



To: Development Permit Panel

Date: March 11, 2004

From: Raul Allueva
Director of Development

File: DP 03-244883

Re: **Application by James Lee, Architect, for a Development Permit at
8711 Alexandra Road**

Staff Recommendation

That a Development Permit be issued for 8711 Alexandra Road that would:

1. Allow a 880.6 m² (9,480 ft²), three-storey Karaoke building on a site zoned Automobile-Oriented Commercial District (C6) with a shared parking arrangement on a neighbouring site (8740 Alexandra Road) for a minimum of 31 parking spaces; and
2. Vary the regulations in the *Zoning and Development Bylaw* to:
 - Reduce the required road setback from 6.0 m to 2.7 m on Alexandra Road and to 5.8 m on Sorensen Crescent;
 - Reduce the minimum required rear yard setback for a three-storey building adjacent to the residential zoning district to the north (R 1/E) from 25.0 m to 14.8 m for the second floor only;
 - Reduce the manoeuvring aisles from 7.5 m to 6 m; and
 - Increase the allowable number of small car spaces from 30% (14 stalls) to 48% (22 stalls).


Raul Allueva
Director of Development

CA:blg
Att.

Staff Report

Origin

The Development Permit Panel recommended denial of this development application to construct a Karaoke entertainment building at the corner of Alexandra Road and Sorenson Crescent when it was last referred on January 14, 2004. Subsequent to the Panel decision, the applicant has made several meaningful changes to the application to address the concerns raised by the Panel and the public. Council reviewed this application on March 8, 2004 and referred it back to the Development Permit Panel for further consideration. A copy of the previous staff report is attached for your reference (**Appendix I**).

The key issues that prompted the previous denial included the following:

- The lack of secure arrangement for 31 required off-street parking spaces on the subject site or within 150 m of the proposed development;
- The proposed rear setback variance (from 25 m to 12.4 m) requested; and
- Concerns expressed by adjacent residents regarding potential privacy conflict and security.

Staff worked with the applicant to address these concerns. This staff report will concentrate on the negotiated changes since the last Development Permit Panel submission:

1. Off-site Parking Arrangement

The applicant has procured a formal lease agreement, with a 10 year term, with the property located at 8740 Alexandra Road. The shared parking arrangement allows the karaoke to use up to 40 existing parking spaces at 8740 Alexandra Road between 9 pm and 5 am when the daycare is not in operation and during non-peak hours for the café. The lease, which includes the City as a signatory, will protect against any change in use or redevelopment of the site at 8740 Alexandra Road which affects the parking area covered by the lease. The terms and conditions of the lease have been reviewed and found acceptable by the City Solicitor (**Appendix II**). The off-site parking is located to the southeast of the site across Alexandra Road, and is shown on **Appendix IV**.

In addition, the owner of the site is prepared to register a Restrictive Covenant (**Appendix III**) on the project site, which includes the following restrictions:

- City of Richmond will be notified by the Land Title Office of any attempt to discharge the covenant to ensure that the covenant cannot be discharged without the City's consent;
- The Karaoke operator agrees that he will operate only if sufficient parking is provided (i.e. if the current lease expires and the off-site parking provider does not want to renew, the Karaoke operator has to find an alternate site to provide the required parking); and
- The Karaoke operator agrees that he will not convert the building to a restaurant or other use without providing parking in compliance with the parking, loading and all other applicable provisions in the Zoning Bylaw.

The proposed C6 Zone permits a range of commercial and light industrial uses, including retail and office, and will allow re-use of the karaoke building once the lease expires and/or the karaoke use is terminated, base on the existing parking and loading that are available on site.

2. Setback Variances

The siting of the building has been improved by increasing the rear yard setback from 12.4 m to 14.8 m. (Note: for this section only, staff comments on the variances are notated in ***bold italics***). Section 236.4 of the C6 Zoning Bylaw stipulates the following:

236.4 MINIMUM SETBACKS FROM PROPERTY LINES

.01 Road Setbacks: 6 m (19.685 ft.).

(The applicant has shifted the building to the south and away from the residential lot to the north in response to the neighbourhood concerns. This results in a front yard setback of 2.7 m (9.2 ft.). Staff supports this variance. It is desirable from an urban design perspective to bring the building closer to the street to provide animation and create a better interface with the streetscape in a City Centre location. In addition, the proximity to the street allows for convenient surveillance for crime prevention and safety).

.02 Side & Rear Yards:

- (a) A building shall not be located closer to the boundary line of a zoning district which permits residential use than

For One-Storey: 3 m (9.8 ft.)

For Two-Storeys: 7.5 m (24.6 ft.)

For Three-Storeys: 25 m (82.0 ft.)

(While the proposed building is technically considered as a three-storey building thus requiring a setback variance, the proposed building actually steps down from three-storeys in the front of the site (Alexandra Road) to two-storeys towards the rear. By relocating the building forward as noted above, the proposed building will have a minimum setback of 14.8 m (48.6 ft.) to the two-storey portion and 25 m (82.01 ft.) to the three-storey portion).

3. Interface With Neighbours-Privacy and Security

The neighbouring residents who attended the previous Development Permit Panel meeting noted that they are presently experiencing some negative impact from some of the existing late night businesses in the area already and are concerned that the proposed Karaoke will exacerbate the situation. In particular, residents have raised the following concerns:

- Patrons using the vacant site to the west at 8631 Alexandra Road for parking;
- Impact of other associated late night activities (headlights shining into the homes to the north, littering, noise and undesirable behaviour, etc.);
- Site security; and
- Potential noise, overlook and privacy conflicts related to late night use of the proposed roof deck on the second floor (concerns also raised by RCMP at ADP).

It is noted that some of these issues (i.e. uses of adjacent site at 8631 Alexandra) are beyond the control of the operator of the proposed Karaoke. However, the applicant is proposing the following mitigation measures on the subject site to alleviate the valid concerns:

- The increased building setback will improve the privacy;
- The Karaoke will have security staff on site during the operating hours of the Karaoke to monitor the parking lot and the Karaoke building;
- Security cameras with 24 hour monitoring services will be provided within the building and through out the site as additional safety measures;
- The design has incorporated Crime Prevention Through Environmental Design (CPTED) principles such as inclusion of appropriate amount of lighting and provision of natural surveillance opportunities to minimize opportunities for crime and to improve the sense of safety;
- The height of the hedge along the rear (north) property line has been increased from 2 m (6 ft.) to 4 m (12 ft.) at planting in addition to the proposed 6 ft. high fence to improve privacy screening for the adjacent neighbours;
- The applicant has redesigned the second storey roof to address privacy and security concerns by providing only one access for maintenance purposes only, eliminating all seating areas and using the area for planting only to reduce impervious surface. This will enable the roof to maintain its function as a “green roof (achieves environmental objectives of improving infiltration and slowing the flow of stormwater) and eliminate human activities except for maintenance purposes; and
- The applicant has attempted to contact the property owner (who resides overseas) without success to discuss mitigation measures. Nevertheless, the applicant has committed in writing, at his cost, and with the consent of the property owner at 8631 Alexandra Road, to install concrete barriers along the existing vehicular entrances to 8631 Alexandra Road to discourage the use of the site for unlawful parking.

Conclusions

Staff note that the zoning of the site permits the proposed use, and that the magnitude of variances requested have been reduced considerably. The applicant has taken reasonable steps to address concerns raised at the previous Development Permit Panel meeting, including issues related to off-site parking and mitigation of resident concerns related to privacy and security. Staff, therefore, recommend that the Development Permit Panel approve this Development Permit application.



Cecilia Achiam
Urban Design Planner
(Local 4122)

CA:blg

The following conditions are required to be met prior to forwarding this application to Council for approval:

- A Letter of Credit for \$18,958 to cover landscaping will be required.

- Registration of the Restrictive Covenant prohibiting the building from being used as a restaurant or any other commercial use unless additional parking is provided as per the Zoning Bylaw (Note: the RC cannot be discharged without consent from the City of Richmond); and
- Registration of the lease for off-site parking to ensure a total provision of 31 off-site parking spaces. (Note: the lease cannot be discharged without consent from the City of Richmond).

Prior to issuance of the Building Permit:

- The developer is to enter into the City's standard Servicing Agreement to design and construct beautification frontage works along Alexandra Road; and
- Fences must be erected around all retained trees (including street trees).



City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Development Permit Application
Development Applications Department

(604) 276-4000 Fax (604) 276-4052

Please submit this completed form to the Zoning counter located at City Hall. All materials submitted to the City for a *Development Permit Application* become public property, and therefore, available for public inquiry.

Please refer to the attached forms for details on application attachments and non-refundable application fees.

Property Address(es): 8711 ALEXANDRA ROAD, RICHMOND, BC

Legal Description(s): LOT 27 EXCEPT NORTH 120 FEET SECTION 33
BLOCK 5 NORTH RANGE 6 WEST PLAN 6979. N.W.D.

Applicant: JAMES LEE, MAIBC JLA ARCHITECTURE

Correspondence/Calls to be directed to:

Name: JAMES LEE / DANIEL SUN

Address: 1728 W. 58th AVE, VANCOUVER, B.C.

CANADA

V6P 1W9
Postal Code

Te. No.: 604 266-1728

604 260 1728

Business

jameslee architects @ hotmail.com

Residence

604 267-1748

E-mail

Fax

Property Owner(s) Signature(s): X

Wen Sung, WLL

WEN SUNG, WLL
Please print name

or

Authorized Agent's Signature: _____

Attach Letter of Authorization

Please print name

For Office Use

Date Received: Aug 18/03

Application Fee: 2550 -

File No.: 103-244083

Receipt No.: 15-0036573

Only assign if application is complete



City of Richmond
Urban Development Division

Development Permit

No. DP 03-244883

To the Holder: JAMES LEE, ARCHITECT
Property Address: 8711 ALEXANDRA ROAD
Address: C/O 1728 WEST 58TH AVENUE
VANCOUVER, BC V6P 1W9

1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development 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 or supplemented as follows:
 - a) The dimension and siting of buildings and structures on the land shall be generally in accordance with Plan #1a-1d attached hereto.
 - b) The siting and design of off-street parking and loading facilities shall be generally in accordance with Plan #1b & 1c attached hereto.
 - c) Landscaping and screening shall be provided around the different uses generally in accordance with the standards shown on Plan #3a & 3b attached hereto.
 - d) Roads and parking areas shall be paved in accordance with the standards shown on Plan #1a attached hereto.
 - e) Sanitary sewers, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
 - f) Subject to Section 692 of the Local Government Act, R.S.B.C., the building shall be constructed generally in accordance with Plans 2, 4 - 6 attached hereto.
4. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that the landscaping is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived. If the existing tree that has been identified for retention dies as a result of construction activity, the City may cash the Letter of Credit for the value of the tree or request replanting as appropriate.

