



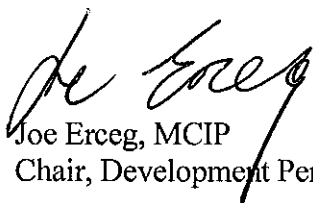
To: Richmond City Council
From: Joe Erceg, MCIP
Chair, Development Permit Panel
Date: January 18, 2012
File: 0100-20-DPER1
Re: **Development Permit Panel Meetings Held on January 11, 2012,
November 30, 2011, July 27, 2011, and July 13, 2011**

Panel Recommendation

That the recommendations of the Panel to authorize the issuance of:

- i) a Development Permit (DP 10-545704) for the property at 7900 Bennett Road; and
- ii) a Development Permit (DP 10-538908) for the property at 8851 Heather Street;

be endorsed, and the Permits so issued.



Joe Erceg, MCIP
Chair, Development Permit Panel

SB:blg

Panel Report

The Development Permit Panel considered the following item at its meetings held on January 11, 2012, November 30, 2011, July 27, 2011, and July 13, 2011.

DP 10-545704 – CHEN DESIGN STUDIO – 7900 BENNETT ROAD

(January 11, 2012 and July 27, 2011)

The Panel considered an application to permit the construction of two (2) duplexes on a site zoned “Infill Residential (RI2)”. Variances are included in the proposal for a projection beyond the vertical height envelope.

Designer, Xi Chen, Chen Design Studio, provided a brief presentation, including:

- The subject site would be subdivided with a two-unit duplex building on each lot;
- Architectural form and character is similar to adjacent single-family, duplex, and two-storey townhouse residences;
- Aging-in-place features are provided in all units, and the rear “B” units will be convertible, with widened doors, stairs and corridors, framing and electrical elements for a future stair lift, and a convertible washroom; and
- Sustainability features include permeable pavers, low flow fixtures and faucets, water efficient appliances, and dual flush toilets, electrical lighting motion sensors and timers in the public area, low-E glazing, as are low emitting materials, and operable windows.

Staff advised that the unique zone “Infill Residential” was created specifically for the Atchison Road/Bennett Road area; the zone has no requirement for a communal outdoor amenity space, and the design scheme includes attached garages with additional parking off the lane.

McBurney Drive resident, Mr. Bob Harrison, addressed the Panel with the concern that a 3:30 p.m. start time for a Panel meeting was inconvenient for some residents.

No public correspondence was received regarding the application.

In response to Panel discussion, Ms. Chen and Landscape Architect, Mr. Masa Ito, of Ito and Associates, Landscape Architects, advised that:

- The zoning requirement of 0.5 parking spaces per bedroom, or three (3) spaces per lot, is achieved;
- Rear lane access is provided from Acheson Road, with parking and garages in the rear;
- The landscape scheme includes a patio space at the front of each unit and street trees; and
- An open arbour denotes the main entrance to the site.

Discussion ensued between the Panel and Mr. Ito regarding:

- All parking is at the rear of the subject site, and a pathway in the centre of the site features some low landscaping to soften the edges;

- The fence could be moved further north, to allow additional landscaping elements; and
- No outdoor amenity space is provided on site, but the project is located close to the City's Brighthouse Park, an area that offers outdoor space.

Discussion continued with the Panel questioning the appropriateness of: (i) perimeter fencing as a solution to adjacency issues; (ii) a lack of outdoor space; (iii) reliance on Brighthouse Park for outdoor activity for children; (iv) questionable safety for children accessing Brighthouse Park; and (v) the general lack of quiet outdoor space on the subject site.

In response to a query from the Chair, staff advised that if the applicant moved the garages northward without land dedication, vehicles might have a problem manoeuvring onto the half lane.

The Panel referred the application back to staff for further examination of:

- i. The landscaping scheme;
- ii. Presentation to the lane;
- iii. Access to the site;
- iv. On-site parking; and
- v. Provision of useable outdoor space for each unit.

At the Panel meeting on January 11, 2012, Designer, Xi Chen, of Chen Design Studio, advised that the following revisions to the development had been made:

- The garages have been detached from the principal building to create more amenity space, and shifted to improve access;
- A lattice fence had been developed to make the amenity space more open and more useable by residents; and
- Revisions have been made to the landscaping scheme by making more planting area available.

