



To: Planning Committee

Date: March 12, 2019

From: Barry Konkin
Manager, Policy Planning

File: RZ 19-851176

Re: **Application by Clive Alladin for Rezoning at 22260 River Road from "Agriculture (AG1)" to a Site Specific Agriculture Zone to Permit a Larger House Size**

Staff Recommendation

That the application for the rezoning of 22260 River Road from "Agriculture (AG1)" to a Site Specific Agriculture Zone, to permit a house up to 500 m² in floor area, be denied.

Barry Konkin
Manager, Policy Planning

BK:sds
Att. 8

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications	<input checked="" type="checkbox"/>	

Staff Report

Origin

Clive Alladin has applied to the City of Richmond for permission to rezone the property at 22260 River Road from the “Agriculture (AG1)” zone to a Site Specific Agriculture Zone, in order to permit a single-family dwelling up to a maximum floor area of 500 m² (5,382 ft²). The maximum floor area permitted in the existing “Agriculture (AG1)” zone for a single-family dwelling (and all accessory buildings or structures) is 400 m² (4,306 ft²). The subject property is approximately 0.35 acres (0.14 hectares) in area and is located within the Agricultural Land Reserve (ALR). A location map and aerial photograph are provided in Attachment 1.

The subject site is currently vacant, but was previously occupied by a single-family dwelling, which was demolished in 2018 (D7 18-829634). A Building Permit (B7 18-843161) was submitted on December 14, 2018 for a new single-family dwelling of approximately 486 m² (5,232 ft²) in total floor area. The Building Permit was submitted during the Council endorsed withholding period for Building Permits that conflicted with the bylaw amendments under preparation and consideration by Council, which included reducing the maximum floor area permitted in the “Agriculture (AG1)” zone to 400 m² (4,306 ft²). The amendments to the AG1 zone were adopted by Council on December 17, 2018, and the Building Permit was subsequently cancelled as it did not comply with the new regulations (maximum house size of 400 m²). The applicant does not wish to redesign the single-family dwelling to comply with the new maximum floor area and has submitted the subject rezoning application in order to permit a single-family dwelling up to a maximum floor area of 500 m² (5,382 ft²). The proposed Site Plan for the house is provided in Attachment 2.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 3).

Surrounding Development

To the North: Across River Road, the Fraser River.

To the South & East: Agricultural uses on an approximately 8 acre lot zoned “Agriculture (AG1)” fronting River Road, located within the ALR.

To the West: Single-family dwellings and agricultural uses on lots zoned “Agriculture (AG1)” fronting River Road, located within the ALR.

Related Policies & Studies

Official Community Plan/Hamilton Area Plan

The Official Community Plan (OCP) land use designation for the subject site is “Agriculture (AGR)”. The Hamilton Area Plan land use designation for the subject site is “Agriculture” (Attachment 4). The “Agriculture” designation comprises of those areas of the City where the

principal use is agriculture and food production, but may include other land uses as permitted under the Agricultural Land Commission Act (ALCA).

The OCP includes policies on residential development in the ALR, including limiting the area used for residential development on properties in the ALR. As per Section 7.0 of the OCP (p. 7-4) (Attachment 5), the following policies are provided as guidelines which may be applied by Council, in a flexible manner, individual or together, to increase house size in the City's agricultural areas:

- the need to accommodate a variety of a cultural and inter-generational family needs and farm situations;
- verification that the site has been or can be used for agricultural production;
- verification that the applicant has been farming in Richmond or elsewhere, for a significant period of time, or if they are a new farmer, they can demonstrate that they are, or will be, capable of farming;
- demonstration that there is a need for a larger farm house, to accommodate existing and/or anticipated workers on the site, through the submission of a detailed report from a Professional Agrologist indicating such, or through other information;
- submission of a farm plan which is acceptable to Council that may include justifying any proposed on-site infrastructure, or farm improvements including providing financial security to ensure that the approved farm plan is implemented.

The applicant has advised staff that they do not intend to actively farm the subject property and no verification or demonstration of farming has been provided. The applicant's stated reason for the proposed rezoning is the timing of the withholding period and cancellation of the previous Building Permit. The applicant's statement of intent is provided in Attachment 6. Therefore, the above-noted guidelines cannot be applied in this context and the proposal is not consistent with OCP policies.

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.

Correspondence has been received from the neighbouring property at 22160 River Road indicating support of the proposal (Attachment 7).

