



To: Richmond City Council
From: Jeff Day, P. Eng.
Acting Chair, Development Permit Panel
Date: June 5, 2007
File: 0100-20-DPER1-01
-2007-Vol 01
Re: Development Permit Panel Meetings Held on August 30, 2006 and
September 27, 2006

Panel Recommendation

1. That the recommendations of the Panel to authorize the issuance of:
 - i) a Development Permit (DP 05-311765) for the property at 10351 Palmberg Road be endorsed, and the Permit so issued.

A handwritten signature in black ink, appearing to read 'Jeff Day', written over a horizontal line.

Jeff Day, P. Eng.
Acting Chair, Development Permit Panel

SB:blg

Panel Report

The Development Permit Panel considered the following item at its meetings held on August 30, 2006 and September 27, 2006.

DP 05-311765 – ALAN CLARK – 10351 PALMBERG ROAD
(August 30, 2006 and September 27, 2006)

The Panel considered a Development Permit application to permit the construction of a single-family dwelling and accessory buildings on a site zoned “Agricultural District (AG1)” and the entire site designated as an Environmentally Sensitive Area (ESA). No variances are included in the proposal. The proposal was originally presented at the Development Permit Panel Meeting on August 30, 2006, but was referred to the September 27, 2006 meeting and back to staff to explore ways to minimize the impact on the (ESA) and that the residential buildings respect the 50 m maximum setback.

At the August 30, 2006 meeting, Mr. Alan Clark, representing the owner, provided a brief description of the project.

Staff advised that the proposed development would result in a net loss of habitat, and that a consultant’s report confirms there are neither raptors/raptor nests on the site, nor any other species are at risk.

The Chair noted that portions of the proposed tennis court, parking garage, and paved patio areas extend beyond the City’s established maximum setback of 50 m for dwellings. For this reason, he was uncomfortable in recommending to Council the removal of the ESA without full compensation. The preference would be to have the structures placed within the maximum 50 m setback. The Panel further expressed concern that no-net loss of habitat was not achieved, and advised the applicant that an opportunity existed to reconfigure the proposed buildings by moving them forward to lessen the impact on the ESA land, while providing more area at the back. The Panel did not support removal of additional trees in the process of reconfiguring the site.

At the September 27, 2006 meeting, staff advised that in response to the Panel’s concerns, the applicant had pulled the development closer to Palmberg Road. The residence, tennis court, parking garage, and paved patio areas comply with the established maximum setback of 50 m. This left a larger vegetated strip between the dwelling and the farmed area. In addition, enhancement planting, specifically oriented to supporting wildlife, had also been incorporated to further offset the development impacts on the site’s habitat.

There were no comments from the public on the proposal.

The Panel recommends that the Permit be issued.



Development Permit Panel

Wednesday, May 30, 2007

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Joe Erceg, Chair
Robert Gonzalez, Director, Engineering
Cathryn Volkering Carlile, General Manager, Parks, Recreation and Cultural Services

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, May 16, 2007, be adopted.

CARRIED

2. Development Permit 06-347920

(Report: May 9, 2007 File No.: DP 06-347920) (REDMS No. 2062715)

APPLICANT: Arcadian Architecture Inc.

PROPERTY LOCATION: 9451 Blundell Road

INTENT OF PERMIT:

To permit the construction of a six (6) unit townhouse complex on a site zoned Comprehensive Development District (CD/28).

Applicant's Comments

Andrew Nodzykowski, Director, Arcadian Architecture Inc., Vancouver highlighted the following components of the proposed development:

- the six units proposed for the townhouse complex are of varying sizes, including a “Mansion” facing Blundell Road, and a smaller “Coach-house” facing the lane to the north of the site;
- the overall form and character adheres to the Neighbourhood Character Area design guidelines, and features a rural estate dwelling pattern;
- the design elements include brackets, board and batten siding, and material changes between floors to enhance the appearance of the structures;
- access to the site is limited to the rear lane which requires a 6 m passage right-of-way;
- two of the proposed units (#3 and #6) meet the City’s affordable housing criteria, and two units (#4 and #6) are designed to (i) ensure accessibility and (ii) to accommodate ageing in place;
- there are ten off-street parking spaces, and two are designated as visitor spaces;
- six replacement trees are provided on site to compensate for the removal of three existing trees.

Staff Comments

None.

Correspondence

None.

Gallery Comments

None.

Panel Discussion

None.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would permit the construction of a six (6) unit townhouse complex at 9451 Blundell Road on a site zoned Comprehensive Development District (CD/28).

CARRIED

3. Development Permit 06-349404

(Report: May 7, 2007 File No.: DP 06-349404) (REDMS No.2224262)

APPLICANT: Sandhill Development Ltd.

PROPERTY LOCATION: 22351 Westminster Highway

INTENT OF PERMIT:

1. To permit the construction of 17 townhouses and two (2) detached dwelling units on a site zoned "Comprehensive Development District (CD/156)"; and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Permit second and third storey building bays on building No. 6 to project into the Public Road Setback from Westminster Highway for a distance of not more than 0.4 m;
 - b) Permit a pedestrian entry and mailbox structure in the Public Road Setback from Sharpe Avenue and permit a recycling and garbage enclosure in the Public Road Setback from Westminster Highway; and
 - c) Permit second and third storey building bays on buildings No. 5 and No. 6 to project into the West Side Yard Setback for a distance of not more than 0.3 m.

Applicant's Comments

David Kominek, of Yamamoto Architecture Inc., spoke on behalf of the architect and stated that:

- the proposed development includes 17 townhouses plus two detached dwelling units;
- the proposed height of the buildings reflects the size of the existing single-family homes situated to the north of the site;
- a driveway along the east side of the property will ensure access to the adjacent property to the east when that property develops;

Staff Comments

None.

Correspondence

Ajaib Poonia, AA Poonia Construction Ltd., 4570 Watling Street, Burnaby (Schedule 1)

Gallery Comments

Tom Morse, 22371 Westminster Highway, asked that if the applicant was granted a variance for the second level on the proposed building "B3", whether if, in the future a similar variance was requested for his property which is adjacent to the subject site, would the request be met favourably.

In response, the Chair advised that there would be no guarantee that the same variance would be granted to Mr. Morris' residence, but that City Council would consider the request.