In response to the Chair's question, the applicant confirmed that the garages are now detached, not attached to residential units, so that each residential unit now had a rear yard space.

Staff advised that the rear residential units previously had no private amenity space, that the applicant has addressed this issue, and now each rear unit includes a private amenity space. In addition, there is a small communal amenity space with a sandbox, and permeable paving in the driveway enhances the appearance of the development.

In response to the Chair's query regarding vehicles turning in the lane, staff confirmed that the turning template is large enough for drivers to make turns.

Public correspondence was received regarding the application from Salt Spring Island residents in favour of the proposed development and requesting upgrades to the sidewalks on Bennett Road.

The Panel expressed appreciation to the applicant for the changes made to the design scheme.

The Panel recommends that the Permit be issued.

DP 10-538908 – DOUG MASSIE, ARCHITECT OF CHERCOVER MASSIE & ASSOCIATES LTD.
– 8851 HEATHER STREET

(January 11, 2012, November 30, 2011, and July 13, 2011)

The Panel considered an application to permit the construction of a two-storey daycare building for approximately 60 children on a site zoned Assembly (ASY). Variances are included in the proposal for reduced side yard setbacks, reduced parking setback from a public road, and to allow 54% small car parking spaces (8 small car parking spaces of total 15 spaces).

At the July 13, 2011 Panel meeting, Architect, Mr. Doug Massie, of Chercover Massie & Associates Architecture and Engineering, and Landscape Architect, Mr. Mark Van Der Zalm, provided a brief presentation, including the following:

- The youngest children are located on the ground floor, older children on the second floor;
- Building materials include brick and stucco, and colours include sand, grey, white and brown;
- The landscape design combines sustainability, privacy, and a play area in the rear yard;
- The surface parking area has permeable pavers and screening with planting, trees and hedges;
- The children's play area in the rear yard is fully enclosed with a solid wood fence and lockable gates; it is meant to be an "adventure" area with: (i) a small hill; (ii) a lawn space for play; (iii) an open play area featuring rubber paving; and (iv) a wooden deck; and
- Two (2) poor condition trees will be removed and one (1) Japanese Maple tree will be retained.

Staff supports the application, and requested variances, and advised:

- With input from staff and the Advisory Design Panel, the building is residential in character;
- The requested reduced interior side yard is similar to the side yard for single-family homes;
- The requests to reduce the minimum public road parking setback and to permit small car parking spaces are not related to the proposed building, but to parking;
- The reduced landscape width along Heather Street was sufficient to provide screening; and
- The allowance of small car parking spaces would: (i) ensure that on-site manoeuvrability is not compromised; and (ii) provide enough spaces on site to avoid queuing of cars or parking along Heather Street as parents/guardians dropped off, and picked up children.

Heather Street resident, Mr. Raj Johal, addressed the Panel, submitted (i) a letter, (ii) a petition and (iii) photographs, and spoke in opposition to the proposal, including:

- A daycare would increase Heather Street traffic, congestion, and create safety concerns;
- Safety concerns of cars backing out onto the road and blocking traffic;
- The deep ditch at Dolphin Park limits two-way traffic, and a car or child may fall in;
- Dolphin Park is a small park that would have problems if another 60 children played there;
- Sidewalk is only provided half of the west side of Heather Street with limited street lighting;
- The quiet single-family neighbourhood would be negatively impacted by the childcare facility;

- Potential traffic calming measures would not address the fundamental safety problems; and
- What kind of parking would occur along the street.

Dolphin Court neighbour, Ms. Barbara Thomas-Bruzzese, submitted a letter, and spoke in opposition to the proposal, including:

- It was not in the best interest of children to build a child care facility on a street with a ditch;
- The vacant church was small, and the site is not appropriate for a daycare for up to 60 children;
- The facility owners should not use a City park for a large day care group; and
- With the ditch, Heather Street is adequate for one (1) vehicle, not for two-way traffic.

Public correspondence was received regarding the application.

The Chair advised that the project meets the Assembly zoning designation of the subject site.

