



To: Planning Committee **Date:** May 26, 2009
From: Brian J. Jackson, MCIP **File:** TU 09-466032
 Director of Development
Re: Application by Phileo Developments (Richmond) Ltd. for a Temporary
 Commercial Use Permit at 5900 Minoru Boulevard

Staff Recommendation

1. That the application by Phileo Developments (Richmond) Ltd. for a Temporary Commercial Use Permit for property at 5900 Minoru Boulevard be considered at the July 20, 2009 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:

“That the Temporary Commercial Use Permit be issued to Phileo Developments (Richmond) Ltd. to allow retail trade and services (as defined in Zoning & Development Bylaw No. 5300), excluding gas station and the sales and servicing of automobiles, trailers or motorcycles at 5900 Minoru Boulevard.”

Brian J. Jackson, MCIP
 Director of Development

CL:blg
 Att.

FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

Phileo Developments (Richmond) Ltd has applied to the City of Richmond for a Temporary Use Permit (TUP) to allow retail trade and services, excluding gas station and the sales and servicing of automobiles, trailers or motorcycles in an existing building at 5900 Minoru Boulevard (Attachment 1). The subject property is currently zoned "Limited Industrial Retail District (I4)", which permits retail sales limited to building materials and household furnishings and appliances, as well as other light industrial uses. The subject property was formerly occupied by Dueck Lansdowne car dealership, which was a non-conforming use under the existing zoning.

A bylaw to rezone the property to Comprehensive Development District (CD/198)" to permit a high density mixed-use development along with community and educational uses (RZ 06-341234) was given third reading by Council on October 20, 2008. In the interim, the applicant is requesting a TUP to allow the existing building on-site to be used for:

- their project pre-sale centre and first-phase construction site offices;
- temporary offices of Trinity Western University; and
- retail leasing to Riverside Golf Centre and potentially other retail tenants.

A site plan and floor plans showing the general layout of the building, parking, vehicle access, and the area occupied by the various uses is included in **Attachment 2**.

Findings Of Fact

A Development Application Data Sheet providing details about the development proposal is attached (**Attachment 3**).

Surrounding Development

The subject property is located at the south end of the proposed Lansdowne Village in the City Centre Area Plan which has received Third Reading by City Council and is designated as Urban Core T6, in which a wide variety of uses, including retail, are permitted. Existing surrounding development consists of mixed commercial/residential uses, hotel, office, retail trade and services, restaurant, recreation, community, institution, and accessory uses. The immediate context surrounding the site is as follows:

- To the north, across the future extension of Ackroyd Road, is an existing car dealership fronting Minoru Boulevard on a lot zoned "Automobile Oriented Commercial District (C6)";
- To the east are vacant lots zoned "Automobile-Oriented Commercial District (C6)" that are also part of the pending rezoning application to Comprehensive Development District (CD/198) (RZ 06- 341234);
- To the south, across Firbridge Way, is a 15-storey mixed-use building fronting Westminster Highway, and a small one-storey retail building and surface parking lot fronting Minoru Boulevard on two (2) parcels zoned "Downtown Commercial District (C7)"; and
- To the west, across Minoru Boulevard, is the 16-storey Hilton Hotel and two-storey commercial podium on a parcel zoned "Downtown Commercial District (C7)".

Related Policies & StudiesLocal Government Act

The Local Government Act specifically identifies that TUPs are valid for a period no greater than two (2) years from the date of issuance of the Permit. It also identifies that TUPs can only be renewed once with the same two-year time limit applying. The intent of this TUP is to enable the proposed land uses (i.e. office, retail, pre-sale centre) in the existing building on-site until such time that the pending rezoning application at this site is approved. It is not anticipated that the proposed uses will occur beyond the two-year period of the TUP.

Official Community Plan (OCP)

The City of Richmond's Official Community Plan (OCP) permits TUPs in those areas designated "Commercial", "Neighbourhood Service Centre", "Local Commercial", "Business and Industry", "Limited Mixed-Use", "Mixed-Use" and "Airport" where deemed appropriate by Council and subject to conditions suitable to the proposed use and surrounding area.

The existing City Centre Area Plan (CCAP) designates the subject property as *Mixed-Use – High Density*, to provide for residential, office, commercial, entertainment, personal service, amenity and community uses. The CCAP Update, which is pending final adoption, designates this site as *Urban Core T6* [Lansdowne Village (2031)], to provide for high-density, high-rise commercial and mixed-use developments. The uses proposed as part of this TUP are consistent with these designations.