Analysis

Proposed Rezoning Application

On December 17, 2018, Council adopted amendments to the "Agriculture (AG1)" zone to limit residential development on agriculturally zoned lands, including:

- a maximum house size of 400 m² (4,306 ft²);

- a maximum two storey building height;
- a maximum house footprint of 60% of the total floor area;
- a maximum farm home plate of 1,000 m² (10,764 ft²); and
- requiring the septic field to be located within the farm home plate.

Prior to adoption, there was a withholding period of building permits that conflicted with the bylaws in preparation and consideration by Council, from November 13, 2018 to December 17, 2018. The associated Building Permit for the subject property was submitted during the withholding period and subsequently cancelled after the withholding period ended, as it did not comply with the new regulations. A timeline of applicable events is provided in Attachment 8.

The proposal is not consistent with the 400 m² (4,306 ft²) maximum floor area requirements of the “Agriculture (AG1)” zone. The Development Application Data Sheet in Attachment 3 provides details about the development proposal in comparison to the current requirements of the AG1 zone.

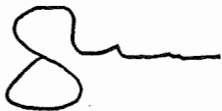
On November 27, 2018, Bill 52 (*Agricultural Land Commission Amendment Act, 2018*) was given third reading and royal assent. This legislation establishes a maximum single-family dwelling size of 500 m² (5,382 ft²) in total floor area for land located within the Agricultural Land Reserve (ALR). On February 22, 2019, the new ALR Regulation changes brought the changes as per Bill 52 into force and effect. Although the subject property is located in the ALR, the proposal is within the Provincial limit and thus not required to submit a non-farm use application to the Agricultural Land Commission (ALC).

Conclusion

Clive Alladin has applied to the City of Richmond for permission to rezone the property at 22260 River Road from the “Agriculture (AG1)” zone to a Site Specific Agriculture Zone, in order to permit a single-family dwelling up to a maximum floor area of 500 m² (5,382 ft²).

The application is not consistent with the current AG1 zone and does not comply with applicable policies contained within the OCP and Area Plan for construction of a single-family dwelling larger than 400 m² (4,306 ft²) on the subject site.

On this basis, it is recommended that the application be denied.



