



To: Mayor and Council
From: Raul Allueva
Director of Development
Date: August 12, 2004
File: RZ 03-252028

RE: OCP AMENDMENT BYLAW NO. 7722 AND ZONING AMENDMENT BYLAW NO. 7723 FOR 12251 NO. 2 ROAD (NCL REAL ESTATE MANAGEMENT LTD.) ADDITIONAL INFORMATION FOR PUBLIC HEARING

Background

On June 26, 2004, Council gave first reading to bylaws to rezone a portion of the subject property to CD/84 (Comprehensive Development District) to develop a seniors' independent living facility, and scheduled the application to be heard at the Public Hearing of August 23, 2004.

Council further instructed Staff to provide information at the Public Hearing on the following:

1. *the result of a meeting with the developer about the feasibility of:*
 - a. *flipping the building design to relocate the courtyard to the north side of the property;*
 - b. *reconfiguring (i.e. breaking up) the massing of the complex to reduce the impact on the neighbours and still remain functional;*
2. *a better depiction of the shadowing of the proposed complex on the neighbouring properties at different times of the day and months of the year, but particularly during the summer months;*
3. *detailed information on the history and status of the 1999 Trites Road area plan, and whether the plan was approved or rejected through the normal process; and*
4. *landscaping and other changes which could be made to make the project less intrusive.*

In addition, staff were also directed to request the developer to meet with the neighbours of the subject property to further address their concerns.

Response by the Applicant

Staff met with the applicant on July 21, 2004 to discuss the Council referral and review the above issues, particularly the request by Council to explore reconfiguring the building design and providing more information on building shadowing. The following information is offered to address the specific issues raised by Council:

- *Flipping the Building-* The applicant examined flipping the building to relocate the outdoor amenity area to the north. However, the resulting layout would not substantially improve the interface to the north, and in fact may generate more shadowing for a greater number of

adjacent properties (**Attachment 1**).

- *Breaking Up the Building*- The applicant advises that a number of measures were previously undertaken to break up the building mass, including curving the building, dropping the rooflines, and lowering the building height. Breaking the building into two or more components would create a significant conflict with the principal functions and integrated operation of the project, which involves 24 hour dining and support services, security and surveillance, daily supervision, etc.
- *Detailed Shadowing Analysis*- The applicant has clarified that detailed shadow analysis was submitted for the period between March and September, as this is the period when outdoor space is used and shadow analysis is more relevant. Shadow analysis was not provided for fall and winter months (Sept. to March), as outdoor areas are not highly used due to darkness and inclement weather. The applicant has indicated that prior to the last submission, the building setback was increased from 9.1 m (30 feet) to 10.3 m (34 feet) to further reduce shadowing, resulting in 95% of the building shadow being contained within the property and only minor shadowing on adjacent properties to the north.

A letter dated August 5, 2004 from the applicant responding to the referral and the meeting with staff has been submitted and is included as **Attachment 1**.

Staff have reviewed the information provided by the applicant, and are satisfied that the issues identified by Council for follow up have been addressed in a reasonable way. On this basis, staff can support retention of the current building configuration and layout.

1999 Trites Road Area Plan

Between 1996 and 1999, an extensive public planning process took place to develop an Area Plan for the Trites Road Area. A detailed chronology of the process is included as **Attachment 2**.

A working group, which consisted of residents, landowners and developers, considered several land use options. From the start, the objective of the working group was to try and build community consensus on the following issues:

- degree of density (apartments vs. single-family);
- building height;
- arrangement of land uses in the Trites Area;
- degree of residential and non-residential development;
- types of residential uses;
- road access;
- traffic and parking;
- urban design; and
- ALR buffers.

Consensus on the above issues was never achieved. A land use option was brought forward to

Public Hearing on May 17, 1999 but was never adopted. However, it appears that over time, there is a sense of agreement that both the community and developers:

- i. have modified their views; and
- ii. are willing to accept small-lot single-family uses in the west half of the Trites Area (along Trites Road) and multi-family uses in the east half of the Trites Area (along No. 2 Road).

