



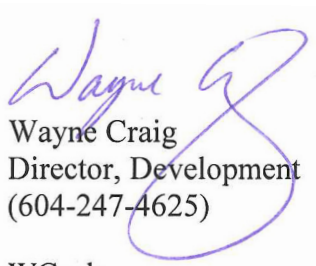
**To:** Planning Committee  
**From:** Wayne Craig  
Director, Development

**Date:** January 30, 2018  
**File:** RZ 16-721172

**Re:** **Application by 0983101 B.C. Ltd. for Rezoning at 5220/5240 Merganser Drive from the "Two-Unit Dwellings (RD1)" Zone to the "Single Detached (RS2/B)" Zone**


**Staff Recommendation**

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9828, for the rezoning of 5220/5240 Merganser Drive from "Two-Unit Dwellings (RD1)" to "Single Detached (RS2/B)", be introduced and given first reading.



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

WC:sds  
Att. 5

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

## Staff Report

### Origin

0983101 B.C. Ltd. has applied to the City of Richmond for permission to rezone the property at 5220/5240 Merganser Drive from the “Two-Unit Dwellings (RD1)” zone to the “Single Detached (RS2/B)” zone, to permit the property to be subdivided into two single-family lots, with vehicle access from Merganser Drive (Attachment 1). The subject site is currently occupied by a duplex, which is proposed to be demolished. The proposed subdivision plan is provided in Attachment 2.

### Findings of Fact

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

#### Subject Site Existing Housing Profile

The applicant has advised both units of the existing duplex are currently rented and contain no existing secondary suites.

### Surrounding Development

Development immediately surrounding the subject site is as follows:

- To the North: Single-family dwellings on lots zoned “Single Detached (RS1/E)” fronting Merganser Drive.
- To the South & East: Single-family dwellings on lots zoned “Single Detached (RS1/B)” fronting Osprey Drive.
- To the West: Single-family dwellings on lots zoned “Single Detached (RS1/E)” fronting Merganser Drive.

### Related Policies & Studies

#### Official Community Plan/Steveston Area Plan

The Official Community Plan (OCP) land use designation for the subject site is “Neighbourhood Residential (NRES)”. The Steveston Area Plan land use designation for the subject site is “Single-Family”. The proposed rezoning and subdivision would comply with these designations.

#### Zoning Bylaw 8500

Section 2.3.7 of Zoning Bylaw 8500 permits properties with existing legal duplexes to be rezoned and subdivided into no more than two single-family lots. Proposed lots at the subject site will be approximately 15.6 m (51 ft.) and 17.4 m (57 ft.) wide and approximately 573 m<sup>2</sup>

(6,167 ft<sup>2</sup>) and 652 m<sup>2</sup> (7,018 ft<sup>2</sup>) in area. The proposed subdivision would comply with the minimum lot dimensions and size identified in the “Single Detached (RS2/B)” zone.

### Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

### **Public Consultation**

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing; where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

### **Analysis**

#### Existing Legal Encumbrances

Existing legal encumbrances on the subject property include:

- 6.0 m wide utility statutory right-of-way (SRW) for Metro Vancouver sanitary trunk sewer, located along the south property line of the subject property (Plan 44761).
- 3.0 m wide utility SRW for City sanitary sewer (Plan 44471), located north of SRW Plan 44761 on the south property line and along the east property line.

An additional 1.5 m wide SRW is required north of the existing SRW Plan 44471 to allow for accessibility to the existing City sanitary sewer. The applicant must provide this new SRW prior to final adoption of the rezoning bylaw.

The existing and new SRWs will not be impacted by the proposed development and the applicant is aware that encroachment into the SRWs is not permitted.

Additionally, there are existing restrictive covenants registered on Title restricting the use of the subject property to a duplex (document #RD50346 & #RD120849). The covenants must be discharged from Title prior to final adoption of the rezoning bylaw.

Prior to Subdivision approval, the applicant must cancel the existing Strata Plan (NW1418) from the Title of the subject property.

Transportation and Site Access

Vehicular access to the proposed lots is to be from Merganser Drive. Due to the proposed narrow frontage for each lot (approximately 6.2 m), access will be via a single shared driveway letdown, which will be secured at Subdivision stage through the required servicing works.

Tree Retention and Replacement

The applicant has submitted a Certified Arborist’s Report, which identifies tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The report assesses eight bylaw-sized trees located on the subject property and four trees located on neighbouring properties.

