

Public Notice is hereby given of a Regular Council Meeting for Public Hearings being held on:

# Public Hearing Agenda Electronic Meeting

# Monday, April 17, 2023 – 7 p.m.

Council Chambers, 1<sup>st</sup> Floor Richmond City Hall 6911 No. 3 Road Richmond, BC V6Y 2C1

# **OPENING STATEMENT**

### Page

1. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10433 (RZ 17-791280)

(File Ref. No. 12-8060-20-10433, RZ 17-791280) (REDMS No. 7031674, 7031945, 7011173)

### PH-4

See Page PH-4 for full report

**Location:** 8180 Heather Street

Applicant: 1265028 B.C. Ltd. (Xinyu Zhao)

**Purpose:** To rezone the subject property from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/A)" zone to permit the property to be subdivided to create two single-family lots.

First Reading: March 27, 2023

# Order of Business:

- 1. Presentation from the applicant.
- 2. Acknowledgement of written submissions received by the City Clerk since first reading.

### Page

3. Submissions from the floor.

### **Council Consideration:**

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10433.

# 2. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10448 (ZT 23-009334)

(File Ref. No. 12-8060-20-10448, ZT 23-009334) (REDMS No. 7129346, 7141083, 6952049)

PH-30 See Page PH-30 for full report

**Location:** 15140 Westminster Highway

Applicant: Grootendorst's Flowerland Nursery Ltd.

**Purpose:** Zoning Text Amendment to the "Agriculture (AG1)" zone to permit an addition to an existing secondary dwelling at 15140 Westminster Highway for the purpose of accommodating accessibility features.

First Reading: March 27, 2023

### Order of Business:

- 1. Presentation from the applicant.
- 2. Acknowledgement of written submissions received by the City Clerk since first reading.
- 3. Submissions from the floor.

# **Council Consideration:**

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10448.

### Page

#### 3. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10446 (RZ 18-818548)

(File Ref. No. 12-8060-20-10446, RZ 18-818548) (REDMS No. 6969884, 7162722, 6220845, 7141632)

**PH-67** 

See Page **PH-67** for full report

Location: 7511 St. Albans Road

Applicant: Matthew Cheng Architect Inc.

Purpose:To rezone the subject property from "Single Family<br/>Detached (RS1/E)" to "High Density Townhouses (RTH1)",<br/>to permit development of five three-storey townhouse units<br/>with vehicle access from 7433 St. Albans Road.

First Reading: March 27, 2023

### Order of Business:

- 1. Presentation from the applicant.
- 2. Acknowledgement of written submissions received by the City Clerk since first reading.
- 3. Submissions from the floor.

### Council Consideration:

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10446.

# ADJOURNMENT



To: Planning Committee	
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From: Wayne Craig Director, Development 
 Date:
 March 6, 2023

 File:
 RZ 17-791280

### Re: Application by 1265028 B.C. Ltd. for Rezoning at 8180 Heather Street from "Single Detached (RS1/E)" Zone to the "Single Detached (RS2/A)" Zone

### **Staff Recommendation**

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10433, for the rezoning of 8180 Heather Street from "Single Detached (RS1/E)" zone to "Single Detached (RS2/A)"zone, be introduced and given first reading.

Wayne Co

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

WC:ac Att. 8

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

# Staff Report

# Origin

The owner, 1265028 B.C. Ltd. (Director – Xinyu Zhao) has applied to the City of Richmond for permission to rezone 8180 Heather Street from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/A)" zone, to permit the property to be subdivided into two single-family lots with the western lot accessed from Heather Street and the eastern lot accessed from Dixon Avenue. A map and aerial photograph showing the location of the subject property is included in Attachment 1. The proposed subdivision plan is shown 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

(RS1/B)".

There is an existing owner-occupied single-family dwelling on the subject property with vehicular access from Heather Street, which is proposed to be demolished. The applicant has confirmed there is no existing secondary suite in the dwelling.

### **Surrounding Development**

Development immediately surrounding the subject site is as follows:

To the North:	A single-family dwelling zoned "Single Detached (RS2/A)" fronting Heather Street that was previously rezoned (RZ 16-737446).
To the South:	Across Dixon Avenue, a single-family dwelling zoned "Single Detached

- To the East: A single-family dwelling zoned "Single Detached (RS1/E)".
- To the West: Across Heather Street, the Garden City Shopping Centre zoned "Community Commercial (CC)".

### **Related Policies & Studies**

### Official Community Plan/Broadmoor Planning Area – Ash Street Sub-Area Plan

The subject property is designated as "Neighbourhood Residential" in the Official Community Plan (OCP) and is located in the Broadmoor Planning Area and is designated for "Low Density Residential" in the Broadmoor Area – Ash Street Sub-Area Plan (Attachment 4). The City has considered a number of rezoning applications in the area, which have resulted in lots between 9 and 10 m wide (11 m for corner lots). The proposed rezoning and subdivision is consistent with this designation.

### 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 received correspondence from the property owner of 9271 Dixon Avenue, which is the adjacent neighbour to the east of the subject site, citing concern regarding potential construction related impacts of the proposed development. In response to the neighbours concern, the applicant has subsequently contacted the property owner to discuss potential construction impacts. The applicant has indicated that the existing concrete retaining wall and fence are intended to remain in place and that a new timber retaining wall, where applicable, would be constructed adjacent to the existing concrete retaining wall (Attachment 5).

No other correspondence from the public has been received.

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* and the City's *Zoning Bylaw 8500*.

### Analysis

This redevelopment proposes to rezone and subdivide an existing single-family lot into two new single-family lots with vehicular access for Lot 1 (the corner lot) off Heather Street and access to Lot 2 off Dixon Avenue. This rezoning and subdivision is consistent with the lot fabric and vehicular access of lots to the north and south along Heather Street. Similar applications to rezone and subdivide properties have been approved in recent years along Heather Street.

In keeping with the City's urban design objectives for enhanced design on corner lots, the applicant will be required to provide a landscape plan and register a restrictive covenant on Title to ensure that the development's design is consistent with the approved plans. A conceptual plan is provided in Attachment 6.

### Existing Legal Encumbrances

There is an existing 3.0 m wide by 1.5 m wide Statutory Right-of-Way (SRW) located in the southeast corner of the property for an existing sanitary sewer, which will not be impacted by this development proposal. The applicant is aware that encroachment into the SRW is not permitted.

# Transportation and Site Access

The subject site currently has vehicular access from a driveway letdown along Heather Street. In accordance with the Residential Lot (Vehicular) Access Regulation Bylaw 7222, vehicle access to proposed Lot 1 will be from Heather Street while vehicle access to proposed Lot 2 will be from Dixon Avenue. The existing driveway letdown will be relocated north on the subject property and a new sidewalk and landscaped boulevard is to be installed along the Heather Street and Dixon Avenue frontages as part of a Servicing Agreement outlined in the Site Servicing and Frontage Improvements section.

# 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 indicates that there are no bylaw sized trees on the subject property, one tree on the neighbouring property to the north and one tree on the neighbouring property to the east, and no trees on City property.

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

- Two trees tag# A1 (Rhododendron, 25 cm caliper) and tag# A2 (Magnolia, 4 cm caliper) are both located on the neighbouring properties and are in good condition. Both trees are to be protected as per the arborist report recommendations.
- There are no bylaw size trees located on the subject site or the adjacent City boulevard.
- Hedges are present on site along the east and south property lines. The hedge along the east property line will be removed to allow for installation of a concrete pathway for the secondary suite access as well as a wood retaining wall and fence along the property line. The hedge along the south property line will be removed to allow required frontage upgrade works along Dixon Avenue.

# Tree Replacement

Consistent with Zoning Bylaw, the applicant has agreed to plant three new trees on proposed Lot 1 and two new tree on proposed Lot 2. The City's Tree Preservation Coordinator has identified that the new trees must be a minimum 8 cm caliper for deciduous trees or 4 m high for coniferous trees.

No. of Replacement Trees	Minimum Caliper of Deciduous Replacement Tree	Minimum Height of Coniferous Replacement Tree
5	8 cm	4 m

To ensure the five replacement trees are planted on-site at development stage, and the front yard and exterior side yard of the proposed corner lot is enhanced consistent with the landscape guidelines for corner lots in Richmond Zoning Bylaw 8500, the applicant will provide a Landscape Plan and a Landscape Security based on 100 per cent of the cost estimate provided by the Landscape Architect (which includes \$3750.00 (\$750/tree) for the five replacement trees), prior to final adoption of the rezoning bylaw.

# Tree Protection

Two trees on neighbouring properties 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 7).

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 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.

# Affordable Housing Strategy

The City of Richmond's Affordable Housing Strategy requires a secondary suite or coach house on 100 per cent of new lots created through single-family rezoning and subdivision applications; a secondary suite on 50 per cent of new lots creates and a cash-in-lieu contribution to the City's Affordable Housing Reserve Fund based on the total buildable area of the remaining lots; or a cash-in-lieu contribution based on the total buildable area of all lots where a secondary suite cannot be accommodated in the development.

Consistent with the Affordable Housing Strategy, the applicant has proposed to construct a minimum one-bedroom secondary suite in each of the new dwellings. Prior to final adoption of the rezoning bylaw, the applicant is required to register a legal agreement on Title stating that no final Building Permit inspection will be granted until the minimum one-bedroom secondary suites are constructed to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.

# Site Servicing and Frontage Improvements

At subdivision stage, the applicant must enter into a Servicing Agreement for the design and construction of the required site servicing and off-site improvements as described in Attachment 8, including:

- Provision of a 3 m x 3 m corner cut road dedication to facilitate frontage improvements along Heather Street and Dixon Avenue. The corner cut must be verified as part of the Servicing Agreement.
- Heather Street and Dixon Avenue frontages to be upgraded with a new concrete sidewalk at the property line, new treed/grassed boulevard, and new concrete curb and gutter.

- Accessible ramp to be provided at Heather Street and Dixon Avenue intersection.
- The current year's taxes, Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, Address Assignment Fees, and the costs associated with the completion of the required servicing works as described in Attachment 8.

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

This 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 8180 Heather Street from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/A)" zone, to permit the property to be subdivided to create two lots.

This rezoning application complies with the land use designations and applicable policies for the subject site contained within the OCP and the Richmond Zoning Bylaw 8500.

The list of rezoning considerations is included in Attachment 8, which has been agreed to by the applicant (signed concurrence on file).

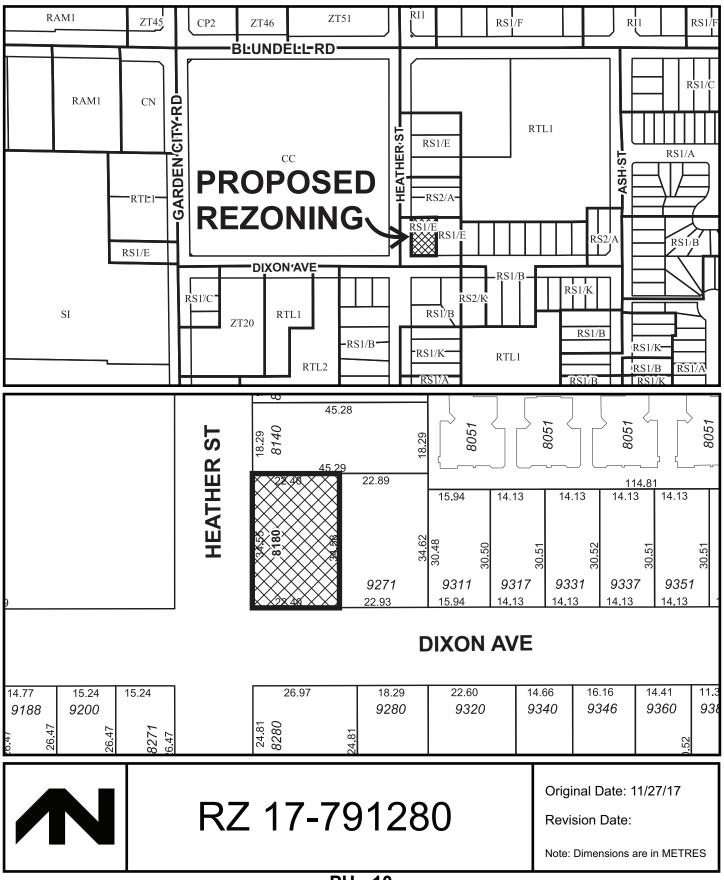
It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10433 be introduced and given first reading.

Alex Costin Planning Technician – Design (604-276-4200)

AC:js

- Att. 1: Location Map and Aerial Photo
  - 2: Survey and Proposed Subdivision Plan
  - 3: Development Application Data Sheet
  - 4: Ash Street Sub-Area Plan Bylaw 7100
  - 5. Public Correspondence
  - 6: Conceptual Development Plans
  - 7: Tree Management Plan
  - 8: Rezoning Considerations









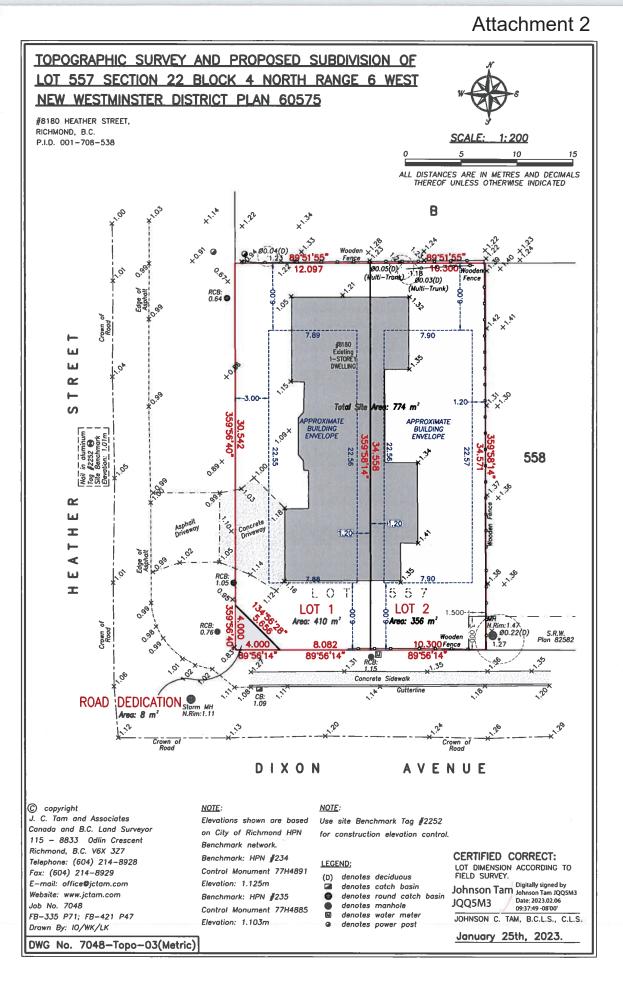


# RZ 17-791280

Original Date: 11/27/17

Revision Date:

Note: Dimensions are in METRES



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# **Development Application Data Sheet**

Development Applications Department

# RZ 17-791280

Address: 8180 Heather Street

Applicant: 1265028 B.C. Ltd.

Planning Area(s): Broadmoor – Ash Street Sub-Area

	Existing	Proposed
Owner:	1265028 BC Ltd (Xinyu Zhao)	To be determined
Site Size (m <sup>2</sup> ):	773 m <sup>2</sup>	Lot 1: 408.86 m Lot 2: 355.91 m
Land Uses:	One single-family dwelling	Two single-family dwellings
OCP Designation:	Neighbourhood Residential	No change
Area Plan Designation:	Low density residential	No change
Zoning:	Single Detached (RS1/E)	Single Detached (RS2/A)
Number of Units:	1	2

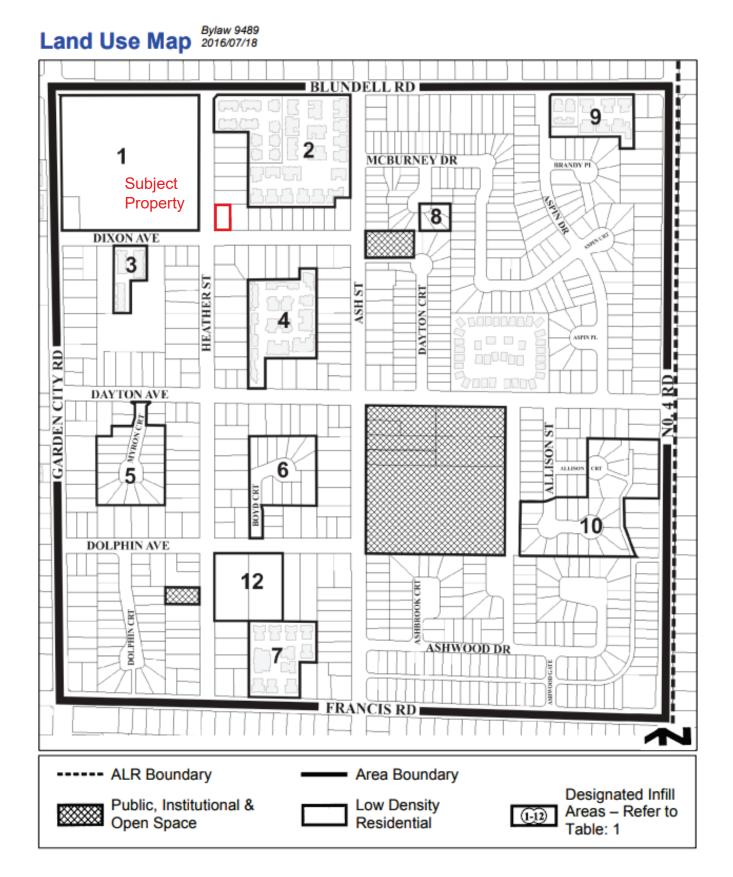
On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55 for lot area up to 464.5 m <sup>2</sup> plus 0.3 for area in excess of 464.5 m <sup>2</sup>	Max. 0.55 for lot area up to 464.5 m <sup>2</sup> plus 0.3 for area in excess of 464.5 m <sup>2</sup>	none permitted
Buildable Floor Area (m²):*	Lot 1: Max. 224.8 m <sup>2</sup> (2419.7 ft <sup>2</sup> ) Lot 2: Max. 195.7 m <sup>2</sup> (2106.5 ft <sup>2</sup> )	Lot 1: Max. 224.9 m <sup>2</sup> (2419.7 ft <sup>2</sup> ) Lot 2: Max. 195.7 m <sup>2</sup> (2106.5 ft <sup>2</sup> )	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:	270.0 m²	Lot 1: 408.8 m <sup>2</sup> Lot 2: 355.9 m <sup>2</sup>	none
Lot Dimensions (m):	Width: Min. 9.0 m Depth: Min. 24.0 m	Lot 1: Width: 12.1 m Depth: 34.6 m Lot 2: Width: 10.3 m Depth: 34.6 m	none

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Setbacks (m):	Front: Min. 6.0 m Rear: Min. 6.0 m or 20% of the total lot depth, for a maximum width of 60% of the rear wall of the first storey; and 25% of the total lot depth, for the remaining 40% of the rear wall of the first storey and any second storey, or half (½) storey above, up to maximum required setback of 10.7 m. Note: Min. Rear Yard setback is 6.0 m if the lot area is less than 372 m <sup>2</sup> Side: Min. 1.2 m Exterior Side: Min. 3.0 m	Front: Min. 6.0 m Lot 1: Rear: Min. 6.92 m for a maximum width of 60% of the rear wall of the first storey; and Min. 8.65 m for the remaining 40% of the rear wall of the first storey and any second storey, or half (1⁄2) storey above, up to maximum required setback of 10.7 Lot 2 (under 372 m <sup>2</sup> ): 6.0 m Side: Min. 1.2 m Exterior Side: Min. 3.0 m	none
Height (m):	Max 2½ storeys or 9.0 m	Max 2½ storeys or 9.0 m	none
Off-street Parking Spaces – Total	2	2	none

Other:

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

# Attachment 4



# Broadmoor Area – Ash Street Sub-Area Plan

From:	CT
To:	
Cc:	Costin, Alexander; Xuming Huang
Subject:	Re: 8180 heather street
Date:	February 11, 2023 11:42:44 AM
Attachments:	image001.png
	NEW SURVEY.jpg

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Morning

Thanks for replying and clarifying your "concern".

In general, as the party proposing new development, we assume the responsibility to replace failing structures on a site with something new. Since you **prefer** the conc. retaining wall and existing fence to stay as is, which in your opinion are in good shape, sure, they will stay as you desire. We would **NOT** touch.

We will just put up a timber retain. wall, where applicable, adjacent to the existing conc. retain wall.

By the way, a renewed Topo Survey attached, in metric units, shows that along the side yard, your <u>elevation grade</u> in fact ranges from 1.30m-1.42m (4.27ft-4.66ft.) I will adjust the finished grade on our side slight lower to level at 1.40m (4.60ft.)

Upon completion, our sidewalk in general matches with yours.

Regards,

Terry C tc studio

#### From:

Sent: February 9, 2023 5:45
To: C T <tcdesign2012@hotmail.com>
Cc: acostin@richmond.ca <acostin@richmond.ca>
Subject: Re: 8180 heather street

I was here when they built the "CONCRETE WALL" that tipped into my yard at the time. and know all about the wall supporting my foundation. I know that removing it will damage my house. The wall stays. And is partially on my lot. your client only wants to make a buc plain and simple. I build 4 ft from the lot but my foundation on the bottom is very close to the wall as it cam on my side. As you are not the city and the "CONCRETE WALL" which is far superior to a wood one you plan to replace so you can make a buc I will fight. the fence stays also It is like new and cedar... you can build one on the other side .

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Don't touch my fence. or the wall for that matter. And its not very confusing at all .

From: "C T" <tcdesign2012@hotmail.com>

To: Cc: "Xuming Huang" <huangxuming111@gmail.com>, "Costin,Alexander" <ACostin@richmond.ca>, "devapps" <DevApps@richmond.ca> Sent: Wednesday, February 8, 2023 3:55:29 AM Subject: Re: 8180 heather street

Hi

I am the designer of 8180 Heather St., would like to take a moment to ease your "concern" raised about the retaining wall.

Based on Topo Survey, your side yard sits at an Ele. Grade of 3.90', whereas we will propose to infill our lots to a Finished Ele. Grade of 4.83'. The difference in height is **merely 11**". See attached diagram.

We assure construction takes place ONLY on my client's property, including the entirety of timber retaining wall. Should the current retain. wall been encroaching onto your property, Surveyor will provide us the correct location, and we fix this issue once for all. A new fence to be placed at our expense.

It is apparent that your house, built in recent years (1997) must have gone through the process of infilling the lot. Whereas my client's house was built in 1985, back then, infilling the lot was not a required practice.

You claim that your house foundation being close to the retaining wall sounds a little confusing. As per Richmond bylaw established over the years, side yard setback for ANY residential building is at **least 4ft (1.2m)**. It is very spacious. The space b/t your house and the fence should simply be sidewalk. It is your property, and we are not going to touch an inch over the fence line.

Plus, our future building is subject to a 4ft. side yard from the fence as well. In total, your house and our new build are 8' apart. I can assure you there would be NO harm to the foundation of your house.

Afterall, I would like to you to understand that when constructing your house back in 1997, you were once considered a "developer" by the previous owner of 8180 Heather St. I am sure your intention was to bring value into the neighborhood, and you believed in the long-term potential of this community. Fast forward two and half decades, my Client has the exact same desire in mind, that is, we sincerely wish to revitalize subject Lot to its full potential. When completed, we like to attract young families moving in, continue contributing to the liveness

# PH - 17

of this community.

Your support to the Development will be much appreciated. Should you have more questions, feel free to reach out to me or the Developer, Bill (778-865-6360)

Regards,

Terry C tc studio

#232-4388 Still Creek Dr. Burnaby 604-771-8963

From: DevApps <DevApps@richmond.ca>
Sent: February 1, 2023 2:32 PM
To: Costin,Alexander <ACostin@richmond.ca>
Subject: FW: 8180 heather street

Hi Alex,

Could you please assist in responding back to this inquiry reading 8180 Heather Street RZ 17-791280.

