



REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Bill McNulty, Chair
Planning Committee
DATE: September 20, 2000
FILE: AG01-187746
**RE: AGRICULTURAL LAND RESERVE APPEAL APPLICATION BY KABEL
ATWALL FOR NON-FARM USE AT 10100 NO. 5 ROAD**

The Planning Committee, at its meeting held on Tuesday, September 18, 2001, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION – (Councillor Steves opposed)

That authorization for Kabel Atwall to apply to the Land Reserve Commission for Non-Farm Use on the westerly 140 metres at 10100 No. 5 Road be approved.

Councillor Bill McNulty, Chair
Planning Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That authorization for Kabel Atwall to apply to the Land Reserve Commission for Non-Farm Use on the westerly 140 metres at 10100 No. 5 Road be denied but that authorization be granted to Mr. Atwall to apply to the Commission for Non-Farm Use on the westerly 110 metres only at 10100 No. 5 Road.

STAFF REPORT

ORIGIN

An application has been submitted by Kabel Atwall, on behalf of the Lingyen Mountain Temple, for authorization to apply to the Provincial Land Reserve Commission (LRC) to use a portion of 10100 No. 5 Road for non-farm use (**Attachment 1**).

The Temple wishes to expand and build additional worship space and dormitories on the subject property as Phase 3 of the temple complex. Phases 1 and 2 (consisting of 4 buildings) of the Lingyen Mountain Temple are located on the neighbouring property to the north at 10060 No. 5 Road.

Established City policy along No. 5 Road states that the City will consider non-farm use on the west 110 m of the property only in order to preserve farming on the remaining portions of land. This application requests consideration of non-farm use on the west 140 m of the property (**Attachment 2**). In exchange for favourable consideration of this variance, the applicant proposes to consolidate 10060 and 10100 No. 5 Road to accommodate the entire temple complex and agricultural backlands on one parcel.

PROJECT DESCRIPTION

Phase 3 of the temple complex will consist of 9 buildings for a total of approximately 10,033 square metres (108,000 square feet) of building area (**Attachment 3**). The buildings include a main temple, two secondary temples, men's and women's dormitories, men's and women's washrooms, monks' library, and the head monk's residence. A total of 426 surface and covered parking spaces are proposed to be provided on the site.

When completed, the Lingyen Mountain Temple complex is envisioned to be a Buddhist learning centre and pilgrimage destination for international Buddhist devotees.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Lingyen Mountain Temple	No change
Applicant	Kabel Atwall	No change
Site Size	10100 No. 5 Road: <ul style="list-style-type: none"> • 7.2 ha (17.8 acres) 10060 No. 5 Road: <ul style="list-style-type: none"> • 2.0 ha (4.9 acres) 	After lot consolidation: <ul style="list-style-type: none"> • 9.2 ha (22.7 acres) total site area
Land Uses	10100 No. 5 Road: <ul style="list-style-type: none"> • 1.6 ha (4.0 acres) used for agriculture; • 5.6 ha (13.8 acres) remaining land is vacant. 10060 No. 5 Road <ul style="list-style-type: none"> • 0.65 ha (1.6 acres) used for temple; • 1.4 ha (3.3 acres) used for agriculture. 	10100 No. 5 Road: <ul style="list-style-type: none"> • 2.4 ha (5.9 acres) to be used for temple complex; • 4.8 ha (11.9 acres) remaining lands to be used for agriculture. After lot consolidation: <ul style="list-style-type: none"> • 3.05 ha (7.5 acres) used for temple buildings; • 6.2 ha (15.2 acres) used for agriculture.

ITEM	EXISTING	PROPOSED
OCP Designation	Institutional designation for west 110 m of lot depth; Agricultural designation for balance of lot	Expansion of Institutional designation for west 140 m of lot depth; Agricultural designation for balance of lot
ALR Designation	Within the ALR	No change
Zoning	RSC, AG1	ASY, AG1
Total Building Area	Phases 1 and 2 (10060 No. 5 Rd.): <ul style="list-style-type: none"> • 2,962 m² (31,884 ft²) 	Phase 3 (10100 No 5 Rd.): <ul style="list-style-type: none"> • 10,033 m² (107,998 ft²) Total of Phases 1 to 3: <ul style="list-style-type: none"> • 12,995 m² (139,882 ft²)

Site Context

- North: Lingyen Mountain Temple (Phases 1 and 2) and agricultural use related to the temple (zoning of property is ASY and AG1).
- South: BC Mennonite Brethren Church and Private School (property is zoned ASY).
- East: Highway 99 and AG1 zoned lands east of the highway.
- West: Single-family lots zoned R1/E.