In response to a second enquiry by Mr. Morris, regarding access to the site for garbage collection, staff advised that garbage and recycling would be collected from Westminster Highway and that vehicle access was from Sharpe Avenue, and not from Westminster Highway.

Panel Discussion

In response to an inquiry regarding whether there was adequate access to adjacent properties, staff advised that the project was providing access to the east, and it does so with a cross-access agreement.

With regard to accessible units, in response to an inquiry from the Chair, Mr. Kominek stated that in the two three-storey detached dwelling units, alternate floor plans have been drawn up to include conversion potential to accommodate a disabled occupant. In these plans, a chair lift would make the second floor accessible, where a bathroom and bedrooms would be located for the use of the disabled occupant. The third floor, not accessible by the chair lift, would include additional bedrooms.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *Permit the construction of 17 townhouses and two (2) detached dwelling units at 22351 Westminster Highway on a site zoned "Comprehensive Development District (CD/I56)"; and*
2. *Vary the provisions of the Zoning and Development Bylaw No. 5300 to:*
 - a) *Permit second and third storey building bays on building No. 6 to project into the Public Road Setback from Westminster Highway for a distance of not more than 0.4 m;*
 - b) *Permit a pedestrian entry and mailbox structure in the Public Road Setback from Sharpe Avenue and permit a recycling and garbage enclosure in the Public Road Setback from Westminster Highway; and*
 - c) *Permit second and third storey building bays on buildings No. 5 and No. 6 to project into the West Side Yard Setback for a distance of not more than 0.3 m.*

CARRIED

4. Development Permit 06-350946

(Report: April 2, 2007 File No.: DP 06-350946) (REDMS No. 2131705, 2236083)

(Referred from the May 16, 2007 DPP Meeting.)

(Further discussion on this item appears on page 15 of these Minutes.)

APPLICANT: MingLian Holdings Ltd.

PROPERTY LOCATION: 6040 No. 3 Road and 8060, 8080 Westminster Highway

INTENT OF PERMIT:

1. To permit the construction of a mixed-use commercial/residential development consisting of approximately 131 dwelling units (including 5 seniors housing units), approximately 750 m² (8,070 ft²) of commercial space and associated parking in a 16 storey building fronting on Westminster Highway and a 4 storey building fronting on No. 3 Road on a site zoned "Downtown Commercial District (C7)"; and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Reduce the required number of parking spaces for each seniors' housing unit from 1.7 (resident and visitor) parking spaces per dwelling unit to 0.4 (resident and visitor) parking spaces per dwelling unit;
 - b) Permit six (6) parking stalls in a tandem arrangement; and
 - c) Reduce the minimum off-street manoeuvring aisle width for commercial use from 7.5 m (25 ft.) to 6.7 m (22 ft.).

Applicant's Comments

Wing Leung, of W.T. Leung Architects, spoke on behalf of the applicant and advised that since the May 16, 2007 Development Permit Panel (DPP) MingLian Holdings, Clarry Enterprises and City staff have communicated on the four issues that arose from the May 16, 2007 DPP meeting. He summarized the outcome of the discussions on the four issues:

- (a) information on whether development of the adjacent corner parcel, 6020 No. 3 Road (DP 07-363082) would proceed, with the currently proposed Development Permit:
 - to date, MingLian Holdings and Clarry Enterprises have not reached an agreement;
- (b) a review of the proposed parking plan and parking requirement variance for the proposed seniors' housing units to ensure appropriate parking is available on-site:
 - MingLian Holdings has worked with the City's Transportation and Law Departments to review the proposed parking ratio and parking reserved for the corner development; the parking requirement for the seniors units was increased and resulted in changing the parking spaces reserved for the corner development from 35 to 32 parking spaces;

- (c) a review of the provision of publicly accessible space along Westminster Highway and No. 3 Road to ensure that appropriate areas are set aside in accordance with the City's vision for publicly accessible areas within the City Centre along the Canada Line:
 - MingLian Holdings will undertake to complete the public plaza level and will undertake to complete the work so it is consistent with the City's vision;
- (d) a review of an interim treatment of the interface between the subject site and the corner parcel:
 - MingLian Holdings proposes to increase its public art voluntary contribution to a total of \$127,000: \$77,000 earmarked for public art along No. 3 Road and \$50,000 earmarked for treatment of the concrete on the west and north building elevations adjacent to the corner site;
 - a second option MingLian Holdings is entertaining is to introduce textured and painted concrete on the west and north building elevations.

Staff Comments

Mr. Lamontagne advised that with regard to the provision of publicly accessible space at the site, this development meets the City's vision for No. 3 Road.

In response to an inquiry, Mr. Lamontagne advised that part 2 (a) of the Intent of Permit should read: "Reduce the required number of parking spaces for each seniors' housing unit from 1.7 (resident and visitor) parking spaces per dwelling unit to 1.05 (not 0.4) (resident and visitor) parking spaces per dwelling unit."

Correspondence

None.

Gallery Comments

Frank Wu, MingLian Holdings, distributed a two-page summary of communication between his company and Clarry Enterprises, covering the period May 16 to May 29, 2007 (Schedule 2).

He stated that since the May 16, 2007 DPP meeting, his company had provided a proposal to Clarry Enterprises. The proposal would ensure Clarry Enterprises a no risk profit, at a rate that was guaranteed. The door is still open for further negotiations with Clarry Enterprises, but MingLian Holdings needs Clarry Enterprises to act quickly.

Dan Buller, representing Clarry Enterprises Ltd., acknowledged the extensive discussion between the two parties over the past two weeks, and stated that MingLian Holdings' need for Clarry Enterprises' quick action is due to the City's July 1, 2007 deadline for increases to Development Cost Charges (DCCs).

In response to inquiries Mr. Buller advised that:

- the project should be reassessed as a comprehensive project;
- Clarry Enterprises may be able to finalize its negotiations with MingLian Holdings within two to four weeks, provided Clarry Enterprises and MingLian Holdings can enter into an arrangement whereby Clarry Enterprises can see what could and should be built;
- Clarry Enterprises desires that due to proximity to the Canada Line, the tower for the corner lot be relocated into the MingLian Holdings' property to have a deeper set back;
- there would be geotechnical issues for construction after the Canada Line and the MingLian Holdings projects were built;
- Clarry Enterprises did not wait until May of 2007 to raise issues with the MingLian Holdings development application, but did so as early as September, 2006.

