



City of Richmond

Report to Council

To: Richmond City Council
From: Robert Gonzalez, P.Eng.
General Manager, Engineering and Public Works
Date: July 23, 2015
File: 08-4105-20-DPER1-01/2015-Vol 01
Re: **Development Permit Panel Meeting Held on March 10, 2015.**

Staff Recommendation

That the recommendation of the Panel to authorize the issuance of:

1. A Development Permit (DP 14-668373) for the property at 13040 No. 2 Road;
be endorsed, and the Permit so issued.

A handwritten signature in black ink, appearing to be 'R. Gonzalez'.

Robert Gonzalez, P.Eng.
Acting Chair, Development Permit Panel

Panel Report

The Development Permit Panel considered the following item at its meeting held on March 10, 2015.

DP 14-668373 – KIRK YUEN OF CAPE CONSTRUCTION (2001) LTD. – 13040 NO. 2 RD
(March 10, 2015)

The Panel considered a Development Permit application to permit the construction of a four-storey mixed-use commercial/residential building containing approximately 55 residential units and 349.3 m² (3,760 ft²) of commercial space on a site zoned “Commercial Mixed Use (ZMU24) – London Landing (Steveston)”. A variance is included in the proposal to reduce the required number of off-street loading spaces from two (2) to one (1).

Architect Tom Bell, of GBL Architects Inc, and Landscape Architect Patricia Campbell, of PMG Landscape Architects, provided a brief presentation, noting that:

- The proposed four -storey wood frame building design is setback from all three (3) shared property lines and has townhouse units on the first two (2) floors and apartment units above.
- Approximately 5 ft of the parkade wall will be exposed above grade along the north edge of the site, the same height as the fence of the neighbouring development. There will be a landscape planter, walkway and railings above the wall.
- Amenity features will include community garden space, a child play area, child play structures and patio areas.
- The site will connect to a City greenway to the northeast across a right-of-way on the neighbouring site.

Staff supported the Development Permit application and requested variance. Staff advised that the truck loading space will be shared between residential and commercial units and appropriate legal agreements related to the shared use will be secured. Staff noted that there is a servicing agreement for frontage improvements along No. 2 Road.

No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, Mr. Bell and Ms. Campbell advised that:

- The proposal includes adaptable units and ramps at the front and rear of the site.
- The commercial units have access to a covered outdoor patio space.
- The common patio and residential patios will have hosebibs and landscaping irrigated.
- The orchard will be in a grassy area, however will be accessible via a ramp.

The Panel recommends that the Permit be issued.



City of Richmond

Report to Council

To: Richmond City Council
From: Joe Erceg
Chair, Development Permit Panel
Date: July 17, 2015
File: 01-0100-20-DPER1-
01/2015-Vol 01
Re: Development Permit Panel Meetings Held on July 15, 2015, March 25, 2015,
February 11, 2015, July 30, 2014, July 16, 2014, April 16, 2014, February 26,
2014, July 10, 2013 and August 11, 2010

Staff Recommendation

That the recommendation of the Panel to authorize the issuance of:

1. A Development Permit (DP 14-669686) for the property at 5580 Parkwood Crescent;
2. A Development Permit (DP 13-676613) for the property at 5600 Parkwood Crescent;
3. A Development Permit (DP 13-641791) for the property at 3011 No. 5 Road;
4. A Development Permit (DP 14-677534) for the property at 7008 River Parkway and 7771 Alderbridge Way;
5. A Development Permit (DP 12-624180) for the property at 8451 Bridgeport Road;
6. A Development Variance Permit (DV 13-634940) for the property at 5311 and 5399 Cedarbridge Way;
7. A Development Permit (DP 12-605094) for the property at 8080 Anderson Road and 8111 Granville Avenue; and
8. A Development Permit (DP 07-389656) for the property at 12900 & 13100 Mitchell Road;

be endorsed, and the Permits so issued.


Joe Erceg
Chair, Development Permit Panel

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Panel Report

The Development Permit Panel considered the following items at its meetings held on July 15, 2015, March 25, 2015, February 11, 2015, July 30, 2014, July 16, 2014, April 16, 2014, February 26, 2014, July 10, 2013 and August 11, 2010.

DP 14-669686 – BUTTJES ARCHITECTURE ON BEHALF OF 0737974 B.C. LTD. – 5580 PARKWOOD CRESCENT
(July 15, 2015)

The Panel considered a Development Permit application to permit the construction of an automobile dealership and service centre on a site zoned “Vehicle Sales (CV)”. A variance is included in the proposal to waive the requirement for an on-site large size loading space.