The City’s Tree Preservation Coordinator has reviewed the Arborist’s Report, conducted an on-site visual assessment and concurs with the Arborist’s recommendations, with the following comments:

- Seven trees (tag# 188-194) located on the development site exhibit poor form from historically poor pruning, heavy infestation of pest and disease. Remove and replace.
- One tree (tag# 195) located on the development site is in moderate condition, but in direct conflict with the proposed development. Remove and replace.
- Four neighbouring trees (tag# A, B, D & E) are to be retained. Due to the distance between the trees and the subject property, no additional or special tree protection measures are required.

*Tree Replacement*

For the removal of the eight trees on-site, the OCP tree replacement ratio goal of 2:1 requires 16 replacement trees. The applicant has proposed to plant three trees on each lot, for a total of six replacement trees.

As per Tree Protection Bylaw No. 8057, based on the sizes of the on-site trees being removed (21-36 cm dbh), replacement trees shall be the following minimum sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Replacement Tree	Minimum Height of Coniferous Replacement Tree
3	6 cm	3.5 m
3	8 cm	4 m

To ensure the six replacement trees are planted on-site, the applicant is required to submit a Landscaping Security in the amount of \$3,000 (\$500/tree) prior to final adoption of the rezoning bylaw. Securities will not be released until a landscaping inspection has been passed by City staff after construction and landscaping has been completed. The City may retain a portion of the security for a one year maintenance period from the date of the landscape inspection.

To satisfy the 2:1 replacement ratio established in the OCP, the applicant will contribute \$5,000 (\$500/tree) to the City’s Tree Compensation Fund in lieu of the remaining 10 trees that cannot be accommodated on the subject property after redevelopment.

### Affordable Housing Strategy

The City's Affordable Housing Strategy for single-family rezoning applications received prior to July 24, 2017, requires a secondary suite on 100% of new lots, or a secondary suite on 50% of new lots, plus a cash-in-lieu contribution of \$2.00/ft<sup>2</sup> of total buildable area towards the City's Affordable Housing Reserve Fund for the remaining 50% of new lots, or a 100% cash-in-lieu contribution if secondary suites cannot be accommodated.

The applicant proposes to provide a legal secondary suite in one (proposed Lot 2) of the two lots proposed 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 applicant is 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 Richmond Zoning Bylaw 8500. Registration of this legal agreement is required prior to final adoption of the rezoning bylaw.

For the remaining lot (proposed Lot 1), the applicant has noted that due to the size and configuration of the lot, accommodating a suite on this lot would impact house size and design. The applicant proposes to provide a voluntary contribution to the Affordable Housing Reserve Fund based on \$2.00/ft<sup>2</sup> of total buildable area (i.e. \$6,200.55) in lieu of providing a secondary suite, consistent with the Affordable Housing Strategy. The cash-in-lieu contribution must be submitted prior to final adoption of the rezoning bylaw.

### Site Servicing and Frontage Improvements

At Subdivision stage, the applicant is required to pay the current year's taxes and the costs associated with the completion of the required servicing works and frontage improvements as described in Attachment 5.

Frontage improvements include, but are not limited to, construction of a shared driveway letdown, and sidewalk and boulevard replacement at the developer's cost.

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

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

### **Conclusion**

The purpose of this application is to rezone the property at 5220/5240 Merganser Drive from the "Two-Unit Dwellings (RD1)" zone to the "Single Detached (RS2/B)" zone, to permit the property to be subdivided into two single-family lots.

The rezoning application complies with the land use designation and applicable policies contained within the OCP and Area Plan for the subject site.

The list of rezoning considerations is included in Attachment 5; which has been agreed to by the applicant (signed concurrence on file).

On this basis, it is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 9828 be introduced and given first reading.