Staff Comments

In response to inquiries, Mr. Lamontagne advised that:

- the frontage at the corner lot would need to remain as it is now to accommodate existing parking spaces, and this situation is similar to other situations currently on No. 3 Road, where some improvements are done through the Development Permit process and others will be done through restoration when the Canada Line construction is complete;
- if the corner lot is not developed, there will be improvements there through construction of the Canada Line; there is an agreement with the Canada Line for restoration;
- the City has secured a certain amount per square metre for landscaping along No. 3 Road.

Panel Discussion

The Chair suggested that the two parties, MingLian Holdings and Clarry Enterprises, step outside the Council Chambers and into an adjoining meeting room, to further discuss their options. He advised that after discussion on Item No. 7, the Panel would further discuss Item No. 4.

(Further discussion on this item appears on page 15 of these Minutes)

5. Development Permit 06-352741

(Report: May 8, 2007 File No.: DP 06-352741) (REDMS No. 2228285)

APPLICANT: Polygon Meridian Gate Homes Ltd.

PROPERTY LOCATION: 9200, 9240, 9280, 9300 and 9320 Odlin Road

INTENT OF PERMIT:

To permit the construction of three (3) four-storey buildings consisting of approximately 259 units over a parking level and an amenity building on a site zoned Comprehensive Development District (CD-186).

Applicant's Comments

Mr. Scott Baldwin of Polygon Meridian Gate Homes Ltd. addressed the Panel and highlighted the following features of the proposed project:

- the site plan includes a public right-of-way for a portion of Alexandra Way and is being secured through the rezoning process;
- the development includes two new roads, one to the south and one to the west, as well as an upgrade of Odlin Road;
- public art will be introduced on site, probably located at the entry points to Alexandra Way;
- instead of pursuing on-site affordable housing, the applicant has offered a voluntary contribution toward the provision of affordable housing;
- the applicant has offered to facilitate a pump station on the site within the portion of the area designated for the introduction of Alexandra Way, because the neighbourhood requires utility servicing before development can occur;
- to meet floodplain requirements, a minimum 2.6 metre elevation for the residential areas requires that the on-site grade be altered and in addition, that the road elevation be increased;
- for sustainability purposes, the applicant is committed to LEED certified goals;
- with regard to the issue of safety of school children in the area during the construction period, Polygon has submitted a traffic report to the City's transportation department; construction vehicles will primarily use Garden City Road to route construction traffic away from Tomsett Public School.

Mr. Baldwin addressed the idea of using geothermal heating and power for the project. He advised that Polygon Meridian Gate Homes Ltd. learned from meetings it held with Terasen Gas, a leading vendor, that: (i) Terasen's geothermal program helps to fund high capital costs; (ii) that Terasen would pay \$800,000 for loop systems and major infrastructures; (iii) that Terasen would then charge back to the strata council over a long time; and (iv) that the cost to the homeowner would be approximately \$50 per month.

The only way to reduce this cost would be for Polygon Meridian Gate Homes Ltd. to pay for more of the capital costs but that, in addition to the \$2 million retrofit, the cost would be too high for Polygon Meridian Gate Homes Ltd. to bear. This project is too small for Terasen, so Polygon Meridian Gate Homes Ltd. will commit to a geothermal system for the amenity building on the townhouse site (DP 07-359314) presented as Item 6 on the agenda (DPP, Wednesday, May 30, 2007), but without Terasen's involvement. In addition, Polygon Meridian Gate Homes Ltd. will use solar heating for the amenity building in this project (DP 06-352741), which is located over the parking garage.

When asked by the Chair why the City should be optimistic that plans for geothermal heating and power in future developments would happen, when it was not being incorporated on this site, Mr. Baldwin responded that if Polygon Meridian Gate Homes Ltd. knew before the initial plans were drawn up that this is the way they wanted to go, the design presented to the Panel could easily incorporate the desired outcome.

Robert Ciccozzi, of Robert Ciccozzi Architecture Inc., Vancouver reviewed some elements of the design:

- in order to provide an active pedestrian environment at street level, the first level units along Odlin Road, Tomicki Avenue and Dubbert Street are designed to create an interrupted and outward oriented interface with the street, enhanced by private patios, entry gates and other features;
- there are recesses in the building design, with an emphasis on the corners which feature varying vertical extension of brick cladding, to create a more interesting architectural form;
- the roofline is varied by following recesses in the building, thereby minimizing the bulk of the building;
- the vehicle entry to the site off Tomicki Avenue is marked by moon gates, while similar elements are used to identify the lobby entry located adjacent to Odlin Road;
- the indoor amenity building, centrally located in the inner courtyard, utilizes building materials and character that are reflective of the apartment buildings;
- a ramp has been included in the courtyard to increase accessibility, and "F" units can be modified to be fully accessible for a resident with a disability.

Staff Comments

Mr. Lamontagne advised that the area plan for West Cambie has a set elevation of 2.6 metres and that this project meets that requirement. The proposal includes plans to raise the site and to effectively interface with the street.

The greenway being provided by Polygon Meridian Gate Homes Ltd. also meets the requirements of the West Cambie Plan.

Correspondence

None.

Gallery Comments

None.

Panel Discussion

In response to queries, staff advised that:

- the planned raised walkway will initially be gravel, but once the property next door is developed and the other half of the walkway raised, the walkway will have a hard surface area; and
- because the eventual hard surface public walkway will straddle property lines, the City will maintain it; in the short term, the City will also undertake to provide maintenance for the gravel walkway.

In response to an inquiry, Mr. Ciccozzi advised that the split-level lobby entry off Odlin provides access to the mid block.

In response to an inquiry from the Chair regarding affordable housing units, Mr. Baldwin responded that Polygon Meridian Gate Homes Ltd. plans to build two other projects on two other sites in the West Cambie area, and that these future projects do incorporate affordable units. He further advised that the speed of the development's second phase of the Polygon project on the site will depend to how well the market responds to the residences in this project.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would permit the construction of three (3) four-storey buildings consisting of approximately 259 units over a parking level and an amenity building on a site zoned Comprehensive Development District (CD/186).

