



Planning Committee

Date: Tuesday, April 20, 2010
Place: Anderson Room
Richmond City Hall
Present: Councillor Bill McNulty, Chair
Councillor Greg Halsey-Brandt, Vice-Chair
Councillor Linda Barnes
Councillor Sue Halsey-Brandt
Councillor Harold Steves
Mayor Malcolm Brodie
Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Planning Committee held on Wednesday, April 7, 2010, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

Tuesday, May 4, 2010, (tentative date) at 4:00 p.m. in the Anderson Room.

It was moved and seconded

That the agenda be varied and that Item 2 be considered after consideration of Item 6 and before consideration of Item 7.

CARRIED

PLANNING & DEVELOPMENT DEPARTMENT

1. **PATRICK COTTER ARCHITECT INC. HAS APPLIED TO THE CITY OF RICHMOND FOR PERMISSION TO REZONE 9560 AND 9580 ALBERTA ROAD FROM SINGLE DETACHED (RS1/F) TO MEDIUM DENSITY TOWNHOUSES (RMT3) IN ORDER TO DEVELOP A 13 UNIT 3 STOREY TOWNHOUSE DEVELOPMENT.**
(File Ref. No.: 12-8060-20-8588, RZ 09-495595) (REDMS No. 2820679)

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In reply to queries from Committee regarding transportation issues, Planning and Transportation staff advised that: (i) parking on site meets the requirements of the zoning bylaw; (ii) a cross access easement is to be registered on the subject property for the benefit of the adjacent property to the east, at 9620 Alberta Road; and (iii) at this time there are no plans to upgrade traffic lights in the area.

It was moved and seconded

That Bylaw No. 8588 for the rezoning of 9560 and 9580 Alberta Road from "Single Detached, (RS1/F)" to "Medium Density Townhouses (RTM3)", be introduced and given first reading.

CARRIED

3. **WESTWIND LAND USE CONTRACT (LUC) 157**

(File Ref. No.: 08-4430-01) (REDMS No. 2859577)

Holger Burke, Development Coordinator, provided an overview of issues related to the Westwind Land Use Contract (LUC) 157, located in the northwest portion of the Westwind neighbourhood, and Residential Land Use Contracts in general in Richmond.

Mr. Burke stated that residents in the Westwind neighbourhood had three concerns: (i) height, (ii) no maximum floor area ratio to dictate the size of a residence, and (iii) a resident's plan for a new residence built to LUC standards would change the character of the neighbourhood. A further concern relates to the LUC being linked, not to the current Richmond Zoning Bylaw No. 8500, but to earlier Bylaw No. 3365, approved by Council in August, 1977.

Discussion ensued between staff and Committee and in particular on:

- the benefits of the process to discharge Land Use Contract (LUC) 157 on individual properties;
- whether to discharge LUC 157 as it would change individual properties and the rezoning of individual properties as a single application where the property owners authorize the City to do so before December 31, 2010;
- calculations have not yet been done to determine what, if any, costs the City would incur if LUC 157 was to be discharged;
- if the City should pursue the possible course of action under Section 281 of the *Community Charter* and under the *Municipal Enabling and Validating Act* to address the issue of Residential Land Use Contracts that are tied to old, or obsolete, zoning bylaws;
- the idea of a mixture of both zoned and LUC properties in the Westwind neighbourhood;

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- the feasibility of a block-by-block investigation to ascertain the number of property owners who desire a discharge from the LUC;
- specific homeowners in the Westwind neighbourhood can determine their own square footage when developing an addition to their home, or a new structure on their lot;
- many massing issues encountered in the Westwind neighbourhood are not covered by the LUC, but are covered by the City's zoning bylaw; and
- what actions the City would take in the event that at least 51% of the property owners within the Westwind LUC agree to the discharge.

The Chair stated that Council had taken seriously the issue of Residential Land Use Contracts in general in Richmond, and especially the issue of the Westwind LUC, since it was brought to Council's attention in late 2009.

In response to a request from the Chair, Mr. Holger advised that no building permit has been issued by the City to the owner of 11251 Kingfisher Drive, and that some revisions have been made to the proposed design of the new structure that the owner of 1251 Kingfisher Drive wishes to build on the lot. One design change is for the new home to be lower than three storeys.

In response to a further query from the Chair, Mr. Burke advised that staff could examine how to let the neighbourhood know of the revised design changes, should approval of the design be issued in the future.

