

### Report to **Development Permit Panel**

To:

**Development Permit Panel** 

Date:

September 12, 2005

From:

Holger Burke

File:

DV 05-306191

Acting Director of Development

Re:

Application by India Cultural Centre of Canada for a Development Variance

Permit at 8600 No. 5 Road

#### **Staff Recommendation**

That a Development Variance Permit be issued which would vary the provisions of the Zoning and Development Bylaw No. 5300 to reduce the rear yard setback, measured from the eastern edge of the Assembly District (ASY) zone boundary, from 7.5 m (24.6 ft.) to 0.80 m (2.62 ft.) to permit a 385 m<sup>2</sup> (4,144 ft<sup>2</sup>) addition to the rear of the existing institutional building at 8600 No. 5 Road.

Holger Burke

Acting Director of Development

KE:blg Att.

#### Staff Report

#### Origin

The India Cultural Centre of Canada has applied to the City of Richmond for permission to vary the rear yard setback from 7.5 m (24.6 ft.) to 0.80 m (2.62 ft), measured from the east edge of the Assembly District (ASY) zoning boundary, in order to permit an addition to the existing building. This Development Variance Permit application applies to the portion of the property designated under Assembly District (ASY) zoning only.

#### **Development Information**

Please refer to the attached Development Application Data Sheet (Attachment 1) for a comparison of the proposed development data with the relevant Bylaw requirements.

The proposed addition is situated at the rear of the existing building on the east side of the property. The total floor area of the addition is 385 m<sup>2</sup> (4,144 ft<sup>2</sup>) split between two (2) floors. The reason for the addition is to provide additional space (multi-purpose rooms; meditation rooms and a lounge) to meet the congregations growing needs.

#### **Background**

Development surrounding the subject site is as follows:

- To the north, an assembly building located on the front portion of the site zoned for assembly (ASY) and the rear portion zoned for agriculture (AG1);
- To the east, backland of the subject property abutting Highway 99 zoned for agriculture (AG1);
- To the south, a large parcel zoned for agriculture (AG1); and
- To the west, across No. 5 Road, properties zoned under Agriculture District (AG1).

#### **Relevant Policies and Land Use Designations**

East Richmond Area McLennan Sub Area Plan Land Use Map

The Land Use Map designates properties on the east side of No. 5 Road generally south of Blundell Road for Agriculture, Institutional and Public uses (**Attachment 2**). This generally allows for development of assembly, school, institutional and community facilities to be developed on the front portion of the parcel. The 'backlands' are designated for agriculture with the intent that these areas would still be available for agricultural uses. The East Richmond Area Plan identifies that agricultural, institutional and public uses will be supported within a 110 m (361 ft.) deep strip along the east side of No. 5 Road. All properties in the East Richmond Sub Area Plan are within the Agricultural Land Reserve (ALR).

#### No. 5 Road Backland Policy

In conjunction with the Official Community Plan (OCP) land use designation, Council adopted Policy 5037 (No. 5 Road Backlands Policy – **Attachment 3**) in March, 2000 to outline a procedure for processing of non-farm use applications along the east side of No. 5 Road. This policy identifies that farm plans are required as part of the approval process to ensure active farming occurs on the backlands of the properties.

The India Cultural Centre of Canada was constructed in the early 1990's, before Council Policy 5037 was adopted. As a result, there was no commitment to farm the backlands of the lot when development proposals for locating assembly institutions on the subject site initially came to the City for review. The applicants have indicated that the backlands of the subject site is currently not being actively farmed.

#### **Staff Comments**

#### **Zoning Interpretation**

The subject site is split zoned with Assembly District (ASY) zoning situated on the front portion of the property (approximately the westerly 100 m) to allow for the existing institutional building and surface parking. The remaining backlands are zoned Agricultural District (AG1).

The Zoning and Development Bylaw No. 5300 stipulates that in situations where a lot is divided into two (2) or more zoning districts, each separately zoned portion of property shall be considered a separate lot pertaining to regulations within the zone (i.e. setbacks). The front portion of the site (approximately 100 m measured from the road) is zoned for Assembly District (ASY) with the rear yard setback of 7.5 m (24.6 ft.) measured from the easterly edge of the Assembly District (ASY) zoning boundary. A Development Variance Permit is required as the proposed addition extends into this required setback.

#### **Analysis**

#### Parking Requirements and Calculations

The proposed addition adds 385 m<sup>2</sup> (4,144 ft<sup>2</sup>) of building area. Staff reviewed the number of parking stalls provided on the assembly zoned portion only. The architect for the project has indicated that a total of 201 parking stalls are located on the Assembly zoned portion of the site. The number of required parking stalls identified in the previous Building Permit was 200 spaces.