CARRIED

6. Development Permit 07-359314

(Report: May 10, 2007 File No.: DP 07-359314) (REDMS No. 2228628)

APPLICANT: Polygon Hennessy Green Development Ltd.

PROPERTY LOCATION: 9680, 9700, 9720, 9740, 9760, 9762, and 9800 Odlin Road

INTENT OF PERMIT:

To permit the construction of 92 townhouses on a site zoned Comprehensive Development District (CD/185).

Applicant's Comments

Ms. Lillian Arishenkoff of Polygon Hennessy Green Development Ltd. addressed the Panel and highlighted the following features of the proposed project:

- the site is organized around a central green area with an amenity building in the centre of the 92-unit project; there are up to six townhouses per building block fronting the central open courtyard;
- the individual units use building forms that include a combination of finished building materials, projecting bays and gable roof dormers;
- there are pedestrian routes through the site, leading to Odlin Road and to No. 4 Road, as well as to the future neighbourhood park;
- Polygon Hennessy Green Development Ltd. will dedicate one acre of parkland to the City for a future neighbourhood park, and in addition will undertake the upgrading of some roads and road dedication;
- planned public art on site will probably be located along No. 4 Road;
- the applicant is raising the grade to accommodate flood plain requirements;
- Polygon Hennessy Green Development Ltd. will make a contribution to the City's Affordable Housing Fund as there are no affordable housing units in the proposed development;
- 21 potentially convertible accessible units have been incorporated into the development, each with the potential to accommodate a person in a wheelchair on the ground floor;
- geothermal heating will be provided for the central amenity building.

Robert Ciccozzi, of Robert Ciccozzi Architecture Inc., Vancouver highlighted some of the design elements:

- the courtyard includes varying elevations in order to introduce stairs to units;
- the mailbox was relocated in order to improve its visibility; the amenity building will feature English arts and crafts details;
- two distinct colour palettes are used to create variation and to enhance the appearance;
- improvements to the interface between the building and the park will be explored to bring some character from the external to the internal; and
- a traffic management plan will address proximity to the school.

Staff Comments

Mr. Lamontagne remarked that a correction was being made to the 1.0 acre park dedication to create a mix of park dedication (5%) and City park purchasing.

He further advised that with regard to the traffic management issue, the City's Transportation Department has had meetings with representatives of Tomsett Elementary School, and that the traffic safety concern has already been referred to the Transportation Department.

Correspondence

None.

Gallery Comments

None.

Panel Discussion

In response to an inquiry regarding how the grade of the site relates to future development, Ms. Arishenkoff advised that the site will be raised at least one metre and that, on the park side, Polygon Hennessy Green Development Ltd. plans to retain the soil at a level that meets future elevation requirements. The treatment of the grade transitions is being refined.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would permit the construction of 92 townhouses at 9680, 9700, 9720, 9740, 9760, 9762 and 9800 Odlin Road on a site zoned Comprehensive Development District (CD/185).

CARRIED

7. Development Permit 07-361966

(Report: April 27, 2007 File No.: DP 07-361966) (REDMS No. 2120434)

APPLICANT: MacLean Homes Cooney Road Ltd.

PROPERTY LOCATION: 6600, 6620 Cooney Road and 6591, 6611 Eckersley Road

INTENT OF PERMIT:

1. To permit the construction of 13 three-storey townhouse units and 37 units in a four-storey apartment building over a parking level on a site zoned "Comprehensive Development District (CD/180)" zone; and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Reduce the required number of residential off-street parking stalls on-site by two (2) stalls in response to the provision of a co-op car and designated parking stall; and
 - b) Vary the setback for the entry canopy along Eckersley Road to 0.75 metres (2.4 ft.).

Applicant's Comments

David Webster of MacLean Homes drew the Panel's attention to two components of the development:

- public art will be provided onsite;
- affordable housing market units will be provided; these are targeted for buyers with an annual salary of up to \$60,000; they involve a 10% deposit; a housing agreement would be registered on title and a purchaser's income would undergo an independent audit;
- a co-op car and parking space will be provided in the visitor parking area for car co-op members who may be residents, or may reside elsewhere.

Mike Huggins, of Burrowes Huggins Architects Vancouver, outlined the general principles inherent in the development:

- located in this transit oriented neighbourhood, the project design was of a contemporary urban typology;
- the 'working roofs' included (i) park landscape roof with south exposure and (ii) townhouse roofs;
- bicycle parking is provided;
- two C2 units could be adapted to provide accessibility, and all units include ageing in place elements.

Staff Comments

Mr. Lamontagne remarked that the developer's effort to accommodate the City's affordable housing strategy is the first one of its kind in the City, and that the applicant and the City are working together on its implementation.

He further remarked that the car co-op component of the project is moving ahead, and that the City's Law Department is working to finalize the agreement with the applicant.

Correspondence

Liana Biasutti and Anne Biasutti, 6631 Eckersley Road, Richmond (Schedule 3)

Gallery Comments

Kenneth H. Jang, solicitor for Mr. Chang, owner of 8400/8440 Cook Road and 6571 Eckersley Road (company name: Cook 88 Development Ltd.), three lots to the north of the MacLean Homes' project, submitted a document entitled "Comparison of Cook 88 Development Ltd. and MacLean Homes Cooney Road Ltd." (Schedule 4). Mr. Jang stated that his presentation was due to the frustration Mr. Chang feels because, on September 6, 2006, Mr. Chang had submitted a development application for a three lot/28 unit development and that it had not come forward to the DPP in as timely a fashion as had MacLean's Homes' project. In addition, Mr. Jang stated that the MacLean Homes application assumes driving access is available through the property owned by his client, and that the lane access has not been resolved for the MacLean Homes application.

Further, Mr. Jang stated that, while the MacLean Homes application went before the Advisory Design Panel (ADP) on February 7, 2007, Mr. Chang's presentation to the ADP scheduled for May 17, 2007 was unresolved due to a lack of a quorum at that meeting. As a result of the delays Mr. Chang does not expect to appear before the DDP with his application before June 30, 2007, and he expects to have to pay increased Development Cost Charges.