RELATED POLICIES & STUDIES

Official Community Plan

In 1992, the Official Community Plan (OCP) was amended to create a 110 m wide strip along the east side of No. 5 Road between Blundell Road and Steveston Highway to allow for agricultural, institutional and public uses. This change responded to an increased demand by institutions seeking land in the ALR for places of worship, cultural centres, private schools, etc. The City and Land Reserve Commission (LRC) agreed to this amendment, provided that institutional uses undertook active farming in the remaining backlands of the properties that were still zoned for agricultural use.

Council Policy

Council policies to govern institutional development along No. 5 Road have been in place since 1990. The current policy, which repeals all previous ones, was adopted on March 27, 2000. Policy No. 5037 states that:

"The amount of land on each property which may be developed for approved non-farm uses is limited to the westerly 110 m (360.892 ft.) for properties fronting onto No. 5 Road."

The policy further outlines some conditions for considering non-farm use in this area, including preparation of farm plans, farm consolidation, infrastructure improvements, etc. (which this application generally complies with).

STAFF COMMENTS

The main issue with this application is the request to vary the OCP and Council policy by using 140 m of the lot depth for non-farm use rather than the designated requirement of 110 m.

Other comments expressed by staff relate to the technical and design aspects of the proposed temple (e.g. parking requirements, building and parking setbacks, tree retention, etc.). Off-site improvements and road dedication along No. 5 Road will also be required.

Staff note that before any development can occur, a Rezoning and OCP Amendment Application will be required. The technical and design issues can be dealt with at the Rezoning Application stage when more detailed building and site plans are submitted.

Servicing is not an issue with this proposal as the site is already serviced with water, storm sewer, sanitary sewer and gas.

Staff also note that if the temple complex is built as proposed, it will be the largest institutional complex in the area. The following table compares the sizes of several other institutional uses in the vicinity:

Institution	Total Building Area
Proposed Lingyen Mountain Temple (all phases included)	12,995 m ² (139,882 ft ²)
Buddhist Temple (9120 and 9160 Steveston Highway)	2,047 m ² (22,036 ft ²)
Shia Muslim Community (8580 No. 5 Road)	4,843 m ² (52,130 ft ²)
Mennonite Brethren Church and School (10160 No. 5 Road)	3,716 m ² (40,000 ft ²)
India Cultural Centre (8600 No. 5 Road)	1,951 m ² (21,000 ft ²)

ANALYSIS

Lot Area vs. Lot Depth for Institutional Zoning

The applicant notes that the subject property is unique in its irregular shape. Since the two neighbouring properties to the south do not extend all the way from No. 5 Road to Highway 99, the subject property has additional area in its backlands.

In making a request to use 140 m of lot depth for non-farm use, the applicant indicates that this will still enable 2/3 of the total lot area to be used for farming. He believes that this still meets the intent of the City's policy.

When the institutional designation along No. 5 Road was created in 1992, the distance of 110 m was used because it is approximately 1/3 of the total distance between No. 5 Road and Highway 99. For properties that extend all the way between No. 5 Road and Highway 99, the rezoning of the west 110 m of lot depth for non-farm use means that 1/3 of their lot area is used for non-farm use. For properties such as 10100 No. 5 Road, which has additional lands in the backlands, the use of the west 110 m will mean that less than 1/3 of their total lot area is used for non-farm use. Conversely, a property that does not extend all the way to the highway will have more than 1/3 its lot area used for non-farm purposes if permitted to rezone to the west 110 m.

The issue of using lot area or lot depth was addressed by the City and LRC when the policy was being developed. Correspondence from the LRC in 1991 indicate that they favoured a clearly defined boundary to limit institutional development. The LRC realized that if the policy specified that 1/3 of the lot could be used for institutional use, the ASY zoning boundary would vary depending on lot size and configuration. Since this could leave the impression that the policy is not implemented consistently, the LRC suggested that a fixed boundary of 110 m be used as it closely reflects the one-third/two-thirds concept for most properties along No. 5 Road.