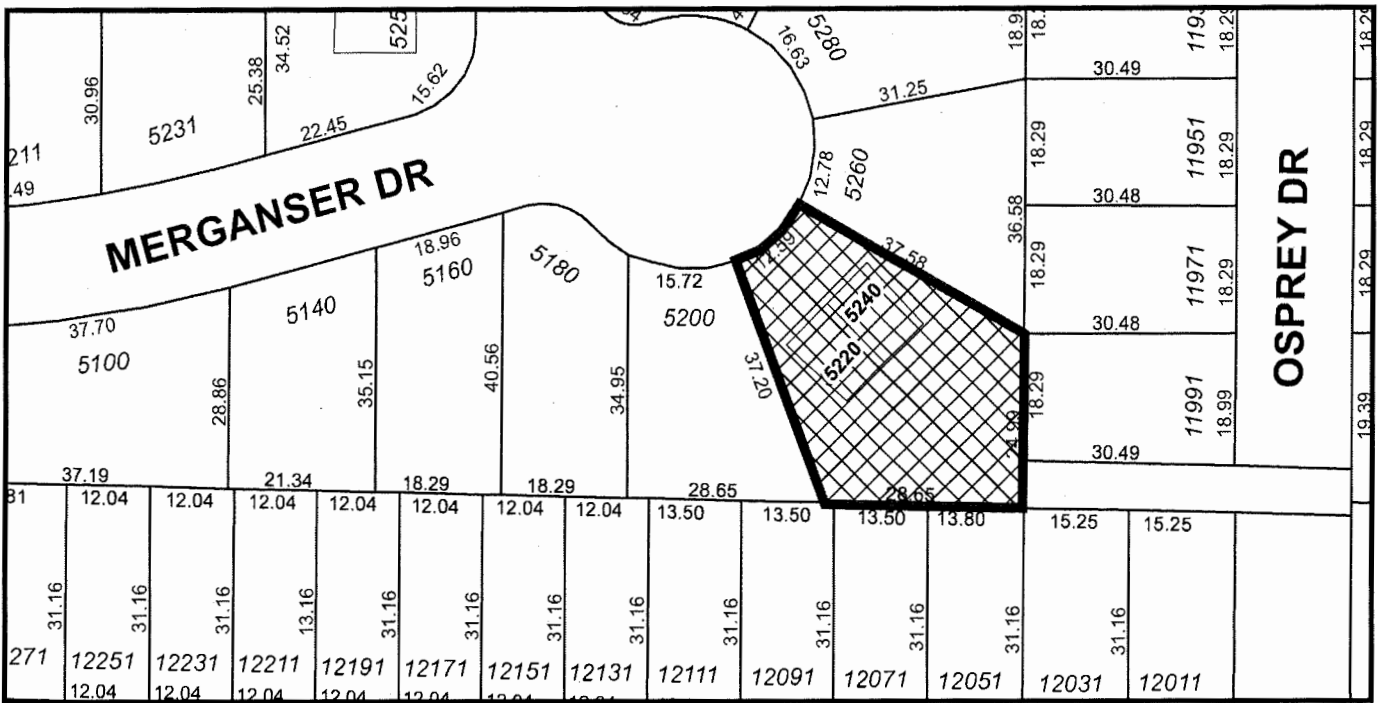
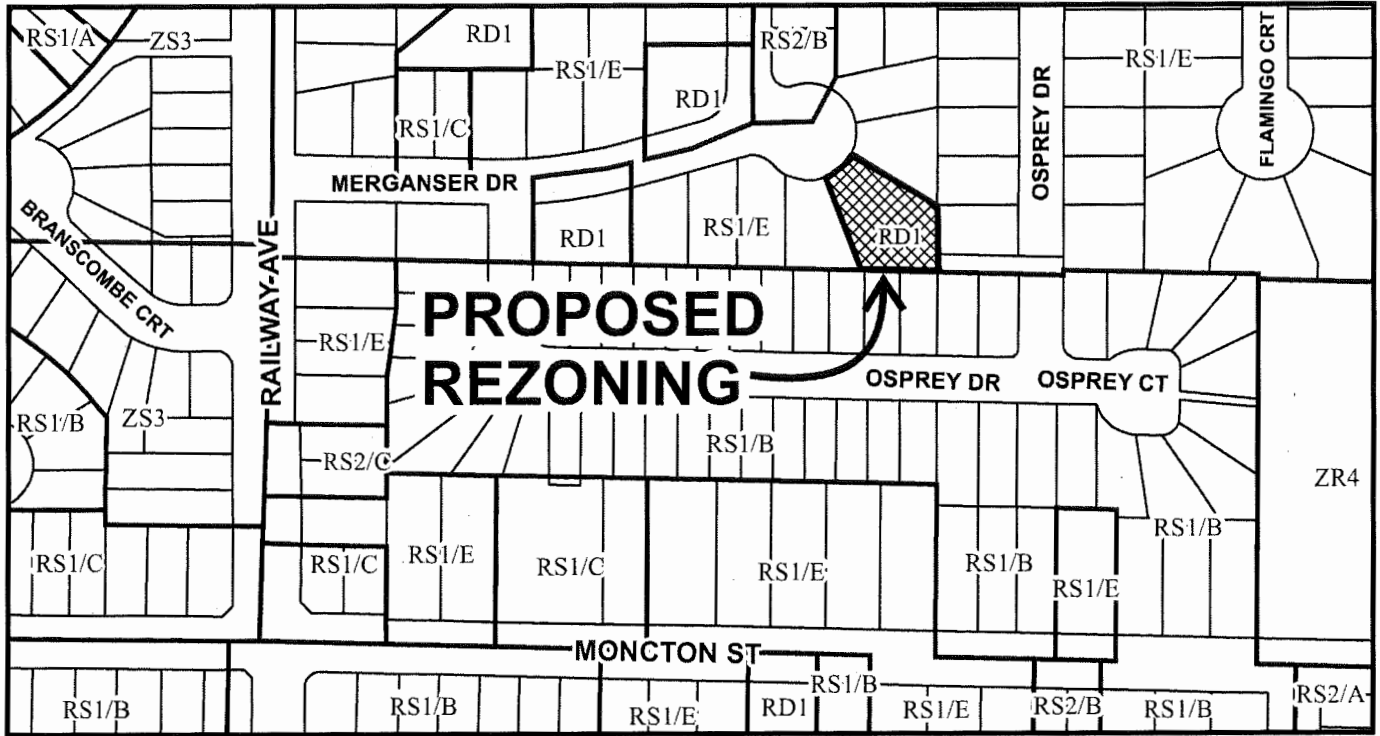
Steven De Sousa  
Planning Technician – Design  
(604-204-8529)