In closing, Mr. Jang stated that Cook 88 intends to put its development proposal on hold and will decide in July, 2007 whether or not it will proceed with the development.

Mr. Chang, owner, Cook 88 Development Ltd., expressed his concern that throughout the Development Permit application process the City had treated him unfairly.

David Webster of MacLean Homes expressed his apologies to the Panel and noted that he was, until Mr. Jang's and Mr. Chang's presentation to the Panel, unaware of this issue.

Panel Discussion

The Chair stated that the previous owners of 8400/8440 Cook Road and 6571 Eckersley Road had agreed to a 6 metre lane and that anything less than that was unworkable.

In response to a Panel query, Mr. Lamontagne advised that a condition of the Development Permit issuance for the MacLean Homes' application is securing a 6 metre wide right-of-way on the adjacent northern property. He advised that staff's recommendation is that the MacLean Homes' application move forward, and includes the requirement that, in order to secure access to the site, issuance of the Development Permit is subject to the requirement of the 6 metre wide right-of-way on the northern adjacent parcel.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

- 1. Permit the construction of 13 three-storey townhouse units and 37 units in a four-storey apartment building over a parking level on a site zoned "Comprehensive Development District (CD/180)" zone; and*

2. *Vary the provisions of the Zoning and Development Bylaw No. 5300 to:*
 - a) *Reduce the required number of residential off-street parking stalls on-site by two (2) stalls in response to the provision of a co-op car and designated parking stall; and*
 - b) *Vary the setback for the entry canopy along Eckersley Road to 0.75 metres (2.4 ft.).*

CARRIED

4. **Development Permit 06-350946**
(Report: April 2, 2007 File No.: DP 06-350946) (REDMS No. 2131705, 2236083)
(Referred from the May 16, 2007 DPP Meeting.)

(Further discussion on this item appears on pages 5 - 7 of these Minutes.)

Applicant's Comments

Further discussion ensued on the application. Tony Quan, lawyer for MingLian Holdings, stated that MingLian Holdings has undertaken all required actions and that MingLian Holdings is being punished for its diligence and that Clarry Enterprises, by claiming that it will not be able to meet the deadline for the Development Application, is punishing MingLian Holdings.

In response to a query from the Chair, Mr. Wing Leung, of W.T. Leung Architects, advised that in addition to the existing \$77,000 commitment for public art, MingLian Holdings has offered to contribute an additional \$100,000 for public art to minimize the interim interface between the proposed development and the corner of No. 3 Road and Westminster Highway.

Dan Buller, speaking on behalf of Clarry Enterprises, stated that the two challenges impacting its ability to progress are the Development Cost Charges deadline of July 1, 2007 and the Canada Line time line.

The Chair stated that while he does not like the concrete treatment, MingLian Holding's increased offer of \$100,000 for public art is a good sign. He stated that MingLian Holding's commitment to include the corner lot is also laudable.

In conclusion, the Chair commented that the site in question is a sensitive site. He believes that consolidation of the site is the way to proceed, but that moving the project ahead does not preclude the development of the full site, including the corner lot. He encouraged both parties to work to achieve consolidation of the site.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *Permit the construction of a mixed-use commercial/residential development consisting of approximately 131 dwelling units (including 5 seniors housing units), approximately 750 m² (8,070 ft²) of commercial space and associated parking in a 16 storey building fronting on Westminster Highway and a 4 storey building fronting on No. 3 Road on a site zoned "Downtown Commercial District (C7)"; and*
2. *Vary the provisions of the Zoning and Development Bylaw No. 5300 to:*
 - a) *Reduce the required number of parking spaces for each seniors' housing unit from 1.7 (resident and visitor) parking spaces per dwelling unit to 1.05 (resident and visitor) parking spaces per dwelling unit;*
 - b) *Permit six (6) parking stalls in a tandem arrangement; and*
 - c) *Reduce the minimum off-street manoeuvring aisle width for commercial use from 7.5 (25 ft.) to 6.7 m (22 ft.).*

CARRIED

8. New Business

None.

9. Date Of Next Meeting: Wednesday, June 13, 2007

10. Adjournment

It was moved and seconded

That the meeting be adjourned at 5:58.

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, May 30, 2007.

Schedule 1 to the Minutes of the
Development Permit Panel meeting
held on Wednesday, May 30, 2007.

To Development Permit Panel	
Date:	May 30, 2007
Item #:	3
Re:	DP 06-349404

		INT
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AA POONIA CONSTRUCTION LTD.

4570 WATLING STREET
BURNABY, BC V5J 1V8
PH:(604) 435 6074
FAX:(604) 435 6084

To,
The Director
City Clerk's Office
City of Richmond.

Subject: Notice of Application For a Development Permit DP 06-349404

Sir,
I received a notice for a development permit DP 06-349404 for 22351 Westminster Highway, Richmond. My company AA Poonia Construction Ltd. Owns the next door property i.e. 22331 Westminster Highway. This property is also under application for development permit. While talking to the city planners ,I have been told that 22331 Westminster Highway will have access to the services from 22351 Westminster Highway as this site is landlocked between 2 properties and has no access to Sharpe Avenue.

So, I would like to bring this concern to the Development Board Panel and would want then to keep this issue in mind so that the services to my property can be secured through an easement and also that the services at 22351 have enough capacity to provide the sewer and water connections to 22331 Westminister Highway.

I would greatly appreciate if you can let me know before the Development Board Panel meeting, what are the provisions regarding this in the application.

Thanks

Ajaib S Poonia
Ajaib S Poonia



3-5
50



City of Richmond
 6911 No. 3 Road
 Richmond, BC V6Y 2C1
 Phone 604-276-4007 Fax 604-278-5139

**Notice of Application
 For a Development Permit
 DP 06-349404**

Applicant: Sandhill Development Ltd.

Property Location: 22351 Westminster Highway

Intent of Permit: To permit the construction of 17 townhouses and two (2) detached dwelling units on a site zoned "Comprehensive Development District (CD/156)"; and

To vary the provisions of the Zoning and Development Bylaw No. 5300 to:

- a) Permit second and third storey building bays on building No. 6 to project into the Public Road Setback from Westminster Highway for a distance of not more than 0.4 m;
- b) Permit a pedestrian entry and mailbox structure in the Public Road Setback from Sharpe Avenue and permit a recycling and garbage enclosure in the Public Road Setback from Westminster Highway; and
- c) Permit second and third storey building bays on buildings No. 5 and No. 6 to project into the West Side Yard Setback for a distance of not more than 0.3 m.