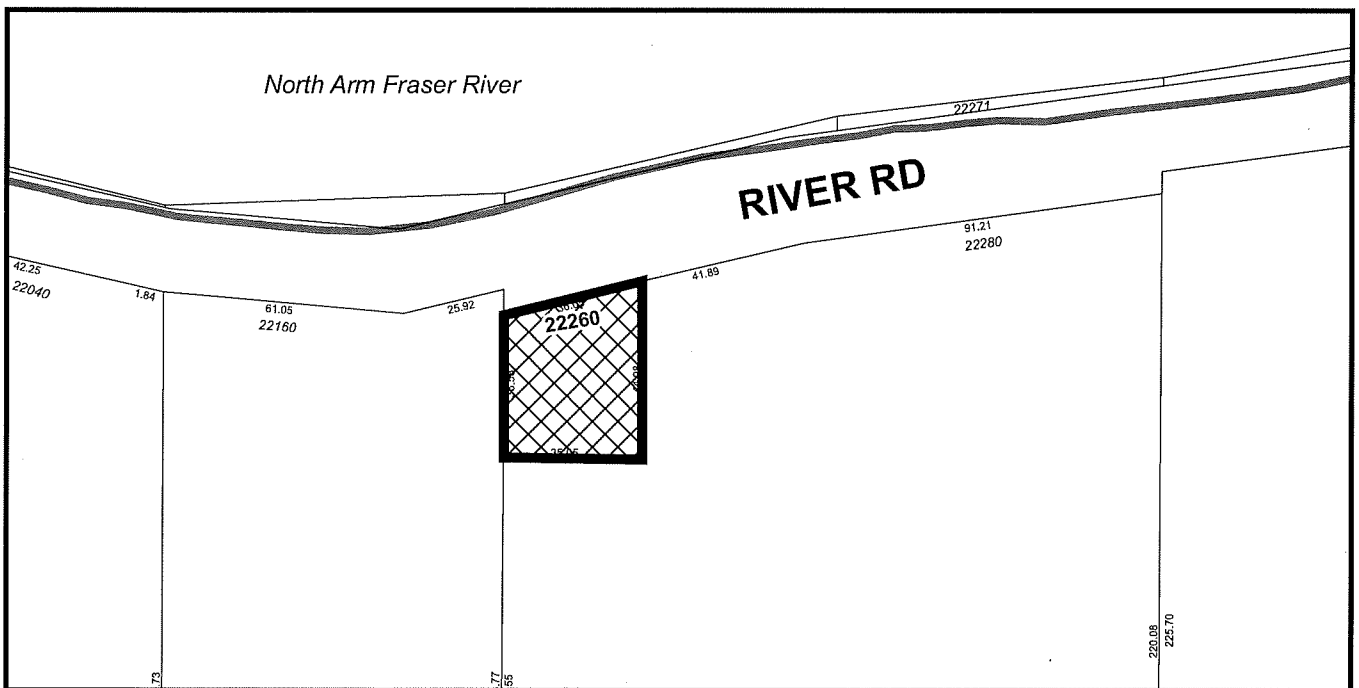
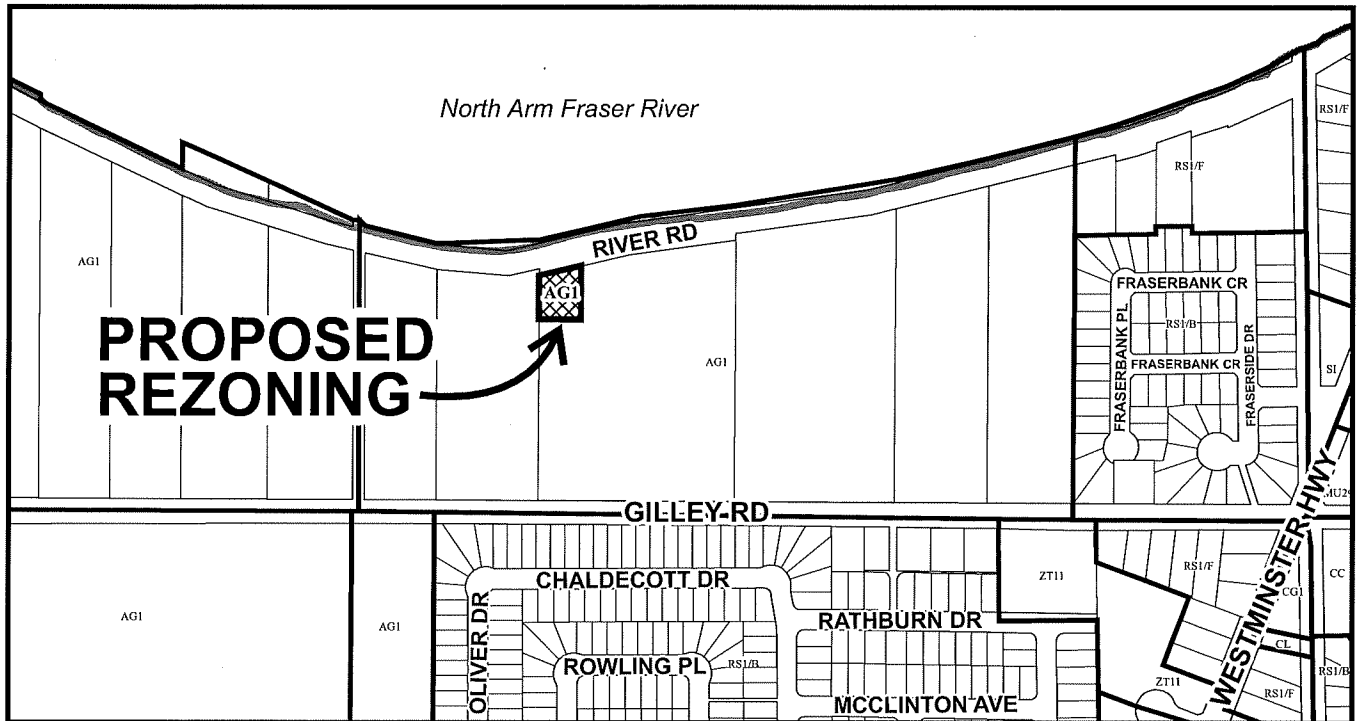
Steven De Sousa
Planner 1


SDS:cas

- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Conceptual Development Plans
- Attachment 3: Development Application Data Sheet
- Attachment 4: Hamilton Area Plan Land Use Map
- Attachment 5: Official Community Plan Section 7-4
- Attachment 6: Statement of Intent
- Attachment 7: Correspondence
- Attachment 8: Timeline of Events



