



City of Richmond

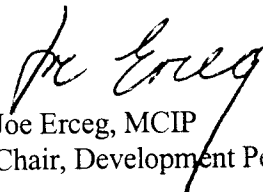
Report to Council

To: Richmond City Council
From: Joe Erceg, MCIP
Chair, Development Permit Panel
Date: March 9, 2005
File: 0100-20-DPER1
Re: **Development Permit Panel Meetings Held on January 12, 2005 and
March 2, 2005**

Panel Recommendation

1. That the recommendations of the Panel to authorize the issuance of:
 - i) a Development Permit (DP 04-272603) for the property at 6440 Garden City Road and 9071, 9111, 9131, 9151, 9171, 9191 and 9211 Alberta Road; and
 - ii) a Development Permit (DP 04-280307) for a portion of 7331 No. 4 Road (formerly a portion of 7351 No. 4 Road);

be endorsed, and the Permit so issued.



Joe Erceg, MCIP
Chair, Development Permit Panel

WC:blg

Panel Report

The Development Permit Panel considered the following items at its meetings held on January 12, 2005 and March 2, 2005

DP 04-272603 – 528450 B.C. LTD. – 6440 GARDEN CITY ROAD AND 9071, 9111, 9131, 9151, 9171, 9191 AND 9211 ALBERTA ROAD (January 12, 2005)

The Panel considered a Development Permit application to permit the construction of two (2) residential buildings consisting of 191 apartment dwelling units above a two (2) level parking structure with 20 ground oriented live/work dwellings and limited retail space along Garden City Road on a site zoned Comprehensive Development District (CD/154). The architect, Ms. Amela Brudar, provided a brief overview of the project, including building design, exterior finishes, a public walkway through the site and landscaping design. In response to questions from the Panel, the architect provided additional information on vehicle circulation and loading areas. There were no additional staff comments on the proposal. A Richmond resident requested clarification on rezoning charges and was directed to contact staff for this information. There were no additional comments from the public on the proposal.

The Panel recommends that the Permit be issued.

DP 04-280307 – PATRICK COTTER ARCHITECT INC. – A PORTION OF 7331 NO. 4 ROAD (FORMERLY A PORTION OF 7351 NO. 4 ROAD) (March 2, 2005)

The Panel considered a Development Permit application to permit the construction of six (6) townhouse units on a portion of 7331 No. 4 Road (formerly a portion of 7351 No. 4 Road) on a site zoned Comprehensive Development District (CD/35). This project is the second phase of a 16-unit townhouse project immediately to the north, which was approved on August 30, 2004 (DP 04-269088). Variances to reduce the south side yard setback, to permit single-storey building projections at grade and to permit four (4) tandem parking spaces are included in the proposed development. The applicant, Mr. Patrick Cotter, explained that this project was the second phase of a previously approved development and both phases were designed collectively. Staff indicated that a Building Permit was inadvertently issued for this development as part of the first phase approvals (site immediately to the north) and that some construction had occurred prior to a stop work order being issued on February 20, 2005. The adjacent property owner to the south, Mr. Doughty, provided a letter and was present to express concerns over vegetation removal along the common property line and was also seeking an assurance that similar setback variances would be provided to his property should he pursue development in the future. The Panel indicated that they did not have authority to pre-authorize setback variances and asked the adjacent property owner to confirm that his property had been satisfactorily restored. Mr. Doughty indicated that the applicant had responded quickly to his concerns, had fully cleared the debris, and erected a 6 ft. fence to his satisfaction. There were no additional comments from the public. The Panel expressed displeasure with the treatment of adjacent residents by the developer, but acknowledged that actions had been taken to respond to the neighbours' concern.

The Panel recommends that the Permit be issued.



Development Permit Panel

Wednesday, March 2nd, 2005

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Jeff Day, General Manager, Engineering and Public Works – Acting Chair
Cathryn Volkering Carlile, General Manager, Parks, Recreation and Cultural Services
Mike Kirk, General Manager, Human Resources

The meeting was called to order at 3:30 p.m.

1. Minutes

It was moved and seconded
That the minutes of the meeting of the Development Permit Panel held on Wednesday, February 16th, 2005, be adopted.

CARRIED

2. Development Permit DP 04-280307

(Report: February 1/05 File No.: DP 04-280307) (REDMS No. 1366930)

APPLICANT: Patrick Cotter Architect Inc.