Development Permit

No. DP 03-244883

To the Holder: JAMES LEE, ARCHITECT
Property Address: 8711 ALEXANDRA ROAD
Address: 1728 WEST 58TH AVENUE
VANCOUVER, BC V6P 1W9

There is filed accordingly:

An Irrevocable Letter of Credit in the amount of \$ 18,958 for the site landscape construction.

5. 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.
6. 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 and the security shall be returned in full.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
DAY OF , .

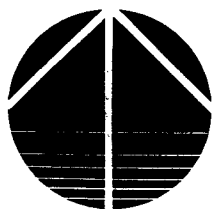
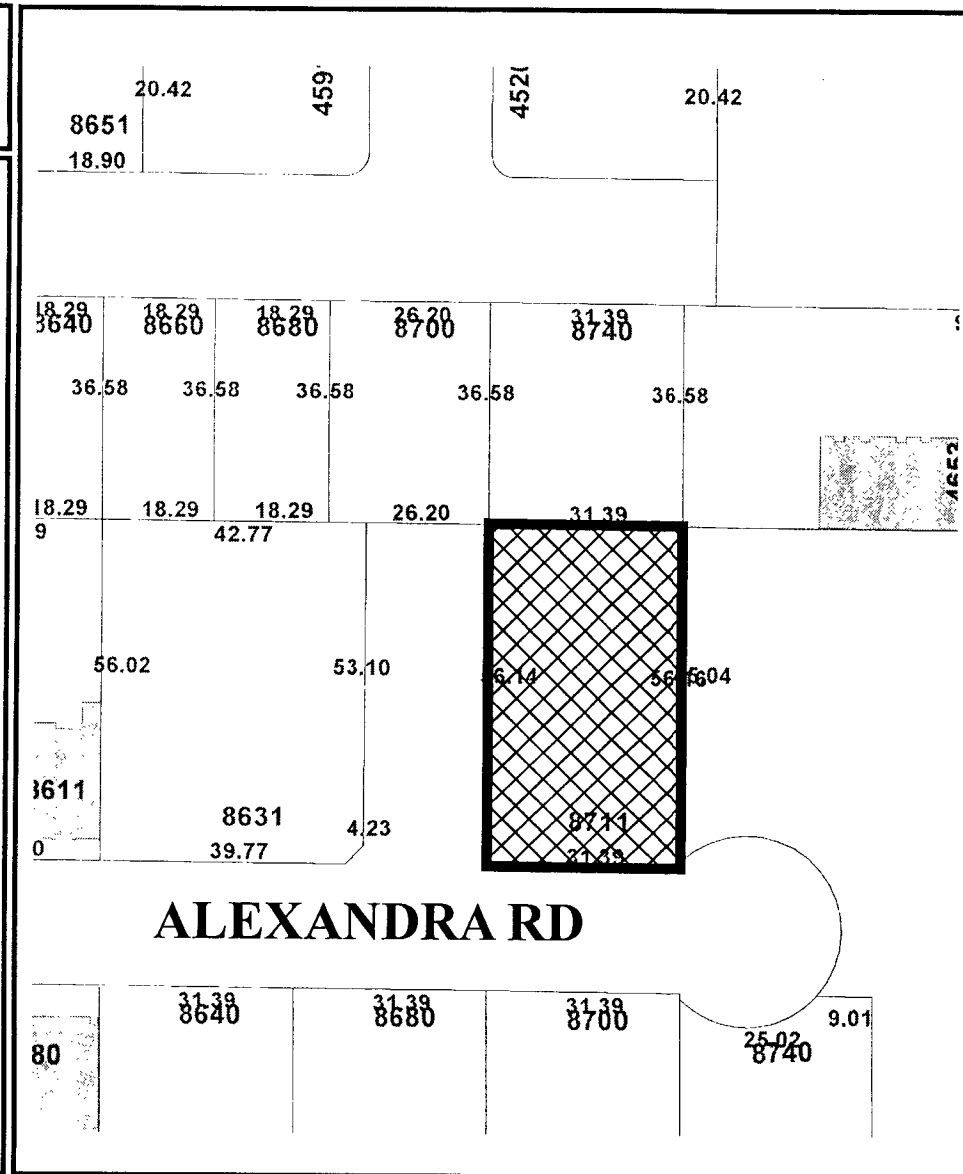
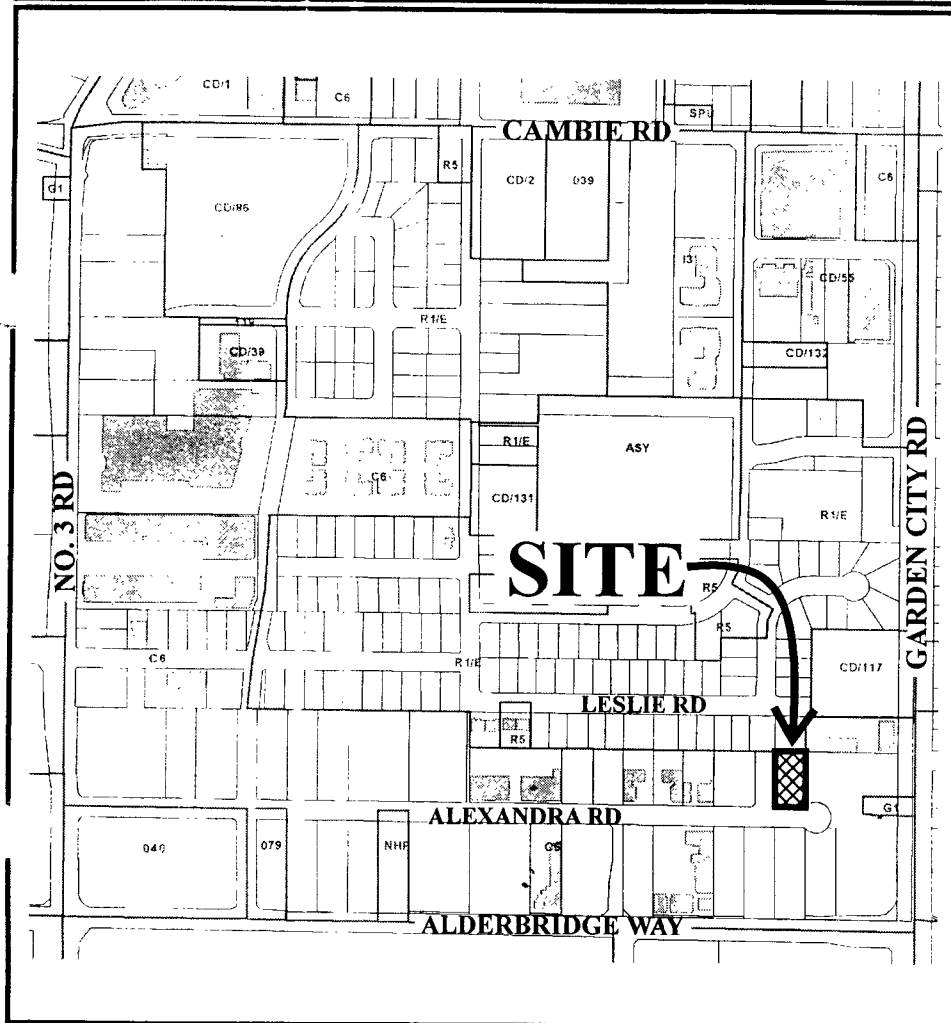
ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF , .

MAYOR



City of Richmond



DP 03-244883
SCHEDULE "A"

Original Date: 09/05/03

Revision Date:

Note: Dimensions are in METRES



City of Richmond
Urban Development Division

Report to Development Permit Panel

To: Development Permit Panel
From: Holger Burke
(Acting) Manager, Development Applications
Date: January 9, 2003
File: DP 03-244883
Re: Application by James Lee, Architect, for a Development Permit at 8711
Alexandra Road

Manager's Recommendation

That a Development Permit be issued for 8711 Alexandra Road that would:

1. Allow a 880.6 m² (9,479.6 ft²), three-storey karaoke building on a site zoned Automobile – Oriented Commercial District (C6); and
2. Vary the regulations in the *Zoning and Development Bylaw* to:
 - reduce the road setback from 6.0 m to 5.0 m on Alexandra Road and to 5.8 m on Sorensen Crescent;
 - reduce the rear yard setback from 25.0 m to 12.4 m adjacent to the residential zoning district to the north;
 - reduce the manoeuvring aisles from 7.5 m to 6 m; and
 - allow 48% of the parking spaces on-site (22 stalls) to be for small cars.

A handwritten signature in black ink, appearing to read "H. Burke".

Holger Burke
(Acting) Manager, Development Applications

JE:ajl
Att. 1

Staff Report

Origin

JLA Architecture, on behalf of Wen Sung Wu, has applied for a Development Permit to construct a Karaoke entertainment building at the corner of Alexandra Road and Sorenson Crescent. The project will have vehicular access from both Alexandra Road and Sorenson Crescent.

A copy of the development application filed with the Urban Development Division is appended to this report.

Development Information

Site Area:	1,761.2 m ² (18,958 ft ² .)
Building Area:	880.6 m ² (9,479 ft ² .)
Site Coverage:	50% Allowed 30% Proposed
F.A.R.:	0.50 Allowed 0.50 Proposed
Parking:	76 Spaces Required* see Urban Development-Transportation analysis 45 Space Proposed (including 22 or 48% small car spaces)

Findings of Fact

Applicable guidelines for form and character for Development Permits are:

- Schedule 1 and Schedule 2.10 of Bylaw 7100, the Official Community Plan, and in particularly the City Centre Area Plan.

Development surrounding the subject site is as follows:

- Single-family residential development to the north, and
- Existing commercial developments to the east, west and south.

Staff Comments

Urban Development - Design

The proposed building contributes to the eclectic collection on this street and the use will likely contribute to the festive atmosphere of "restaurant row".

The proposed variances for the road setbacks to Alexandra Road and Sorensen Crescent, the rear yard setback to the existing residential development to the north, the manoeuvring aisle widths and amount of small car spaces are predicated by the proposed organic form of the proposed building. Staff supports these variances provided that in consideration of the retention of the existing Birch tree on the north side of the property and the screening provided to the adjacent properties by the existing

trees and the proposed landscaping along the north and west perimeters of the site. Norm Hol, a registered arbourist has been retained to supervise tree protection and to monitor/inspect during construction.

ANALYSIS OF THE CITY CENTRE GUIDELINES

The following is a summary of the guidelines, with only areas of non-compliance discussed in *bold italics*.