Architect Dirk Buttjes, of Buttjes Architecture Inc., and Landscape Architect Al Tanzer, of LandSpace Design Inc., provided a brief presentation, noting that:

- The two-storey proposal includes the showroom and service centre on the first floor and office space and the staff lunchroom on the upper floor and is consistent with the Richmond Auto Mall Association’s (RAMA) design guidelines.
- Sustainability features include (i) permeable asphalt, (ii) a rain water system for the carwash and irrigation, (iii) Low-E windows, (iv) low-flow water systems, and (v) LED lighting.
- Trees are proposed within a grass boulevard along Parkwood Crescent, creating a double row of street trees in an alternating pattern and Cedar will be planted along the perimeter.
- Existing neighbouring trees will be retained.

Staff supported the Development Permit application and requested variance. Staff noted that deliveries would occur after off-peak hours and that the Richmond Auto Mall Association will coordinate the loading and unloading activities. Staff thanked the applicant for the proposed sustainability measures and noted that the proposal includes a cash contribution to the City’s Public Art Fund.

No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, Mr. Tanzer advised that:

- The proposed development will use plantings that will be able to survive without irrigation.
- Outdoor benches and bicycle racks will be provided.
- The Richmond Auto Mall is a pedestrian friendly site with wide sidewalks and pedestrians will typically follow the pathway to the proposed building.
- Truck deliveries would occur along the curb with four-way flashers and cones during off-peak hours.

The Panel recommends that the Permit be issued.

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DP 14-676613 – RYAN COWELL ON BEHALF OF 0737974 B.C. LTD. – 5600 PARKWOOD CRESCENT

(July 15, 2015)

The Panel considered a Development Permit application to permit the construction of two (2) car dealerships on a site zoned “Vehicle Sales (CV)”. Variances are included in the proposal for increased building height and to waive the requirement for on-site large size loading spaces.

Architect Christopher Bozyk, of Christopher Bozyk Architects Ltd., and Landscape Architect Al Tanzer, of LandSpace Design Inc., provided a brief presentation, noting that:

- The proposal will include two (2) buildings and will feature high end materials reflective of the proposed dealerships’ branding.
- The three-storeys accommodate the storage of vehicles on-site to reduce the need to transport product from an external location. The main floor will house the showroom and service bay. The second floor will have another showroom and some staff facilities and the third floor will have space for an additional showroom and vehicle storage. The rooftop will have space for vehicle parking and floors will be accessed by internal ramps.
- The landscape design is similar to the adjacent development along Parkwood Crescent and meets RAMA’s design guidelines.
- Existing trees along the Knight Street frontage will be retained.
- The proposed development will feature permeable paving and bike racks on-site.

Staff supported the Development Permit application and requested variances. Staff thanked the applicant for their efforts in including sustainability features and retaining existing trees on-site.

No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, Mr. Bozyk advised that:

- The site’s grading did not necessitate the removal of exiting trees along Knight Street.
- There is minimal signage proposed along Knight Street; however, the buildings would still be visible through the landscaping along the Knight Street frontage.
- Once the proposed developments are completed the old buildings will be demolished and the road will be extended.

The Panel recommends that the Permit be issued.

DP 13-641791 – URBAN DESIGN GROUP ARCHITECTS LTD. ON BEHALF OF 0976440 B.C. LTD., INC. NO. 0976440 – 3011 NO. 5 ROAD

(March 25, 2015)

The Panel considered a Development Permit application to permit the construction of a drive-through car wash and drive-through oil change service centre on a site zoned “Car Wash & Service Station (ZC35) – Bridgeport”. No variances are included in the proposal.

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Architect, Fariba Gharael, of Urban Design Group Architects Ltd. and Landscape Architect, Patricia Campbell, of PMG Landscape Architects, provided a brief presentation, noting that (i) street trees will be planted; (ii) porous paving will be used, and (iii) bicycle lockers will be installed on-site.

Staff supported the Development Permit application and advised that (i) the proposed development efficiently uses the space on-site, (ii) a servicing agreement is required for frontage improvements along No. 5 Road, and (iii) the proposed development will recycle grey water from the car wash operations and rain water from the building's roof.

No correspondence was submitted to the Development Permit Panel regarding the application.

The Panel recommends that the Permit be issued.

