at the main branch union and co-dominant stems with inclusions. As a result, these trees are not good candidates for retention. Remove and replace.
- One hedgerow (Tag # 40) located in the front yard between 4400 and 4420 Smith Crescent is in poor condition and should be removed.
- Replacement trees should be specified at 2:1 ratio as per the OCP.

The four trees on City property have been reviewed by Parks Department staff, with the following comments:

• Tree # 39 – Tree appears to be in fair health good condition. It is showing signs of drought stress with the leaves browning on the edges but otherwise looks to be in fair health. Size of the tree makes it a good candidate to relocate. This tree should be reviewed as part of the Servicing Agreement for possible relocation. Final determination should be made prior to the Development Permit application proceeding to Development Permit Panel. A \$5,000.00 survival security is required prior to final adoption of the rezoning bylaw if it is retained.

- Tree # 53 Tree is in good health fair condition. It has been topped historically but appears to be pruned regularly so there are no major defects. Tree will be close to the frontage improvements but all efforts to design around this tree must be made moving forward. A \$5,000.00 survival security is required prior to final adoption of the rezoning bylaw.
- Tree # 51 Tree is in good health but poor condition. It has approximately 40 stems which would make it hard to work around for the frontage improvements. It will also be an issue for sight lines moving forward due to the form of the tree. Recommend removal. \$1,500.00 is required in compensation prior to final adoption of the rezoning bylaw.
- Tree # 56 Tree is in poor health and condition. Main limbs have died back with decay in the main stem. All the growth appears to be sucker growth. This tree is not a good candidate to retain or relocate. Recommend removal. \$1,500.00 required in compensation prior to final adoption of the rezoning bylaw.

#### Tree Protection

Eleven trees (Tag # 24, 25, 34, 35, and 55) on the subject site, three trees (Tag # 54 and 55) on neighbouring properties, and two trees (Tag # 39 and 53) on City property are to be retained and protected. The applicant has submitted a tree protection plan showing the trees to be retained and the measures taken to protect them during development stage (Attachment 5). 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, submission to the City of a \$75,000.00 Tree Survival Security for the 11 on-site trees and two City-trees to be retained and/or relocated.
- 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 46 on-site trees. The 2:1 replacement ratio would require a total of 92 replacement trees. The applicant has agreed to plant 41 trees in the development. The required replacement trees are to be a minimum of 8 cm caliper deciduous or 4 m tall coniferous species, as per Tree Protection Bylaw No. 8057.

To satisfy the 2:1 replacement ratio established in the OCP, the applicant will contribute \$38,250.00 to the City's Tree Compensation Fund in lieu of the remaining 51 trees that cannot be accommodated on the subject property after redevelopment.

#### Variance Requested

The proposed development is generally consistent with the "High Density Townhouses (RTH1)" zone, except for the following requested variances (staff comments in *bold italics*).

1. Increase permitted tandem parking from 50% to 59% of spaces (i.e., 40 of 68 spaces).

Richmond Zoning Bylaw 8500 permits up to 50% of the required residential parking spaces to be provided in a tandem arrangement. In the case of this development, up to 34 spaces could be provided in a tandem arrangement.

Staff support the requested variance as it is a direct response to the high flood construction level in Hamilton, is consistent with other approved developments in the Hamilton neighbourhood, results in a marginal increase to the permitted tandem parking, and is off stet by voluntary TDM measures. Prior to final adoption of the rezoning bylaw the applicant is required to register a legal agreement on title restricting conversion of any garage or storage area into habitable space.

#### Townhouse Energy Efficiency and Renewable Energy

The proposed development consists of townhouses that staff anticipate would be designed and built in accordance with Part 9 of the BC Building Code. As such, this development would be required to achieve Step 3 of the BC Energy Step Code for Part 9 construction (Climate Zone 4) or Step 2 with a low carbon energy system. As part of the Development Permit application, the applicant will be required to identify the Step Code target and provide a report prepared by a Certified Energy Advisor which demonstrates that the proposed design and construction will meet or exceed the applicable standard.

#### Amenity Space

The applicant proposes a cash contribution in-lieu of providing indoor amenity space on-site. Prior to final adoption of the rezoning bylaw, the applicant must provide an \$88,460.00 contribution to the City-wide amenity fund.

Outdoor amenity space is provided on site. Based on the preliminary design, the size of the proposed outdoor amenity space is consistent with the OCP minimum requirement of  $6 \text{ m}^2$  per unit. Staff will work with the applicant at the Development Permit stage to ensure the design of the outdoor amenity space meets the Development Permit guidelines contained in the OCP.

#### Public Art

Based on the maximum buildable floor area of approximately 49,422 ft<sup>2</sup> residential floor area, the recommended Public Art contribution based on administrative guidelines of \$0.93 (2022 rate) is approximately \$45,962.46.

As the project will generate a recommended Public Art contribution close to \$40,000.00 and there are limited opportunities to locate Public Art on-site, as per Policy it is recommended that the Public Art contribution be directed to the Public Art Reserve for city-wide projects on City lands. The contribution is required prior to final adoption of the rezoning bylaw.

#### Site Servicing and Frontage Improvements

Prior to final adoption of the rezoning bylaw, the applicant is required to enter in to a Servicing Agreement for the design and construction of the required site servicing and frontage works described in Attachment 6, including, but not limited to:

- Filling of the Smith Crescent drainage ditch and replacement with a piped drainage system.
- A new pedestrian pathway along the south property line, consisting of a 3.0 m wide pathway, lighting, and landscaping.
- Improvements to the pathway behind the subject site, consisting of a 3.0 m wide pathway, lighting, and landscaping.
- Frontage improvements on both sides of Smith Crescent, generally consisting of new sidewalks, landscaped boulevards, street parking, and a two-way bike path.

#### **Development Permit Application**

Prior to final adoption of the rezoning bylaw, a Development Permit application is required to further examine the following issues:

- Compliance with the Development Permit guidelines for the form and character of multi-family projects contained in the OCP and Hamilton Area Plan.
- Review of the size and species of proposed new trees to ensure bylaw compliance and achieve an acceptable mix of deciduous and coniferous species.
- Refinement of the shared outdoor amenity design and programming, including the choice of play equipment, to create a safe and inviting environment for children's play and social interaction.
- Review of the relevant accessibility features, including the provision of three convertible units and aging-in-place features for all units.
- Review of a sustainability strategy for the development.
- Review of any necessary noise mitigation strategies related to potential traffic noise from Highway 91A. The applicant has provided an acoustical report, which includes recommendations for upgrades to Buildings 4 and 6.
- Review of the proposed setback to Highway 91A, which requires approval from the Ministry of Transportation and Infrastructure.

#### **Financial Impact or Economic Impact**

This rezoning application results in an Operational Budget Impact (OBI) of \$5,000.00 for off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals).

#### Conclusion

The purpose of this application is to rezone 4400, 4420, and 4440 Smith Crescent from the "Single Detached (RS1/F)" zone to the "High Density Townhouses (RTH1)" zone, to permit the development of 34 townhouse units.

The proposed rezoning is generally consistent with the plans and policies affecting the subject site.

The list of rezoning considerations is provided in Attachment 6, which has been agreed to by the applicant (signed concurrence on file).

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 9877 be introduced and given First Reading.