In the absence of an Area Plan, the City has considered rezoning applications on an incremental basis. Current rezoning applications are evaluated on an individual basis for its contribution to a future road network, community benefit, and fit within the neighbourhood. It is noted that:

- staff are not using the principles of the 1999 Plan because there is no buy-in from the neighbourhood on that Plan;
- the 1999 Plan was not rejected due to concerns about excessive density. There were different objectives expressed by area residents and developers on the form of development, and in some cases owners/developers expressed opinions about wanting more density; and
- recently approved developments that are now under construction in the area have already substantially departed from the land uses originally proposed in the Plan that was considered at Public Hearing in 1999 (e.g. Andrews Road, etc.).

Further Consultation by the Applicant and Landscaping Treatment

The applicant advises that they are continuing to discuss the proposed development with the neighbours, and have held individual appointments and meetings with neighbours in their homes or offices, and have had numerous telephone conversations with them. The applicant has indicated that they have offered specific landscaping treatments for each of neighbours to the north to address their specific needs, and will complete the details of these at the Development Permit stage in consultation with them.

Summary

The above information is provided in response to the Council referral to Staff on the subject development. The applicant has explored many different alternatives to try and mitigate the potential impacts of the proposed development on surrounding properties. The applicant feels that the current design strikes the best balance between the requirements of the seniors' facility and the concerns of the neighbours.

Approval of a three-storey over underground structure would not contradict any planning principles for the area because:

- i. there is no Area Plan that has been adopted for the Trites Area; and
- ii. new developments that are now under construction differ from the original 1999 Area Plan vision that was presented at Public Hearing.

August 12, 2004

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For clarification, please contact me at (604) 276-4138.

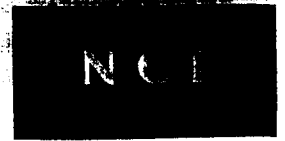
A handwritten signature in black ink, appearing to read "Raul Allueva", with a long horizontal line extending to the right.

Raul Allueva
Director of Development

RA:jl

Att. 2

pc: Joe Erceg, General Manager, Urban Development
Terry Crowe, Manager, Policy Planning
Janet Lee, Planner 2



NCL REAL ESTATE
MANAGEMENT LTD.

#220 - 3771 Jacombs Road
Richmond, B.C. V6V 2L9
Tel: (604) 231-9050
Fax: (604) 278-9535
E-mail: ncl@ncl.ca
Website: www.ncl.ca

August 05, 2004.

CITY OF RICHMOND
6911 No. 3 Road
Richmond, BC

BY FAX: 604-276-4177

Attention: Ms. Janet Lee

Re: **Your Fax/Letter dated July 5, 2004 - 12251 No. 2 Road, Richmond, BC**

Dear Janet,

Please find following our response as requested, to the minutes of the June 29/04 Council Meeting pertaining to our project. For convenience, we will respond in the corresponding numbering.

1. (a) **“Flipping” the building design, to relocate the courtyard to the North side of the property**

Please see Drawing No. 1 attached, and you will note that “flipping the building” in fact causes more problems than it solves, causing potential problems for the properties at 12231 No. 2 Road, 5740 Moncton (Rafter), 5700 Moncton (Bains), and 5620 Moncton (Nakai). It is our preference not to “flip” the building configuration. We strongly believe that the configuration as originally submitted offers the best response to the site and the neighbourhood.

1. (b) **Reconfiguring (i.e. breaking up) the massing of the complex to reduce the impact on the neighbours, and still remain functional**

Since the inception of this project and our earliest submissions to the City of Richmond, we have undertaken numerous measures to reduce impact to the five properties that border our north property line.

