

# **Report to Development Permit Panel**

To:

Development Permit Panel

Date:

August 25, 2020

From:

Wayne Craig

File:

DP 17-771210

Director, Development

(via DP 20-906520)

Re:

Application by Hamilton Village Care Centre Holdings Ltd. for a General

Compliance Ruling to Development Permit (DP 17-771210) at

23111 Garripie Avenue

#### Staff Recommendation

That the attached plans involving changes to the design of the proposed landscaping and to the approved ESA compensation area be considered to be in General Compliance with the approved Development Permit (DP 17-771210).

Wayne Craig

Director, Development

(604-247-4625)

WC:rp

Att. 4

### Staff Report

# Origin

Hamilton Village Care Centre Holdings Ltd. has requested a General Compliance ruling regarding a minor change to the issued Development Permit (DP 17-771210) for a senior's care facility building at 23111 Garripie Avenue in Hamilton Village. The Director of Hamilton Village Care Centre Holdings Ltd. is Mary McDougal. A location map for the subject property is provided (Attachment 1).

The rezoning for the project (RZ 16-738480), to the "Senior's Care Facility (ZR11) – Hamilton Village (Hamilton)" zone, was adopted by Council on January 15, 2018. Subsequently, a Development Permit (DP 17-771210) was issued on January 29, 2018. The subject site currently contains a nearly-completed senior's care facility.

The proposed modifications to the Development Permit include changes to landscaping and also the ESA compensation area that was approved via Development Permit DP 17-771210. A Servicing Agreement (SA 17-773932) for off-site works was previously approved, and the proposed changes do not necessitate any changes to that agreement.

# **Background**

Development surrounding the subject site is as follows:

- To the north, low density residential lots zoned "Single Detached (RS1/F)" and "Two-Unit Dwellings (RD1)" which contain a single-family dwelling. This area has been designated by the Hamilton Area Plan for future stacked townhouse development.
- To the east, low density residential lots zoned "Single Detached (RS1/F)" which contain a single-family dwelling. This area has been designated by the Hamilton Area Plan for future stacked townhouse development.
- To the south, a private road (Garripie Avenue, over which a Public Right-of-Passage (PROP) has been secured), across from which is located a 130-unit senior's housing building under construction (as of the date of this report). The Development Permit for that site (DP 15-716274) was issued on January 29, 2018.
- To the west, across Westminster Highway, a vacant former fire hall site is zoned "School and Institutional (SI)" and low density residential lots zoned "Single Detached (RS1/F)" which contain a single family dwelling. This area has been designated by the Hamilton Area Plan for townhouse development.

#### **Staff Comments**

The proposed changes to the plans attached to this report are in general compliance with the issued Development Permit for this project (see Attachment 2 for the relevant approved drawings). In addition, the proposed changes (Attachment 3) complies with the intent of the applicable sections of the Official Community Plan (OCP) and is generally in compliance with the "Senior's Care Facility (ZR11) – Hamilton Village (Hamilton)" zone.

### Analysis

# The Removal of Tree #869:

• A Western Red cedar tree (#869) has been removed along the Westminster Highway frontage, following unlawful excavation within the tree protection zone and the resulting destruction of its critical root system and significantly impacting its structural stability.

- The location of tree #869 is shown in a red bubble in Attachments 2 & 3, on Plan L-02 in both cases.
- Tree Preservation staff fined the owner and the offending contractor in accordance with Tree Protection Bylaw No. 8057 for the damage caused to tree #869.
- Tree #869 was subsequently authorized for removal by Tree Preservation staff, who recommended that the tree be removed immediately by the project arborist, as it was deemed to be at high risk of failure following the unlawful excavation.
- Tree #869 would be replaced by two new 3.5m (11 ft) high Western Red Cedar trees, in accordance with the City's tree compensation strategy (Attachment 3, Plan L-03B). The plantings proposed under and around the area of the new trees would use the same flora pallet (all of which are native species and included in the ESA planting list), but rearranged slightly to accommodate the new trees.

# The introduction of a Gabion Wall:

- A gabion wall, which is a wall composed of rocks encased in a wire mesh, is proposed at the northwest corner of the site in order to protect two existing trees (#871 & 872) from the raised grades required on-site (which are impacted by an unanticipated finished grade along Garripie Avenue).
- Several other proposed trees, approved via DP 17-771210, are relocated slightly to accommodate the gabion wall.
- The plantings proposed around the new wall would use the same flora pallet (all of which are native species and included in the ESA planting list).