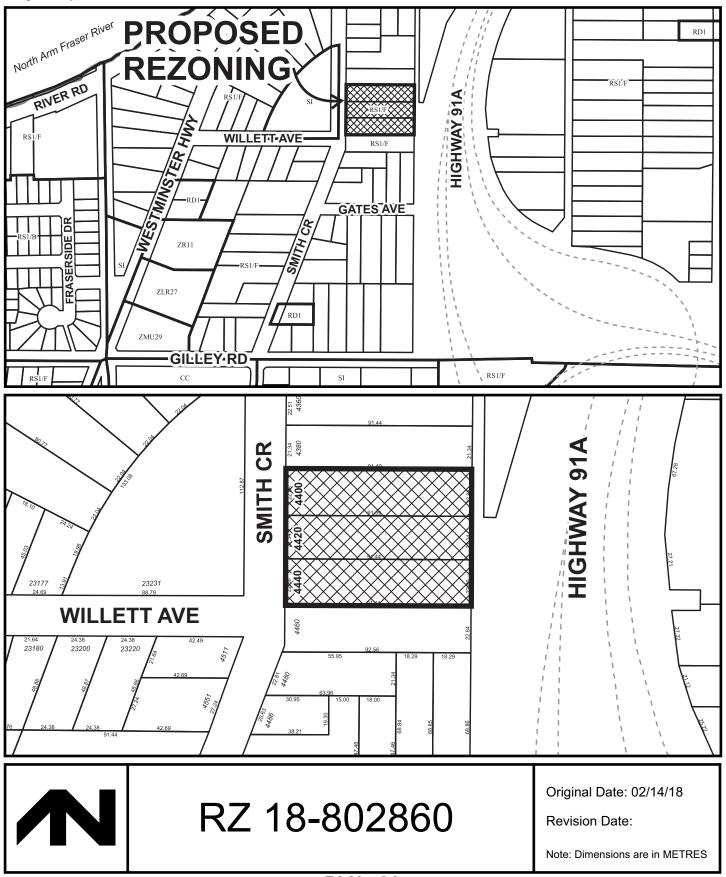
Jordan Rockerbie Planner 1 (604-276-4092)

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Attachments:

Attachment 1: Location Map and Aerial Photo Attachment 2: Development Application Data Sheet Attachment 3: Hamilton Area Plan Land Use Map Attachment 4: Conceptual Development Plans Attachment 5: Tree Retention Plan Attachment 6: Rezoning Considerations











# RZ 18-802860

Original Date: 02/14/18

Revision Date: 01/11/22

Note: Dimensions are in METRES



### **Development Application Data Sheet**

Development Applications Department

#### RZ 18-802860

Attachment 2

Address: 4400, 4420, and 4440 Smith Crescent

Applicant: Art Homes Ltd.

Planning Area(s): Hamilton

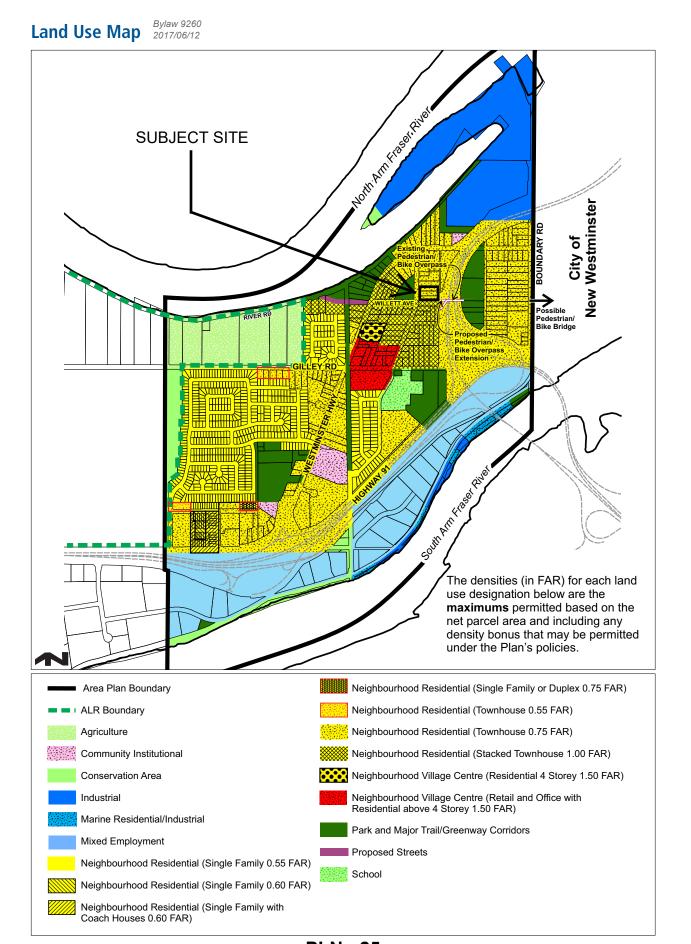
	Existing	Proposed
Owner:	South Rich Homes JV Ltd. (Director: Buta S. Dosamjh)	To be determined
Site Size (m <sup>2</sup> ):	6,122 m <sup>2</sup>	No change
Land Uses:	Single detached	Townhouses
OCP Designation:	Neighbourhood Residential	No change
Area Plan Designation:	Neighbourhood Residential (Townhouse 0.75 FAR)	No change
Zoning:	Single Detached (RS1/F)	High Density Townhouses (RTH1)
Number of Units:	3 single detached dwellings	34 townhouse dwellings

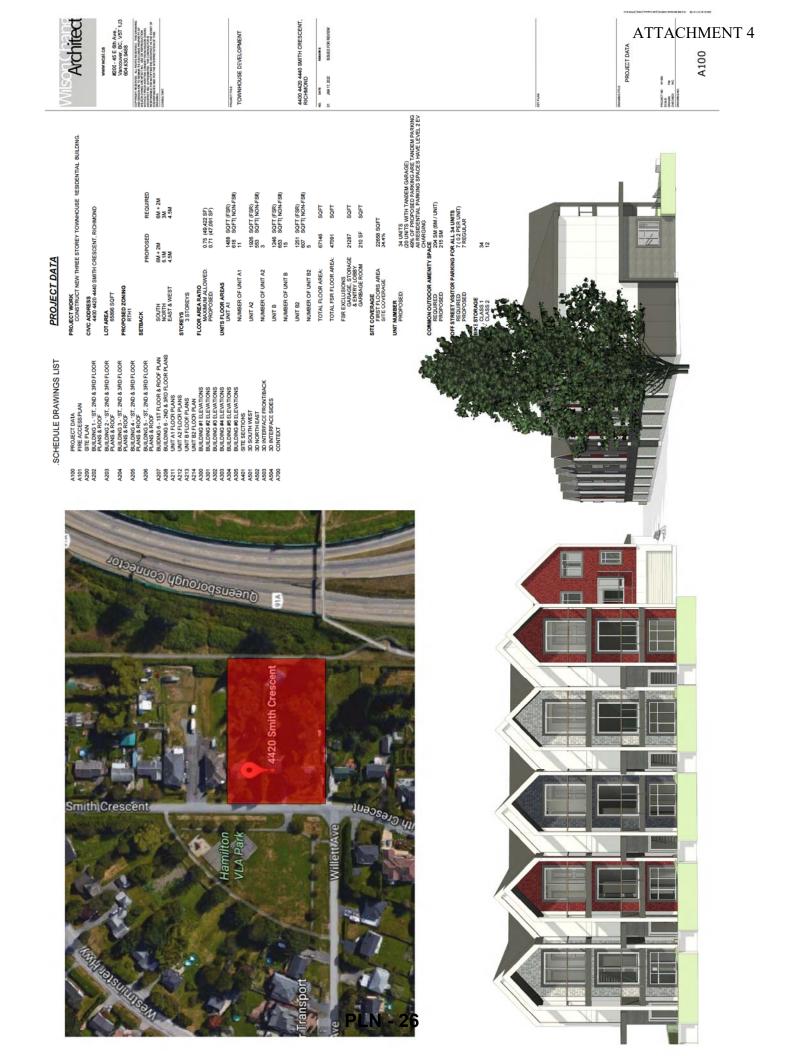
On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.75 FAR	0.71 FAR	None permitted
Buildable Floor Area (m <sup>2</sup> ):*	Max. 4,591.5 m <sup>2</sup> (49,422 ft <sup>2</sup> )	4,346.6 m² (47,091 ft²)	None permitted
Lot Coverage (% of lot area):	Building: Max. 45% Non-porous Surfaces: Max. 70% Live Landscaping: Min. 20%	Building: Max. 45% Non-porous Surfaces: Max. 70% Live Landscaping: Min. 20%	None
Lot Size:	1,800 m <sup>2</sup>	6,122 m <sup>2</sup>	None
Lot Dimensions (m):	Width: 40.0 m Depth: 30.0 m	Width: 67.06 m Depth: 91.44 m	None
Setbacks (m):	Front: Min. 4.5 m Rear: Min. 2.0 m North Side: Min. 2.0 m South Side: Min. 2.0 m	Front: 4.81 m Rear: Min. 2.91 m North Side: 3.0 m South Side: 10.6 m	None
Height (m):	Max. 12.0 m	11.0 m	None
Off-street Parking Spaces – Resident (R) / Visitor (V):	2 (R) and 0.2 (V) per unit	2 (R) and 0.2 (V) per unit	None
Off-street Parking Spaces – Total:	68 (R) and 7 (V)	68 (R) and 7 (V)	None
Off-street Parking Spaces – Accessible:	2% of visitor spaces (i.e. 1 space)	1 space	None