Hence, the intent of the City's policy is to ensure a clear and fixed boundary for non-farm use in this area. The west 110 m only of lot depth may be considered for non-farm use, regardless of lot size and configuration. There is no indication that the City or LRC would consider any other interpretation of where the zoning boundary between institutional and agricultural uses could be located.

Past Development Patterns

The applicant indicates that the institutional zoning of several properties along No. 5 Road already exceed the 110 m boundary. Staff reviewed all properties along No. 5 Road to determine development patterns. The following properties have an ASY/AG1 zoning boundary that extends beyond the 110 m policy boundary:

1. 8580 No. 5 Road (Shia Muslim Community)
 - The rezoning allowed the west 1.3 hectares of property to be rezoned to ASY. The dimensions on Building Permit plans indicate that the zoning boundary is situated 126.3 m from No. 5 Road, thereby exceeding the 110 m policy boundary. The rear of the building, which is currently under construction, is located close to the zoning boundary.
 - This rezoning of 1.3 hectares to ASY is equivalent to 1/3 of the total lot area. However, the property was rezoned in 1991 before the 110 m institutional use area was established in the OCP and in Council policy.
2. 8760 No. 5 Road (Richmond Jewish Day School)
 - This property is 130 m in depth and does not extend all the way to Highway 99.
 - Rather than split the zoning of the parcel into ASY for 110 m and AG1 for the remaining 20 m, the entire parcel was rezoned to ASY in 1997.
 - In approving the project, however, the buildings were not sited beyond the 110 m boundary and the applicant was instructed to use the remaining 20 m to plant an orchard.
 - Although the orchard was never planted, the intent to retain any lands beyond the 110 m boundary for agricultural use was clearly stated.
3. 10160 No. 5 Road (BC Conference of Mennonite Brethren Churches)
 - The property is 235 m in depth. It is immediately adjacent to the subject property.
 - The entire site is zoned ASY to accommodate a private school. The site was zoned ASY prior to the establishment of the policy area.
 - The rear 39 m is a grass play field.

Since the OCP was amended in 1992, there have been 7 other rezoning approvals granted for ASY zoning along No. 5 Road, all of which are confined to the west 110 m of lot depth. Recent discussions with Staff at the LRC about this application indicate reluctance to deviate from the policy at this time.

Farming of the Backlands

In requesting consideration of the use of the west 140 m of the subject site for institutional use, the applicant is offering to consolidate 10060 and 10100 No. 5 Road into a 9.2 ha (22.7 acres) parcel. This results in a consolidation of the backlands into a larger agricultural unit which is beneficial to agricultural viability.

To its credit, the Lingyen Mountain Temple is also one of the few institutions along No. 5 Road that is actively farming its backlands. Approximately 1.6 ha (3.95 acres) of the existing orchard is located on portions of 10100 No. 5 Road. If approved and implemented, Phase 3 of the temple proposal will utilize the remaining 3.2 ha (7.9 acres) for fruit trees and a vegetable garden. Many other institutions along No. 5 Road that were rezoned on the basis that they would undertake active farming of their backlands have not followed through with their commitments.

The applicant has submitted a Farm Plan to indicate that the agricultural areas will be farmed by the temple monks to produce food for their own use. Any excess harvested products will be donated to charity.

The applicant has indicated that the temple will not spray their crops. Therefore, the agricultural activities of the temple are not expected to conflict with the adjacent school use at 10160 No. 5 Road.

Staff support initiatives that allow more of the backlands in this area to be brought back into agricultural production. However, it is also noted that if the proposed Phase 3 temple development did not extend beyond the west 110 m of the site, an additional 0.5 ha (1.3 acres) could be used for farming.

FINANCIAL IMPACT

None.

OPTIONS

Option 1: Authorize Application to Land Reserve Commission for Consideration of Non-Farm Use on West 110 m of Property Only (**Recommended**).

Staff recommend that the current Council policy to consider non-farm use in the west 110 m of lot depth of properties fronting onto No. 5 Road be maintained.

Option 2: Authorize Application to Land Reserve Commission for Consideration of Non-Farm Use on West 140 m of Property as Proposed by Applicant.