Thank you, **Candice Kurji** Departmental Associate Development Applications **2** 604-276-4375 **2** ckurji@richmond.ca **PEOPLE. EXCELLENCE. LEADERSHIP. TEAM. INNOVATION** 

From: Sent: February 1, 2023 1:42 PM To: DevApps <<u>DevApps@richmond.ca</u>> Subject: 8180 heather street

**City of Richmond Security Warning:** This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

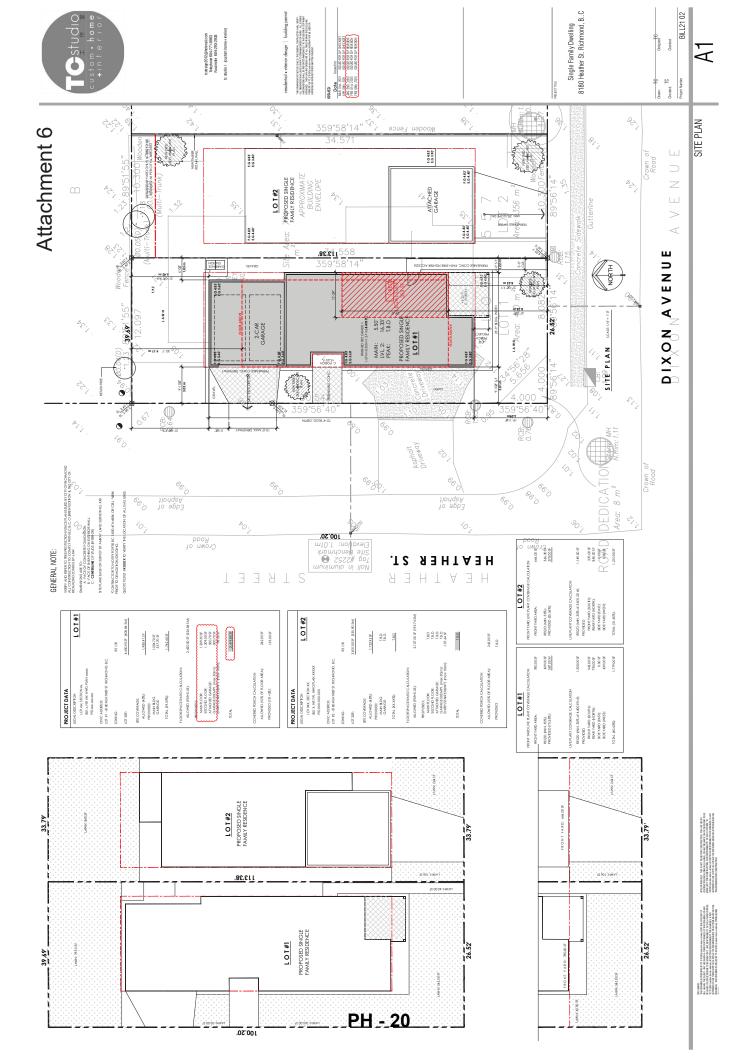
I live and heard that they want to build 2 houses length ways and remove the retaining wall between our properties as it is in the way.

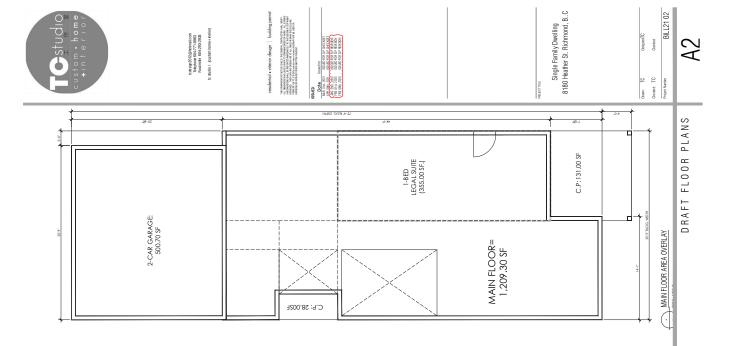
I want more information on this as the retaining wall protects my foundation .

the application is RZ 17-791280. I was at my location when they built the retaining wall and when back filling it it arced into my lot a lot. When I rebuilt my house my foundation was relying on this wall and is very close to it as well.

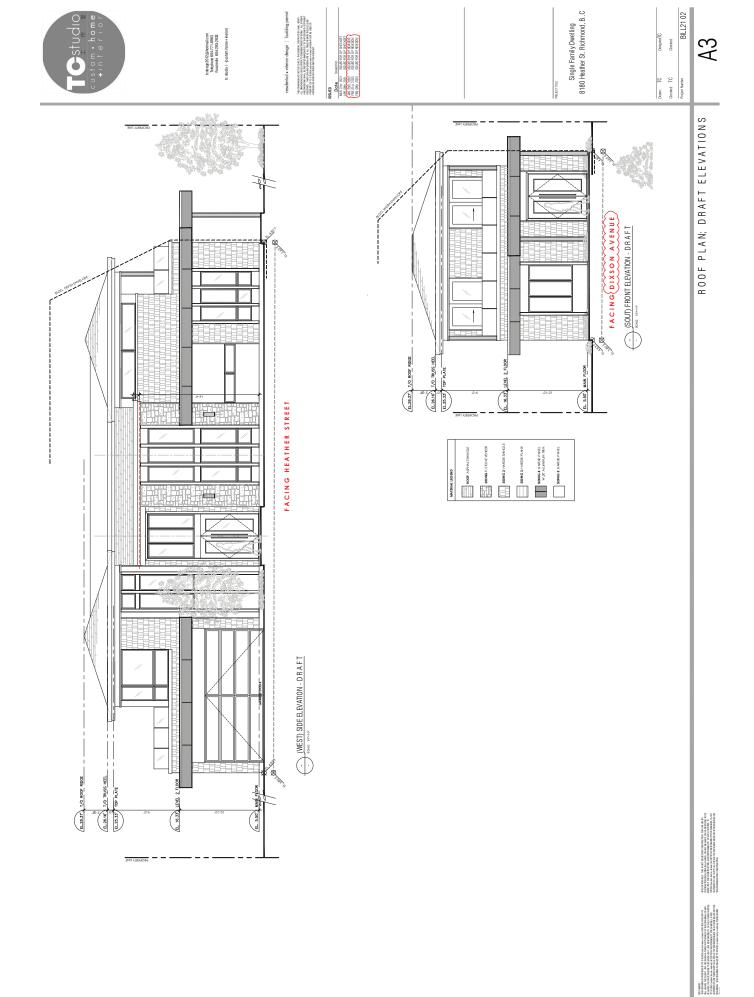
I think you can see my concern. Builders don't give a crap about anything but profit and lie all the time to who ever is around them especially a numbered LTD account.

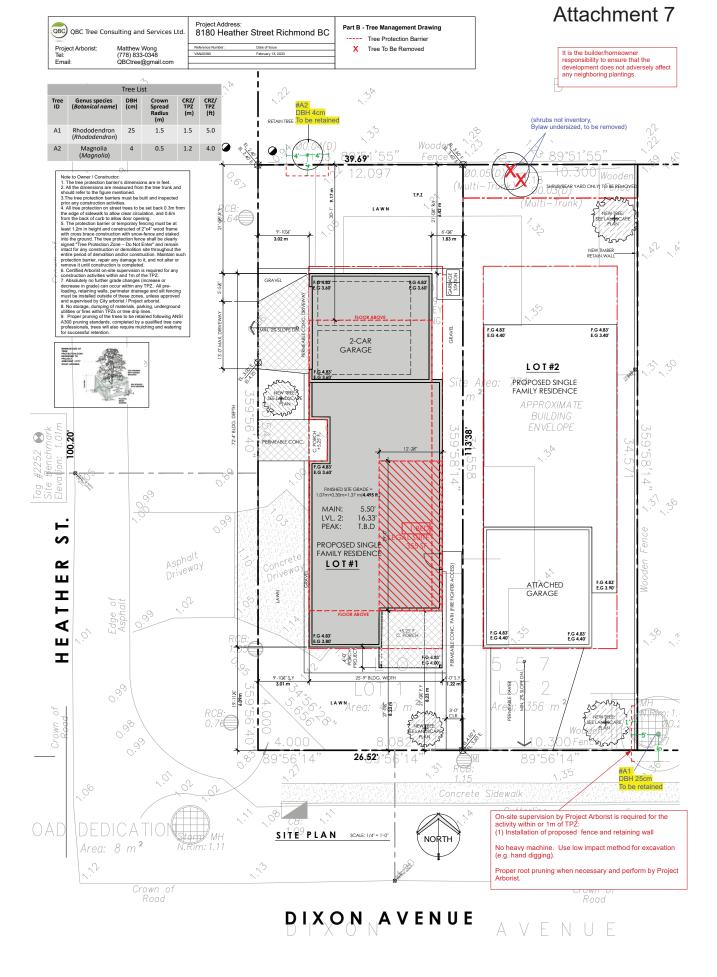
Please get back to me. My lot is











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# **Rezoning Considerations**

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

# Address: 8180 Heather Street

# File No.: RZ 17-791280

# Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10433, the developer is required to complete the following:

- 1. Submission of a Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, and deposit of a Landscaping Security based on 100% of the cost estimate provided by the Landscape Architect, including installation costs. The Landscape Plan should:
  - landscape guidelines for corner lots in Richmond Zoning Bylaw 8500;
  - 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
  - include the 5 required replacement trees with the following minimum sizes:

No. of Replacement Trees	Minimum Caliper of Deciduous Tree	or	Minimum Height of Coniferous Tree
5	8 cm		4 m

- 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. Registration of a flood indemnity covenant on title (2.9 m GSC Area A).
- 4. Registration of a legal agreement on title, ensuring that the Building Permit application and ensuing development of Lot 1 is generally consistent with submitted conceptual plans. Further design development of the east elevation is required prior to final adoption of the rezoning bylaw and to the satisfaction of the Director of Development to ensure the building presents an attractive pedestrian interface to Heather Street.
- 5. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until at minimum a one-bedroom secondary suite is constructed on both of the future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
- 6. Payment of all fees in full for the cost associated with the Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.

# Prior to Demolition Permit Issuance, the developer must complete the following requirements:

1. 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.

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

- 1. A 3m x 3m corner cut road dedication is required at the southwest corner of the property prior to subdivision approval. The exact extent of road dedication is to be verified by the Director of Transportation as part of the detailed design of the Servicing Agreement works.
- 2. At Subdivision stage, the applicant is required to pay the current year's taxes, Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, Address Assignment Fees, and the costs associated with the completion of the required servicing and other improvements. The applicant is also required to pay a voluntary \$84,251.00 cost recovery contribution for the frontage improvements previously installed along Heather Street through the City's Capital works project.

3. Enter into a Servicing Agreement for the design and construction of engineering infrastructure improvements. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. Works include, but may not be limited to:

### Water Works

- a) Using the OCP Model, there is 205.0 L/s of water available at a 20 psi residual at the Heather St frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- b) At the Developer's cost, the Developer is required to:
  - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on BP stage building designs.
- c) At Developers cost, the City will:
  - i) Cut, cap, and remove the existing water service connection and meter at the Dixon Road frontage.
  - ii) Install two new water service connections, complete with meter and meter box, off of the existing 150mm watermain along Dixon Avenue.

### **Storm Sewer Works:**

- a) At Developer's cost, the City will:
  - i) Replace the existing storm service connection, inspection chamber, and dual service leads., located at the adjoining property line of the newly created lots.
  - ii) Cut, cap, and remove the existing storm service connections and inspection chambers along the west property line (STCN41581, STCN41582, & STCN41583), regardless of the results of the CCTV inspection.

### **Sanitary Sewer Works:**

- b) At Developer's cost, the City will:
  - i) Cut and cap the existing sanitary service connection located at the south east corner of the subject site. The existing IC shall be retained to service 9271 Dixon Avenue.
  - ii) Install one new sanitary service connection off of the existing sewer on the south side of Dixon Avenue, complete with inspection chamber and dual service leads.

### **Frontage Improvements:**

- a) At the Developer's cost, the Developer is required to:
  - i) Coordinate with BC Hydro, Telus and other private communication service providers:
    - (1) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
    - (2) To locate/relocate all above ground utility cabinets and kiosks required to service the proposed development, and all above ground utility cabinets and kiosks located along the development's frontages, within the developments site (see list below for examples). A functional plan showing conceptual locations for such infrastructure shall be included in the development design review process. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) 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 statutory right-of-ways that shall be shown on the architectural plans/functional plan:
      - BC Hydro PMT 4.0 x 5.0 m

- BC Hydro LPT 3.5 x 3.5 m
- Street light kiosk 1.5 x 1.5 m
- Traffic signal kiosk 2.0 x 1.5 m
- Traffic signal UPS -1.0 x 1.0 m
- Shaw cable  $kiosk 1.0 \ge 1.0 = m$
- Telus FDH cabinet 1.1 x 1.0 m
- ii) Complete the following upgrades along the frontage facing Heather Street and Dixon Avenue:
  - 1.5m concrete sidewalk
  - 1.5m boulevard
  - Extruded curb and gutter
  - Pavement Widening
  - Lot 1 driveway access/letdown to be off Heather Street
  - Lot 2 driveway access/letdown to be off Dixon Avenue
- iii) Submit a Function Plan of the subject site and include all frontage designs, signed and sealed by a Civil Consultant.

### **Street Lighting:**

a) At Developer's cost, the Developer is required to:

i) Review street lighting levels along all road and lane frontages, and upgrade as required.

### **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, 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 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. 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

Date

(Signed copy on file)

# Bylaw 10433



# Richmond Zoning Bylaw 8500 Amendment Bylaw 10433 (17-791280) 8180 Heather Street

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/A)"**.

P.I.D. 001-708-538 Lot 557 Section 22 Block 4 North Range 6 West New Westminster District Plan 60575

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10433".

FIRST READING	MAR 2 7 2023	CITY OF RICHMOND
A PUBLIC HEARING WAS HELD ON		APPROVED by
SECOND READING		APPROVED by Director or Solicitor
THIRD READING		&
OTHER CONDITIONS SATISFIED		
ADOPTED		

MAYOR

CORPORATE OFFICER



Minutes

# Regular Council Monday, March 27, 2023

8. APPLICATION BY 1265028 B.C. LTD. FOR REZONING AT 8180 HEATHER STREET FROM "SINGLE DETACHED (RS1/E)" ZONE TO THE "SINGLE DETACHED (RS2/A)" ZONE (File Ref. No. 12-8060-20-10433, RZ 17-791280) (REDMS No. 7031674, 7031945, 7011173)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10433, for the rezoning of 8180 Heather Street from "Single Detached (RS1/E)" zone to "Single Detached (RS2/A)" zone, be introduced and given first reading.

**ADOPTED ON CONSENT** 



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

 Date:
 March 6, 2023

 File:
 ZT 23-009334

Re: Application by Grootendorst's Flowerland Nursery Ltd. for a Zoning Text Amendment to the "Agriculture (AG1)" Zone to Permit an Addition to a Single-Family Dwelling at 15140 Westminster Highway

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10448, for a Zoning Text Amendment to the "Agriculture (AG1)" zone to permit an addition to an existing single-family dwelling at 15140 Westminster Highway for the purposes of accommodating accessibility features, be introduced and given first reading.

Wayne Craig Director, Development

WC:sds Att. 7

**REPORT CONCURRENCE CONCURRENCE OF GENERAL MANAGER** 

# **Staff Report**

# Origin

Grootendorst's Flowerland Nursery Ltd. has submitted a Zoning Text Amendment application to allow an addition to an existing single-family dwelling at 15140 Westminster Highway for the purpose of accommodating accessibility features. The application is consistent with the associated Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-007162) approved by Council and the Agricultural Land Commission (ALC). A location map and aerial photograph are provided in Attachment 1. The subject property is currently occupied by a principal single-family dwelling, an additional single-family dwelling (the subject of the application), and an active farming operation.

# Background

On September 12, 2022, Council authorized the associated Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-007162) to be forwarded to the Agricultural Land Commission (ALC). As per the ALC's decision letter dated January 10, 2023 (Attachment 2), the ALC approved the proposal for a 64 m<sup>2</sup> (689 ft<sup>2</sup>) addition to the existing additional single-family dwelling at 15140 Westminster Highway (Resolution #14/2023). The subject Zoning Text Amendment application is required to amend the "Agriculture (AG1)" zone in order to allow the addition at the subject site only. The proposed amendments are consistent with the ALR NARU application approved by Council and the ALC. More information regarding the proposed amendments is provided in the "Analysis" section of this report.

# **Findings of Fact**

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

# **Surrounding Development**

To the North:	Across Westminster Highway, an active farming operation on a property zoned "Agriculture (AG1)" and located in the Agricultural Land Reserve (ALR).
To the South:	Across the Granville Avenue unopened road allowance, an active landfill operation on a property zoned "Agriculture (AG1)" and located in the ALR, operating under previous ALR non-farm use approvals from Council and the ALC (AG 14-654361 / AG 19-863866)
To the East & West:	Single-family dwellings and active farming operations on properties zoned "Agriculture (AG1)" and located in the ALR.

# **Related Policies & Studies**

### Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is "Agriculture (AGR)", which comprises of those areas of the City where the principal use is agriculture and

food production, but may also include other uses as permitted under the *Agricultural Land Commission Act* (ALCA). The proposal is consistent with this designation.

OCP policy includes limiting the number of dwelling units to one on lots within the ALR and any proposal for additional dwelling units require approval from both Council and the ALC. The proposal has received Council and ALC approval.

### 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 proposed addition complies with the exemption provisions in the Bylaw, as the addition would increase the size of the existing additional dwelling by less than 25%.

### Riparian Management Area & Environmentally Sensitive Area Designation

The property contains a small portion of Riparian Management Area (RMA) and Environmentally Sensitive Area (ESA) designation at the rear of the property. No impact to the RMA or ESA is proposed as part of this application.

### Food Security and Agricultural Advisory Committee

The associated ALR NARU application (AG 22-007162) was reviewed and supported by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on July 7, 2022. An excerpt from the July 7, 2022 FSAAC meeting minutes is provided in Attachment 4.

# **Public Consultation**

In accordance with the City's Early Public Notification Policy, notice of the development proposal was provided to residents within 100 metres of the subject site. In addition, 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 early public notification or placement of the rezoning sign on the property.

Should the Planning Committee endorse this application and Council grant 1<sup>st</sup> 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* and the City's *Zoning Bylaw 8500*.

# Analysis

# <u>Proposal</u>

The purpose of the subject Zoning Text Amendment application is to allow a 64 m<sup>2</sup> (689 ft<sup>2</sup>) addition to the existing 256.9 m<sup>2</sup> (2,765 ft<sup>2</sup>) additional dwelling for the purposes of

accommodating accessibility features. The additional dwelling is occupied by the head grower of the farm operation and son of the property owner. Responsibilities include ordering cuttings, seeds, pots, containers, overseeing watering, fertilizing, time schedules, writing invoices, and general assistance for customers. The occupant of the additional dwelling was involved in an accident in 2020 and now requires a wheelchair. The purpose of the proposed addition is to incorporate accessibility features into the existing additional dwelling in order for the occupant to continue living in the dwelling and supporting the farm's operations. The applicant's statement is provided in Attachment 5.

The applicant has provided plans demonstrating that the intent of the proposed addition is solely to accommodate a variety of accessibility features, including wheelchair maneuverability (clearances and turning radiuses), space for physical therapy equipment, and storage for different types of wheelchairs. The City's Accessibility Coordinator has reviewed the plans and deemed it reasonable based on current established accessibility standards. The proposed plans are provided in Attachment 6. Prior to final adoption of the rezoning bylaw, a legal agreement registered on title is required to ensure the ensuing development of the addition is generally consistent with the submitted conceptual plans. The plans are consistent with the associated Council and the ALC approval of the Non-Adhering Residential Use (NARU) application.

To ensure that the residential buildings remain under the single ownership of the property, prior to final adoption of the rezoning bylaw, a legal agreement registered on title is required to ensure non-stratification and limiting the occupancy of the additional dwelling to farm labour or immediate family only.

# Farm Operation

The subject site is approximately 40 acres (16 hectares), has farm status as per BC Assessment, and is actively farmed (nursery, including shrubs, trees, plants, vegetables, and ornamental flowers). The applicant has indicated that the associated farm operation has operated in Richmond since 1953 and was incorporated in 1970. In addition to the subject site, the farm operation also farms 6360 No. 7 Road, an additional 9.1 acres (3.7 hectares). The farm operation currently includes 18 full-time farm workers and 5 seasonal farm workers. The proposed addition would not impact the current farm operation as it would be located on the existing sundeck and within the existing farm home plate. In addition, no changes are required to the existing septic system.

The ALC decision letter noted that the intensity of the agricultural activity currently undertaken on the property warrants the necessity of having a second permanent residence and an on-site employee.

# Proposed Zoning Text Amendment

As per the "Agriculture (AG1)" zone, a maximum one dwelling is permitted per lot. The existing additional dwelling on the site is approximately 256.9 m<sup>2</sup> (2,765 ft<sup>2</sup>) and the proposed addition is 64.0 m<sup>2</sup> (689 ft<sup>2</sup>), for a total of 320.9 m<sup>2</sup> (3,454 ft<sup>2</sup>). The existing principal dwelling is 304.1 m<sup>2</sup> (3,273 ft<sup>2</sup>) and is occupied by the property owner. The existing principal dwelling and additional dwelling on the subject site were constructed in the 1980s when the City's Zoning

Bylaw allowed additional dwellings on agriculturally zoned lots based on lot size, and is considered non-conforming.

In addition, the existing additional dwelling was constructed prior to the adoption of farm home plate area, farm home plate setback, single-detached housing maximum setback from a public road, and farm house footprint requirements contained in the current "Agriculture (AG1)" zone. The table below provides an analysis comparing current bylaw requirements and the proposed site-specific amendments:

	Bylaw Requirement (AG1)	Proposed Site-Specific Amendments
Residential Density:	Max. one dwelling unit per lot	Principal dwelling and additional dwelling (existing)
Farm Home Plate Area:	Max. 1,000 m <sup>2</sup>	Approx. 3,500 m <sup>2</sup> (existing)
Setback – Farm Home Plate:	Max. 75 m	85 m (existing)
Setback – Single-Detached Housing Building:	Max. 50 m	62 m (existing) / 68 m (proposed)
Farm House Footprint	Max. 60%	100% (existing)

The proposed Zoning Text Amendment to the "Agriculture (AG1)" zone would allow the proposal to proceed on the subject site only and limited to the proposed plans attached to this report (Attachment 6), consistent with the associated Council and ALC approval. A new additional dwelling or further expansion of the existing additional dwelling would require both Council and ALC approval.

### Transportation and Site Access

The additional dwelling at 15140 Westminster Highway is currently accessed by a driveway along Westminster Highway. No changes are proposed to the existing site access.

# Tree Retention and Replacement

No trees are proposed to be removed or impacted by the proposed addition to the existing single-family dwelling at 15140 Westminster Highway.

# Site Servicing and Frontage Improvements

Due to the relatively small scale of the proposed addition, site servicing requirements are minor and will be addressed at the time of Building Permit application. No frontage improvements are required.

# **Financial Impact**

None.

# Conclusion

The purpose of the Zoning Text Amendment application is to allow an addition to an existing single-family dwelling at 15140 Westminster Highway for the purpose of accommodating

accessibility features, in order for the occupant to continue living in the dwelling and supporting the farm's operations.

The application is consistent with the associated Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-007162) approved by Council and the Agricultural Land Commission (ALC).

The list of rezoning considerations is included in Attachment 7, which has been agreed to by the applicant (signed concurrence on file).

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10448 be introduced and given first reading.

Steven De Sousa Planner 2

SDS:cas

Attachment 1: Location Map & Aerial Photo

Attachment 2: ALC decision letter dated January 10, 2023

Attachment 3: Development Application Data Sheet

Attachment 4: Excerpt from the July 7, 2022 FSAAC Meeting Minutes

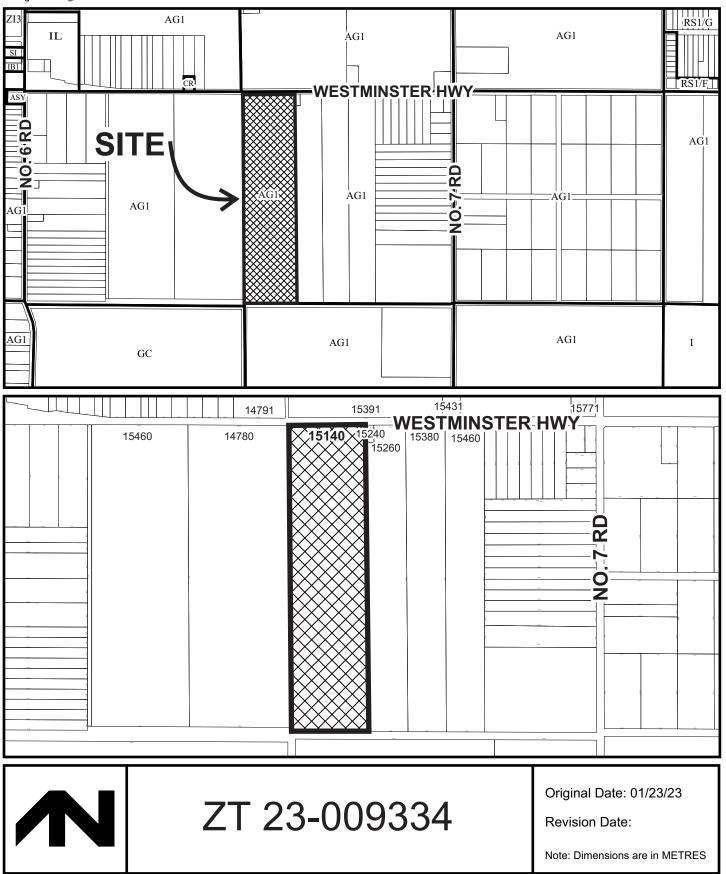
Attachment 5: Applicant's Statement

Attachment 6: Conceptual Development Plans

Attachment 7: Rezoning Considerations



# City of Richmond









# ZT 23-009334

Original Date: 01/23/23

Revision Date:

Note: Dimensions are in METRES



Agricultural Land Commission 201 – 4940 Canada Way Burnaby, British Columbia V5G 4K6 Tel: 604 660-7000 Fax: 604 660-7033 www.alc.gov.bc.ca

ALC File: 64458

Grootendorsts' Flowerland Nursery Ltd. 15140 Westminster Highway Richmond, BC

#### gflowerland@hotmail.com

#### DELIVERED ELECTRONICALLY

Dear Sir:

#### Re: Reasons for Decision - ALC Application 64458

Please find attached the Reasons for Decision for the above noted application (Resolution #14/2023). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
  - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
  - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per <u>ALC Policy P-08</u>: Request for Reconsideration.