Graham Johnson, a Westwind neighbourhood resident, addressed Committee and expressed gratitude to Council and staff for their work on what he defined as a difficult issue. He was concerned that under an LUC there is no height restriction.

Mr. Johnson observed that the desire to preserve the ambience of the Westwind neighbourhood clashes with unrestricted potential for lots covered by an LUC to increase in value. He stated that addressing Westwind residents on a one-by-one, or block-by-block, basis is problematic, and that individual residents would be reluctant to discharge their properties not knowing if their neighbours would be doing the same.

A brief discussion ensued between Mr. Johnson and Committee, and a comment was made that if residents were requested to commit, on an individual basis, to be removed from the LUC, it would be necessary for them to do so in a provisional way, for example, if their neighbours did also.

Linda Terborg, a Westwind neighbourhood resident, addressed Committee and underlined the complexity of the LUC issue. She stated that with over 4,000 land use contracts throughout the City, all parties concerned wanted to solve the issue successfully.

Ms. Terborg noted that unrestricted height of new homes under the LUC is one important issue, but that unrestricted house size is the main point.

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Discussion then ensued among Committee with regard to addressing the LUC issue as it applies to a whole neighbourhood, and not just on a block-by-block basis.

Bob Laurie, 11060 Kingfisher Drive, addressed Committee and noted that the LUC had pitted one neighbour against another in the Westwind area, thereby creating a 'stand off' in the area. He stated that the Province should be made aware of the LUC situation, and that Council should pursue the course of action under Section 281 of the Community Charter.

Mr. Laurie stated that in spite of the LUC, he appreciated that there was design continuity in the Westwind neighbourhood. In closing, he remarked that the City's earlier Zoning Bylaw No. 5300 and its current Zoning Bylaw No. 8500 demonstrated a case of anachronism trumping rational planning.

Further discussion took place between staff and Committee and a remark was made that a global solution should be pursued, rather than a property-by-property solution.

As a result of the discussion, the following **motion** was introduced:

It was moved and seconded

That:

- (1) *staff and Council pursue the necessary course of action under Section 281 of the Community Charter and under the Municipal Enabling and Validating Act to address the issue of Residential Land Use Contracts that are tied to old or obsolete zoning bylaws, and report back to Planning Committee as necessary.*
- (2) *the following Resolution No. PH09/10-8 be lifted from the table:*

“That staff bring forward a resolution for submission to the Union of BC Municipalities with regard to the issue of Land Use Contracts in Richmond and elsewhere in the Province, giving notice of this action to other municipalities in the Metro Vancouver Region.”
- (3) *That the proposed resolution (Attachment 2) asking the Union of BC Municipalities (UBCM) to request that the Province of British Columbia enable Local Governments to discharge or amend a Residential Land Use Contract where the owners of at least 51% of the properties within the Residential Land Use Contract agree to the discharge or amendment, be forwarded to the UBCM for consideration, with copies to be provided to the Premier, and the Minister of Community and Rural Development for information, and to Richmond MLA's, and all Metro Vancouver municipalities requesting their support.*

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The question on the motion was not called as discussion continued with regard to how staff arrived at the figure of 51% in terms of owners who agree to discharge their properties.

Staff advised that if the City sought legislative charge from the Province, the Province would anticipate a certain requirement, or objective, to come from the neighbourhood in question.

The question on the motion was then called, and it was **CARRIED**.

4. **BROADMOOR NEIGHBOURHOOD SERVICE CENTRE MASTER PLAN & NEW OCP POLICIES AND DEVELOPMENT PERMIT GUIDELINES: OCP AMENDMENT BYLAW NO. 8579 FOR 7820 WILLIAMS ROAD, 7980 WILLIAMS ROAD, 10151 NO. 3 ROAD, 10060 DUNOON DRIVE AND 10020 DUNOON DRIVE**

(File Ref. No.: 12-8060-20-8579)(REDMS No. 2811640)

Terry Crowe, Manager, Policy Planning remarked that the staff report outlined a unique approach to planning the redevelopment of a portion of the Broadmoor Shopping Centre, located on the southwest corner of No. 3 and Williams Roads. He noted that much consultation had taken place, and that there was support from the Broadmoor community for the proposed policy changes to the shopping centre.

