

Report to Committee

Planning and Development Division

To:

Planning Committee

Date:

December 19, 2016

From:

Wayne Craig

File:

RZ 16-734667

Re:

Director, Development

Application by Xiufeng Zhang and Shufang Zhang for Rezoning at

8140/8160 Lundy Road from Two-Unit Dwellings (RD1) to Single Detached

(RS2/C)

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9664, for the rezoning of 8140/8160 Lundy Road from "Two-Unit Dwellings (RD1)" to "Single Detached (RS2/C)", be introduced and given first reading.

Wayne Craig

Director, Development

SDS:blg

Att. 6

ROUTED TO:

Affordable Housing

| REPORT CONCURRENCE | | |
|--------------------|--------------------------------|--|
| CONCURRENCE | CONCURRENCE OF GENERAL MANAGER | |
| | A. G. CO. A | |

Staff Report

Origin

Xiufeng Zhang and Shufang Zhang have applied to the City of Richmond for permission to rezone the property at 8140/8160 Lundy Road from the "Two-Unit Dwellings (RD1)" zone to "Single Detached (RS2/C)" zone, to permit the property to be subdivided to create two (2) single-family lots, with vehicle access from Lundy Road (Attachment 1). The site is currently occupied by a stratified duplex, which will be demolished. A site survey showing the proposed subdivision plan is included in Attachment 2.

Findings of Fact

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

Surrounding Development

Development immediately surrounding the site is as follows:

To the North: Single-family dwelling on a lot zoned "Single Detached (RS1/E)" fronting

Lundy Road.

To the South: Single-family dwellings on lots zoned "Single Detached (RS2/C)" fronting

Lundy Road.

To the East: Single-family dwellings on lots zoned "Single Detached (RS1/E)" fronting

Lucerne Place.

To the West: Single-family dwellings on lots zoned "Single Detached (RS2/B)" and "Single

Detached (RS1/E)" fronting Lundy Road.

Related Policies & Studies

Official Community Plan

The Official Community Plan (OCP) land use designation for the subject property is "Neighbourhood Residential" (NRES). The proposed rezoning and subdivision would comply with this designation.

Single-Family Lot Size Policy 5423/Zoning Bylaw 8500

The subject property is located within the area governed by Single-Family Lot Size Policy 5423 (adopted by Council on November 20, 1989 and last amended in 2004) (Attachment 4). The Policy permits properties with duplexes to be rezoned and subdivided into two (2) equal sized lots, provided that each lot created meets the requirements of the "Single Detached (RS2/B)" or "Single Detached (RS2/C)" zones. Proposed lots will be approximately 14.6 m (48 ft.) wide and 588.8 m² (6,337 ft.²) in area. The proposed rezoning and subdivision would comply with the requirements of the "Single Detached (RS2/C)" zone and Single-Family Lot Size Policy 5423.

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

There is an existing 3.0 m wide statutory right-of-way (SRW) registered on Title for utilities (sanitary sewer) along the rear of the subject property. This SRW will not be impacted by the proposed development. The applicant is aware that encroachment into the SRW is not permitted.

There is also an existing restrictive covenant registered on the Title of each strata lot, restricting the use of the subject property to a duplex (Document No. AE6888). The covenant must be discharged from Title as a condition of rezoning.

Prior to subdivision, the applicant must cancel the existing Strata Plan (NWS3444) from the Title of the subject property.

Transportation and Site Access

Vehicle access to the proposed lots is to be from Lundy Road via separate driveway crossings.

Tree Retention and Replacement

A Certified Arborist's Report was submitted by the applicant, 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 two (2) trees located on the subject site, two (2) trees located on neighbouring properties and one (1) City-owned tree.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report, conducted an onsite visual tree assessment, and concurs with the Arborist's recommendations to:

• Retain and protect one (1) Dogwood tree (tag# 34) located on the subject site due to good condition (15 cm dbh).