OCP Aircraft Noise Sensitive Development (ANSD) Policy

The subject site is located within the area designated as *Area 3 – Moderate Aircraft Noise Area* under the OCP's Aircraft Noise Sensitive Development (ANSD) Policy. All aircraft noise sensitive land uses may be considered in this area.

The requirement for an aircraft noise sensitive use covenant to be registered on Title is not necessary as part of this TUP application, as it is already a condition of the pending rezoning to Comprehensive Development District (CD/198). The covenant will disclose noise contours and require that a registered professional qualified in acoustics be engaged to prepare an Acoustics Report that recommends noise mitigation measures be incorporated into the construction of the proposed future development on-site.

Staff Comments

The applicant is requesting a TUP to enable the proposed land uses (i.e. office, retail, pre-sale centre) in the existing building on-site until such time that the pending rezoning application at this site is approved (under which zoning the proposed uses would otherwise be allowed). As part of the pending rezoning application at this site, various road dedications are required. A portion of the subject property along the north property line is required to be dedicated for the extension of Ackroyd Road between Minoru Boulevard and No. 3 Road. A portion of the existing building on-site extends over the road dedication area and must be either removed or appropriate legal agreements with the City entered into to allow it to encroach into the area to be dedicated as road. This issue is being addressed as part of the pending rezoning application.

Analysis

Zoning - Limited Industrial Retail District (I4)

The subject property is zoned "Limited Industrial Retail District (I4)". The uses permitted in the zone provide for light industry (contained within a building), custom workshops, trades and services, office, recreation facility, food catering establishment, educational institution, community use, accessory uses, and retail trade and services limited to building materials and household furnishings and appliances. Custom workshops, trades and services is limited to businesses who produce or service specialized goods or provide specialized services, but does not include businesses which primarily sell mass produced goods at retail. Since the scope of retail is limited under the existing zoning, this TUP application is being made to allow retail trade and service to accommodate sales of golf-related merchandise by the prospective tenant -- Riverside Golf Centre. This land use application conforms to all other aspects of the existing zoning (e.g. parking, setbacks, density, height).

Proposed Business Operations

The proposed temporary uses and area allocations for the existing building are as follows:

- 1,297 m² (13,962 ft²) for the project pre-sale centre for the proposed future mixed-use development at the site;
- 295 m² (3,176 ft²) for first-phase construction site offices, and temporary offices of Trinity Western University – a proposed institutional component of the future mixed-use development at the site; and
- 2,366 m² (42,469 ft²) for retail leasing to Riverside Golf Centre and potentially other retail tenants.

Riverside Golf Centre is a retail distributor of golf apparel, clubs, and equipment, as well as a retail service-provider of customized golf products to individuals and businesses. Should Riverside Golf Centre not require the entire area proposed for retail, other retail tenants may be sought to occupy the space.

To ensure potential other retail tenants can occupy the space, the TUP will allow retail trade and services, excluding gas station and the sales and servicing of automobiles, trailers or motorcycles. This is consistent with the scope of retail generally permitted in the surrounding area on sites zoned "Downtown Commercial District (C7)".

The total leasable floor area of the existing building on-site is 3,958 m² (42,605 ft²). The area allocated for retail assumes approximately 60% of the total building area.

Relationship of the Temporary Use Permit to the Proposed Redevelopment of the Site

It is important to note that in permitting the TUP, two of the proposed uses (sales centre and temporary home for Trinity Western) will actually help facilitate the redevelopment of Phase I of the site. The TUP will permit Trinity Western to establish itself in Richmond. As well, the use of the existing building for a sales centre for Phase I will provide a prominent location for the sales centre and all the amenities to come, which may help to speed up the sales associated with Phase II that contains the university and community centre uses.

Financial Impact

None.