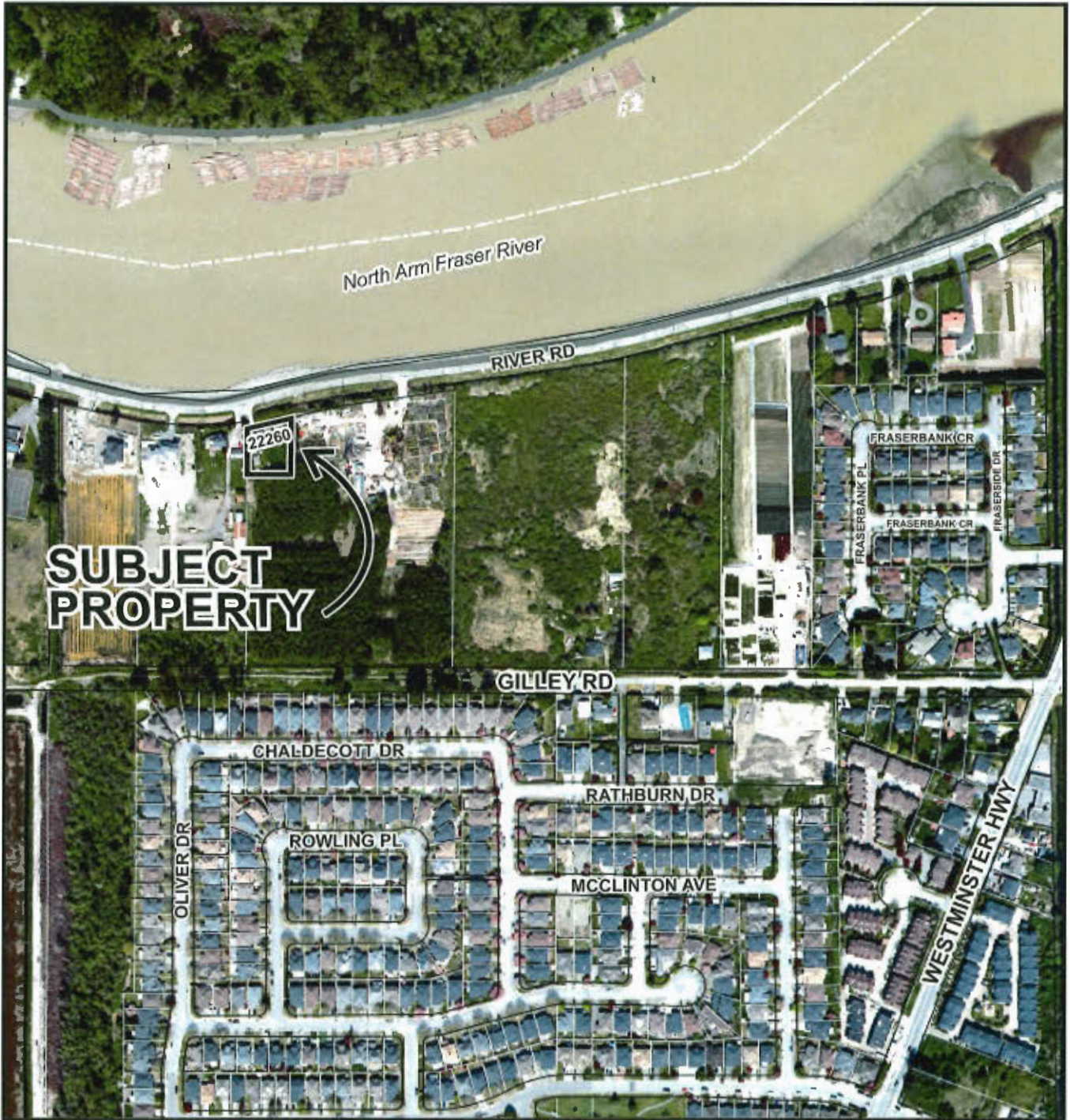
City of Richmond



	<h2>RZ 19-851176</h2>	Original Date: 01/30/19 Revision Date: Note: Dimensions are in METRES
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City of
Richmond



RZ 19-851176

Original Date: 01/30/19

Revision Date:

Note: Dimensions are in METRES

VERITE
DESIGN & PROVIDED BY: H. WHITEHEAD
VERITE DESIGN GROUP INC.

Project Overview & Site Plan

22260 River Road, Richmond
Kabani Custom Residence

DATE: 2018-12-13

SCALE:

SHEET: P-1

REVISION	DATE	DESCRIPTION
1	2018-12-13	ISSUE FOR PERMIT

PROPERTY INFORMATION

CIVIC: 22260 RIVER ROAD, RICHMOND, BC

LEGAL: LOT 13 SECTION 35 BLOCK 5 NORTH RANGE 4 WEST NEW WESTMINSTER DISTRICT, PLAN 40165

ZONE: CITY OF RICHMOND AG-1

PROPERTY CALCULATIONS

LOT AREA: 162,441 sqft / 15,886 sqft

PERMITTED FLOOR AREA: LOWS
MAX. 50000 (6,332 sqft)
INCL. ACCESSORY BLDGS

PROPOSED FLOOR AREA: 1005
LOWER FLOOR 1796
UPPER FLOOR 1796
COVERED OUTDOOR 226
TOTAL 3818 sqft

LESS ALLOWANCES: 299
TOTAL F.A.R. 5,232 sqft PROPOSED

LOT COVERAGE: 7/8

FARM HOME PLATE: 50% OF LOT AREA FOR LOTS LESS THAN 0.2ha
162,441 sqft * 50% = 71,220.5 sqft
PROPOSED: 7141 sqft