Discussion ensued between staff and Committee and especially on:

- the value of renewable energy geothermal production and the idea would be explored further at the Development Permit stage;
- the review of parking plans, adequate parking on site, the issue of the migration of vehicles from neighbouring apartment buildings to parking spaces at the shopping centre, the implementation of parking plans on zoning restrictions, and past and future transportation studies;
- commercial truck traffic access off of No. 3 Road, and in future off of Dunoon Drive;
- amenities such as child care contributions, a beautification scheme, public art, and an affordable housing contribution to be introduced as the mall owners move the shopping centre redevelopment forward in phased applications;
- when the West Cambie and the City Centre Area Plans were adopted, Council endorsed the plan to charge developers per square foot to pay for the City's community planning costs, instead of having the taxpayers pay; and
- the report outlines Phase 2 of the proposed development; Phase 1 was an upgrade to the on-site pub, and was discussed by the Development Permit Panel in July 2009.

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Gary Pooni of Brook and Associates, addressed Committee and advised that he was speaking on behalf of the developer, First Capital Realty Ltd. First Capital maintains its head office in Richmond, and is committed to the community. Mr. Pooni provided background information on the evolution of the project, including the relationship-building opportunities undertaken with members of the Broadmoor community. He remarked that area residents have stated that they wish to see long time Broadmoor retailers retained.

Mr. Pooni stated that the site was in need of invigoration and that the mixed-use plan outlined in the report would create a focal point for the Broadmoor community. He added that the plan is comprehensive for such a small site.

In response to queries by the Chair regarding the history of aggressive ticketing of vehicles, as well as the presence of confusing parking signage in the connected Richlea and Broadmoor Shopping Centre parking lots, Mr. Pooni advised that:

- this is a concern shared by the owner and customers;
- confusion may arise because the shopping centre comprises three separate land owners; and
- the neighbour advises that during the past six months the ticketing of parked vehicles has ceased for First Capital's portion.

The Chair responded that the applicant should work to solve the problem of confusing signage currently posted on both properties.

A brief discussion ensued between the applicant and Committee regarding:

- energy alternatives such as solar panels and a geo-thermal system;
- the benefits of innovations such as landscaped roofs and urban gardens;
- the applicant's six guiding principles applied to the design of the proposed development;
- the opportunity to explore options for open space design;
- stand-alone phases for improving parking; and
- the possible displacement of retailers and service providers during the construction phase, but no overall loss of retail space.

A Broadmoor neighbourhood resident addressed Committee and spoke in support of the project. He stated that instead of driving to the shopping centre at the corner of No. 2 Road and Blundell, he wanted to give his business to the services and retailers at the Broadmoor Shopping Centre.

Halley Linde, a Broadmoor neighbourhood resident addressed Committee and expressed her support for the project. She remarked that she enjoys shopping at her local shopping centre, in her own neighbourhood, and looks forward to doing so after the upgrade to Broadmoor.

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Steve Beeksma, Broadmoor Bakery, addressed Committee and stated that the bakery has existed at the Broadmoor Shopping Centre for 50 years, that his family has owned the business for the last 20 years, and that he is the bakery's manager.

Mr. Beeksma expressed support for the project and stated that the shopping centre's upgrade was at least ten years past due. He advised that he enjoyed working with the developer, First Capital.

In response to a query from Committee, Mr. Beeksma stated that retailers at the shopping centre are given reasonable rent rates.

It was moved and seconded

That:

- (1) *Richmond Official Community Plan Bylaw 7100, Amendment Bylaw No. 8579 proposing text amendments to Schedule 1 of Richmond Official Community Plan Bylaw 7100 by establishing new OCP policies and Development Permit Guidelines for the Broadmoor Neighbourhood Service Centre Area, be introduced and given first reading;*
- (2) *Bylaw No. 8579 having been considered in conjunction with:*
 - (a) *the City's Financial Plan and Capital Program; and*
 - (b) *the Greater Vancouver Regional District (GVRD) Solid Waste and Liquid Waste Management Plans;**be hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) (a) of the Local Government Act;*
- (3) *Bylaw No. 8579, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, be referred to the Richmond School Board for informal comment prior to Public Hearing; and*
- (4) *upon approval of the Bylaw 8579, the Broadmoor Neighbourhood Service Center Master Plan dated April 7, 2010, be approved.*

