



**Development Permit Panel
Wednesday, September 16, 2020**

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Joe Erceg, Chair
Cecilia Achiam, General Manager, Community Safety
John Irving, General Manager, Engineering and Public Works

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

Minutes

It was moved and seconded

That the minutes of the meeting of the Development Permit Panel held on July 29, 2020 be adopted.

CARRIED

1. GENERAL COMPLIANCE – REQUEST BY HAMILTON VILLAGE CARE CENTRE HOLDINGS LTD. FOR A GENERAL COMPLIANCE RULING AT 23111 GARRIPIE AVENUE

(File Ref. No.: DP 20-906520 Xr: DP 17-771210) (REDMS No. 6500176)

APPLICANT: Hamilton Village Care Centre Holdings Ltd.

PROPERTY LOCATION: 23111 Garripie Avenue

INTENT OF PERMIT:

To consider the attached plans involving changes to the design of the proposed landscaping and to the approved ESA compensation to be in General Compliance with the approved Development Permit (DP 17 771210).

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Applicant's Comments

Travis Martin, van der Zalm + Associates, with the aid of a visual presentation (copy on file, City Clerk's Office), provided background information on the proposed changes to landscaping and the Environmentally Sensitive Area (ESA) compensation area that were approved through Development Permit DP 17-771210, highlighting the following:

- a landscape wall is proposed at the northwest corner of the site to address grade changes around two existing trees which are being retained;
- the Western Red Cedar tree (#869) that was damaged during construction had to be removed and is being replaced with two new Western Red Cedar trees;
- the Pad Mounted Transformer (PMT) originally sited at the southeast corner of the site will be relocated along the Westminster Highway frontage as required by BC Hydro;
- the ESA along Garripie Avenue will be extended eastwards to compensate for the loss of ESA as a result of the relocation of the PMT;
- a planted island on the Garripie Avenue frontage will be replaced with concrete to accommodate a new crosswalk across Garripie Avenue; and
- a low fence to enclose garbage containers at the solid waste staging area on the southeast corner of the site will be removed as solid waste is stored within the building.

In reply to queries from the Panel, Mr. Martin acknowledged that (i) the Western Red Cedar tree that was removed was 30 cm. diameter in size, and (ii) the grade of the proposed location for the two replacement cedar trees and the spacing between them would enhance their survivability and potential to grow and mature.

Gallery Comments

None.

Correspondence

None.

Panel Discussion

It was noted that the proposed planting of two smaller cedar trees as compensation for the removal of the significant cedar tree is not sufficient and a more substantial tree compensation package, which include planting of more replacement trees on-site and/or off-site, would be appropriate.

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Panel Decision

It was moved and seconded

That the application be referred back to staff for the applicant to work with staff to provide a more substantial tree compensation package for the loss of a significant cedar tree on-site and be brought back for consideration at the September 30, 2020 meeting of the Development Permit Panel.

CARRIED

2. DEVELOPMENT PERMIT 18-818403

(REDMS No. 6344932 v. 3)

APPLICANT: Konic Development Ltd.

PROPERTY LOCATION: 7151 No. 2 Road

INTENT OF PERMIT:

1. Permit the construction of four townhouse units at 7151 No. 2 Road on a site zoned “Low Density Townhouses (RTL4)”; and
2. Vary the provisions of Richmond Zoning Bylaw 8500 to:
 - (a) reduce the minimum lot width on major arterial road from 50.0 m to 20.12 m; and
 - (b) reduce the minimum front yard (east) setback from 6.0 m to 4.55 m.

Applicant's Comments

Matthew Cheng, Matthew Cheng Architect Inc., with the aid of a visual presentation (copy on file, City Clerk's Office), provided background on the proposed development including, among others, the project's site context, site plan, floor plans, setbacks, grading plan, architectural form and character, and sustainability features, highlighting the following:

- the subject site is an orphaned lot and does not meet the required minimum lot width so the applicant is requesting a variance;
- there is a Cross Access Easement registered on Title of the existing townhouse development to the south (7321 No. 2 Road); however, a driveway to No. 2 Road is proposed for the subject site due to concerns raised by the neighbouring strata;
- an electrical room will be provided on the west side of the building;
- electric vehicle (EV) charging will be provided for each garage;
- a front yard setback variance is proposed to increase the separation between the townhouse building and the single-family dwelling to the west;

3.

