



Development Permit Panel

Wednesday, February 13, 2008

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Joe Erceg, Chair
Jeff Day, General Manager, Engineering and Public Works
Andrew Nazareth, General Manager, Business and Financial Services

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 30, 2008, be adopted.

CARRIED

2. Development Permit 05-315321

(Report: January 24, 2008; File No.: 05-315321) (REDMS No. 2265123)

APPLICANT: Elegant Development Inc.

PROPERTY LOCATION: 22760, 22780, 22800, 22820, 22840 Westminster Highway

INTENT OF PERMIT:

1. Permit the construction of a 54 unit three storey townhouse complex consisting of 5 to 8 units per building at 22760, 22780, 22800, 22820, 22840 Westminster Highway on a site zoned Comprehensive Development District (CD/24); and
2. Vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) allow covered porches and bay windows to project a maximum of 1.53 metres into the front yard setback, and;
 - b) permit tandem parking stalls in up to 38 dwelling units (76 stalls maximum).

Applicant's Comments

Patrick Cotter, Patrick Cotter Architect Inc., remarked that the angular geometry of the site created both design constraints and opportunities and he drew the panel's attention to the following features of the development:

- the units along Westminster Highway have a street-facing relationship and are separated into clusters of five units, with varying front yard setbacks to create a better appearance on the street;
- most of the units fronting Westminster Highway have individual pedestrian connections;
- parking for residents is located beneath the living space;
- stepped landscaping is featured in each front yard and deliberately tries to mitigate the parking level;
- units are arranged around the perimeter of the site in order to free as much of the centre portion as possible;
- the highly visible, centrally located outdoor amenity space is landscaped with specimen trees, and is surrounded by visitor parking spaces; additional visitor parking spaces are also provided clustered at the north end of the site;
- the centre building was located with an effort to minimize the number of units with a direct interface with drive aisle, and to centralize the open space at the west end of the site so as many units as possible front green space;
- the ends of the buildings are articulated with exterior detailing and end elements to break up the exterior and avoid large wall faces;
- providing a buffer between the proposed structures on site and the Queen's Canal are two separate zones: (i) the protected Environmentally Sensitive Area, and (ii) the private rear yard spaces, which are softly landscaped and considered a passive part of the ESA;
- the selection of building materials include vinyl siding, shingle siding, and trims painted in shades of taupes, tans and grays.

Masa Ito, landscape architect, identified the following features of the landscaping plan:

- the private front yards along Westminster Highway, as well as each of the back yards, are divided by a low fence to provide privacy;
- centrally located outdoor amenity space features gardens with a variety of plant materials and trees, suitable for a small area, and includes a mix of trees, with approximately 30% coniferous trees;
- 78 trees will be planted to replace the 43 trees that were removed from the site, and an additional 29 trees will be planted in the ESA, for a total of 107 new trees throughout the site.

Staff Comments

Brian Jackson, Director of Development, advised that staff recommends that the development permit be issued as the applicant has responded to comments by staff and the Advisory Design Panel. He further advised that the application has been with the City for more than two years, and that there had been a change in ownership.

Correspondence

None.

Gallery Comments

Trevor Wood, 22880 Westminster Highway stated that he objected to the development. He mentioned damage to his property, but he could not comment further as his lawyer is in discussion with the applicant's lawyer.

Eva Sun, 22720 and 22740 Westminster Highway advised that her property is immediately to the south of the subject site and that her concern is with regard to a lack of privacy unless fencing and hedges are put in place on the south property line.

Ms. Sun also mentioned that the proposed development would require an upgrade in the City sanitary sewer system and requested the ability for her property to also connect to the sanitary sewer.

The Chair advised Ms. Sun that Public Works and Transportation staff could provide her with information with regard to the neighbourhood's sanitary sewer system requirements.

In response to Ms. Sun's privacy concerns Mr. Ito advised that the landscaping plan includes evergreen trees, and flowering plants along the south property line. He further commented that the deciduous trees planned for that part of the subject site will grow up to 20 feet tall and will provide screening between the properties.

Mr. Cotter added that the plan also includes provision of fencing up to six feet, which is the maximum allowable under the City's bylaw.