SDS:blg

- Attachment 1: Location Map & Aerial Photo
- Attachment 2: Proposed Subdivision Plan
- Attachment 3: Development Application Data Sheet
- Attachment 4: Tree Management Plan
- Attachment 5: Rezoning Considerations



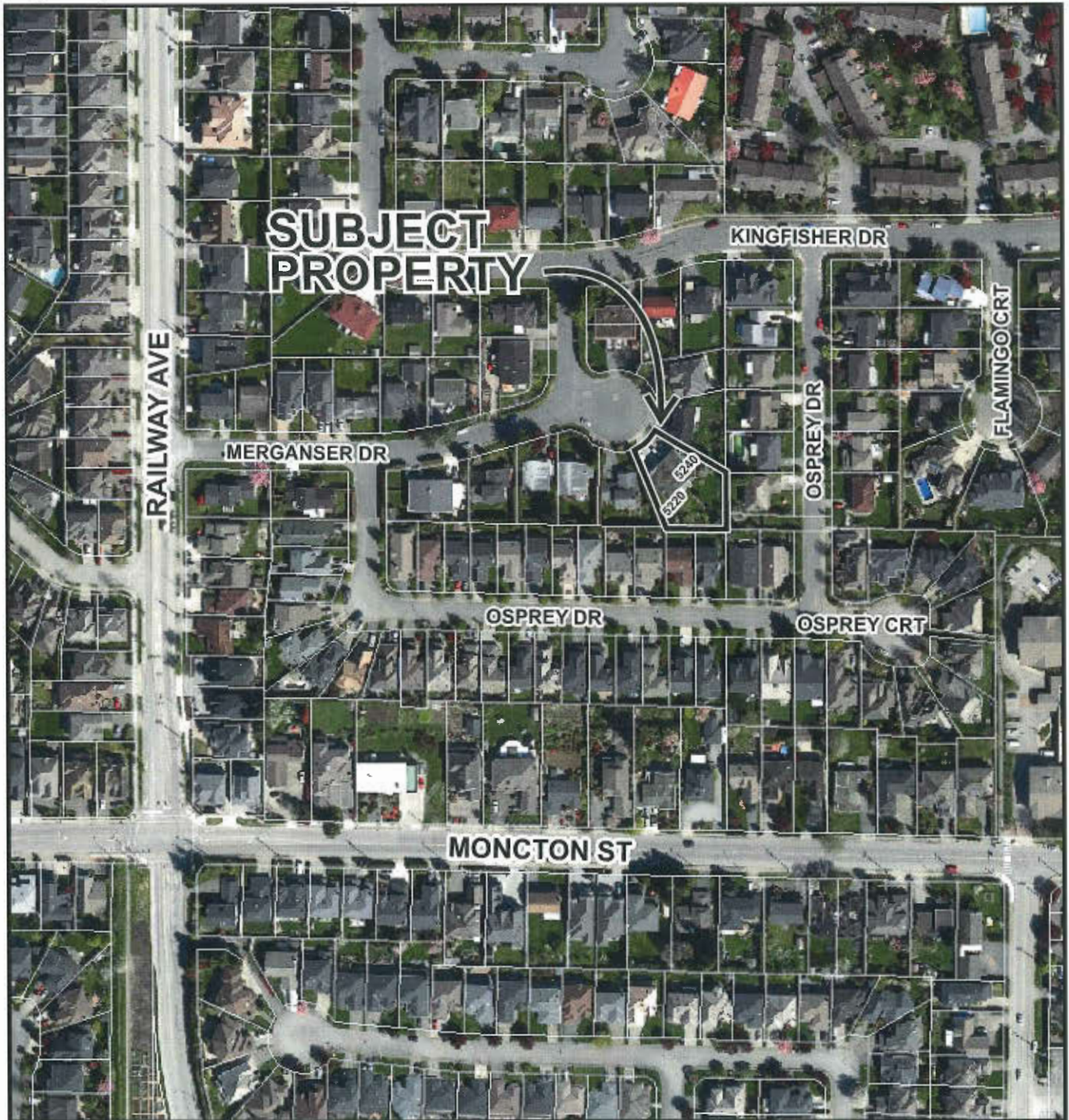
City of  
Richmond



	<h1>RZ 16-721172</h1>	<p>Original Date: 01/27/16</p> <p>Revision Date:</p> <p>Note: Dimensions are in METRES</p>