4.3 General Design Considerations

4.3.1 Public Amenity: Contribute to the establishment of a “complete community”.

- ☐ Safety in design should provide for surveillance, territoriality, effective lighting, and increased security around potential crime targets. ***Note Design Panel comments regarding surveillance and access to the roof deck.***

4.3.2 Environmental Factors: Enhance liveability of the public and private realms.

- ☐ Weather protection should be designed to enhance pedestrian comfort and activity: ***The building setback and the curved form of the building make it difficult to provide weather protection in the form of awnings/canopies for pedestrians along the sidewalk. However, a double row of street trees has been proposed to provide shade from the sun.***

4.4 Land Use-Specific Design Considerations

- ☐ Bicycle parking and end-of-trip facilities must be provided: ***Consideration to be given to provide a shower/locker room for employees as the applicant has indicated that the employees will be encouraged to use alternative means of transportation to maximize parking availability for customer use on site.***

Urban Development - Transportation*

Council has endorsed recommendations of the City Centre North Transit and Transportation Task Force in November 2003, which included a recommendation that “*new developments must provide sufficient parking for their own uses.*” As this application was in process prior to this endorsement, staff are prepared to consider alternative arrangements to facilitate the proposed development. The Transportation Department staff have reviewed the parking study dated October 5, 2003 (draft) and has concern that the proposed parking would not be adequate based on the surveys conducted by the applicant’s consultant on similar developments in Richmond. Upon further discussion with the applicant, Transportation Department staff revised the required number of parking spaces should be 76 stalls based on occupancy of 166 people (as per the Building Code analysis).

The applicant has committed to the registration of restrictive covenants, easements and/or leases (between the owners of the proposed development site, the owner(s) of the site(s) providing the additional required off-site parking, noting that the covenant cannot be discharged without the City’s consent) to secure permanent parking on adjacent sites. The covenants must be registered before issuance of the building permit. The total number of parking spaces provided is 76.

Building Approvals

Building Department staff requested a detailed code analysis addressing spatial separation, interconnected floor, exiting disabled accessibility, fire alarm, occupant load, etc., as well as clarification on whether the building will have sprinklers. *The applicants have submitted a code analysis. Interconnected floor space will have sprinklers.*

Advisory Design Panel

The Panel supported the project to proceed subject to the above noted comments. The notable objection to the project was the safety issue associated with the roof top deck and the parking level. The key comments of the Panel were as follows:

- Ensure good lighting in the parking areas.
- Provide good visibility to all areas of the lot. Landscaping at the perimeter on Alexandra Road and Sorenson Crescent should not conceal views into, or out of, the lot.
- Glass should be used at the entrances to the stairwells and all stairwell doors and the elevator lobby to allow users to see what is on the other side before they exit or enter the area.
- The third level roof deck has the potential for serious negative activities to occur due to its lack of visibility and surveillance opportunities from interior to exterior. There is only one entrance and exit, which makes the deck an entrapment area. The entire deck is also concealed from all directions: There is no opportunity for natural surveillance. The “night club” atmosphere may encourage that the deck area could be used for illegal drug use, fighting, sexual assault and other abnormal behaviour. Because of the design and location of this deck, it is at a very high risk for serious criminal behaviour to occur.
- The use of English Ivy was not recommended due to its invasive tendencies.
- A change to hardiplank would not be supported due to the less elegant form and the precedent that would be set for future similar projects. Metal panel cladding material was preferred.
- Universal accessibility considerations include the provision of a ramp to the dance floor; separation of accessible washroom/staff change room; provision of door widths in accordance with Building Code; provision of the adequately sized handicapped parking stalls and clarify the number of parking stalls proposed.
- Some Building Code issues required attention.

In general, the applicant has satisfactorily responded to the comments of the Design Panel, except that the roof deck will still be accessible to patrons, and the benches have not been removed.

Analysis

The proposed development is unique in function as a “single purpose” karaoke building. The innovative building form and interior layout allows supervision of the individual rooms from a central location on each of the floors. The exterior of the proposed building is generally of high quality and the retention of the large birch tree on the north side of the site is commendable.

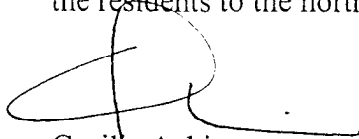
The road and rear yard setback and manoeuvring aisle variances are supportable. There is ample screening to protect the view and privacy of the adjacent residential development to the north afforded by the retention of the birch tree, the existing trees on the adjacent sites and the proposed landscaping along the rear. The front yard relaxation enabled the retention of the birch tree. The manoeuvring aisle reduction varies, with the narrowest one being 20' at the rear of the building. The internal vehicular circulation has been limited to one-way traffic in most part. The smaller aisles have proven adequate in other similar situations.

Parking for karaoke use is not specified in the Zoning By-law. Staff and the applicant have compromised to establish a requirement of 76 spaces to be provided on and off site. The reduced number of the required parking space is supported partially in consideration that the Zoning By-law does not cover karaoke use and thus leaves the parking requirement up to interpretation. The most comparable uses to karaoke are food catering establishment, which requires 10 spaces for each 100 sq. m. (1,076.43 sq. ft) and commercial, which requires 3 spaces for each 100 sq. m. (1,076.43 sq. ft.). Based on these uses, the parking requirement for the proposed development lies somewhere between 89 and 36 spaces. The applicant has demonstrated the intent to register the necessary restrictive covenants, easements and or leases to secure the additional parking spaces off site. In addition, staff support an increase of the on-site small car ratio from 30% to 48% in consideration of the physical constraints of the building footprint and location of the structural columns and elements of the proposed building. The off-site parking conforms to the small-car ration requirement of the Zoning By-law.

The Design Panel had some specific concerns about surveillance of the roof deck that has not been fully addressed by the applicant.

Conclusions

Staff recommend that the Development Permit Panel approve this development application subject to compliance with the Design Panel recommendations to minimize opportunities for crime nuisance to the residents to the north and maximize personal safety for the patrons.



Cecilia Achiam
Urban Design Planner

AJ1/CA: ajl

There are conditions to be met prior to forwarding this application to Council:

- A Letter of Credit for landscaping will be required.

Prior to issuance of the Building Permit:

- The developer is to enter into the City's standard Servicing Agreement to design and construct beautification frontage works along Alexandra Road,
- Fences must be erected around all retained trees (including street trees),
- Covenant prohibiting the building from being used as a restaurant unless additional parking is provided as per the bylaw, and
- Registration of restrictive covenant, easement and/or lease for off-site parking to ensure a total provision of 76 parking spaces including 45 spaces on site and 31 off site. (Note: The off-site parking restrictive covenant cannot be discharged without consent from the City of Richmond).

THIS AGREEMENT made as of the 1st day of March, 2004.

BETWEEN:

PAN-CAN IMPORT EXPORT LTD., a company
incorporated under the laws of the
Province of British Columbia with an
office located at 308 - 650 West 41st
Avenue, Vancouver, British Columbia
V5Z 2M9

(the "Lessor")

AND:

CANADIAN UNI-TOP ENTERPRISES CO. LTD., a
company incorporated under the laws of the
Province of British Columbia with its
registered and records office located at
200 - 1948 West 4th Avenue, Vancouver,
British Columbia V6J 1M5

(the "Lessee")

AND:

CITY OF RICHMOND, a city incorporated
under the Local Government Act and having
its offices located at 6911 No. 3 Road,
Richmond, British Columbia, V6Y 2C1

(the "City")

WHEREAS:

A. The Lessor is the owner of that certain parcel of
tract of land and premises municipally known as 8740 Alexandra
Road, Richmond, British Columbia and more particularly
described as follows:

Parcel Identifier: 023-087-897

Lot A
Sections 33 and 34
Block 5 North
Range 6 West
New Westminster District
Plan LMP23620

(the "Lands");

B. The Lessor has constructed a shopping mall on the Lands with 40 parking spaces (the "Parking Spaces").

C. The Lessor has agreed to lease to the Lessee the Parking Spaces.

NOW THEREFORE WITNESSETH THAT in consideration of the rents, covenants conditions and agreements hereinafter respectively reserved and contained, the Parties hereto have agreed as follows:

1. The Lessor hereby leases to the Lessee, during the times set out in paragraph 2, the Parking Spaces for a term of 10 years (the "Term") commencing from the 1st day of March, 2004 and ending on the 28th day of February, 2014.

The Lessee shall pay to the Lessor during the Term rent of SIXTY THOUSAND DOLLARS (\$60,000) Dollars of lawful money of Canada payable in equal monthly instalments of FIVE HUNDRED DOLLARS (\$500) payable in advance at such place as the Lessor may by notice in writing direct, on the first day of each and every month of the Term.

2. During the Term, the Lessee shall have use and access to the Parking Spaces daily from 9 p.m. to 9 a.m. of the following day.

3. The Lessor shall be responsible for:

- (a) payment of property taxes relating to the Parking Spaces;
- (b) snow-removing, cleaning and maintaining the Parking Spaces;
- (c) the cost of insurance including public liability insurance and fire and related usual hazard insurance, including earthquake insurance; and
- (d) all taxes, rates, levies, charges, rents, assessments, statute labour, or other impositions whatsoever, rated, charged, assessed or imposed no matter by whom or by what authority or howsoever on the Parking Spaces.


4. The Lessee covenants with the Lessor:
- (a) Not to use the Parking Spaces nor allow them to be used for any purpose or business other than for the parking of motor vehicles;
 - (b) Not to assign without leave and will not sublet without leave from the Lessor, such leave may be unreasonably withheld, and will not grant any rights of occupancy;
 - (c) To indemnify and save harmless the Lessor from and against all and all manner of claims for liens for wages or materials, or for damage to persons or property, caused by the making of or arising in connection with the use of the Parking Spaces;
 - (d) To peaceably surrender and give up possession of the Parking Spaces without notice from the Lessor at the expiration or sooner determination of this Lease, any right to notice to quit or vacate being hereby expressly waived by the Lessee, any law, usage or custom to the contrary notwithstanding;
 - (e) To abide by and comply with all lawful bylaws, rules and regulations of every municipal or other authority which in any manner relate to or affect the use of the Parking Spaces, and to indemnify and save harmless the Lessor from all charges, damages or costs to which the Lessor may be put or suffer by reason of the breach by the Lessee of any such bylaw, rule or regulation.
5. The Lessor covenants with the Lessee:
- (a) For quiet enjoyment.
 - (b) To maintain at all times a general customer parking area on the Lands suitable for the parking of automobiles, and to keep the said area reasonably free of litter, dirt, snow and ice;
6. The Lessor hereby grants the Lessee the right of free access, ingress to and egress from the Lands for the purpose of using the Parking Spaces.

7. If the Lessee duly and regularly pays the said rent, and observes and performs all and every of the covenants, provisos and agreements herein and on the part of the Lessee to be paid, observed and performed, the Lessor will at the expiration of the Term (upon the written request of the Lessee mailed by prepaid registered mail addressed to the Lessor, no later than three months before the expiration of the Term) grant to the Lessee a renewal lease of the demised premises for a further term of 5 years at a basic rent to be agreed upon or determined by arbitration before a single arbitrator under the provisions of the Arbitration Act. The said renewal lease shall be subject to the same covenants, provisos and agreements as are herein contained save and except this covenant for renewal.

The expense of any such arbitration shall be borne equally between the parties hereto but any such renewal lease shall be prepared by and at the sole expense of the Lessee. Any such renewal lease shall contain a stipulation for additional rent at the same rate and on the same terms as hereinbefore provided.