Panel Discussion

In response to queries, Mr. Cotter advised that:

- cash in lieu of indoor amenity space is being provided;
- outdoor amenities include children's play equipment located at the large central open space, open play space for children, and benches located within sight of the play area for supervision and socialising;
- the previous owner of the site was responsible for the removal of the trees, and the removal would have been necessary to meet the flood plain construction conditions and to prepare for the required drainage of the site; had the trees not been removed earlier, they would have had to have been removed later to achieve the required grades;

- the one adaptable unit has been designed with an alternative adaptable floor plan design and more square footage in order to accommodate any adaptable upgrades, including enough space in the middle of the stairwell so that future occupants can move from the parking level to the main level, where living and sleeping accommodations are available to the occupant.

In response to a query regarding security for maintenance of the Riparian Management Area being held over a five year period, staff advised that there is no plan to hold security beyond one year. The Ministry of Fisheries and Oceans has jurisdiction for supervision and the federal Fisheries Act is applicable.

In response to a final inquiry, Mr. Jackson advised that, consistent with the conditions of Rezoning, the applicant is not making a voluntary contribution to the City's affordable housing strategy nor affordable housing units due to the fact that the project was in-stream prior to the City's adoption of the Affordable Housing Strategy.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *Permit the construction of a 54 unit three storey townhouse complex consisting of 5 to 8 units per building at 22760, 22780, 22800, 22820, 22840 Westminster Highway on a site zoned Comprehensive Development District (CD/24); and*
2. *Vary the provisions of the Zoning and Development Bylaw No. 5300 to:*
 - a) *allow covered porches and bay windows to project a maximum of 1.53 metres into the front yard setback, and;*
 - b) *permit tandem parking stalls in up to 38 dwelling units (76 stalls maximum).*

CARRIED

3. Development Permit 06-352004

(Report: January 23, 2008 File No.: 06-352004) (REDMS No. 2274382)

APPLICANT: Andrew Cheung Architects Inc.

PROPERTY LOCATION: 3900 Moncton Street

INTENT OF PERMIT:

1. Permit the construction of a two-storey mixed use development at 3900 Moncton Street on a site zoned "Steveston Commercial (Two-Storey) District (C4)"; and
2. Vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Increase maximum building height from 9 m to maximum 10.06 m for false front parapets;
 - b) Reduce the minimum parking setback from 1.5 m to 0.45 m to the south property line and from 3 m to 1 m to the lane;

- c) Permit 30% of off-street parking spaces to be for small cars (7 of 24 total parking spaces); and
- d) Reduce the minimum number of off-street parking spaces from 28 to 26 spaces (24 parking spaces provided).

Applicant's Comments

Andrew Cheung, Andrew Cheung Architects Inc. referred to drawings of the design for the proposed structure at the southwest corner of No. 1 Road and Moncton Road and provided the following comments:

- the subject site is located at a gateway corner to Steveston Village;
- the design takes into account earlier structures in the Village in the form and character, proportion and materials of the proposed development reflect the earlier buildings;
- parapets, wood siding, wood window frames, and smaller passages through the site are all reminiscent of Stevenson's heritage character;
- pedestrian oriented commercial spaces are located along both No. 1 Road and Moncton Street;
- the corner plaza element is an important focal point where there will be much pedestrian activity;
- the second storey comprises 9 residential units;
- ten secure residential parking spaces and an open surface parking area are accessed off the rear lane;
- the parking area features small trees;
- the colour palette includes muted green, and other heritage colours.

Fred Liu, landscape architect advised that:

- two street trees will be planted on No. 1 Road;
- trees will be planted in the rear surface parking area and to ensure they will thrive, structural soil and tree guards will be positioned around each;
- some planting is planned along the lane as well as the south property line;
- decorative paving will be included in the plaza area, parking entry, pedestrian passage and into the surface parking area.

Staff Comments

Mr. Jackson stated that the applicant has responded to the unique circumstances presented by the southwest corner of this high profile intersection in historic Steveston Village. He noted that the applicant had responded well to concerns raised by staff, the Heritage Commission (HC) and the Advisory Design Panel (ADP). Mr. Jackson added that the project has the support of both the HC and the ADP.