5244412 PLN - 152

- Retain and protect two (2) trees (tag# Neigh.1 & Neigh.2) located on the neighbouring property to the south.
- Remove and replace one (1) Birch tree (tag# 35) located on the subject site in poor condition due to Bronze Birch Borer infestation (56 cm dbh).
- Remove and replace one (1) City-owned Birch tree (tag# 33) located in front of the subject property (138 cm dbh). The City's Parks Arborist has assessed the tree for removal and indicated that the required servicing works (including ditch infill) will have a negative impact on the tree's health. The applicant has received approval from the Parks Department and must contact the department four (4) days prior to removal. Compensation of \$1,300 is required for removal of the tree, in order for the Parks Department to plant two (2) trees at or near the subject property.

Tree Protection

The proposed Tree Management Diagram is shown in Attachment 5, which outlines the protection of the one (1) tree on-site and two (2) trees on the neighbouring property.

To ensure the protection of the three (3) trees (tag# 34, Neigh.1 & Neigh.2), the applicant is required to complete the following:

- Prior to final adoption of the rezoning bylaw, submission to the City of a contract with a
 Certified Arborist for 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.
- Submission of a Tree Survival Security to the City in the amount of \$5,000 for the one (1) on-site tree to be retained.
- Prior to the demolition of the existing dwelling on the subject site, the applicant is required to install 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 works are completed.

Tree Replacement

For the removal of the one (1) tree on-site, the OCP tree replacement ratio goal of 2:1 requires two (2) replacement trees to be planted and maintained on the proposed lots. Council Policy #5032 for Tree Planting (Universal) (adopted by Council on July 10, 1995 and amended in 2015) encourages a minimum of two (2) trees to be planted and maintained on every lot. The applicant has proposed to plant and maintain a minimum of two (2) trees on each lot (one (1) in the front yard and one (1) in the rear yard); for a total of four (4) replacement trees.

As per Tree Protection Bylaw No. 8057, based on the sizes of the on-site trees being removed (56 cm dbh), replacement trees shall be the following minimum sizes:

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| No. of Replacement Trees | Minimum Caliper of Deciduous Replacement Tree |
|--------------------------|--|
| 2 | 6 cm |
| 2 | 10 cm |

Minimum Height of Coniferous
Replacement Tree
3.5 m
5.5 m

To ensure that four (4) replacement trees are planted on-site at development stage, the applicant is required to submit a Landscaping Security in the amount of \$2,000 (\$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.

Affordable Housing Strategy

The City's Affordable Housing Strategy for single-family rezoning applications 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/ft² 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 no secondary suites are provided.

The applicant proposes to provide a legal secondary suite on both of the two (2) lots proposed at the subject site. To ensure that the secondary suites are 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.

Site Servicing and Frontage Improvements

At Subdivision stage, the applicant is required to complete the following:

- Payment of current year's taxes and the costs associated with the completion of the required servicing works as described in Attachment 6.
- Payment to the City, in accordance with the Subdivision and Development Bylaw No. 8751, a \$36,319.60 cash-in-lieu contribution for the design and construction of frontage upgrades, including new concrete curb and gutter, concrete sidewalk, pavement widening, roadway lighting and boulevard landscape/trees.

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 rezoning application is to rezone the property at 8140/8160 Lundy Road from the "Two-Unit Dwellings (RD1)" zone to "Single Detached (RS2/C)" zone, to permit the property to be subdivided to create two single-family (2) lots.

This rezoning application complies with the land use designations and applicable policies contained within the OCP for the subject site.

The list of rezoning considerations is included in Attachment 6, 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 9664 be introduced and given first reading.