PROPERTY LOCATION: 7331 No. 4 Road (formerly a portion of 7351 No. 4 Road)

INTENT OF PERMIT:

1. To permit the construction of six (6) townhouses on a portion of 7331 No. 4 Road (formerly a portion of 7351 No. 4 Road) on a site zoned Comprehensive Development District (CD/35); and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300:
 - a) to reduce the minimum required south side yard setback from 3 m to 2.4 m for the southeast unit; and
 - b) to permit projections into the south and east side yard setback of 0.6 m for one-storey enclosed bays at grade on four (4) units; and
 - c) to permit four (4) tandem parking spaces.

Applicant's Comments

The applicant, Patrick Cotter, Patrick Cotter Architect Inc., briefly explained that this application was for the 2nd phase of a 2 phase project, and that both phases had been designed as one project.

Staff Comments

The Director of Development, Raul Allueva, provided background on a series of events that had occurred subsequent to the realization that a Building Permit had been issued in error in January 2005. Mr. Allueva indicated that staff had contacted the developer with the information that no construction was to occur prior to the Development Permit being issued, however, in February staff were informed by an adjacent property owner that concrete was being poured, and a Stop Work order was issued on February 20th, 2005. A letter was received from the adjacent property owner to the south, Dr. Doughty, dated February 24th, 2005, which outlined a number of concerns. Mr. Allueva further indicated since that time, debris has been removed and a fence has been erected along the south property line, and due consideration given to Dr. Doughty's concerns.

In response, Mr. Cotter spoke about the difficulty of obscured property lines, and indicated that Mr. Doughty had been informed of the debris that had been displaced during the pre-load of the site. Mr. Cotter further indicated that the debris had since been removed, and a fence erected.

Mr. Allueva, in response to a question from the Panel regarding notification of adjacent property owners, provided to the Panel a copy of a letter from the owner advising staff that contact had been made with adjacent property owners, and that no concerns had been expressed.

The General Manager, Engineering and Public Works, Jeff Day, Acting Chair, expressed his concerns in regard to how the project, both Phase 1 and 2, was proceeded on, and in particular that the City did not appreciate its residents being subjected to unnecessary negative impacts.

Correspondence

Dr. William Doughty, M.D. 7371 No. 4 Road – Schedule 1

Gallery Comments

Dr. Doughty, 7371 No. 4 Road, read a portion of the above noted letter. In response to a question from the Acting Chair, Mr. Doughty confirmed that his property had been restored in a satisfactory manner.

Mr. Day, in response to a comment made in the letter from Mr. Doughty, then said that the Panel did not have the authority to pre-approve required setbacks for future development, but that the requested setbacks for this application were typical for a project of this type.

Mr. Cotter addressed the sequence of events that had occurred subsequent to the premature issuance of the Building Permit, which he indicated was an honest mistake that had resulted because all of the required permits for both Phase 1 and 2 had been submitted at the same time. Mr. Cotter said that the Building Permit that had been issued in error allowed for the pouring of the concrete foundation, and that further work had ceased at the point the Stop Work order was received. In addition, Mr. Cotter said that an effort had been made to be both responsive and responsible in terms of the recent events.

In response to a question from the Panel, Mr. Cotter also explained that he had understood that all adjacent property owners had been contacted in regard to the project.

Panel Discussion

Ms. Volkering Carlile expressed her annoyance over the treatment of the neighbour and that brush had been cleared from Mr. Doughty's property inappropriately.

Mr. Kirk said that in future when confirmation has been given that all neighbours have been consulted, that confirmation should be accurate.

Mr. Day indicated that the next project by the same developer was expected to be undertaken more appropriately as new development was difficult enough for adjacent property owners without the imposition of unnecessary negative impacts.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *Permit the construction of six (6) townhouses on a portion of 7331 No. 4 Road (formerly a portion of 7351 No. 4 Road) on a site zoned Comprehensive Development District (CD/35); and*
2. *Vary the provisions of the Zoning and Development Bylaw No. 5300:*
 - a) *to reduce the minimum required south side yard setback from 3 m to 2.4 m for the southeast unit;*
 - b) *to permit projections into the south and east side yard setback of 0.6 m for one-storey enclosed bays at grade on four (4) units; and*
 - c) *to permit four (4) tandem parking spaces.*

CARRIED

3. Adjournment

It was moved and seconded

That the meeting be adjourned at 3:55 p.m.

