



Planning Committee

Date: Tuesday, July 7, 2015

Place: Anderson Room
Richmond City Hall

Present: Councillor Linda McPhail, Chair
Councillor Bill McNulty
Councillor Chak Au
Councillor Carol Day
Councillor Harold Steves
Mayor Malcolm Brodie

Call to Order: The Chair called the meeting to order at 4:00 p.m.

The Chair advised that Item No. 2 and Item No. 3 will be considered following Item No. 5 and that Illegal Rentals be considered as Item No. 5A.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Planning Committee held on June 16, 2015, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

July 21, 2015, (tentative date) at 4:00 p.m. in the Anderson Room

COMMUNITY SERVICES DIVISION

1. AFFORDABLE HOUSING RESOURCE GUIDE

(File Ref. No. 08-4057-01) (REDMS No. 4579454 v. 7)

In reply to queries from Committee, Joyce Rautenberg, Planner 1, noted that stakeholder comments from the Urban Design Institute and the Richmond Seniors Advisory Committee were considered in the drafting of the Affordable Housing Resource Guide and that the Guide is a living document and can be updated as required. She added that the affordable housing demand in the city was based on Metro Vancouver's Regional Housing estimate and that the City will meet its targets to deliver subsidized and low-rent market rental units.

It was moved and seconded

- (1) That the Affordable Housing Resource Guide dated July 2015 be endorsed; and*
- (2) That the staff report titled Affordable Housing Resource Guide, dated June 29, 2015 from the General Manager, Community Services, along with the revised Affordable Housing Resource Guide (July 2015) be sent to local Members of Parliament (MPs), Members of the Legislative Assembly (MLAs), BC Housing, Metro Vancouver, the Richmond Community Services Advisory Committee, the Richmond Seniors Advisory Committee and the Urban Development Institute for their implementation support.*

CARRIED

4. APPLICATIONS BY ORIS DEVELOPMENT (HAMILTON) CORP. FOR REZONING AT PARTS OF 23241 AND 23281 GILLEY ROAD, AND 23060, 23066, 23080 AND PART OF 23100 WESTMINSTER HIGHWAY FROM "SINGLE DETACHED (RS1/F)" TO "LOW RISE APARTMENT (ZLR27) – NEIGHBOURHOOD VILLAGE CENTRE (HAMILTON);" AND 23241, 23281 AND PART OF 23301 GILLEY ROAD, AND PART OF 23060 AND 23000 WESTMINSTER HIGHWAY FROM "SINGLE DETACHED (RS1/F)" TO "RESIDENTIAL/LIMITED COMMERCIAL (ZMU29) – NEIGHBOURHOOD VILLAGE CENTRE (HAMILTON)"

(File Ref. No. 12-8060-20-009260/9261/9262/9273/9276; RZ 14-660662/RZ 14-660663) (REDMS No. 4594676 v. 10)

Wayne Craig, Director, Development, briefed Committee on the proposed application and highlighted the following:

- the staff report deals with two distinct developments;
- proposed development of Parcel 2 will consist of mixed commercial and residential units with 73 market condominium units and approximately 10,000 ft² of commercial space;

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- development of Parcel 3 will consist of 82 seniors congregate housing units, 18 memory ward care units, intended to be licensed by Vancouver Coastal Health (VCH), and 30 residential apartment units;
- the proposed developments will facilitate off-site improvements to Westminster Highway and Gilley Road;
- the proposed developments will provide amenity contributions in accordance with the Hamilton Area Plan;
- the proposed amendments to the Official Community Plan (OCP) (i) ensures that the previous Hamilton Area Plan will be repealed, (ii) provides clarification on the amount of commercial development anticipated in the area plan, and (iii) rationalizes the development sites with the actual legal parcels which would be created with the proposed application;
- the proposed congregate care facility will be fronting Westminster Highway;
- a new road off Westminster Highway will provide access to both parcels; and
- the proposed mixed commercial/residential development on the corner of Westminster Highway and Gilley Road will have commercial uses fronting Gilley Road.