DP 14-677534 – ONNI 7771 ALDERBRIDGE CORP. INC. – 7008 RIVER PARKWAY AND 7771 ALDERBRIDGE WAY

(March 25, 2015)

The Panel considered a Development Permit application to permit the construction of a 324-unit apartment project in two (2) six-storey buildings over parking on a site zoned "High Density Low Rise Apartments (RAH2)". Variances are included in the proposal to allow a partially below-grade parking structure to be situated on the property line, reduce visitor parking to 0.15 stalls per dwelling unit and to not provide a large truck loading space.

Architect Taizo Yamamoto, of Yamamoto Architecture Inc., of , and Landscape Architect, , of , provided a brief presentation, noting that: (i) the applicant is proposing changes to Building 3 to provide additional parking within a second above-grade parking level, (ii) the proposed grading changes will create two (2) amenity zones, and (iii) the lower level wall will be screened using landscaping.

Staff supported the Development Permit application and requested variances. Staff advised that a greenway connection will be provided along the south side of the proposed development.

No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, Mr. Yamamoto and Eric Hughes, of Onni Corp. advised that:

- Units displaced by the additional parking level will be located in the upper floors of the proposed development.
- The proposed design changes were related to additional customer demand for parking and as a result, the number of vehicle parking on-site exceeds rezoning bylaw requirements.

In response to Panel queries, staff advised that the proposed grade changes will not detract from the usability of the amenity spaces.

The Panel recommends that the Permit be issued.

DP 12-624180 – GBL ARCHITECTS GROUP INC. – 8451 BRIDGEPORT ROAD
(February 11, 2015)

The Panel considered a Development Permit application to permit the construction of a high rise commercial, hotel and office development on a site zoned “High Rise Office Commercial (ZC33) – (City Centre).” No variances are included in the proposal.

Architect Andrew Emmerson, of GBL Architects, and Landscape Architect Julian Pattison, of Considered Design, Inc., provided a brief presentation, noting that:

- The 14-storey hotel tower at the southeast corner has an angled diamond configuration and strong design, providing a strong corner identity visible from Bridgeport Road.
- The nine-storey office building at the southwest corner has an elongated linear form, providing a contrast to the hotel tower form.
- The 12-storey office building at the north corner has a more conventional vertical form.
- The five (5)-level podium accommodates parking and bonds the three (3) towers together.
- The different tower forms and heights are intended to provide variety, maximize natural daylighting, minimize overlook and meet tower spacing requirements.
- The small commercial spaces at the lower levels, interspersed among the tower forms, provide interest and animation at the street level, accessible on all three sides.
- Strong sustainability features incorporated include the punched window expression on the south and west facades of the hotel tower, the horizontal louvers on the two (2) office towers, and metal screening on the facades of the podium building.
- A shared passive outdoor amenity space is provided on the podium roof for the hotel and office towers as well as a designated area including a swimming pool exclusive for hotel use.
- The “small-scale park” design of the outdoor amenity area on the podium roof reflects the broader natural landscape and encourages interaction among users.
- An internal drive aisle for loading and pick-up and drop-off operations provides a strong buffer between the subject development and Bridgeport Road. Double rows of trees along Bridgeport Road and the plaza treatment of the private road enhance the public realm.
- The design of the internal road as an “elongated civic space” has precedent in the Dutch concept of “woonerf” or shared use for pedestrians, bicycles and vehicles. Treatment includes variation in split stone paving and light bollards for the pedestrian route.
- Metal screening on the podium face provides an opportunity to incorporate public art.

Staff supported the Development Permit application and advised that the proposal is consistent with the City Centre Area Plan guidelines in terms of density, materials use, and design. Staff further advised that (i) garbage pick-up is located along River Road and (ii) the Bridgeport station is approximately 400 meters from the subject site.

Neighbouring business owner Joseph Fung addressed the Panel to submit correspondence expressing concern regarding potential impact to his daily operations during construction.

In response to Panel queries, Mr. Pattison advised that:

- Landscape treatment on the podium roof includes water features, timber benches and raised lawns for shared use and a swimming pool for hotel use only, and the landscape elements also provide play opportunities for children.
- The main pedestrian access along Bridgeport Road is through the hotel plaza.
- All frontages are treated with landscaping to enhance the pedestrian experience.
- Loading spaces for smaller trucks are spread out in the parkade of the three towers while larger trucks could use the loading spaces along the service road.

In response to Panel queries, staff advised that:

- The likely pedestrian route from the Canada Line Bridgeport Station to the subject site is through River Road. He added that the proposed development would be more accessible when the Canada Line Capstan Station will be constructed in the future.
- A traffic management plan will be required from the applicant through the Building Permit which will ensure that full access will be maintained to Mr. Fung's neighbouring property. Mr. Fung could also contact the Bylaw Division should he have further concerns regarding access to his property during the construction of the proposed development.

