

Report to Development Permit Panel

To:

Development Permit Panel

Date:

February 16, 2010

From:

Brian J. Jackson, MCIP

File:

DV 09-480570

Re:

Director of Development

Application by Matthew Cheng Architect Inc. for a Development Variance

Permit at 9700 No. 3 Road

Staff Recommendation

That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to increase the maximum lot coverage for buildings in the Medium Density Townhouses (RTM1) zone from 40% to 44.55% and that the proposed changes to the architectural form and landscaping plans be considered in general compliance with the approved Development Permit (DP 07-386208).

Brian J. Jackson, MCIP Director of Development

EL:blg Att.

Staff Report

Origin

At the February 10, 2010 Development Permit Panel Meeting, the following referral motion was made:

That Matthew Cheng Architect Inc.'s Development Variance Permit Application (DV 09-480570) be referred back to staff for further discussion regarding modifications to the landscape design, and brought forward to either (i) the March 10, 2010 Development Permit Panel meeting, or (ii) a Special Development Permit Panel meeting, time permitting.

This staff report summarizes revisions made to the project related to the Panel's referral and presents the amended proposal and requested variance for consideration by the Development Permit Panel and Council. The requested variance does not change with the amended proposal.

Development Information

Please refer to the original staff report contained in **Attachment 1** for information pertaining to the background, site context and analysis of requested variances submitted in the staff report to the February 10, 2010 Development Permit Panel.

Staff Comments

At the February 10, 2010 Development Permit Panel Meeting, residents from the neighbouring properties expressed concerns about the removal of significant trees onsite and loss of privacy. Staff worked with the applicant to address these issues in the following ways:

Tree Preservation

At rezoning stage (October, 2007), 39 bylaw-sized trees were noted on-site, and 37 of them were identified for removal due to conflicts with proposed building and driveway locations, or poor health of the tree.

In July 2008, Demolition Permits at the subject site were issued. As part of the Demolition Permits, tree protection barriers around all trees onsite were required in accordance with Tree Protection Bylaw No. 8057. Trees identified for removal as part of a Development Application were <u>not</u> permitted to be removed until Rezoning Bylaw and Development Permit were adopted/issued by Council. Neighbouring residents may have perceived that trees with protection barrier around them at the demolition stage were to be retained on-site and form part of the future townhouse development.

On January 20, 2009, the Rezoning Bylaw and Development Permit for the subject site were adopted/issued by Council. All trees and hedges not identified for preservation at the Rezoning/Development Permit stages were subsequently removed. The two (2) small Cedar trees located along the south property line were retained on site at the initial stage of construction.

However, in order to bring the townhouse development in compliance with the Flood Plain Designation and Protection Bylaw 8204, the finished site grade was required to be raised. Although the two (2) Cedar trees were retained on site, 40% of trees canopy were hung over the foundation wall. Since canopy overhang cannot be addressed by corrective pruning, both the project arborist and City's Tree Group staff confirmed that the trees would not survive. A Tree Permit (TP 09-479448) was issued for the removal of the last two (2) bylaw-sized trees retained on-site in July 2009; 2:1 tree replacement was required. In the future, after a Development Permit has been issued that shows trees being retained and subsequently there is a request to remove the retained trees, the Tree Preservation Coordinator will report this through a General Compliance Report to the Development Permit Panel prior to issuance of the Tree Permit.

In summary, a total of 39 bylaw-sized trees were removed to facilitate the subject development. Based on the 2:1 tree replacement ratio goal stated in the Official Community Plan (OCP), 78 replacement trees are required. The updated landscape design includes the planting of 61 new trees in a mix of coniferous and deciduous in sizes ranging from 6 cm to 11 cm in calliper and 3.5 m to 4.0 m in height. The applicant is proposing to provide cash-in-lieu (\$500/replacement tree) for the balance of the required replacement trees (i.e. \$8,500). A \$5,000 cash-in-lieu has been provided prior to the issuance of the original Development Permit (DP 07-386208); therefore, an additional \$3,500 cash-in-lieu will be provided.

Conditions of Adjacency

To address the issue of screening between the subject development and the single-family dwellings to the east, the landscape architect has modified the planting along common property line. It is noted that there is a Statutory Right-of-Way (SRW) along the common property line (3 m on each side) and no planting of trees is permitted within the SRW due to engineering standards.

Therefore, a row of Portugal Laurel along the east property line of the subject site (inside the proposed 6-foot wood fence) is proposed. The landscape architect indicated that Portugal Laurel is a tall growing broad leaf shrub which is commonly used as a hedge in many areas in the Lower Mainland. This plant will grow 6 to 12 inches annually, depending on the growing condition, and reaches to 20-30 feet in height ultimately. The plant size proposed is 4-foot tall, which is considered the optimal size for both ease of transport and maximum survival rate after planting. It is anticipated that the proposed hedge will grow to the same height of the proposed 6-foot fence along the east property line in 2-4 years. It is noted that the height and width of the plants can be controlled by pruning. The future strata council of the townhouse development will be responsible for the maintenance of this hedge.

In addition, while there are 18 trees proposed within the rear yards of the duplex units, the landscape architect is also proposing to upsize the Saucer Magnolia (a total of 7 trees) from 6 cm calliper to 8 cm calliper, contributing maturity to the natural buffer along the east side of the site.

Conclusions

The applicant has revised the landscape design to address the concerns raised by the neighbouring residents at the Development Permit Panel on February 10, 2010. Measures to increase screening between the subject development and the single-family dwellings to the east considered to be appropriate under the given constrain of the Statutory Right-of-Way (SRW) along the common property line. On this basis, staff recommend approval of the revised Development Variance Permit application at 9700 No. 3 Road.