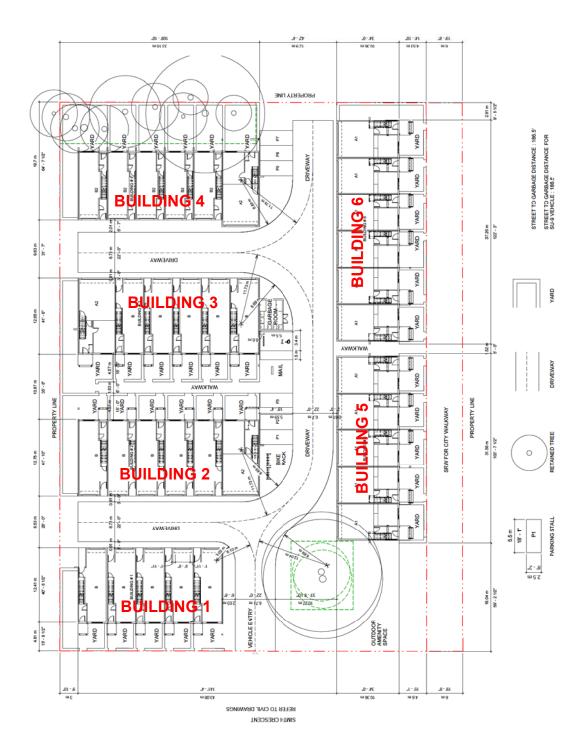
On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Tandem Parking Spaces:	Permitted – Maximum of 50% of required spaces	59% (i.e. 40 spaces)	Vary by 6 spaces
Bicycle Parking Spaces – Class 1:	1.25 spaces per unit (i.e. 43 spaces)	68 spaces	None
Bicycle Parking Spaces – Class 2:	0.2 spaces per unit (i.e. 7 spaces)	12 spaces	None
Amenity Space – Indoor:	70 m <sup>2</sup> or cash-in-lieu	Cash-in-lieu	None
Amenity Space – Outdoor:	204 m <sup>2</sup> (6 m <sup>2</sup> per unit)	215 m <sup>2</sup>	None

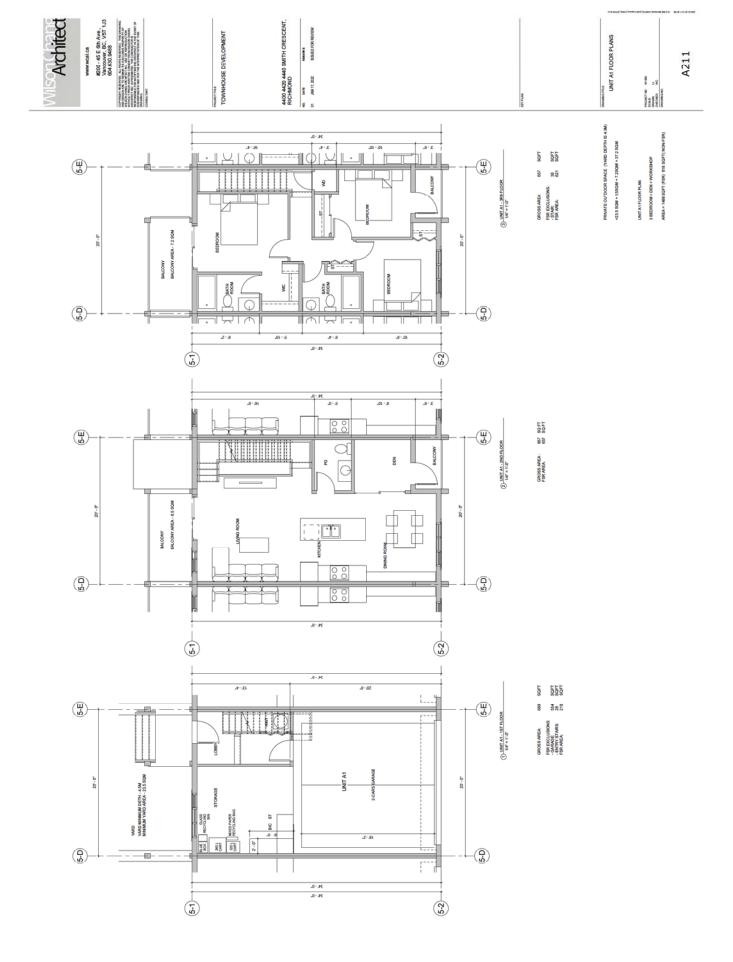
Other: Tree replacement compensation required for loss of significant trees.

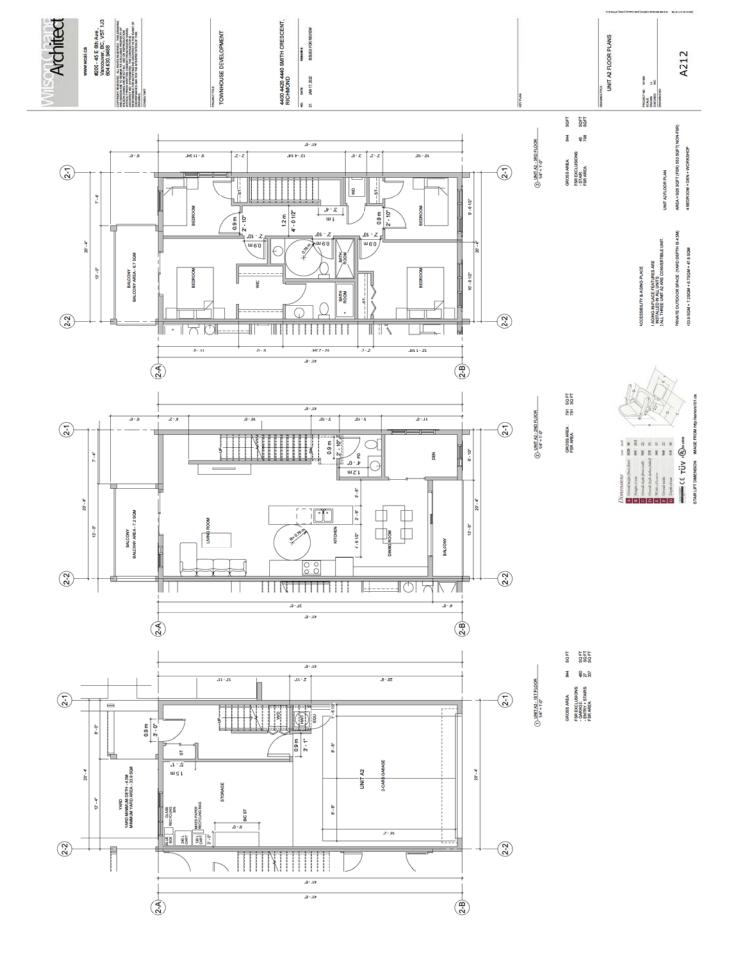
\* Preliminary estimate; not inclusive of garage; exact building size to be determined through zoning bylaw compliance review at Building Permit stage.