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City of  
Richmond



RZ 16-721172

Original Date: 01/27/16

Revision Date:

Note: Dimensions are in METRES



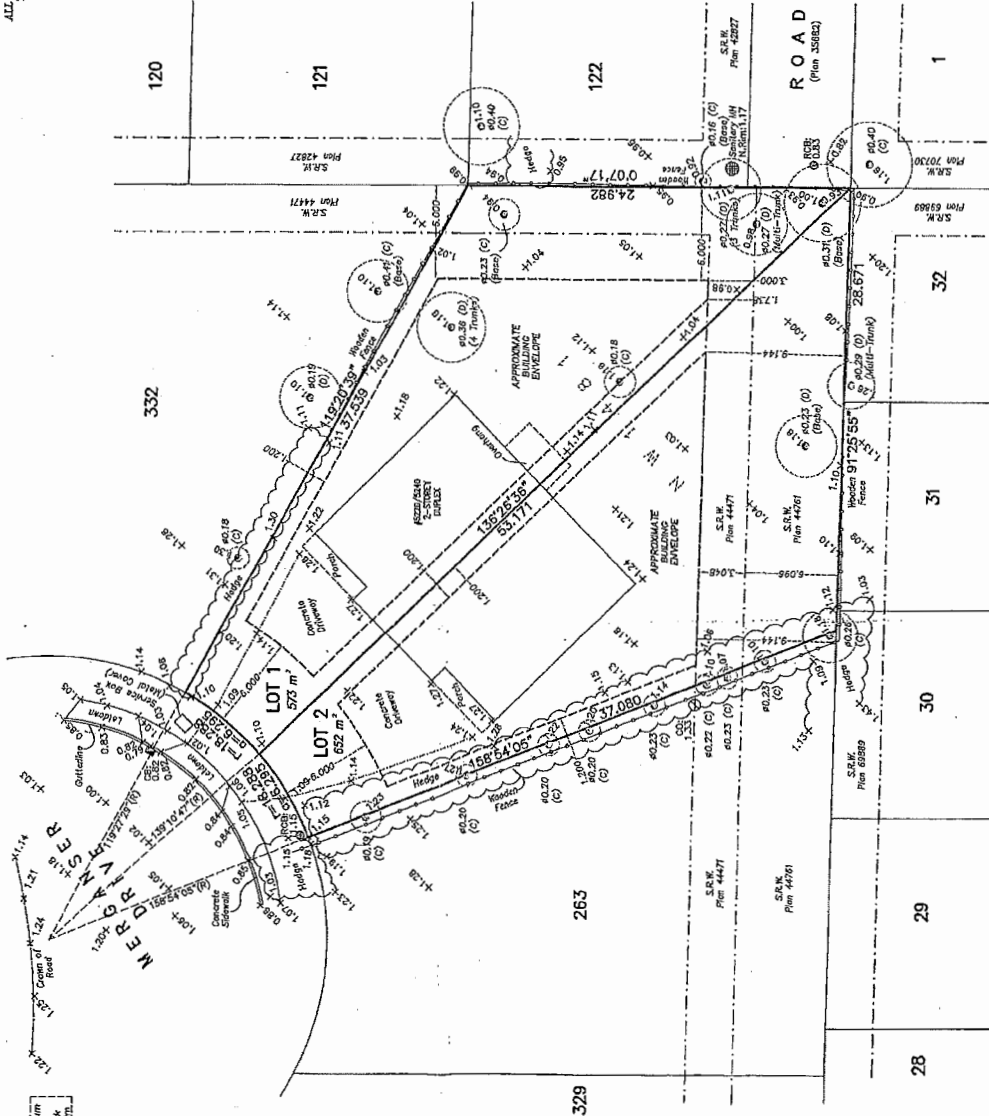
**TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF STRATA PLAN NW1481  
SECTION 1 BLOCK 3 NORTH RANGE 7 WEST  
NEW WESTMINSTER DISTRICT**