In reply to queries from Committee, Mr. Craig advised that one servicing agreement from the two proposed developments will provide off-site improvements to Westminster Highway and Gilley Road.

Discussion ensued with regard to affordable housing units on-site, and in reply to queries from Committee, Mr. Craig noted that the proposed application is proposing a cash contribution in lieu of affordable housing units; however, Council has the discretion to request that affordable housing units be included in the proposed developments.

In reply to queries from Committee, Victor Wei, Director, Transportation, advised that road improvements may involve changes to the channelized island along the Westminster Highway and Gilley Road intersection.

In reply to queries from Committee, Mark McMullen, Senior Coordinator-Major Projects, noted that the applicants have completed engineering studies related to ground stability.

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In reply to queries from Committee, Mr. Craig noted that (i) the proposed seniors care facility will be a for-profit care facility, (ii) following discussions with staff, the applicant has indicated that rental units do not meet their objectives for the site, and (iii) the Area Plan allows for bonus density, provided the proposal incorporates the City's Affordable Housing Strategy requirement, and provides contributions toward the Hamilton Area Plan Amenity Fund.

Discussion ensued with respect to the proposed developments' sustainability features, and in reply to queries from Committee, Mr. McMullen noted that the proposed developments will be built to achieve a LEED Silver score and that the applicants are exploring options to utilize alternative energy such as geothermal.

In response to queries from Committee, Mr. Craig noted that the proposed application is considered to be two separate developments, and as a result, the proposed number of housing units for each development falls below the 80-unit threshold required for a contribution of affordable housing units. He added that the City's Development Cost Charges (DCC) program is under review and approximately \$330,000 in additional road credits will potentially be added to the DCC program, should the additions be accepted by Council.

Discussion ensued with regard to shared access and parking on-site, and Mr. Craig noted that there have been previous developments in the city that share a common access.

In reply to queries from Committee, Mr. Craig advised that the frontage along Gilley Road will have commercial development and a pedestrian walkway so vehicle access through Gilley Road would not be ideal.

Dana Westermarck, representing Oris Development (Hamilton) Corp., spoke of the proposed application and noted the following:

- development of Parcel 2 and Parcel 3 will be done by separate companies as independent projects;
- Parcel 2 will receive grade changes along Gilley Street to create level access to the retail spaces and to comply with the City's Flood Plain requirements;
- Gilley Road would not be an appropriate location for a vehicle driveway because of pedestrian traffic;
- the frontage along Westminster Highway will include a bus bay and access to the site will be from the north side;
- the two developments' parking and access will be interlinked;
- design constraints on Parcel 2 led to linking vehicle access and parking spaces with the adjacent Parcel 3 development;

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- the proposed developments comply with the Affordable Housing Strategy and each project will provide a cash-in-lieu contribution; and
- the first phase would include extensive works along Westminster Highway and Gilley Road as well as upgrades to sanitary and storm infrastructure.

In response to queries from Committee, Mr. Westermarck noted that (i) cross access agreements between developments have occurred in the past, (ii) the cross access agreement will interconnect the parking in the area and provide continuity between the elevation of all parking structures on-site, (iii) there will be opportunity for purchasers to rent out their unit, (iv) there are currently no market rental units planned for the proposed project, and (v) the applicant is researching the feasibility of using geothermal energy in the proposed project.

Rob Howard, New Coast Lifestyles (NCL) Management Ltd., spoke of Parcel 3's development and noted that the proposed development will have a total of 130 units with 18 memory care units licensed by VCH. He added that the 82 congregate housing units will be similar to an independent living-type of assisted senior facility and noted that residents of the 30 market units may pay for access to amenities.

Discussion took place with regard to developers circumventing Affordable Housing Strategy requirements by building smaller developments.