Correspondence

None.

Gallery Comments

Pat Talmey, a commercial property owner in the Steveston area, and a developer in the Village, expressed concern regarding the relaxation of parking requirements. He stated that reducing the minimum parking setback and increasing the amount of small car spaces would benefit only developers and not the community. He believes that the benefits of communal co-op parking spaces remain unproven. He suggested that building height issues should be used when deciding on communal parking space issues.

Mr. Talmey remarked that Steveston has a severe parking shortage and has had one since the late 1980s. In his experience developing buildings in the Village he was told that parking should not be modified through the development permit process. He stated concern with the City's Parking Bylaw. He referred to correspondence he has had with past City employees regarding his concerns and questioned why a staff report exploring instances of inequitable application of the Bylaw has not been forthcoming.

In closing Mr. Talmey remarked that he is in favour of the proposed development before the panel.

The Chair advised that the City operates on the basis that the Parking Bylaw is accurate, that he has not had any indication from the Law Department that the Parking Bylaw is not valid, and as such he sees no grounds for the panel to not deal with the application before the panel. He suggested that Mr. Talmey contact Phyllis Carlyle, General Manager, Law & Community Safety with regard to the broader issues he raised and questions he has.

Panel Discussion

In response to a query Mr. Cheung advised that the façade features wood siding and wood framed windows and will maintain a good appearance in the future.

In response to the Chair's inquiry with regard to the applicant's plan early in the design process to include a landscaped roof top garden and why it was missing from the current design, Mr. Cheung reported that the applicant's insurer would not insure a green roof.

The Chair noted that the design conforms to the Character Area Checklist for Steveston Village Development Permit Guidelines. The Chair stated that despite the support of the HC and the ADP he has had some feedback from Planning Committee that there is a concern about the project's appearance, particularly the articulation and heritage look. In reply to the Chair's inquiry with regard to how the applicant has changed the project to address these concerns, Mr. Jackson replied that the applicant has made the following adjustments in design:

- (1) building materials have been changed during the design process; past schemes included an exposed concrete party wall but now more wood is used and all materials are fully in conformance with the Character Area Checklist for Steveston Village Development Permit Guidelines, including second story window treatments;
- (2) in terms of meeting the street the corner of the building was made cleaner; in addition the corner balcony feature was removed;
- (3) the residential entry was pulled forward to the street, not recessed as in past design, so that the building's exterior reads as more contiguous along the street front;
- (4) the height of the false-fronts have been reduced and their detailing changed so they appear more as two-storey, not three-story;
- (5) the landscape plan has been improved, and in lieu of a landscaped green roof, the plan now includes trees in the parking area.

In response to a query regarding the terms and conditions in support of the variance for reducing the minimum number of off-street parking spaces from 28 to 26, Mr. Cheung advised that the applicant is providing cash in lieu for an additional two spaces as well as the provision of a co-op car and its parking space, for a further reduction of two spaces.

Discussion ensued with regard to the co-op car program included in the project. Staff advised that the co-op parking stall is identified and an agreement on title would be secured for the City to 'own' this space. In response to the Chair's inquiry regarding if there is a mechanism in place to ensure that the co-op program for this development would be ongoing in perpetuity, advice was given that the co-op parking space is secured permanently but there is no requirement to compensate the City for the parking variance for two spaces, if the co-op operation is discontinued.

Based on advice given by staff, the Chair asked if the developer could address the issue. He stated that if the panel permitted the variance that reduces parking spaces by two spaces, it would be unfair if the car co-op component of the project is discontinued in the future, with payment of compensation, similar to the cash in lieu of parking payment.

The spokesman for Eclissi Developments, Mr. William Chen advised that he would have to consider the Chair's point regarding parking variances, and that any parking encumbrances would be passed on to future purchasers. Any agreement on the title would bind the future strata corporation to provide cash in lieu.

The Chair sought clarification and asked the developer's representative if he was prepared to register an agreement on title to pay compensation to the City if the co-op car program is discontinued. Mr. Chen replied that yes, that can be done.