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- no balconies will be installed on the west and south sides of the building to provide privacy to neighbouring residential developments;
- a convertible unit with future provision for a lift is proposed;
- the project meets EnerGuide 82 rating requirements as confirmed by the project's Certified Energy Advisor;
- heat recovery ventilator (HRV) units are located facing the church parking lot to the north to address potential noise issues with neighbouring developments; and
- local, renewable and durable building materials are proposed.

Denitsa Dimitrova, PMG Landscape Architects, reviewed the proposed landscape features for the project, noting that (i) two off-site trees at the southwest corner of the site will be retained, (ii) a low aluminum transparent fence will be installed to enhance the streetscape and will be set back two feet to allow planting that will provide visual interest, (iii) a six-foot high wood fence is proposed along the north and west sides of the proposed development to provide a buffer to neighbouring developments, (iv) the existing six-foot high fence along the south side will be retained, (v) the common outdoor amenity area will be located on the west side of the subject site to provide a buffer to the single-family dwelling to the west, (vi) the proposed play equipment in the common outdoor amenity area provides various play opportunities for children, and (vii) two different colours of permeable pavers are proposed.

Staff Comments

Wayne Craig, Director, Development noted that (i) the two proposed variances associated with the project were identified at rezoning stage, (ii) a front yard setback variance is requested due to a road dedication being provided along No. 2 Road and to increase the building's separation to the single-family dwelling to the west, (iii) an acoustical report provided by the applicant indicates that there are no traffic noise issues as a result of the reduced front yard setback, (iv) the lot width variance is a technical variance due to the site geometry and the site being an orphaned lot, and (v) there will be a Servicing Agreement for frontage works at Building Permit stage.

In reply to queries from the Panel, Mr. Craig acknowledged that (i) a fence along the south property line separates the subject site and the adjacent townhouse development to the south, (ii) there is limited space for landscaping along the south property line due to the proposed east-west internal drive aisle, and (iii) the side yards of two townhouse units in the adjacent townhouse development to the south abut the south property line of the subject site.

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Panel Discussion

In reply to a query from the Panel, Ms. Dimitrova noted that a slight grade change and a fence provide separation between the children's play area and the visitor parking stall.

In reply to a query from the Panel, Mr. Craig noted that (i) the City permits the concurrent review of the Building Permit and Development Permit applications, and (ii) the project meets the grandfathering provisions adopted by Council when the Step Code was introduced, which require that the Building Permit application be submitted prior to December 31, 2019 while the Development Permit application was under review.

In reply to a query from the Panel, Mr. Cheng noted that in his opinion, the project's proposed sustainability features are similar to those proposed by projects targeting Energy Step Code 3.

In reply to queries from the Panel, Mr. Cheng and Ms. Dimitrova confirmed that (i) brick cladding and a high level window are proposed for the garbage room on the building's east façade which fronts onto No. 2 Road, (ii) an evergreen hedge is proposed in front of the building's east façade, and (iii) there are opportunities to enhance the exterior cladding treatment of the garbage room consistent with the residential character of the neighbourhood, such as incorporating residential windows.

Gallery Comments

None.

Correspondence

Alex Chang, Lesperance Mendes Lawyers, on behalf of the owners, Strata Plan BCS3356 located at 7231 No. 2 Road ([Schedule 1](#))

Mr. Craig noted that Mr. Chang's concern regarding the subject development using the driveway on the adjacent site to the south is unfounded as a driveway will be provided on the proposed development that will provide direct access to No. 2 Road.