In reply to queries from Committee, Mr. Westermarck noted that (i) there have been instances where developers have opted to pursue smaller developments or townhouse developments to circumvent Affordable Housing Strategy contribution requirements, (ii) he was of the opinion that the proposed number of units for the proposed development is appropriate as the initial development in the area, (iii) the scale of developments will increase as more development is built in the area, (iv) the cross easement agreements will facilitate the use of vehicle parking between the two developments in perpetuity, (v) the cross easement agreement will be embedded in the property title, (vi) spatial constraints may limit the addition of units, (vii) the applicant may consider contributing units instead of the cash-in-lieu contribution, and (viii) the proposed development meets Affordable Housing Strategy requirements.

Discussion ensued with regard to including the transfer of ownership of Parcel 3 to New Coast Lifestyles (NCL) Management Ltd. in the staff recommendations. The Chair then directed staff to update the Development Application Data Sheet to reflect the transfer of ownership of Parcel 3 to New Coast Lifestyles (NCL) Management Ltd.

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In reply to queries from Committee, Mr. Craig noted that there have been past instances of shared parking and access between two developments in the city. He added that shared arrangements are most common along arterial roads and that the shared agreements remain in perpetuity and cannot be discharged or modified without City consent. Also, he noted that conflict from shared arrangements typically arise when developments are completed at substantially different times.

Discussion ensued with regard to amenities in the Hamilton Area and Mr. Craig noted that the cash contribution for amenities may be used for amenities such as community or library space constructed by the City at a future date. He added that if the City has opportunities to work with developers to facilitate the addition of amenities in the area, this would be brought forward for Council consideration.

Discussion then ensued regarding the proposed public art contribution. Mr. Craig noted that the applicant will either make cash contribution or prepare a Public Art Plan to provide Public Art elements within the development.

Zeinab Elashi, 5380 Smith Drive, spoke on behalf of her father, and expressed support for the proposed developments.

Bruno Theilmann, Amana Development, negotiated the sale of Parcel 3 and noted that the two developments are separate and will not have an on-going relationship once the proposed projects are completed.

It was moved and seconded

(1) That Official Community Plan Bylaw 9000, Amendment Bylaw 9260 to amend Schedule 2.14 – Hamilton Area Plan to:

(a) amend the text within Section 3.2, Objective 2, Policy a) respecting the “Neighbourhood Village Centre (Retail and Office with Residential Above 4 Storey 1.50 FAR)” land use designation; and

(b) re-designate 23066 and parts of 23080 and 23100 Westminster Highway from “Neighbourhood Village Centre (Residential 4 Storey 1.50 FAR)” to “Neighbourhood Village Centre (Retail and Office with Residential Above 4 Storey 1.50 FAR);”

be introduced and given first reading;

(2) That Official Community Plan Bylaw 7100, Amendment Bylaw 9273 to delete the existing Schedule 2.14 – Hamilton Area Plan in its entirety, be introduced and given first reading;

(3) That Bylaws 9260 and 9273, 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 Solid Waste and Liquid Waste Management Plans;

are hereby found to be consistent with said program and plans, in accordance with Section 882(3)(a) of the Local Government Act;

- (4) That Bylaws 9260 and 9273, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, are hereby found not to require further consultation;*
- (5) That Richmond Zoning Bylaw 8500, Amendment Bylaw 9261, to create the "Low Rise Apartment (ZLR27) – Neighbourhood Village Centre (Hamilton)" zone, and to rezone parts of 23241 and 23281 Gilley Road, and part of 23060, 23066, 23080 and part of 23100 Westminster Highway from "Single Detached (RS1/F)" to "Low Rise Apartment (ZLR27) – Neighbourhood Village Centre (Hamilton)," be introduced and given first reading;*
- (6) That Richmond Zoning Bylaw 8500, Amendment Bylaw 9262, to create the "Residential/Limited Commercial (ZMU29) – Neighbourhood Village Centre (Hamilton)" zone, and to rezone 23241, 23281 and part of 23301 Gilley Road, and part of 23060 and 23000 Westminster Highway from "Single Detached (RS1/F)" to "Residential /Limited Commercial (ZMU29) – Neighbourhood Village Centre (Hamilton)," be introduced and given first reading; and*
- (7) That Hamilton Area Plan Community Amenity Capital Reserve Fund Establishment Bylaw No. 9276, pursuant to Section 188(1) of the Community Charter, to establish a capital reserve fund for community amenity contributions that are received for the planned community amenities as specified under Schedule 2.14 - Hamilton Area Plan, Bylaw 9000, be introduced and given first, second and third readings.*
- (8) That prior to the adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9261, Parcel 3 be transferred to New Coast Lifestyles (NCL) Management Ltd.*