The Panel expressed appreciation for a well-done presentation and noted that the project's sophisticated design will significantly improve the area.

The Panel recommends that the Permit be issued.

DV 13-634940 – ONNI 7731 ALDERBRIDGE HOLDING CORP. – 5311 AND 5399 CEDARBRIDGE WAY

(July 10, 2013, April 16, 2014, July 16, 2014 and July 30, 2014)

The Panel considered a Development Variance Permit application to vary the provisions of Richmond Zoning Bylaw 8500 to reduce the visitor parking requirement from 0.15 spaces/unit, as per DP 12-615424, to 0.125 spaces/unit for the western portion of a site zoned "High Density Low Rise Apartments (RAH2)".

The application was reviewed at the July 10, 2013, April 16, 2014, July 16, 2014 and July 30, 2014 Development Permit Panel meetings.

At the July 10, 2013 meeting, Eric Hughes, of Onni Construction Ltd., and Mladen Pecanac, of IBI Group, provided a brief presentation, noting that:

- Under the original Development Permit (DP 12-615424) the visitor parking rate was varied by 25% from 0.20 to 0.15 spaces/unit and a further reduction is requested from 0.15 to 0.10 spaces/unit in order to improve the marketability of the project.
- A parking study indicated the demand for visitor parking was 0.09 spaces/unit and Richmond results from Metro Vancouver's Regional Residential Parking Study indicated the demand for visitor parking was 0.10 spaces/unit or less in similar developments.

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Staff advised that: (i) the comprehensive Transportation Demand Management (TDM) package with the original Development Permit included a \$100,000.00 contribution for a bike/pedestrian pathway; (ii) the proposed variance does not reduce the overall number of parking spaces but is a reallocation of parking spaces to provide for more residential parking; and (iii) 20% of the residential parking spaces will be electrical vehicle ready and electrical outlets will be provided for bicycle storage.

In response to Panel queries, the Panel was provided with information on the parking studies conducted and the rationale for pursuing the variance. The Panel expressed concerns regarding adequate visitor parking measurements, Metro Vancouver study methodology, and utilization of the residential parking spaces. The application was subsequently referred back to staff for more consideration and additional research.

At the April 16, 2014 Development Permit Panel meeting, Mr. Hughes gave a brief presentation.

In response to Panel queries, Mr. Hughes advised: (i) fully occupied residential developments were used for the parking studies; (ii) current parking regulation rates do not reflect the current demand for parking; and (iii) an integrated intercom for the two parking garages allows visitors to access more parking in the event that there is a shortage of parking in one of the garages.

In response to Panel queries, staff advised that: (i) parking rate requests could be examined on a case-by-case basis; (ii) the proposed on-site parking has the capacity to meet demands of the residents, reducing the reliance on street parking; (iii) the Panel could request the developer post a bond to address a future shortfall in visitor parking but such an arrangement would require further discussion with the applicant.

The application was subsequently referred back to staff to examine methods that would secure additional parking capacity for future demand.

At the July 16, 2014 Development Permit Panel meeting, Mr. Hughes gave a brief presentation, noted that the parking study compared parking rates of other developments in proximity to the site and the Canada Line, advised that the overall parking rate between the two sites was approximately 0.125 spaces/unit and there will be interim visitor parking available during the construction phase of the east lot.

In response to Panel queries, Mr. Hughes advised that the parking rate on the east lot would remain at 0.15 spaces/unit and that any future reduction to parking rates would be based on market demand.

Staff noted that visitors will have access to both parking lots which will provide an average parking rate of 0.125 spaces/unit and sidewalk enhancements along Landsdowne Road will provide a continuous connection to Canada Line.

The application was subsequently referred to staff to examine options to reduce the visitor parking requirement from the originally proposed reduction to 0.10 spaces/unit to 0.125 spaces/unit.

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At the July 30, 2014 Development Permit Panel meeting, Mr. Hughes, gave a brief presentation regarding the proposal indicating that the scope of the parking variance has been reduced to cover only the western half of the development and that the reduction was revised to reflect a parking rate of 0.125 visitor parking stalls per dwelling unit instead of the initially proposed 0.10 visitor parking stalls per dwelling.