8. In case the Lessee shall become insolvent or bankrupt or make any assignment for the benefit of creditors, or being an incorporated company if proceedings be begun to wind up the said company, or in case of the non-payment of rent, whether basic rent or any additional rent payable hereunder, at the times herein provided, or if the Lessee shall fail to observe or perform any of the covenants and conditions herein contained and on its part to be observed and performed or be used for any other purpose than as hereinbefore provided without the written consent of the Lessor, this Lease shall, at the option of the Lessor, cease and be void and the Term expire and be at an end, anything hereinbefore to the contrary notwithstanding, and the then current month's rent and three months' additional rent shall thereupon immediately become due and payable and the Lessor may without notice or any form of legal process, re-enter and take possession of the demised premises as though the Lessee or its servants or other occupants of the demised premises were holding over after the expiration of the Term and the Term shall be forfeited and void.

9. If the Lessee shall hold over the expiration of the Term hereby granted and the Lessor shall accept rent, the new tenancy thereby created shall be deemed to be a tenancy from month to month and not a tenancy from year to year and shall be subject to the covenants and conditions herein contained so far as the same are applicable to a tenancy from month to month.



Name: _____

Name: _____

LAND TITLE ACT
FORM C (Section 233)
Province of British Columbia
GENERAL INSTRUMENT - PART I (This area for Land Title Office use)

Page 1 of 5

1. **APPLICATION:** City of Richmond, 6911 No. 3 Road, Richmond, B.C. V6Y 2C1 ((604) 276-4201)

File:

Linda Graham/Authorized Agent

2. **PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:**
(PID) **(LEGAL DESCRIPTION)**

011-096-748

LOT 27 EXCEPT NORTH 120 FEET, SECTION 33, BLOCK 5 NORTH
 RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 6979

3. NATURE OF INTEREST:	Document Reference	
Description	(Page and Paragraph)	Person Entitled to Interest
Section 219 Covenant	Pages 3 to 4	Transferee/s

4. **TERMS:** Part 2 of this instrument consists of (select one only)

- | | |
|---------------------------------|--|
| (a) Filed Standard Charge Terms | <input type="checkbox"/> D. F. No. |
| (b) Express Charge Terms | <input checked="" type="checkbox"/> Annexed as Part 2 |
| (c) Release | <input type="checkbox"/> There is no Part 2 of this instrument |

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. **TRANSFEROR(S):** CANADIAN UNI-TOP ENTERPRISES CO. LTD (Incorporation No. 413991)
 200 – 1948 West 4th. Avenue, Vancouver, B. C. V6J 1M5

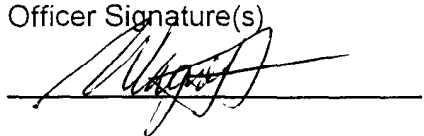
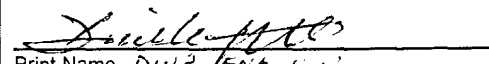
6. **TRANSFeree(S):** CITY OF RICHMOND, a City Incorporated under the *Local Government Act*, and
 having its offices at 6911 No. 3 Road in the City of Richmond, Province of British Columbia, V6Y 2C1

Cont'd

FORM C Continued

7. ADDITIONAL OR MODIFIED TERMS: N/A

8. **EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the property of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)  _____ _____ _____	Execution Date			Party(ies) Signature(s) CANADIAN UNI-TOP ENTERPRISES CO. LTD. by its authorized signatories  _____ Print Name <i>DINP JEN & CO.</i> Authorized Signatory
	Y 04	M 03	D 04	

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

COV (OFF SITE PARKING)

PART 2 - TERMS OF INSTRUMENT

In these Terms of Instrument and the pages attached hereto (either before or after this page), which together comprise the document (herein called the "Document"):

"Agreement" means and includes the covenants, agreements and executions contained in the Document.

"Owner" means the Owner of the land described herein, and is named as a Transferor as defined in Item 5 of the attached Form C.

"Richmond" means the City of Richmond and is named as Transferee in Item 6 of the attached Form C.

"Chargeholders" means any Transferor who is indicated in Item 5 of the attached Form C, as having executed in order to grant priority to this agreement over the chargeholder's existing charge.

2. WHEREAS:

- (a) Section 219 of the *Land Title Act*, Chapter 250, R.S.B.C. 1996, allows the registration of a covenant in favour of a municipality that land is to be or not to be used in a particular manner;
- (b) The Owner is the registered owner of that certain parcel or tract of land and premises situate, lying and being in the City of Richmond, in the Province of British Columbia, more particularly known and described as follows:

PID NO: 011-096-748

LOT 27 EXCEPT NORTH 120 FEET, SECTION 33, BLOCK 5
NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT
PLAN 6979

(hereinafter called "the land");

- (c) there is a building situated on the site which Owner wishes to use for the purposes of establishing a Karaoke Bar or other uses permitted under the Automobile-Oriented Commercial District (C6) in the City of Richmond, Zoning and Development Bylaw (hereinafter called the "Zoning Bylaw") however the land does not have sufficient parking for such a use as required under the terms of the City of Richmond, Zoning Bylaw;
- (d) the Owner has leased sufficient parking spaces to support such uses from a nearby property located at 8740 Alexandra under the terms and conditions set out in the copy of the Lease which is attached hereto (hereinafter called "the lease").

- (e) Richmond wishes a covenant placed on the land that the land may only be used as a Karaoke Bar or other use permitted under C6 requiring such parking spaces as long as the lease is valid and the Owner has agreed to enter into such a covenant.
- (f) The Owner further agrees that no use shall be permitted on the land unless there is sufficient parking as set out in the then current Zoning Bylaw for that use on site or secured by a valid lease on property within 150 m (492.126 ft.)
- (g) The Owner further agrees that in the event the lease is cancelled or lapses for any reason whatsoever, the owner shall immediately cease any use which requires such parking spaces secured by the lease to conform with the requirements of the then current Zoning Bylaw.
- (h) The Owner further agrees that notwithstanding any other term hereof the land must not be used for the site of a Food Catering Establishment as defined in the Zoning Bylaw.

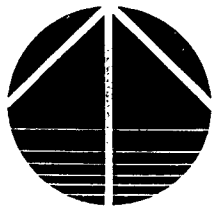
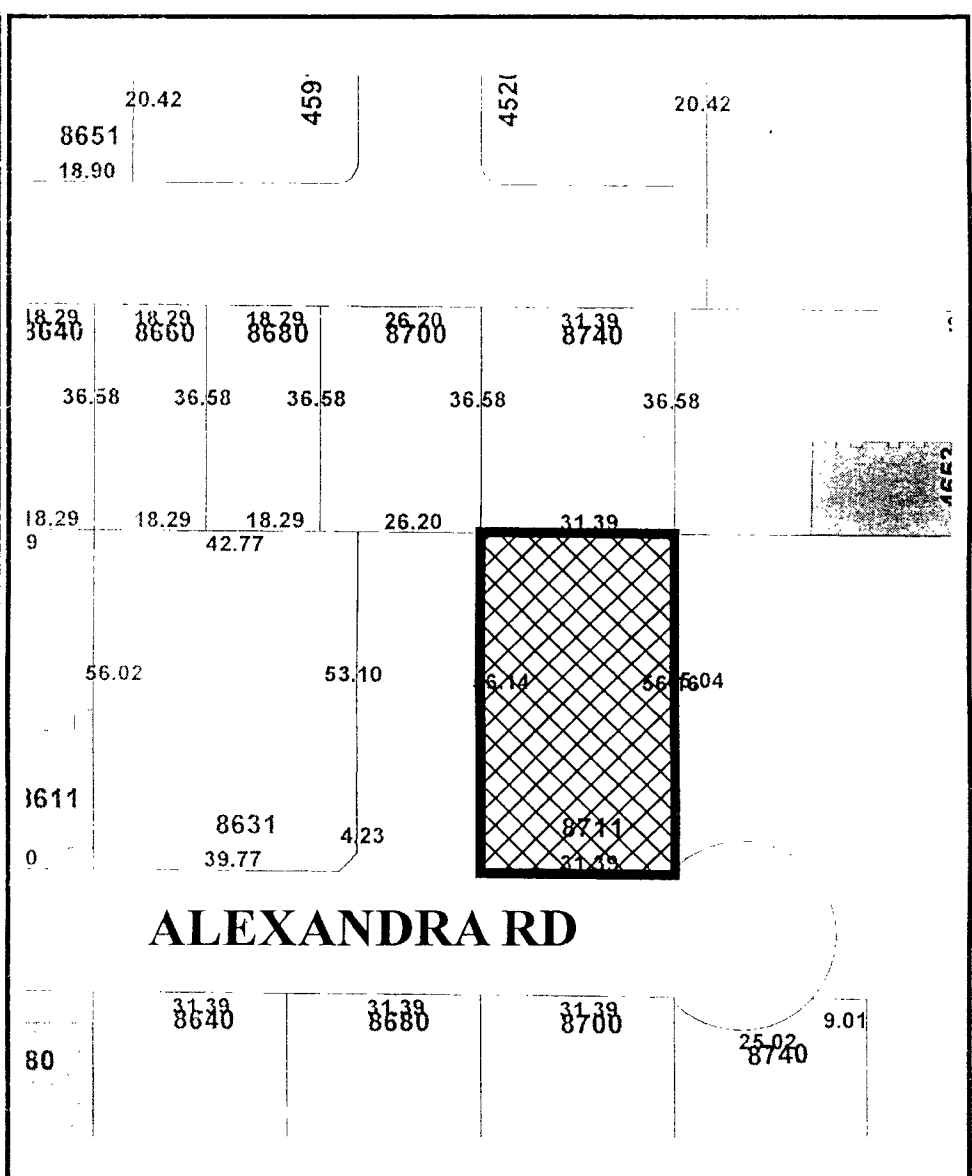
NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of \$1.00 and of the provisions of Section 219 of the *Land Title Act* and other good and valuable consideration, the Owner hereby agrees that he will not use or build on the land except upon compliance with this covenant and, further, grants a covenant to Richmond and agrees that the land shall only be used as a site of a Karaoke Bar or other use permitted under C6 as long as the lease remains valid; further no use shall be permitted on the land unless there is sufficient parking for any use, or proposed use, as required under the terms of the Zoning Bylaw on site or secured by a valid lease on property within 150 m (492.126 ft.), provided under no circumstances may the land be used for the site of a Food Catering Establishment as defined in the Zoning Bylaw.

The Owner further covenants that in the event the lease is cancelled or lapses for any reason whatsoever, the Owner shall immediately cease any use which requires such parking spaces secured by the lease to conform with the requirements of the then current Zoning Bylaw.

- 2. It is hereby agreed by and between the parties hereto that this agreement or restriction shall be construed and accepted as a covenant running with the land.
- 3. The expressions "Owner" and "Richmond" herein contained shall be deemed to include the executors, administrators, successors and assigns of such Parties wherever the context or the Parties hereto so require.
- 4. Wherever the singular or the masculine are used throughout this Indenture, the same shall be construed as meaning the plural or the feminine or body corporate or politic where the context or the parties so require.
- 5. This Indenture shall enure to the benefit of and be binding upon the Parties hereto, their executors, administrators, successors and assigns respectively.