GENERAL NOTES
ALL NOTES CONTAINED ON ALL PAGES OF THIS PLAN APPLY TO ALL OTHER PAGES
THESE PLANS CONFORM TO BC BUILDING CODE 2018 (LATEST EDITION)

RIPARIAN MANAGEMENT AREA (RMA)
• THE RMA MUST NOT BE ALTERED EXCEPT IN ACCORDANCE WITH A CITY APPROVED PERMIT, NO STORAGE OF MATERIALS, NO BUILDING, STRUCTURE OR SURFACE CONSTRUCTION INCLUDING RETAINING WALLS CAN OCCUR IN AN RMA.
• A BRIGHTLY COLOURED, TEMPORARY FENCE OF A MINIMUM HEIGHT OF 1.2 M MUST BE ERRECTED AT LEAST 30 METRES FROM THE RMA BOUNDARY. THE FENCE CONTROL FENCE MUST BE INSTALLED ON THE PROPERTY SIDE OF THE BRIGHTLY COLOURED FENCE. ALL ADDITIONAL RMA PROTECTION MEASURES, AS RECOMMENDED BY THE CONSULTING PROFESSIONAL, MUST ALSO BE INSTALLED/COMPLETED.
• ALL PROTECTIVE FENCING AND EROSION AND SEDIMENT CONTROL MEASURES MUST BE IN PLACE BEFORE DEVELOPMENT BEGINS, AND REMAIN IN PLACE UNTIL DEVELOPMENT IS COMPLETE AND FINAL APPROVAL RECEIVED.
• THE LANDOWNER IS RESPONSIBLE TO RESTORE TO THE SATISFACTION OF THE CITY ANY UNAUTHORIZED DEVELOPMENT WITHIN THE RMA.
PROFESSIONALS
ARCHITECT: CASANDRA CUMMINGS (604) 733-4886
CONTRACTOR: CONOR CORRETT (604) 733-4886

ENERGY EFFICIENCY
THE ARCHITECT'S DETAILS FOR AN INTEGRAL COMPONENT OF THESE PLANS AND NO CONSTRUCTION SHOULD TAKE PLACE UNLESS THE SPECIFICATIONS OF THE ENERGY REPORT BUILT INTO THE PLANS ARE FULLY COMPLIED WITH. THE ARCHITECT HAS FULL RESPONSIBILITY FOR COMPLIANCE WITH THE ENERGY EFFICIENCY REQUIREMENTS OF THE BC BUILDING DEPARTMENT'S SUBMITTED LEGISLATION.

DESIGN
WHILE CARE HAS BEEN TAKEN TO ENSURE THE ACCURACY OF THE INFORMATION, THE ARCHITECT MAKES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS. THE SOLE RESPONSIBILITY OF THE BUILDER AND OWNERS TO REVIEW AND VERIFY ELEVATIONS, DATA, DIMENSIONS, COMPLIANCE AND STRUCTURAL REQUIREMENTS, AS PER LOCAL GOVERNANCE AND CODES.

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SCHEMATIC UPPER FLOOR
SCALE: 3/32" = 1'-0"

SCHEMATIC MAIN FLOOR
SCALE: 3/32" = 1'-0"

SCHEMATIC LOWER FLOOR
SCALE: 3/32" = 1'-0"

PRELIMINARY

PLN - 29



RZ 19-851176

Attachment 3

Address: 22260 River Road

Applicant: Clive Alladin

Planning Area(s): Hamilton

	Existing	Proposed
Owner:	N. & M. Kabani	No change
Site Size:	1,429 m ² / 0.35 ac / 0.14 ha	No change
Land Uses:	Single-family residential	No change
OCP Designation:	Agriculture (AGR)	No change
Area Plan Designation:	Agriculture	No change
Zoning:	Agriculture (AG1)	Site Specific Agriculture Zone to permit a larger house size