In response Panel queries, Mr. Massie advised:

- The new neighbouring houses feature few side widows, ensuring minimal impact;
- There is no overlook issue with limited balcony access, and minimal overlook from the deck;
- There will be no change in grade to the north and south lots, which are both higher;
- The new street light on Heather Street will be retained, but relocated slightly;
- The building was specifically designed to equal the scale of other buildings in the area;
- The daycare, on St. Alban's Road, has more children, similar parking, and no street parking;
- Daycare hours are from 7:00 a.m. to 6:00 p.m.;
- The garbage and recycling enclosure is at the south side of the building, with weekly private collection, probably on Saturday to avoid cars parked on site; and
- The Vancouver Coastal Health Community Care Facility Licensing office (CCFL) has reviewed the applicant's plans; has had only one or two comments for the applicant, and the interior space exceeds the CCFL requirement and incorporates a music room.

In response, staff advised:

- Parking on-site meets the bylaw requirement, the parking design is intended to prevent vehicles from backing out onto the street; parents are required to park and enter the building;
- Transportation staff is aware of the traffic speeding concern, and a traffic calming survey will occur during 2011; and measures may be implemented depending on the outcome;
- Transportation staff is comfortable with the size and characteristics of the parking area;
- The adjacent roadway system has the capacity to accommodate the additional traffic;
- The City ultimately plans for a continuous sidewalk to Francis Road with future development, and new sidewalk was constructed through recent rezoning of the property to the south; and

- Extending the sidewalk on the east side of the street adjacent to Dolphin Park would need to be included in the list of annual capital projects.

Discussion ensued among the Panel members, including the following:

- Many questions had been raised; and although staff had investigated the parking, traffic, and safety issues, further consultation with the community was warranted;
- Issues such as: (i) adequacy of the parking plan; (ii) vehicles having to back in/back out; and (iii) accessing Dolphin Park across the road, would benefit from further examination;
- City parks, including small ones, are available to everyone, including daycares; and
- Good work had been done, and the project was worth additional work.

The Panel decided that the Development Permit application be referred back to staff for further:

- (a) Consultation with residents of the neighbourhood; and
- (b) Examination of on-site parking/manoeuvring and pedestrian/vehicle traffic on Heather Street.

At the November 30, 2011 Panel meeting, Mr. Massie provided a brief presentation, including:

- The applicant hosted an Open House meeting attended by seven (7) neighbourhood residents;
- The zoning is intended for larger sites and will not accommodate a building; the request to vary the interior side yard is to enable the site to accommodate a building;
- The request to reduce the minimum public road parking setback is to provide the required parking spaces and to accommodate screening landscape elements to be neighbour-friendly;
- From experience with three (3) daycares in Richmond and parking accumulation; the parking area configuration and vehicle traffic flow for the Heather Street facility will work well; and
- Unlike preschools where there is congestion, typically, arrival and departure for a childcare facility are spread over a two-hour period, such as 7:00 a.m. and 9:00 a.m. for drop off, and 3:00 p.m. to 5:00 p.m. for pick up; so the number of cars should not create a major problem.

Staff supports the application and the requested variances, and advised that:

- If this was single-family development, a larger floor area would be allowed on the subject site, and that the site provides the potential for two (2) residences, each of them large;
- The applicant had addressed Panel's request for consultation with neighbourhood;
- In response to Panel's request for an examination of on-site parking and manoeuvring, as well as pedestrian and vehicle traffic on Heather Street, the subsequent Staff Report advises that parking is adequate, and the surface parking area allows for manoeuvring by vehicles.

Heather Street resident, Mr. Raj Johal, addressed the Panel, submitted a copy of a letter dated July 7, 2011, including a petition and photographs, and spoke in opposition to the proposal, including:

- The building is too big and would impact the liveability of neighbourhood;

- Heather Street is too narrow and should be a one-way street or no street parking at any time;
- The former church was used one (1) day a week, but a childcare centre is used five (5) days a week;
- The ditch is a safety hazard, not appropriate at a park, and neighbours want it covered; and
- The applicant's request for variances imposes on the neighbour to the south of the subject site.

A resident of Dolphin Avenue addressed the Panel and spoke in opposition to the application, due to traffic concern along Dolphin Avenue and Heather Street, a request for one-way streets in the neighbourhood, and that a child care facility for 60 children is too big.