Staff do not support the expansion of institutional uses beyond the 110 m boundary because:

- The requested variance of 30 m (98.4 ft.) is significant and indicates that the project may be too large in scale for this size of site;
- It may trigger requests from future institutional developments to rezone portions beyond the 110 m boundary. One other property is in a similar situation with having narrower frontage along No. 5 Road. Others may simply request relaxation of the boundary on the basis that it has already occurred;
- It reduces the overall land available for farming in the area.

Option 3: Refer application back to Staff.

Staff could continue to work with the applicant to explore alternatives to the current scale of proposed development or identify further net benefits to agriculture. Some of the opportunities that could be considered include:

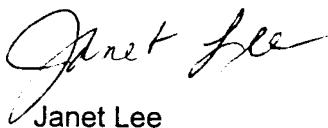
- Scaling back the development so that it does not extend so far over the 110 m boundary;
- Consider converting the existing ornamental garden at 10060 No. 5 Road to agricultural use;
- Working with the LRC to determine an appropriate scale of development and agricultural benefits that has a higher likelihood of meeting their approval.

CONCLUSION

After reviewing the City's Official Community Plan and Policy No. 5037, and the approach that has been taken for other institutional rezoning applications in the area, Staff do not support the request to use more than the west 110 m of the site for institutional use. Since 1993, all approvals for institutional uses along No. 5 Road have been carefully restricted to the west 110 m of lot depth. Extending the depth of institutional zoning is contrary to City policies.

The issue of using 1/3 of the site area, as opposed to 1/3 of the lot depth, was also considered when the Official Community Plan was prepared and when Policy No. 5037 was developed. Both the City and LRC agreed on a fixed depth in order to maintain consistency in the application of the policies.

After careful consideration, Staff recommend that support for non-farm use only be given for use of the west 110 m of the site. The applicant should revise the proposal to accommodate the Phase 3 temple expansion within the specified policy area.