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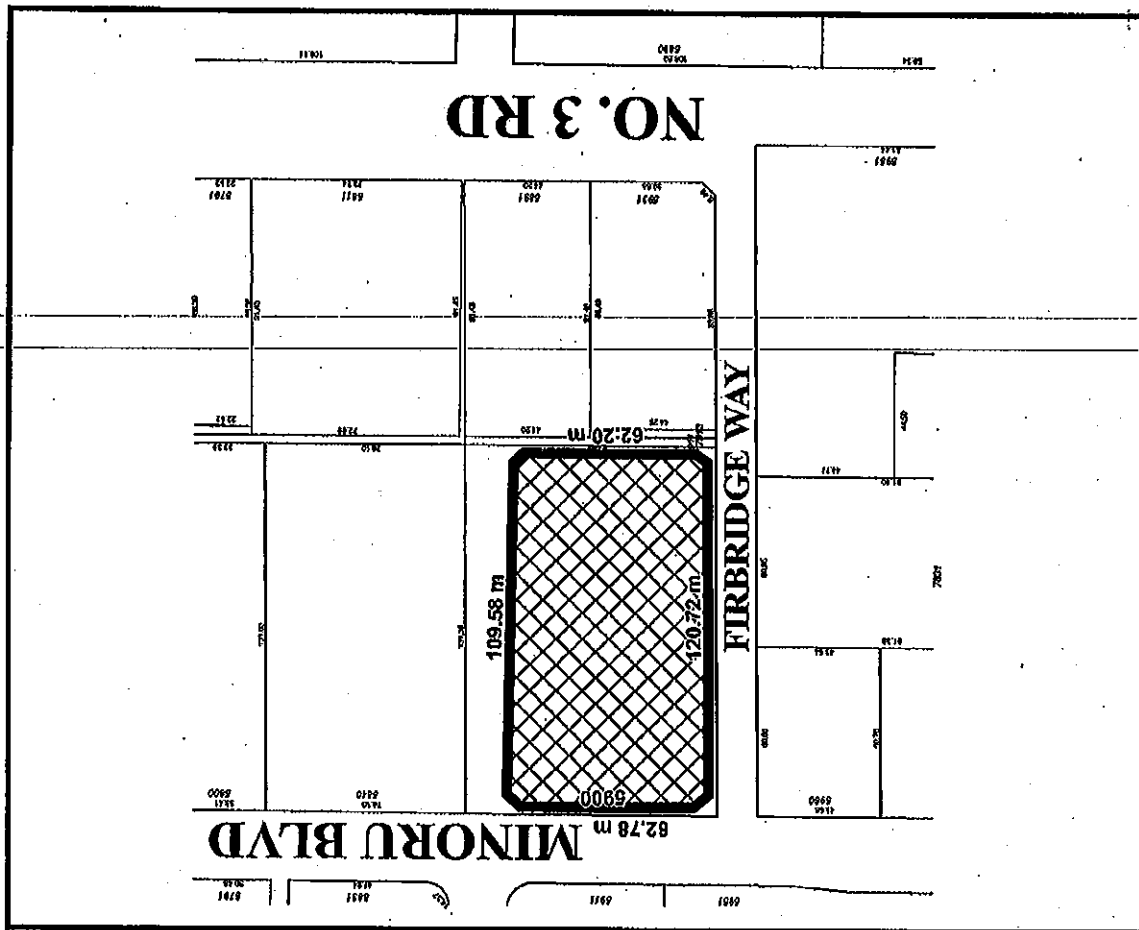
Conclusion

The proposed land uses requested in this TUP application are consistent all applicable policies and land use designations contained within the OCP, and the land uses in the surrounding area. The proposal makes use of the existing building on-site for offices associated with the proposed future mixed-use development on the site as well as enables interim use of a portion of the existing space for a retail tenant. The TUP would not slow down the redevelopment of the site; in fact, it would provide a temporary home for uses that may speed up the redevelopment of Phase II. It is recommended that the attached Temporary Commercial Use Permit should be issued to Phileo Developments (Richmond) Ltd. to allow retail trade and services, excluding gas station and the sales and servicing of automobiles, trailers or motorcycles.