Edwin Lee

Planning Technician - Design

(Local 4121)

EL:blg

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

City acceptance of the developer's offer to voluntarily contribute \$3,500 to the City's Tree Compensation Fund.



City of Richmond Planning and Development Department

Report to **Development Permit Panel**

To:

Development Permit Panel

Date:

January 19, 2010

From:

Brian J. Jackson, MCIP

File:

DV 09-480570

Re:

Director of Development

Application by Matthew Cheng Architect Inc. for a Development Variance

Permit at 9700 No. 3 Road

Staff Recommendation

That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to increase the maximum lot coverage for buildings in the Medium Density Townhouses (RTM1) zone from 40% to 44.55% and that the proposed changes to the architectural form and landscaping plans be considered in General Compliance with the approved Development Permit (DP 07-386208).

Brian J. Jackson, MCIP Director of Development

EL:blg Att.

Staff Report

Origin

Matthew Cheng Architect Inc. has applied to the City of Richmond for permission to vary the maximum lot coverage for buildings of Medium Density Townhouses (RTM1) from 40% to 44.55% to accommodate the 20-unit townhouse development under construction at 9700 No. 3 Road.

Background

The current Development Permit (DP 07-386208) was approved by Council on January 26, 2009. The Development Permit allows for development of 20 townhouse units on the subject site. The following variances were approved in association with the Development Permit:

- 1) Reduction of the minimum front yard setback requirement from 6.0 m to 5.10 m for the buildings and 4.30 m for porch/balcony projections; and
- 2) Development of tandem parking spaces in eight (8) of the 20 townhouse units.

Surrounding Developments

The subject site is located on No. 3 Road between Saunders Road and Williams Road and near a designated Neighbourhood Service Centre. Surrounding development includes:

To the North: A single-family home on a property zoned Single Detached (RS1/E) and an older duplex on a lot zoned Two-Unit Dwellings (RD1) beyond;

To the East: Single-family homes on lots zoned Single Detached (RS1/E) fronting onto

Pigott Road;

To the South: A vacant site zoned Gas & Service Station (CG2); and

To the West: Across No. 3 Road, a townhouse development on a site zoned Low Density

Townhouses (RTL1).

Finding of Facts

The Building Permits for the subject development were issued on June 12, 2009. Subsequently, the applicant sought for a General Compliance to the current Development Permit for minor amendments to the architecture and landscaping designs. As part of the review process, staff noticed a calculation error on the development data. Staff had subsequently discovered that the architect has not been updating the data on "lot coverage for buildings" when minor changes to the building design were made in the Development Permit stage.

In an effort to bring the Development Permit in compliance with the Building Permit, the developer has submitted a Development Variance Permit application to increase the maximum lot coverage for buildings of Medium Density Townhouses (RTM1) from 40% to 44.55%. Please refer to the updated Development Application Data Sheet (Attachment 1) for a comparison of the proposed development data with the relevant Bylaw requirements. A stopwork order was issued and no Final Inspection (occupancy permit) will be issued until this Development Variance Permit has been considered and issued by Council.

Staff Comments

Proposed Variance

The original lot coverage for buildings of 39.99% as stated in the Development Statistics on the Development Permit drawings was an error. The final lot coverage for building is 44.55%. The applicant is proposing to mitigate the impact of the increased lot coverage of buildings by providing additional permeable paving on the internal drive aisle and upsizing the planting materials along No. 3 Road. The lot coverage for permeable paving will be increased from 8.57% to 13.45% (a 4.88% increase). A summary of improvements to the landscape design is provided in **Attachment 2**.

Staff supports the variance as it has resulted from the road dedication and predominant two-storey massing over the site (twelve (12) two-storey units vs. eight (8) three-storey units). The two-storey massing provides a good transition from the three-storey townhouse units to the adjacent single-family homes. The increase of permeable area improves site permeability while larger plant sizes contribute maturity to the development identity and streetscape elevation.

General Compliance to Current Development Permit (DP 07-386208)

Modifications to Architectural Design:

A number of minor amendments to the building elevations are proposed. A summary of the changes on the architectural plans is provided in **Attachment 3**; changes are highlighted on the attached drawings in "clouds". Staff have reviewed the proposed changes and have no concerns. The proposed exterior modifications maintain the quality of the development and retain the basic form and character of the development.

Modifications to Landscape Design:

A number of minor amendments to the landscaping designs are proposed due to the grade changes and the location of hydro kiosks. Two (2) bylaw-sized trees on site, located along the south property line, were to be retained on site as indicated in the approval Development Permit. However, due to the increase in site grade in accordance to the Flood Plain Designation and Protection Bylaw 8204, the two (2) bylaw-sized trees were removed through Tree Permit (TP 09-479448). In addition, due to the relocation of the hydro kiosks, landscaping along the front yard and side yards are required to be rearranged. The proposed changes to landscaping detail are minor in nature and of greater value to the approved plans. The revised plans do not differ appreciably from the approved plans.

In summary, a total of 39 bylaw-sized trees were removed to facilitate the subject development. Based on the 2:1 tree replacement ratio goal stated in the Official Community Plan (OCP), 78 replacement trees are required. The revised landscape design includes the planting of only 61 new trees. The applicant is proposing to provide cash-in-lieu (\$500/replacement tree) for the balance of the required replacement trees (i.e. \$8,500). A \$5,000 cash-in-lieu has been provided prior to the issuance of the original Development Permit (DP 07-386208); therefore, an additional \$3,500 cash-in-lieu is required.