#5220 & #240 MORGANSEY DRIVE,  
RICHMOND, B.C.  
P.L.N. 001-613-433



SCALE: 1:200

0 5 10 15  
ALL DISTANCES ARE IN METRES AND DECIMALS  
THEREOF UNLESS OTHERWISE INDICATED



Point in aluminum  
S.R.K. Benchmark  
Elevation: 1.12m

**NOTE:**  
Elevations shown are based on  
City of Richmond H.P.N.  
Benchmark network  
Benchmark: H.P.N. #04  
Central Monument: 77H4827  
Elevation: 1.559m  
Benchmark: H.P.N. #205  
Central Monument: 77H4827  
Elevation: 1.044m  
**NOTE:**  
Use site Benchmark Top #428 for  
construction elevation control.

**LEGEND:**  
(C) denotes center  
(D) denotes deciduous  
[Symbol] denotes catch basin  
[Symbol] denotes round catch basin  
[Symbol] denotes concrete  
[Symbol] denotes concrete  
[Symbol] denotes power post  
[Symbol] denotes metal bearing

**copyright**  
J. C. Tam and Associates  
Canada and B.C. Land Surveyor  
715 - 8633 Oakh Crescent  
Richmond, B.C. V6X 3T7  
Telephone: 214-8926  
Fax: 214-8929  
E-mail: office@jctam.com  
Website: www.jctam.com  
Job No. 6081  
PS-269 12/21-25, 30-31  
Drawn By: ID

DWG No. 6081-Topo

CITY OF RICHMOND  
JAN 07 2018

RECEIVED

CERTIFIED CORRECT:  
LOT DIMENSIONS ACCORDING TO  
FIELD SURVEY

JOHNSON C. TAM, B.C.L.S.  
OCTOBER 2nd, 2015.



**RZ 16-721172**

**Attachment 3**

Address: 5220/5240 Merganser Drive

Applicant: 0983101 BC Ltd.

Planning Area(s): Steveston

	Existing	Proposed
Owner:	0983101 BC Ltd.	To be determined
Site Size:	1,225 m <sup>2</sup> (13,186 ft <sup>2</sup> )	Lot 1: 573 m <sup>2</sup> (6,168 ft <sup>2</sup> ) Lot 2: 652 m <sup>2</sup> (7,018 ft <sup>2</sup> )
Land Uses:	Two-unit residential	Single-family residential
OCP Designation:	Neighbourhood Residential	No change
Area Plan Designation:	Single-Family	No change
Zoning:	Two-Unit Dwellings (RD1)	Single Detached (RS2/B)

Proposed Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55 for 464.5 m <sup>2</sup> of lot area plus 0.3 for remainder	Max. 0.55 for 464.5 m <sup>2</sup> of lot area plus 0.3 for remainder	None permitted
Buildable Floor Area:*	Lot 1: Max. 288.0 m <sup>2</sup> (3,100 ft <sup>2</sup> ) Lot 2: Max. 311.7 m <sup>2</sup> (3,355 ft <sup>2</sup> )	Lot 1: Max. 288.0 m <sup>2</sup> (3,100 ft <sup>2</sup> ) Lot 2: Max. 311.7 m <sup>2</sup> (3,355 ft <sup>2</sup> )	None permitted
Lot Coverage:	Building: Max. 45% Non-porous: Max. 70% Landscaping: Min. 25%	Building: Max. 45% Non-porous: Max. 70% Landscaping: Min. 25%	None
Lot Size:	Min. 360.0 m <sup>2</sup>	Lot 1: 573 m <sup>2</sup> Lot 2: 652 m <sup>2</sup>	None
Lot Dimensions:	Width: Min. 12.0 m Depth: Min. 24.0 m	Lot 1 Width: 15.6 m Depth: 45.3 m Lot 2 Width: 17.4 m Depth: 45.1 m	None
Setbacks:	Front: Min. 6.0 m Rear (60% of rear wall): Min. 20% of lot depth Rear (40% of rear wall): Min. 25% of lot depth Side: Min. 1.2 m	Front: Min. 6.0 m Rear (60%): Min. 9.0 m Rear (40%): Min. 10.7 m Side: Min. 1.2 m	None
Height:	Max. 2 ½ storeys	Max. 2 ½ storeys	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.