Building Massing – we feel strongly that we have addressed building massing by curving the building so that it resembles a C-Clamp shape. This means that any particular face is no more than 50 feet without some significant break in roofline. The building actually has 14 different “faces” which presents a uniquely articulated facade and obviously comes at some cost.

Equally importantly it must be understood that this is a congregate care facility (i.e. not an apartment building), and the provision of services such as 24 hour surveillance, dining services, daily supervision, etc. make it impossible to physically break up the building and have it viable. The “use” description in the proposed CD zoning bylaw limits the use as described.

2. **A better depiction of the shadowing of the proposed complex on the neighbouring properties at different times of the day and months of the year, but particularly during the summer months**

Please note that approximately 95% of the potential shadowing occurs on our property. Our architects advise that the shadow studies presented are what are typically provided within the industry, and offer the most meaningful depiction of “shadow effect” on neighbouring properties at a time when use of outdoor property is likely.

In general, "shadow effect" is considered less important during the period from October to February since these are months when outdoor use is less likely. Our studies demonstrate "shadow effect" at the March and September equinoxes, which means that the "shadowing effect" would be less for the 6-month period from March to September, as the sun is higher in the sky.

Please also note that the existing vegetation on our neighbours property to the north, will in all likelihood cast more shadow than our building as projected and will have the effect of "shielding" our project from its northern neighbours.

Please also note that almost any competing or alternate style of development would likely cause more shadow given our generous (34 feet to 90 feet) setbacks. We feel it important to note that if "development" in general was asked to provide shadowing minimized to ours (i.e. 95% of shadowing to occur on subject's site for the period March thru September), it is safe to say there would be very little development allowed in Richmond.

3. Detailed information on the history and status of the 1999 Trites Road area plan, and whether the plan was approved or rejected through the normal process

Thank you for indicating that staff will address this in their report.

4. Landscaping and other changes, which could be made to make the project less intrusive

We will continue to work with our neighbours to ensure we are responsible neighbours by virtue of all of the above. We have employed and deployed measures, as described above and on the attachments to this letter, that indicate from a design standpoint, this development should be heralded as an example of "good development".

In addition, staff was also directed to request the developer to meet with the neighbours of the subject property to further discuss their concerns

We have done much and we will do more. In November, we held a public information meeting, which was very well supported by the community. We have been out in the neighbourhood door knocking and meeting with neighbours in their homes. We have scheduled specific appointments with neighbours for further meetings in their homes or our office, and of course had numerous telephone conversations to support our meetings and our neighbours understanding of our proposal. We have offered to develop specific landscaping responses to meet the needs and desires of our five neighbours to the north, and would expect to do that through the DP process.

In conclusion, we summarize as follows:

In order to present a first class "seamless" development to the community we have invested heavily in building design development and have undertaken a number of measures, even before the pencils hit the paper. These include:

- A building that was set back 30 feet (now 34 feet) from the north property line.
- Provision of half of the future lane right-of-way on our property at no cost to our neighbours to the north.
- We "bent" the building southward at the earliest opportunity available, therefore minimizing our north face.
- We developed an articulating roofline to maintain a friendly building face and provide an interesting architectural appearance.

- We eliminated any Bay Windows or balconies on the north side of the building, to minimize overlook.

Subsequent to our first planning committee meeting, at which we were requested to take further measures, we took the following steps:

- We increased our building set back to 34 feet on the north.
- Further roofline articulation to reduce overall height and to bring the building closer to the ground at key points
- Removed two feet from our ground floor height, thereby reducing overall building height

Further, issues that were examined but we were unable to include:

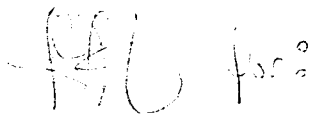
- Sink the entire building even further into the ground – not possible because of geotechnical (i.e. soils) considerations.
- Lop off the peaks on some of the articulated roof-line – the architects have asked us not to do this as the height/shadowing/mass reduction is minimal and it significantly impacts the look and feel of the entire development and reduces its appeal.
- Move the entire building another five or ten feet southward – this causes us to encroach on the south setback line, or realign the building in such a way to lose over 10 percent of our units.
- Move the entire building five feet eastward – this causes encroachment into the agricultural setback and increases overlook to the Rafter property. These problems seem to offset any minor benefit of the move.