Cynthia Lussier
Planning Assistant

CL:blg

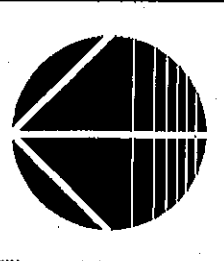
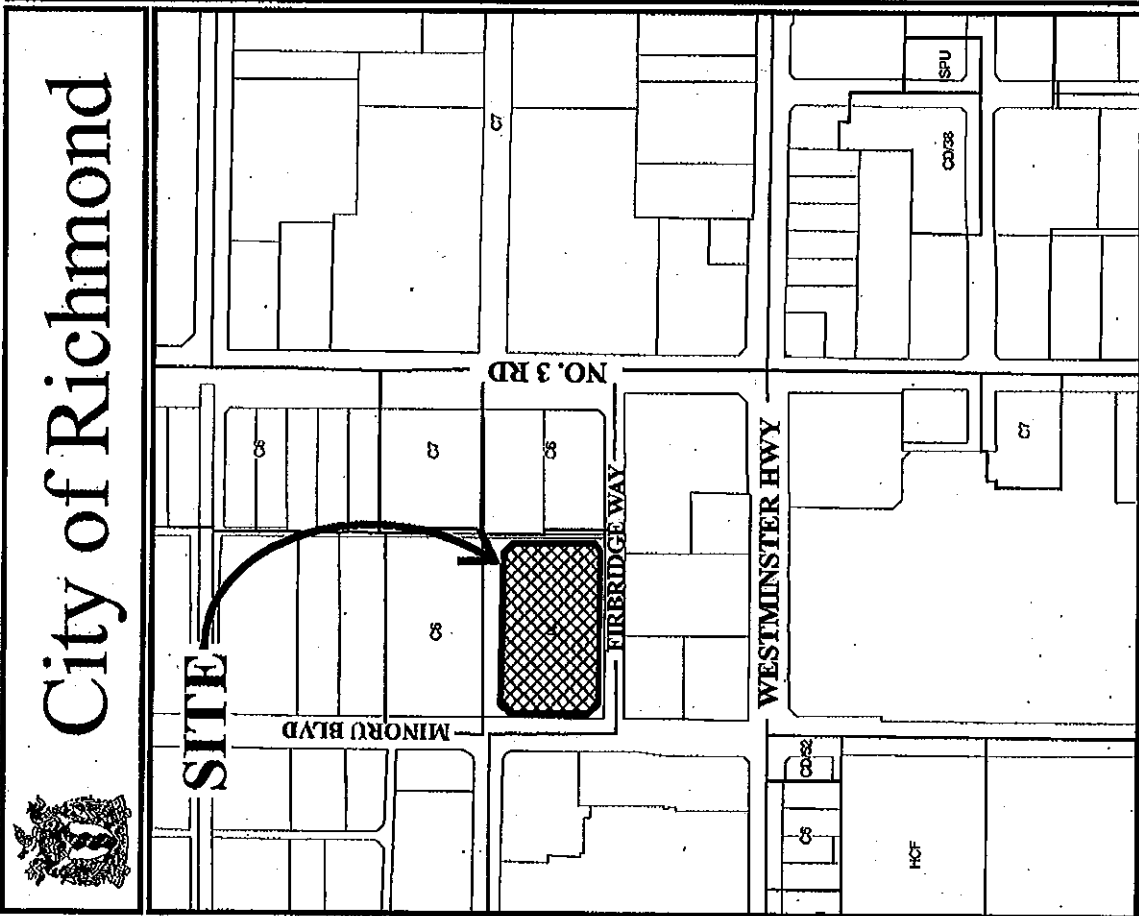