Building Permit drawings initially indicated a surplus supply of parking (243 parking stalls provided); however, changes to the layout and configuration of on-site parking over time have resulted in a decrease in the actual number of stalls provided. Current figures indicate that 201 stalls will be provided on site after the proposed building addition has been implemented. Staff note that the above-mentioned parking figures do not include parking areas that have encroached into the agricultural land.

When the India Cultural Centre of Canada was originally constructed, the Development and Building Permits applied the assembly use parking ratio outlined in the City's Zoning and Development Bylaw. This ratio required a minimum of 10 stalls per 100 m² (1,076 ft²) floor area of assembly space. The architect applied this ratio to the entire building as a whole, which resulted in a minimum of 200 required stalls.

In the Development Variance Permit submission for the proposed building addition, the architect has broken down the building into various uses and applied an appropriate parking ratio for each use of the building (i.e. recreation space; dormitory). A majority of the building (20,500 ft<sup>2</sup>) is still calculated utilizing the parking ratio assigned to assembly uses.

Based on the revised calculations, which include the proposed building addition, the number of off-street parking provided on the assembly zoned portion of the property meets the City's Bylaw requirements (200 required; 201 provided).

#### **Building Addition**

The proposed addition is located at the rear of the existing building (east portion of the site). The Development Variance Permit application is to permit a relaxation of the building setback measured from the eastern edge of the Assembly District (ASY) zoning boundary. No portion of the building extends into agricultural zoned land. The proposed addition will generally contain multi-purpose rooms, storage areas, meditation rooms and a lounge. The exterior of the building will be designed to match existing building materials, treatments and glazing. Staff do not foresee any adjacency issues, as the addition generally does not significantly increase building mass. Furthermore, the building is situated in the middle of the property, thus limiting any impacts relating to overlook and shadowing on neighbouring properties.

#### Encroachment of Non-Farm Uses into Agricultural Land

Upon further review of the application by staff, it was discovered that additional parking was implemented around the rear of the building. This paved parking area extends beyond the portion of the property zoned for Assembly (ASY) and into the Agricultural District (AG1) zoning. The non-farm use (parking and playground areas) encroachment into agricultural land was not implemented with any feedback or approval from the City.

The current boundary of the Assembly District (ASY) zone for the subject property is approximately 100 m measured from No. 5 Road. The Official Community Plan (OCP) and Council Policy 5037 identifies that non-farm uses (assembly institutions and parking) may be considered for the westerly 110 m of the properties fronting the east side of No. 5 Road. An interpretation of the air photo indicates that the parking area encroaches approximately 16 m into the agricultural zoned portion of the site.

In discussions with the applicant, staff identified that the issue of encroachment of the strip of parking is best rectified through a non-farm use and rezoning application to the Agricultural Land Commission and City. However, the applicant declined pursuing this option due to constraints related to timing. As a result, a Development Variance Permit is being sought to reduce the rear yard setback to allow the building addition.

Staff have significant concerns about the encroachment of parking into the agricultural land as it did not proceed through the correct approval process outlined in the City's regulations and policies pertaining to allowing public and institutional uses on the front portion of properties on the east side of No. 5 Road. The India Cultural Centre of Canada has submitted a written letter outlining the justification for extending parking into Agricultural land on the back portion of the property (Attachment 4). The reasoning outlined by the applicant relates to the need for 'overflow' parking, which was required during specific events (a couple times a year) where the number of cars exceeded the parking available on the Assembly zoned portion of the site. As a result, a paved strip for a drive aisle and parking stalls was located on the agriculturally zoned backland.

#### **Options**

Staff propose the following options to handle the Development Variance Permit application and address the encroachment of parking into agricultural land on the subject site.

**Option 1** – Defer the Development Variance Permit application until the issue of encroachment of non-farm uses into the agriculturally zoned land is resolved.

• The applicant would be required to get approval from the Agricultural Land Commission (ALC) and City if a non-farm use and rezoning application was submitted. If approved, a Development Variance Permit application may not be required. At this preliminary stage, support of the future application would be contingent on the uses proposed and distance of encroachment for this strip of land into agricultural land. Staff would need to analyze the application in conjunction with existing guidelines and policies regulating institutional and assembly uses on the east side of No. 5 Road. Staff had initially identified this process as the most favourable to the applicant to properly legalize the land use issue. One drawback to this approach is that the applicant would not be able to proceed with the proposed addition until approval is granted, which may take a number of months.

**Option 2 (Recommended)** – Give favourable consideration to the Development Variance Permit application and forward the issue of encroachment of non-farm uses into agricultural land to the City's Community Bylaws Department and Urban Development Division for follow-up.