Please refer to the ALC's <u>Information Bulletin 08 – Request for Reconsideration</u> for more information.

Yours truly,

Martin Willins

Martin Collins, Regional Planner

Enclosures: Reasons for Decision (Resolution #14/2023) Schedule A: Decision Map Schedule B: Site diagram

cc: City of Richmond

64458d1



## AGRICULTURAL LAND COMMISSION FILE 64458 REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Non-Adhering Residential Use Application Submitted Under s.20.1(2) of the Agricultural Land Commission Act

Applicant:	Grootendorst's Flowerland Nursery Ltd.
Agent:	Andrew Grootendorst
Property:	Parcel Identifier: 003-749-291 Legal Description: Parcel "B" (Reference Plan 1036) Section 10, Block 4 North Range 5 West New Westminster District
	Area: 16.1 ha ALR Area: 16.1 ha
Chief Executive Officer:	Kim Grout (the "CEO")



## **OVERVIEW**

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 20.1(2) of the ALCA, the PRT, the Applicant is applying to the Agricultural Land Commission (the "Commission") to add 64 m<sup>2</sup> to an existing 257 m<sup>2</sup> single story home (constructed in 1980) occupied by a disabled co-owner/farm worker for wheelchair access. The addition would be located on the existing sundeck. The resident of the home, Andre Grootendorst, was the head grower of the nursery before his accident, and is resuming his role with the nursery as he recuperates.

The residence proposed for the 64  $m^2$  expansion is the second residence on the Property. The principal residence (constructed in 1984) is 304  $m^2$  (the "Proposal").

- [3] The Proposal along with related documentation from the Applicant, Agent, local government, and Commission, is collectively referred to as the "Application". All documentation in the Application was available on the ALC Application Portal to the Agent in advance of this decision.
- [4] Under Section 27 of the ALCA the Commission, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, nonadhering residential use, and soil or fill use applications. By resolution, the Commission as specified that the following applications may be decided by the CEO:
  - 3. Non-farm use and non-adhering residential use applications made necessary by minor deviations from the permitted uses identified in the ALR Use Regulation
- [5] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
  - 6 (1) The following are the purposes of the commission:

## PH - 41



- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
  - (a) the size, integrity and continuity of the land base of the agricultural land reserve;(b) the use of the agricultural land reserve for farm use.

## BACKGROUND

- [6] The Application indicates that the nursery operation requires the additional residence for farm help given the nursery employs between 20 and 25 farm workers. The residential expansion would increase the size of the existing secondary residence to ~321 m<sup>2</sup>.
- [7] The 16 ha Property has BC assessment "farm" status and is used entirely as a nursery. The current homes are set back 85 meters from Westminster Highway and occupy approximately 3,500 m<sup>2</sup> footprint. No additional fill is required.
- [8] The City of Richmond notes that the second dwelling is legal, but non-conforming to the zoning bylaw, both in the number of permitted dwellings and their permitted overall maximum footprint (currently set at 1,000 m<sup>2</sup> in the Bylaw). If the application is permitted re-zoning would be required. Agricultural Advisory Committee recommended support for the application.
- [9] The City of Richmond *Food Security and Agricultural Advisory Committee* passed a motion to support the Application.



[10] The City of Richmond Council forwarded the application to the ALC with no specific comment.

## **FINDINGS**

- [11] The Commission finds that the application is consistent with Criterion 3 of the ALC CEO Delegation Authority as the 64 m<sup>2</sup> addition represents a minor expansion to a nonconforming second dwelling and occupies an area that already forms part of the residential structure.
- [12] The Commission finds that the proposed 64 m<sup>2</sup> house expansion is necessary for accommodating the disability of the farm employee. Furthermore, the intensity of the agricultural activity currently undertaken on the property warrants the necessity of having a second permanent residence and an on-site employee.

## DECISION

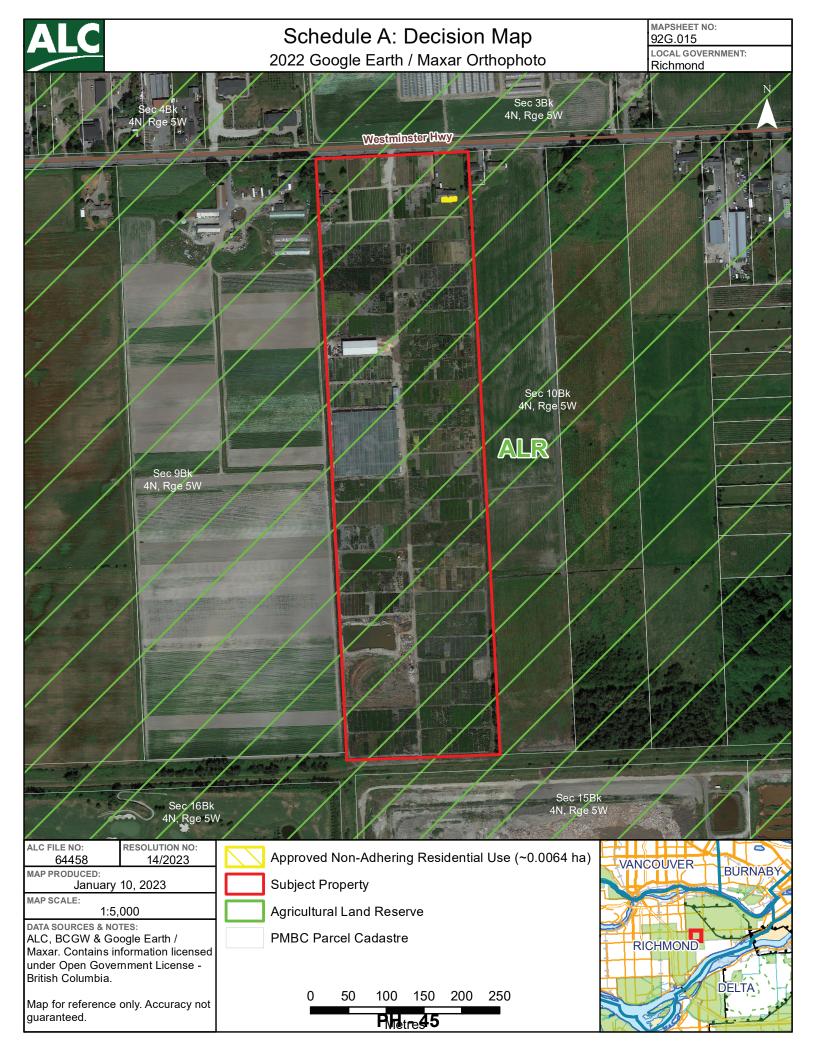
- [13] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #3 and approve the Proposal subject to the following conditions:
  - The addition of 64 m<sup>2</sup> expansion to the existing secondary dwelling is located on the existing sundeck in accordance with Schedules A and B of this decision;
- [14] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [15] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the *ALCA*.



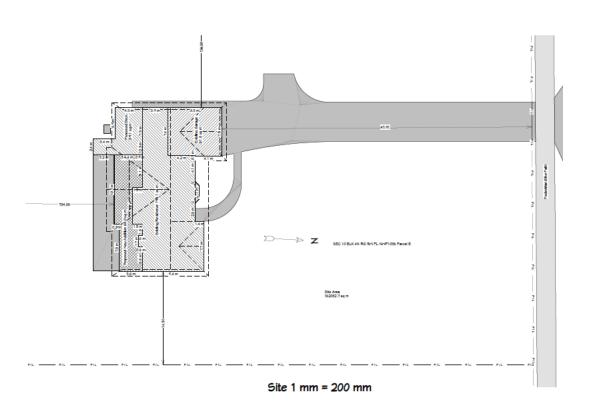
[16] Resolution #14/2023

Released on January 10, 2023

Kim Grout, Chief Executive Officer







Site 1 mn

Approved residence expansion of 64  $m^{2}$ 





## **Development Application Data Sheet**

Development Applications Department

## ZT 23-009334

Address: 15140 Westminster Highway

Applicant: Grootendorst's Flowerland Nursery Ltd.

Planning Area(s): <u>East Richmond</u>

	Existing	Proposed
Owner:	Grootendorst's Flowerland Nursery Ltd.	No change
Site Size:	40 acres (16 hectares)	No change
Land Uses:	Single-family residential and agriculture	No change
OCP Designation:	Agriculture (AGR)	No change
Zoning:	Agriculture (AG1)	Zoning Text Amendment to allow an addition to an existing secondary dwelling
Number of Units:	2	No change

	Bylaw Requirement	Proposed
Residential Density:	Max. one dwelling unit per lot	Principal dwelling and secondary dwelling (existing)
Floor Area Ratio:	Max. 400 m² (4,350 ft²)	Principal dwelling (existing): 304.1 m <sup>2</sup> (3,273 ft <sup>2</sup> ) Secondary dwelling (existing): 256.9 m <sup>2</sup> (2,765 ft <sup>2</sup> ) Addition to secondary dwelling (proposed): 64.0 m <sup>2</sup> (689 ft <sup>2</sup> )
Farm Home Plate Area:	Max. 1,000 m² (10,763 ft²)	Approx. 3,500 m <sup>2</sup> (37,674 ft <sup>2</sup> ) (existing)
Setback – Farm Home Plate:	Max. 75 m	85 m (existing)
Setback – Single Detached Housing Building:	Max. 50 m	Secondary dwelling (existing): 62 m Addition to secondary dwelling (proposed): 68 m
Setback – Front Yard:	Min. 6.0 m	Complies
Setback – Side Yard:	One side: Min. 6.0 m Other side: Min. 1.2 m	Complies
Setback – Rear Yard:	Min. 10.0 m	Complies
Farm House Footprint:	Max. 60%	Secondary dwelling (existing): 100%
Height:	Max. 9.0 m (2 storeys)	Secondary dwelling (existing): 1 storey

Attachment 3

## Excerpt from the Meeting Minutes of the Food Security and Agricultural Advisory Committee (FSAAC)

## Thursday, July 7, 2022 – 7:00 p.m. Webex

## ALR Non-Adhering Residential Use Application – 15140 Westminster Highway

Steven De Sousa, Planner 2, introduced the ALR Non-Adhering Residential Use Application and provided the following comments:

- ALR Non-Adhering Residential Use applications are required for residential uses in excess of those residential uses permitted by the ALR Regulations, including alterations to existing residences that exceed the current requirements;
- The subject property contains an existing principal dwelling and additional dwelling, both built when the Zoning Bylaw and ALR Regulations allowed additional dwellings based on lot size;
- In order to allow the proposed addition to the existing additional dwelling, an ALR Non-Adhering Residential Use Application is required to be approved by Council and the ALC. Should Council and the ALC approve the application, a subsequent rezoning application would be also be required;
- The occupant of the additional dwelling is the head grower of the farm operation and now requires a wheelchair due to an accident in 2020. The applicant has provided plans demonstrating the intent to accommodate accessibility features into the existing additional dwelling. The City's Accessibility Coordinator has reviewed the plans and deemed it reasonable based on established accessibility standards; and
- The existing additional dwelling was constructed prior to the adoption of farm home plate area, farm home plate setback, single-detached housing setback, and farm house footprint requirements. The existing additional dwelling is considered non-conforming based on these current requirements.

The applicant provided the following additional information:

- Due to an accident in 2020, the occupant of the additional dwelling now requires a wheelchair;
- The proposed addition to the additional dwelling is required in order for the space to be accessible, including wheelchair maneuverability, space for physical therapy equipment, and storage for different types of wheelchairs; and
- The occupant of the additional dwelling is taking over the farm operation and requires a place to live on the farm.

The Committee expressed support for the proposal and acknowledged the applicant's needs to accommodate the proposed accessibility features.

The Committee passed the following motion:

*That the Food Security and Agricultural Advisory Committee support the ALR Non-Adhering Residential Use Application at 15140 Westminster Highway (AG 22-007162).* 

Carried Unanimously

## Proposal

What is the purpose of the proposal?

The purpose of the proposal is to add several feet to an existing farm house in order to make it handicap accessible so that Andre Grootendorst, who, is the primary resident of this house, able to move back home.

Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term. Andre Grootendorst (the person who lives in this home) was in a bus which crashed at the Columbia icefields by Jasper July 18, 2020. He suffered multiple injuries which left him paralyzed. A T7 complete spinal injury. He spent 3 months in hospitals and more than a year recuperating at his parents home.. Andre would now like to be able to move back into his house , however he is confined to a wheelchair. Our goal in this application is to be able to make Andre's house wheelchair accessible and make it possible for him to live. This would include making handicap washrooms including showers, making his kitchen larger and replacing the cabinets for wheelchair accessibility and extending his family room several feet in order to accommodate his exercise equipment and for wheelchair maneuverability.

Before his accident Andre was fully engaged in the operation of Grootendorst's Flowerland Nursery as head grower. He already is resuming part of his work and as he gets stronger would like to work full time at what he would be able to. He cannot do the same physical work, but will be able to do much needed leadership in planning, ordering, office, and customer service

Grootendorst' Flowerland Nursery has been a family run business in Richmond since 1953, Incorporated 1970. We operate on 50 acers of land, employ between 20 to 25 people. We fully appreciate the agricultural land reserve. We are only asking to add a few feet to a house so that Andre can continue to live in his house. We will not be using any more of the home plate that is already being used.

Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

Residence no. 1 (Andre's house) A 1 story rancher, 3 bedrooms. 194.9 sq. m

living space with a 61.9 sq. m garage. Built in 1980 Residence no. 2 Split level , 278.7 sq. m with a 25.36 sq m. garage

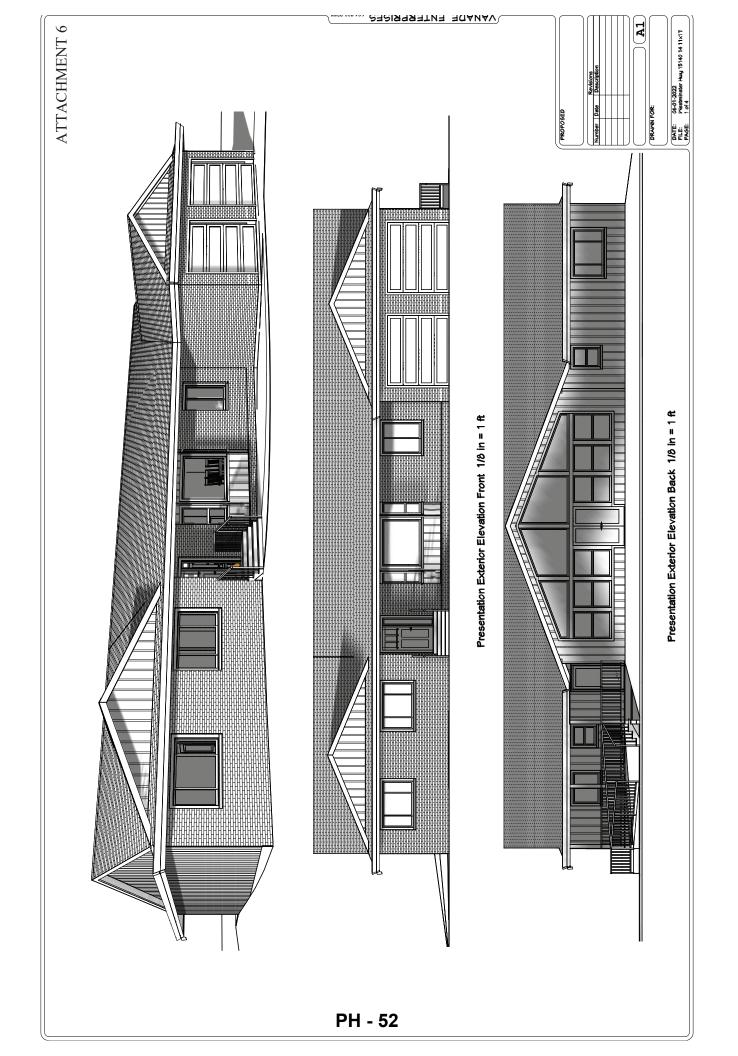
built in 1984

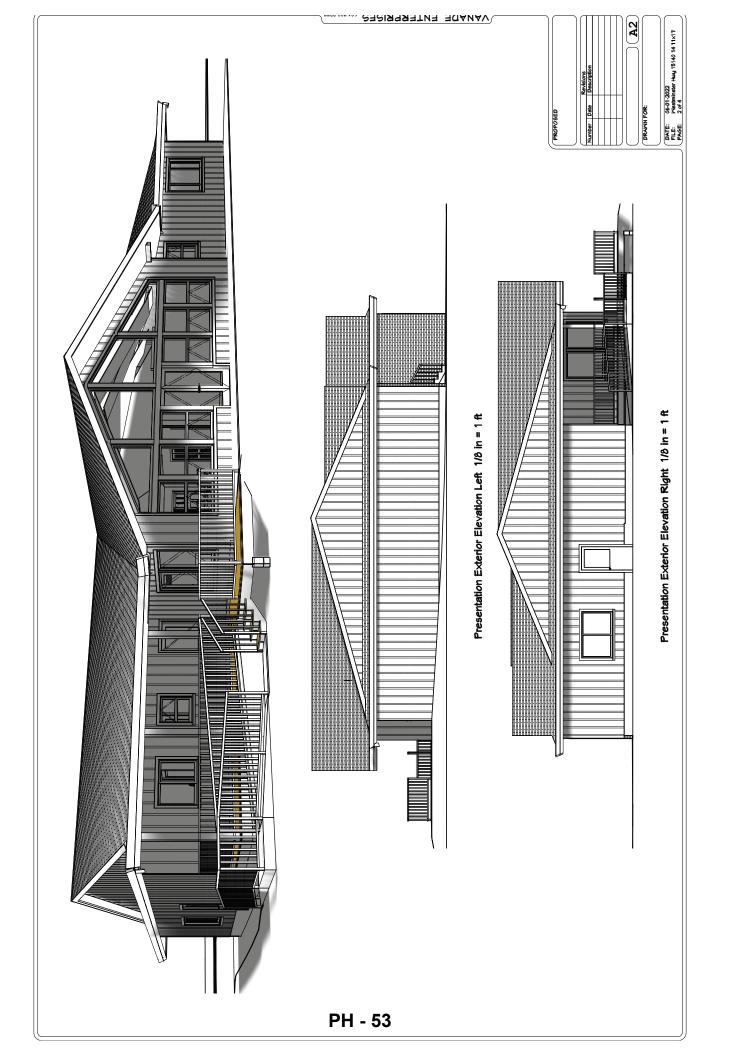
What is the total floor area of the proposed additional residence in square metres? 64.0 m<sup>2</sup>

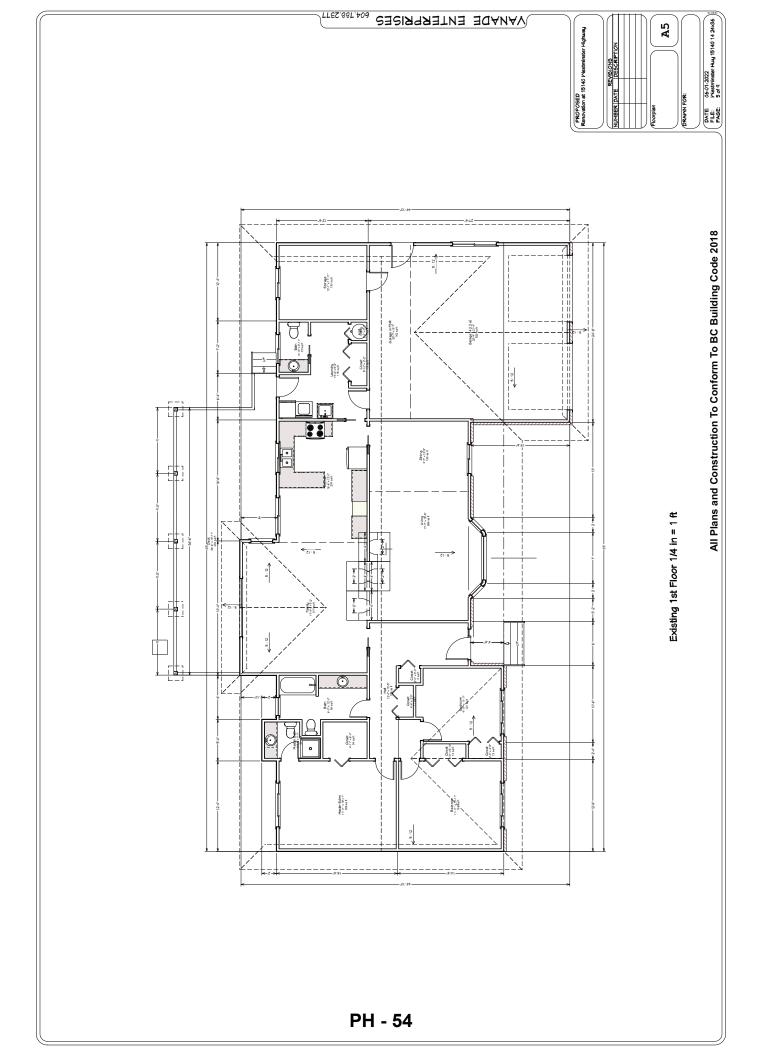
**Describe the rationale for the proposed location of the additional residence.** Would like to use the existing sundeck for the addition so we will not be using any agricultural land

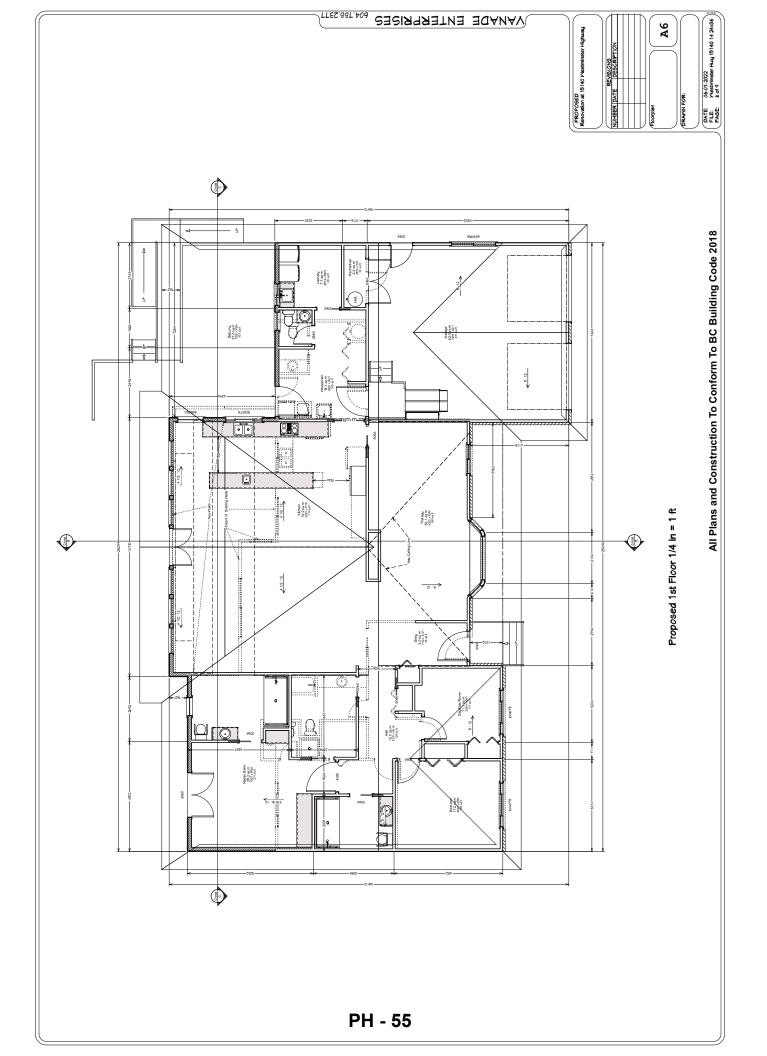
What is the total area of infrastructure necessary to support the additional residence? There will not be any extra infrastructure necessary except for a wheelchair ramp.