CARRIED

5. **APPLICATION BY KASIAN ARCHITECTURE INTERIOR DESIGN AND PLANNING LTD. FOR REZONING AT 7820 WILLIAMS ROAD, CITY'S LANE LAND, 10020 AND 10060 DUNOON DRIVE FROM COMMUNITY COMMERCIAL (CC) AND PUB & SALES (CP2) TO COMMERCIAL MIXED USE (ZMU19) – BROADMOOR**
(File Ref. No.: 12-8060-20-8580)(RZ 08-410730 -) (REDMS No. 2798026)

In response to a query regarding truck access to the Safeway store, Wayne Craig, Program Coordinator – Development, and Sara Badyal, Planner advised that:

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- the existing City lane provides access for delivery trucks to and from Williams Road for the grocery store loading bay on the neighbouring commercial property to the south;
- the rezoning application includes, as conditions, the sale of the surplus City lane, and an alternative access to and from Dunoon Drive across the development site for Safeway's delivery trucks.

In response to a concern regarding the possible conflict between residential parking for residents and commercial parking, Ms. Badyal advised that staff and the applicant would work to avoid any potential conflict and the conceptual plans in the staff report will be further refined at the Development Permit stage.

It was moved and seconded

That Bylaw No. 8580, to:

- (1) *create "Commercial Mixed Use (ZMU19) – Broadmoor";*
 - (2) *amend Section 5.15.1 (Affordable Housing) to include the "ZMU19" zone and the density bonusing sum of "\$4.00";*
 - (3) *amend Section 5.16.1 (Child Care) to include the "ZMU19" zone and the density bonusing sum of "\$1.00";*
 - (4) *amend Section 5.16.2 (Community Amenities) to include the "ZMU19" zone and the density bonusing sum of "\$0.75"; and*
 - (5) *rezone 7820 Williams Road, City's surplus lane land, 10020 and 10060 Dunoon Drive from "Community Commercial (CC)" and "Pub & Sales (CP2)" to "Commercial Mixed Use (ZMU19) – Broadmoor" in order to construct a five-storey mixed use commercial and residential building fronting onto Williams Road and Dunoon Drive;*
- be introduced and given first reading.*

CARRIED

COMMUNITY SERVICES DEPARTMENT

6. CITY CLIMATE CHANGE PROGRAM – PROPOSED COMMUNITY GREENHOUSE GAS EMISSION REDUCTION TARGET

(File Ref. No.: 01-0370-01, 12-8060-20-8599)(REDMS No. 2875884)

Mr. Crowe advised that the Province has implemented a statutory deadline of May 31, 2010 for all British Columbia communities to set Green House Gas (GHG) reduction targets.

Discussion ensued among Committee, Mr. Crowe, Alastair Moore, Community Energy Manager and Margot Daykin, Sustainability Manager, and in particular on:

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- the community-wide target to reduce GHG emissions should be above the recommended 20% by 2020 stated in proposed Bylaw No. 8599, even as high as the provincial target of 33% by 2020 or 80% by 2050;
- the rationale for basing Richmond's desired GHG emissions targets below 2007 levels;
- Richmond's per capita GHG emissions reduction is already lower than that set out by the Province, and the staff report describes reducing them further;
- concern that the City's target negatively relies on other entities, for example, the Province, TransLink, with whom the City partners on the initiative;
- many of the tools that could assist the City achieve as high a GHG emissions reduction as proposed are outside the City's control, and where transportation is concerned, the City has a limited domain of influence;
- the importance of extending the Canada Line, or exploring a light rail transit system;
- the Province is expected to release its next inventory of emission reduction targets in 2010 or 2011;
- the importance of the Province being fully supportive of the City's desire to reduce GHG emissions by 33% or more; and
- engaging and educating taxpayers with specifics regarding what individuals can do to reduce GHG.

Discussion ensued regarding altering the proposed Bylaw to reflect 33% by 2020 and 80% by 2050 as Richmond's GHG reduction target.