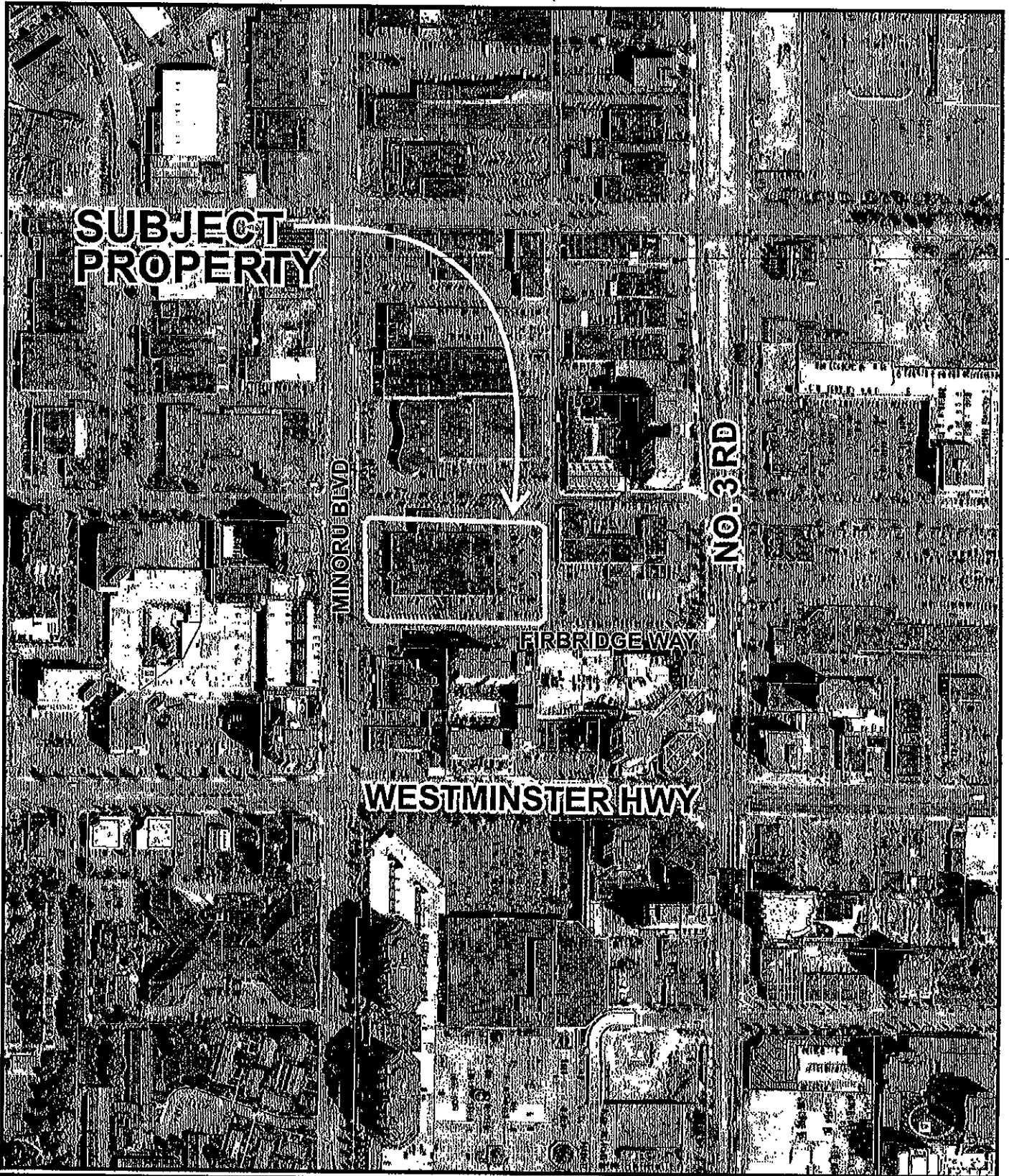
Original Date: 02/05/07

Revision Date: 05/25/09

Note: Dimensions are in METRES

TU 09-466032





**SUBJECT
PROPERTY**

MINORU BLVD

NO. 3 RD

FIRBRIDGE WAY

WESTMINSTER HWY



TU 09-466032

Original Date: 05/25/09

Amended Date:

Note: Dimensions are in METRES

W. T. LEUNG
ARCHITECTS
INC.

Suite 300 - 973 West Broadway,
Vancouver, British Columbia, Canada V6Z 1W3
Telephone: (604) 769-9711