The Richmond Development Permit Panel will meet to consider oral and written submissions on the proposed development noted above, on:

Date: May 30, 2007
Time: 3:30 p.m.
Place: Council Chambers, Richmond City Hall

If you are unable to attend the Development Permit Panel meeting, you may mail or otherwise deliver to the **Director, City Clerk's Office**, at the above address, a written submission, which will be entered into the meeting record if it is received **prior to or at the meeting on the above date**.

To obtain further information on this application, or to review supporting staff reports, **contact the Planning & Development Department**, (604-276-4395), first floor, City Hall, between 8:15 a.m. and 5:00 p.m., Monday through Friday, except statutory holidays, between May 17, 2007 and the date of the Development Permit Panel Meeting. Staff reports on the matter(s) identified above are available on the City website at <http://www.richmond.ca/cityhall/council/agendas/dpp/2007.htm>.

David Weber
 Director, City Clerk's Office

DW:yl

2232190



Summary of communication between Minglian & Clarry from May 16, 2007

5/16 DP council meeting (Decision)

- Make clear if Clarry is in or out for DP
- provide detailed information on an interim treatment of the interface between the subject site and the corner parcel
- review of the proposed parking plan and parking requirement variance for the proposed seniors' housing units
- review the provision of publicly accessible space along the Westminster Highway and No. 3 Road frontages

5/17 Phone conversation between Dan Buller (from Clarry) & Frank Gu (from Minglian)

- Dan mentioned Clarry's difficulty in further development alone without rezoning
- Frank mentioned Minglian still keep all the door open for Clarry as always but need Clarry give detail number in order to continue finalize any proposal especially land contribution proposal

5/18-19 email follow up

5/22 Email to Clarry for Minglian's proposal base on "turn key" transaction

- Clarry land value + profit ==> new building space (commercial + residential)
- Clarry's no risk profit rate guaranteed
- Option of take cash if not happy with final building

5/24 Meeting with Clarry

- Clarry indicate land value around 2 million based on development and over 3 million base on rental income
- Clarry expect 2 million return on land contribution
- Clarry expect 2.5 million total project profit on Clarry's lot
- Minglian ask more reasonable profit share either by increase Clarry's funding for construction or reduce return to a reasonable range

5/25 Phone conversation between Dan & Frank

- Minglian can only guarantee profit on land contribution proposal. In case Clarry involve more than land only, all the profit and risk should be shared accordingly
- Clarry does not willing to take the risk as all the project is controlled by Minglian
- Minglian mention Clarry could keep all project in its land and Minglian will willingly help Clarry to eliminate "imagination line" between the properties in order to make Clarry's future building more efficient
- Under the land contribution proposal, Minglian will also offer investment option after new design modification finish

5/25 Minglian's New proposal based on 5/22 proposal (emailed, called Dan and confirmed that Clarry will reply no later than 5/28)

- Detail Clarry's no risk profit rate for land contribution to be Guaranteed 20%
- Provide option of buying any property in Canada for Clarry in case Clarry is not happy with both cash and building
- Option of Clarry's investing up to 50% of the project once final design modification is finished but before construction

5/28 Return email from Clarry

- Prefer overall redesign everything to consolidate Clarry's and Minglian's project to one for best efficiency Clarry could achieve possible
- Require option to purchase 50% of the project at cost + 10% when it is finished

5/28 Return email from Minglian

- Negotiations should not emphasize on redesign but Clarry's invest & return rate
- Clarry's appraisal value will be calculated based on:
 - Maximum C-7 zone density possible - FSR 3.0 which is 30,000sqft
 - Ignore all negative effects on setback, Canada line, and parking limitation
- Ask if 20% no risk profit on land contribution is acceptable for Clarry
- Mention option of purchase 50% of the project at cost + 10% when completed is not fair to Minglian unless it is not an option but a firm deal.
- Urge Clarry to make decision ASAP and not miss this opportunity again

5/29 Return email from Clarry

- Clarry believe its land value could be higher if it goes through rezoning, and overall reconsolidation is a necessity to achieve that
 - The entitlement to Clarry is not only quantifiable to the value of land and a 20% return, rather the prospect of its potential
-

Minglian has offered everything possible in reasonable range but hard to calculate Clarry's land future "potential" value for now. Minglian's willingness to help Clarry's development is clear but has no control over Clarry's plan & schedule of their development. We urge Clarry to make their mind ASAP for more reasonable negotiation.

If you need any more information or prove, please email Frank Gu at gu1688@yahoo.com

Sincerely Yours,

Frank Gu (Minglian Holdings Ltd)
604 720 0786

To Development Permit Panel
Date: <u>May 30, 2007</u>
Item # <u>7</u>
Re: <u>07-361966</u>

MayorandCouncillors

From: Webgraphics [webgraphics@richmond.ca]
 Sent: Tuesday, 22 May 2007 9:06 PM
 To: MayorandCouncillors
 Subject: Send a Submission Online (response #135)

Schedule 3 to the Minutes of the
 Development Permit Panel meeting
 held on Wednesday, May 30, 2007.

Send a Submission Online (response #135)

Survey Information

Site:	City Website
Page Title:	Send a Submission Online
URL:	http://cms.city.richmond.bc.ca/CM/WebUI/PageTypes/Survey/Survey.aspx?PageID=1793&PageMode=Hybrid
Submission Time/Date:	2007-05-22 9:05:25 PM

Survey Response

Your Name:	LIANA BIASUTTI AND ANNE BIASUTTI (RES & OWNER)
Your Address:	6631 ECKERSLEY RD RICHMOND
Subject Property Address OR Bylaw Number:	DP 07-361966
Comments:	<p>Yet again, I am writing in hopes of saving my block from the gross amount of high density development done in my immediate neighbourhood, not to mention in almost every neighbourhood in Richmond. When is enough . enough? This doesn't seem to uttered nor entertained in Richmond. The extra strain this amount of development puts on schools, parks, resources, and not to mention overcrowded roadways doesn't appear to matter in comparison to what is going to be revenue for the city. There isn't any consideration being given to the possible preservation of single family homes. There isn't any consideration given to the higher rates of crimes in crowded high density neighbourhoods. I am tired of feeling as though I am being forced out a home that has been in my family for generations and is well maintained. I don't want hundreds of neighbours in my immediate block, I don't want higher crime rates, and I sure don't want any more congestion on our roads or in our</p>

streets. As with any development proposal
that "is in my back yard" I remain completely
opposed.