The question on the motion was not called as discussion ensued with regard to the proposed affordable housing contribution.

In reply to queries from Committee, Mr. Craig advised that affordable housing contributions for developments under 80 units will be reviewed as part of the review of the City's Affordable Housing Strategy.

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Discussion took place with regard to (i) the time and resources required to develop community amenities in the area, (ii) having discussions with the applicant to include affordable housing units in the proposed development, (iii) the supply of rental housing in the city, and (iv) the need for affordable housing in the Hamilton area.

The Chair expressed concern with regard to the format of the staff report and staff were then directed to format staff reports of complex applications in a simplified manner.

Discussion then ensued regarding the Affordable Housing policy embedded in the Hamilton Area Plan.

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

Discussion then ensued regarding options for including affordable housing units in the proposed development and, as a result, the following **referral** was introduced:

It was moved and seconded

That staff:

- (1) discuss with the applicant options to include market rental or affordable housing units in the proposed development; and*
- (2) examine options to increase density to accommodate for affordable housing units in the proposed development;*

and report back.

The question on the referral was not called as discussion took place with regard to options to include rental and affordable housing units in the proposed development.

In reply to queries from Committee, Mr. Craig noted that it is possible to have discussions with the applicant to potentially include market rental or affordable housing units in the proposed development. Joe Erceg, General Manager, Planning and Development, added the Amenity Contribution policy is embedded in the Hamilton Area Plan, so this contribution should be retained.

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

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5. **APPLICATION BY JASDEEP MANN AND HARPREET MANN FOR REZONING AT 10291 NO. 5 ROAD FROM SINGLE DETACHED (RS1/E) TO COMPACT SINGLE DETACHED (RC2)**

(File Ref. No. 12-8060-20-009243; RZ 15-694974) (REDMS No. 4563706)

Mr. Craig briefed Committee on the proposed application, noting that (i) the proposed application is consistent with the lot size policy for the area, (ii) the proposed application will have provisions for significant tree preservation on-site, (iii) the applicant will be making a cash-in-lieu for future lane upgrades, and (iv) a servicing agreement will facilitate frontage improvements along No. 5 Road.

In reply to queries from Committee, Mr. Craig noted that the proposed development has a shallow lot depth and would not be ideal for land assembly for the purpose of townhouse development.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9243, for the rezoning of 10291 No. 5 Road from "Single Detached (RS1/E)" to "Compact Single Detached (RC2)," be introduced and given first reading.

CARRIED

FINANCE AND CORPORATE SERVICES DIVISION

2. **BOARD OF VARIANCE BYLAW NO. 9259 AND CONSOLIDATED FEES BYLAW NO. 8636, AMENDMENT BYLAW NO. 9267**

(File Ref. No. 12-8060-20-009259/9267; 01-0100-30-BVAR1-01) (REDMS No. 4578065)

It was moved and seconded

(1) That Board of Variance Bylaw No. 9259 be introduced and given first, second and third readings; and

(2) That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9267 be introduced and given first, second and third readings.

The question on the motion was not called as discussion ensued with regard to the application submission process related to the appeal of early termination of Land Use Contracts.

In reply to queries from Committee, David Weber, Director, City Clerk's Office, advised that applications may be submitted by property owners or designated representatives.