## The Relocation of a Pad Mounted Transformer

- A Pad Mounted Transformer (PMT), as required by BC Hydro, has been constructed along the Westminster Highway frontage.
- At the time of Development Permit, the PMT was anticipated to be located inside the loading bay (atop the suspended slab). Following Development Permit issuance, it was relocated by BC Hydro based on requirements for it to be located along Westminster Highway and founded on soil, and the constructed location was concluded to be the least intrusive option.
- Plantings around the new PMT (but within the ESA-exclusion area noted below) would be updated to coordinate with the planting patterns and flora pallet (all of which are native species and included in the ESA planting list).

## Reallocation of ESA compensation area:

• A roughly 31 m<sup>2</sup> (334 ft<sup>2</sup>) portion of the DP-approved ESA compensation area along the Westminster Highway frontage has been claimed by the above-noted PMT. As a result, the PMT and surrounding area should be excluded from the ESA compensation area.

• A 31.8 m<sup>2</sup> (342 ft<sup>2</sup>) area along the Garripie Avenue frontage at the south side of the building, contiguous with the existing approved ESA area, would be added into the ESA compensation area, in order to offset the loss noted above (Attachment 3, Plan L-05).

- Plantings in both the area around the PMT (which is proposed to be excluded from the ESA) and the proposed ESA addition area along the Garripie Avenue would be updated to coordinate with the surrounding planting patterns and flora pallet.
- A recent survey (Attachment 4) demonstrates a provision of 1,099.1 m<sup>2</sup> of ESA compensation area, which meets the minimum requirement for 1099 m<sup>2</sup>, as approved via DP 17-771210. For comparison, the previously-approved ESA is demonstrated in Attachment 2, Plan L-05).
- The applicant has confirmed that the revised compensation strategy is consistent with the DP-approved ESA compensation plan.
- City staff have reviewed the revised ESA compensation plan and support the relocation.
- An amendment to the ESA Agreement would be required in order to update it with the
  new survey of the ESA compensation area to describe the new ESA compensation area
  (Schedule A of the Agreement) and the SRW area that permits City staff to access the
  ESA compensation area (Schedule B of the Agreement)

### Other Landscaping Changes

- A small (7.3 m<sup>2</sup>; 79 ft<sup>2</sup>) triangular planting area on the Garripie Avenue frontage (located between the parallel parking spaces and the driveway loop) is proposed to be replaced with paved sidewalk, in order to accommodate a new crosswalk proposed across Garripie Avenue and a PROP statutory right-of-way (SRW) on the subject property.
- A screening fence for the solid waste staging area at the southeast corner of the site is proposed to be removed from the Landscape Plan set. The applicant has noted that there had been coordination issues between the architect and the landscape architect during preparation of the drawing package for DP 17-771210, resulting in the screening fence being erroneously included in the DP-approved landscape drawings. The applicant has confirmed that the solid waste is stored within the building and is staged outside in this area for a limited time only on collection days. The applicant now seeks its removal of the screening fence from the Landscape Plans.

# Landscaping Security

- A \$52,878 Letter of Credit was taken as a security for landscaping in the ESA at the time of the original Development Permit.
- In addition, a \$283,376 Letter of Credit was taken as a security for non-ESA landscaping at the time of the original development permit.
- As of the date of this report, the City of Richmond still holds both Letters of Credit in their entirety. Given the nature of the proposed changes, additional securities are not required.

### **Conclusions**

Hamilton Village Care Centre Holdings Ltd. has requested a General Compliance ruling for proposed changes to landscaping. The proposed modifications are within the scope of the General Compliance Guidelines as adopted by Council. Staff have no objection to the proposed revisions. Staff recommend support of this General Compliance request for the proposed changes to the approved Development Permit.