Conclusions

This Development Variance Permit application is required to accommodate a calculation error on lot coverage for buildings made at the Development Permit stage. The applicant is proposing to mitigate the impact of the increased lot coverage of buildings by providing additional permeable paving on the internal drive aisle and upsizing the planting materials along No. 3 Road. The proposed changes to the architectural form and landscaping design are minor in nature. The revised design maintains the quality of the development and retains the basic form and character of the development. On this basis, staff recommend that the Development Variance Permit be approved and that the revised plans be considered to be in general compliance with the approved Development Permit (DP 07-386208).

Edwin Lee

Planning Technician - Design

(4121)

EL:blg

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

City acceptance of the developer's offer to voluntarily contribute \$3,500 to the City's Tree Compensation Fund.



Development Application Data Sheet

Development Applications Division

DV 09-480570 Attachment 1

Address: 9700 No. 3 Road

Applicant: Matthew Cheng Architect Inc. Owner: Sonus Developments No. 3 Ltd.

Floor Area Gross: 3,384 m² Floor Area Net: 2,423 m²

	Existing	Proposed
Site Area:	3738.70 m ²	3630.07 m ²
Land Uses:	Townhouse (in construction)	Townhouse
OCP Designation:	Low-Density Residential	No Change
Zoning:	Medium Density Townhouses (RTM1)	No Change
Number of Units:	20 (under construction)	20

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	0.7	0.667	none permitted
Lot Coverage for buildings:	Max. 40%	44.55%	variance supported
Setback – Front Yard:	Min. 6.00 m	5.10 m for building 4.30 m for projection	variance granted (DP 07-386208)
Setback Side Yard (north):	Min. 3.00 m	3.00 m	None
Setback – Side Yard (south):	Min. 3.00 m	3.01 m	None
Setback – Rear Yard:	Min. 3.00 m	4.50 m	None
Height (m):	Max. 11.00 m	10.73 m	None
Lot Size:	Min. Width = 30 m Min. Depth = 35 m	Min. Width = 83.45 m Min. Depth = 44.81 m	None
Off-street Parking Spaces – Residential / Visitor:	30 and 4	40 and 4	None
Off-street Parking Spaces – Accessible:	1	1	None
Total off-street Spaces:	34	44	None
Tandem Parking Spaces	not permitted	16	variance granted (DP 07-386208)
Amenity Space – Indoor:	Min. 70 m ²	\$21,000 cash in lieu	None
Amenity Space – Outdoor:	Min. 120 m ²	120 m²	None

0 & ASSOCIATES INC. LANDSCAPE ARCHITECTURE

1942 East 5th Avenue, Vancouver, B.C. V5N 1M2 T/F 604, 255,5009 E: itovan@mac.com

January 13, 2010

To:

CITY OF RICHMOND **Urban Development Department** 6911 No.3 Road

Richmond, B.C. V6Y 2C1

Att. Mr. Edwin Lee

20 units Townhomes Development at 9700 No.3 Road, Richmond

The following plants have been modified since previously approved plan for DP All the changes were made in the plating bed facing No. 3 Road. These plants are reflected in the plant list shown on sheet #3b

Qty. Botanical Name(symbol)

Tree:

-1. Acer palmatum (AP)

11. Picea omorica (PCO) have been increased in size from 3.5mht to 4.0mht.

Shrubs

-8. Azelea japonica (AJ)

-4. Camelia (CJ)

17. Erica carnia (EC)

2. Escallonia (EAB)

2. Hydrangea (HMP)

-16. Leugothoe (LA)

21. Ligustrum (LJ)

-2. Pieris (PJ)

5. Prunus otto I (POL) 4. Rhododendron (RH) 2.Rosa (RF)

27. Sarcococca (SH)

-2. Skimmia (SK)

2. Spiraea (SJA)

-6. Viburnum (VD)

Ground covers

-20 Arctostaphylos (AUU)

35. Gaultheria(GS)

Perennials/Annuals/Ferns/Grass

-6. Bergenia (BC)

-22, Carex (CMA)

2, Festuca (FG)

-1. Hemerocallis (H)

7. Polystichum (PLM)

40 Annuals (ANN)

In conclusion, total 11 trees have been increased in size from 3.5m to 4.0mht. four 1 m.ht. Rhododendron, two #3pot, twenty one#2pot, fifty five10cm pot has been added. one 8cm tree, and 20. #1 pot has been decreased as result of available area.

Yours truly,

(T. ITO & ASSQCIATES INC.

Teshimasa Ito, BCSLA CSL

Principal

File#06L65



MATTHEW CHENG ARCHITECT INC.

#202 - 670 Evans Ave., Vancouver, BC, Canada V6A 2K9 TEL: (604) 731-3012 FAX: (604) 731-3908 Email: matthew@mcai.ca

January 14, 2010

Edwin Lee Planning Department City of Richmond 6911 No. 3 Road, Richmond, B.C. V6Y 2C1

RE: DP Revision of 9700 No.3 Road, Richmond, B.C.

1. Each change is bubbled and numbered on the plans and a corresponding comment is provided on the written rationale.

Sheet 4a:

No.1 to 12: The Foundation of the fireplaces was omitted in the DP set. They are corrected.

Sheet 4b:

No.13: Window was added to balance the elevation.

No.14: There was a drafting error in the DP set. The slope of the roof should be shallower to match the rest of the building.

No.15: The window was changed from 2030 to 3020 since 2030 is too low for window to bathtub.

Sheet 4c:

No.16 to 18: The foundation of the fireplace was omitted in the DP set. It is corrected.

No.19 to 20: The window has been changed from 3030 to 3020.

No.21a & 21b: The window was mirrored by mistake and is corrected.

N0.32a / 32b &32c trim has been change from more trim to single

Sheet 4d:

No.23 to 24: The window has been changed from 3030 to 3020.

No.25 to 27: The foundation of the fireplace was omitted in the DP set. It is corrected.