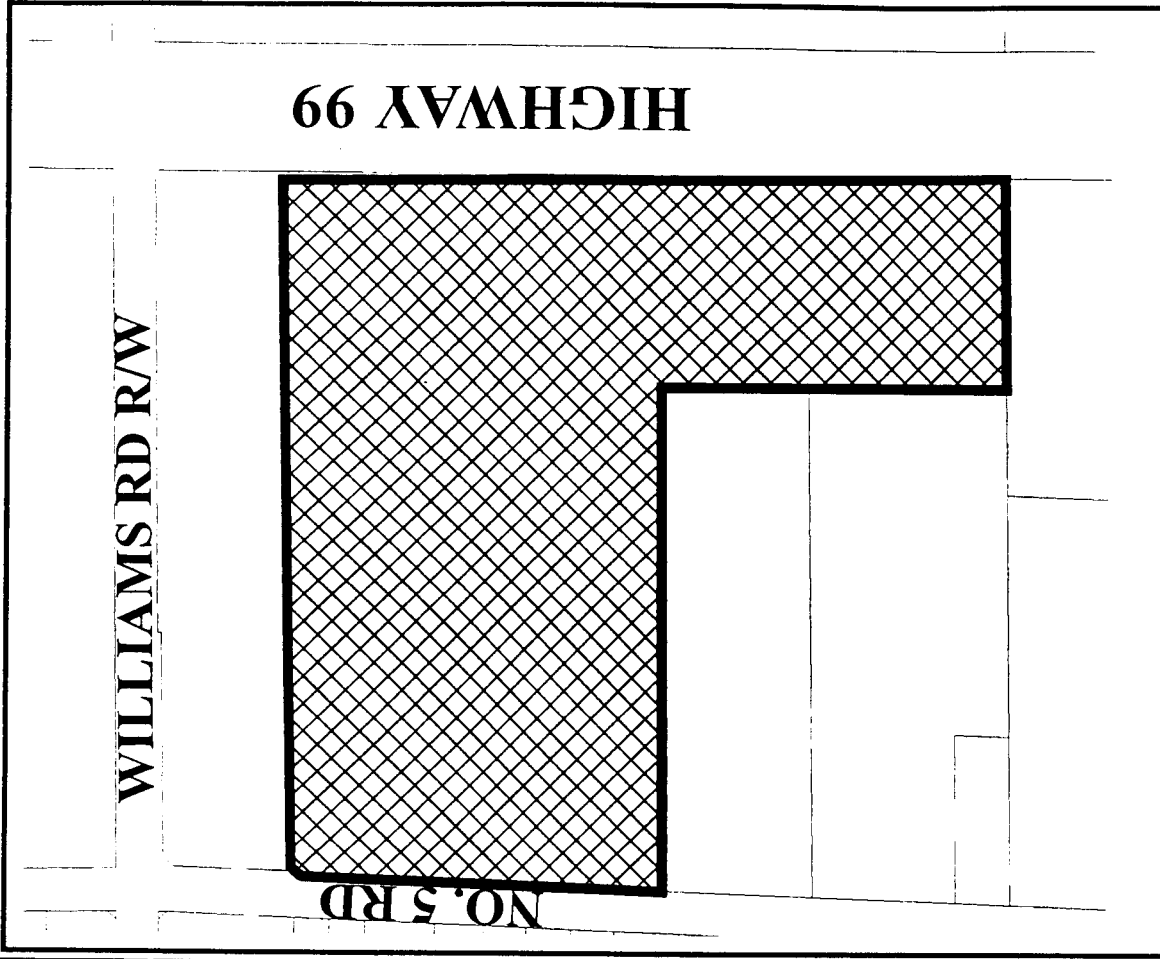
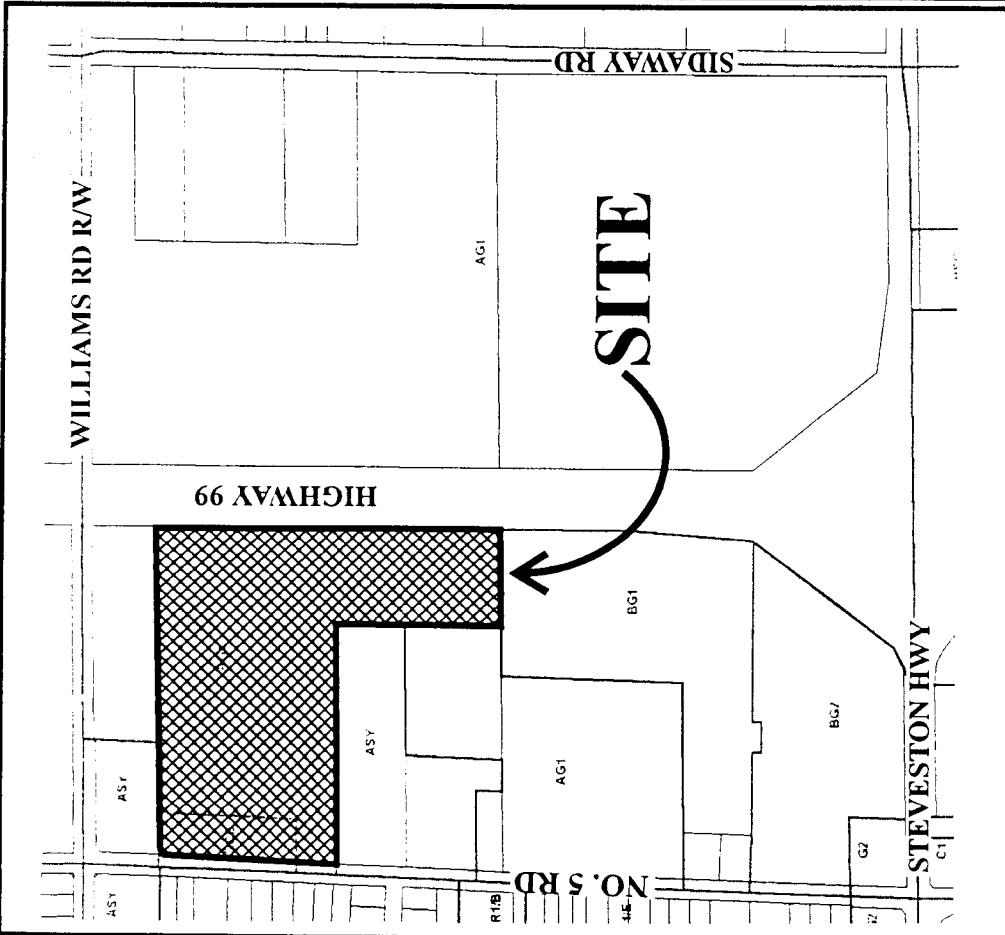