Tree Management Plan - 5220/5240 Merganser Dr

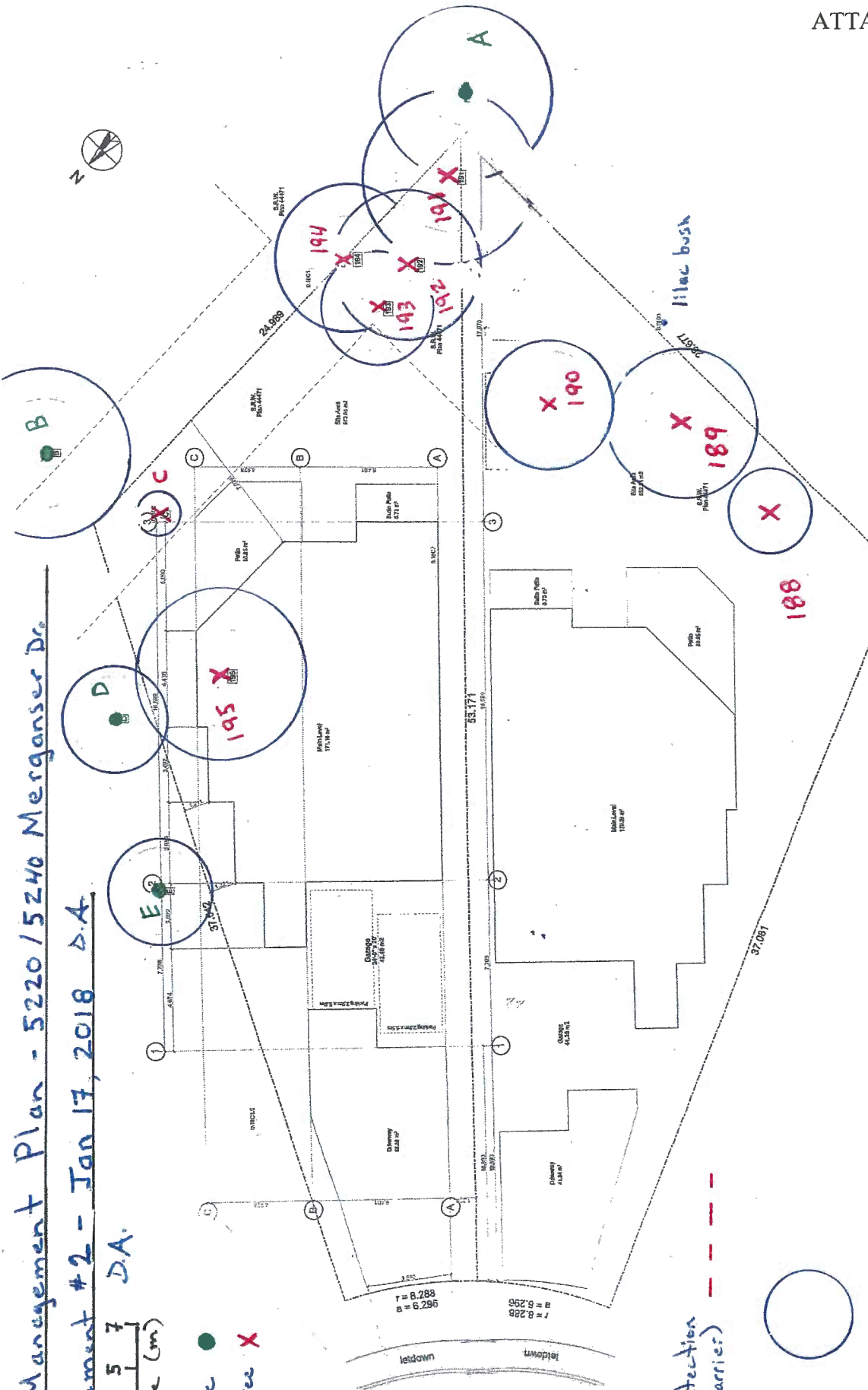
Amendment #2 - Jan 17, 2018 D.A.

