



To: Richmond City Council

Date: April 12, 2024

From: John Irving
Development Permit Panel

File: DP 17-790086

Re: Development Permit Panel Meeting Held on October 25, 2023

Staff Recommendation

That the recommendation of the Panel to authorize the issuance of Development Permit (DP 17-790086) for the properties at 9291 and 9311/9331 No. 2 Road, be endorsed and the Permit so issued.

John Irving
Acting Chair, Development Permit Panel
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Panel Report

The Development Permit Panel considered the following item at its meetings held on October 25, 2023.

DP 17-790086 – JHUJAR CONSTRUCTION LTD. – 9291 AND 9311/9331 NO. 2 ROAD (October 25, 2023)

The Panel considered a Development Permit (DP) application to permit the construction of 12 townhouse units and one secondary suite at 9291 and 9311/9331 No. 2 Road on a site zoned “Low Density Townhouses (RTL4)” with vehicle access provided via 9211 No. 2 Road.

The applicant’s architect, Zubin Billimoria, of DF Architecture, and the applicant’s landscape architect, Joseph Fry, of Hapa Collaborative, provided a brief visual presentation highlighting:

- The proposed development includes 12 townhouse units in five buildings separated by a north-south internal drive aisle.
- The heights of the two front buildings along No. 2 Road step down from three-storeys to two-storeys along the side property lines to provide an appropriate interface with adjacent residential developments.
- Two-storey rear units are proposed along the west property line adjacent to single-family homes.
- The proposal includes two convertible units and one secondary suite.
- The proposed vehicle access to the subject site is through the driveway of the adjacent townhouse development to the north (9211 No. 2 Road), which has an existing Statutory Right-of-Way registered over its drive aisle to provide shared vehicle access to the subject site.
- A garbage, recycling and organic waste enclosure is incorporated into Building 1 at the northwest corner of the subject site.
- A centrally located common outdoor amenity space is provided for the subject site.
- A walkway is proposed from No. 2 Road to provide direct pedestrian access to the internal drive aisle through the common outdoor amenity space.
- Grade changes are proposed along the edges of the subject site to provide an appropriate interface with existing residential developments; however, there will be no grade changes along the west property line and on the southeast corner to protect trees identified for retention.
- The proposed architectural style and materials palette fit well with the neighbourhood context and provide visual interest.
- Fencing, planting, and retaining walls are proposed to differentiate private and public areas in the subject site and to provide privacy to adjacent residential developments.
- Drought tolerant planting is proposed.
- The existing grade is maintained along the Statutory Right-of-Way on the west property line and on the southwest corner to provide an appropriate interface with the adjacent single-family homes and to protect existing trees identified for retention.

- The significant English Oak tree located on the No. 2 Road frontage will be retained and protected and amenity features will be incorporated around the tree and integrated with the proposed children's play area.

Staff noted that (i) the development includes two convertible units and one ground level secondary suite, (ii) the proposed buildings have been designed to comply with the BC Energy Step Code Level 3 with Low Carbon Energy System, (iii) there is a Servicing Agreement associated with the project for utility and servicing connections and frontage improvements along the No. 2 Road frontage, and (iv) the applicant has taken significant measures to retain the English Oak tree along No. 2 Road.

In reply to queries from the Panel, the applicant noted that (i) there is a grade change from the finished floor elevation of the rear units to the west property line and retaining walls are proposed in the backyards of these units, (ii) the proposed garbage, recycling and organic waste station is fully enclosed with a roof on top and is integrated with Building 1, (iii) there is a fire separation wall between the garbage, recycling and organic waste enclosure and Unit A of Building 1, (iii) the solid wood fence along the north property line will provide screening for the garbage, recycling and organic waste enclosure, (iv) there is adequate manoeuvring space for the garbage truck along the internal drive aisles on the subject site and on the adjacent townhouse development to the north, (v) a new fire hydrant along the internal drive aisle will be installed in addition to the existing fire hydrant in front of the entrance to the pedestrian walkway along No. 2 Road, and (vi) the project's Fire Truck Access Plan has been submitted to the City's Fire Department.

Winton Lo, (9211 No. 2 Road) delegated to the panel and expressed concern regarding the shared use of their drive aisle with the proposed development to the south, the legal fees with respect to the proposed legal agreement on the shared use of the drive aisles and cost sharing for their maintenance, and gaps in communication between the two parties to the proposed agreement.

In reply to concerns from the delegate member from the project team noted that their legal counsel had communicated with the neighbouring strata several times as per the City's advice to discuss the shared use of the drive aisles with the neighbouring strata and will continue to work with the neighbouring strata.

Rajan Cheema, (9211 No. 2 Road) delegated to the panel and expressed concern regarding funding for the legal fees incurred by their strata council, the safety of children playing as a result of the shared use of the drive aisles, and the rationale for the proposed development not having their own driveway access to/from No. 2 Road.

In reply to concerns from the delegate, staff noted that it is City policy to reduce the number of driveway access to major arterial roads in order to lessen the number of vehicular conflict points along the City's arterial roads, at the time of rezoning for the property at 9211 No. 2 Road, a Statutory Right-of-Way was registered that would grant vehicle access to the subject site, the SRW was registered on the common property and individual titles of all the units at 9211 No. 2 Road, the shared use for the drive aisles was envisioned at time of rezoning of the subject property and the property at 9211 No. 2 Road, and the City's Transportation Department has reviewed the proposed development and noted that the drive aisle at 9211 No. 2 Road is sufficient for shared use and safe for two-way vehicle traffic.

Further discussion ensued regarding the impact of shared driveway access for the adjacent property to the north at 9211 No. 2 Road with the proposed development and as a result of the discussion, staff were advised to refer Mr. Cheema to the City's Transportation staff for a more detailed response.

Yatsun Chan, 9326 Laka Drive, submitted correspondence expressing concerns related to the excessive height and growth of trees along the west property line of the subject site that encroach into his backyard. In reply to the concerns, Staff noted that the hedgerow along the shared property line has been identified for retention and protection and its maintenance is a shared responsibility of the developer of the proposed development and the owners of the adjacent properties to the west.

Francis Chan, 9211 No. 2 Road, submitted correspondence expressing concerns related to the shared use of their drive aisle with the proposed development to the south, the legal fees with respect to the proposed legal agreement on the shared use of the drive aisles and cost sharing for their maintenance, and gaps in communication between the two parties to the proposed agreement. In reply to the concerns expressed, Staff noted that the concerns expressed by Mr. Chan have already been discussed in the meeting.

Rajam Cheema, 9211 No. 2 Road, submitted correspondence expressing interest in speaking at the Panel meeting.

The Panel expressed support for the proposal, noting that (i) the design of the project is well thought out, (ii) the form and character of the project fit well with the neighbourhood, and (iii) the applicant's efforts to provide appropriate interface with adjacent developments through site grading are appreciated.

In addition, the Panel encouraged the applicant and the neighbouring strata to continue with their negotiations for a legal agreement on the shared use of driveways. Also, the Panel noted that the applicant needs to ensure that the proposed heat pumps are appropriately located to avoid potential noise pollution.

The Panel recommends the Permit be issued.