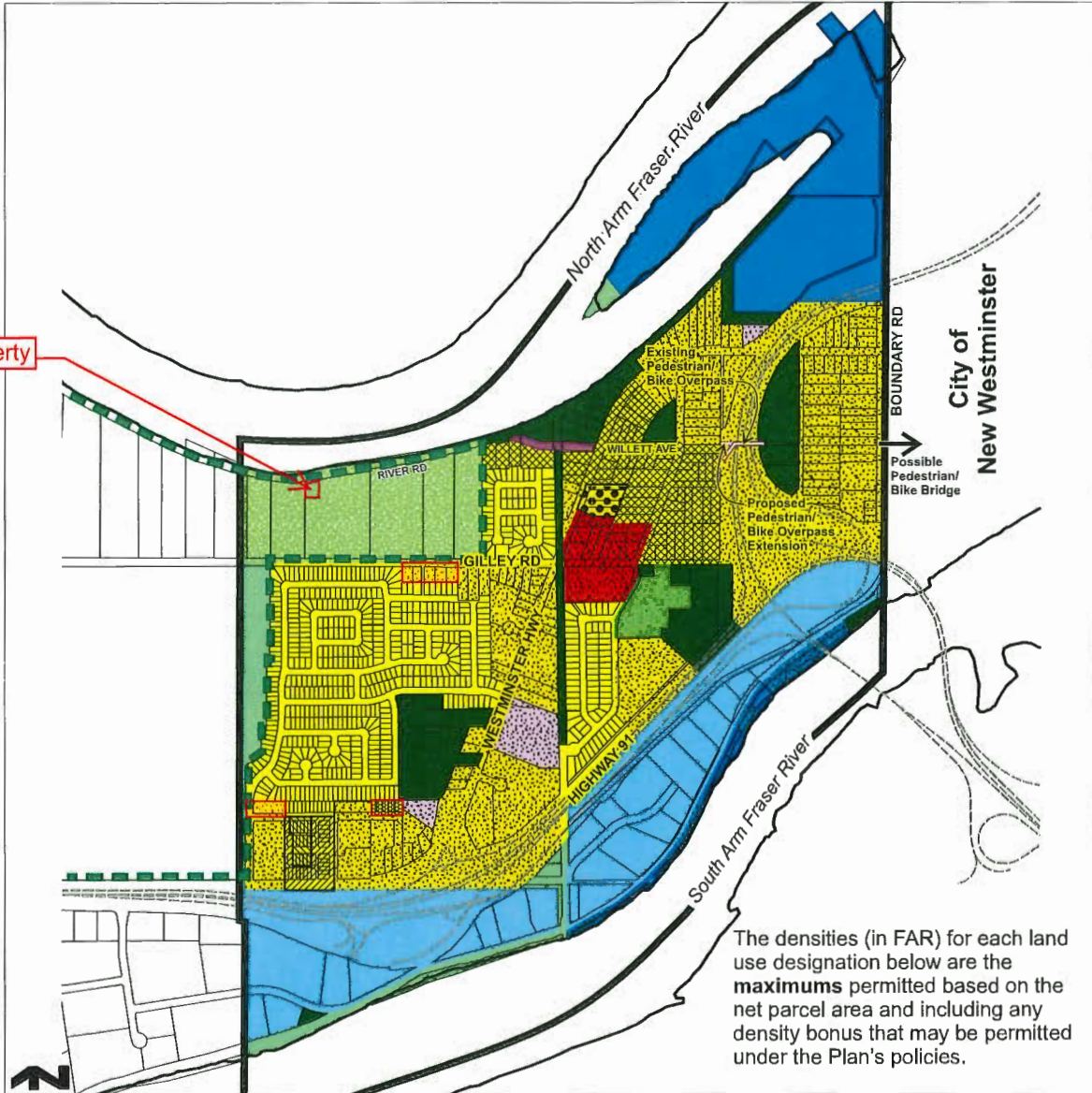
	Bylaw Requirement (AG1)	Proposed	Variance
Buildable Floor Area:	Max. 400 m ² (4,306 ft ²)	486 m ² (5,232 ft ²)	Rezoning Requested
Farm Home Plate:	Max. 50% of the lot area for lots less than 0.2 ha	Max. 50% of the lot area	None
House Footprint:	Max. 60% of the maximum floor area ratio	60%	None
Setback – Farm Home Plate:	Max. 75 m	Complies	None
Setback – Single Detached Housing Building:	Max. 50 m	Complies	None
Setback – Front:	Min. 6.0 m	14.1 m	None
Setback – Interior Side:	Min. 1.2 m	1.2 m	None
Setback – Other Side:	Min. 4.0 m	4.3 m	None
Setback – Rear:	Min. 10.0 m	12.9 m	None
Height:	Max. 2 storeys (9.0 m)	Max. 2 storeys (9.0 m)	None

Hamilton Area Plan

Land Use Map

Bylaw 9260
2017/06/12

Subject Property



The densities (in FAR) for each land use designation below are the **maximums** permitted based on the net parcel area and including any density bonus that may be permitted under the Plan's policies.