NO.	DATE	ISSUED FOR REVIEW	BY
1	2008/08	ISSUED FOR REVIEW	SHARON MOORE

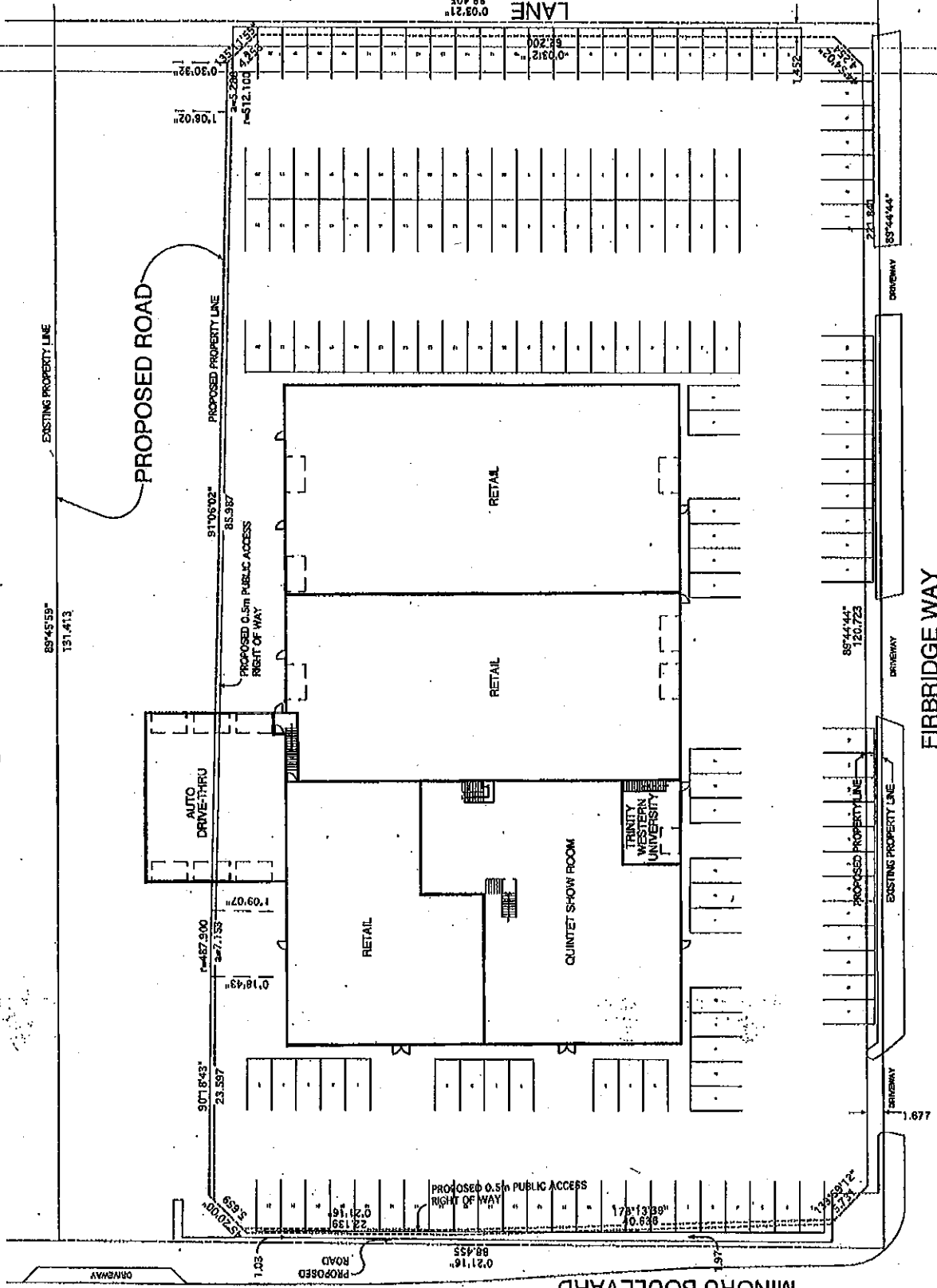
QUINTET
SALES OFFICE
(TEMPORARY USE)

5500 MINORU BLVD
RICHMOND, BC

GROUND
FLOOR
& SITE PLAN

JOB NO.	07-04
DRAWN BY	LL
DATE	AUGUST 06, 2008
SCALE	1/8" = 1'-0"
CHECKED BY	WTL

1
—
2



PLN - 119

MINORU BOULEVARD



City of Richmond

6911 No. 3 Road
 Richmond, BC V6Y 2C1
 www.richmond.ca
 604-276-4000

**Development Application
 Data Sheet**

TU 09-466032

ATTACHMENT 3

Address: 5900 Minoru Blvd

Applicant: Phileo Developments (Richmond) Ltd.

Planning Area(s): City Centre (Schedule 2.10)

	Existing	Proposed
Owner:	Phileo Developments (Richmond) Ltd.	No change.
Site Size (m²):	8,925.1 m ² (post-road dedication) 11,846.7 m ² (pre-road dedication)	No change
Land Uses:	<ul style="list-style-type: none"> Light industrial 	<ul style="list-style-type: none"> Retail trade and service, excluding gas station and the sales and servicing of automobiles, trailers, or motorcycles Office Pre-sale centre for proposed future development
OCP Designation:	High-Density Mixed-Use	No change
Area Plan Designation:	Existing CCAP- <i>Mixed-Use – High Density</i> CCAP Update – <i>Urban Core T6</i>	No change
Zoning:	Limited Industrial Retail District (I4)	No change

On Future Subdivided Lots	Bylaw Requirement			Proposed	Variance
Floor Area Ratio:	Max. 1.0			0.44 (post-road dedication)	none permitted
Road Setbacks (m):	Min. 6 m			6.68 m (to main building)	none
Height (m):	Buildings: 12 m Structures: 20 m			Buildings: 8.69 m Structures: N/A	none
Off-street Vehicle Parking Spaces:	3.75 spaces per 100 m ² of gross leasable floor area				none
	<ul style="list-style-type: none"> Retail: 2,366 m² = 90 spaces Office: 295 m² = 12 spaces Pre-sale centre: 1,297 m² = 49 spaces Total: 3,958 m² = 151 spaces Standard spaces: 70 % 			<ul style="list-style-type: none"> Retail: 98 Office: 14 Pre-sale centre: 50 Total: 162 Standard spaces: 100% 	
Off-street Loading Spaces (medium and large spaces can be shared):	Gross leasable floor area (m²): 1661 or more	Med. 1, plus 1 for each additional 5,000 m ² over 1,860 m ² = 2	Lg. 1 for each 5,000 m ² over 1,860 m ² = 1	# medium-sized spaces: shared # large-sized spaces: 4	none
Off-street Parking Spaces – Accessible (2%):	4			4	none
Off-street Parking Spaces – Total:	151			162	none