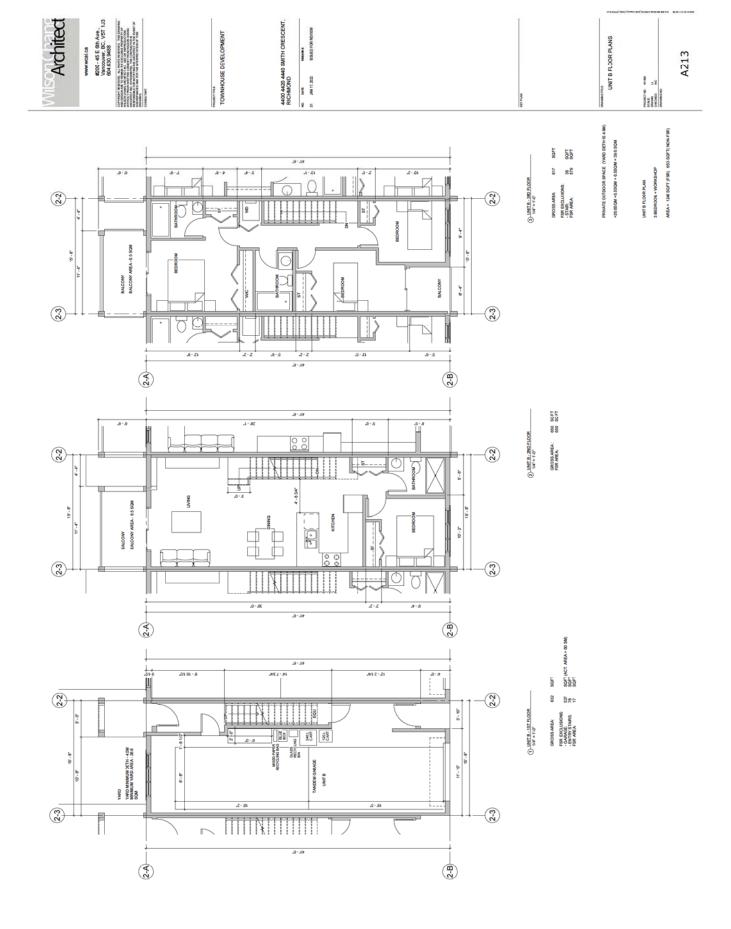


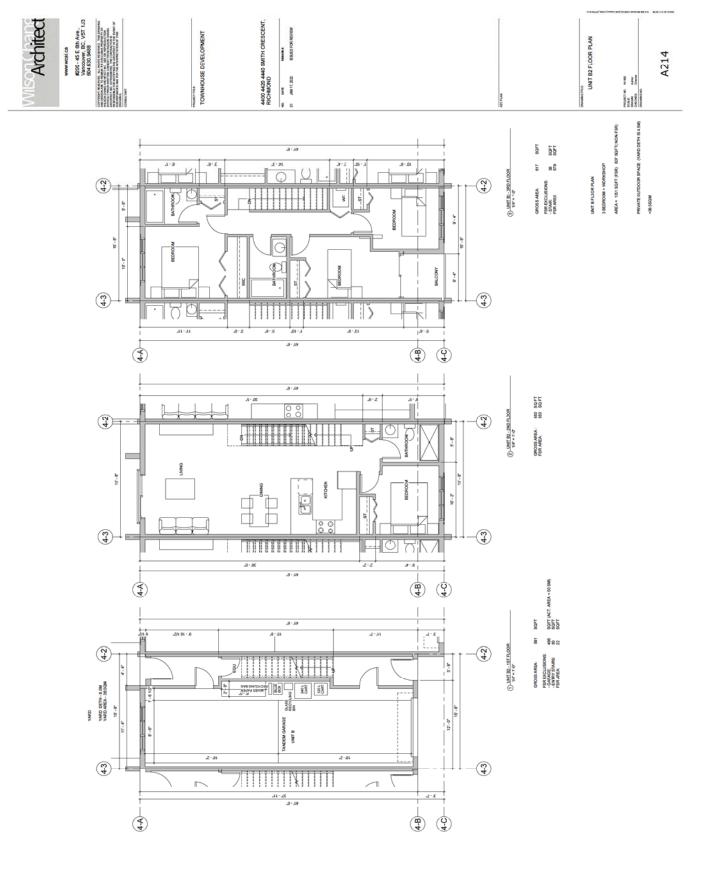


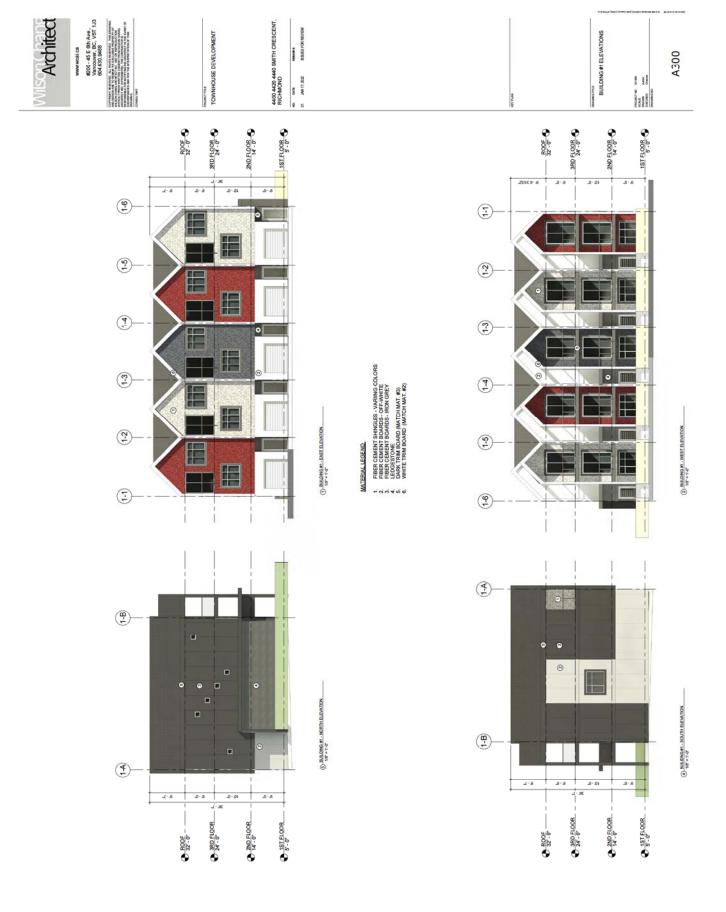














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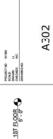
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BUILDING #3 ELEVATIONS

2ND FLOOR

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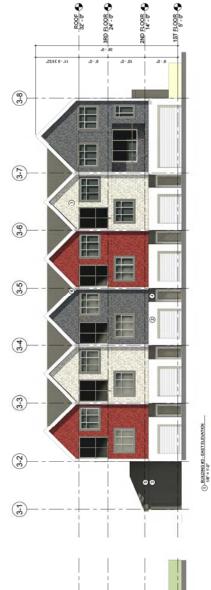