In reply to queries from the Panel, Mr. Craig acknowledged that (i) the project's use of the driveway on the adjacent townhouse development to the south was being investigated at the rezoning stage, (ii) it was determined through the rezoning and public hearing process that the subject site would be granted its own driveway to No. 2 Road, and (iii) a Statutory Right-of-Way (SRW) will be registered over the entire internal drive aisle on the subject site to provide legal access to existing and future developments to the south should the No. 2 Road and Comstock Road intersection become signalized in the future.

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Panel Discussion

Staff was directed to work with the applicant to (i) enhance the architectural treatment of the garbage room on the building's east façade and incorporate additional landscaping in front of the building to improve the No. 2 Road streetscape, and (ii) ensure that the project's proposed sustainability features are retained through the Building Permit process, prior to the application moving forward for Council consideration.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would:

1. *permit the construction of four townhouse units at 7151 No. 2 Road on a site zoned "Low Density Townhouses (RTL4)"; and*
2. *vary the provisions of Richmond Zoning Bylaw 8500 to:*
 - (a) *reduce the minimum lot width on major arterial road from 50.0 m to 20.12 m; and*
 - (b) *reduce the minimum front yard (east) setback from 6.0 m to 4.55 m.*

CARRIED

3. DEVELOPMENT PERMIT 18-829141
(REDMS No. 6435610 v. 6)

APPLICANT: Townline Ventures Inc.

PROPERTY LOCATION: 5591, 5631, 5651 and 5671 No. 3 Road

INTENT OF PERMIT:

To permit the construction of a high-density, mixed-use development consisting of three residential towers and a mid-rise building that includes 363 residential units and 20 low-end market rental units, and an office tower over a single storey mixed-use podium with street oriented commercial, retail and community amenity uses at ground level at 5591, 5631, 5651 and 5671 No. 3 Road.

Applicant's Comments

Peter Odegaard, MCM Architects, with the aid of a visual presentation (copy on file, City Clerk's Office), provided background information on the proposed development, including its site context, site plan, and form and character, highlighting the following:

- the proposed development includes spaces for office, residential, retail/commercial, and City-owned community amenity uses in the centre of the City Centre Area;

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- two of the four levels of parking are below grade, resulting in a low podium expression around the buildings;
- the existing City lane along the west side of the subject site will be widened to create a new north-south road;
- all vehicle, loading and garbage and recycling access is provided through a single parkade entrance located at the north end of the site from the new north-south road;
- the proposed linear park fronts onto the south side of the subject site along Lansdowne Road;
- the architecture of the buildings reflects their mixed-uses;
- the office tower is articulated with angled corners and edges and is sited at the prominent southeast corner of the site;
- angled balconies are proposed for the residential towers;
- the outdoor amenity spaces are located on the podium roof; and
- public art, which is a light installation, will be incorporated on the ceiling of the two pedestrian breezeways.

In reply to a query from the Panel, Mr. Odegaard noted that (i) public art is located at the two pedestrian breezeways on either side of the office tower building which can be accessed from No. 3 Road and Lansdowne Road and provide connection to the parkade, and (ii) the breezeways are publicly accessible during regular business hours.

Justin Benjamin-Taylor, Durante Kreuk Landscape Architecture, reviewed the main landscape features of the project, noting that (i) there is a 10-metre dedication along the Lansdowne Road frontage for the installation of the linear park, (ii) the outdoor amenity area on the podium has been programmed and delineated for common residential, office and private uses, (iii) the common residential outdoor amenity area includes active and passive uses including, among others, a children's play area, an outdoor pool, a quiet garden, a dog run with wash station, outdoor kitchens and dining areas, and (iv) pedestrian circulation routes are provided from the two podium exits.

In reply to queries from the Panel, Mr. Odegaard and Mr. Taylor acknowledged that (i) ballasted roofs are proposed for the four towers primarily due to height restrictions and will not be accessible, (ii) the roof lines of the project are differentiated and the residential tower roofs are sloped, (iii) the top of the tower is the roof parapet of the elevator overrun, (iv) an intensive green roof is proposed on the mid-rise building rooftop, and (v) there would be no added significant benefits for installing green roofs on the rooftops of towers as water infiltration is taken care of by the overall design of the buildings.