No. TU 09-466032

To the Holder: **PHILEO DEVELOPMENTS (RICHMOND) LTD.**

Property Address: **5900 MINORU BOULEVARD**

Address: **C/O W.T. LEUNG ARCHITECTS INC.
#300-973 WEST BROADWAY
VANCOUVER, BC V7V 2Y4**

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The subject property may be used for the following temporary Commercial uses:

Retail trade and services (as defined in Zoning & Development Bylaw No. 5300),
excluding gas station and the sales and servicing of automobiles, trailers or motorcycles.
4. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.

This Permit is not a Building Permit.

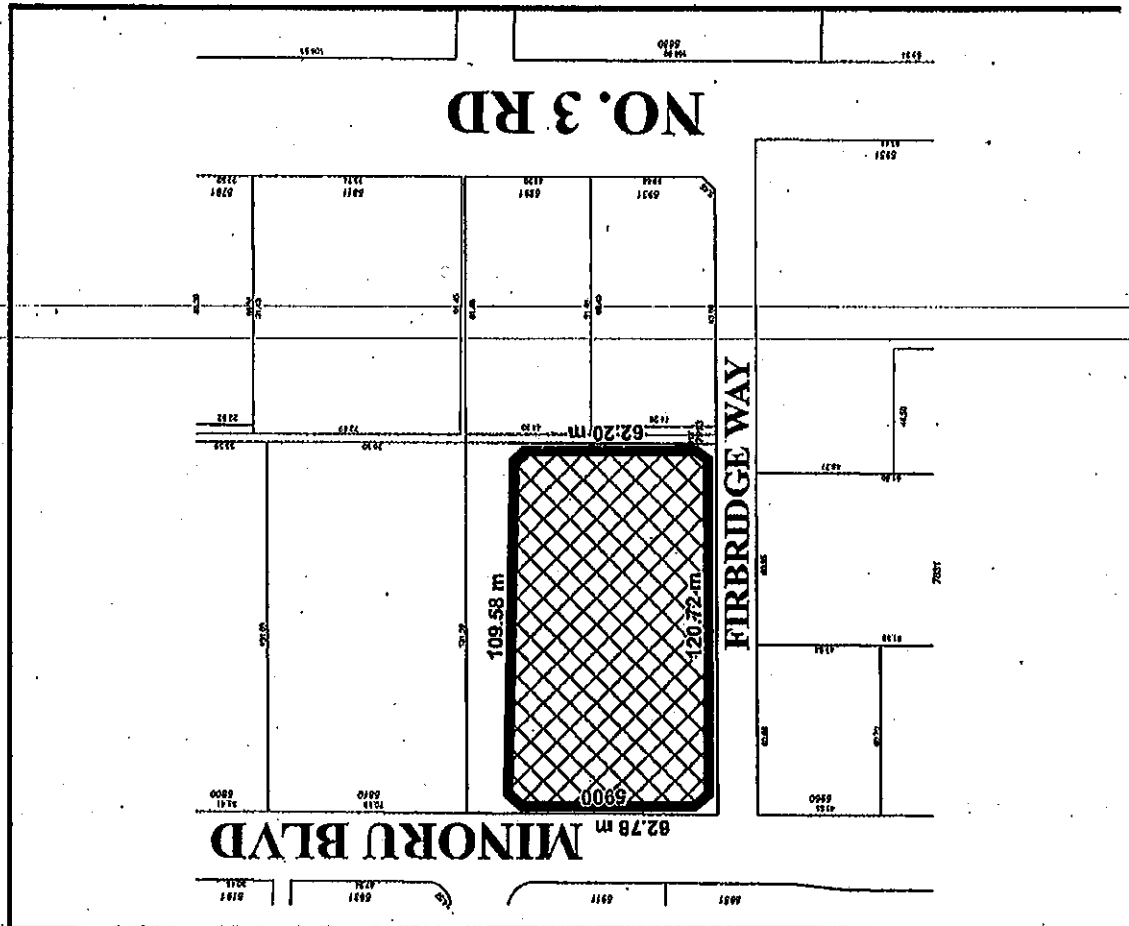
AUTHORIZING RESOLUTION NO. _____
OF _____