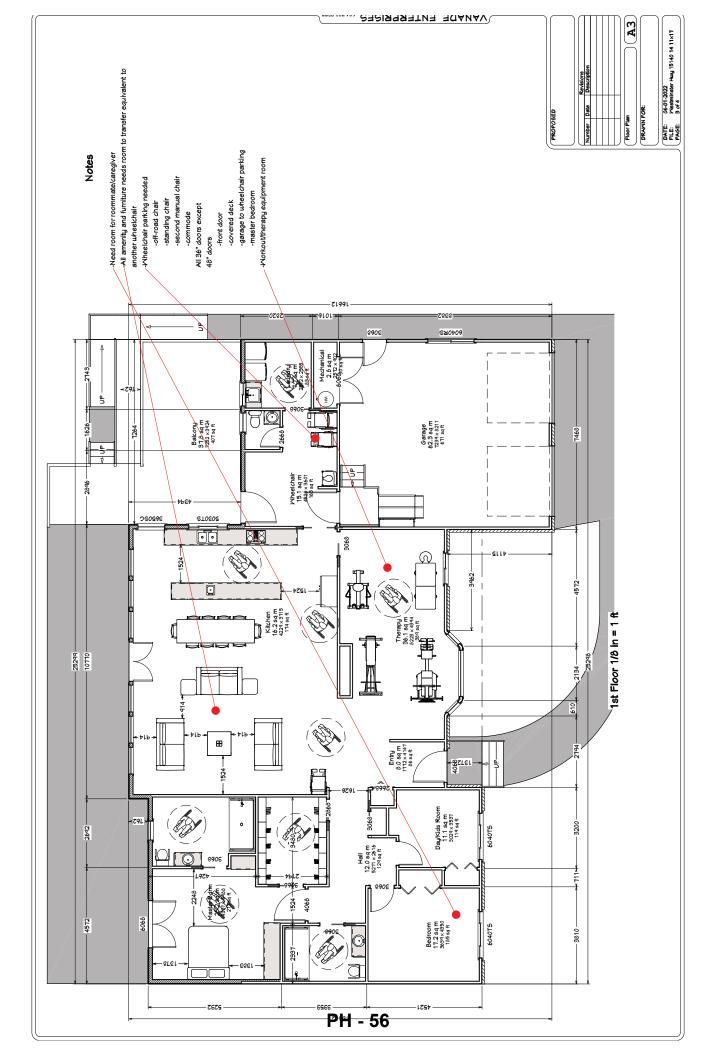
Do you need to import any fill to construct the additional residence or infrastructure? No

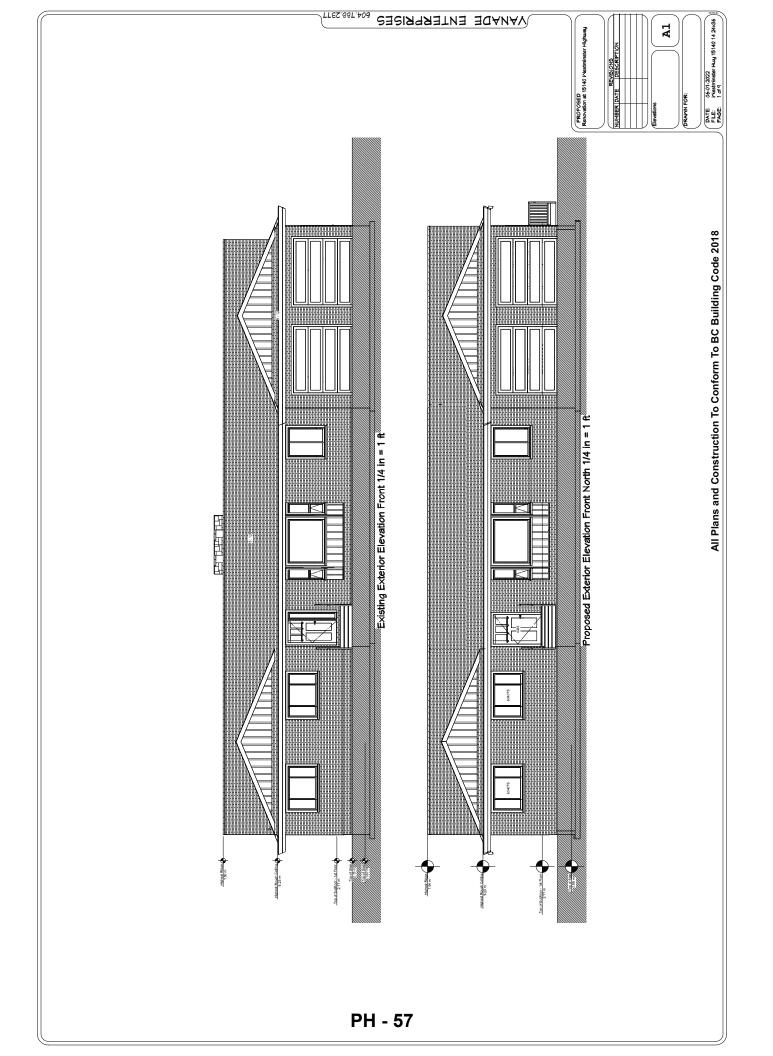


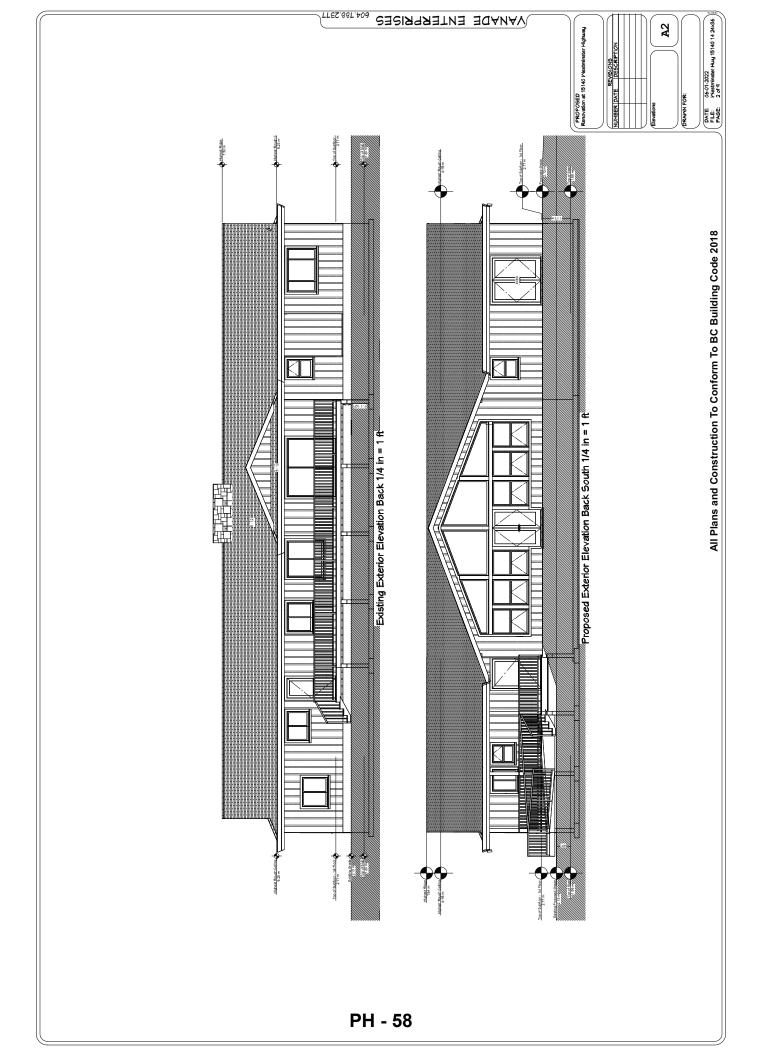


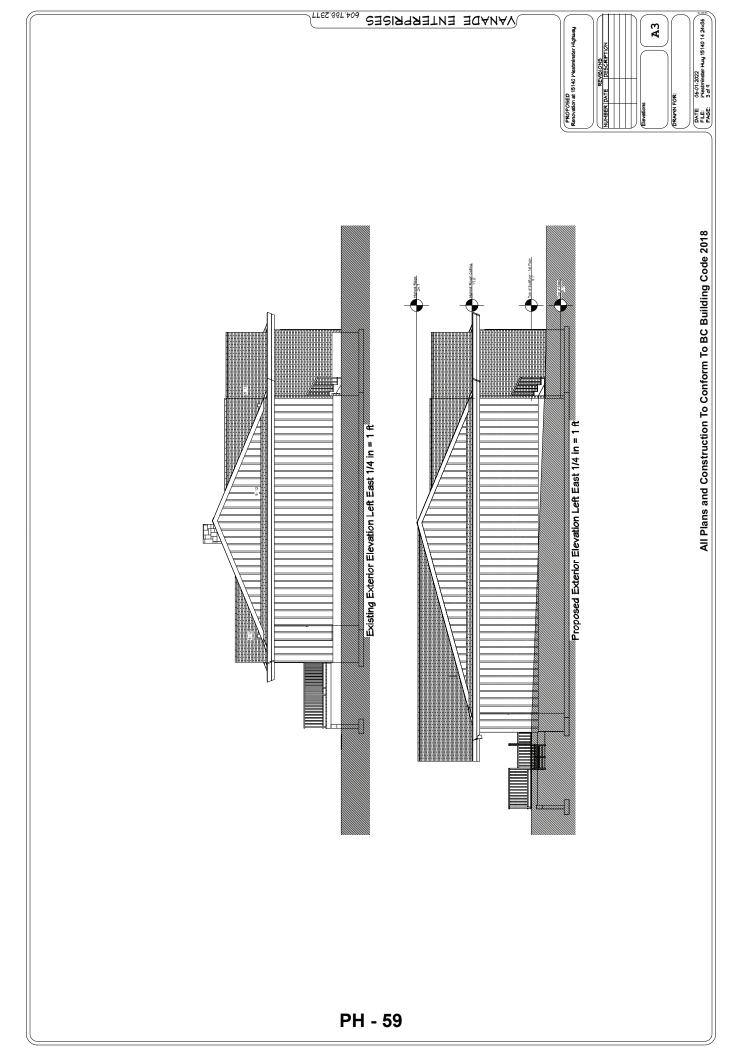


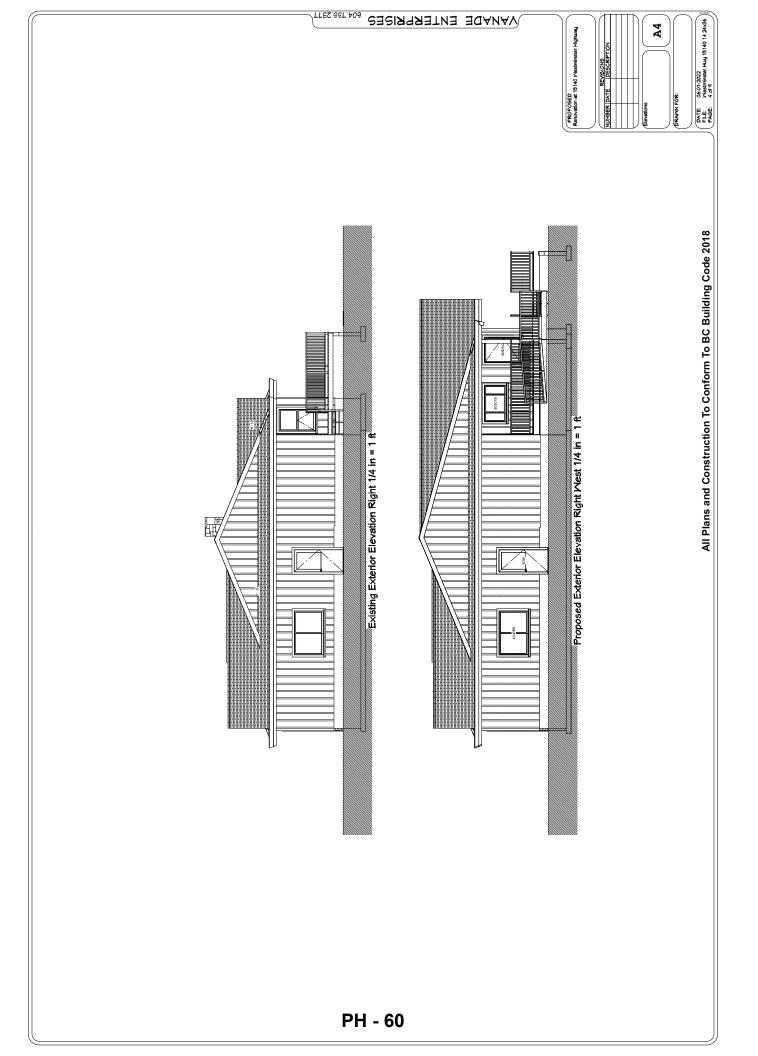


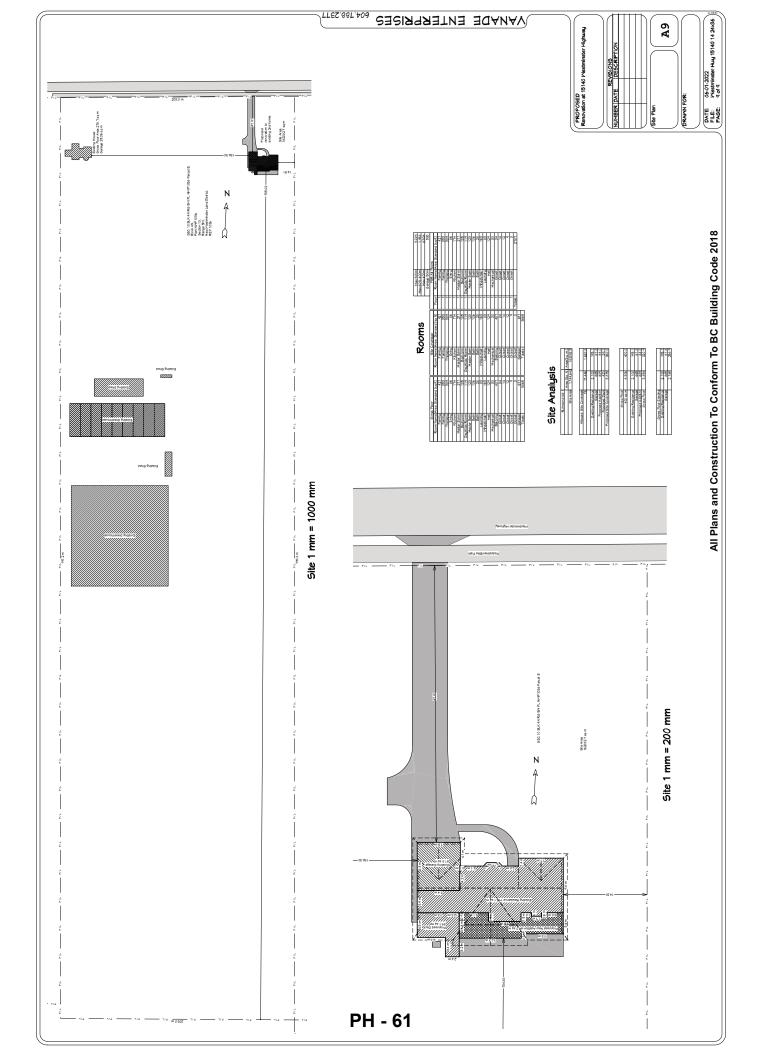














Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

## Address: 15140 Westminster Highway

## File No.: ZT 23-009334

## Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10448, the developer is required to complete the following:

- 1. Registration of an aircraft noise sensitive use covenant on title.
- 2. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.0 m GSC.
- 3. Registration of a legal agreement on title ensuring non-stratification and limiting the occupancy of the additional dwelling to farm labour or immediate family only.
- 4. Payment of all fees in full for the cost associated with the Early Notification Policy and Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.
- 5. Registration of a legal agreement on title ensuring that the Building Permit application and ensuing development of the addition is generally consistent with the submitted conceptual plans, to the satisfaction of the Director of Development.

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

- 1. Building Permit (BP) plans must meet BC Building Code (e.g., unprotected glazing area, accessibility requirements, etc.) and Zoning Bylaw 8500.
- 2. Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Agricultural Land Reserve Non-Adhering Residential Use and/or Rezoning processes.
- 3. Submission of Building Permit (BP) plans consistent with the associated Agricultural Land Commission Approval (Resolution #14/2023) (AG 22-007162).

#### 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.

Initial:

[Signed copy on file]

Signed

Date



## Richmond Zoning Bylaw 8500 Amendment Bylaw 10448 (ZT 23-009334) 15140 Westminster Highway

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

- 1. Richmond Zoning Bylaw 8500 is amended by:
  - a. Inserting the following new Section 14.1.11.15 (Other Regulations) in the Agriculture (AG1) zone and renumbering accordingly:

"The following are **site**-specific **zone** regulations for the purposes of accommodating accessibility features and subject to the approval granted by the Agricultural Land Commission dated January 10, 2023, in accordance with the *Agricultural Land Commission Act* (as amended), applicable only to the **lot** located at:

15140 Westminster Highway P.I.D. 003-749-291 PARCEL "B" (REFERENCE PLAN 1036) SECTION 10 BLOCK 4 NORTH RANGE 5 WEST NEW WESTMINSTER DISTRICT"

- a) An additional **dwelling unit** is permitted and shall have a maximum **floor area** of 320.9 m<sup>2</sup>;
- b) The maximum area of the **farm home plate** for the additional **dwelling unit** is 3,500 m<sup>2</sup>;
- c) The maximum **farm home plate setback** from the **front lot line** to the rear of the **farm home plate** for the additional **dwelling unit** is 85 m and no portion of the additional **dwelling unit** shall be located further than 68 m from a constructed public **road abutting** the property;
- d) The maximum farm house footprint is 100% of the maximum **floor area** as permitted under Section 14.1.11.15 a)."
- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10448".

Bylaw 10448

	MAR 2 7 2023	· · · · · · · · · · · · · · · · · · ·
FIRST READING		CITY OF RICHMOND APPROVED
PUBLIC HEARING		by
SECOND READING		APPROVED by Director or Solicitor
THIRD READING		
OTHER CONDITIONS SATISFIED		V
ADOPTED		

MAYOR

CORPORATE OFFICER

Minutes



## Regular Council Monday, March 27, 2023

9. APPLICATION BY GROOTENDORST'S FLOWERLAND NURSERY LTD. FOR A ZONING TEXT AMENDMENT TO THE "AGRICULTURE (AG1)" ZONE TO PERMIT AN ADDITION TO A SINGLE- FAMILY DWELLING AT 15140 WESTMINSTER HIGHWAY

(File Ref. No. 12-8060-20-10448, ZT 23-009334) (REDMS No. 7129346, 7141083, 6952049)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10448, for a Zoning Text Amendment to the "Agriculture (AG1)" zone to permit an addition to an existing single-family dwelling at 15140 Westminster Highway for the purposes of accommodating accessibility features, be introduced and given first reading.

ADOPTED ON CONSENT



To:	Planning	Committee
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From: Wayne Craig Director, Development 
 Date:
 March 6, 2023

 File:
 RZ 18-818548

Re: Application by Matthew Cheng Architect Inc. for Rezoning at 7511 St. Albans Road from "Single Family Detached (RS1/E)" Zone to "High Density Townhouse (RTH1)" Zone

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10446, for the rezoning of 7511 St. Albans Road from "Single Family Detached (RS1/E)" zone to "High Density Townhouse (RTH1)" zone, be introduced and given first reading.

ague la

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

WC:el Att. 9

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing Transportation	<b>凶</b>	be Erceg

## Staff Report

## Origin

Matthew Cheng Architect Inc., on the behalf of 1118992 BC Ltd. (Directors: Ramneek Singh Padda and Satwant Singh Atwal), has applied to the City of Richmond for permission to rezone 7511 St. Albans Road (Attachment 1) from the "Single Detached (RS1/E)" zone to the "High Density Townhouse (RTH1)" zone in order to permit the development of five three-storey townhouse units with vehicle access through an easement registered on Title of the adjacent property to the north at 7433 St. Albans Road. A preliminary site plan, building elevations and landscape plan are contained in Attachment 2.

A Servicing Agreement will be required for this development to design and construct frontage beautification along St. Albans Road, relocation of an existing fire hydrant out of the proposed sidewalk and new service connections.

## Findings of Fact

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

## Subject Site Existing Housing Profile

The site currently contains one single-family home, which will be demolished. The applicant has advised that the house on-site is rented out on a month-to-month basis; and there is no secondary suite in the house.

## **Surrounding Development**

•	To the North:	A seven-unit, two-storey townhouse development on a lot zoned "Medium Density Low Rise Apartments (RAM1)".
•	To the South:	A four-unit, three-storey townhouse development on a lot zoned "Town Housing (ZT45) – Gilbert Road, Acheson – Bennett Sub-Area, St. Albans Sub-Area, South McLennan (City Centre)".
•	To the East:	Across St. Albans Road, a 23-unit, three-storey townhouse development on a lot zoned "High Density Townhouses (RTH4)".
•	To the West:	A four-storey apartment building on a lot zoned "Medium Density Low Rise Apartments (RAM1)".

## **Related Policies & Studies**

## Official Community Plan

The 2041 Official Community Plan (OCP) Land Use Map designation for the subject development site is "Neighbourhood Residential" which includes areas where the principal uses are single family, two-family and multiple family housing (specifically townhouses).

The St. Albans Sub-Area of the City Centre Area Plan (CCAP) (Attachment 4), designates the subject development site for "Multi-Family Low Rise (three-storey apartments, Townhouses, Two-Family or Single-Family Dwellings)". The subject development proposal is consistent with these land use designations.

Under the Development Permit Guidelines in the CCAP, the subject development site is located within "Sub-Area B.1: Mixed Use – Low-Rise Residential & Limited Commercial", which is intended for lower-density conventional and stacked townhouses (i.e., typically with individual garages). The preliminary design of the proposal featuring conventional townhouses with individual garages generally complies with the CCAP Guidelines in terms of land use, density and overall neighbourhood character. Further consideration of the Development Guidelines and form and character will take place at the Development Permit stage of the process.

The subject development site is surrounded by properties with development potential subject to the CCAP. Registration of a legal agreement on Title is required before final adoption of the rezoning bylaw, stipulating that the residential development is subject to potential impacts due to other development that may be approved within the City Centre and requiring this information be provided through signage in the sales centre and through the disclosure statement to all initial purchasers.

The proposed rezoning is subject to a community planning implementation strategy contribution for future community planning initiatives. The applicant proposes to make a cash contribution at the current rate of \$0.34 per buildable square foot, for a total contribution of \$2,264.40 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.

## Affordable Housing Strategy

The City's Affordable Housing Strategy requires that all townhouse rezoning applications provide a cash-in-lieu contribution toward the City's Affordable Housing Reserve Fund. As per the Strategy, townhouse rezoning applications inside of the City Centre Area Plan are required to provide a cash-in-lieu contribution of \$18.00 per buildable square foot. Consistent with the Strategy, a contribution of \$119,880.00 is required prior to the final adoption of the rezoning bylaw.

#### Market Rental Housing Policy

This rezoning application was received prior to the current Market Rental Housing Policy adopted by Council on June 20, 2022. In keeping with Council policy, instream rezoning applications are exempted from the Market Rental Housing Policy if the project reaches first reading no later than June 20, 2023.

## **Public Consultation**

A rezoning sign has been installed on the subject property. Staff have received correspondence from residents of the existing adjacent townhouse development to the north at 7433 St. Albans Road expressing concern with the proposed shared driveway access located on 7433 St. Albans Road. Details on the access are discussed in the Transportation and Site Access section of this report.

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* and City's *Zoning Bylaw 8500*.

## Analysis

## Built Form and Architectural Character

The applicant proposes five three-storey units in two townhouse clusters oriented on either side of a central north-south drive aisle. The three units at the front of the site would have pedestrian access to the sidewalk. Each of these units proposes a second storey deck oriented to internal drive aisle in addition to private outdoor space at grade fronting on St. Albans Road.

The two units at the rear of the site would have both pedestrian and vehicle access from the internal drive aisle. Private outdoor space is proposed at grade in the rear yard, second-storey deck oriented to rear yard and the adjacent apartment building, and a roof deck oriented to the internal drive. One convertible unit (Unit 4) is proposed.

The building massing and architectural features are similar to the neighbouring townhouses to the north and south. Pitched roofs and secondary eaves contribute to the look and feel of a traditional residential character, consistent with the design objectives for the neighbourhood contained in the City Centre Area Plan.

#### Transportation and Site Access

Vehicle access is proposed through an existing easement registered on the drive aisle of 7433 St. Albans Road, to the north. Staff requested that the applicant discuss use of the easement with the adjacent strata, in order to address any concerns with the shared use of the driveway, as well as day-to-day issues such as maintenance and wayfinding signage. A consultation summary prepared by the developer is presented in Attachment 5.

Staff have also received a number of inquiries from the residents of 7433 St. Albans Road, regarding the shared access arrangement. There is an access easement registered on Title of 7433 St. Albans Road (both the common property and individual units) to provide vehicle access to the future developments on the adjacent properties to the north and south of 7433 St. Albans Road.

This access arrangement was secured through the rezoning and development applications for 7433 St. Albans Road, which received final adoption by Council on November 13, 2001 (RZ 00-180731). A legal opinion prepared by the applicant's lawyer confirms that the City can rely on this access easement. This legal opinion has also been reviewed by the City's Law Department.

Staff understand that owners and residents at 7433 St. Albans Road are opposed to the shared access proposal. After Staff explained why the access easement was put in place and how their concerns can be addressed through a management agreement, residents still requested the City to discharge the easement. It is noted that this access easement is an agreement between the private property owners of 7433 St. Albans Road and 7511 St. Albans Road. While the City is a party to the easement (to ensue the easement cannot be discharged without the City's consent), the City does not have authority to require the discharge of the easement that benefits the owners/developers of 7511 St. Albans Road. Details of the consultation process and correspondences with the residents at 7433 St Albans Road are presented in Attachment 6.

Transportation staff support the proposed shared driveway access as it provides several benefits to both the development on the subject site, the City and neighbouring properties, including:

- A Traffic and Parking Assessment prepared by third party professional engineer confirms the proposed access arrangement (i.e., via 7433 St Albans) is functional with the subject development.
- Volume of traffic anticipated from the subject site would be accommodated within the existing driveway and drive aisle at 7433 St. Albans Road. The number of vehicle trips generated by this development will be a marginal increase over existing condition and will be accommodated by the existing capacity of the adjacent transportation network. Further the site location provides good access to transit service and other amenities, businesses and other destinations.
- St. Albans Road is identified in the City Centre Area Plan as key cycling route. Consolidating driveways would reduce the number of conflict points for pedestrians, cyclists and motorists travelling along St. Albans Road.
- The subject development includes a hammerhead turnaround at the south end of the site. This turnaround will enable vehicles, especially large vehicles (e.g. delivery vehicles, moving vehicles/SU9) to turn-around on-site and exit onto St. Albans Road without backing in or onto the street. This design provision of the subject development's site plan would allow deliveries and trucks to 7433 St. Albans Road to have access to this turnaround area through an SRW PROP. This will improve operations at the existing site's access.
- The proposal is consistent with the vision for the redevelopment of the area established when 7433 St. Albans Road was rezoned to minimize driveway points to enhance streetscape.