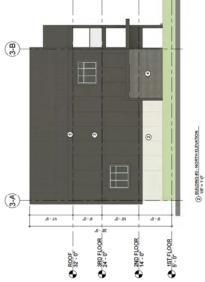
4400 4420 4440 SMITH CRESCENT, RICHMOND

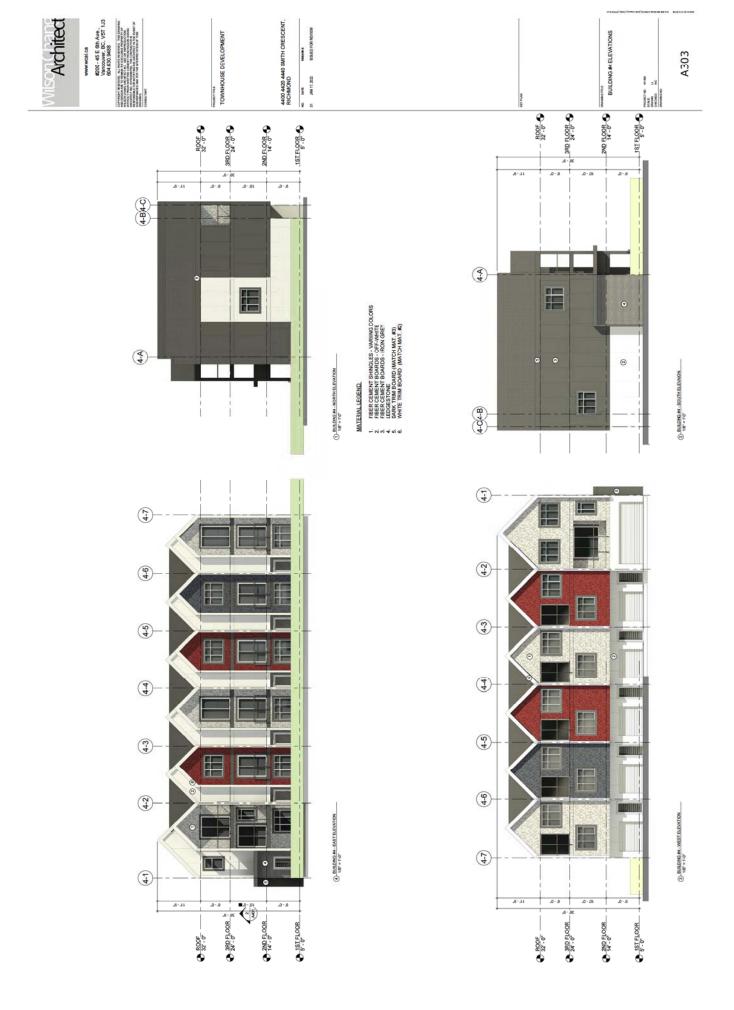
TOWNHOUSE DEVELOPMENT

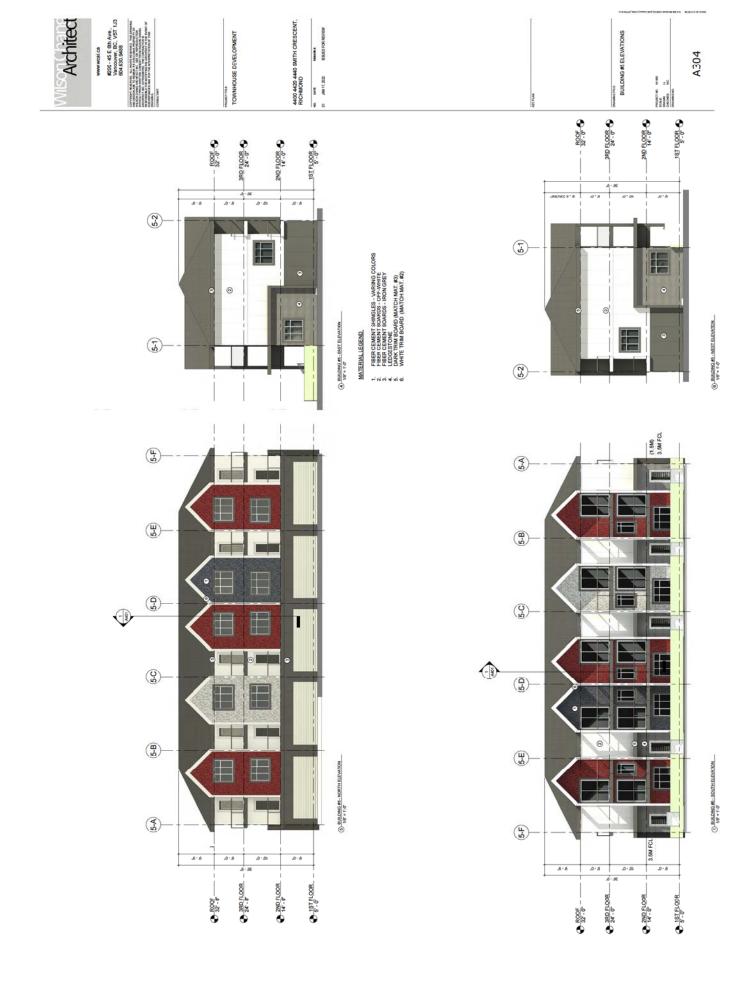
ISSUED FOR REVIEW

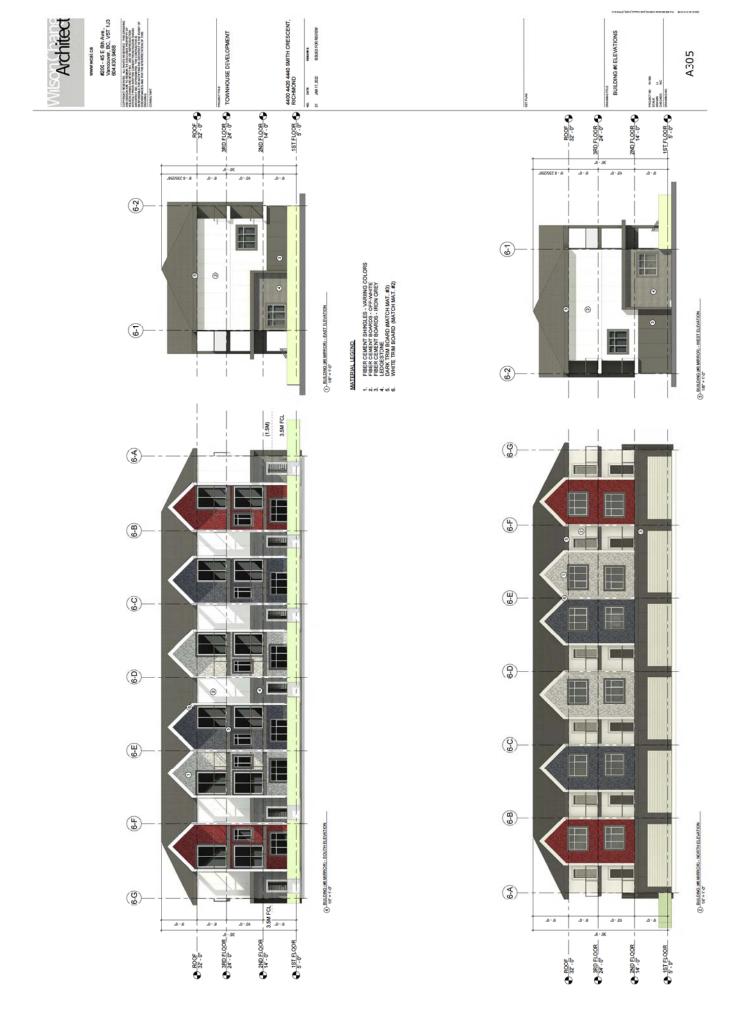
MG. CANTE 01 JAN 17, 2022











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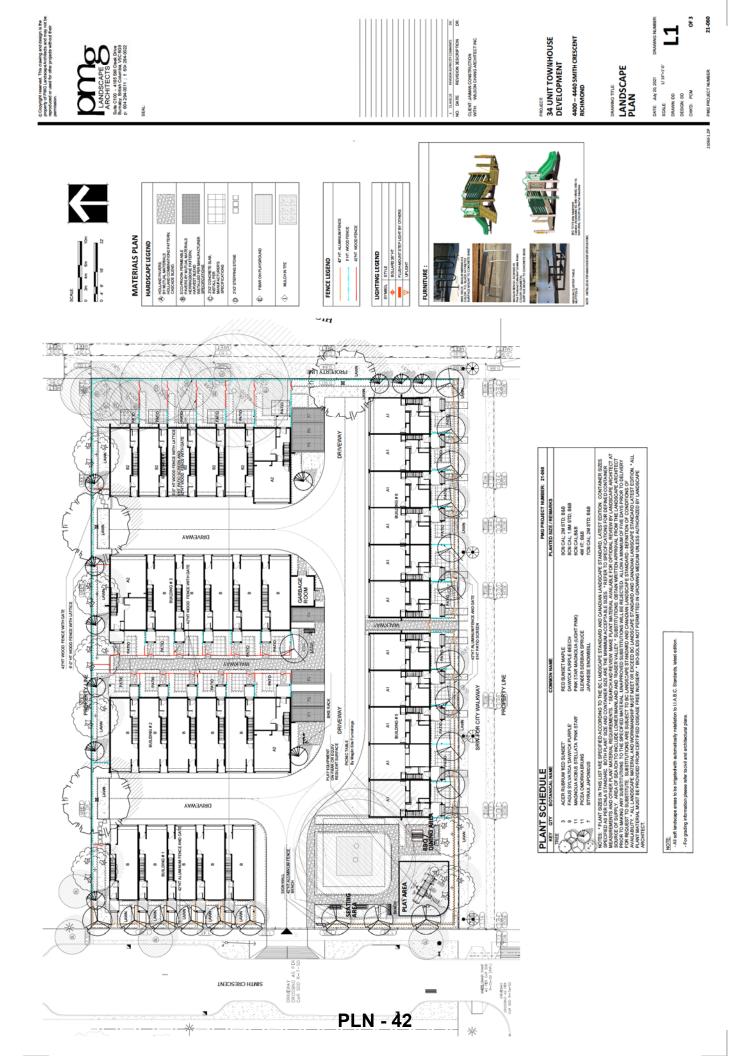