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Steven De Sousa Planning Technician – Design (604-276-8529)

SDS:blg

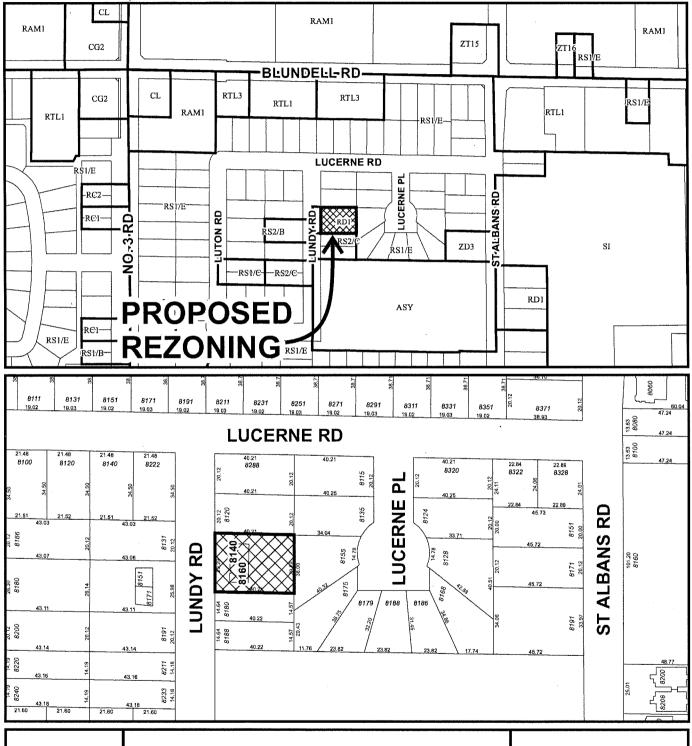
Attachment 1: Location Map/Aerial Photo

Attachment 2: Proposed Subdivision Plan

Attachment 3: Development Application Data Sheet Attachment 4: Single-Family Lot Size Policy 5423

Attachment 5: Tree Management Plan Attachment 6: Rezoning Considerations







RZ 16-734667

Original Date: 07/11/16

Revision Date:

Note: Dimensions are in METRES



City of Richmond



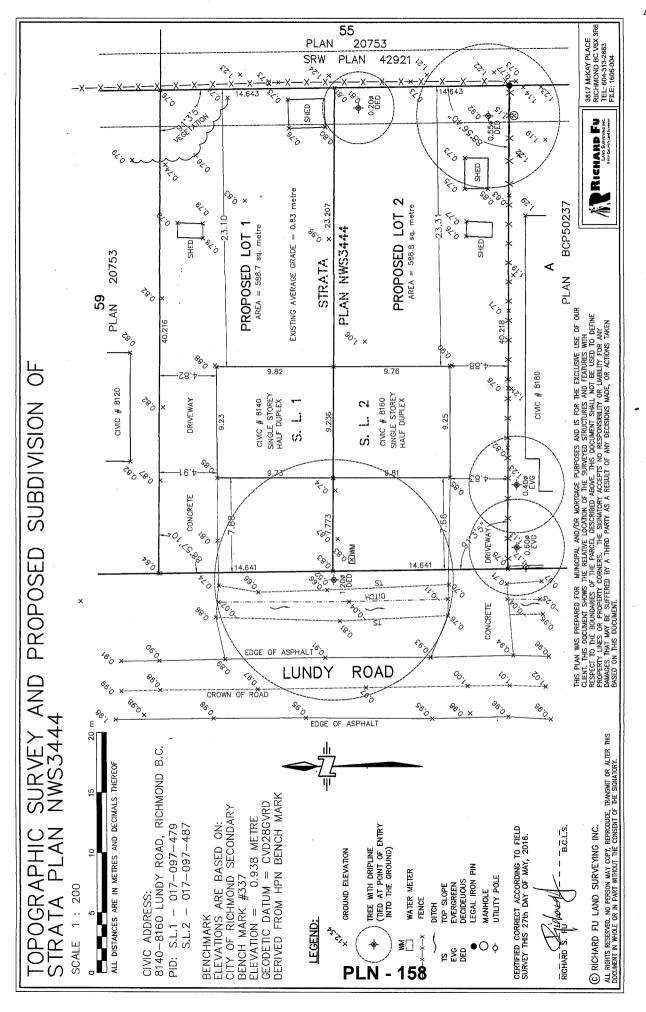


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Original Date: 07/11/16

Revision Date:

Note: Dimensions are in METRES





Development Application Data Sheet

Development Applications Department

RZ 16-734667 Attachment 3

Address: 8140/8160 Lundy Road

Applicant: Xiufeng Zhang and Shufang Zhang

Planning Area(s): Broadmoor

| | Existing | Proposed |
|------------------------------|---|--|
| Owner: | X. & S. Zhang | To be determined |
| Site Size: | 1,177.5 m² (12,674 ft²) | Lot 1: 588.7 m ² (6,337 ft ²) Lot 2: 588.8 m ² (6,337 ft ²) |
| Land Uses: | Single-family residential | No change |
| OCP Designation: | Neighbourhood Residential | Complies |
| Lot Size Policy Designation: | Single Detached (RS2/B) or Single Detached (RS2/C) | Complies |
| Zoning: | Two-Unit Dwellings (RD1) | Single Detached (RS2/C) |

| On Future Subdivided Lots | Bylaw Requirement | Proposed | Variance |
|------------------------------|---|---|-------------------|
| Floor Area Ratio: | Max. 0.55 for 464.5 m ² of Lot Area + 0.3 for remainder | Max. 0.55 for 464.5 m ² of Lot Area + 0.3 for remainder | None Permitted |
| Buildable Floor Area:* | Max. 292.7 m² (3,150 ft²) | Max. 292.7 m² (3,150 ft²) | None Permitted |
| Lot Coverage: | Building: Max. 45% Non-porous: Max. 70% Landscaping: Max. 25% | Building: Max. 45% Non-porous: Max. 70% Landscaping: Max. 25% | None |
| Lot Size: | 360 m² | 588 m ² | None |
| Lot Dimensions: | Width: 13.5 m Depth: 24.0 m | Width: 14.6 m Depth: 40.2 m | None |
| Setbacks: | Front: Min. 6 m Rear: Min. 6 m Interior Side: Min. 1.2 m | Front: Min. 6 m Rear: Min. 6 m Interior 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.



City of Richmond

Policy Manual

| Page 1 of 2 | Adopted by Council: November 20, 1989 | POLICY 5423 |
|-------------------|--|---------------|
| | Amended by Council: November 17 th , 2003 | |
| | Amended by Council: March 15 th , 2004 | |
| File Ref: 4045-00 | SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-S | ECTION 21-4-6 |

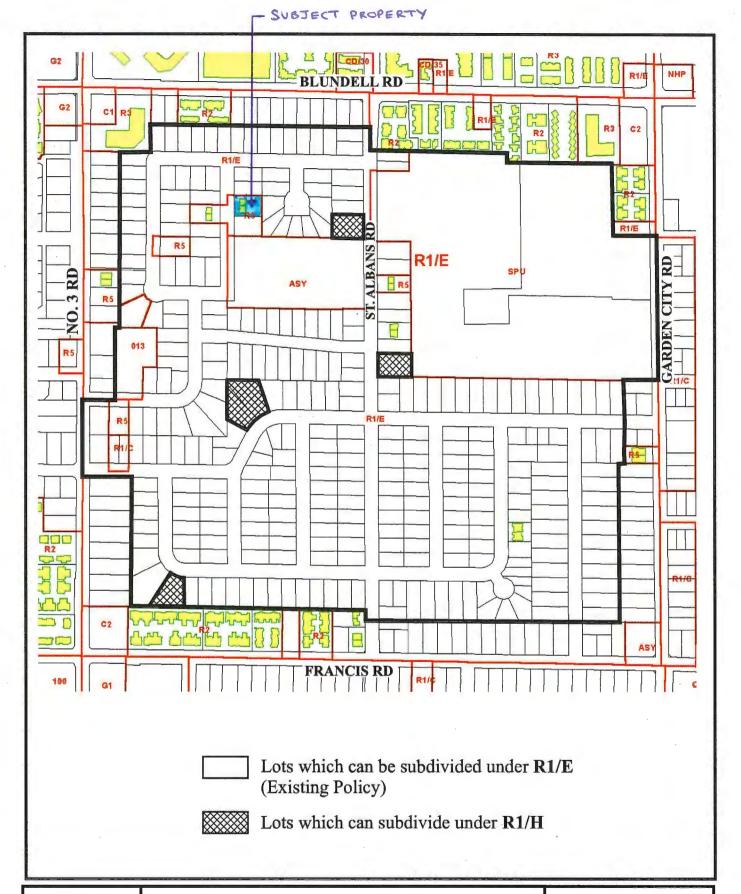
POLICY 5423:

The following policy establishes lot sizes within the area generally bounded by **Blundell Road**, **No. 3 Road**, **Francis Road and Garden City Road** (in a portion of Section 21-4-6):

That properties within the area generally bounded by Blundell Road, No. 3 Road, Francis Road and Garden City Road, in a portion of Section 21-4-6, be permitted to subdivide in accordance with the provisions of Single-Family Housing District, Subdivision Area E (R1/E) in Zoning and Development Bylaw 5300, with the exception that:

- a) properties with duplexes be permitted to subdivide into two equal halves, provided that each lot created meets the requirements of the Single-Family Housing District (R1/B) or (R1/C).
- b) five properties highlighted on the map be permitted to subdivide in accordance with the provisions of Single-Family Housing District, Subdivision Area H (R1/H) in Zoning and Development Bylaw 5300.

This policy, as shown on the accompanying plan, is to be used to determine the disposition of future rezoning applications in this area for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw..



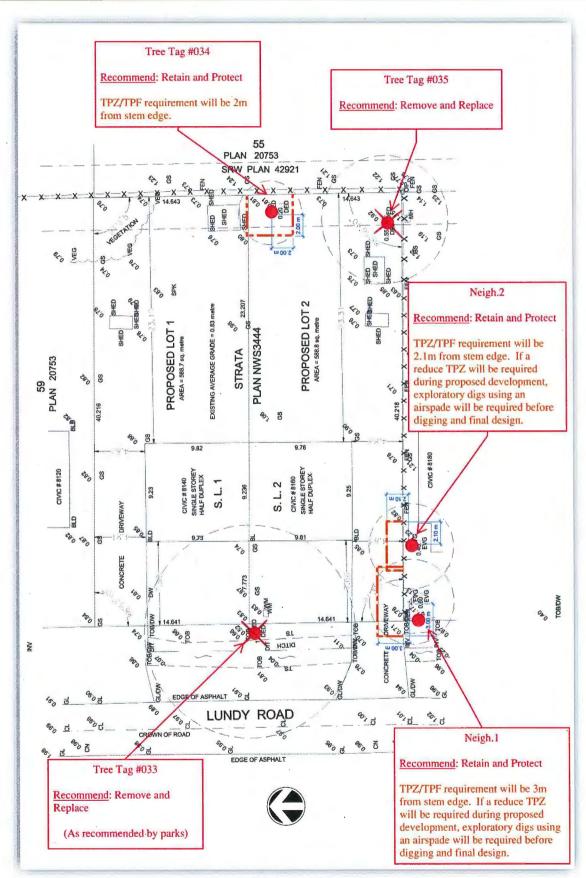


Policy 5423 Section 21, 4-6 PLN - 161

Adopted Date: 11/20/89

Amended Date: 03/15/04

Site Plan (Mark up)



6



Rezoning Considerations

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

Address: 8140/8160 Lundy Road

File No.: RZ 16-734667

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9664, the developer is required to complete the following:

1. Submission of a Landscape Security in the amount of \$2,000 (\$500/tree) to ensure that a total of four (4) replacement trees (one (1) in the front yard and one (1) in the rear yard of each lot) are planted and maintained on the proposed lots with the following minimum sizes:

| No. of Replacement Trees | Minimum Caliper of Deciduous Replacement Tree |
|-----------------------------|--|
| 2 | 6 cm |
| 2 | 10 cm |

| Minimum Height of Coniferous Replacement Tree | |
|--|--|
| 3.5 m | |
| 5.5 m | |

The security will not be released until a landscaping inspection is passed by City staff. The City may retain a portion of the security for a one-year maintenance period.