For these reasons, staff support the proposed shared driveway access as envisioned during the redevelopment of 7433 St. Albans Road. Prior to final adoption of the rezoning bylaw, registration of a legal agreement on Title to ensure the following arrangements is required:

• Prohibiting direct vehicle access to St. Albans Road and limiting access to the easement on the driveway at 7433 St. Albans Road.

• Provision of a Statutory Right-of-Way (SRW) over the internal drive-aisle and hammerhead turnaround area on the subject site to enable residents and visitor of 7433 St. Albans Road to use the turnaround area.

Staff understand that the developer has reached out to the adjacent strata again on February 14, 2023, but has been unable to reach any agreement with the adjacent strata regarding the use of the shared access to-date. Should the rezoning application proceed, staff would continue to encourage discussions between the two parties on the shared use of the driveway through the Development Permit process.

## On-site Parking

The parking rate for townhouses located in Zone 3 of the City Centre is 1.4 residential spaces and 0.2 visitor spaces per dwelling unit. The proposal will feature five units with a total of seven resident parking spaces and one visitor parking space, which meet the minimum bylaw requirements for this neighbourhood. Prior to final adoption, registration of a restrictive covenant on Title to ensure visitor parking remains as visitor parking in perpetuity is required.

Bicycle parking is provided, according to Richmond Zoning Bylaw 8500, inside the garage of each unit and a bike rack is provided for visitors beside the proposed pedestrian entrance to the development along the south property line.

## Amenity Space

The applicant is proposing a cash contribution in-lieu of providing the required indoor amenity space on the townhouse site, as per the OCP. Based on the rate identified in the OCP (i.e., \$2,066 per unit for the first 19 units), the total cash contribution required for the five unit townhouse development is \$10,330.00.

Outdoor amenity spaces will be provided on-site. Based on the preliminary design, the size of the proposed children's play area is approximately  $30 \text{ m}^2$  (323 ft<sup>2</sup>), which meets the Official Community Plan (OCP) requirements. Staff will work with the applicant at the Development Permit stage to ensure:

- The configurations and designs of the children's play area, including provision of children's play equipment, meet the Development Permit Guidelines in the OCP.
- Provision of additional outdoor amenity area as per the Development Permit Guidelines in the CCAP.

## Housing Type and Tenure

The proposed development is a market townhouse development. 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.

### Existing Legal Encumbrances

There is an existing 3.0 m wide Statutory Right-of-Way (SRW) across the entire west (rear) property line for the sanitary sewer, which will not be impacted by the proposed development. The applicant is aware that encroachment into the SRW is not permitted.

### 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 seven bylaw-sized trees and one hedgerow on the subject property, and five trees on neighbouring property to the south.

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

- Seven trees (tag# 681, 682, 683, 684, 685, 686 and 687) located on the development site are all in poor condition either dead or dying (sparse canopy foliage), have been previously topped 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 and should be replaced.
- 13 trees comprising a Hedgerow (tag# 1-13) located on site are all in visible decline (chlorotic and browning in canopy), has been historically topped and exhibits sparse foliage. In addition, there are inclusion seams (structural defects) at the main branch unions. As a result, these trees are not good candidates for retention and should be replaced.
- Five trees (tag# 700, 701, 702, 703 and 704) located on the neighbouring property to the south at 7531 St. Albans Road are identified to be retained and protected. Provide tree protection as per City of Richmond Tree Protection Information Bulletin Tree-03.
- Replacement trees should be specified at 2:1 ratio as per the OCP.

### Tree Replacement

The applicant wishes to remove 20 on-site trees; a Tree Management Plan is included in this report (Attachment 7). The 2:1 replacement ratio would require a total of 40 replacement trees. According to the Preliminary Landscape Plan provided by the applicant (Attachment 2), the applicant proposes to plant 12 new trees on-site and provide cash-in-lieu for the remaining trees. Staff will work with the applicant to explore the opportunity to include additional replacement trees on site at the Development Permit stage. The size and species of replacement trees will also be reviewed in detail through Development Permit and overall landscape design. The applicant has agreed to provide a voluntary contribution of \$21,000.00 (\$750/tree) to the City's Tree Compensation Fund in lieu of planting the remaining 28 replacement trees should they not be accommodated on the site.

### Tree Protection

Five trees (tag# 700, 701, 702, 703 and 704) on neighbouring property to the south 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 7). 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 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.

### BC Energy Step Code

The developer has committed to design the subject development to meet the City's Step Code requirements. Under current requirements, the development would be expected to achieve Step 4 of the Energy Step Code for Part 9 construction. A commitment letter is presented as Attachment 8. Details on how all units are to be built and maintained to this commitment will be reviewed at Development Permit and Building Permit stages.

### Site Servicing and Frontage Improvements

Prior to final adoption of the rezoning bylaw, the applicant is required to enter into a Servicing Agreement for the design and construction of the required site servicing and frontage improvements, as described in Attachment 9. Frontage improvements include, but may not be limited to, the following:

- Removal of the existing sidewalk and replacement with a new 1.5 m wide landscaped boulevard behind the existing curb and 2.0 m wide concrete sidewalk along the property line.
- Removal of the existing driveway and replacement with curb, gutter, boulevard and sidewalk as described above.
- Relocate the existing fire hydrant out of the proposed sidewalk.

The applicant is also required to pay Development Cost Charges (DCC's) (City & Metro Vancouver), School Site Acquisition Charges, Address Assignment fees, and the costs associated with the completion of the required site servicing works as described in Attachment 9.

### **Development Permit Application**

A Development Permit application is required to be processed to a satisfactory level prior to final adoption of the rezoning bylaw. Further refinements to architectural, landscape, and urban design will be completed as part of the Development Permit application review process, including, but not limited to the following:

- Compliance with Development Permit Guidelines for multiple family projects in the 2041 Official Community Plan and the City Centre Area Plan.
- Refinement of the site plan and tree management scheme to ensure protection of retained trees; design review is required to confirm the proposed construction buffers between the root protection zone and the proposed drive aisle and building foundations are adequate for required infrastructure (i.e. drainage, grading, etc.) without resulting in encroachment within the root protection zone.
- Refinement of the proposed building form and architectural character.
- Refinement of the proposed site plan and site grading to ensure appropriate transition between the proposed development and adjacent existing developments.
- Refinement of landscape design, including the size and configuration of the outdoor amenity spaces and choice of play equipment, to create a safe and vibrant environment for children's play and social interaction.
- Opportunities to optimize replacement tree planting on-site, and provision of a new hedgerow along the north property line to provide a natural privacy screen between the proposed development and the existing development to the north.
- Review of aging-in-place features in all units and the provision of a convertible housing unit.
- Review of the sustainability strategy for the development proposal.

Additional issues may be identified as part of the Development Permit application review process.

### **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 proposed five-unit townhouse development is consistent with the Official Community Plan (OCP) and the City Centre Area Plan (CCAP). Further review of the project design is required to ensure a high quality project and design consistency with the existing neighbourhood context, which will be completed as part of the Development Permit application review process. The list of rezoning considerations is included as Attachment 9, which has been agreed to by the applicant (signed concurrence on file). On this basis, staff recommend support of the application.

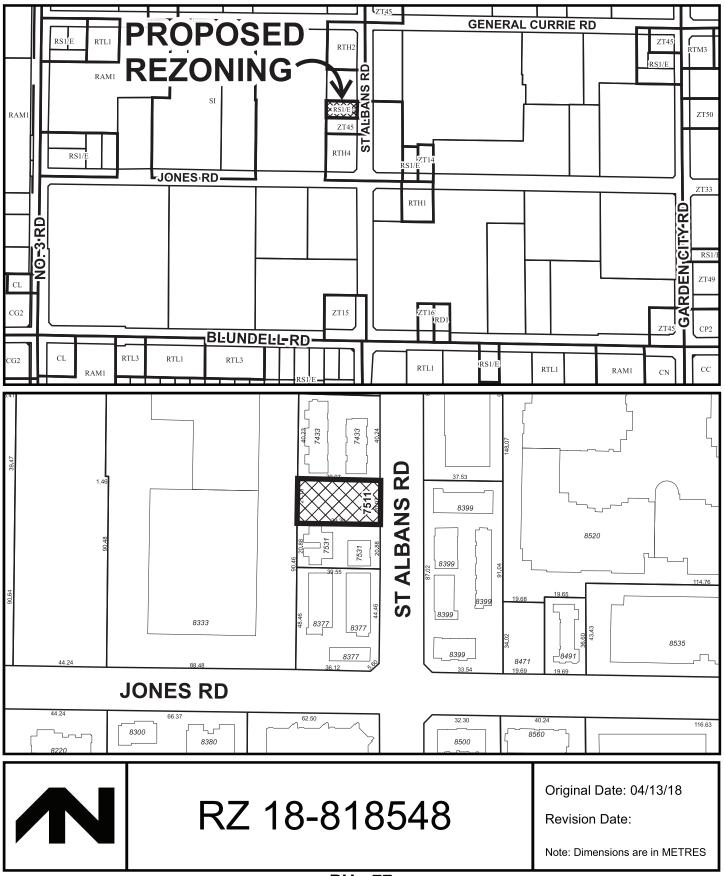
It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10446 be introduced and given first reading.

Edwin Lee Planner 2 (604-276-4121)

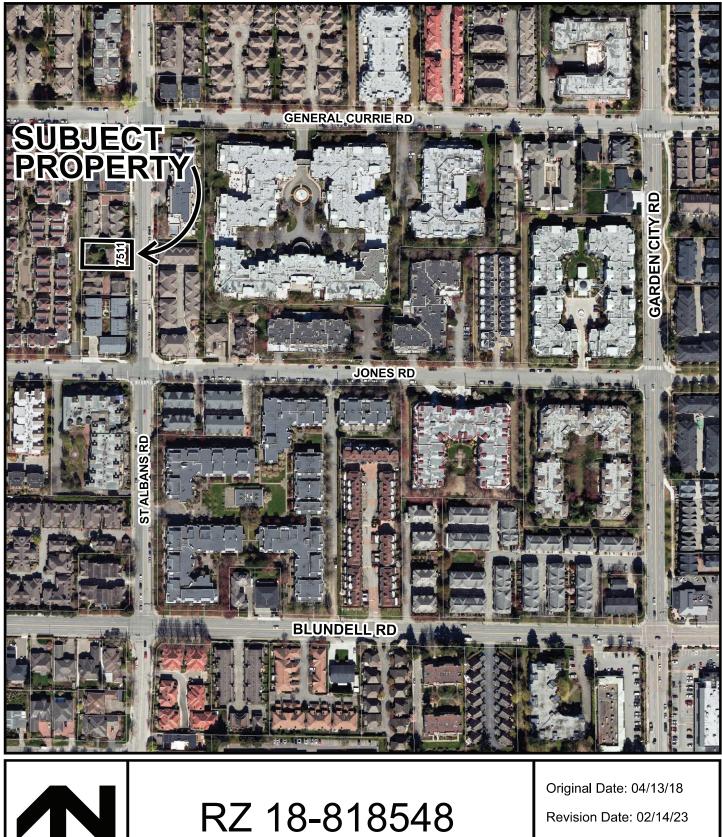
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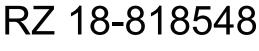
- Att. 1: Location Map
  - 2: Conceptual Development Plans
  - 3: Development Application Data Sheet
  - 4: St. Albans Sub-Area of the City Centre
  - 5: Developer's Consultation Summary
  - 6: Correspondences with Residents at 7433 St. Albans Road
  - 7: Tree Management Plan
  - 8: Letter from Developer regarding Step Code Requirements
  - 9: Rezoning Considerations







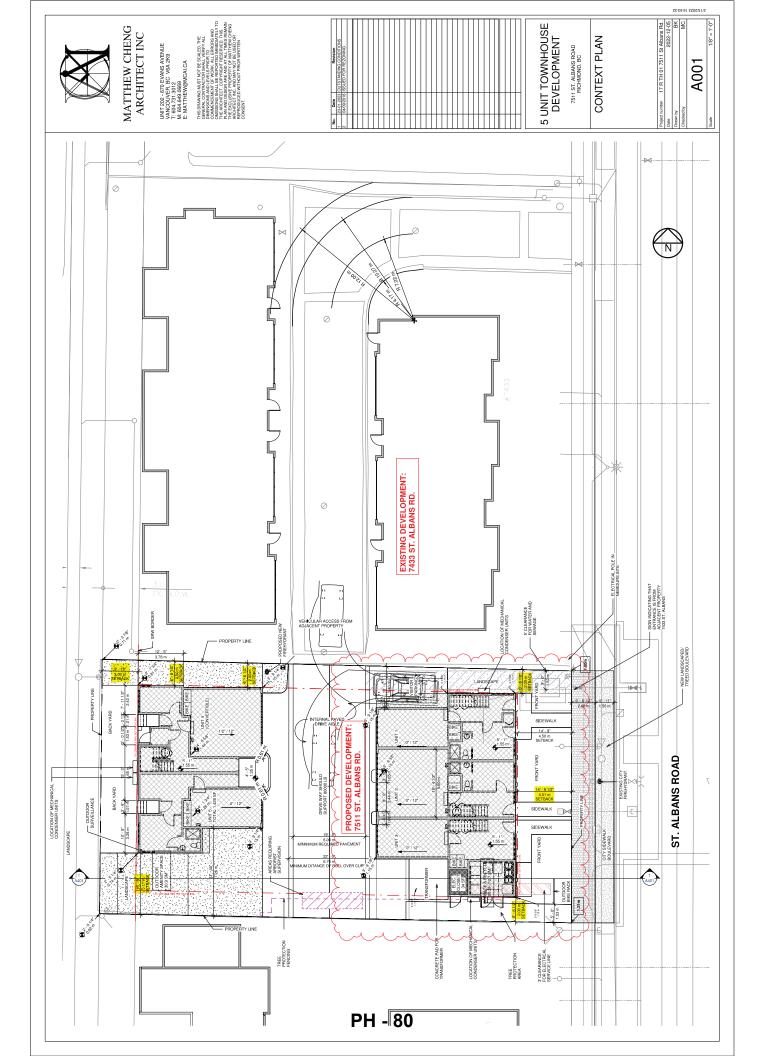


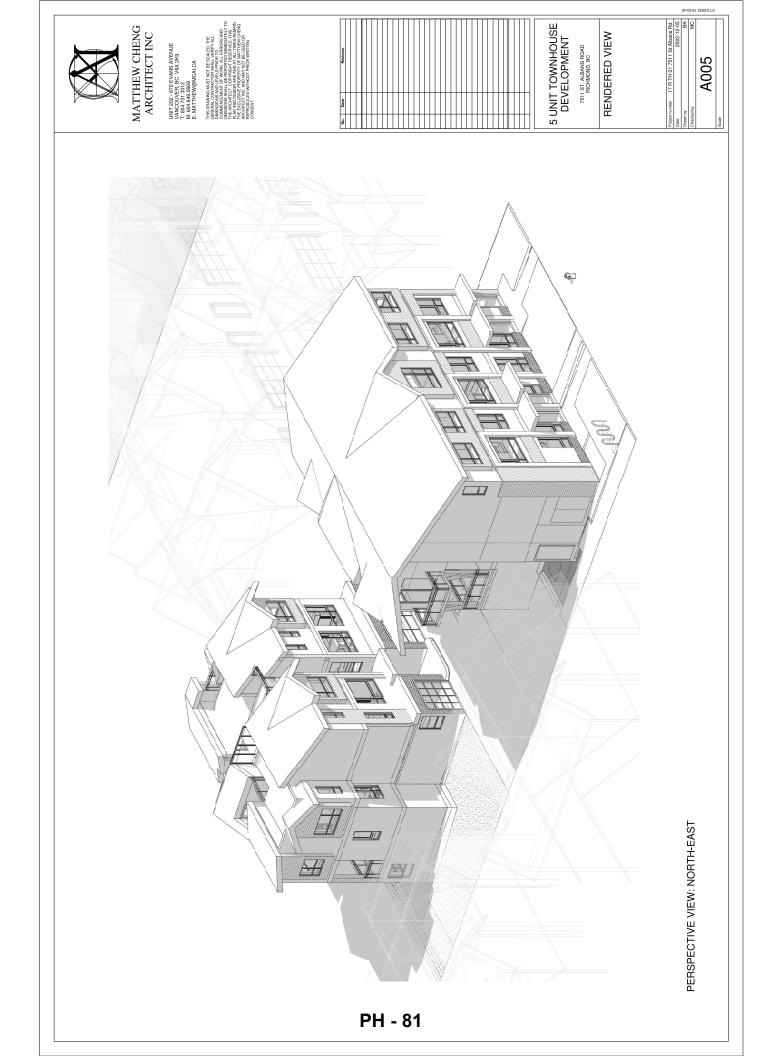


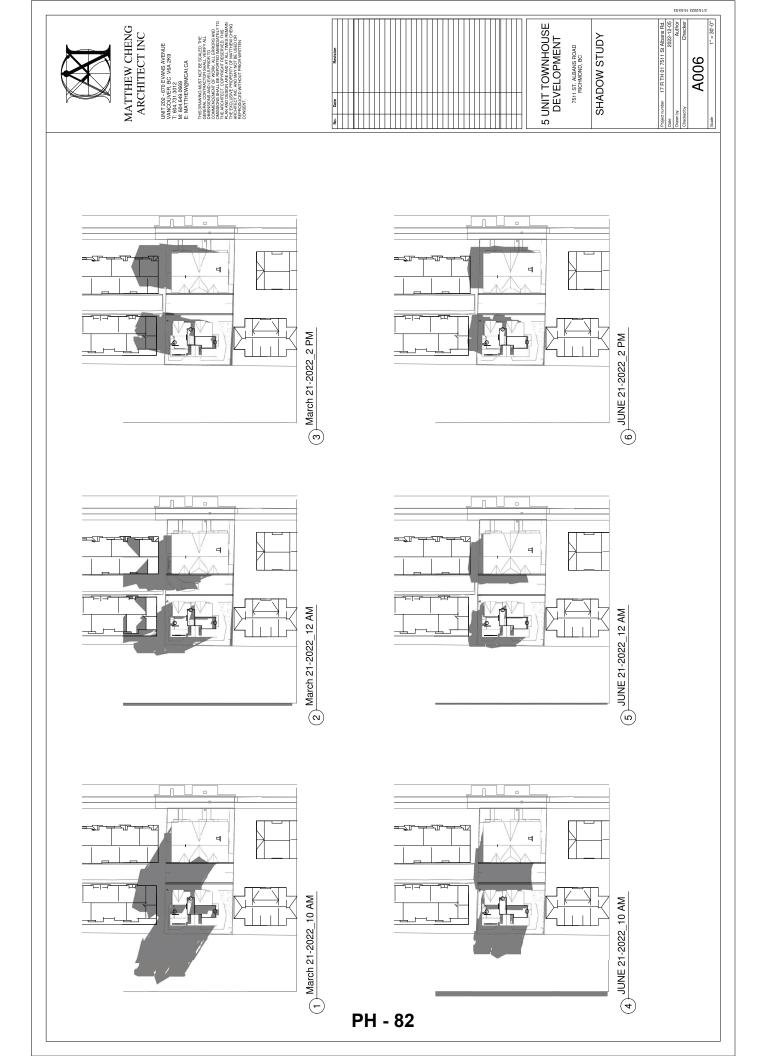
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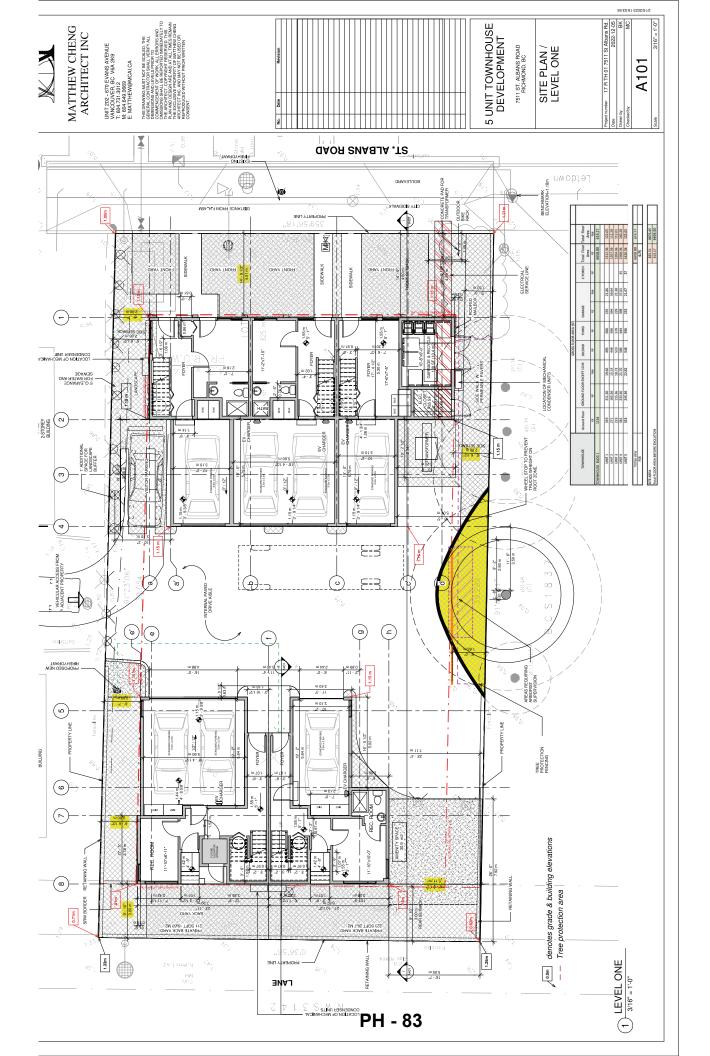
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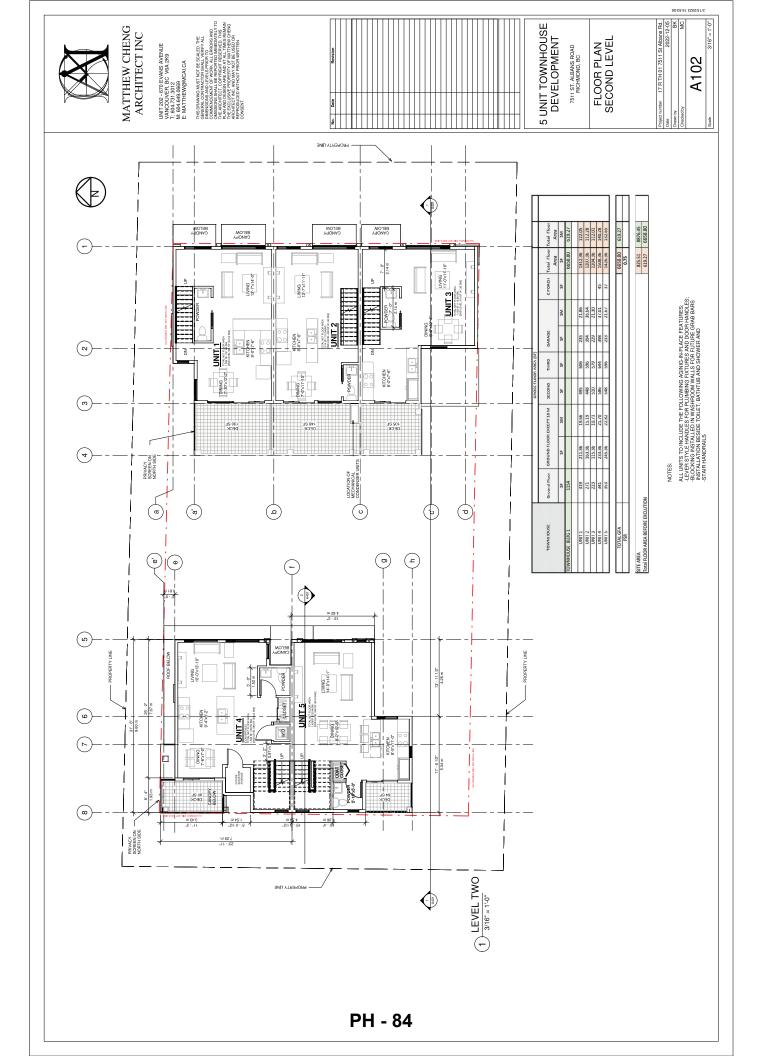
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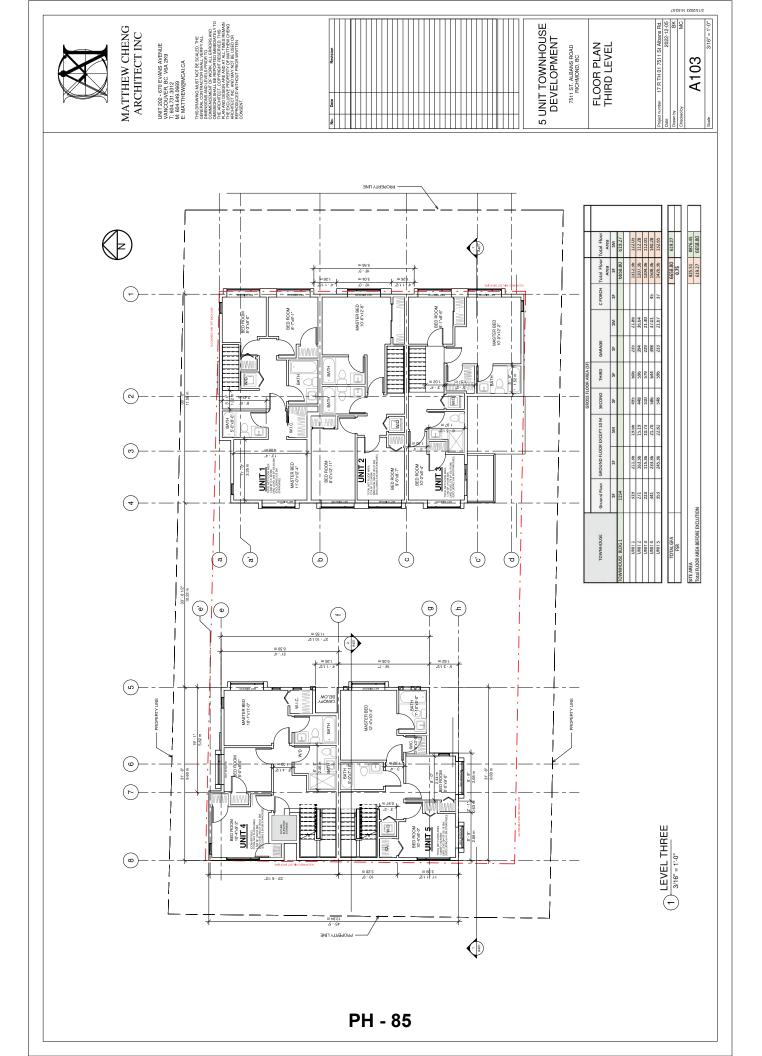