0 1 2 3 5 7  
Scale (m)

Retain Tree ●  
Remove Tree X

Tree Protection  
Zone (Barrier) - - - - -

Crown  
Drip line ○



PLN - 163



**Address:** 5220/5240 Merganser Drive

**File No.:** RZ 16-721172

**Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9828, the developer is required to complete the following:**

- Submission of a Landscape Security in the amount of \$3,000 (\$500/tree) to ensure that a total of three replacement trees are planted and maintained on each lot proposed (for a total of six trees) with the following minimum replacement sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
3	6 cm		3.5 m
3	8 cm		4 m

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 is required

- City acceptance of the developer's offer to voluntarily contribute \$5,000 to the City's Tree Compensation Fund for the planting of replacement trees within the City.
- Granting of a 1.5 m wide statutory right-of way north of the existing SRW Plan 44471 to allow for accessibility to the existing sanitary sewer.
- Registration of a flood indemnity covenant on Title.
- 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 of the two future lots (proposed Lot 2), to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
- The City's acceptance of the applicant's voluntary contribution of \$2.00 per buildable square foot of the single-family developments (i.e. \$6,200.55) to the City's Affordable Housing Reserve Fund.
- Discharge of the existing covenants registered on Title of the subject property (document no.RD50346 & RD120849), which restrict the use of the subject property to a duplex.

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

- Cancellation of existing Strata Plan (NW1481).
- Payment of current year's taxes and the costs associated with the completion of the required servicing works and frontage improvements.
- The following servicing works and off-site improvements may be completed through either: a) a Servicing Agreement\* entered into by the applicant to design and construct the works to the satisfaction of the Director of Engineering; or b) a cash contribution based on a City cost estimate for the City to manage the design and construction of the works:

*Water Works:*

- Using the OCP Model, there is 151.0 L/s of water available at a 20 psi residual at the Merganser Drive frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- The Developer is required to:
  - Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage and Building designs.
- At Developers cost, the City is to:
  - Cut & cap the existing water service connection at main.
  - Install two new water service connections with meter and meter box.

**PLN - 164**

Initial: \_\_\_\_\_

*Storm Sewer Works:*

- d) The Developer is required to:
  - At Building Permit stage, pay for extended servicing works described below.
- e) At Developers cost, the City is to:
  - Install a new 1200 mm manhole approximately 3m west of existing catch basin STCB7137.
  - Cut & cap the existing storm service lateral that ties-in to existing catch basin STCB7137 as required.
  - Install new storm service lateral connecting existing inspection chamber STIC47722 to the new proposed manhole.
  - Install a new storm service connection for Lot 5240, complete with inspection chamber and tie-in to new proposed MH.

*Sanitary Sewer Works:*

- f) The Developer is required to:
  - Provide an additional 1.5m of SRW along the south property line, north of the existing SRW Plan 44471 to allow for accessibility to the existing sanitary sewer. No encroachment is allowed in the new SRW.
- g) At Developers cost, the City is to:
  - Cut & cap the existing sanitary service connection towards the southwest corner of the lot.
  - Install a new sanitary service connection complete with IC and dual service leads off of the existing 200 mm PVC sanitary sewer main running along the south property line of the development site.
  - All sanitary works to be completed prior to any on-site building construction.

*Frontage Improvements:*

- h) The Developer is required to:
  - Coordinate with BC Hydro, Telus and other private communication service providers:
    - To underground Hydro service lines.
    - When relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
    - To determine if above ground structures are required and coordinate their locations (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc.).
  - Complete other frontage improvements as per Transportation's requirements, which include, but are not limited to the following:
    - Construction of a shared driveway letdown at the developer's cost.
    - Sidewalk and boulevard replacement as required at the developer's cost.

*General Items:*

- a. The Developer is required to:
  - Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

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

1. If applicable, 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. If applicable, 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:

**PLN - 165**

Initial: \_\_\_\_\_

- \* This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development . All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on-site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]

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Signed

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Date



Richmond Zoning Bylaw 8500
Amendment Bylaw 9828 (RZ 16-721172)
5220/5240 Merganser Drive

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. 001-813-439

Strata Lot 1 Section 1 Block 3 North Range 7 West New Westminster District Strata Plan NW1481 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

P.I.D. 001-813-463

Strata Lot 2 Section 1 Block 3 North Range 7 West New Westminster District Strata Plan NW1481 together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9828".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

Approval stamp box with fields for signature and date, containing handwritten initials '8D' and 'BK'.

MAYOR

CORPORATE OFFICER