Comparison of Cook 88 Development Ltd. and MacLean Homes Cooney Road Ltd.

Applicant:	Cook 88 Development Ltd.	MacLean Homes Cooney Road Ltd.
Property Location:	8400/8440 Cook Road & 6571 Eckersley Road	6600/6620 Cooney Road & 6591/6611 Eckersley Road
Approx. Size of Property:	33,000 s.f.	34,800 s.f.
Approx Size of Development:	29,000 s.f.	55,000 s.f.
Number of Units:	28 units	50 units
Floor Space Ratio:	1.02 (Old Bylaw; Low density)	1.6 (New Bylaw; High density)
Public-Rights-of-Passage Right-of-Way for lane access along Property Line	proposed 6.0 metres *	proposed 3.0 metres to be reduced to 1.5 metres *
<u>Status of Rezoning Application:</u>		
Date on which Drawings Submitted to City for Rezoning Application	September 6, 2006	June 6, 2006 *
Date of Planner Committee Meeting	December 5, 2006	March 20, 2007
Date of First Reading	December 11, 2006	March 26, 2007
Date of Second & Third Reading	January 15, 2007	April 16, 2007
Final Approval of Rezoning Application:	Pending	Pending

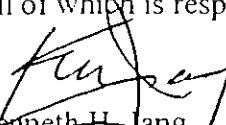
<u>Status of Development Permit Application:</u>		
Date on which Drawings were Submitted to City for Development Permit	January 29, 2007	February 9, 2007
Date of Meeting of Advisory Design Panel (ADP)	May 17, 2007 (Postponed to June 6, 2007 because of lack of quorum)	February 7, 2007 * (Before the Planner Committee Meeting on March 20, 2007 and 2 days before the DP application was submitted)
Final Approval of Development Permit Application:	Pending - Expected not to be before June 30, 2007 because of delays	Pending - Expected to be prior to June 30, 2007
Expected Increase in Development Cost Charges as result of delays to after June 30, 2007:	Approx. \$120,000	

Submissions:

1. Cook 88 became owner of 8400/8440 Cook Road & 6571 Eckersley Road on May 31, 2006.
2. In June of 2006, Cook 88 tried to contact MacLean Homes to negotiate an off-site agreement regarding the right-of-way for a 9 metre lane access between their respective properties. MacLean Homes did not return any of Cook 88's calls.
3. Cook 88 called the city planner for MacLean Homes' development, Diane Nicholas, to set up a meeting for both owners to negotiate the right-of-way lane access issue. Diane Nicholas lead Cook 88 to believe that there was no immediate plan by MacLean Homes to proceed with the development of the adjacent property and she denied the request for a meeting.
4. Diane Nicholas advised Cook 88 that Cook 88 would have to provide the 6.0 metre right-of-way for the lane access if Cook 88 proceeded with their development before MacLean Homes.
5. Based upon that advice, on September 6, 2006, Cook 88 submitted its drawings for its rezoning application. The drawings included a proposed 6.0 metre right-of-way.