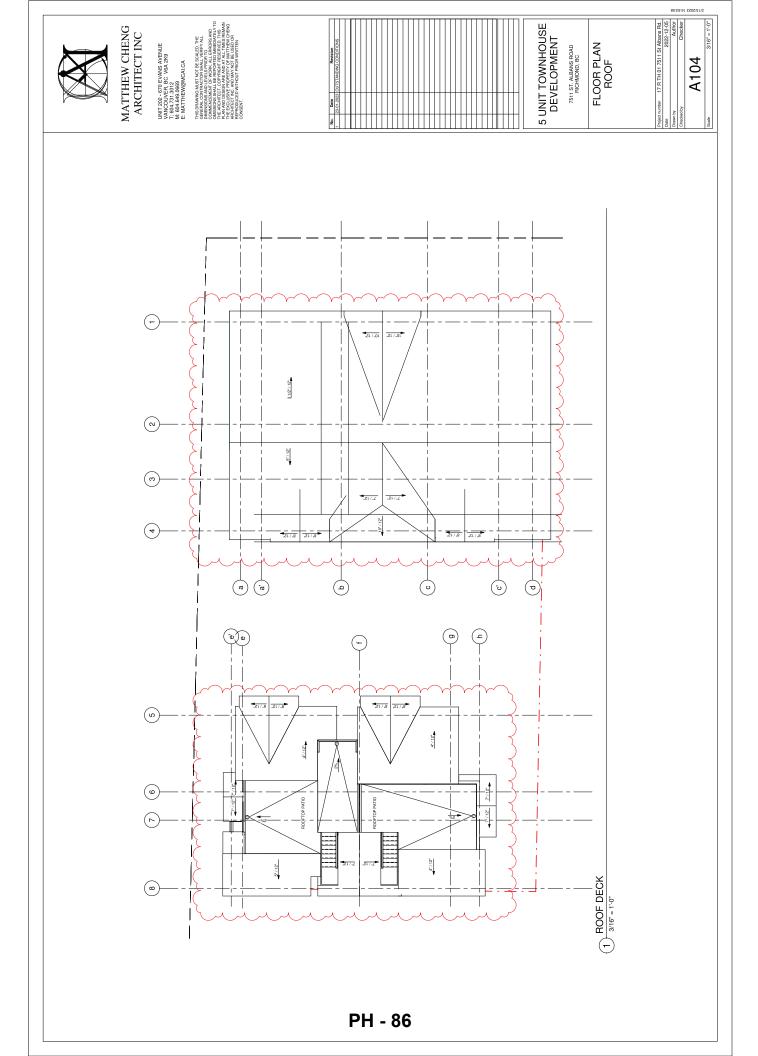




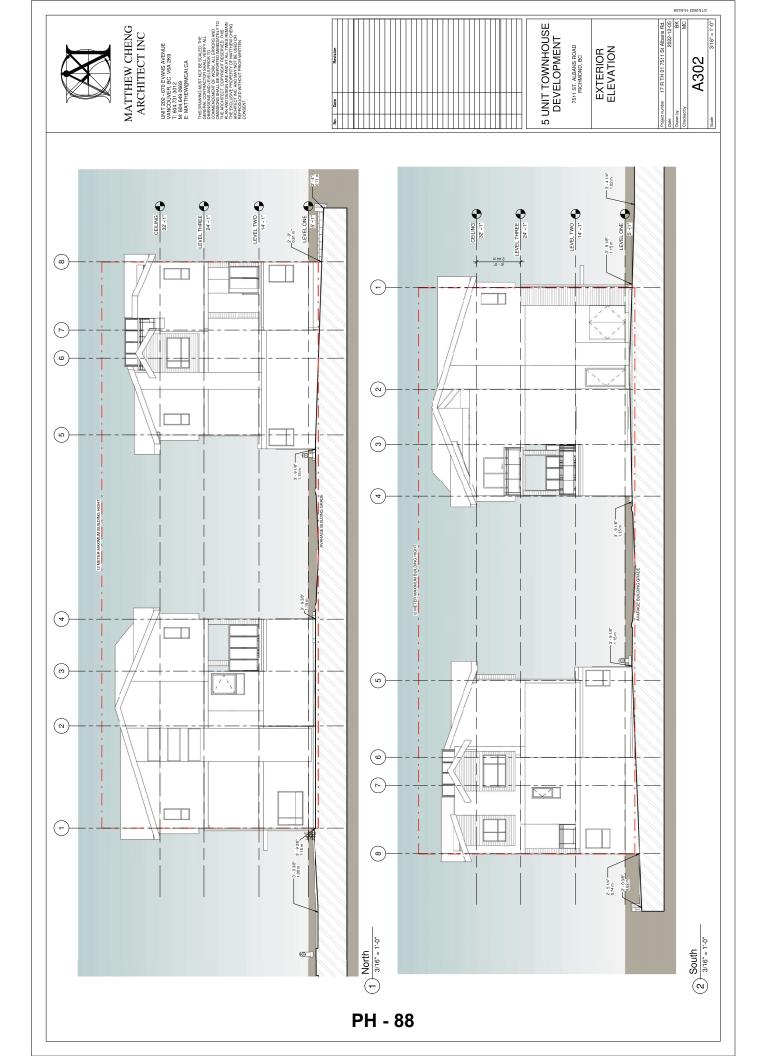


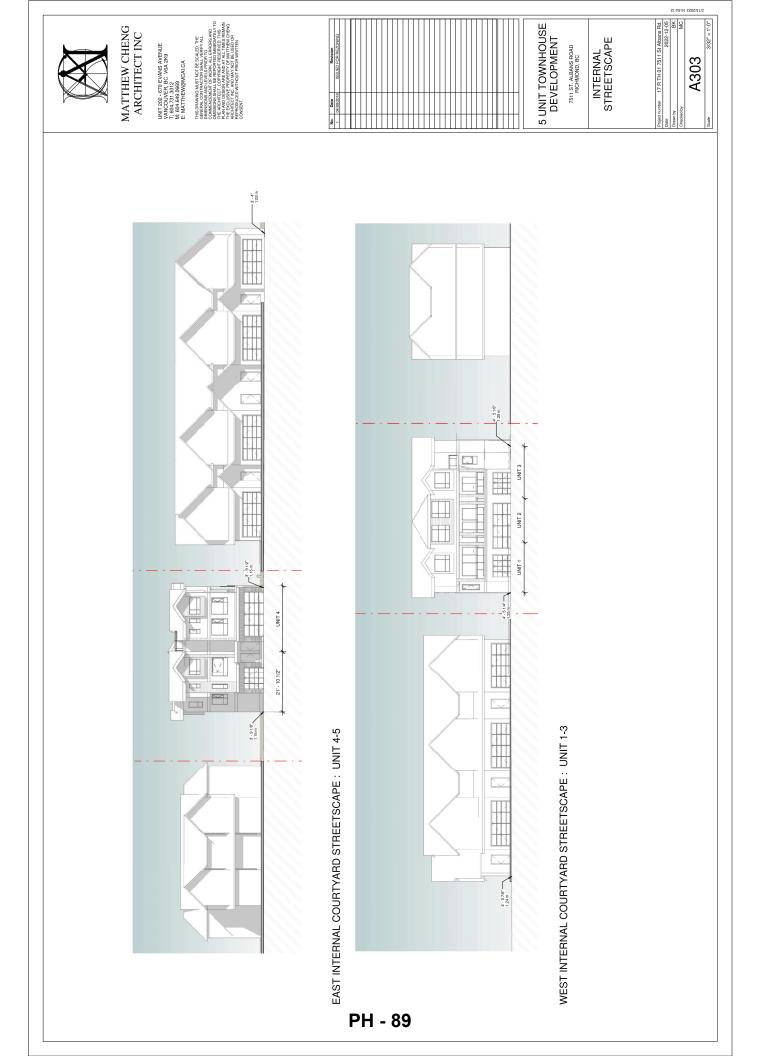




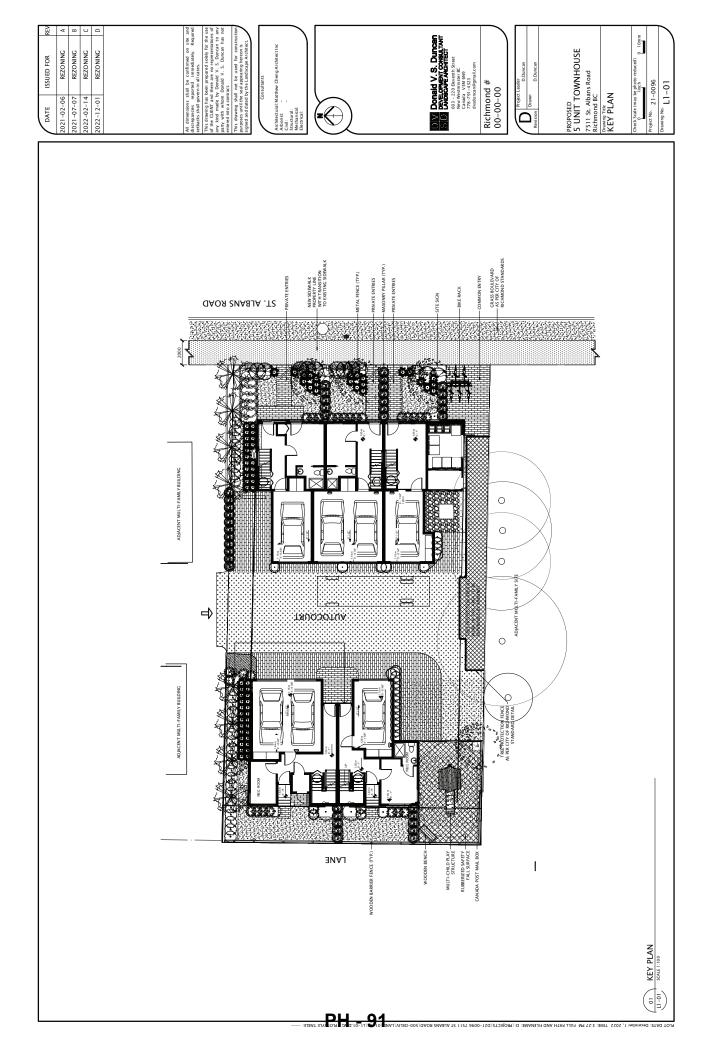


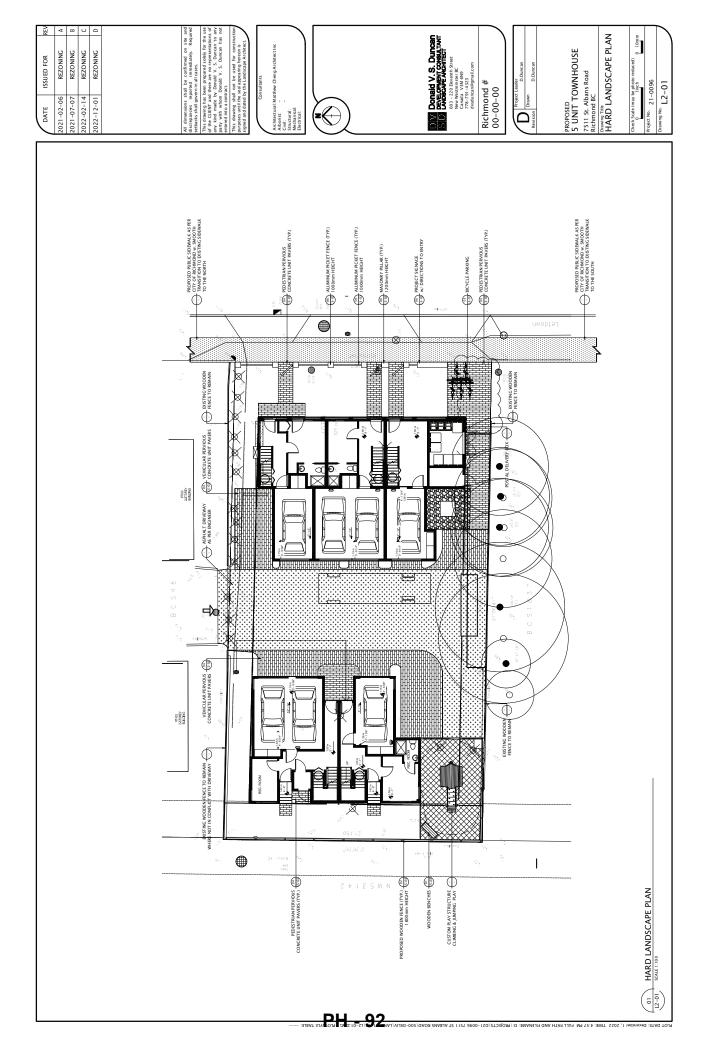


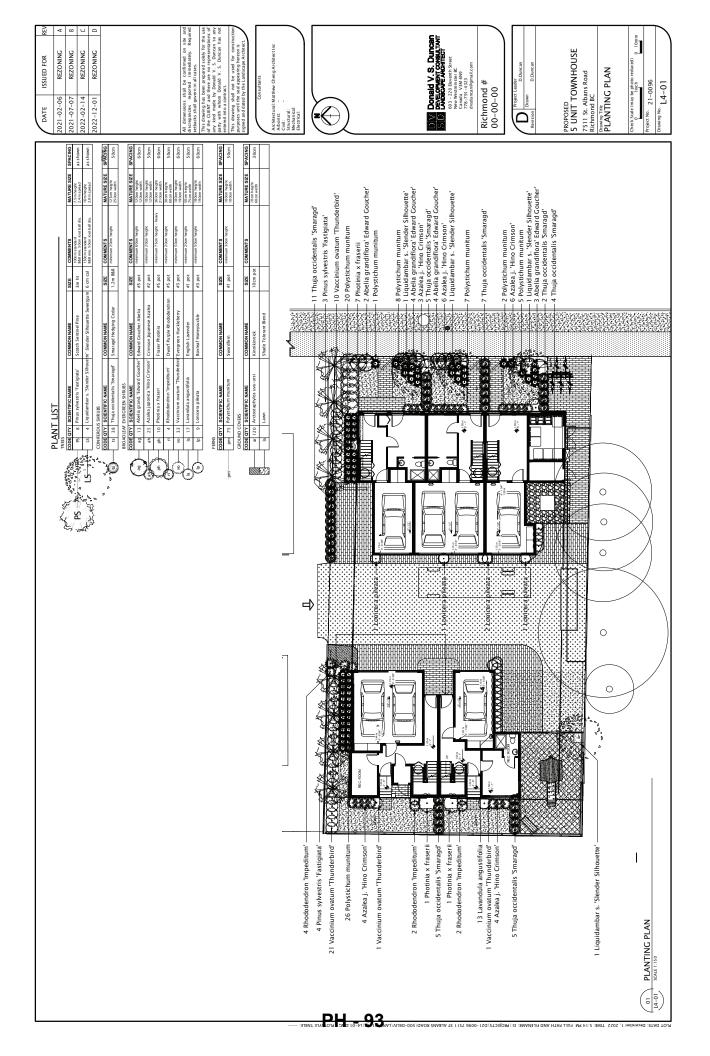


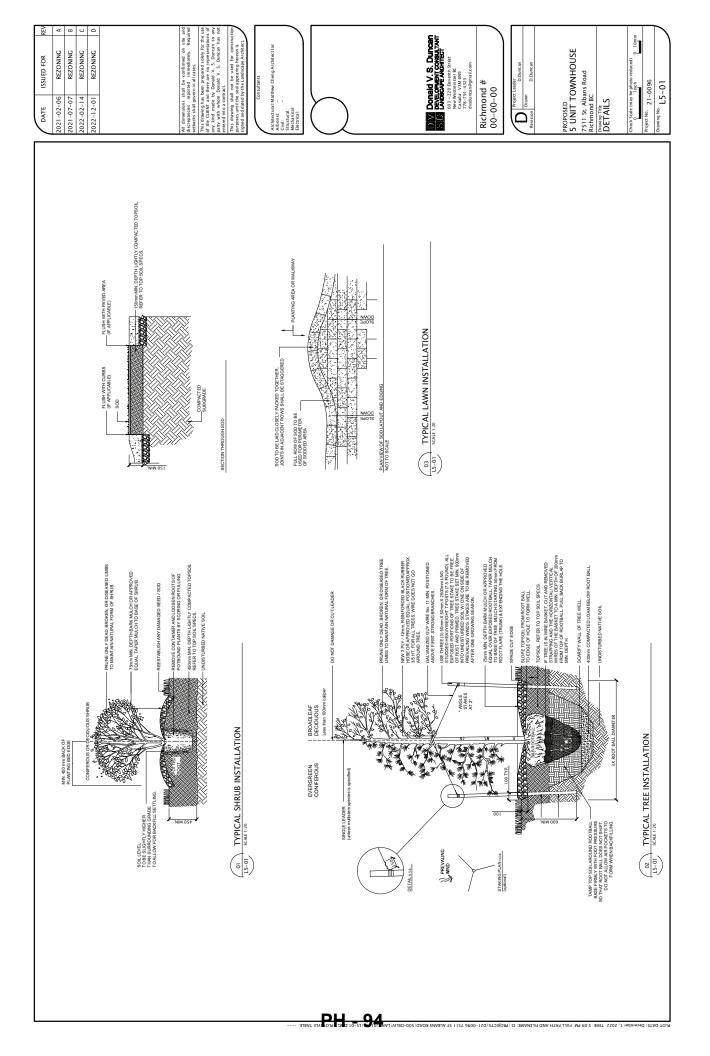


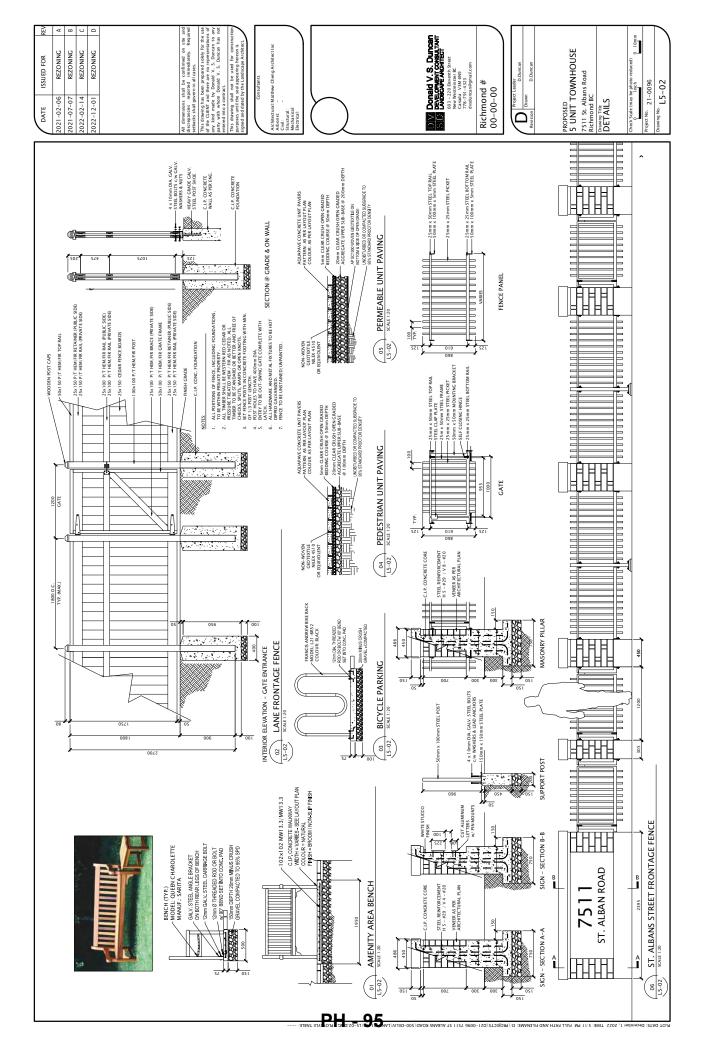
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# **Development Application Data Sheet**

Development Applications Department

### RZ 18-818548

Address: 7511 St. Albans Road

Applicant: Matthew Cheng Architect Inc.

Planning Area(s): City Centre – St. Albans Sub Area Plan 2.10A

	Existing	Proposed
Owner:	1118992 BC Ltd.	No Change
Site Size (m <sup>2</sup> ):	825 m² (8880 ft²)	No Change
Land Uses:	Single-Family Residential	Multi-Family Residential
OCP Designation:	Neighbourhood Residential	No Change
Area Plan Designation:	Multi-Family Low Rise (3 Storey apts., Townhouses, Two-Family or Single-Family Dwellings)	No Change
Zoning:	Single Detached (RS1/E)	High Density Townhouses (RTH1)
Number of Units:	1	5

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.75	0.75 Max.	none permitted
Buildable Floor Area:*	825 m <sup>2</sup> x 0.75 = 618.75 m <sup>2</sup>	618.75 m² (6,660 ft²) Max.	none permitted
Lot Coverage – Building:	Max. 45%	38%	none
Lot Coverage – Non-Porous Surface	Max. 70%	57%	none
Lot Coverage – Landscaping live plant material	Min. 20%	20%	none
Setback – Front Yard (m):	Min. 4.5 m	4.5 m	none
Setback – Interior Side Yard – North (m):	Min. 2.0 m	Min. 2.0	none
Setback – Interior Side Yard – South (m):	Min. 2.0 m	Min. 2.0	none
Setback – Rear Yard (m):	Min. 2.0 m	3.0 m	none
Height (m):	Max. 12 m	12 m	none
Lot Size:	Min. 600 m <sup>2</sup>	825 m²	none
Min. Lot Dimensions (m):	Width: 20 m Depth: 30 m	Width: 20.97 m Depth: 39.07 m	none
Off-street Parking Spaces – Regular (R) / Visitor (V):	1.4 (R) and 0.2 (V) per unit	1.4 (R) and 0.2 (V) per unit	none

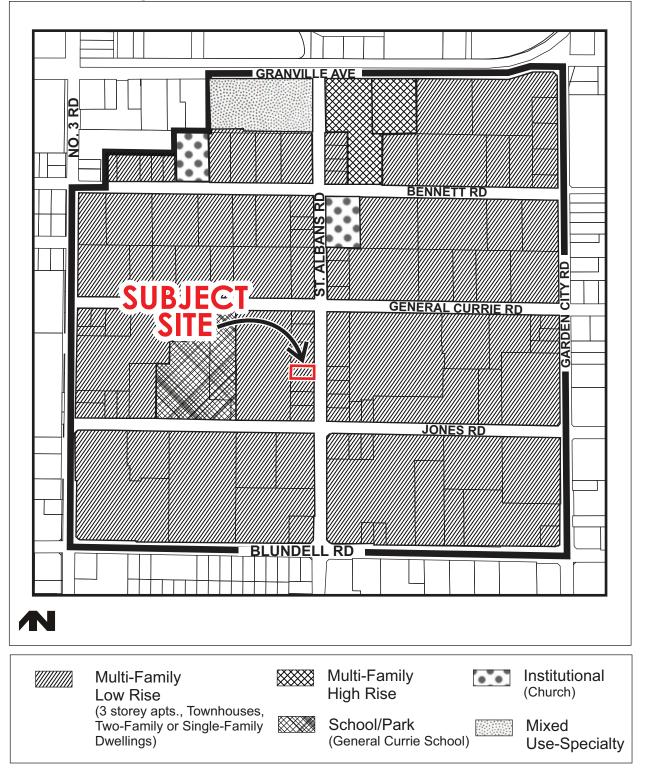
### Attachment 3

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Off-street Parking Spaces – Total:	7 (R) and 1 (V)	7 (R) and 1 (V)	none
Standard Parking Spaces:	8	8	none
Tandem Parking Spaces:	Max. 50% of required residential spaces (7 x Max. 50% = 3)	0	none
Bicycle Parking Spaces – Class 1 / Class 2:	1.25 (Class 1) and 0.2 (Class 2) per unit	1.6 (Class 1) and 0.25 (Class 2) per unit	none
Off-street Bicycle Parking Spaces – Total:	7 (Class 1) and 1 (Class 2)	8 (Class 1) and 1 (Class 2)	none
Amenity Space – Indoor:	Min. 70 m² or Cash-in-lieu	Min. 70 m <sup>2</sup>	none
Amenity Space – Outdoor:	Min. 6 m <sup>2</sup> x 5 units = 30 m <sup>2</sup>	30 m²	none

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

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

## Land Use Map



### SUMMARY OF CONSULTATION EFFORTS WITH NEIGHBOURING STRATA

The Developer has reached out to the neighbouring Strata to the north (the "Strata:) on a number of occasions, as requested by City staff. These attempts by the Developer to consult are summarized in the following chart. As you will see below, the most recent attempts were in January/February 2022, and the Strata just did not respond back to the Developer.