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Staff Comments

Mr. Craig noted that (i) a City-owned community amenity space is included in the proposed development that has been designed in consultation with City stakeholders, (ii) there is a significant Servicing Agreement associated with the project for the significant road improvements along Lansdowne Road, the construction of a new north-south road along the west side of the site, and improvements to No. 3 Road, (iii) the linear park will also be designed through the Servicing Agreement process, (iv) the public art installation within the breezeways was reviewed and endorsed by the Richmond Public Art Advisory Committee (RPAAC) on May 22, 2019, (v) an on-site low carbon district energy utility plant will be constructed and transferred to the Lulu Island Energy Company, and (vi) acoustical measures have been incorporated in the design of the development to address aircraft noise and the adjacency of Canada Line to the subject development.

In reply to queries from the Panel, Mr. Craig acknowledged that (i) the linear park will be designed through a Servicing Agreement process in consultation with City staff, (ii) the City-owned community amenity space and the project's residential units front onto the new north-south road, (iii) the project meets the City's Affordable Housing Strategy requirements, (iv) the affordable housing units will be distributed among the three residential towers, and (v) the design of the bicycle lane will be part of the Servicing Agreement that will be reviewed by City's Transportation and Engineering staff.

Gallery Comments

None.

Correspondence

None.

Panel Discussion

The Panel expressed support for the project, noting that it is well done and the provision of two levels of below grade parking enhances the appearance of the streetscape.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would permit the construction of a high-density, mixed-use development consisting of three residential towers and a mid-rise building that includes 363 residential units and 20 low-end market rental units, and an office tower over a single storey mixed-use podium with street oriented commercial, retail and community amenity uses at ground level at 5591, 5631, 5651 and 5671 No. 3 Road.

CARRIED

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4. DEVELOPMENT VARIANCE 20-896703

(REDMS No. 6496446 v. 4)

APPLICANT: Dagneault Planning Consultants Ltd.

PROPERTY LOCATION: 2151, 2511, 2611, 2651 No. 7 Road and PID 001-928-899

INTENT OF PERMIT:

1. Vary the provisions of Richmond Zoning Bylaw 8500 to:
 - (a) reduce the minimum front yard setback for agricultural buildings and structures from 7.5 m to 1.87 m;
 - (b) reduce the minimum interior side yard setback for agricultural buildings and structures from 4.5 m to 0.58 m; and
 - (c) reduce the minimum lot area from 2.0 ha to 0.34 ha at 2651 No. 7 Road in order to resolve an encroachment issue with the existing agricultural buildings and structures along the south property line of 2611 No. 7 Road; and
2. Allow the existing agricultural buildings and structures at 2151, 2511, 2611, 2651 No. 7 Road and PID 001-928-899 on a site zoned "Agriculture (AG1)" to remain and facilitate a proposed subdivision.

Applicant's Comments

Brian Dagneault, Dagneault Planning Consultants Ltd., with the aid of a visual presentation (copy on file, City Clerk's Office), provided background information on the subject application, highlighting the following:

- the property owner is a long-time farmer in Richmond and intends to transfer the subject properties zoned "Agriculture (AG1)" to their children for farm succession planning and continuance of farming operations;
- the subject properties consist of four parcels and will be subdivided to align the property lines with existing farm operations, provide each parcel direct access to No. 7 Road, address an encroachment issue involving existing agricultural buildings and structures on-site, and facilitate the transfer of the parcels for farm succession planning;
- the proposed subdivision plan would reduce the number of parcels from four to three and require setback variances for existing agricultural buildings and structures which do not comply with the current minimum setback requirements;
- the proposed subdivision and adjustments of existing property lines would allow existing buildings on-site to remain in their current locations; and

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- the subdivision proposal includes slightly moving the south property line of 2611 No. 7 Road to the south to resolve an encroachment issue with existing buildings on the south side of the subject site.