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City of Richmond

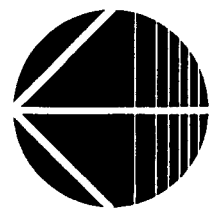


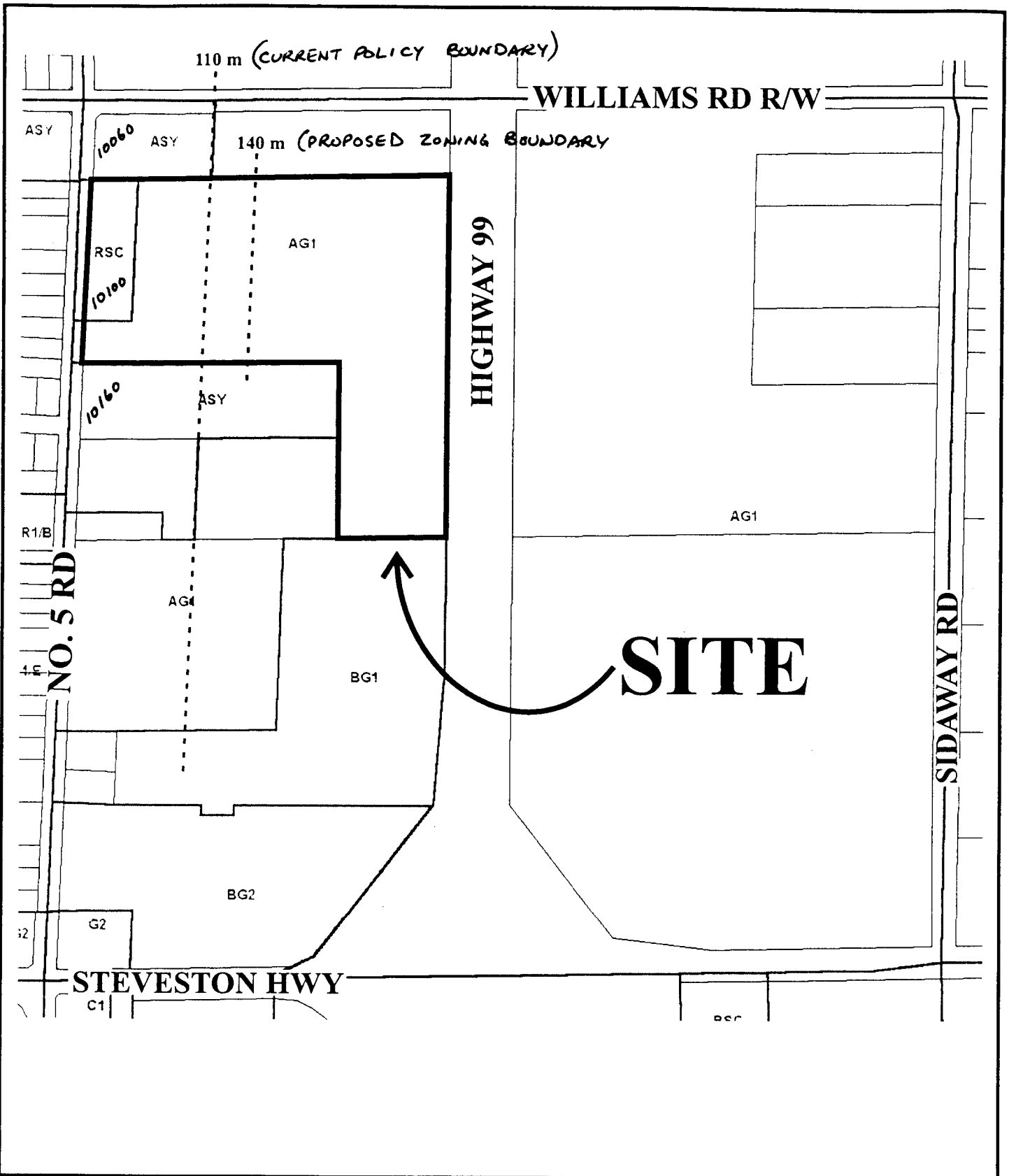