- 2. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of 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.
- 3. Submission of a Tree Survival Security to the City in the amount of \$5,000 for the one (1) on-site tree to be retained.
- 4. City's acceptance of the applicant's voluntary contribution of \$1,300 for the removal of the one (1) City-owned tree; in order for the City to plant two (2) trees at or near the developments site.
- 5. Registration of a flood indemnity covenant on Title.
- 6. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on two (2) of the two (2) future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
- 7. Discharge of the existing covenant registered on Title of the subject property (i.e. AE6888); which restricts the use of the subject property to a duplex.

At Demolition Permit* stage, the developer is required to complete the following:

1. 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 must remain in place until construction and landscaping on-site is completed.

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

- 1. Cancellation of existing Strata Plan (NWS3444).
- 2. The Developer is required to pay, in keeping with the Subdivision and Development Bylaw No. 8751, a \$36,319.60 cash-in-lieu contribution for the design and construction of frontage upgrades as set out below:

| Concrete Curb and Gutter (EP.0641) | \$5,858.00 |
|-------------------------------------|-------------|
| Concrete Sidewalk (EP.0642) | \$8,494.10 |
| Pavement Widening (EP.0643) | \$10,251.50 |
| Roadway Lighting (EP.0644) | \$3,221.90 |
| Boulevard Landscape/Trees (EP.0647) | \$8,494.10 |

3. Payment of current year's taxes and the costs associated with the completion of the required servicing works and frontage improvements.

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|--------|
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4. 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 335 L/s of water available at a 20 psi residual at the Lundy Road frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- The Developer is required to:
 - Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage Building designs.
 - Retain the 2 existing 25 mm water service connections for the development site.

Storm Sewer Works:

- The Developer is required to:
 - Infill the existing ditch and install a new 600 mm storm sewer along the entire lot's frontage.
 - Install two (2) new storm service connections and inspection chambers at the northwest and southwest corners of the lots.
- At Developer's cost, the City is to:
 - Perform all tie-ins of proposed works to existing City infrastructure.

Sanitary Sewer Works:

- The Developer is required to:
 - Not start on-site building construction prior to rear yard sanitary works.
- At Developer's cost, the City is to:
 - Install a new sanitary service connection at the adjoining property line of the two (2) newly subdivided lots, complete with inspection chamber and dual service leads.
 - Cut and cap the existing sanitary lead at the northeast corner of the subject site.

Frontage Improvements:

- The Developer is required to:
 - Coordinate with BC Hydro, Telus and other private communication service providers.
 - When relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
 - To determine if above ground structures are required and coordinate their locations (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc.). These should be located on-site.
 - Complete other frontage improvements as per Transportation's requirements.

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.
- 5. 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.
- 6. If applicable, payment of latecomer agreement charges associated with eligible latecomer works.
- 7. 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.

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] | | |
|-----------------------|------|--|
| Signed | Date | |



Richmond Zoning Bylaw 8500 Amendment Bylaw 9664 (RZ 16-734667) 8140/8160 Lundy Road

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

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it "SINGLE DETACHED (RS2/C)".

P.I.D. 017-097-479

Strata Lot 1 Section 21 Block 4 North Range 6 West New Westminster District Strata Plan NWS3444 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. 017-097-487

Strata Lot 2 Section 21 Block 4 North Range 6 West New Westminster District Strata Plan NWS3444 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 9664".

| FIRST READING | CITY OF RICHMON |
|------------------------------|----------------------|
| A PUBLIC HEARING WAS HELD ON | APPROVI by |
| SECOND READING | APPROVI by Direct |
| THIRD READING | or Solicit |
| OTHER CONDITIONS SATISFIED | |
| ADOPTED | |
| | |
| · | |
| MAYOR | CORPORATE OFFICER |