As a result of the discussion, the following **motion** was introduced:

It was moved and seconded

That:

- (1) *Richmond Official Community Plan Bylaw 7100, Amendment Bylaw No. 8599, which establishes Greenhouse Gas (GHG) Reduction Targets, be revised to reflect that community-wide targets will be set at 33% below 2007 levels by 2020, and 80% below 2007 levels by 2050 subject to the understanding that senior levels of government undertake necessary GHG reduction improvements within their jurisdictions with the necessary assistance being provided to the City, and that the Bylaw be introduced and given first reading.*
- (2) *Bylaw No. 8599 having been considered in conjunction with:*
 - (a) *the City's Financial Plan and Capital Program; and*

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- (b) *the Greater Vancouver Regional District (GVRD) Solid Waste and Liquid Waste Management Plans;*
be hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) (a) of the Local Government Act.
- (3) *Bylaw No. 8599 having been considered in conjunction with section 882(3)(c) of the Local Government Act be referred to the Agricultural Land Commission for comment and response before May 17, 2010, the Public Hearing.*
- (4) *Bylaw No. 8599, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby deemed not to require any further consultation.*
- (5) *In order to meet these Green House Gas Reduction Targets the City requests the Province to:*
- (a) *substantially increase its policy and funding support for transportation improvements in Richmond, including extending the Canada Line and/or providing ground level Light Rail Transit (LRT), improving bus service, and improving cycling infrastructure;*
- (b) *establish a grant, rebate and/or low interest loan program to assist property owners to retrofit their buildings to reduce GHG emissions;*
- (c) *establish a grant, rebate and/or low interest loan program to help with the initial extra owner capital cost incurred to reduce GHG emissions in their new buildings;*
- (d) *evaluate, after May 31, 2010, all BC municipally approved, and any not approved, OCP GHG targets, policies and actions, to identify areas for additional Provincial programming and funding.*
- (e) *implement an increase in commercial recycling.*

CARRIED

(Councillor Linda Barnes left the meeting at 6:25 p.m. and did not return.)

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2. **APPLICATION BY LIONS COMMUNICATIONS INCORPORATED FOR A TEMPORARY COMMERCIAL USE PERMIT RENEWAL AT 12631 VULCAN WAY FOR 2010 AND 2011**

(File Ref. No.: TU 09-506137) (REDMS No. 2844087)

Joe Erceg, General Manager, Planning and Development stated that after staff submitted their report to Committee, the City received correspondence from the applicant, and Mr. Erceg recommended that the item be referred to the Closed meeting of the Planning Committee.

The Chair invited the applicant to address Committee. Paul Cheung, President and Director of Operations, Lions Communications Inc., accompanied by an employee and by lawyer Katherine Ducey, provided Committee with general information and he stated that he was confident that his company could provide a safe event.

Discussion ensued and Mr. Cheung and his employee supplied further information regarding: (i) the benefits that the community realizes from the event; (ii) the number of visitors the event attracts; (iii) the applicant's consultation with businesses surrounding the event site; (iv) the issues of garbage collection, potential vandalism, safety measures for visitors to the event, and possible property damage; and (v) how the design and layout of the proposed 2010 and 2011 event differed from the design and layout of Lion's Communications' events in former years.

The applicant's legal counsel addressed Committee and she reviewed the legal dispute between Target Event Productions Limited and Lions Communications Inc. and the resulting January 11, 2010 court ruling.

Ms. Ducey made reference to a letter to the applicant, from Target Event Productions Limited, and described it as having little merit.

As a result of the discussion the following **motion** was introduced:

It was moved and seconded

That the Planning Committee:

- (1) *table the matter of the application by Lions Communications Incorporated for a Temporary Commercial Use Permit Renewal at 12631 Vulcan Way for 2010 and 2011; and*
- (2) *resolve into a Closed Meeting to consider the matter of the application by Lions Communications Incorporated for a Temporary Commercial Use Permit Renewal at 12631 Vulcan Way for 2010 and 2011.*

CARRIED

The Open Planning Committee meeting recessed at 6:47 p.m.

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The Open Planning Committee meeting reconvened at 7:26 p.m.

It was moved and seconded

That the Planning Committee lift from the table the matter of the application by Lions Communications Incorporated for a Temporary Commercial Use Permit Renewal at 12631 Vulcan Way for 2010 and 2011.

CARRIED

The following **referral** motion was introduced:

It was moved and seconded

That the application by Lions Communications Incorporated, for a Temporary Commercial Use Permit Renewal at 12631 Vulcan Way for 2010 and 2011 be referred back to staff for legal advice.

The question on the motion was not called, as a comment was made that staff report back on the matter as soon as possible.

The question on the motion was then called and it was **CARRIED**.

7. **MANAGER'S REPORT**

None.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (7:28 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Tuesday, April 20, 2010.

Councillor Bill McNulty
Chair

Sheila Johnston
Committee Clerk