Date	Nature of Commun ication	Update
Dec 28, 2018	Phone and Email	The Developer called the Strata's property management company AA Property Management ("AAPM") (which is the registered contact address for the Strata) and advised that it wanted to discuss use of the ROW for the proposed development and options going forward. The representative of AAPM (Barbara To) asked the Developer to send the request in writing via email. The Developer sent an email to AAPM the same day requesting a meeting with the Strata.
Jan 10, 2019	Email	The Strata (via AAPM) replied via email as follows: <i>"We, Councils of Earl's Court &amp; Strata owners refused to share our driveway to their newly planning develop townhouse units."</i> The Strata therefore opposed the Developer's use of the ROW for its development even before meeting with the Developer.
Jan 30, 2019	Email	The Developer responded and advised that "the purpose [of the outreach] was to set up a meeting to provide the Strata with information regarding our development proposal, some proposed arrangements and possible impacts during and after construction. These issues would include traffic safety, parking, garbage and mail collection, amenity spaces, etc."
Feb 11 to March 4, 2019	Phone and Email	The Developer continued to follow up with Ms. To of APPM via phone and email to try to set up a meeting with the Strata. A meeting was eventually agreed to on March 10, 2019. Prior to the meeting, the Strata requested that the Developer send documents evidencing its "legal right of access". The Developer sent Ms. To a common property search of the Strata property, which showed the easement.

Date	Nature of Commun ication	Update
March 10, 2019	In Person	The Developer's representatives, and its Architect, met with the Strata owners and their property management representatives in the driveway of the Strata property.
		During the meeting, the Strata members objected to the Developer using their driveway, despite the existence of the registered ROW. After some discussion on this topic, the Developer advised the purpose of the meeting was not to debate the legality of the SROW, but to find a way to work together on the issues that the City had suggested that the parties discuss.
		The Developer advised the Strata that the Developer does not plan to utilize the road on their property during construction. Rather, the front entrance to 7511 St. Albans would be utilized during construction. The access point between the two properties would be opened up at the end of construction.
		Under the registered easement, repair, maintenance, cleaning and servicing of the roadway is to be done by the Strata, at its expense. Nevertheless, the Developer advised the Strata that the Developer was prepared to share maintenance costs relating to use of the roadway (e.g. snow removal, costs to light the roadway) once access was in place. Both the Developer and Strata agreed that garbage removal was not a "split cost" given the current arrangement at the Strata where garbage is picked up on St Albans.
		The Strata asked the Developer to contact the neighbouring property to the South to see if they would share their roadway to provide access to the development, as an alternative to the proposed route. The Developer advised that it was unlikely, since there is no easement registered over that property, but the Developer said that it would make efforts to reach out to representatives of the complex to the south of the proposed development at 7511 St. Albans.
		The Developer provided a summary of what was discussed at the meeting to Ms. To and the City of Richmond via email on March 15, 2019.

Date	Nature of Commun ication	Update
April 2019	In Person	The Developer was unable to locate contact information for the registered agent for the strata to the south. So one of the Developer's representatives knocked on doors at the townhouse. During the first attempt, none of the residents were home or opened their doors. During the second visit/attempt on another day, the residents of units #3 and #4 opened their doors and advised that there was no Strata Council for the complex. They also politely refused to share their driveway access. The Developer sent a summary of the above to Ms. To via email on April 30, 2019. Ms. To responded back on May 2 to advise that the Developer could contact legal counsel retained by the Strata if it wished to discuss anything further on "this issue". The Developer responded and advised that they would reach out to the lawyer if they needed to correspond with the Strata again. The Developer and Strata, AAPM, or the Strata's lawyer did not communicate again until 2022, as noted below.
Jan 10, 2022	Phone and Email	The City of Richmond requested in its comments that the Developer reach out to the Strata again to discuss cost sharing, and a modification to the development proposal that could benefit the Strata. The Developer reached out the Strata's lawyer but was advised by the firm that it no longer acted for the Strata. So the Developer wrote to Ms. To as follows: <i>"I am following up on our call from earlier today As discussed, the developer for this project has spent the past couple of years obtaining the necessary information and reports in support of the project, and is proceeding with the rezoning application. As noted in my below email from March 15, 2019 (see item #6), one of things that we had all discussed when we met on site back at that time was the developer's proposal to share costs relating to use of the shared driveway (e.g. snow removal, costs to "light" the roadway) once access is in place. The Strata members had indicated at that time that there were certain costs that they agreed should be split. We would like to now connect to see if we can come to an agreement on cost sharing should our rezoning application be approved. In addition, we may have a potential proposal to modify our build to the benefit of BCS 048 that we would like to discuss. Can you please let me know if the Strata has retained new counsel who we should discuss these matters with, or if the Strata members would like to discuss directly?"</i>
Jan 18, 2022	Email	<ul> <li>The Developer did not hear back from Ms. To and followed up again via email. Ms. To responded:</li> <li>"Your Jan 10, 2022 email had been forwarded to Council for their attention. However, we still not receive any update from them.</li> <li>We will forward your following email to them for their attention. Will let you know once receive Council's instruction."</li> </ul>

Date	Nature of Commun ication	Update
Jan 26, 2022	Email	Ms. To sent an email to the Developer advising:
2022		We convey the following instruction from the Strata Council for your attention.
		"After the council meeting, all of the council members are remained the decision as of 2019, they are strongly opposed to the share pathway proposal from 7511 St. Albans Development.".
		The Strata again did not respond to the Developer's request to discuss cost sharing or an alternate proposal for the site that could benefit the Strata.
Jan 27, 2022	Email	The Developer sent an email to Ms. To advising:
		"For clarification, we are not seeking the Strata's position on the use of the driveway - they have previously made that clear, and the developer has also expressed its views on the validity of the Statutory Right of Way over 7433 St. Albans. Rather, the City has asked the Developer to speak with the Strata about whether the parties can come to an agreement on cost sharing, should the rezoning application be approved. Can you please check with the Strata to see if they are open to meeting to discuss those costs? We will then advise the City.
		To be clear, by attending the meeting or coming to an agreement on costs, the Strata is not agreeing to the rezoning proposal. However, by engaging in this process, they may benefit from an agreement on costs should the proposal be approved. As noted in my earlier email, we can also maybe discuss a potential proposal to modify our build to the benefit of BCS 048. We look forward to hearing from you regarding whether the Strata is willing to meet."
Feb 17, 2022	Email	<ul> <li>The Developer did not receive a response to its January 17, 2022 email, and followed up again with AAPM on Feb 17, 2022 to see if the Strata would be willing to meet.</li> <li>The Developer has never received a response to its emails from Jan 27 and Feb 17, 2022.</li> <li>It is apparent that the Strata does not intend to engage further with the Developer and any further attempts by the Developer to engage with the Strata are likely to be futile.</li> </ul>

## Summary of Correspondences with Residents at 7433 St. Albans Road

### January 30, 2019

- Received an email from Stephen Yeung regarding the shared access. (Appendix 1)
- Staff responded to the inquiry by phone and discussed the matter in detail with the inquirer.

### March 13, 2019

- Received a letter regarding increased traffic on the proposed shared access and request the shared access to be relocated to the neighbouring property to the south of the subject site (Appendix 2).
- Staff advised that there is no access easement registered on 7531 St. Albans Road in favour of 7511 St. Albans Road, but will discuss with the developer to explore the opportunity.
- Developer advised that they cannot reach an agreement with the Strata at 7531 St. Albans Road.
- In response to the concerns raised regarding the driveway at 7433 St. Albans Road is directly opposite to the exit driveway of the development across the street, Transportation staff advised that having driveways across the street from one another provides improved safety and road operations as it allows drivers from the site to have clear sightline and assess the other vehicle movements entering and exiting St Albans Road.

### April 3, 2019

- Staff met with representatives from the adjacent strata at 7433 St. Albans Road.
- Staff advised the representatives that transportation's objective is to limit the number of access connections to minor arterial roads (e.g. St. Albans Road), that the plan calls for bike facilities along St Albans Road, and that consolidation of accesses onto St Albans Road is desired.
- The representatives raised a number of operational concerns over the use of the driveway (e.g., shared maintenance, safety, ability to enforce strata rules, etc.). Staff advised them that these issues can be addressed through an agreement with the developer, and encouraged them to be open minded to negotiating terms with the developer.
- Ultimately, the strata's position at that time was that the only acceptable solution is that the City not utilize the access easement on their property.

### April 5, 2019

• Received a letter from Elena Ufova requesting the City to conduct formal consultation and provide alternate access to 7511 St. Albans Road instead of utilizing the access easement (Appendix 3).

- Removing the proposed shared driveway access on 7433 St. Albans Road would require significant revisions to the proposed development at 7511 St. Albans Road. While this conceptual design work has not been completed, it is assumed that at least one unit would be lost in order to accommodate a driveway and opportunities for landscaping and tree planting would also be reduced.
- In response to the request, staff hosted another meeting with residents at 7433 St. Albans Road in June 2019.

### June 14, 2019

- At the meeting with residents at 7433 St. Albans Road, staff made available to the representatives from the adjacent strata a copy of the registered access easement document and the legal opinion prepared by the developer's lawyer.
- Staff explained why the access easement was put in place and how their concerns can be addressed through a management agreement.
- Staff advised them access to the site during construction will be via St. Albans Road and not through the access easement.
- Staff offered to facilitate a discussion between the strata and the developer.
- The owners and residents at 7433 St. Albans Road are opposed to the proposed use of the shared access and have submitted a letter, signed by all of the owners, to the City requesting the City to discharge the easement (Appendix 4).
- In response to the concerns raised regarding the sight line at the exit of 7433 St. Albans Road, a Traffic and Parking Assessment prepared by third party professional engineer has assessed the sight lines of the existing driveway and confirms the sightlines meet safety standards. Traffic from the site has sufficient sightline to see other vehicles on St. Albans Road to judge for safe gaps when entering the street.

### July 16, 2019

- In response to the request to discharge the access easement from 7433 St. Albans Road, staff wrote a letter (Appendix 5) to all of the registered owners of 7433 St. Albans Road confirming the access easement is in place and that access easement is an agreement between the private property owners of 7433 St. Albans Road and 7511 St. Albans Road. While the City is a party to the easement (to ensue the easement cannot be discharged without the City's consent) the City does not have authority to require the discharge of the easement that benefits the owners/developers of 7511 St. Albans Road.
- Staff encouraged the strata owners to meet with the owners/developers of 7511 St. Albans Road to discuss appropriate arrangements between the two private property owners.

### Lee,Edwin

From:	Stephen Yeung <stephen.yeung1@gmail.com></stephen.yeung1@gmail.com>
Sent:	January 30, 2019 8:40 PM
To:	Lee,Edwin
Subject:	Response to new development request on 7511 St. Albans Road
Categories:	For REDMS/File

Hi Mr. Lee,

How are you? Hope you are well,

We are Strata Councils of 7433 St. Albans Road.

We received a request from the Developer of 7511 St Albans Road recently, ask for sharing access of our driveway for their newly developed proposed Townhouses.

We, all owners of 7 units, disagree to share our driveway with them which we think this will cause too much trouble and create more traffic for our strata lot if there are 6-8 more vehicles drive passing in front of our driveway daily. This is unsafe to our strata.

Since they are newly develop, they should create the driveway together with the existing 7531 St. Albans Road Townhouses so that a bigger driveway for both strata 7511 & 7531. This is more make sense. Please find attached JPG for your reference.



We would like to let the City understand of our thoughts and seeking the help from City to deal with this.

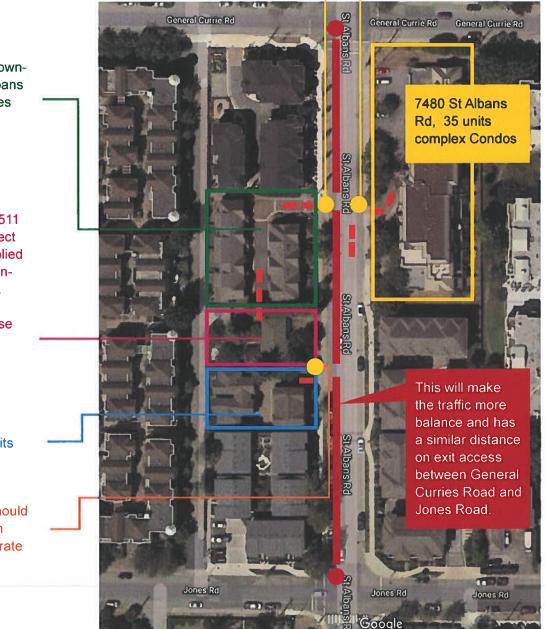
Sincerely, Strata Council of 7433 St. Albans Road. Mr. Craig,

Please find below information to help you understand our concern regarding the new developer informed that they had granted the right to access to our driveway for their newly develop townhouses.

Our concern is, our exit of the driveway was directly opposite to the exit of the opposite complex. If the new develop townhouses also using our driveway, this will create more traffic within such a busy exit point.

March 2019

**APPENDIX 2** 



We understand the planning of City to minimize the driveway to the walkway on St. Albans Road, we just wondering if there is a better solution on this. Thank you.

We are 7 owners of townhouse at 7433 St. Albans Road. Our townhouses was built since 2001.

Property owners of 7511 St. Albans and architect Matthew Cheung applied to build 5 units of townhouses under this lot. They said they had granted the right to use our driveway for their newly developed townhouses.

Property of 7531 St. Albans had only 4 units townhouses.

The 2 townhouses should use same driveway in order to ease & separate the traffic.

### PH - 107

April 4, 2019

City of Richmond Attn: Edwin Lee, Planner 6911 No. 3 Road Richmond BC V6Y 2C1

CC: Wayne Craig, Director, Development

Re: Re-development permit application for 5-unit Townhouse Development at 7511 St. Albans Rd.

Dear Mr. Lee,

My name is Elena Usova and I am the owner of unit 1 at 7433 St. Albans Rd, Richmond, BC V6Y2K5. I recently found out that common property of my Strata complex will be used as a part of driveway to the proposed 5-unit townhouse complex at 7511 St. Albans Rd. I am enclosing a copy of the Context Plan and an aerial map which have come to my attention as well as a copy of the communication from the redeveloper of 7511 St. Albans Rd., which you have been already copied on January 30, 2019.

I am writing this letter to oppose an application for a re-development permit at 7511 St. Albans Rd. to the City of Richmond from Matthew Cheung Architect which completely disrespects the Strata BCS048 owners' rights for enjoyment of our properties and would put at risk safety and security of all owners of Strata Plan BCS048 if approved by the City. I am disappointed that my Strata Council withheld information from all owners about being involved in meetings with the developer.

Form what I understand the Easement on the BR295796 was registered on the Land Title for Strata Plan BCS048 by the City of Richmond in 2001 based the application of the Developer of 7433 at the time which was detrimental to the interests of future owners in respect that it was sought based on the Developer's legal interest and not the best interest of future owners and their families.

Not only the usage of common property of Strata Plan BCS048 for the purpose of access to the site 7511 will de-value my property, as the owner I am impressed to see the City of Richmond is reviewing the development permit application without providing a formal notice to all owners of Strata Plan BCS048 and without a public consultation.

The redeveloper of 7511 St. Albans insists that by the Easement BR295796 they have a "privilege and permission at all times and from time to time to enter, return, pass, repass and use by day and night and with or without vehicles upon Easement area for the purposes of access to and from the Lands..." through Strata Plan BCS048 common property.

As the owner of the unit right at the entrance in our strata complex we would see increased traffic, noise or garbage which would inevitably result from the aforementioned "privilege" of the owners of the townhouse complex at 7511 St. Albans.

The Strata Property Act a BC legislation clearly stipulates the Strata Owners right to enjoy the Strata Common Property as well as the responsibility to maintain it.

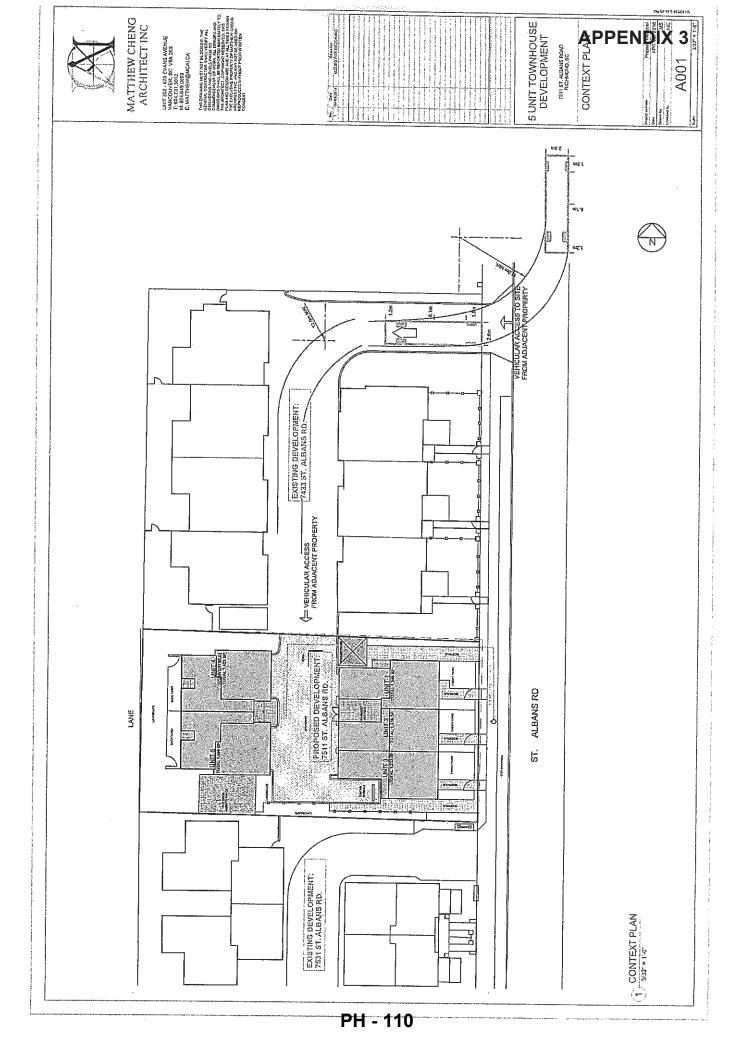
City of Richmond has placed an Easement on the Land Title and therefore City of Richmond is the Authority to remove this easement now. It is the City of Richmond's responsibility to protect the rights of the property owners who pay taxes to the City.

I am requesting that City of Richmond conducts a formal consultation with ALL owners of Strata plan BCS048. I am also requesting City of Richmond requires an alternate plan from the Developer of 7511 to access (during construction or after construction) property from the street and not through the common property of Strata Plan BCS048.

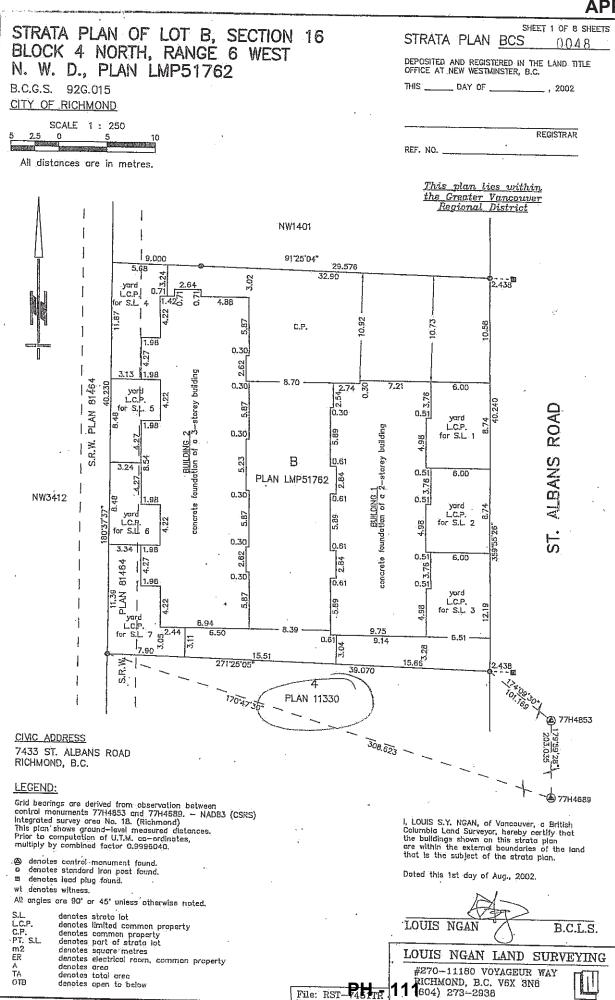
I am asking by this letter to provide a formal response in writing from the City.

Regards,

Elena Usova #1-7433 St. Albans Rd. Richmond BC V6Y2K5



## **APPENDIX 3**



## APPENDIX 3

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Subject:	Matthew Cheng; Lee,Edwin	
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Hi Barbara,		bell->71. 11
Thank you for your ema	il. I have copied Edwin Lee from the City of Richr	nond on this response.
Please note that the pu Rather, the purpose wa proposal, some propose	pose of our initial email was not to ask whether s to set up a meeting to provide the Strata with i ad arrangements and possible impacts during and arbage and mail collection, amenity spaces, etc.	the strata council would allow shared acces
This is not just an issue their property that has is was approved by the Cit options for how we can	where the Strata Council can refuse to share the been granted in favour of our property (likely as a y). We are not seeking to inconvenience them be proceed.	driveway. We have a legal right of access on a precondition before their own development at arc boning to work with these to dis
	proceed.	and applying to more which there to discuss
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We, Councils of Earl's Court & Strate owners refused to share our driveway to their newly planning develop townhouse units. PH 4 112

### Lee,Edwin

From:	Elena Usova <eusova@shaw.ca></eusova@shaw.ca>
Sent:	April 9, 2019 8:51 PM
То:	Lee,Edwin
Cc:	Craig,Wayne
Subject:	Re: Opposition to re-development application at 7511 St. Albans Rd, Richmond
Categories:	For REDMS/File

Hello Mr. Lee,

I need to make an important correction to my letter dated April 4, 2019 which had an error. The wording in the third from the bottom paragraph is missing "not" and should read as follows:

Not only the usage of common property of Strata Plan BCS048 for the purpose of access to the site 7511 will de-value my property, as the owner I am **not** impressed to see the City of Richmond is reviewing the development permit application without providing a formal notice to all owners of Strata Plan BCS048 and without a public consultation.

Please, take a note of this important change and include this note along with the letter.

Regards,

Elena Usova 1-7433 St. Albans Rd. Richmond, BC V6Y2K5

----- Original Message -----From: Lee,Edwin To: 'ELENA USOVA' Sent: Friday, April 05, 2019 4:38 PM Subject: RE: Opposition to re-development application at 7511 St. Albans Rd, Richmond

Ms. Usova,

Thank you for your letter. Your submission will be included in the development file and provided to Mayor and Council should the rezoning application proceed to them for consideration. Staff are reviewing the information in your letter and will provide you with written responses in a later date.

Regards, Edwin

From: ELENA USOVA [mailto:eusova@shaw.ca] Sent: Friday, 5 April 2019 09:59 To: Lee,Edwin Cc: Craig,Wayne; eusova@shaw.ca **Subject:** Opposition to re-development application at 7511 St. Albans Rd, Richmond **Importance:** High

Dear Mr. Lee,

please find attached a letter to the City of Richmond to oppose the application for access to 7511 St. Albans Rd through Strata complex at 7433 St. Albans Rd as part of the 7511 St. Albans Rd redevelopment application.

Regards,

Elena Usova 1-7433 St. Albans Rd., Richmond, BC V6Y2K5 June 13, 2019

City of Richmond Attn: Wayne Craig, Director, Development 6911 No. 3 Road Richmond BC V6Y 2C1

CC: City Council, City of Richmond Linda Reid, Richmond South Centre MLA

Re: Easement over Strata Plan BCS0048 Property at 7433 St. Albans Rd.

Dear Mr. Craig,

This is to provide the City of Richmond and the City Council with the Strata Plan BC0048 Owners' strong opposition to the pending review development permit application for the property located at 7511 St. Albans Rd. and legally described as

Parcel Identifier: 003-556-794 Lot 4 of Section 16 Block 4 North Range 6 West New Westminster District Plan 11330 ("Lot 4")

We, the undersigned, Strata Plan BCS048 owners of 7433 St. Albans Rd., Earl's Court <u>do not consent</u> to the Development Property's reliance on the Easement BR295796 to have a "free and uninterrupted right, license, liberty, easement, privilege and permission at all times and from time to time to enter, re-enter, pass, repass and use by day and night and with or without vehicles upon Easement area for the purposes of access to and from the lands...", i.e. Strata Plan BCS048 common property.