For all of the above, we feel that we have exhausted mitigation features, and respectfully wish to ask staff to offer support in the report to the public hearing.

Finally, beyond the physical design characteristics, the senior's home program is one that Richmond desperately needs. This project will be a very serene and valued member of the neighbourhood, and the greater community.

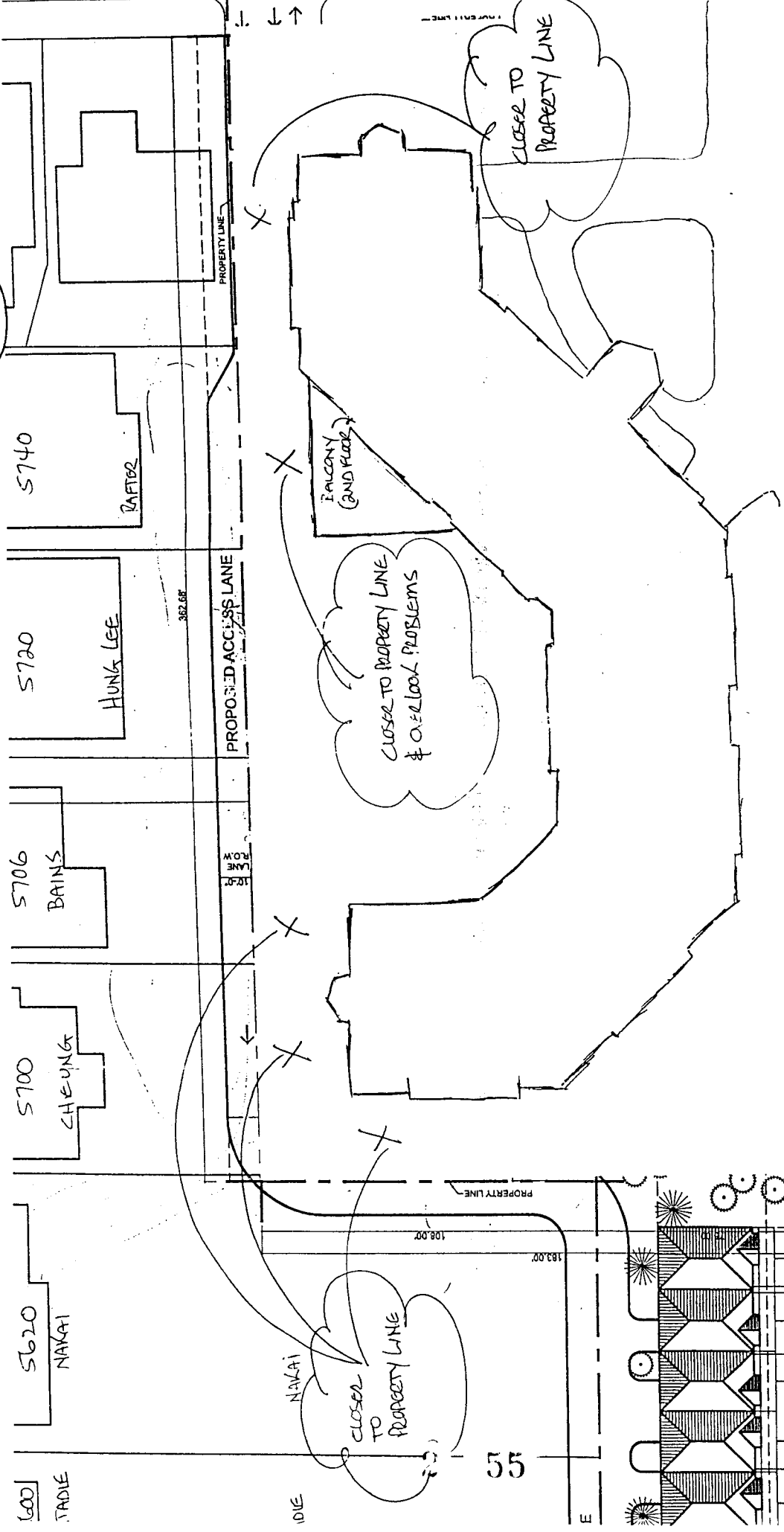
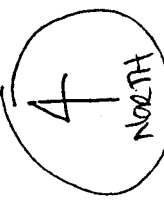
Thank you.