Public correspondence was received regarding the application. Staff noted that the correspondents expressed concern regarding: (i) the narrowness of Heather Street; (ii) the danger of the ditch along Heather Street; (iii) insufficient parking spaces for the proposed facility; and (iv) the effect of a noisy child care facility of a quiet neighbourhood.

In response to Panel queries, Mr. Massie and Mr. Singh provided the following information:

- The 15 parking spaces meet the bylaw requirements; his experience is that staff use public transit, or carpool, and arrival times vary, so 15 spaces is likely more than enough;
- At the Open House meeting, neighbourhood residents were concerned about: (i) Heather Street traffic issues; (ii) changes to the neighbourhood; (iii) the open ditch; and (iv) privacy issues;
- To address privacy, glazed panels were added to the balcony rail to provide sound proofing;
- The facility accommodates 36 toddlers (1 to 3 years old), and 24 children (3 to 5 years old);
- The landscape design changes include: (i) increased amount of a retained hedge; and (ii) hedge infill with a lattice and climbing plants, adding privacy and some sound proofing;
- The size of the proposed building would be roughly the same as a single-family home;
- There are north-facing windows, but they are not aligned with the neighbours windows;
- The surface parking area would be surrounded with six (6) shade trees, hedges, shrubs and a bioswale to help with on-site water detention;
- On the north side of the proposed building a gravel base was proposed with no access, and on the south side of the proposed building, no landscaping elements are proposed; and
- Lattice with vine planting could be added to the fence to provide buffering in the reduced side yards; there may be room for a narrow Evergreen; and the south side yard would need openings for gates and accessibility.

In response to the concerns expressed, Transportation and Planning staff advised:

- A licensed childcare facility falls under Provincial legislation, does not qualify as a school, and the proposal fits within the existing zoning;
- Transportation staff will conduct a survey in the neighbourhood in December, 2011, and if supported by the neighbourhood, traffic calming measures will be implemented in 2012;

- A speed survey conducted in April, 2010, confirmed that speeds on Heather Street exceeded the posted speed limit, and that traffic calming measures could remedy the situation;
- The applicant will complete their fronting sidewalk, to connect to the existing sidewalk;
- On-street parking in front of the subject site is limited due to driveways and fire hydrants;
- There is sufficient space for two (2) cars to pass on Heather Street, but where there are parked cars on the shoulder, room is limited; and
- “No Stopping” signs will be added along the east side of Heather Street. Transportation staff will monitor the need for additional signage along the Heather Street frontage.

The Chair stated that he supports the application, but that prior to the application going forward to a future Council meeting, the applicant should address the side yards, with a combination of structure, plantings, vertical elements, and ensure that the changes meet staff’s satisfaction.

Subsequent to the Panel meeting, the applicant revised the landscape design to include a combination of narrow hedge planting, trellis structures and vine planting to provide screening in the north and south side yards.

The Panel recommended that the Permit be issued.

At the Council meeting of December 19, 2011, Council carried the resolution that the Development Permit be referred back to the Development Permit Panel. At the Council meeting, there was a brief discussion about concerns expressed by residents on Heather Street related to the form and character of the proposal, traffic in the area, and consultation.

At the January 11, 2012 Development Permit Panel meeting, Mr. Massie and Mr. Singh provided a brief presentation, including:

- Neighbour concerns regarding traffic, the lack of sidewalks and the ditch on Heather Street are items beyond the responsibility of the applicant; who has no way of responding to these matters;
- As a typical Richmond street, Heather Street can handle many more cars than it does at present. None of the other daycare centres designed by the firm have created traffic issues, and the volume of cars for the childcare facility will have minimal impact on Heather Street traffic;
- The number of parking spaces meets the City’s zoning bylaw requirement, a variance is requested to allow small car stalls, which is the reason behind the request for the variance;
- The proposed building has been designed to meet Provincial standards for childcare facilities. The proposed design has been reviewed by Vancouver Coastal Health Community Care Facilities Licensing (CCFL), and meets their criteria to obtain a license to provide child care in the proposed building;
- The proposed daycare is a business operation, with no subsidy or funding available from government, and, due to the demand for the service and the demand for quality care, suitable experienced staff must be engaged for the facility. Operators of childcare facilities do not get rich by providing this necessary service;
- Exterior lighting will not project light past the property lines at 8851 Heather Street;