Original Date: 05/29/01

Revision Date: 08/22/01

Note: Dimensions are in METRES

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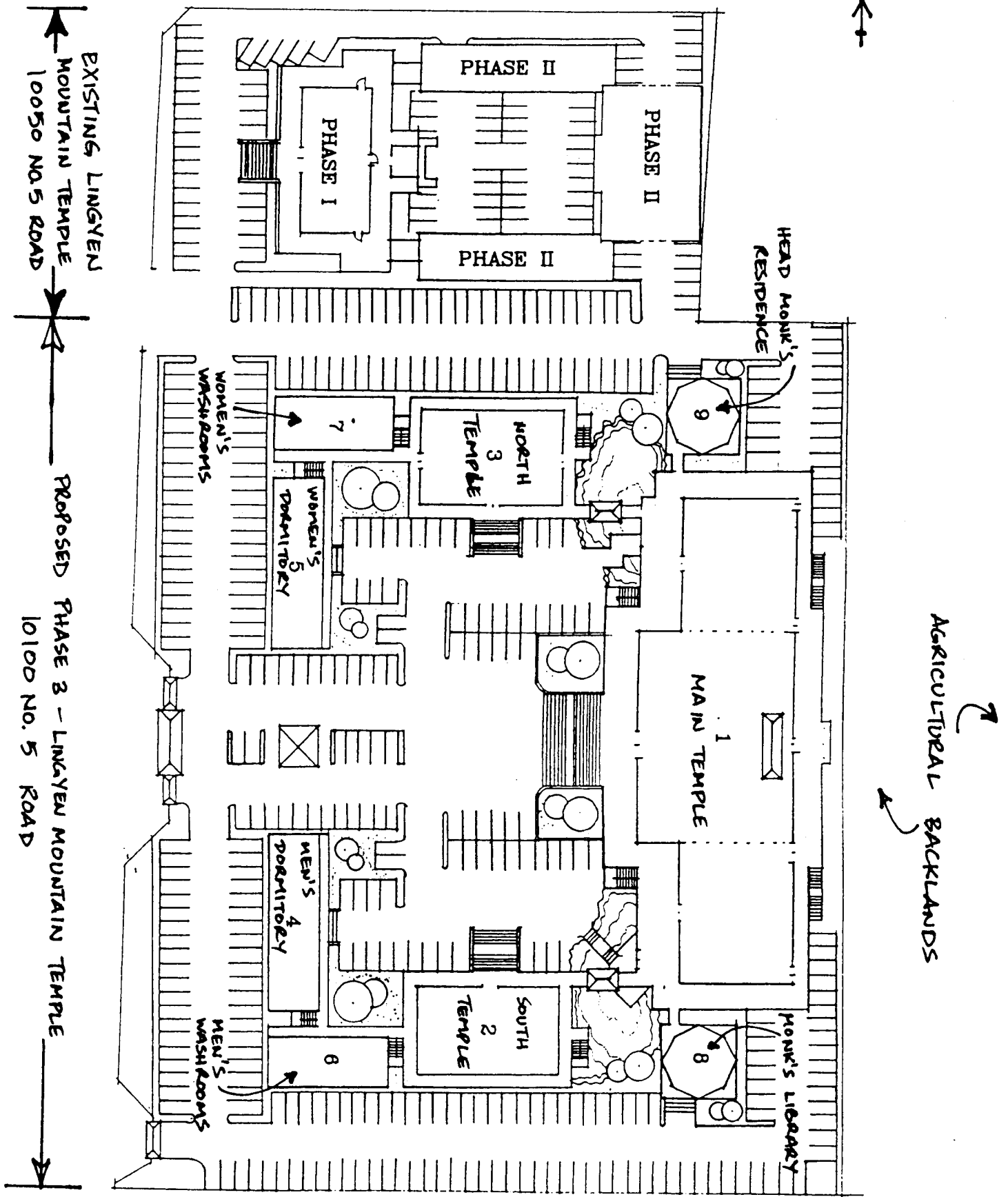