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In reply to queries from Committee related to application fees for Board of Variance appeals, Mr. Weber noted that the \$650 fee was based on an estimate of processing and administrative costs. Also, he added that other fees required for development, along with Board of Variance appeal application fees from other municipalities were examined when the proposed fee was considered.

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

PLANNING AND DEVELOPMENT DIVISION

3. PROPOSED ZONING TEXT AMENDMENT – NOTIFICATION SIGNS FOR CITY-INITIATED REZONING OR TEXT AMENDMENTS

(File Ref. No. . 12-8060-20-009264; 08-4430-03-11) (REDMS No. 4596479 v. 3)

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9264, that clarifies that notification signs for City-initiated rezoning or text amendments are not required, be introduced and given first reading.

The question on the motion was not called as discussion ensued with regard to the proposed amendments to signage requirements.

Mr. Craig noted that a comprehensive communication strategy, including online and print ads will be used. He added that direct-mail notification will be used to notify residents affected by the early termination of Land Use Contracts of the upcoming Public Hearing.

In reply to queries from Committee, Mr. Craig noted that as part of the Provincial legislation, the Board of Variance may grant a Land Use Contract extension to 2024.

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

5A. ILLEGAL RENTAL UNITS

(File Ref. No.)

Discussion ensued with regard to an article published in the July 2, 2015 edition of the *Richmond News*, that allege of possible illegal rental units in the city (attached to and forming part of these minutes as Schedule 1).

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

It was moved and seconded

That staff:

- (1) investigate the report of illegal rental units published in the July 2, 2015 edition of the Richmond News;*

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- (2) *comment on the ability of the City to enforce regulations related to rental units; and*
- (3) *comment on any additional powers that may be needed to enforce illegal rental units;*

and report back.

The question on the referral was not called as discussion ensued with regard to (i) reviewing bylaws, (ii) working with community to report potential illegal rental units, and (iii) community safety concerns related to illegal rental units.

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

Cllr. Steves left the meeting (5:41 p.m.) and did not return.

6. MANAGER'S REPORT

(i) Public Consultation Workshop for Proposed Building Massing Amendments

Mr. Craig advised that the upcoming Public Consultation Workshop for Proposed Building Massing Amendments is scheduled for July 8, 2015. Also, he noted that in addition to the Public Consultation Workshop, the City will be hosting a builder/developer workshop on July 9, 2015.

In reply to queries from Committee, Mr. Craig noted that the Workshop was advertised in the local newspaper and on the City's website. Also, he noted that residents who have submitted correspondence related to the proposed amendments were notified of the event.

In reply to queries from Committee, Mr. Craig noted that staff would examine options to have staff available that could assist with language translation at the event.

Cllr. McNulty left the meeting (5:43 p.m.) and did not return.

(ii) Metro Vancouver Regional Growth Strategy

Terry Crowe, Manager, Policy Planning, advised of an invitation from Metro Vancouver to comment on a proposed Regional Growth Strategy amendment in the City of Langley. He noted that the proposed amendment does not impact the City and a formal response would not be necessary.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:45 p.m.).

CARRIED

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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, July 7, 2015.

Councillor Linda McPhail
Chair

Evangel Biason
Auxiliary Committee Clerk



Schedule 1 to the Minutes of the Planning Committee meeting of Richmond City Council held on Tuesday, July 7, 2015.

'Hotel' mega home one of many to get city's attention

Illegal rentals may be symptom of city's market rental crunch: BC Non-Profit Housing Association

Graeme Wood / Richmond News

July 2, 2015 01:00 AM

Vancouver Airport Luxury House ★★★★★

8260 Gilbert Road, Richmond, BC V7C3W7 Canada 1-866-500-4938



This house in a residential zone in Richmond is one of many advertised as a hotel online. June, 2015.

It's the Richmond mega home that's so big it's a hotel — a luxury one, to boot.