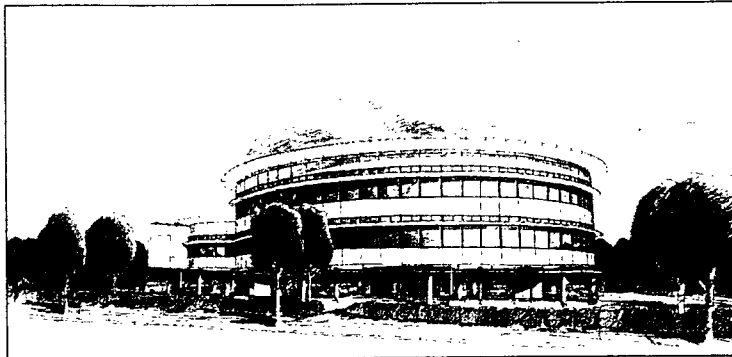
6. **IN WITNESS WHEREOF** the Agreement contained in the Document has been executed on one or more pages of the Document.

END OF DOCUMENT



DP 03-244883
SCHEDULE "A"

Note: Dimensions are in METRES



Proposed Karaoke Building

History:

The owner of this purposely-built, single use, steel and concrete structure, is an experienced operator of Karaoke clubs. He is, at present, the owner of Red Music Karaoke Bar which is located just 100 feet away. His intention is to build the best Karaoke club in the Lower Mainland. In order to fulfill his dream, he understands that he needs to build his own building instead of renting and modifying an existing commercial building. Thus he has retained JLA Architecture, together with Jones Kwong Kishi, Structural Engineers and Phillips Farevaag Smalberg, Landscape architects to be his consultants for this project.

Requirements:

The requirement of the owner is very simple. He wants an exciting, dynamic building that can be divided into two parts, both are for Karaoke singing. There is a larger side that accommodates approximately 30 Karaoke rooms of various sizes. On the other side is a smaller club that has only six Karaoke rooms with a small stage in the centre. They both share the same washrooms, lobby, stairwells and a small kitchen that serves finger food. There is also a requirement for some staff and office space etc. The smaller, membership only, club is catered to adults only where liquor is to be served, providing a liquor license can be obtained. The larger side is for the general public where only non-alcoholic beverage will be served.

The requirements of the City of Richmond are more onerous. Due to their experience of dealing with Karaoke clubs, the city requires that the karaoke rooms has to be opened to the common area and has at least 50 % of the wall facing the common area installed with transparent glass. Lack of parking is also a concern for the city officials. Other issues are the typical zoning and building codes requirements which are easier to comply.

Solution:

In order to fulfill the requirement of the owner and the City, we have designed a three storey building with parking taking over the entire ground floor area except for some trees that we have retained on site and in the surrounding area. As for the openness issue for the Karaoke rooms, we solved the issue by creating fan-shaped area so that all rooms can be monitored in the common area on both floors. All the karaoke rooms have openable windows for ventilation besides central air-conditioning.

PROJECT DATA

Address: 8711 Alexandra Rd., Richmond, B.C. Canada
 Legal Description: Lot 27 Except North 120 Feet Section 33
 Block 5 North Range 6 West Plan 6979 N.W.D.
 Zoning: Automobile - Oriented Commercial District (C6)

	Permitted	Proposed
Uses:		Karaoke Box
Height:	39.370 ft.	38.5 ft.
Lot Area:	18958 s.f.	
Ground Floor:		768.5 s.f.
Second Floor:		5565.6 s.f.
Third Floor:		3144.9 s.f.
Total Floor Area:		9479 s.f.
Floor Area Ratio:	0.5 = 9479 s.f.	
Lot Coverage:	50%	30%
Parking:		45 spaces (on site)+1 loading 63 spaces (shared)

LIST OF DRAWING

A-0 FRONT PAGE
 A-101 SITE PLAN
 A-102 GROUND FLOOR PLAN
 A-103 SECOND FLOOR PLAN
 A-104 THIRD FLOOR PLAN
 A-105 ROOF PLAN
 A-106 BUILDING ELEVATIONS
 A-107 BUILDING ELEVATIONS
 A-108 BUILDING SECTIONS
 S-1 CONTEXT PLAN
 L-1 LANDSCAPE PLAN
 L-2 ROOF DECK LANDSCAPE PLAN

This Drawing is an instrument of service and shall remain the property of J.L.A. Architects and the consultants named herein. Computerized and verified all dimensions on site and report any discrepancies to the architect before proceeding with the work. Drawings are not to be scaled.

APR 14 2004

DP 03244883

JLA
 Architecture
 1758 West 28th Avenue
 Vancouver, B.C. Canada V6P 1S9
 Tel: (604) 265-1778
 Fax: (604) 265-1748
 Cell: (604) 768-1778
 email: jproctor@jlaarch.com

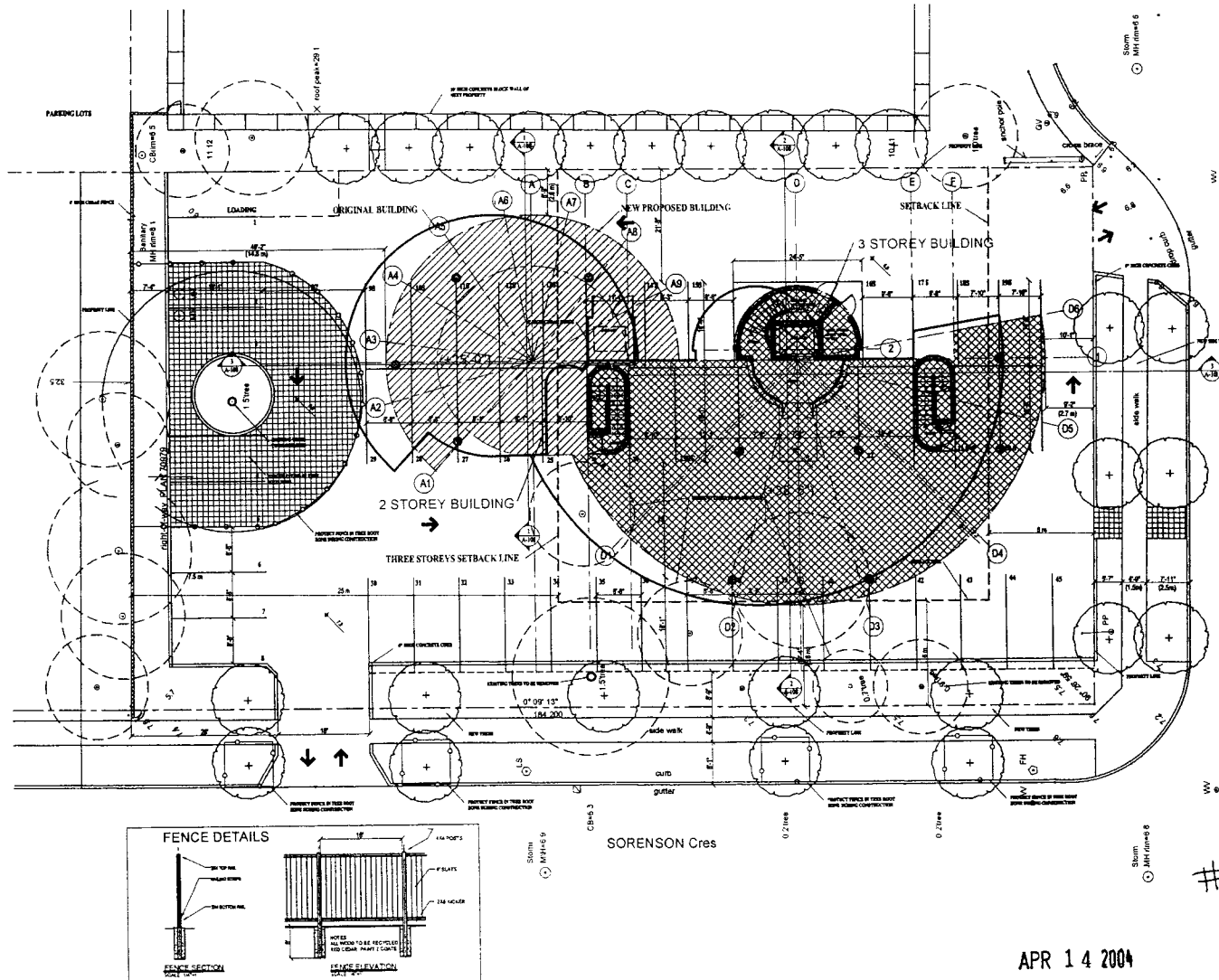
Project Name:
KARAOKE

Richmond, B.C.

Drawing:
FRONT PAGE

Scale: Drawing No:
 Permet: Dec 15, 2003
 Drawn: G. Sun
 Checked: J. Lee
 Job No: Rev No:
A-0

#10



This drawing is a representation of services and shall remain the property of J.L. Contractors and the associated project team. Contractors must verify all dimensions on the field before any dimensions in the field before proceeding with the work. Drawings are not to be scaled.



8711 ALEXANDRA Rd.

JLA
 1234 Main St.
 Richmond, B.C. V6V 1Y9
 Tel: 604-271-1234
 Fax: 604-271-1235
 Email: jla@jla.com