10100 No. 5 Road

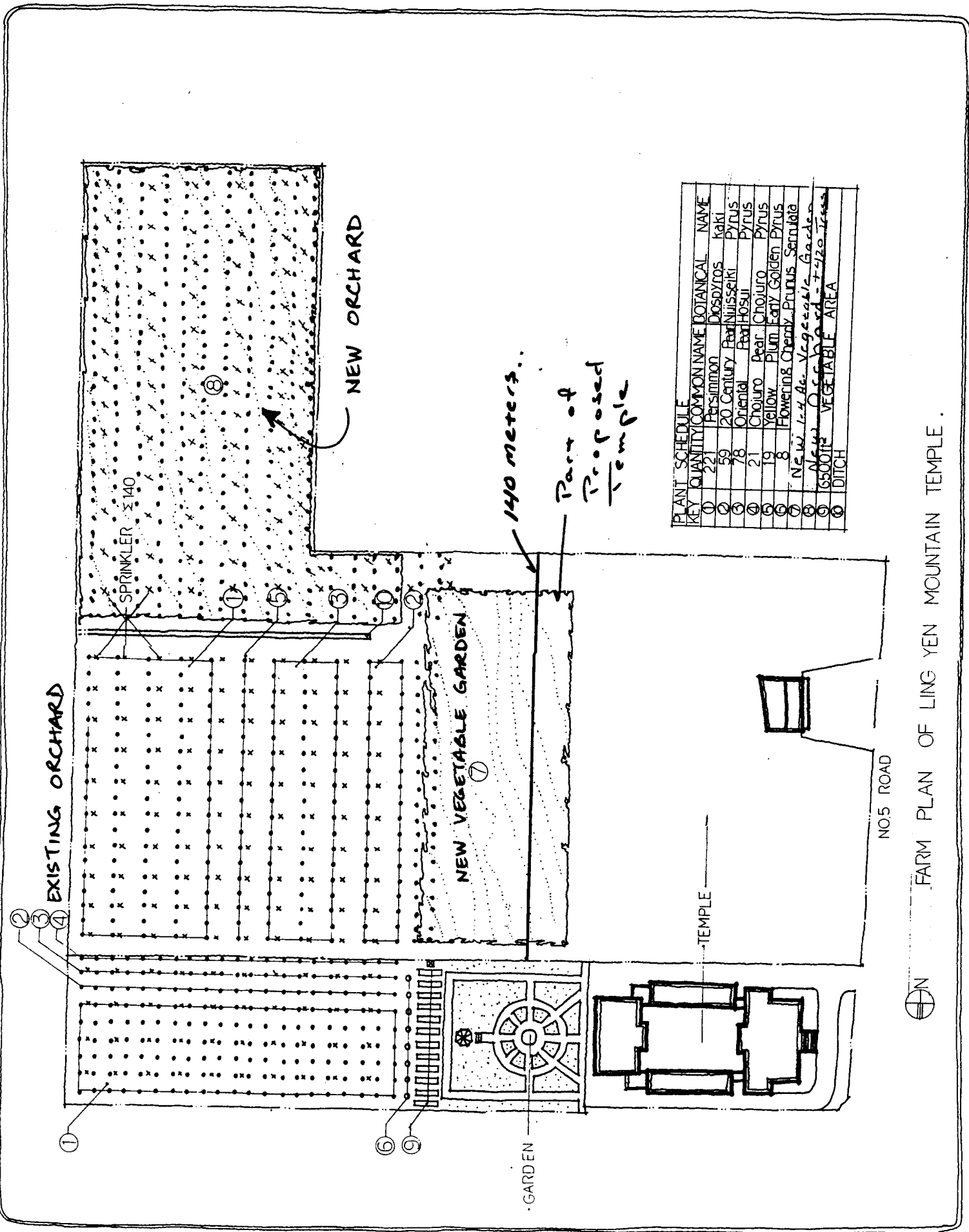
Original Date: 08/29/01

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Note: Dimensions are in METRES



PROPOSED SITE PLAN - LINGYEN MOUNTAIN TEMPLE



KEY	QUANTITY	COMMON NAME	BOTANICAL NAME
①	22	Persimmon	Diospyros kaki
②	59	20 Century Pear	Eriobotrya pinnatifida
③	78	Oriental Pear	Eriobotrya pinnatifida
④	21	Chojuro Pear	Eriobotrya pinnatifida
⑤	19	Yellow Plum	Prunus sibirica
⑥	8	Flowering Cherry	Prunus serrulata
⑦	NEW	Vegetable Garden	
⑧	NEW	Vegetable Garden	
⑨	6500m ²	VEGETABLE AREA	
⑩		DITCH	