• If issued by Council, it would allow the congregation to construct the proposed addition with minimal delay. In the interests of timing, Community Bylaws and Urban Development Division staff will commit to following-up and working with the applicant to come up with a solution to address the encroachment issue. Some options that may arise out of this follow-up may be to remove all of the parking and non-farm uses currently within the land designated for agriculture. Alternatively, the applicant also has the option to legalize the existing encroachment through a non-farm use and rezoning application.

Staff are willing to support Option 2 and bring forward the Development Variance Permit application on the basis that the subject property has sufficient off-street parking located on the Assembly (ASY) zoned portion of the subject site for the existing building and proposed addition. Building uses and floor area breakdowns provided by the applicant's architect and subsequent comparison with applicable City parking bylaw requirements have indicated that there is sufficient parking available on site.

#### **Conclusions**

Staff recommend support of the Development Variance Permit application in order to permit a proposed building addition to encroach into the required rear yard setback on the Assembly District (ASY) zoned portion of 8600 No. 5 Road. Staff are also recommending that the City's Community Bylaws Department and Urban Development Division follow-up with the India Cultural Centre of Canada to resolve the issue related to encroachment of non-farm uses into the agriculturally zoned portion of the property.

Kevin Eng Planner 1

(Local 4626)

KE:blg



### Development Application Data Sheet

**Development Applications Department** 

DV 05-306191 Attachment 1

Address: 8600 No. 5 Road

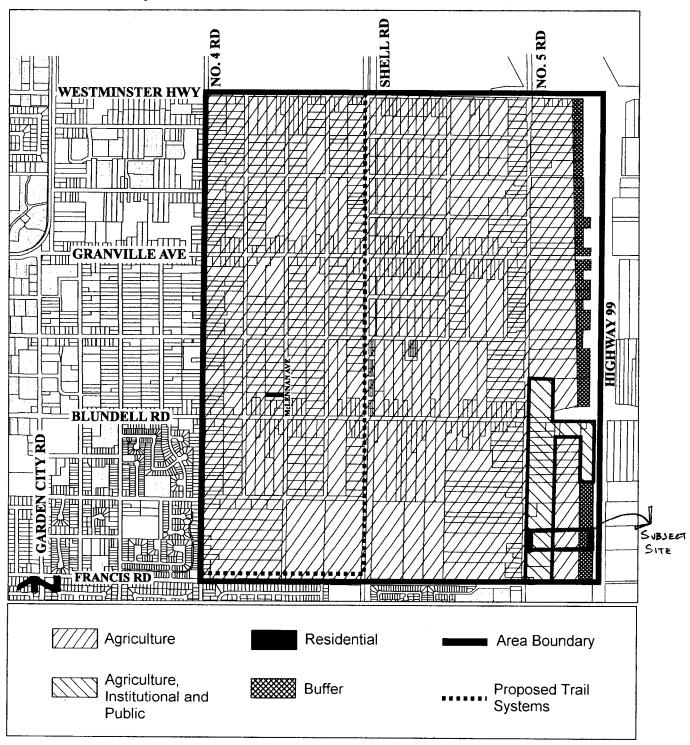
Applicant: India Cultural Centre of Canada Owner: India Cultural Centre of Canada

Planning Area(s): East Richmond Area Plan

	Existing	Proposed 39,606 m <sup>2</sup>	
Site Area:	39,606 m <sup>2</sup>		
Land Uses:	Institutional/Assembly No change		
OCP Designation:	Agricultural, Institutional and Public Uses No change - Complies		
Zoning:	Assembly (ASY); Agricultural District (AG1)		

On Future Subdivided Lots	Bylaw Requirement	Proposed (includes building addition)	Variance
Floor Area Ratio:	0.5	0.21	none permitted
Lot Coverage:	Max. 35%	14.21%	none
Setback – Roads:	Min. 6 m	41 m	none
Setback – Side Yards:	Min. 7.5 m	42 m & 37 m	none
Setback – Rear Yard:	Min. 7.5 m	0.80 m	Variance to reduce rear yard setback measured from ASY zoning district boundary
Building and Structure Height (m):	Max. 12 m	17.2 m	Existing approved Variance for "dome" feature obtained through previous Development Permit
Off-street Parking Spaces – Regular:	200	201	none
Off-street Parking Spaces – Accessible:	4.	4	none

# Land Use Map Bylaw 7536 2003/07/21





# **City of Richmond**

### **Policy Manual**

Page 1 of 3	Adopted by Council: Mar. 27/00	POLICY 5037
File Ref: 4105-04	NO. 5 ROAD BACKLANDS POLICY	

#### **POLICY 5037:**

It is Council policy that:

- 1. The area outlined in bold lines as "Area Proposed for Public and Institutional Use" on the accompanying plan dated 01/24/00 may be considered for non-farm use.
- 2. The types of non-farm use which may be considered are:
  - "Assembly District" uses, and
  - > Certain "School / Public Use District" uses (i.e., public park, public recreation facility, municipal works, health and safety measures, community use).
- 3. 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 remaining back land portion of each property shall be retained for farm use only.