In reply to queries from the Panel, Mr. Dagneault acknowledged that (i) the proposed subdivision will rationalize existing property lines to align with actual farm activities, (ii) under the proposed subdivision, existing Lot 3 and Lot 4 are combined into one lot and existing Lot 2 remains basically the same, (iii) moving the boundary line between Lots 3 and 4 would create a panhandle on the new lot to provide Lot 1 access to No. 7 Road, (iv) the south property line of existing Lot 4 will be slightly shifted south to capture the buildings which currently encroach into the Remainder Lot 5, and (v) the subdivision proposal will allow the existing buildings on-site to be apportioned to each of the property owner's children.

Staff Comments

Mr. Craig noted that (i) the proposed subdivision would reduce the number of parcels within the Agricultural Land Reserve (ALR) which is supported by City policy, (ii) the proposed subdivision would result in three lots with residential development potential and not create an additional lot with residential development potential, and (iii) the proposal was reviewed and supported by the Food Security and Agricultural Advisory Committee.

In reply to a query from the Panel, Mr. Craig acknowledged that although setback variances are proposed in the subject application, it will resolve an encroachment issue with existing agricultural buildings and structures on-site.

Gallery Comments

None.

Correspondence

None.

Panel Discussion

The Panel expressed support for the application, noting that the proposed subdivision is moving in the right direction.

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Panel Decision

It was moved and seconded

1. *That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to:*
 - (a) *reduce the minimum front yard setback for agricultural buildings and structures from 7.5 m to 1.87 m;*
 - (b) *reduce the minimum interior side yard setback for agricultural buildings and structures from 4.5 m to 0.58 m; and*
 - (c) *reduce the minimum lot area from 2.0 ha to 0.34 ha at 2651 No. 7 Road in order to resolve an encroachment issue with the existing agricultural buildings and structures along the south property line of 2611 No. 7 Road; and*
2. *This would allow the existing agricultural buildings and structures at 2151, 2511, 2611, 2651 No. 7 Road and PID 001-928-899 on a site zoned "Agriculture (AG1)" to remain and facilitate a proposed subdivision.*

CARRIED

5. **Date of Next Meeting: September 30, 2020**

6. **Adjournment**

It was moved and seconded

That the meeting be adjourned at 5:02 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, September 16, 2020.

Joe Erceg
Chair

Rustico Agawin
Committee Clerk

Schedule 1 to the Minutes of the Development Permit Panel meeting held on Wednesday, September 16, 2020.

To Development Permit Panel
Date: SEPT 16, 2020
Item # 7
Re: DP 18-818403
7151 NO 2 ROAD

From: Alex Chang <ajc@lmlaw.ca>
Sent: September 16, 2020 11:42 AM
To: CityClerk
Cc: Courtnie Touet; Michael Chung (michaelchung@citybase.ca)
Subject: File: DP 18-818403, Applicant: Konic Development Ltd., Site: 7151 No 2 Road
Attachments: 20-09-16 LT City of Richmond re DP 18-818403 (00808566xDA33B).PDF

Please see the attached correspondence submitted on behalf of The Owners, Strata Plan BCS3356, concerning the above-referenced development permit application.

Please confirm that you received the attached correspondence and that it will be entered into today's meeting record.

Regards,

Alex J. Chang

Associate

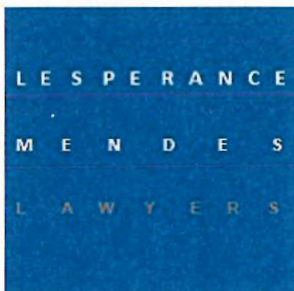
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L E S P E R A N C E
M E N D E S
L A W Y E R S

Reply to: Alex J. Chang
Direct Line: 604-685-1255
Email: ajc@lmlaw.ca
File: 2413-02

WWW.LMLAW.CA

September 16, 2020

REGISTERED MAIL AND EMAIL:

cityclerk@richmond.ca

City of Richmond, City Clerk's Office
6911 No. 3 Road
Richmond, BC V6Y 2C1

Dear Sirs/Madams:

**Re: File: DP 18-818403,
Applicant: Konic Development Ltd.
Site: 7151 No 2 Road**

We act for The Owners, Strata Plan BCS3356 (the "Strata") located at 7231 No. 2 Road.