No.29: Instead of placing the window above the bed, 2030 windows are proposed on either side of the bed for better interior layout.

No. 30: There was a drafting error of this unit in the DP set. The slope of the roof should be shallower to match the rest of the buildings.

No.31 There was a drafting error of this unit in the DP set. The slope of the roof above mail box is corrected

Sheet #01&02

No. 22 & 28 BC Hydro Advice as to relocate the transformer close to the Drive way so that the access will be in the property.

Matthew Cheng, MAIBC Matthew Cheng Architect Inc.

Development Variance Permit

No. DV 09-480570

To the Holder:

MATTHEW CHENG ARCHITECT INC.

Property Address:

9700 NO. 3 ROAD

Address:

c/o MATTHEW CHENG

UNIT 202 - 670 EVANS AVENUE VANCOUVER, BC V6A 2K9

- 1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
- 2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. The "Richmond Zoning Bylaw 8500" is hereby varied to increase the maximum lot coverage for buildings from 40% to 44.5% provided that buildings and structures, off-street parking and loading facilities, roads and parking areas, and landscaping and screening are to be constructed generally in accordance with Plans #1 to #4 attached hereto.
- 4. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
- 5. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

This Permit is not a Building Permit.

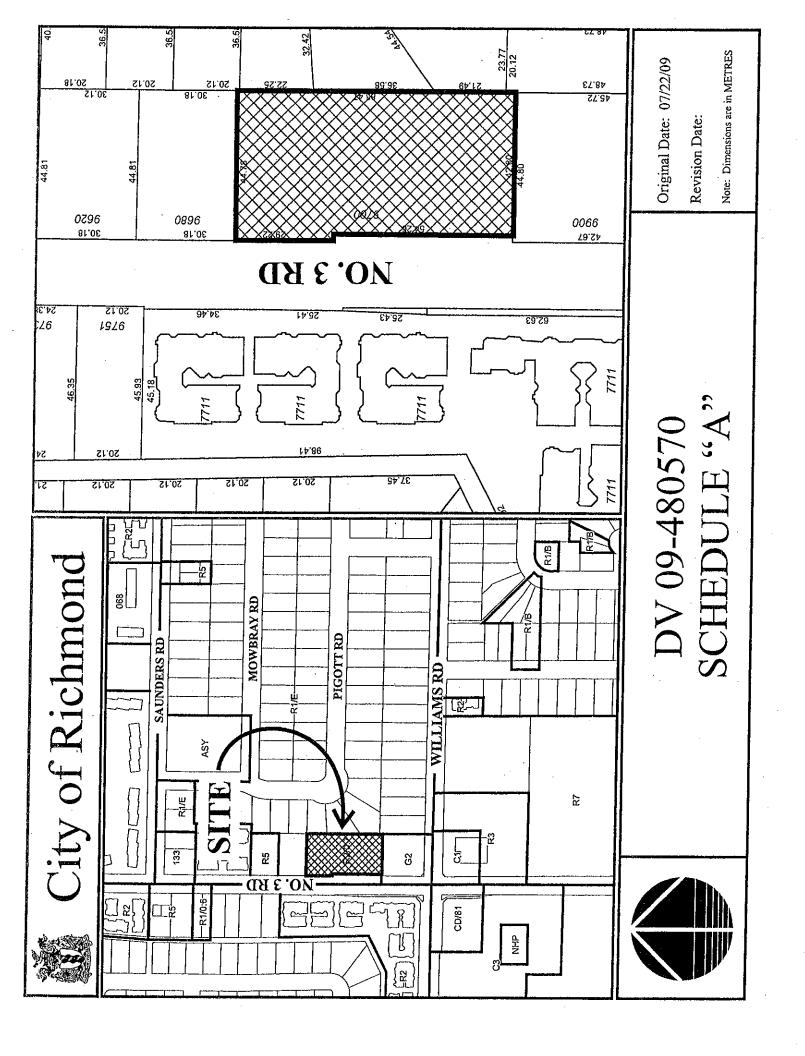
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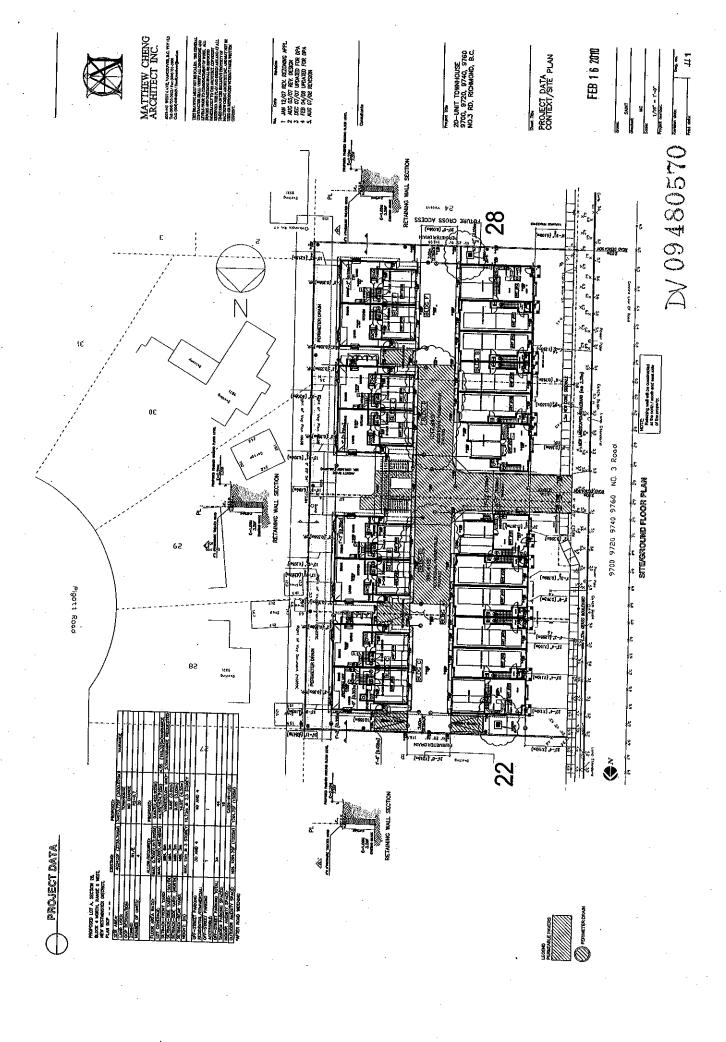
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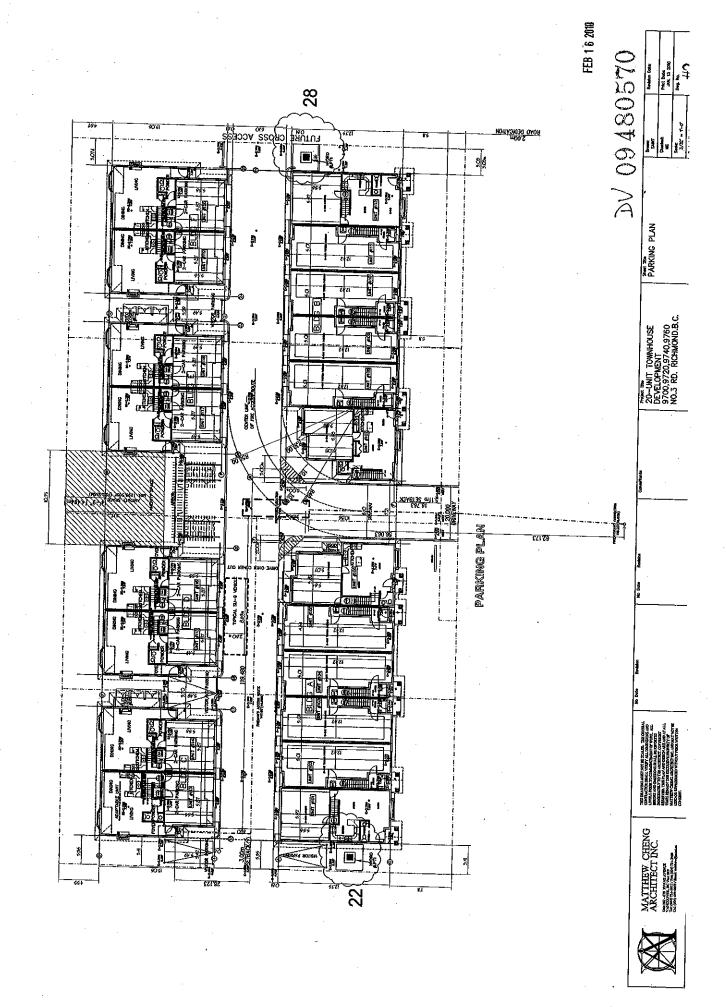
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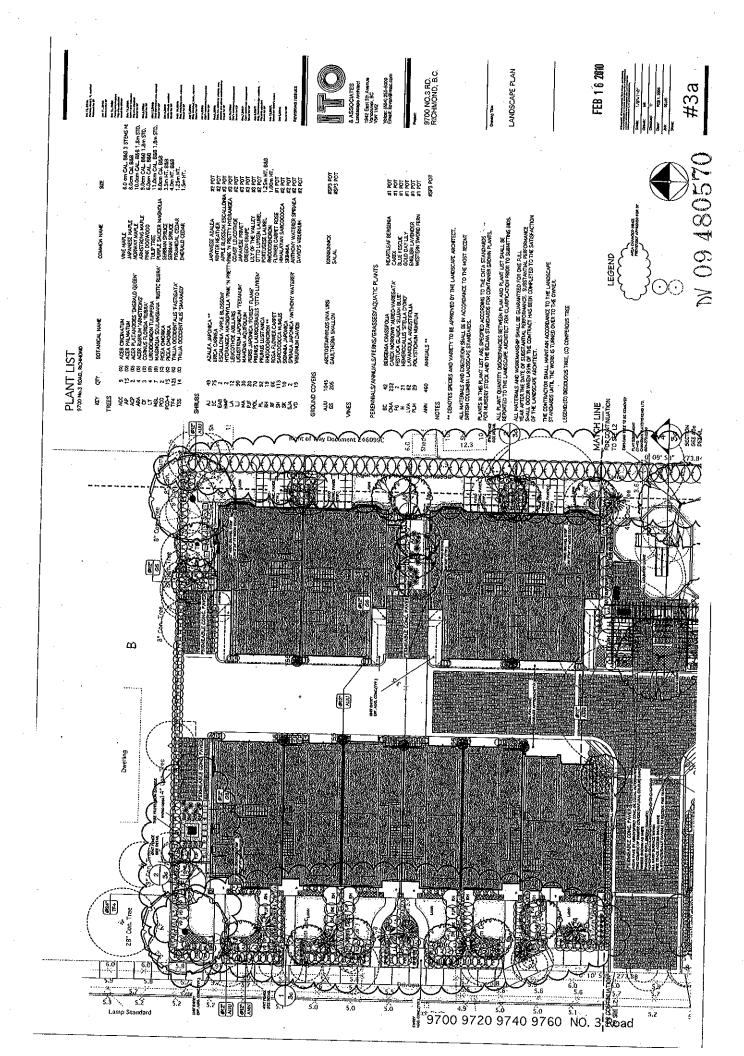
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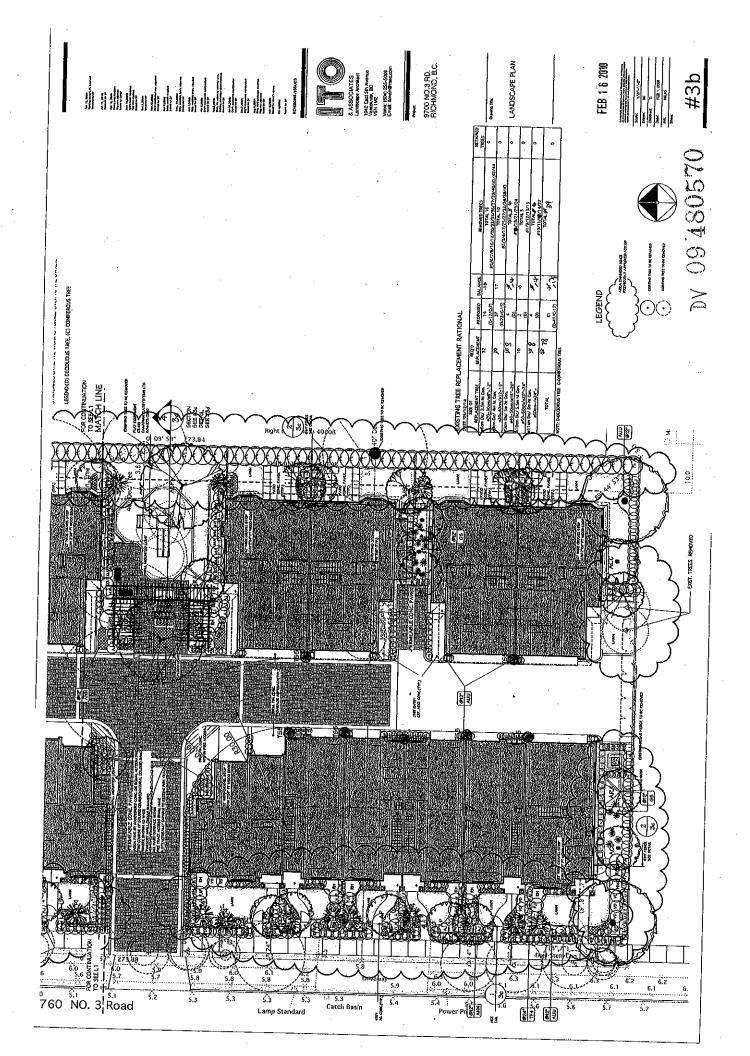
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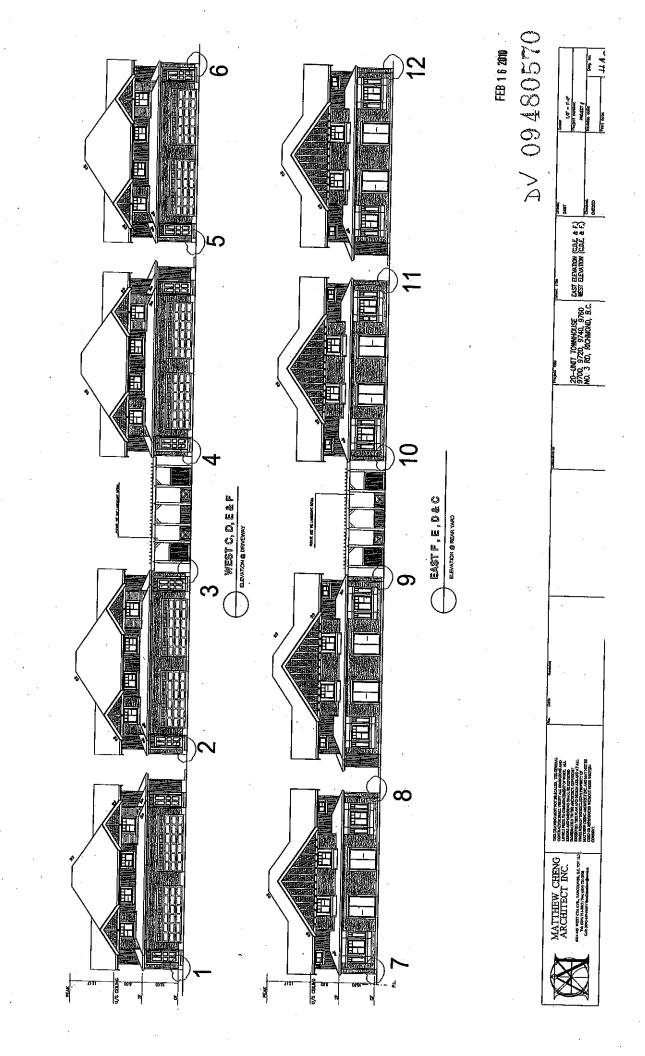