Listed on several online hotel agency websites, such as Expedia.com, HotelPlanner.com, and Hotels.com, the house at 8260 Gilbert Road is one of more than 100 properties openly offering guest accommodations on a nightly basis on online sites such as AirBnB.com.

The City of Richmond does allow for boarding and lodging as a secondary use for compensation, however, the property must be a permanent residence to someone, and bylaws limit temporary rentals to just two guests.

"It appears the owner is advertising (the home on Gilbert) as an eight room hotel, which is contrary to zoning. Now that we are aware of this, we will be investigating," said city spokesperson Ted Townsend, adding the city is presently investigating seven other "illegal hotel" complaints.

"We've had issues with people running their houses as a hotel," said Townsend.

The Gilbert house is available for about \$400 - \$600 per night.

The house is described as a four-star guesthouse within close proximity of Kwan Yin International Buddhist Temple and Aberdeen Centre.

"Treat yourself to a stay in one of eight individually decorated guest rooms, featuring fireplaces and flat-screen televisions. Your select Comfort bed comes with Egyptian cotton sheets," a listing reads.

There's even "free" parking.

The property in question was listed for sale last year by New Coast Realty realtor Rex Chan for \$2.7 million.

Chan said the owner could not sell the home and decided to keep it. When asked, he said he was aware the property was listed as a hotel on Expedia.com, but he wasn't sure if the owner had a business licence (which would only apply to a bed and breakfast situation, at any rate).

Two hours after Chan took the *Richmond News*' phone call the listing was taken down.

The house is next-door to the Richmond Community Church, just south of Blundell Road.

A YouTube video by Barn Owl Photography describes it as a "custom built, 4,377 square-foot luxury family home in Richmond Broadmoor, situated on a 10,000 square-foot lot."

There are no business licences shown for the aforementioned property on the City of Richmond's website for either 2014 or 2015.

Townsend said a motel or hotel type of business is not allowed in residential-zoned neighbourhoods.

"It's not a permitted use. They can have a bed and breakfast, but there's very specific regulations around that," he said.

He said bed and breakfasts can accommodate guests for up to 30 days. They also require a permanent resident to occupy the property. There are also fire and health code inspections required to rent a room for non-residential purposes. Bed and breakfasts also need to register under the Hotel Guest Registration Act.

Townsend noted there are only about a half dozen legal 'B and B' businesses in Richmond.

The Hotel Association of B.C. did not respond to questions from the *News*.

The *News* also asked the Minister of Jobs, Tourism and Skills Training to clarify the legalities of home rentals.

Greg Steves, executive director of the Residential Tenancy Branch, said people may rent their homes on a nightly basis if it's permitted by a municipality. He noted it is incumbent upon local governments to enforce zoning regulations.

When asked for a comment about illegal rentals, Tourism Richmond stated it could not comment on the matter until it researched the issue.

Tourism Richmond receives a two per cent tax on sanctioned hotel charges in Richmond.

Tony Roy, executive director of the BC Non-Profit Housing Association, said more research is needed on the impact of short-term rentals but he indicated some concern.

"We don't yet know what the impacts of Airbnb are locally but early indications from research suggest units are being taken away from the rental market," he said.

"Research done in San Francisco and New York, two other cities with expensive and dynamic housing markets, have come to the same conclusion. More research into this area needs to be done."

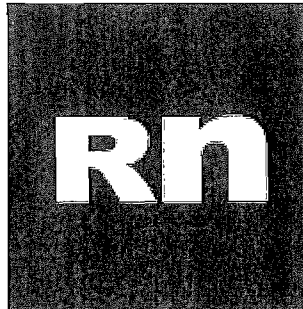
Roy added: "Our Rental Housing Index indicates that we need a stronger and more robust rental market with options along the continuum. There are too many people over spending on rent in communities across BC. A stronger supply of purpose build rentals would help counteract some of the effects."

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gwood@richmond-news.com (<mailto:gwood@richmond-news.com>)

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