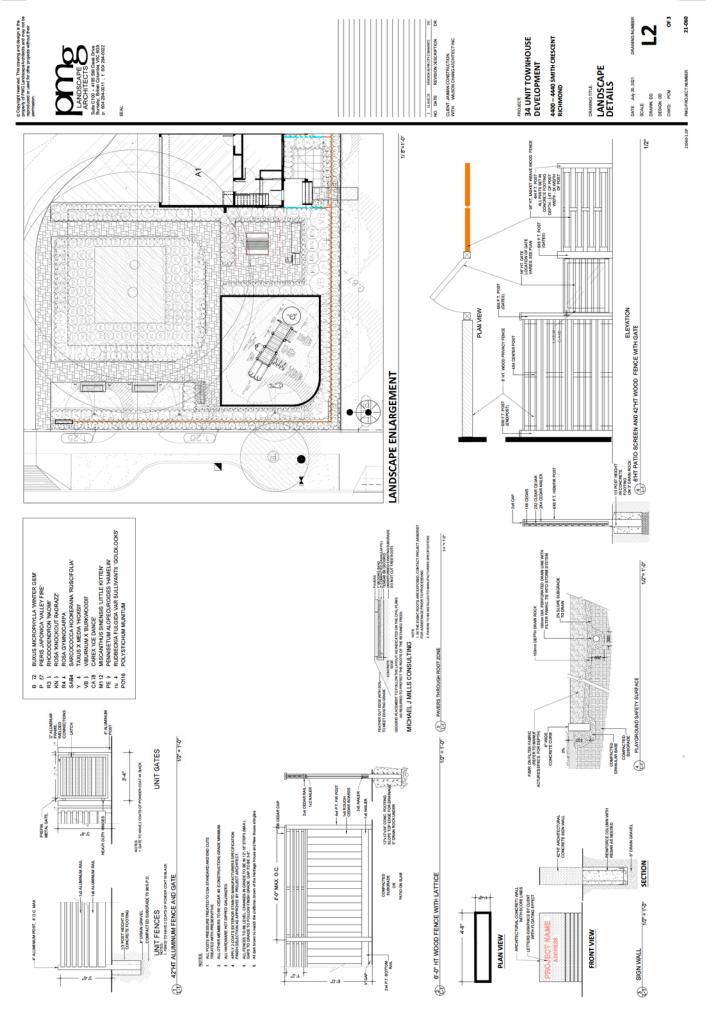


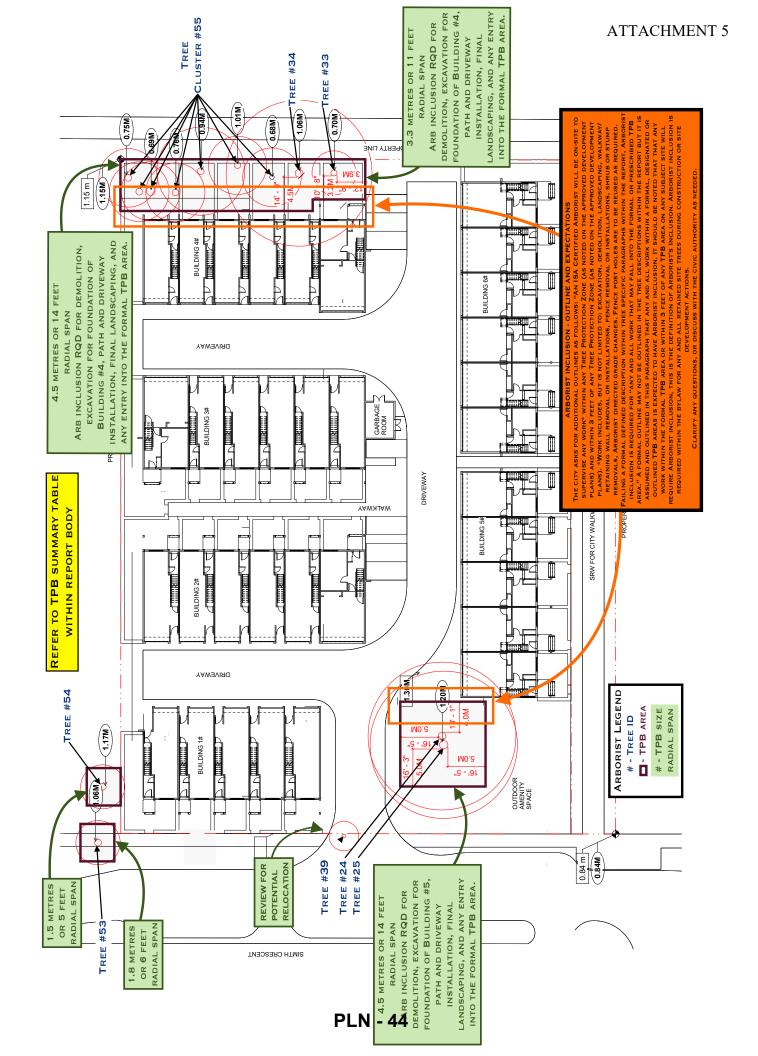


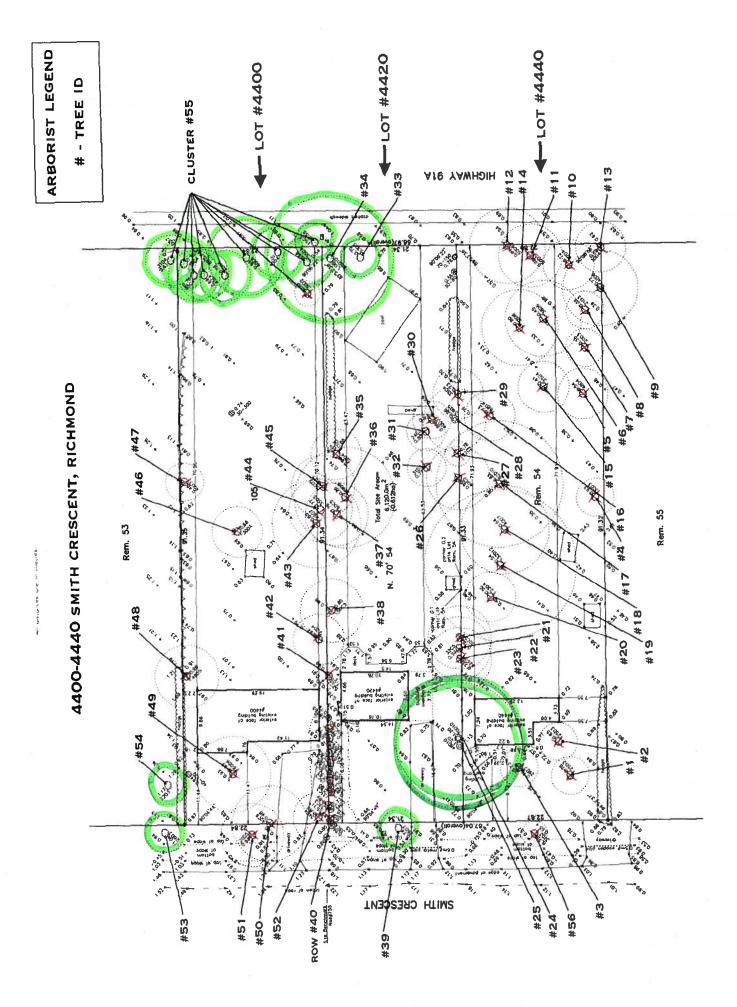














Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

#### Address: 4400, 4420, and 4440 Smith Crescent

#### File No.: RZ 18-802860

## Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9877, the developer is required to complete the following:

- 1. Provincial Ministry of Transportation & Infrastructure Approval.
- 2. Consolidation of all the lots into one development parcel (which will require the demolition of the existing dwellings).
- 3. 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.
- 4. City acceptance of the developer's offer to voluntarily contribute \$38,250 to the City's Tree Compensation Fund for the planting of replacement trees within the City, for the removal of trees on the subject site.
- 5. Submission of a \$3,000 contribution to the City's Tree Compensation Fund for the removal of two City-owned trees in the development frontage (Note: payment is required prior to removal of the trees or final adoption of the rezoning bylaw, whichever is earlier).
- 6. 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.
- 7. Submission of a Tree Survival Security to the City in the amount of \$75,000 for the 11 on-site trees and two City trees to be retained, including: \$10,000 for each of Tag # 24 and 25, and \$5,000 for each of Tag # 34, 35, 39, 53 and 55 (consisting of 7 trees). Up to 90% of the security will be returned upon receipt of a Post Construction Impact Assessment from the Certified Arborist, with the remainder held for one year to ensure that the trees survive.
- 8. Granting of a 6.0 m wide statutory right-of-way along the south property line for a pedestrian pathway, landscaping, and lighting, with the developer and owner being responsible for liability, construction and maintenance. The design is to be included in the Servicing Agreement (SA) in accordance with City specifications and standards.
- 9. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.5 m GSC.
- 10. Registration of a restrictive covenant prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.
- 11. The submission and processing of a Development Permit\* completed to a level deemed acceptable by the Director of Development.
- 12. City acceptance of the developer's offer to voluntarily contribute \$0.93 per buildable square foot (e.g. \$45,962.46) to the City's public art fund.
- 13. City acceptance of the developer's offer to voluntarily contribute \$6.55 per buildable square foot (e.g. \$323,714.10) to the City's Hamilton Area Plan Amenity Reserve Fund.
- 14. Contribution of \$88,460 in-lieu of on-site indoor amenity space to go towards development of the City facilities (2021 rates: \$1,805 per unit up to 19; \$3,611 per additional unit up to 39).
- 15. City acceptance of the developer's offer to voluntarily contribute \$8.50 per buildable square foot (e.g. \$420,087.00) to the City's affordable housing fund.
- 16. Registration of a legal agreement on title prohibiting the conversion of the garage and storage areas into habitable space.

#### Water Works:

- a. Using the OCP Model, there is 123 L/s of water available at a 20 psi residual at the Smith Crescent frontage. Based on your proposed development, your site requires a minimum fire flow of 220 L/s.
- b. At the developer's cost, the developer is required to:
  - At building permit stage, submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit designs at Building Permit stage.
  - ii) Upgrade the existing 150mm watermain to 300mm diameter (complete with fire hydrants at the east side of the road that are spaced as per City standards) approximately 213 m from the intersection of Smith Crescent and Willett Avenue, north to Westminster Highway. Tie-in shall be to the existing 300mm diameter watermain on Westminster Highway at the North. Valves should be installed to meet City standards. Exact alignment in the roadway shall be determined via the Servicing Agreement process.
- iii) As the clearance between the new watermain and the new sanitary main will be less than the minimum required in the City's Engineering Specifications (i.e., 3m minimum), the joints shall be wrapped in accordance with the latest version of ANSI/AWWA Standards C214, C209, C217 as indicated in the City's Engineering specifications.
- iv) Install a new water service connection at the Smith Crescent frontage, complete with meter and meter chamber in a right-of-way which will be provided by the developer. The dimensions and location of the right of way shall be finalized at the servicing agreement process.
- v) Re-connect all existing water service connections on Smith Crescent, complete with meter and meter chambers.
- vi) Install a new fire hydrant along Development frontage to meet City spacing requirements.
- vii) Re-connect existing fire hydrants north of the development site to the new watermain.
- viii) Remove and legally dispose offsite the existing 150 mm AC mains along Smith Crescent (Willet Avenue intersection to Westminster Hwy at the North) upon successful tie-in of the new watermain to the system.
- c. At the developer's cost, the City is to:
  - i) Complete all proposed water main tie-ins.
  - ii) Cut and cap at main all existing water service connections.

#### **Storm Sewer Works:**

- a. At the developer's cost, the developer is required to:
  - Install a new 600mm diameter storm sewer in the roadway on the east side with an approximate length of 93 meters from the north properly line of 4400 Smith Crescent (Manhole STMH572) to the intersection of Willett Ave and Smith Crescent. Exact alignment in the roadway shall be determined via the Servicing Agreement process.
  - New manholes are required at the north and south end of the new storm sewer. The placement of the manhole at the south end shall match the alignment of the ultimate storm sewer along Willett Avenue, which shall be approximately 14 meters south of the southern property line of the Hamilton VLA Park.
- iii) Tie-in to the north shall be:
  - Via a headwall to connect to the existing ditches to the north.
  - Via a new 600mm diameter pipe from the new northern manhole to a new manhole that will replace STMH572 at the west side of Smith Crescent.
- iv) Tie-in to the south shall be:
  - Via a headwall to connect to the existing ditches to the south.
  - Via a new 600mm diameter pipe from the new southern manhole to a new manhole which will be tied-in to the existing storm sewer that crosses Willet Avenue at the west side of Smith Crescent.
- v) Infill the existing ditch along the east side of Smith Crescent to accommodate the following:
  - the required frontage improvements
  - the required tie-in of the widened road to the existing edge of asphalt
  - the required tie-ins of the new storm sewers to the existing ditches that front 4380 and 4460 Smith Crescent.
- vi) Remove and dispose offsite the existing storm sewers along the west side of Smith Crescent between STMH571 and STMH572.
- vii) Install a storm sewer service connection, complete with a 1050mm diameter manhole in a 3m X 3m utility right of way and tie-in to the proposed storm sewer at Smith Crescent frontage.
- b. At the Developers cost, the City is to:
  - i) Complete all proposed storm sewer tie-ins.

#### **Sanitary Sewer Works:**

- a. At the Developers cost, the Developer is required to:
  - Install sanitary sewers with an approximate length of 25 meters (complete with manholes that are spaced as per City standards) from the north property line to the proposed pump station at the east side of Hamilton VLA Park. If the sanitary gravity line south of the proposed pump station is not complete, the Developer is required to construct additional sanitary main along property frontage from the proposed pump station manhole to the southern property line of the proposed development.

- All flows are to be directed towards the sanitary pump station, connect to the pump station via the proposed manhole fronting the station. Provide a manhole at the north and end of the new sanitary line for future connections. If the portion of sanitary main south of the pump station is constructed by the Developer, a manhole will be required at the south end of the main.
- iii) Install a sanitary sewer service connection, complete with a 1050mm diameter manhole in a 3m x 3m utility right of way and tie-in to the proposed manhole fronting the pump station.
- iv) Pay, in keeping with the Subdivision and Development Bylaw No. 8751, a \$13,172.64 cash-in-lieu contribution towards the Hamilton Area Sanitary Pump Station.