The Strata Property Act provides that the Common property as per the Strata Plan registered in the Land Titles office is for the use and enjoyment of all Strata lot owners and is regulated by the strata corporation.

Section 2 of the Act provides that <u>a strata corporation has the power and capacity</u> of a natural person of full capacity.

The <u>strata corporation is responsible for managing and maintaining the common</u> property and common assets of the strata corporation **for the benefit of the owners**.( Section 3, Strata Property Act)

Section 71 of the Strata Property Act (the "Act") <u>requires that owners approve a</u> <u>change in the use or appearance of common property by means of a 3/4 vote if the</u> <u>change is significant.</u>

We, the undersigned, strongly believe that Easements BR2957975, BR295796 and covenants BR295797 and BR295798 placed on the Strata Plan BCS048 Land Title by the City of Richmond interferes with the Strata Plan Owners right for exclusive use and enjoyment of our property and contravenes with the rights of the Strata Plan Owners under the Strata Property Act.

We do not agree to bear with the City of Richmond to impose upon the Strata Plan BCS048 Owners increased traffic, noise, nuisance, litter, increase in repair and maintenance costs, increase in property insurance costs, increase in depreciation reports costs as well as future strata corporation costs which the individual owners of the Strata Plan BCS048 must endure to the benefit of the Development property.

We, the undersigned, are hereby applying to the City of Richmond to discharge the Easements BR2957975, BR295796 and Covenants BR295797 and BR295798 per Land Title Act Section 219 subsection (9)

A covenant registrable under this section may be

٦.

(a) modified by the holder of the charge and the owner of the land charged, or

(b) discharged by the holder of the charge

# <u>Unit #</u>

Unit1

Unit2

Unit3

Unit4

Unit5

Unit6

Unit7

Name of Registered Owner(s)

Signature

Usova Yemes Wond 12 Zhou F 1 604 099 MING TRACE

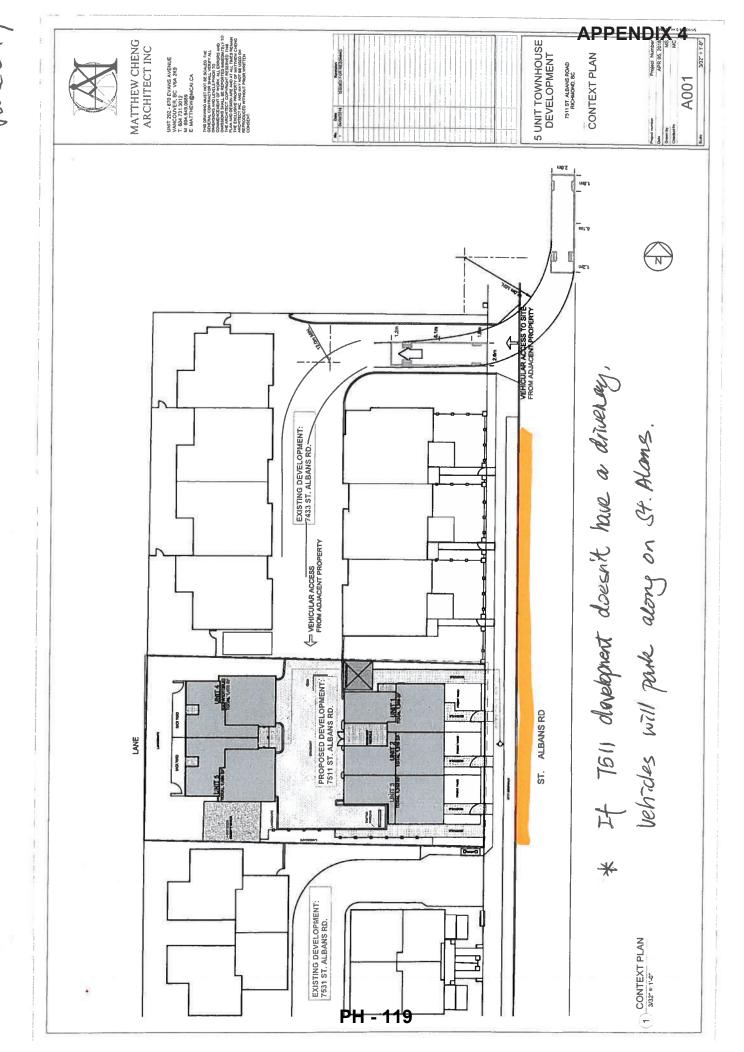
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# APPENDIX 4 2019

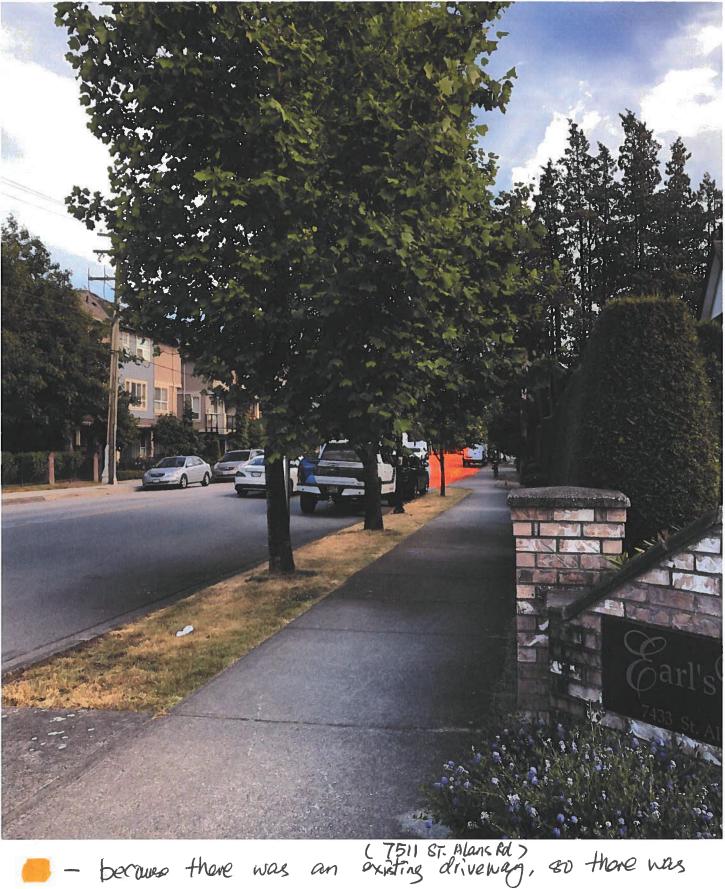


We understand the City's planning was to minimize the driveway to the walkway on St. Albans Road, we wondering if the City can accept the new developer to build 4 townhouses only (instead of 5) and with their own driveway exit. This will be a better solution to separate/diverse the traffic and preventing any arguement between two strata in the future.



Tune ang

APPENDIX 4 2019



a sap we can wortch out for traffic.

**APPENDIX 5** 



6911 No. 3 Road, Richmond, BC V6Y 2C1 www.richmond.ca

July 16, 2019 File: RZ 18-818548 Planning and Development Division Development Applications Fax: 604-276-4052

The Owners, Strata Plan BCS0048 7433 St. Albans Road Richmond, BC V6Y 2K5

Dear Sirs/Mesdames:

#### Re: Driveway Access Easement and Covenant BR295796-BR295797 Over the Common Property of Strata Plan BCS0048, Located at 7433 St. Albans Road, and Proposed Development at 7511 St. Albans Road

Thank you for your letter dated June 13, 2019 (*copy attached*). We have discussed the subject easement and covenant agreement with our Law Department and have confirmed that the access easement is a valid and subsisting agreement registered against Title to 7433 St. Albans Road in favour of the owner/developer of 7511 St. Albans Road.

To clarify, in the City's Law Department's view, the access easement and covenant; each showing on Title to and registered in the Lower Mainland/New Westminster Land Title Office on the common property and strata lots located at 7433 St. Albans Road in favour of 7511 St. Albans Road do not contravene or violate either of the *Land Title Act* (BC) nor the *Strata Property Act* (BC).

The City is a party to the agreement with respect to the <u>covenant</u> charge only. Any discharge of the covenant would not affect the ability of the owner/developer of 7511 St. Albans Road to exercise its rights under the easement through 7433 St. Albans Road for access to its development property at 7511 St. Albans Road.

The access <u>easement</u> is an agreement between the private property owners of 7433 St. Albans Road and 7511 St. Albans Road. The City does not have authority to require the discharge of the easement that benefits the owner/developer of 7511 St. Albans Road. Please note that a shared driveway between 7433 St. Albans Road and 7511 St. Albans Road was contemplated at the time of development of 7433 St. Albans Road and accordingly, in order to secure the access, the subject agreement was registered on Title to 7433 St. Albans Road at that time.

We encourage the strata owners to meet with the owner/developer of the benefiting property to discuss appropriate arrangements between the two private property owners.



Please be advised that the Rezoning Application at 7511 St. Albans Road is still under review by the City, pending additional details on the development proposal from the developer of 7511 St. Albans Road, including but not limited to a Traffic Impact Assessment (TIA). Staff is working with the owner/developer of 7511 St. Albans Road to address the comments received from the public, including concerns raised by the strata owners of Strata Plan BCS0048 at 7433 St. Albans Road. Please also note that all correspondences received will be provided to Council should the subject application proceed. If you wish to find out the status of the Rezoning Application at 7511 St. Albans Road, please contact Edwin Lee, Planner, at 604-276-4121.

Yours truly,

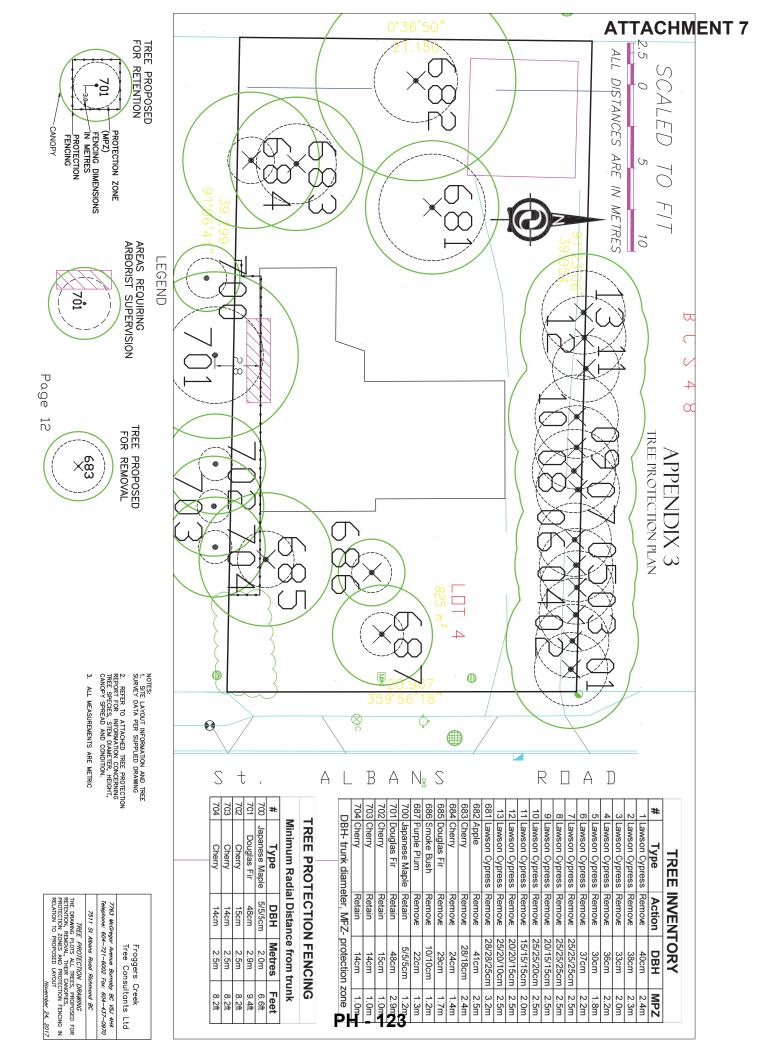
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Wayne Craig

Director, Development

EL:blg Att. 1

pc: Mayor and Councillors
 Joe Erceg, Deputy CAO
 Tony Capuccinello Iraci, City Solicitor
 Lloyd Bie, P.Eng., Director, Transportation
 Joshua Reis, Program Coordinator, Development
 Edwin Lee, Planner 1





MATTHEW CHENG ARCHITECT INC.

#202-670 EVANS AVE., VANCOUVER, B.C. V6A 2K9 CEL: 604-649-0669 TEL: 604-731-3012

Email:matthew@mcai.ca

Edwin Lee Development Applications Department City of Richmond Tel: 604-276-4121 Email: ELee@richmond.ca

Feb 21, 2023

#### Re: 7511 St Alban's Road. Richmond, BC

Dear Edwin,

I am writing to confirm applicable Energy Step Code performance targets have been considered in the proposed design and will comply.

Certified Energy Advisors, Amir Ekhlasi of Enersaver Solutions Inc. has been retained to prepare energy report to ensure the project at 7511 St Albans Rd meeting the Energy Stop Code 3 Zero carbon ready of BC building Code.

Sincerely yours,

Watter Hang

Matthew Cheng, Architect AIBC Matthew Cheng Architect Inc.



# **Rezoning Considerations**

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

## Address: 7511 St. Albans Road

# File No.: RZ 18-818548

# Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10446, the developer is required to complete the following:

- 1. (City Centre Impacts) Registration of a legal agreement on title stipulating that the development is subject to potential impacts due to other development that may be approved within the City Centre including without limitation, loss of views in any direction, increased shading, increased overlook and reduced privacy, increased ambient noise and increased levels of night-time ambient light, and requiring that the owner provide written notification of this through the disclosure statement to all initial purchasers, and erect signage in the initial sales centre advising purchasers of the potential for these impacts.
- 2. (Flood Construction Level) Registration of a flood indemnity covenant on title.
- 3. (Vehicle Access) Registration of a legal agreement on title ensuring that the only means of vehicle access is via Easement BR295796 registered on 7433 St. Albans Road, and that there be no direct access to St. Albans Road. This agreement must include language indemnifying and releasing the City from any issues arising from such reliance.
- 4. (Vehicle Access) Registration of a statutory right-of-way, and/or other legal agreements or measures, as determined to the satisfaction of the Director of Development, over the internal drive-aisle and hammerhead turnaround area on site in favour of 7433 St. Albans Road.
- 5. (Visitor Parking) Registration of a legal agreement on title ensuring that:
  - a) the number of visitor parking stalls per zoning bylaw requirements will be maintained in perpetuity;
  - b) selling, leasing, assigning, or designating any of the visitor parking spaces to individual unit owners/renters/occupants or any other persons by the developers/applicants/owners and future strata councils is prohibited; and
  - c) the required visitor parking stalls are available for the common use of visitors to this development and are accessible to visitors at all times.
- 6. (Strata Restrictions) 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.
- 7. (Arborist Contract) 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.
- 8. (Voluntary Contribution) City acceptance of the developer's voluntary contribution in the amount of \$2,264.40 (i.e. \$0.34/ft<sup>2</sup> of buildable area, excluding affordable housing) to future City community planning studies, as set out in the City Centre Area Plan. In the event that the contribution is not paid to the City within one-year of the application having received third reading of Council (Public Hearing), the contribution shall be recalculated based on the rate ineffect at the time of payment, as posted in a Bulletin.
- 9. (Affordable Housing Contribution) City acceptance of the developer's offer to voluntarily contribute \$18.00 per buildable square foot (e.g. \$119,880) to the City's affordable housing fund.
- 10. (Cash in lieu of Indoor Amenity) Contribution of \$2,066 per dwelling unit (e.g. \$10,330.00) in-lieu of on-site indoor amenity space. In the event that the contribution is not paid to the City within one-year of the application having received third reading of Council (Public Hearing), the contribution shall be recalculated based on the rate in-effect at the time of payment, as posted in a Bulletin.

- 11. (Tree Compensation) City acceptance of the developer's offer to voluntarily contribute \$21,000.00 to the City's Tree Compensation Fund for the planting of 28 replacement trees within the City. If additional replacement trees (over and beyond the 13 replacement trees as proposed at the rezoning stage) could be accommodated on-site (as determined at Development Permit stage), the above cash-in-lieu contribution may be reduced in the rate of \$750 per additional replacement trees to be planted on-site.
- 12. (Development Permit) The submission and processing of a Development Permit\* completed to a level deemed acceptable by the Director of Development.
- 13. (Public Hearing) Payment of all fees in full for the cost associated with the Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.
- 14. (Servicing Agreement) Enter into a Servicing Agreement\* for the design and construction of required site servicing and frontage improvements. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. Works include, but may not be limited to, <u>Water Works:</u>
  - a) Using the Existing Model, there is 204 L/s of water available at a 20 psi residual at the St Albans Road frontage. Based on the Fire Underwriter Survey (FUS) calculations provided by the developer, the site requires 144 L/s.
  - b) The Developer is required to:
    - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations at the building permit stage 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.
    - ii) Provide a right-of-way for the water meter. Minimum right-of-way dimensions to be the size of the meter box (from the City of Richmond supplementary specifications) + any appurtenances (for example, the bypass on W2o-SD) + 0.5 m on all sides. Exact right-of-way dimensions to be finalized during the servicing agreement process.
  - c) At Developer's cost, the City is to:
    - i) Install one new water service connection to serve the development, complete with meter and meter box.
    - ii) Cap and remove the existing water service connection and meter.
    - iii) Relocate the existing fire hydrant out of the proposed sidewalk.

#### Storm Sewer Works:

- a) The Developer is required to:
  - i) Provide an erosion and sediment control plan for all on-site and off-site works, to be reviewed as part of the servicing agreement design.
  - ii) Obtain permission from 7351 St Albans Road for incursions into their property to remove the storm connection and inspection chamber described below, prior to approval of the servicing agreement design.
- b) At Developer's cost, the City is to:
  - i) Install one new storm connection, complete with inspection chamber, to serve the proposed development.
  - ii) Cap and remove the existing storm connections serving the development site.

#### Sanitary Sewer Works:

- a) The Developer is required to:
  - i) Not start onsite excavation or foundation construction until completion of rear-yard sanitary works by City crews.
- b) At Developer's cost, the City is to:
  - i) Install a new sanitary connection off of the existing sanitary manhole at the northwest corner of the development site.
  - ii) Cap, at inspection chamber, the existing sanitary connection serving the development site. The inspection chamber is to be retained to serve 7351 St Albans Road.

#### Frontage Improvements:

- a) Sidewalk, boulevard and curb/gutter:
  - i) Remove the existing sidewalk and construct a new 2.0 m wide concrete sidewalk next to the new property line.
  - ii) Construct a new min. 1.5m wide grass/tree boulevard over the remaining width between the new sidewalk and the existing west curb of St. Albans Road.
  - iii) The new sidewalk and boulevard are to transition to meet the existing frontage treatments to the north and south of the subject site.
- b) All existing driveways along the St. Albans Rd. to be closed permanently. The Developer is responsible for the removal of the existing driveway let-downs and the replacement with barrier curb/gutter, grass/tree boulevard and concrete sidewalk per standards described under Item 1 above.
- c) Consult Engineering on lighting and other utility requirements as part of the frontage works. There is a fire hydrant that may need to be relocated to the boulevard and a utility pole that should be removed if no longer required for service connections.
- d) The utility pole on the frontage is to be relocated.
- e) The Developer is required to:
  - i) Coordinate with BC Hydro, Telus and other private communication service providers:
    - (1) To pre-duct for future hydro, telephone and cable utilities.
    - (2) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
    - (3) To underground overhead service lines.
    - (4) To locate/relocate all above ground utility cabinets and kiosks required to service the proposed development, and all above ground utility cabinets and kiosks located along the development's frontages, within the developments site (see list below for examples). A functional plan showing conceptual locations for such infrastructure shall be included in the development design review process. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) 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 statutory right-of-ways that shall be shown on the architectural plans/functional plan, the servicing agreement drawings, and registered prior to SA design approval:
      - BC Hydro PMT 4.0 x 5.0 m
      - BC Hydro LPT 3.5 x 3.5 m
      - Street light kiosk 1.5 x 1.5 m
      - Traffic signal kiosk 2.0 x 1.5 m
      - Traffic signal UPS 1.0 x 1.0 m
      - Shaw cable  $kiosk 1.0 \times 1.0 \text{ m}$
      - Telus FDH cabinet 1.1 x 1.0 m
  - ii) Renew and rewire the street lighting conduits along the St Albans Road frontage.
  - iii) Review street lighting levels along St Albans Road frontage, and upgrade as required.

#### General Items:

- a) The Developer is required to:
  - i) Provide, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first, a preload plan and geotechnical assessment of preload, dewatering, and soil preparation impacts on the existing utilities fronting the development site and provide mitigation recommendations.
  - ii) Provide a video inspection report of the existing storm sewers and sanitary sewers fronting the development prior to start of site preparation works or within the first servicing agreement submission, whichever comes first. A follow-up video inspection, complete with a civil engineer's signed and sealed recommendation letter, is required after site preparation works are complete (i.e. pre-load removal, completion of dewatering, etc.) to

PH - 127

- iii) Conduct pre- and post-preload elevation surveys of all surrounding roads, utilities, and structures. Any damage, nuisance, or other impact to be repaired at the developer's cost. The post-preload elevation survey shall be incorporated within the servicing agreement design.
- iv) Monitor the settlement at the adjacent utilities and structures during pre-loading, dewatering, and soil preparation works per a geotechnical engineer's recommendations, and report the settlement amounts to the City for approval.
- v) Not encroach into City rights-of-ways with any proposed trees, retaining walls, or other non-removable structures.
- vi) 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, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development. The Landscape Plan should:
  - a) Include the 12 agreed upon replacement trees;
  - b) Include a mix of deciduous and coniferous species; and
  - c) Comply with the landscaping requirements contained in Richmond Zoning Bylaw 8500.
- 2. Confirmation from a qualified professional that the proposed development will achieve Step 4 of the BC Energy Step Code.
- 3. Demonstration of further efforts in making arrangement for the shared use of the drive aisle with the adjacent strata at 7433 St. Albans Road.

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

1. Submission of a Landscape Security based on 100% of the cost estimate provided by a Landscape Architect, including all hard and soft materials, installation, and a 10% contingency.

## Prior to Demolition Permit\* Issuance, the developer must complete the following requirements:

1. 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.

## 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 measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
- 3. If applicable, payment of latecomer agreement charges, plus applicable interest associated with eligible latecomer works.
- 4. 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

6969884

Initial:

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

CITY OF

RICHMOND APPROVED by EL

APPROVED

by Director or Solicitor



# Richmond Zoning Bylaw 8500 Amendment Bylaw 10446 (RZ 18-818548) 7511 St. Albans 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 "HIGH DENSITY TOWNHOUSE (RTH1)".

P.I.D. 003-556-794 Lot 4 Section 16 Block 4 North Range 6 West New Westminster District Plan 11330

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10446".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

MAYOR

CORPORATE OFFICER

MAR 2 7 2023

Minutes



## **Regular Council** Monday, March 27, 2023

### 13. APPLICATION BY MATTHEW CHENG ARCHITECT INC. FOR REZONING AT 7511 ST. ALBANS ROAD FROM "SINGLE FAMILY DETACHED (RS1/E)" ZONE TO "HIGH DENSITY TOWNHOUSE (RTH1)" ZONE

(File Ref. No. 12-8060-20-10446, RZ 18-818548) (REDMS No. 6969884, 7162722, 6220845, 7141632)

R23/6-7

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10446, for the rezoning of 7511 St. Albans Road from "Single Family Detached (RS1/E)" zone to "High Density Townhouse (RTH1)" zone, be introduced and given first reading.

Discussion took place on (i) the registered easement on title, (ii) outdoor amenity space, (iii) increasing density and reducing driveways, (iv) working with the developer to ensure proper care and maintenance of the existing driveway, and (v) tree protection,

In reply to queries from Council, staff advised that (i) the driveway at 7433 St. Albans Road is the standard city width, (ii) maintenance of the driveway can be discussed and determined through an agreement between the current strata and the developer, (iii) the easement at 7433 St. Albans was secured through a rezoning in 2001, and (iv) the proposed development will be three storeys with a small roof deck.

As a result of the discussion, the following referral motion was introduced:

R23/6-8

It was moved and seconded

That the staff report titled "Application by Matthew Cheng Architect Inc. For Rezoning at 7511 St. Albans Road From "Single Family Detached (RS1/E)" Zone to "High Density Townhouse (RTH1)" Zone" be referred back to staff to communicate with the residents of 7433 St. Albans to discuss options for vehicle access and reduce proposal to four (4) units.

The question on the referral motion was not called as further discussion took place on the responsibility of the conveyance professional to notify purchasers of easements on Title.



Minutes

# Regular Council Monday, March 27, 2023

The question on the referral motion was then called and it was **DEFEATED** with Mayor Brodie, Cllrs. Heed, Hobbs, Loo and McNulty opposed.

In reply to further queries from Council, staff noted that (i) a traffic study was undertaken on the driveway and it was deemed capable of accommodating the additional vehicles, (ii) there are multiple ways to enter into an agreement for maintenance of the shared driveway, and (iii) the easement is registered on each lot and the common driveway.

The question on the main motion was then called and it was **CARRIED** with Cllrs. Day, Au and Wolfe opposed.