Robin Pallett Planner 2

(604-276-4200)

RP:blg

# Attachments:

Attachment 1: Location Map

Attachment 2: Approved Design via DP 17-771210

Attachment 3: Proposed Design

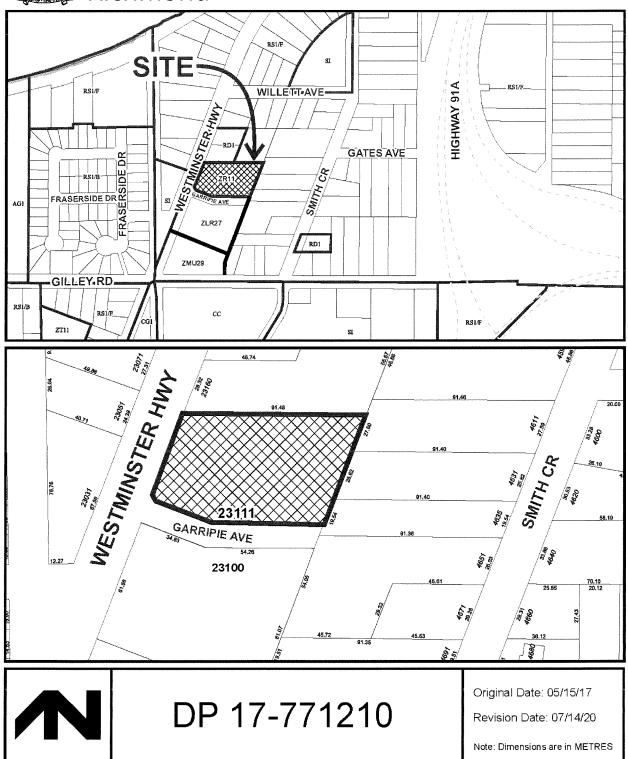
Attachment 4: Survey of the proposed ESA

The following are to be met prior to forwarding this application to Council for consideration:

• Register an amendment to, or replacement of, the ESA covenant that is registered on the title of the subject property to replace its Schedule "A" Plan EPP75559 and Schedule "B" Plan EPP75726 with Plan EPP99756 in order to accommodate the proposed reallocation of ESA compensation area.