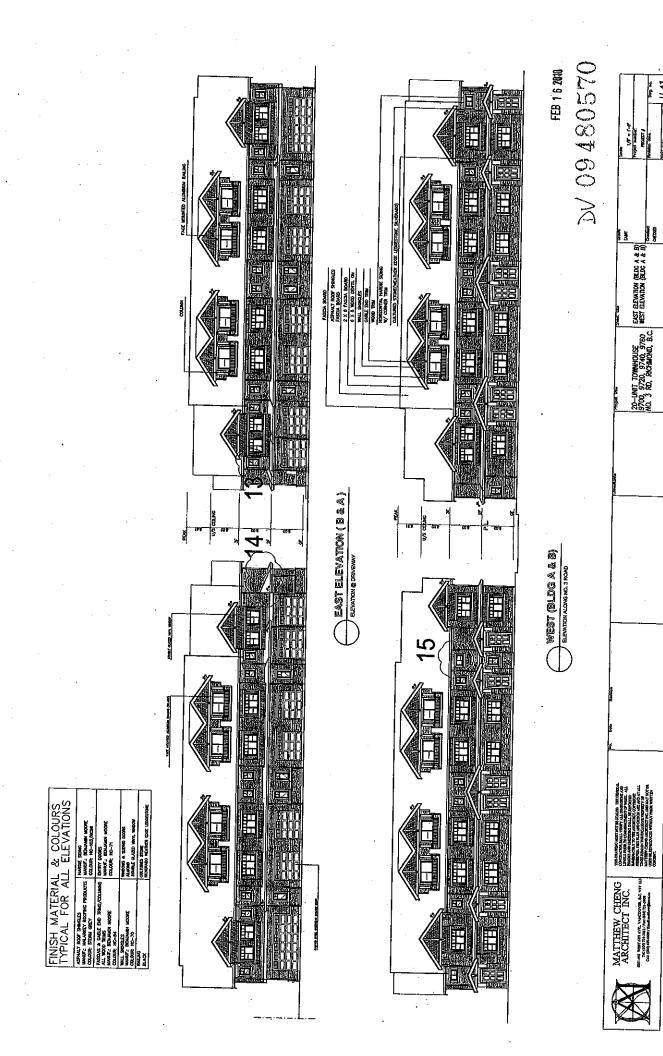


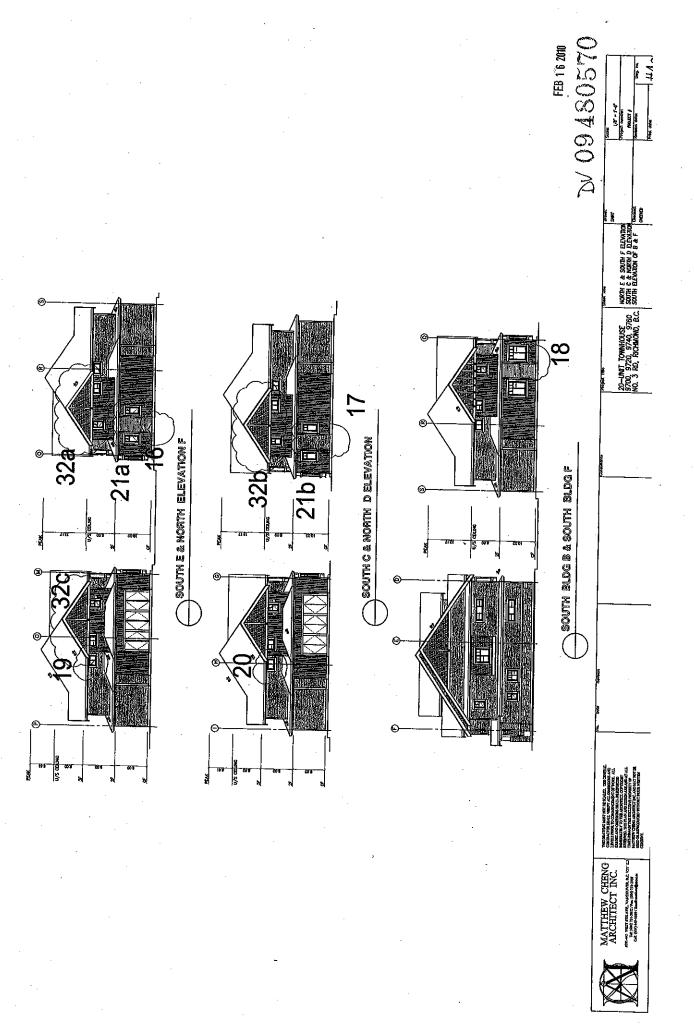
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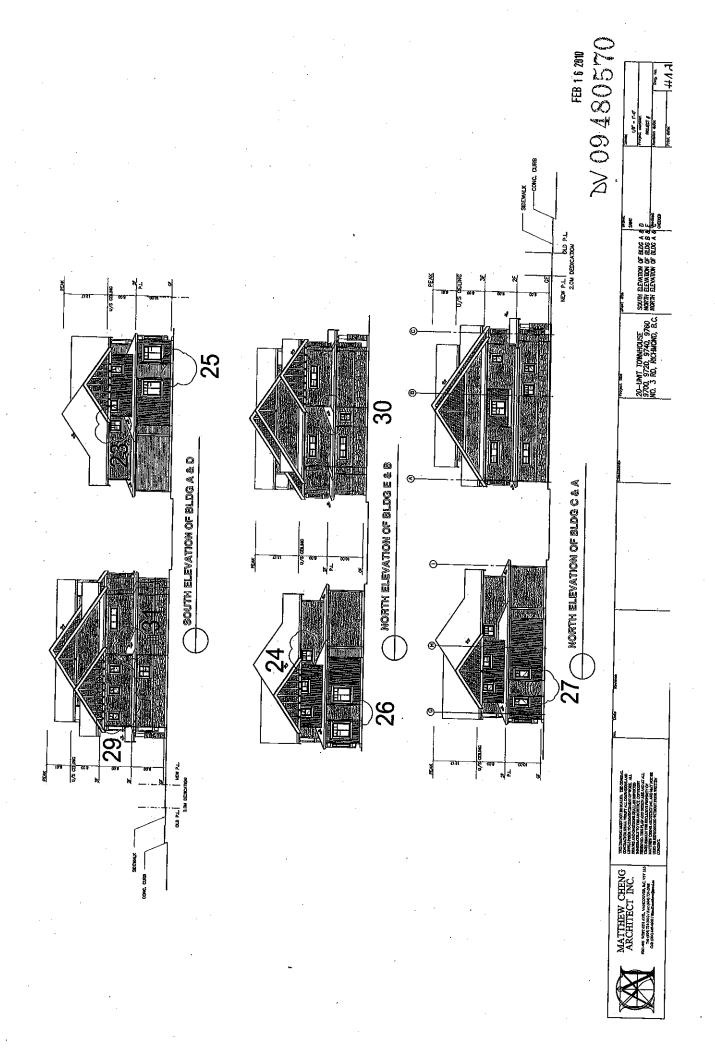
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DV 09 480570