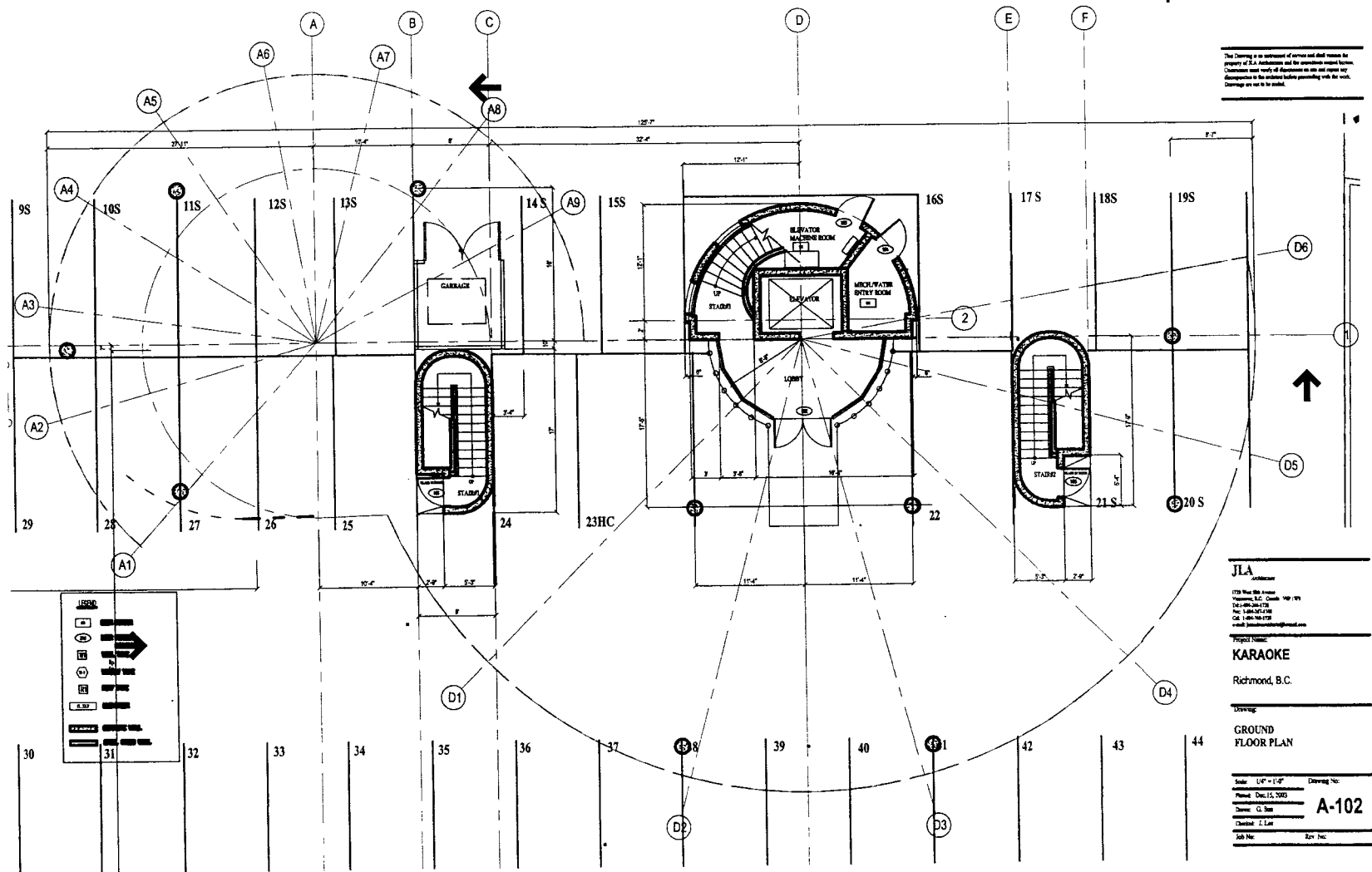
Project Name:
KARAOKE
 Richmond, B.C.

Site Plan

Scale: 1/8" = 1'-0"
 Date: April 14, 2004
 Drawn: J. Lee
 Job No: 03244883
 Rev: Rev

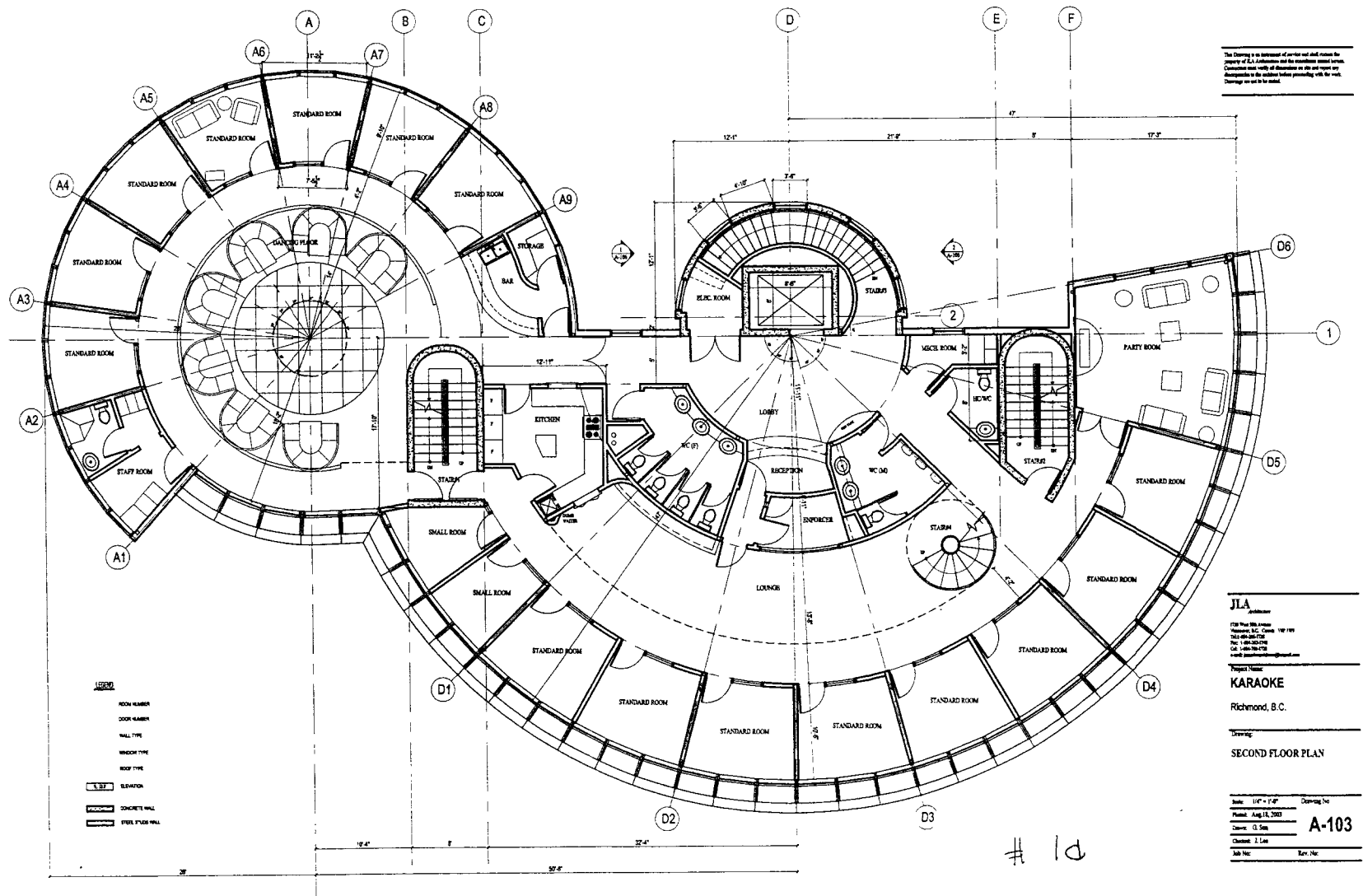
APR 14 2004
 DP 03244883

#16



APR 14 2004
 DP 03244883

#1c



APR 14 2004
DP 03244883

This Drawing is an instrument of service and shall remain the property of J.L.A. Architects and the undersigned shall retain responsibility over verity of dimensions in all and shall accept no responsibility for the existence herein proceeding with the Drawing are set to be noted.

JLA
Architects
778 West Hill Street
Richmond, B.C. Canada V6V 1W9
Tel: (604) 273-1234
Fax: (604) 273-1235
Cell: (604) 273-1236
Email: jla@jlaarchitects.com

Project Name:
KARAOKE
Richmond, B.C.

Drawing
ROOF PLAN

Scale: 1/4" = 1'-0"
Plotted: Aug 12, 2003
Drawing: G. Sun
Checked: S. Lee
Job No.:
Rev No.:

#2

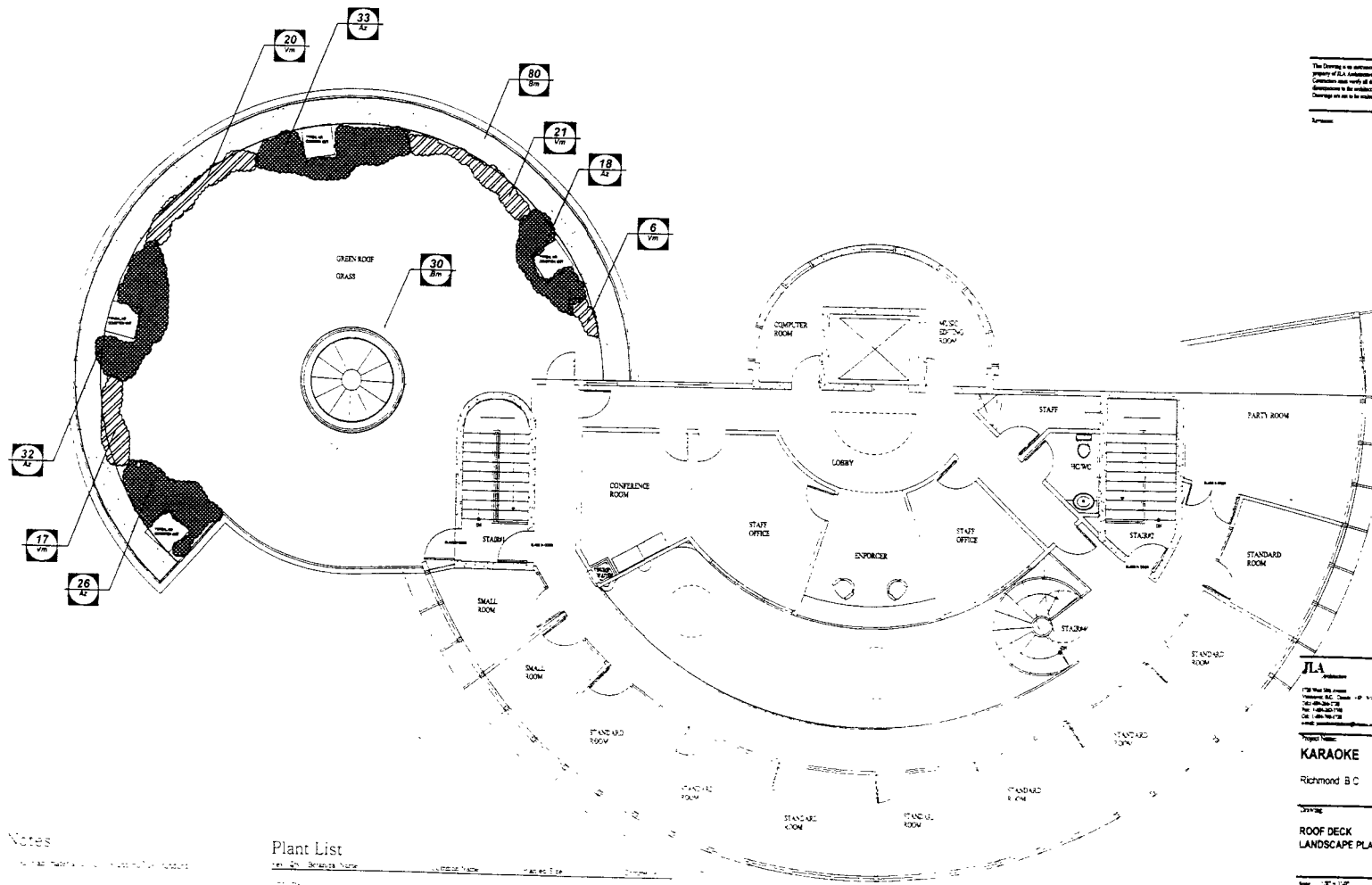
APR 14 2004

KARAOKE

ROOF PLAN

Scale: 1/4" = 1'-0"
 Printed: Aug. 12, 2003
 Drawing: G. Smith
 Checked: J. Lutz
 Job No.: Rev. No.:

APR 14 2004
DP 03244883

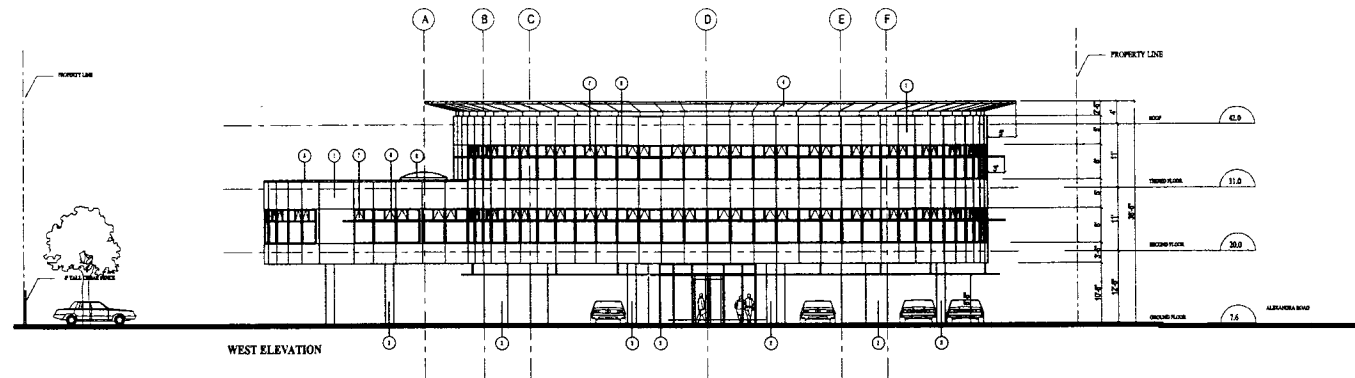


The drawing is an indication of service and shall remain the property of JLA Associates and the client. No part of this drawing shall be reproduced or used in any form without the written permission of JLA Associates. The client shall be responsible for the accuracy of the information provided to JLA Associates. The client shall be responsible for the accuracy of the information provided to JLA Associates. The client shall be responsible for the accuracy of the information provided to JLA Associates.

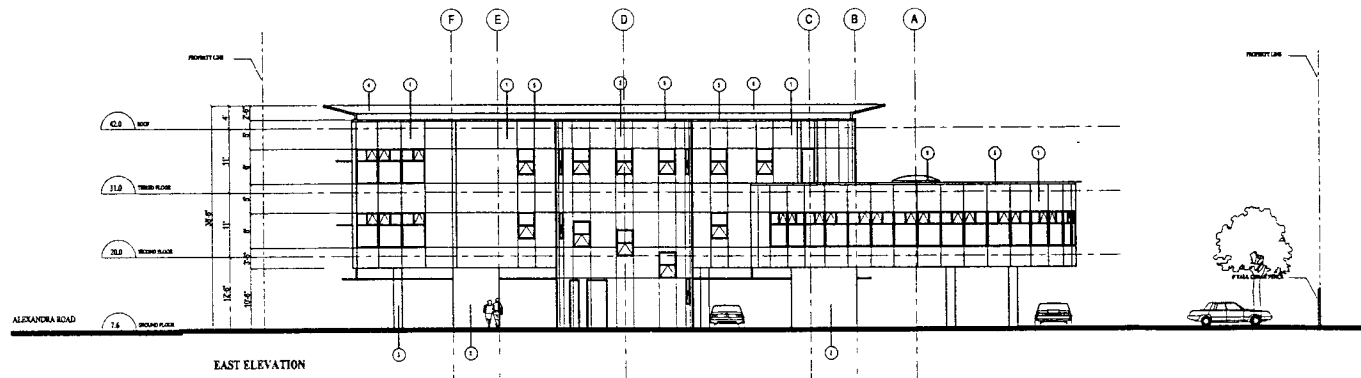
#36
03244883
APR 14 2004

JLA
JLA Associates, Inc.
1000 15th St. N.E.
Atlanta, GA 30309
Tel: 404.525.1234
Fax: 404.525.1235
Web: www.jla.com
Project Name
KARAOKE
Richmond B.C.
Drawing
**ROOF DECK
LANDSCAPE PLAN**
Scale: 1/8" = 1'-0"
Drawing No.
Revised: Dec. 13, 2003

The Drawing is an instrument of service and shall remain the property of J.L.A. Architects and for reasonable reuse for the Client. Customers must notify all dimensions on site and report any discrepancies to the architect before proceeding with the work. Drawings are not to be used.



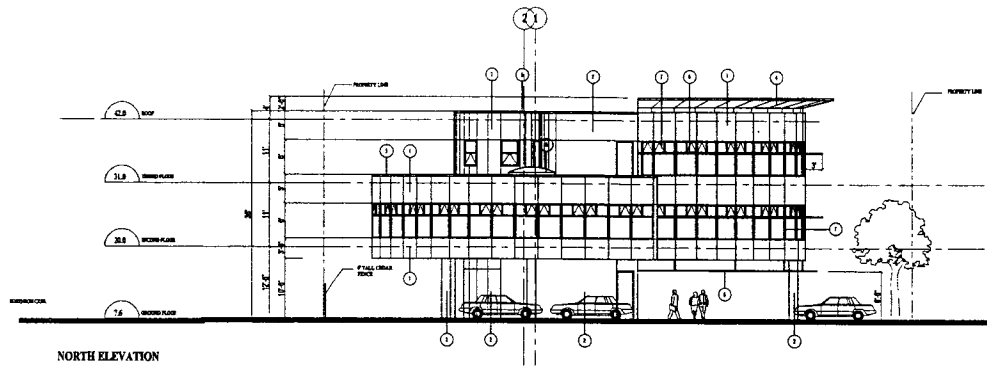
LEGEND	
1	PREPARED METAL CLADDING
2	PAINTED CONCRETE WALL
3	PAINTED CONCRETE COLUMN
4	PREPARED METAL ROOF
5	PREPARED METAL FLASHING
6	ACRYLIC PANEL BARRIER
7	DOUBLE GLAZED WINDOW
8	REFLECT



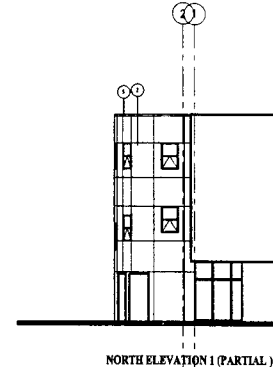
J.L.A. Architects	
172 West Hill Street Richmond, B.C. Canada V6V 1A9 Tel: 604-278-7777 Fax: 604-278-7778 Cell: 604-278-7779 Email: jla@jlaarchitects.com	
Project Name KARAOKE Richmond, B.C.	
Drawing BUILDING ELEVATIONS	
Scale: 1/8" = 1'-0"	Drawing No:
Project: 100111000	Sheet: 01 of 01
Client: J.L.A.	Architect: J.L.A.
Job No:	Rev. No:

APR 14 2004
DP 03244883 #4

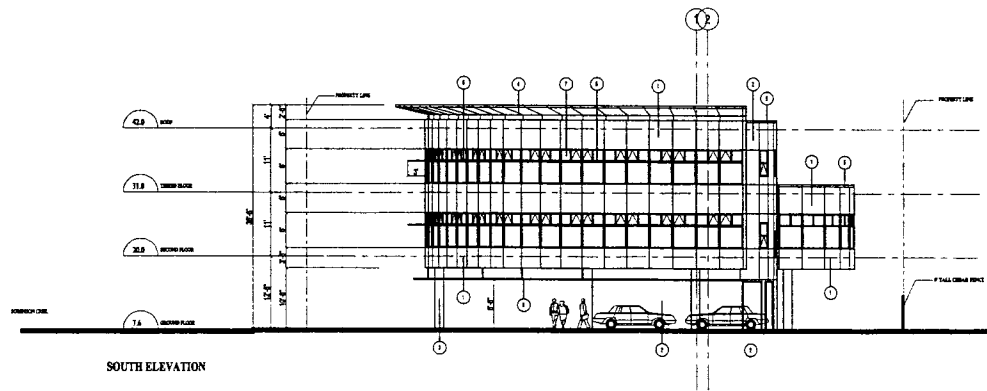
This drawing is a representation of a proposed project and does not constitute a contract. The client is responsible for obtaining all necessary permits and approvals. The architect is not responsible for any construction or other details not shown on this drawing. The client is responsible for obtaining all necessary permits and approvals. The architect is not responsible for any construction or other details not shown on this drawing.



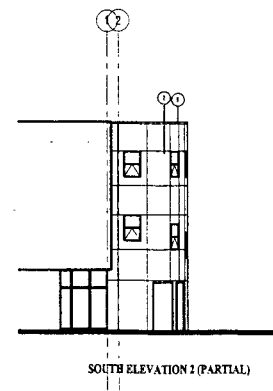
NORTH ELEVATION



NORTH ELEVATION 1 (PARTIAL)



SOUTH ELEVATION



SOUTH ELEVATION 2 (PARTIAL)

- LEGEND**
- 1 PREFORMED METAL CLADDING
 - 2 PAINTED CONCRETE WALL
 - 3 PAINTED CONCRETE COLUMN
 - 4 PREFORMED METAL ROOF
 - 5 PREFORMED METAL FLOORING
 - 6 ACRYLIC PANEL SURFACING
 - 7 DOUBLE GLAZED WINDOW
 - 8 DOOR

JLA
 1234 Main St. Suite 100
 Richmond, B.C. Canada V6V 1K1
 Tel: 604-271-1234
 Fax: 604-271-1234
 Email: jla@jla.com