- Regarding the issue of fire hazard, raised by a neighbour, no fire hazard is posed by this project; a fire sprinkler system and a fire alarm system will provide more fire protection to the proposed building than a typical residential home, and the proposed building is designed to meet the current B.C. Building Code, which requires adequate exit facilities. There are no activities that will create a fire hazard;
- The south side deck provides open area for quiet circle-type play and instruction. Active play will occur in the back yard, or in Dolphin Park. The deck features a 5 ft. high metal guard rail with frosted safety glass, which will prevent overlook from the deck and will contain noise;
- There are no windows on the upper floor which overlook the neighbour to the south because of: (i) the high rail on the deck; and (ii) the distance back from the property line. There are no windows at ground level and there is a 6 ft. high fence on the property line;
- Additional Cedar hedging is proposed along portions of the north and south property lines;
- Trellis with Evergreen vine planting will fill in gaps in the hedge on top of the fence; and
- Over time, the Cedar hedges will grow higher than the fence, and will provide noise mitigation.

Staff advised that:

- Concerns raised by the neighbourhood, regarding traffic, parking, and safety issues, were taken very seriously;
- With single-family redevelopment, it is possible that a larger building area would be allowed;
- The requested 1.2 m minimum interior side yard setback variance is identical to the minimum setback acceptable for a single-family residence. The Assembly Zone applies to larger lots, and any assembly use on small lots requires a variance.

Heather Street resident, Mr. Raj Johal, who had also submitted a letter, addressed the Panel in opposition to the proposed development. Mr. Johal requested "No Stopping" signs be installed in front of the subject site to avoid parents parking on the road. Mr. Johal expressed the concerns that the proposed use was a commercial school, the required side yard setback was 7.5 m, and a compromise would be 3 m.

Dolphin Court neighbour, Ms. Barbara Thomas-Bruzzese, submitted a letter, submitted photographs, and addressed the Panel in opposition to the proposed development with the following concerns: (i) the site is not large enough for the proposal; (ii) the building is too large for the street; (iii) Heather Street is narrow, has a ditch, and limited parking; (iv) the yard has been neglected and the building has been stripped; (v) the number of people; (vi) the proposed childcare spaces exceeds the need in the Broadmoor Area; (vii) Dolphin Park has been incorrectly referred to as Heather Park; and (viii) noise.

Mr. Donald Lee addressed the Panel in opposition to the proposed development on behalf of Heather Street neighbour Ms. Alice Chan, who had also submitted two letters. Mr. Lee listed the following concerns: (i) road safety; (ii) ineffectiveness of road signage; (iii) drivers backing out of site and blocking traffic; (iv) noise from children and vehicles; (v) upper floor balcony facing the neighbour's bedrooms; and (vi) low demand for a childcare facility in the area.

Heather Street resident, Mr. Lorne Soo, addressed the Panel in opposition to the proposed development with concerns regarding increased traffic and the progress of the application in light of the neighbours' concerns.

Heather Street resident, Ms. Christine Tu, addressed the Panel in opposition to the proposed development with concerns regarding: (i) narrowness of the street; (ii) lack of sidewalks along both sides; (iii) the open ditch; (iv) the area is not safe for children; (v) parents parking in front of homes; (vi) traffic delays to the resident morning commute; and (vii) noise.

Heather Street neighbour, Ms. Lisa Chan, addressed the Panel in opposition to the proposed development with concerns regarding: (i) the building and outdoor play space were too small for the children; (ii) noise; (iii) the weather was rainy, cloudy and cool; (iv) the open ditch and black ice.

Heather Street resident, Ms. Linda Chen, addressed the Panel in opposition to the proposed development with concerns regarding inadequate parking provision.

A Heather Street resident addressed the Panel in opposition to the proposed development with concerns regarding the petition submitted in July, 2011 and inadequate signage on the subject site.

Heather Street resident, Mr. Miao, addressed the Panel in opposition to the proposed development with concerns regarding: (i) noise; (ii) traffic issues; and (iii) parking issues.

Heather Street resident, Mr. Dave Hay, addressed the Panel in opposition to the proposed development with concerns regarding: (i) lack of parking; (ii) parking lot design and drivers backing out onto the road; (iii) open ditch; and (iv) the viability of Cedar hedging in the side yards.