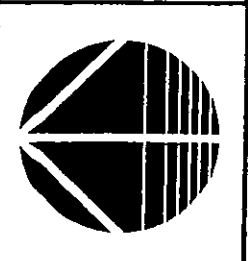
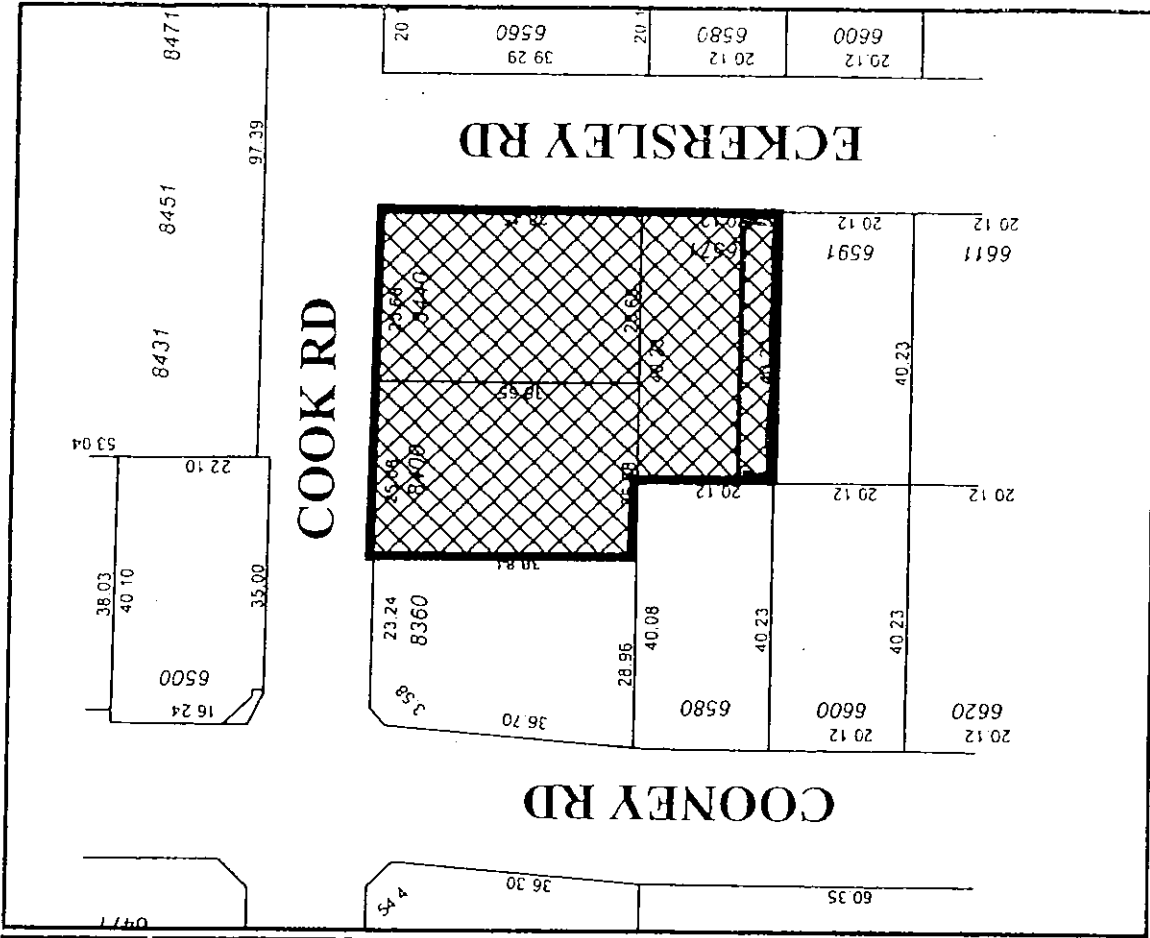
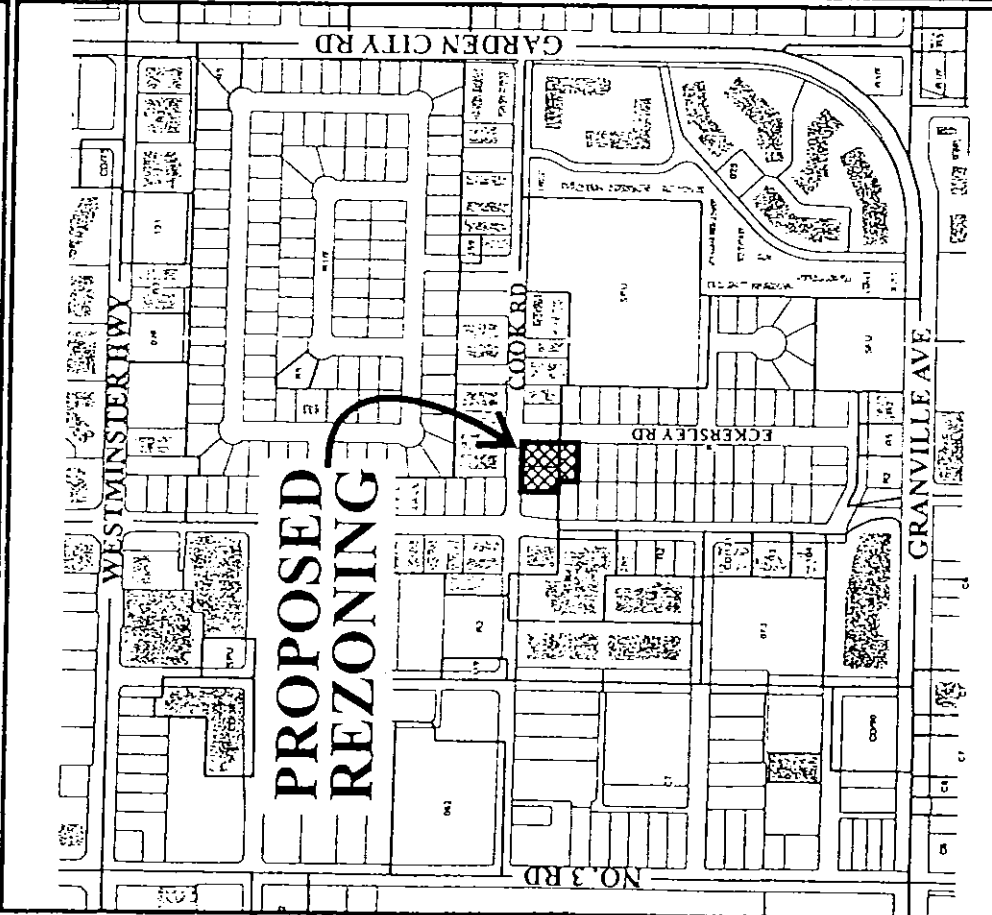
6. It should be noted that Cook88's application number RZ04-267994 was originally for a two lot development by the previous owner. Cook 88 submitted a new application for a three lot-28 unit development on September 6, 2006.
7. Unbeknownst to Cook 88, MacLean Homes had already submitted its drawings for its rezoning application on June 6, 2006. **Despite submitting its drawings first, MacLean Homes was not required to provide the 6.0 metre right-of-way lane access.**
8. On January 29, 2007, Cook 88 submitted its drawings to the City for the Development Permit application.
9. Unbeknownst to Cook 88, on February 9, 2007, MacLean Homes submitted its drawings to the City for the Development Permit application.
10. In addition, MacLean Homes obtained ADP approval on February 7, 2007, **prior to submitting its drawings to the City for the Development Permit application (February 9, 2007) or a Planner Committee Meeting (March 20, 2007).**
11. **On the other hand, Cook 88 had to wait over three and a half months for the City to schedule an ADP meeting on May 17, 2007, which was then postponed to June 6, 2007 because of a lack of quorum.**
12. As a result of the delays, Cook 88 does not expect to obtain the DP Panel approval until after June 30, 2007. **It is expected that Cook 88 will have to pay an increase in the Development Cost Charges of approximately \$120,000 after June 30, 2007.**
13. On May 24, 2007, Cook 88 discovered the status of MacLean Home's rezoning and development application and realized that MacLean Homes' development was allowed to proceed much more quickly than Cook 88's development.
14. **MacLean Homes does not have an off-site agreement with Cook 88 regarding the right-of-way for the lane access.**
15. **Cook 88 intends to put its proposal on hold at this time until its shareholders can meet at the beginning of July, 2007 to reconsider the development. Cook 88 will decide at that time whether or not it will proceed with the development.**

All of which is respectfully submitted this 30th day of May, 2007.


 Kenneth H. Jang
 Solicitor for Cook 88 Properties Ltd.



City of Richmond



RZ 04-267994

Original Date: 04/16/04

Revision Date: 09/29/06

Note: Dimensions are in METRES