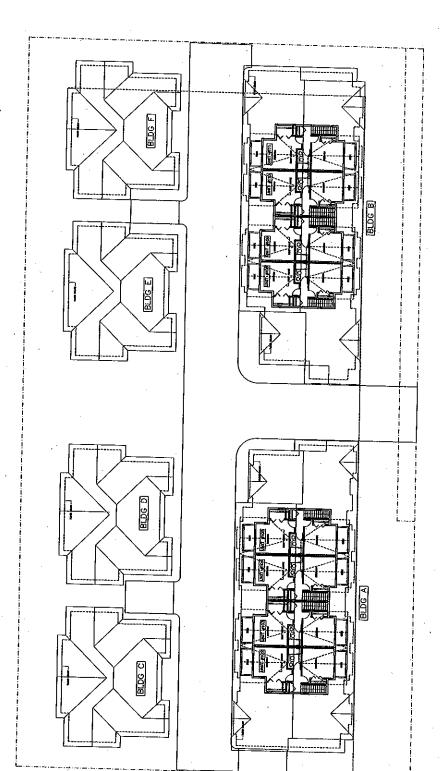
SECOND FLOOR PLAN

DV 09 480570 REFERENCE PLAN

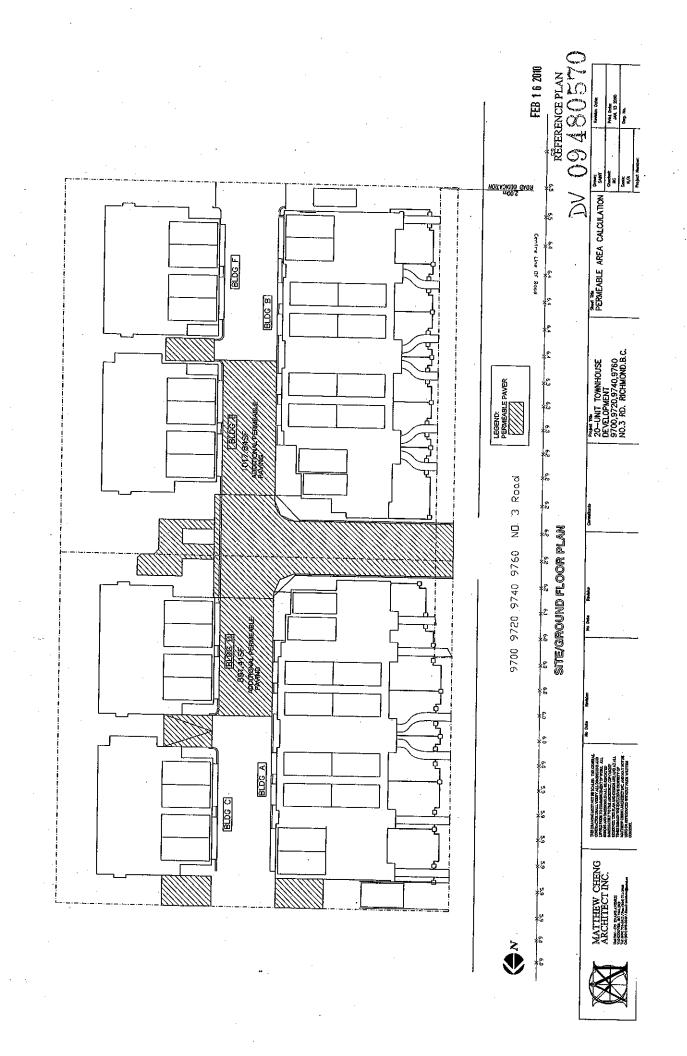
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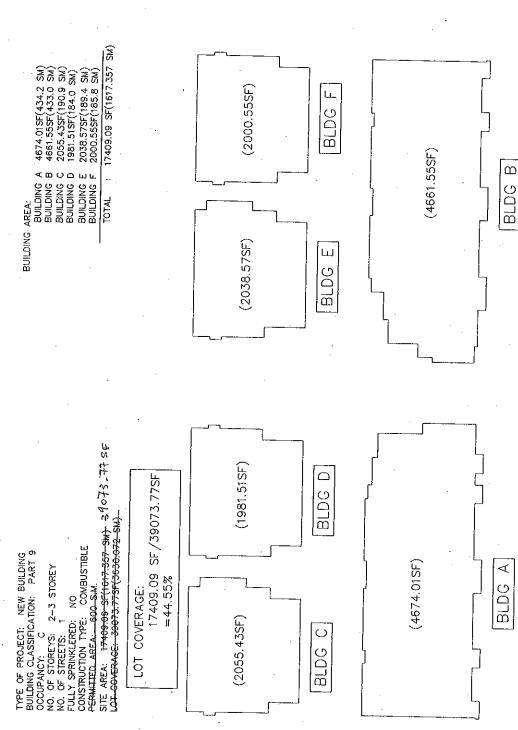
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THIRD FLOOR PLAN





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20—UNIT TOWNHOUSE 9700, 9720, 9740, 9760 NO.3 RD, RICHMOND, B.C.

BUILDING AREA CALCULATION

DV 09480570 REFERENCE PLAN

BULDING AREA CALCULATION