Area Plan Boundary	Neighbourhood Residential (Single Family or Duplex 0.75 FAR)
ALR Boundary	Neighbourhood Residential (Townhouse 0.55 FAR)
Agriculture	Neighbourhood Residential (Townhouse 0.75 FAR)
Community Institutional	Neighbourhood Residential (Stacked Townhouse 1.00 FAR)
Conservation Area	Neighbourhood Village Centre (Residential 4 Storey 1.50 FAR)
Industrial	Neighbourhood Village Centre (Retail and Office with Residential above 4 Storey 1.50 FAR)
Marine Residential/Industrial	Park and Major Trail/Greenway Corridors
Mixed Employment	Proposed Streets
Neighbourhood Residential (Single Family 0.55 FAR)	School
Neighbourhood Residential (Single Family 0.60 FAR)	
Neighbourhood Residential (Single Family with Coach Houses 0.60 FAR)	



Bylaw 9706
2017/05/17

Residential Development

- f) limit the area used for residential development on properties in the Agricultural Land Reserve. The following policies are to be regarded as guidelines which may be applied by Council, in a flexible manner, individually or together, on a case-by-case basis, when considering rezoning applications, to increase house size in the City's agricultural areas:
- the need to accommodate a variety of a cultural and inter-generational family needs and farm situations;
 - verification that the site has been or can be used for agricultural production;
 - verification that the applicant has been farming in Richmond or elsewhere, for a significant period of time, or if they are a new farmer, they can demonstrate that they are, or will be, capable of farming;
 - demonstration that there is a need for a larger farm house, to accommodate existing and / or anticipated workers on the site, through the submission of a detailed report from a Professional Agrologist indicating such, or through other information;
 - submission of a farm plan which is acceptable to Council that may include justifying any proposed on-site infrastructure, or farm improvements including providing financial security to ensure that the approved farm plan is implemented;

Bylaw 9869
2018/06/18

- g) limit the number of principal dwelling units to one (1) on agriculturally zoned properties, and only permit one (1) additional dwelling unit provided the property is 8 ha (20 ac.) in area or greater, the property is classified as a farm under the *BC Assessment Act*, and if the owner provides a statutory declaration that the additional dwelling unit is for full-time farm workers only, and submits a report from a Professional Agrologist which demonstrates that:
- full-time farm labour is required to live on the farm;
 - the secondary farmhouse is subordinate to the principal farm dwelling unit.

Any proposals for more than one (1) additional dwelling unit on agriculturally zoned land would be considered through a rezoning application and would be reviewed on a case-by-case basis.

March 12, 2019

City of Richmond

Re: Application for site specific rezoning 22260 River Road

I am applying to the City of Richmond to rezone this property in order to build a new wheelchair accessible house in order to accommodate my multigenerational family. We are 30 year residents of Richmond and love the city.

I have a family of four and wanted to move my mother in law (who is in her 70's and a widow) as we would like to look after her in her glory years. My wife is an only child so there is no one else to look after her. I also wanted to move in my wife's grandmother, who currently resides at Minoru residence as she is wheelchair bound from a car accident a few years ago. This would free up a much needed space at Minoru residence if we can accommodate her in our new home.

I purchased this property in the spring of 2018 and before closing this transaction had put in subjects that I consult the city to see if I could in fact build a new house of this size on this property.

Clive Alladin and his team from Balandra Development consulted with the city extensively and the city had given guidance that it would be possible to build this house providing we meet a number of conditions as this property has significant RMA and ESA area's that make up more than 50% of the property.

We went through all the conditions the city had laid out and hired multiple professionals ect.. to perform the necessary surveys, reports, and permits ect...

This process was very time consuming and we did all as per the city's request.

In Nov 2018 the bylaw reducing home size on ALR property was passed to 400 m2, our proposed house is just over that size. Th house size is 4600 sq ft plus the wheelchair accessible garage of 700 sq ft.

The reason this house is slightly larger is because it is completely wheelchair accessible and has an elevator servicing all floors including from the garage.

We were significantly far along in our process and feel we did everything by the book and now after spending tens of thousands of dollars our application was rejected just by a few weeks. We now cannot afford to spend thousands more to redesign and start all over again.

More than 50% of our property cannot be farmed or built on due to the RMA and ESA issues, which basically leaves us with a 7500 sq ft building lot... this property has been a single family residence since the 1950's. There will be no negative effect on farming in Richmond by this development but will free up 3 homes for affordable rental and unite my family.