LOCATION MAP Attachment 1









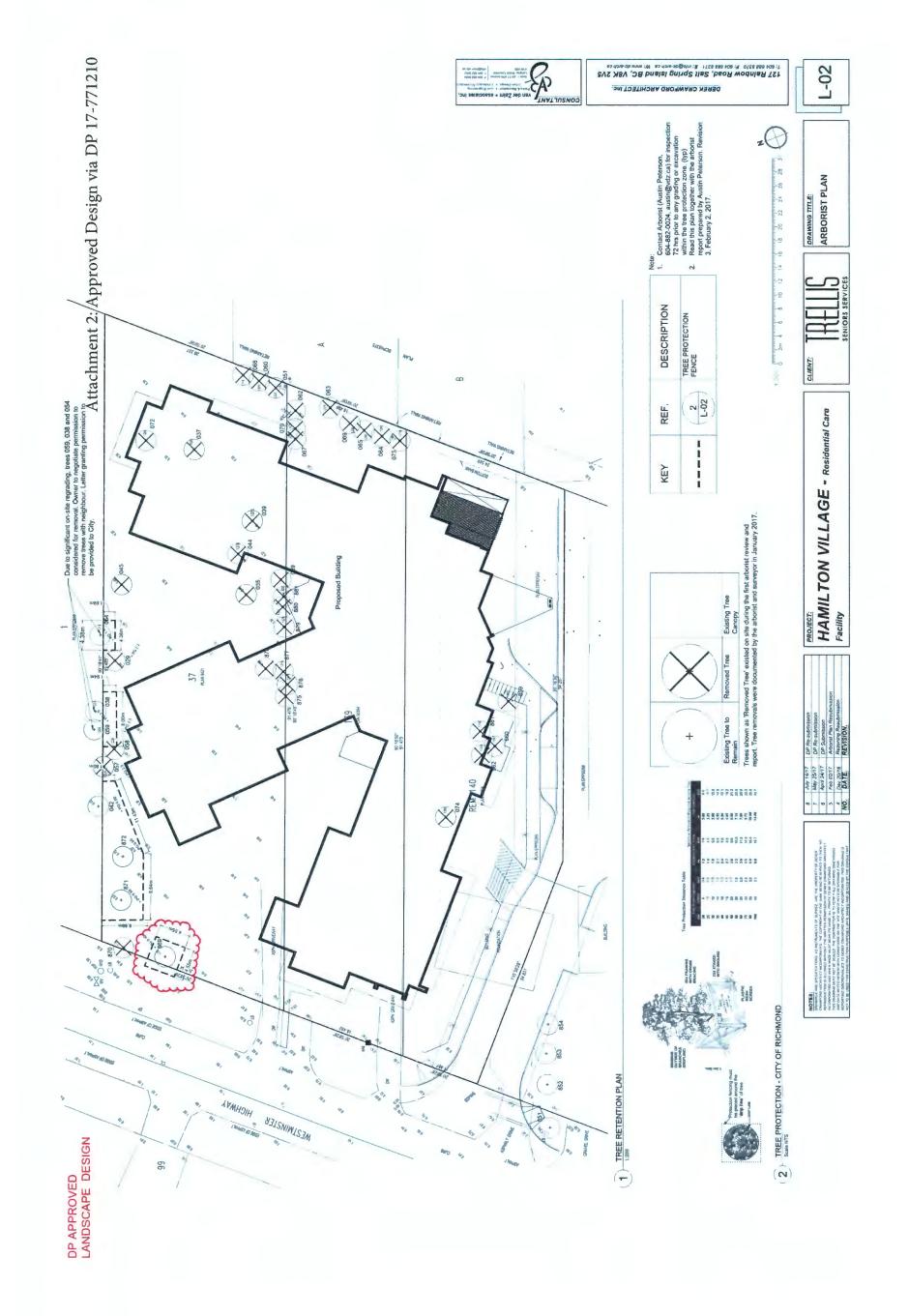


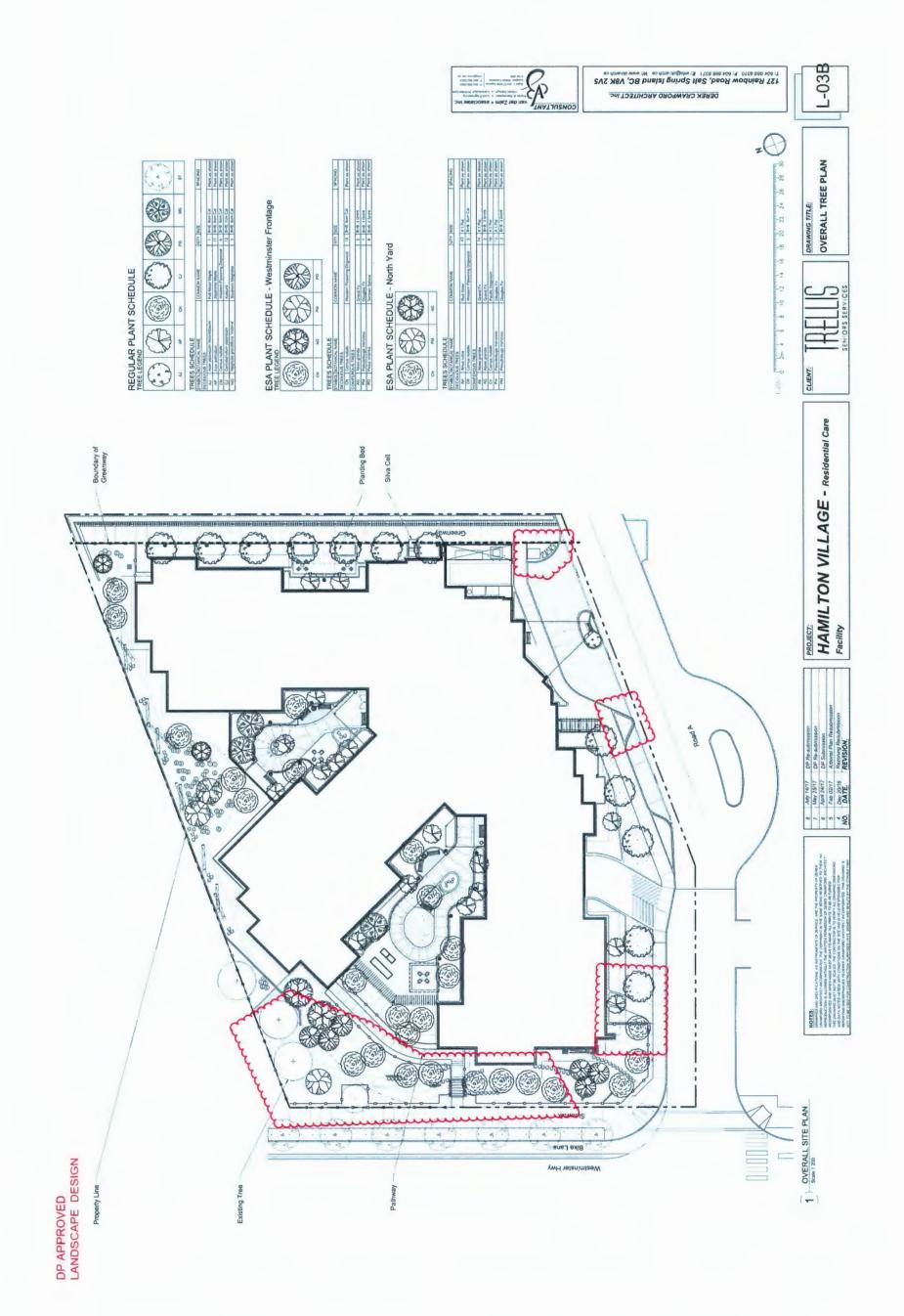
DP 17-771210 SCHEDULE "A"