As a result of the discussion the Panel added the following to the staff recommendation:

- e) *be subject to suitable legal documentation to ensure that if the co-op car program is discontinued the City is reimbursed to the value of two parking spaces.*

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *Permit the construction of a two-storey mixed use development at 3900 Moncton Street on a site zoned "Steveston Commercial (Two-Storey) District (C4)"; and*
2. *Vary the provisions of the Zoning and Development Bylaw No. 5300 to:*
 - a) *Increase maximum building height from 9 m to maximum 10.06 m for false front parapets;*
 - b) *Reduce the minimum parking setback from 1.5 m to 0.45 m to the south property line and from 3 m to 1 m to the lane;*
 - c) *Permit 30% of off-street parking spaces to be for small cars (7 of 24 total parking spaces);*
 - d) *Reduce the minimum number of off-street parking spaces from 28 to 26 spaces (24 parking spaces provided); and*
 - e) *Be subject to suitable legal documentation to ensure that if the co-op car program is discontinued the City is reimbursed to the value of two parking spaces.*

CARRIED

4. Development Variance Permit DV 07-396897

(Report: January 22, 2008 File No.: DV 07-396897) (REDMS No. 2330874)

APPLICANT: Randy May

PROPERTY LOCATION: 2600 No. 7 Road

INTENT OF PERMIT:

That a Development Variance Permit be issued which would vary the provisions of the Zoning and Development Bylaw No. 5300 to increase the maximum required setback from a public road in the Agricultural District (AG1) zone from 50 m (164 ft.) to 75 m (246 ft.) to accommodate a new single-family dwelling at 2600 No. 7 Road.

Applicant's Comments

Randy May and his son Cory May were available to answer queries.

Staff Comments

Mr. Jackson commented that staff supports the request for a variance to the maximum setback from 50 metres to 75 metres, citing the unusual circumstances. The impact to agriculture would be greater if compliance with the 50 metre maximum setback is imposed.

Correspondence

None.

Gallery Comments

Dr. Jan Knapp, 10420 Odlin Road, expressed concern regarding the request for a Development Variance Permit, and questioned the justification for 75 metres, and mentioned requirements to comply with the City's Floodplain Management Implementation Strategy.

In response to Dr. Knapp's inquiry regarding how the restrictive covenant is justified, the Chair advised that each case is site specific. In response to Dr. Knapp's second inquiry, on the subject of the environment, the Chair responded that the City can consider agricultural and/or environmental circumstances.

Panel Discussion

In response to a query, Cory May advised that the planned structure is a single-family dwelling, and including the garage, would be approximately 7,000 square feet.

When asked what the outcome of more preload on the site would mean, Randy May replied that it would result in more land being unsuitable for cranberry farming due to the necessity to remove some producing cranberry bushes. Peat had been removed from the pre-load area and was no longer suitable for cranberry farming.

The Chair noted that when the DV Permit application was presented to the Agricultural Advisory Committee (AAC) in December 2007, a motion to support the variance was defeated. Mr. Jackson explained that the AAC passed a motion directing the DV Permit application be referred to staff, to process the application on the understanding that staff work with the applicant to secure considerations, (i.e. to ensure that the intent of preserving as much viable agricultural land as possible is maintained) which would generally benefit farming. Mr. Jackson advised that staff worked with the applicant to respond to the AAC's motion and the result was the requirement for a restrictive covenant.

Panel Decision

It was moved and seconded

That a Development Variance Permit be issued which would vary the provisions of the Zoning and Development Bylaw No. 5300 to increase the maximum required setback from a public road in the Agricultural District (AG1) zone from 50 m (164 ft.) to 75 m (246 ft.) to accommodate a new single-family dwelling at 2600 No. 7 Road.

CARRIED

5. Date of Next Meeting

It was moved and seconded

That the Development Permit Panel meeting tentatively scheduled for Wednesday, February 27, 2008 be cancelled, and that the next Development Permit Panel is scheduled for 3:30 p.m., Wednesday, March 12, 2008.

CARRIED

6. Adjournment

It was moved and seconded

That the meeting be adjourned at 4:50 p.m.

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Development Permit Panel of the Council of the City of Richmond held on Wednesday, February 13, 2008.

Joe Erceg
Chair

Sheila Johnston
Committee Clerk