Your consideration in this application is very much appreciated.

Naizer and Mubina Kabani

De Sousa, Steven

From: MayorandCouncillors
Sent: Thursday, 28 February 2019 09:19
To: Craig, Wayne; De Sousa, Steven
Cc: Powell, Jo Anne
Subject: FW: Site Specific Rezoning Application - 22260 River Road

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: MayorandCouncillors
 Sent: Thursday, 28 February 2019 09:19
 To: 'Trudy Haywood'
 Subject: RE: Site Specific Rezoning Application - 22260 River Road

Hello,

This is to acknowledge and thank you for your email. Please be advised that copies of your email have been forwarded to the Mayor and each Councillor. In addition, your email has been forwarded to Wayne Craig, Director, Development.

Thank you again for taking the time to share your views with Richmond City Council.

Hanieh Berg | Legislative Services Coordinator City Clerk's Office | City of Richmond
 6911 No. 3 Road, Richmond, BC V6Y 2C1

-----Original Message-----

From: Trudy Haywood [<mailto:haywoods@shaw.ca>]
 Sent: Wednesday, 27 February 2019 08:31
 To: MayorandCouncillors
 Subject: Site Specific Rezoning Application - 22260 River Road

> To Mayor Brodie and Councillors,

>

> We understand that our new neighbours, Mubina and Nick Kabani have applied to the city for a site specific rezoning of the property they bought at 22260 River Road in order to build a 4600 square foot house plus a 700 square foot garage (5300 square feet in total).

>

> As neighbours on their west side we do not have a problem with them building a house of that size. .

>

> We realize that a bylaw was passed in December of 2018 limiting the size of a new home in the ALR to 4305 square feet. We believe the Kabani's had their house plans drawn up at considerable expense long before this bylaw was

passed. Because the land had to be filled up to the flood plain which takes a considerable amount of time we believe they didn't see the need to hurry to get approval of their house plan.

>

> We have for the past 40 years had a neighbour on our east side and we look forward to when the Kabani's home is finished to once again have a neighbour close by.

>

> Sincerely,

>

> Trudy & Dave Haywood,

> 22160 River Road,

> Richmond V6V 1M4

Timeline of Events

Date	Event
November 6, 2018 (Special Council)	<ul style="list-style-type: none"> • Council directed staff to prepare a bylaw that limits residential development in the "Agriculture (AG1)" zone, which included a maximum house size of 500 m². • Council resolution included a withholding period for all Building Permit applications in conflict with the proposed bylaws in preparation, received more than 7 days after the passage of the resolution.
November 13, 2018 (Regular Council)	<ul style="list-style-type: none"> • The proposed bylaws to limit residential development in the AG1 zone (Bylaw 9965, 9966, 9967 & 9968) were introduced for Council's consideration. • The proposed bylaws were amended by Council to limit house size on agricultural land to a maximum floor area of 400 m². • The proposed bylaws received first reading and were forwarded to the following Public Hearing (December 17, 2018).
November 13, 2018 (Withholding period begins)	<ul style="list-style-type: none"> • Withholding period begins for all Building Permit applications in conflict with the proposed bylaws noted above, which included a maximum house size of 400 m².
November 27, 2018	<ul style="list-style-type: none"> • Bill 52 (<i>Agricultural Land Commission Amendment Act, 2018</i>) was given third reading and royal assent, which included a maximum house size of 500 m².
December 14, 2018	<ul style="list-style-type: none"> • Submission of associated Building Permit for the subject property for a single-family dwelling of 486 m² (B7 18-843161).
December 17, 2018 (Public Hearing)	<ul style="list-style-type: none"> • Council adopted the bylaws limiting residential development in the AG1 zone (Bylaw 9965, 9966, 9967 & 9968), which included a maximum house size of 400 m².
December 17, 2018 (Withholding period ends)	<ul style="list-style-type: none"> • Withholding period for all Building Permit applications in conflict with the proposed bylaws ends. • Building Permits submitted during the withholding period were cancelled (did not comply with the new regulations). • All Building Permit applications must now comply with the adopted changes to the AG1 zone.
January 21, 2019	<ul style="list-style-type: none"> • Subject Rezoning application (RZ 19-851176) submitted in order to permit a larger house size than permitted in the AG1 zone, as per the previous Building Permit submitted.
February 22, 2019	<ul style="list-style-type: none"> • Agricultural Land Reserve (ALR) Regulation amended to reflect the changes as per Bill 52, including a maximum house size of 500 m² for properties located in the ALR.