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Development Permit Panel of the Council of the City of Richmond held on Wednesday, March 2nd, 2005.

Jeff Day
Acting Chair

Deborah MacLennan
Administrative Assistant

To: Development Permit Panel

March 2, 2005

7331- No 4 Rd.

Schedule 1 to the Minutes of
the Development Permit Panel
meeting held on Wednesday,
March 2, 2005.

7371 Number 4 Rd.
Richmond, B.C. V6Y 2T4

February 24, 2005

Richmond Development Permit Panel

Re: File DP04280307

An Application by Patrick Cotter, Inc. For a Development Permit
for a portion of 7331 No. 4 Rd. (formally a portion of 7351 No. 4 Rd.)

My name is William Doughty and I am the owner of 7371 No. 4 Rd., a property immediately to the south of the proposed development. With regards to the Staff Recommendation Report dated February 1, 2005 I would like to respond to Part 2A – to reduce the minimum required south side yard setback from 3 metres to 2.4 metres for the southeast unit. I would also further like to respond to Part 2B – to permit projections into the south and eastside yard setback of 0.6 metres for one storey enclosed bays at grade on four units.

Although this hearing is designed to consider submissions on the proposed development and whether approval is appropriate in the circumstances, it appears that the developer has made contentions which are dubious and, based upon the enclosed photographs, has forged ahead with construction and laying of the concrete foundations utilizing the proposed setback variance of 0.6 metres.

On Page 4 of the Report under the heading Adjacency, it is stated that the developer has had discussions with both neighbours and is not aware of either neighbour having any concerns. I am uncertain as to whom they are referring but certainly the developer has not had any discussions nor has even attempted to contact me. The only communication I have had relative to the property development was in a letter I addressed to the contractor and architect dated February 19, 2005, a copy of which is enclosed for your convenience. The correspondence was necessary to point out their encroachment on my property during the initial clearing and construction phase. As you can see from the enclosed photographs, a considerable area of encroachment was involved.

Moreover, on Page 6 entitled Site Planning and Urban Design, I cannot fathom why the developer should design the property and otherwise be concerned about an alleged benefit to me by the provision of access across a maneuverable aisle when I have no intention of selling my property.

Parts 2A and 2B

The objection I have with the proposed reduced setback variance is that should I ever in the future plan to develop my property in a similar fashion, I would insist in the interests of fairness that I be granted the same setback variances by the City of Richmond. If not, a benefit would be bestowed upon the current developer to my prejudice impairing any eventual construction.

I trust my concerns will be properly addressed and considered by this Panel and not cast aside as in a kangaroo court.

Yours truly,

A handwritten signature in black ink, appearing to read "W. Doughty".

William Doughty, M.D.

7371 No. 4 Rd.
Richmond, B.C.
V6Y 2T4

February 19, 2005

Mr. J. Ralla
5284 Turquoise Dr.
Richmond, B.C.
V7C 4Z7

Re: 7371 No. 4 Rd.

Dear Mr. Ralla:

I have been informed by the city of Richmond that you are the contractor responsible for the construction of a townhouse development on a portion of 7331 No. 4 Rd. I have also notified the architect for the development, Mr. Patrick Cotter, of my concerns and it was he who suggested that I address them to you for remedy.

I am the owner of the residence located at 7371 No. 4 Rd. which is the property adjacent to the south of the development. During the course of the initial phases of construction, you and your independent contractors have encroached on and damaged my property by permitting:

1. the clearing of some brush on my land;
2. brush and soil debris to be bulldozed to my side;
3. sand fill to extend over the property line and onto my property;
4. the dumping of garbage and other debris, including old bottles, on my property; and
5. the storage of some construction wood on my property.

I realize how difficult it must be to restrict your activities to a rigid line of demarcation and presume that you were not aware of these matters. I trust that you shall promptly remedy the situation by removing them from my property and restrict all further construction activities within the development's property boundaries.

I appreciate your anticipated prompt attention to this matter along with the courtesy of a reply as to when the above-mentioned encroachment errors will be satisfactorily resolved.

Yours truly,

William Doughty, M.D.

cc: Patrick Cotter