- 4. Satisfactory sanitary sewage disposal is required as a condition of Development Permit approval.
- 5. Continue to strive for a partnership approach, with back land owner prepared farm plans to achieve farming, but allow for a limited infrastructure component (e.g., little or no regional and on-site drainage, irrigation or access roads), where a full infrastructure component is not practical.
- 6. The current moratorium on non-farm use approvals (initiated by the Land Commission and adopted by Council in February, 1996) should be retained and may be lifted on an individual lot basis for owners who:
  - a) prepare farm plans;
  - b) explore farm consolidation;
  - c) commit to do any necessary on-site infrastructure improvements;
  - d) co-operate as necessary to remove constraints (e.g., required infrastructure) to farming the back lands, in partnership with others; and
  - e) commit to legal requirements as may be stipulated by Council to achieve acceptable land uses (e.g., farming the back lands).
  - f) undertake active farming of the back lands.
- 7. The following procedure will apply when considering applications for non-farm use and Assembly District rezoning.



## **City of Richmond**

# **Policy Manual**

Page 2 of 3	Adopted by Council: Mar. 27/00	POLICY 5037
File Ref: 4105-04	NO. 5 ROAD BACKLANDS POLICY	

#### Approvals Procedure

Proponent applies to City and Commission for non-farm use approval.

Commission reviews proposal and may give approval in principle for non-farm use based on the proponent:

- preparing an acceptable farm plan;
- · entering into a restrictive covenant;
- providing a financial guarantee to farm; and
- agreeing to undertake active farming first

Proponent undertakes active farming based on the approved farm plan.

Commission gives final approval for non-farm use.

Proponent applies to City for rezoning of site to Assembly District (ASY).

City approves rezoning application after proponent meets all City requirements.

#### Amendments to the above policies

If either the City or the Land Commission intends to amend any of the above procedures, the initiating party will advise the other party of this intent and seek comment on the proposed amendments prior to concluding any approvals.

#### Co-ordination of review process

The City and the Commission will co-ordinate efforts when reviewing applications for non-farm use, in order to ensure that the interests of each party are addressed. This co-ordinated effort will be done prior to granting any approvals.







### 8600 # 5 Rd., RICHMOND, B.C. CANADA V6Y 2V4 TEL: (604) 274-7479 / 274-0026 FAX: (604) 274-0046

**ATTACHMENT 4** 

August 29, 2005

The City of Richmond Urban Development Department 6911 No. 3 Road Richmond, BC V6Y 2C1

Attn: Mr Kevin Ng / Mr Holger Burke

Dear Sir:

RE: Proposed Addition for India Cultural Centre of Canada @ 8600 No. 5

Road, Richmond, B.C. - Development Permit and Zoning Variance

Application - DV 05-306191 - Parking feedback

With reference to the on site parking situation of our Centre, we would like to provide you with some feedback concerning the operation of our centre to reflect the actual demand for parking for your reference.

As your staff might have noticed, the parking spaces inside our centre are less than 50% full 90% of the year. Maybe in one or two special occasion / event in a year the demand for parking is fully utilized.

The additional overflow parking that have been created in the past that extend to the ALR is to relieve the pressure of our congregate member parking on No. 5 Road.

Trusting the above addressed your concern.

Regards.

Yours truly.

Per Sohan Basi

India Cultural Centre of Canada



### **Development Variance Permit**

No. DV 05-306191

To the Holder:

INDIA CULTURAL CENTRE OF CANADA

Property Address:

8600 NO. 5 ROAD

Address:

C/O SOHAN BASI OR AVTAR GOSAL

8600 NO. 5 ROAD

RICHMOND, BC V6Y 2V4

- 1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
- 2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied by reducing the rear yard setback, measured from the eastern edge of the Assembly District (ASY) zone, from 7.5 m (24.6 ft.) to 0.80 m (2.62 ft.) to permit an addition to the rear of the existing building as shown on Plan #1 attached hereto.
- 4. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
- 5. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

This Permit is not a Building Permit.

AUTHORIZING RESOLDAY OF ,	LUTION NO.		ISSUED BY THE COUNCIL THE
DELIVERED THIS	DAY OF	,	•
MAYOR			