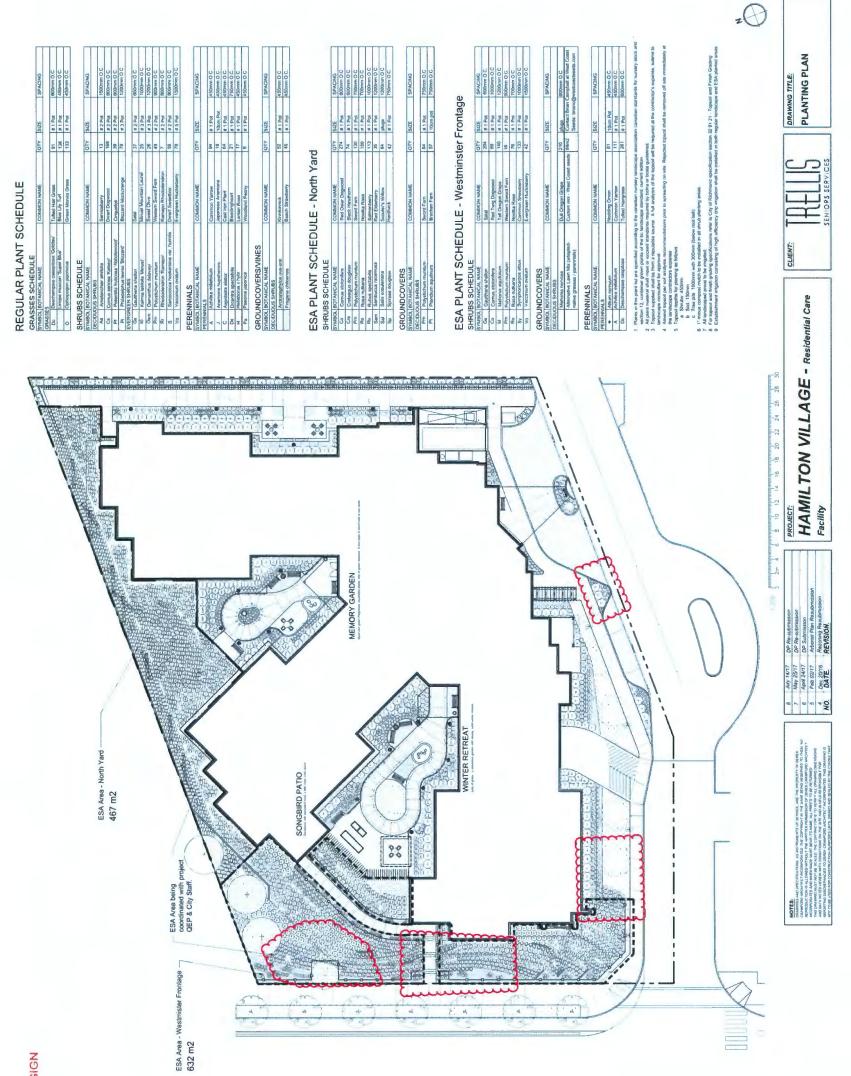
Original Date: 05/15/17

Revision Date: 07/14/20

Note: Dimensions are in METRES







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