#### **Frontage Improvements:**

- a. At the Developers cost, the Developer is required to:
  - ii) Upgrade Smith Crescent as per the cross section in the Hamilton Area Plan, which includes from west to east:
    - 2.0 m wide concrete sidewalk;
    - 3.2 m wide asphalt off-road cycle path;
    - 0.6 m wide buffer strip;
    - 2.4 m wide area for landscaped/tree boulevard and on-street parking (equal length of the frontage should be provided for each);
    - 0.15 m wide concrete curb/gutter
    - 6.8 m wide driving surface
    - 0.15 m wide concrete curb/gutter
    - 2.4 m wide area for landscaped/tree boulevard and on-street parking (equal length of the frontage should be provided for each);
    - 0.6 m wide buffer strip; and
    - 2.0 m wide concrete sidewalk.
    - (Note: additional roadwork would be necessary outside the development frontage in order to provide a proper transition of the above-noted cross-section to existing road)
- iii) Upgrade the pedestrian pathway behind the subject site to include:
  - 3.0 m wide asphalt pathway;
  - Pedestrian-scale lighting; and
  - Landscaping.
  - (Note: works within MOTI lands require Provincial approval)
- iv) Construct a new pedestrian pathway along the south property line to include (from north to south):
  - 2.5 m wide landscape strip with pedestrian-scale lighting;
  - 3.0 m wide pathway; and
  - 0.5 m wide temporary landscape buffer (provide low shrubs or groundcovers that are easily removed).
  - (Note: there is an existing fence and hedges on 4460 Smith Crescent. Works along the property line should be coordinated with the adjacent property owner to minimize off-site impacts.)
- v) Coordinate with Parks on all proposed landscape treatments on Smith Crescent and both pedestrian pathways.

- vi) Provide street lighting along Smith Crescent frontage.
- vii) Remove existing BC Hydro service connection support pole and anchors on property frontage.
- viii) Put underground the existing private utility overhead lines (e.g., BC Hydro, Telus and Shaw) along Smith Crescent frontage of the proposed site. The developer is required to coordinate with the private utility companies regarding the extent of the undergrounding works.
- ix) Coordinate with private utility companies:
  - When relocating/modifying any of the existing power poles and/or guy wires.
  - To determine if above ground structures are required now or in the future and coordinate their onsite locations (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc).
  - To provide rights-of-ways to accommodate equipment and future under-grounding of the overhead lines.
- x) Locate all above ground utility cabinets and kiosks required to service the proposed development within the developments site (see list below for examples). A site plan showing conceptual locations for such infrastructure shall be included in the development process design review. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the right of way requirements and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of SRWs that shall be shown in the functional plan and registered prior to SA design approval:
  - BC Hydro Vista Confirm SRW dimensions with BC Hydro
  - BC Hydro PMT Approximately 4mW X 5m (deep) Confirm SRW dimensions with BC Hydro
  - BC Hydro LPT Approximately 3.5mW X 3.5m (deep) Confirm SRW dimensions with BC Hydro
  - Street light kiosk Approximately 2mW X 1.5m (deep)
  - Traffic signal controller cabinet Approximately 3.2mW X 1.8m (deep)
  - Traffic signal UPS cabinet Approximately 1.8mW X 2.2m (deep)
  - Shaw cable kiosk Approximately 1mW X 1m (deep) show possible location in functional plan. Confirm SRW dimensions with Shaw
  - Telus FDH cabinet Approximately 1.1mW X 1m (deep) show possible location in functional plan. Confirm SRW dimensions with Telus
- Provide arborist assessment of the existing trees (e.g., City and privately owned) along Smith Crescent that may be impacted by the potential road raising, underground utility installations and road widening. (Note: Review Trees # 39 and 53 for retention and/or relocation opportunities.)
- xii) If required, coordinate with property owners and address the impact of the road widening to the existing single family properties along Smith Crescent. The developer shall coordinate with the owner(s) of the affected properties the extent of works required in private properties. The developer shall get written consent or permission to work in private property from the owner(s) of the affected lots. Coordination works shall be at the developer's cost and may include but not be limited to the following:
  - Host community meetings and provide written notices to the individual property owners.

- Provide design/drawings showing the required works inside each property affected by the road widening that may include but not limited to the following:
- Removal and reinstatement of existing driveways that may require construction of a retaining wall on each side of the reinstated driveways on private property.
- Landscaping repairs and / or replacement.
- Community notices and design drawings shall be reviewed and approved by City staff prior to sending to the affected properties.
- Provide to the City copies of design drawings for each lot (affected by the road widening) signed by the lot owner indicating their acceptance to complete the proposed works. Sign off by the owners of the affected properties is required prior to Servicing Agreement design approval.

#### **General Items:**

- a. At the developers cost, the Developer is required to:
  - ii) Provide, within the first SA submission, a geotechnical assessment of preload and soil preparation impacts on the existing utilities (e.g., AC watermain at Smith Crescent etc.) fronting or within the development site and provide mitigation recommendations.
- iii) Coordinate the SA design for this development with the servicing agreement(s) for adjacent development(s), both existing and in-stream. The developer's civil engineer shall submit a signed and sealed letter with each servicing agreement submission confirming that they have coordinated with civil engineer(s) of the adjacent project(s) and that the servicing agreement designs are consistent. The City will not accept the first submission if it is not coordinated with the adjacent developments. The coordination letter should cover, but not be limited to, the following:
  - Corridors for City utilities (existing and proposed water, storm sewer, and sanitary) and private utilities.
  - Pipe sizes, material and slopes.
  - Location of manholes and fire hydrants.
  - Road grades, high points and low points.
  - Alignment of ultimate and interim curbs.
  - Proposed street lights design.
- iv) 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, dewatering, 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.

## Prior to a Development Permit\* being forwarded to the Development Permit Panel for consideration, the developer is required to:

- 1. Submission of a Landscape Plan and cost estimate, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development. The Landscape Plan should:
  - comply with the guidelines of the OCP and Hamilton Area Plan;
  - 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; and

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• include the 41 proposed replacement trees with the following minimum sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
41	8 cm		4 m

If required replacement trees cannot be accommodated on-site, a cash-in-lieu contribution in the amount of \$750/tree to the City's Tree Compensation Fund for off-site planting is required.

2. Incorporation of the acoustical report recommendations into the Development Permit drawings, to ensure maximum interior noise levels (decibels) within the dwelling units achieve CMHC standards follows:

Portions of Dwelling Units	Noise Levels (decibels)		
Bedrooms	35 decibels		
Living, dining, recreation rooms	40 decibels		
Kitchen, bathrooms, hallways, and utility rooms	45 decibels		

- 3. Complete a proposed townhouse energy efficiency report and recommendations prepared by a Certified Energy Advisor which demonstrates how the proposed construction will meet or exceed the required townhouse energy efficiency standards in compliance with Richmond Building Regulation Bylaw 7230.
- 4. Apply to the Ministry of Transportation and Infrastructure (MOTI) for a setback permit for any buildings located within the minimum 4.5 m setback to a provincial highway. If MOTI declines to issue/approve a setback permit, the buildings must be redesigned to comply with the minimum setback requirement.
- 5. Incorporate the agreed upon TDM measures into the Development Permit drawings, including:
  - a) Class 1 bicycle parking at a rate of 2 spaces per dwelling unit;
  - b) Class 2 bicycle parking at a rate of 0.35 spaces per dwelling unit; and
  - c) Design of the two pedestrian pathways along the south side of the site and behind the site as detailed in the Servicing Agreement requirements.

#### **Prior to Development Permit\* issuance, the development must complete the following requirements:**

1. Submission of a Landscape Security to the City based on 100% of the cost estimate provided by the Landscape Architect plus a 10% contingency. Up to 90% of the security will be returned after a City inspection, with the remainder held for one year to ensure that the agreed upon landscaping survives.

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

- Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. 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.
- 2. Incorporation of accessibility, sustainability, and noise mitigation measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
- 3. 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.

#### 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.

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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 9877 (RZ 18-802860) 4400, 4420, and 4440 Smith Crescent

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 **"HIGH DENSITY TOWNHOUSES (RTH1)".** 

P.I.D. 001-094-068 Lot 105 Section 36 Block 5 North Range 4 West New Westminster District Plan 38115

P.I.D. 007-554-630 North 70 Feet Lot 54 Section 36 Block 5 North Range 4 West New Westminster District Plan 8421

P.I.D. 007-555-903 Lot 54 Except: the North 70 Feet; Section 36 Block 5 North Range 4 West New Westminster District Plan 8421

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9877".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL

ADOPTED

CITY OF RICHMOND APPROVED by APPROVED by Director or Subjector

MAYOR

#### CORPORATE OFFICER