We write to express the concerns that our client and its owners and residents have concerning the application for the development permit for 7151 No 2 Road (the "Lands").

Our client's property is immediately adjacent to the south of the Lands. While our client and we have not seen a copy of the development application, we understand from the public notice that the proposed development is for four townhome units with access to the lands via our client's property.

This proposed development is similar to a previous development permit application (2013 638387 000 00 RZ), which we understand did not proceed. Our client has the same concerns about this application as it did to the application in 2013. Those concerns were expressed in its letter to the City dated August 16, 2013, in response to the 2013 application.

Our client consists of 26 townhomes in a close-knit family community. Many of the residents have children that play in the front yards and sometimes on the driveways. The residents use these outdoor spaces for recreation more frequently due to the COVID-19 pandemic.

Sometimes residents or guests drive at unsafe speeds in through this family community. Fortunately, the Strata is able to manage the internal safety of its driveways by enforcing its bylaws and rules regarding road safety under the *Strata Property Act*.

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Our client has significant concerns regarding the proposed development. In particular, they are concerned about the suggested right to access the lands via the Strata's property during and after construction.

Suggested Right to Access the Strata's Property

Our client is concerned that as with the development applicant in 2013, the applicant in this case is of the view that the purchasers of the proposed townhomes would have an easement granting them access to the Lands via our client's property. Our client is also concerned that the developer intends to travel over the Strata's property to facilitate the construction.

Our client maintains that no such rights of access exist. We understand that the easement in question was granted when the Lands consisted of one home and that it was our client's property that was being developed. Had the intention been to grant a reciprocal right to access the Strata property to develop the Lands, those provisions could have been included in the easement.

We also understand that the easement purports to be a grant to the City of Richmond under s. 219 of the *Land Title Act*. However, s. 219 only grants rights to the City. It grants no rights to a private party like the developer. A s. 219 covenant is not enforceable to the extent that it purports to grant rights to a private party.

Our client also believes that it is unrealistic to believe that the large construction vehicles or their loads can reasonably fit within the easement area.

Access During Construction

As a matter of safety and practicality, the driveway running through our client's property is not large enough to accommodate additional traffic, particularly larger construction vehicles. Any additional traffic will present a safety concern and potentially cause damage to the Strata's property. The flow of construction vehicles would also interfere with the use of the Strata's common areas by causing increased traffic, noise, and debris. As noted above, the residents and their families have a greater need for those common outdoor areas during the pandemic.

Our client is also concerned that once the construction starts, the fence dividing the two properties will be removed, which would also increase the nuisance for our client. Residents are also concerned that with the fence removed to allow the flow of traffic into the Lands, that their children or pets may also be at risk of wandering into a construction site.

Our client is understandably concerned about the above nuisances and hazards. There is simply no practical way to minimize these hazards to their property and families.

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Access After Construction

Upon completion of construction, it would also be problematic for the purchasers of the development to access the Lands via the Strata property. These new neighbouring residents would not be a part of the Strata and, therefore, not subject to its bylaws and rules regarding the safety of the road. There would also be no mechanism that would allow the Strata to enforce its bylaws or rules against the residents of the Lands.

The neighbouring residents of the Lands would require regular vehicle access to the Strata's property to enter and leave the Lands. It would be unfair and unsafe for our clients to have one set of rules regarding the safe use of the driveway and for the residents of the Lands to have no rules apply to them at all.

Based on the foregoing, our clients ask that the City reject the development application.

Yours truly,

LESPERANCE MENDES

Per:



Alex J. Chang
cc. client