ISSUED BY THE COUNCIL THE _____ DAY

DELIVERED THIS _____ DAY OF _____

MAYOR

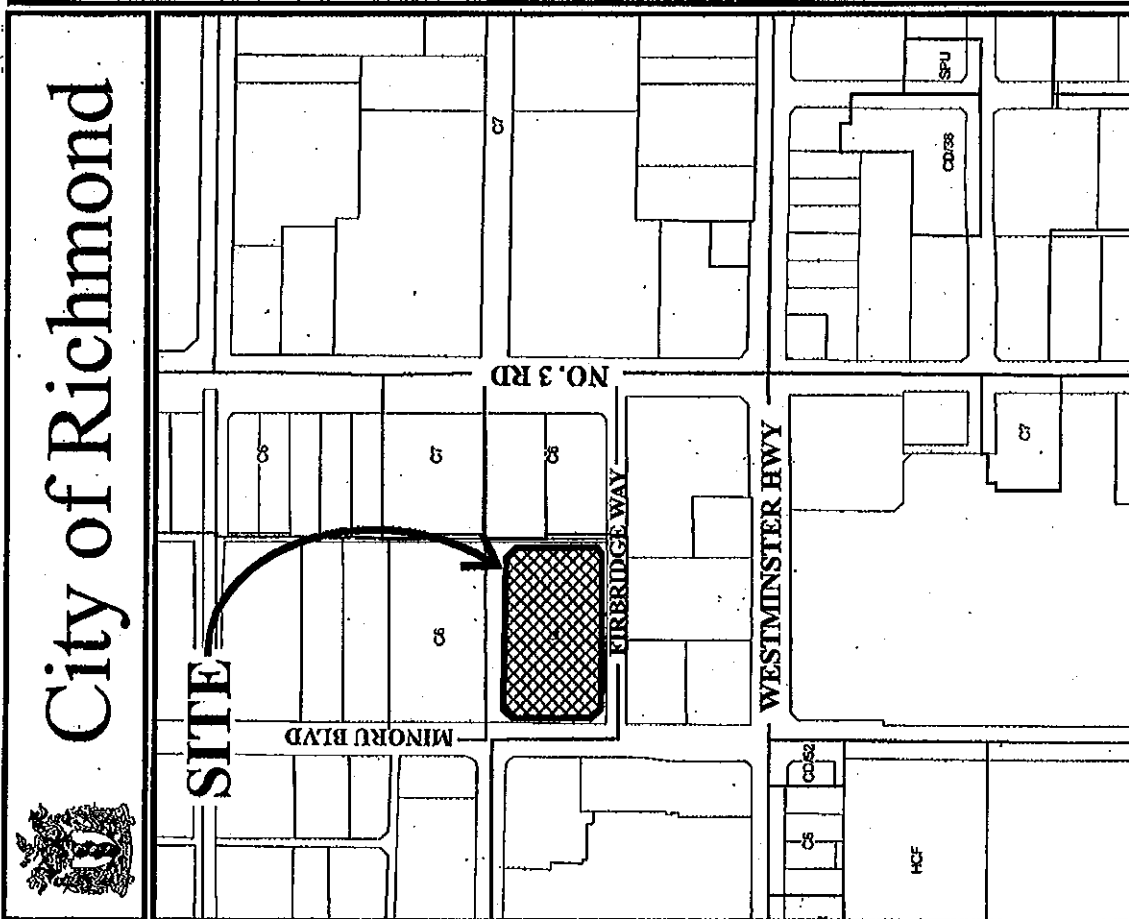
CORPORATE OFFICER



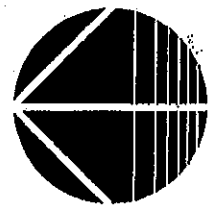
Original Date: 02/05/07

Revision Date: 05/25/09

Note: Dimensions are in METRES



TU 09-466032



Schedule "B"

Undertaking

In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to demolish or remove any temporary buildings, structures and signs; to restore the land described in Schedule A; and to maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner.

Phileo Developments (Richmond) Ltd.
by its authorized signatory

Wing Leung, principal
W.T. Leung Architects Inc.