Heather Street resident, Mr. Chen, addressed the Panel in opposition to the proposed development with concern that the road shoulder turns soft in the rain, and cars could slide into the ditch.

Dolphin Court neighbour, Mr. Jim Bruzzese, addressed the Panel in opposition to the proposed development with concerns regarding: (i) noise mitigation at the rear of the subject site; (ii) what would happen if his fence at the rear of the subject site were damaged; and (iii) parents parking and leaving their cars unattended and idling along Heather Street.

Public correspondence was received regarding the application.

Discussion ensued among Panel members, Mr. Massie and Mr Singh, and the following advice was provided:

- The daycare balcony guardrail is required to be 5 ft. feet high;
- To ensure that children are contained safely on the property: (i) the play area is located at the rear and is contained with fencing and gates; (ii) children are under parents' care at the front of the building; and (iii) there are gates at the top and bottom of the deck area;
- Parents dropping off children would do so on weekdays only, not on weekends, by parking on-site and escorting the children into the building;
- Nine (9) parking spaces were provided for the 12 teachers, which meets the City's and the CCFL's requirements;

- The selected species of Cedar would grow well, with pruning maintenance, in a confined space;
- The play area in the rear was designed to absorb sound with (i) a soft play area surface; (ii) a grassed play area; and (iii) new ground cover planting along the current hedge;
- The existing hedge would be retained, the lower portion of the hedge has been trimmed, and a variety of ground cover elements would be added along the base of the hedge; and
- The informational signage was installed on the site, had gone missing, and was replaced.

In response to the Panel discussion, Transportation staff advised:

- In December 2011, Transportation staff sent a traffic survey to 19 homes in the neighbourhood, asking whether residents were in favour of speed humps as a traffic calming measure. Survey respondents have until Friday, January 20, 2012 to submit responses, and staff will report on the outcome to Council at the Monday, January 23, 2012 Council meeting;
- Parking is permitted on Heather Street, but that there is very little opportunity to park due to: (i) "No Parking" signs on the east side of the street, where the open ditch is located; (ii) driveways; (iii) fire hydrants; and (iv) required clearance from intersections;
- If they alternate, cars going in opposite directions can pass with cars parked on Heather Street; and
- Staff would look into the idea of "No Stopping" signage on Heather Street to discourage parents from parking on the street.

In response to Chair queries, staff advised that:

- A sign was installed that provided information regarding the Development Permit application. The site was zoned "Assembly", and no rezoning was necessary for this application; and
- The request for a parking variance is to increase the number of small parking spaces on the site.

The Chair advised that:

- Photographs indicated that recent pruning had exposed gaps in the hedge. He suggested that the hedge not be pruned any further, and landscaping elements be selected to fill in the gaps;
- The project was contentious, but the mandate of the Development Permit Panel is to examine building form and character, not zoning issues. A childcare facility is a permitted use on the site, and that if the requested variances were rejected, the applicant could still apply for and pursue a childcare facility for the site; and
- The applicant had taken steps to mitigate the impact of the proposed facility.

The Panel advised that:

- They supported the idea to have "No Stopping" signage on Heather Street in order to discourage parents of children from dropping off their children anywhere other than on the subject site;
- No further pruning of the existing hedges take place;
- Communication with neighbours was important;

- The applicant should address the sensitivity of the neighbourhood;
- Transportation staff would be engaged in the traffic issues; and
- The applicant should immediately clean up the subject site.

The Panel decided that it recommended that the Permit be issued after such time as the following conditions be completed before the Development Permit proceed to a meeting of City Council:

- The applicant clean up the site;
- The City's Transportation Department staff review and confirm that the suggested "No Stopping" signage can be installed on Heather Street; and
- The City's traffic survey results in the Heather Street neighbourhood be made available to Council.

Subsequent to the Panel meeting:

- An unknown individual illegally dumped what appeared to be truckloads of construction debris onto the subject site;
- The owner cleaned up the site, including the illegally dumped debris, secured the abandoned building; installed security fencing along the Heather Street frontage, and installed a new replacement sign with information regarding the Development Permit application; and
- Transportation staff confirmed that the suggested "No Stopping" signage will be installed on Heather Street; and
- Transportation staff will provide the survey results at the January 23, 2012 Council meeting.

The Panel recommends that the Permit be issued.