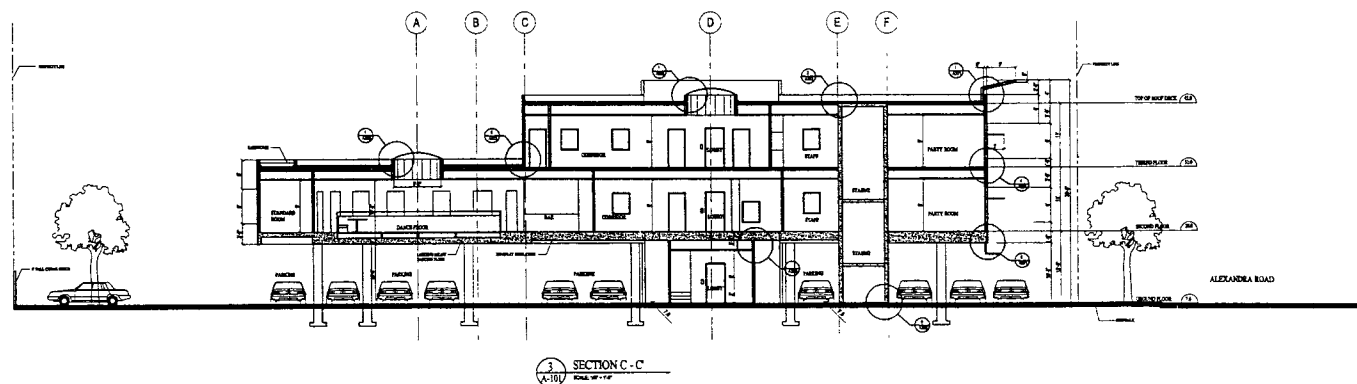
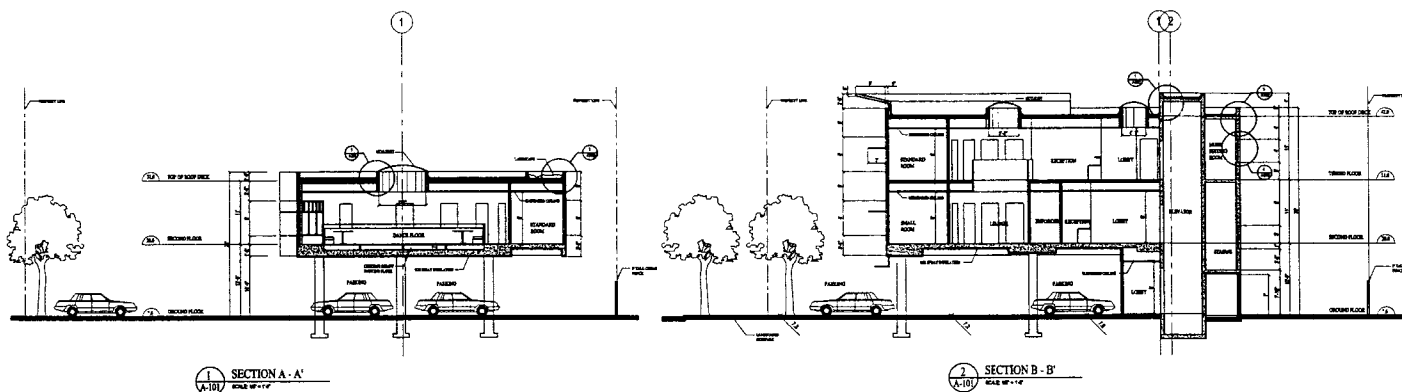
Project Name:
KARAOKE
 Richmond, B.C.

Drawing:
BUILDING ELEVATIONS

Scale: 1/8" = 1'-0" Drawing No:
 Project: Aug 11, 2003
 Client: G. Lee **A-107**
 Designer: J. Lee
 Job No: Rev No:

APR 14 2004
 DP 03244883 #5

The Drawing is an instrument of service and shall remain the property of J.L.A. Architects and its successors unless written permission is given. The Drawing is not to be used for any other purpose without the written consent of J.L.A. Architects. The Drawing is not to be used for any other purpose without the written consent of J.L.A. Architects.



ELEVATIONS ARE TO RICHMOND DATUM AND ARE REFERRED TO FIRE HYDRANT R.S.N. LOCATED NORTH SIDE ALEXANDRIA RD. AT E.P.C. OF 8711. 1" = 10' ROAD SIDE NOT ELEVATED (2.00M) (2.00M) (2.00M)

J.L.A.	
J.L.A. Architects	
1700 West 10th Avenue Richmond, B.C. Canada V6V 1Y1 Tel: (604) 278-7777 Fax: (604) 278-7778 Email: jla@jlaarchitects.com	
Project Name	
KARAOKE	
Richmond, B.C.	
Drawing	
BUILDING SECTIONS	
Scale: 1/8" = 1'-0"	Drawing No:
Project: 032440883	A-108
Drawn: G. Lee	Checked: J. Lee
Job No:	Rev No:

APR 14 2004
DP 032440883

#6

Development Permit Panel

Wednesday, January 28th, 2004

Time: 3:30 p.m.

Place: Council Chambers
Richmond City Hall

Present: Jeff Day, General Manager, Engineering and Public Works, Chair
Jim Bruce, General Manager, Finance and Corporate Services Division
Mike Kirk, General Manager, Human Resources Division

The meeting was called to order at 3:30 p.m.

1. Minutes

It was moved and seconded

That the minutes of the meeting of the Development Permit Panel held on Wednesday, January 14th, be adopted.

CARRIED

2. Development Permit DP 03-244883

(Report: January 9/2003 File No.: DP 03-244883) (REDMS No. 1106072)

APPLICANT: James Lee, Architect

PROPERTY LOCATION: 8711 Alexandra Road

INTENT OF PERMIT:

1. To allow a 880.6 m² (9,479 6 ft²), three-storey karaoke building on a site zoned Automobile – Oriented Commercial District (C6); and
2. To vary the regulations in the *Zoning and Development Bylaw* to:
 - a) reduce the road setback from 6.0 m to 5.0 m on Alexandra Road and to 5.8 m on Sorensen Crescent;
 - b) reduce the rear yard setback from 25.0 m to 12.4 m adjacent to the residential zoning district to the north;
 - c) reduce the manoeuvring aisles from 7.5 m to 6 m; and
 - d) allow 48% of the parking spaces on-site (22 stalls) to be for small cars.

Applicant's Comments

Mr. James Lee, Architect, representing the applicant advised that this development was devoted specifically for karaoke use. He noted that the building had a unique design. The upper area was comprised of smaller rooms and would be used by the general public, the lower area would house a private club and a dance floor. He stated that the Advisory Design Panel had approved this project but were concerned about the safety and security of the rooftop garden (which was added on due to a suggestion made by staff), and the lack of adequate parking on site. To address these concerns, he noted that:

- (1) 2 exits would be provided for the rooftop garden which would be used primarily for parties; these would be monitored by both staff and a TV monitor, if this proved to be problematic, the roof would be secured with no access available to the public.
- (2) a traffic consultant's report had been provided to the City's Transportation Department who disagreed with the recommendations of the report. After numerous discussions with the applicant it was agreed that the required number of parking stalls for this type of business was 76. He stated that only 45 parking stalls could be provided on this site, however, the applicant had verbal reciprocal agreements with two restaurant owners in the area, which would allow him to use their parking stalls after business hours and vice versa. In response to a query from the Panel, he advised that the owners of those properties would not agree to a restrictive covenant tying down the off-site parking agreements.

Staff Comments

Mr. Holger Burke, Acting Development Applications Manager, stated that staff had suggested that the applicant use the roof deck as a green space, however, if safety was a concern to the Panel or neighbourhood, the suggestion could be retracted. He advised that this application was only brought to Panel because staff had been advised that the applicant would secure 31 offsite parking spaces via a legal covenant. However, the applicant had only recently advised that the owners of the adjacent property would not agree to a covenant and that arrangements with another restaurant were being proposed. He advised that staff could not support this offsite parking proposal. In response to a query from the Panel, Mr. Burke, Acting Development Applications Manager, advised that staff supported the proposed rear yard setback variance because the long term vision for the area to the north of the site was for mixed use/light industrial development.

Panel then noted their concern that the properties on Leslie Road were zoned single family residential and that even though the facade of the building was curved, the height of the building would impact the property immediately behind the development. In response to a query from the Panel Mr. Lee stated that there was a row of trees on the neighbouring property which buffered it from the development. He also stated that the site would be graded to the level of the neighbouring property in order to preserve the trees. Mr. Burke, noted that there was a large existing tree on the subject site that would be retained to buffer the proposed Karaoke building from the single family residence to the north.

In response to a query from the Panel, Ms. Donna Chan, Transportation Engineer, advised that the City's Transportation Department had reviewed the applicant's traffic study and although they agreed with the rates provided, they did not agree with the report's recommendation. She noted that after several discussions with the applicant it was agreed that the recommended parking stalls would be equivalent to what was required under the building code analysis.

Correspondence

None.

Gallery Comments

Mr. Caspar Fagel, 8740 Leslie Road, advised that he lived directly behind this site and noted that a three-storey building would dwarf his house, and especially, he did not support the reduced rear yard setback variance which the applicant requested. In response to a query from the Panel, staff advised that unless this was an establishment with a liquor licence, there would be no restrictions on operating hours. Mr. Fagel then noted that presently, his sleeping pattern was continuously disturbed because of noise made by either restaurants or their patrons until about 5:00 am in the morning.

Mrs. Diane Styles, 8680 Leslie Road, noted her concerns that she could not sleep at night because of the activities of restaurant patrons and other late night activities in this area. She also stated her concern that there was an illegal parking lot established at 8631 Alexandra Road.

Mr. Bert Lesage, 8660 Leslie Road, stated his concerns about sleepless nights because of activities of patrons in this area. He also noted his concern about the illegal parking lot at 8631 Alexandra Road.

Panel Discussion

Discussion then ensued among Panel Members and it was agreed that although the design of the building was attractive, due to the lack of adequate parking and the 50% reduction in the setback requested to the adjacent residential uses, they could not support this application.

Panel Decision

It was moved and seconded

That a Development Permit for 8711 Alexandra Road that would:

- 1. Allow a 880.6 m² (9,479 6 ft²), three-storey karaoke building on a site zoned Automobile – Oriented Commercial District (C6); and***
- 2. Vary the regulations in the Zoning and Development Bylaw to:***
 - a) reduce the road setback from 6.0 m to 5.0 m on Alexandra Road and to 5.8 m on Sorensen Crescent;***
 - b) reduce the rear yard setback from 25.0 m to 12.4 m adjacent to the residential zoning district to the north;***

- c) reduce the manoeuvring aisles from 7.5 m to 6 m; and*
- d) allow 48% of the parking spaces on-site (22 stalls) to be for small cars,*

BE DENIED.

CARRIED

3. Development Permit DP 03-249869

(Report: January 7/2004 File No.: DP03-249869) (REDMS No. 1101215)

APPLICANT: J.A.B. Enterprises Ltd.

PROPERTY LOCATION: 7040 Blundell Road

INTENT OF PERMIT:

1. To allow development of three (3) two-storey townhouse units containing a total floor area of 550.45 m² (5,925 ft²) on one (1) combined lot with a total area of 2,300 m² (24,754 ft²); and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300 as follows:
 - a) reduce the side yard setback along the west property line from 3.0 m (9.843 ft.) to 1.63 m (5.35 ft.) for a portion of the principal building on one (1) townhouse unit at the south-west corner of the site; and
 - b) reduce the side yard setback along the west property line from 3.0 m (9.843 ft.) to 1.32 m (5.35 ft.) for a two-story box bay window and gas fireplace on one (1) townhouse unit at the southwest corner of the site.

Applicant's Comments

None.

Staff Comments

Mr. Holger Burke, Manager, Development Applications, advised that staff supported this application.

Correspondence

None.

Gallery Comments

None.

Panel Discussion

None.