Yours sincerely,



Peter Withers
Associate

PW/tlh



DEVELOPMENT

TRITES ROAD AREA PLANNING CHRONOLOGY OF EVENTS

- May 1996 - The Development Applications Committee reviewed the findings of the Steveston Industrial Land Study and directed Staff to prepare an Area Plan for the Trites Road Area.
- July 1996 - A Proposal Call was issued by the City for a consultant to work with a group representing area residents and property owners in the Trites Road Industrial Area. The plan was funded by industrial property owners.
- May 1997 - A Land Use Questionnaire with four options for the Trites Area Plan was sent out to the neighbourhood for review and comments.
- October 1997 - Planning Committee received the results of the Land Use Questionnaire and considered a modified option that was agreed to by the Trites Road Working Committee. The modified option provided for single-family development along the east side of Trites Road towards the centre of the area, three-storey townhouse development along Andrews Road and into the centre of the area, and two storey townhouses along much of the west side of No. 2 Road and in areas at the north end of the study area, close to the existing single-family development along Moncton Street.
- Planning Committee directed that:
- The Working Committee be retained for further consultation if needed;
 - No further work on the Trites Road Sub-Area Plan be undertaken;
 - Council will review the Trites Road situation once the Steveston Waterfront Sub-Area Plan has been completed and approved;
 - Council will not consider any OCP amendments or rezoning applications within the Trites Road study area until the Steveston Waterfront Sub-Area Plan is completed and approved.
- September 1998 - Council approved a revision of the Steveston Waterfront Sub-Area Plan. Several industrial property owners worked with area residents to refine the proposed land use plan option that was presented to Council in October 1997.
- November 1998 - Planning Committee received a delegation of industrial property owners and area residents who present a revised land use plan. Planning Committee directed Staff to draft a Trites Road Sub-Area Plan that:
- Addresses information provided by the delegation;
 - Addresses concerns voiced by the residents of Trites;
 - Responds to the previously identified site planning principles;
 - Emphasizes residential uses and includes appropriate policies and guidelines.

January 1999 - Planning Committee directed Staff to liaise with property owners to:

- Address proposed floor area ratios;
- Review proposed roads servicing the area;
- Address both written and verbal concerns submitted by delegates and to report back to Planning Committee.

March 1999 - Planning Committee considered a Staff report that presented a revised land use plan based on discussions with property owners and area residents as directed by Committee.

April 1999 - Council meeting to consider OCP Amendment Bylaw No. 7101 to add a Trites Road Land Use Plan into the Steveston Area Plan.
OCP Amendment Bylaw No. 7101 received First Reading.

May 1999 - Public Hearing for OCP Amendment Bylaw No. 7101.
Referred to Staff for a report on feasibility of including a variety of lower density single-family dwellings with rear yards (e.g. Yoshida Court) together with a timetable for development of the area and phasing, and methods to buffer existing industrial development from new single-family residential in the area.

After the controversial Public Hearing, there was a sense that this matter should be deferred to a later time to allow parties to consider other options and possibilities.

Prepared by the Policy Planning Department
City of Richmond