In response to Panel queries, Mr. Hughes advised:

- The variance is focused on the west side of the development and all parking areas in the development are linked via intercom so visitors can access all the visitor parking spaces.
- Nearby developments registered visitor parking rates under the 0.10 spaces/unit level.
- The proposed 0.125 spaces/unit visitor parking rate would equal a reduction of eight visitor parking spaces, which would be reallocated for purchasers.
- Typically all parking spaces are sold upon the completion of the project, however in the event that there are excess spaces, the developer will retain the parking spaces until they are sold. If the parking spaces remain unsold for an extended period of time, they could be transferred to the strata corporation. Due to the supply and the layout of the parking spaces, it is anticipated that the all the parking spaces will be sold.

In response to Panel queries, Mr. Pecanac advised that: (i) the parking study only focused on the occupancy of the parking spaces and not the turnover of the vehicles; and (ii) access to public transit contributed to the reduced parking rates in the subject developments used in the study.

In response to Panel queries, staff noted that: (i) commercial parking areas typically have open access but private residences would require security measures for parking areas; (ii) the original approval included a reduction for required parking through Transportation Demand Management (TDM) measures of 7.5%.

The Chair noted that: (i) applying the variance to only half the development will provide a buffer in the event that more visitor parking spaces are required than the surveys indicate; (ii) due to undeveloped sidewalk connections, access to the Canada Line is restricted; (iii) the Panel is not inclined to consider any further visitor parking reductions for this project; and (iv) concern was raised that the reduction in visitor parking spaces are only done for the purposes of commoditizing the parking spaces and comes at the expense of available public parking.

No correspondence was submitted to the Development Permit Panel regarding the application.

The Panel recommends that the Permit be issued.

DP 12-605094 INTEGRA ARCHITECTURE INC. – 8080 ANDERSON ROAD AND 8111 GRANVILLE AVENUE
(February 26, 2014)

The Panel considered a Development Permit application to permit the construction of a 14-storey mixed use development with 129 affordable housing units and approximately 2,090 m² (22,500 ft²) community service space on a site zoned “Downtown Commercial (CDT1)”. Variances are

included in the proposal for reduced: (i) manoeuvring space at bathroom doorways; (ii) parking; (iii) class 1 bicycle storage spaces; and providing one shared truck loading space.

Architect Duane Siegrist, of Integra Architecture, and Landscape Architect Rebecca Colter, of PMG Landscape Architects, provided a brief presentation, noting that:

- Affordable housing units in the tower will be managed by each non-profit society, with the residential lobby fronting onto Anderson Road.
- Community service spaces in the tower which include the non-profit societies' office spaces, coffee shop for job training, community centre space and community support space.
- The architecture and landscaping of the project's Granville Avenue frontage is aligned with the commercial and public character across the street.
- The proposal will have LEED Silver equivalency provisions.
- The main outdoor amenity space is on the fourth level podium roof. There are also roof decks at the fifth, sixth, seventh and eleventh floors. Community planters are provided on the sixth floor roof deck for residents of SUCCESS affordable housing units. The seventh floor roof deck features an outdoor dining area.
- The main landscaping elements along the Granville Avenue frontage include a large landscaped boulevard, sod lawn with street trees and decorative paving.

Staff supported the Development Permit application and requested variances. Staff noted that: (i) one of the requested variances is to reduce the Basic Universal Housing Features manoeuvring space at bathroom doorways; (ii) the applicant had demonstrated that the residential units are wheelchair accessible; and (iii) the subject application was submitted prior to the inclusion of additional manoeuvring space requirements in the Zoning Bylaw.

Staff also advised that (i) 5% of total parking spaces will have electric vehicle (EV) charging stations, (ii) an additional 20 % of total parking spaces will be pre-ducted for future installation of EV charging stations, (iii) the proposed development meets the OCP standards for aircraft noise mitigation, and (iv) the City will incorporate public art in the proposed development.

No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, Mr. Siegrist and Ms. Colter advised that:

- The planters on the sixth floor roof deck are expected to be well used by residents.
- The target residents are in need of affordable housing, use public transit and are not anticipated to own cars based on experience.
- The requested parking variance is supported by a traffic impact and parking study, which included the experience of a similar facility in Richmond.
- Areas of weather protection canopies are provided. The large canopy at the lobby on Anderson Road extends approximately nine feet from the building façade.
- Separate loading and parking entries were provided along Anderson Road based on safety considerations for parkade users and the different height requirement for the loading space.

Architectural and landscaping treatments are being proposed to mitigate the dominance of the loading and parking entries on the building façade along Anderson Road.

In response to Panel queries, staff advised that:

- There are no existing power lines along the Granville Avenue frontage and there was an opportunity to review whether there was a need for the provision of power for street tree lighting as part of the associated Servicing Agreement.
- The project architect confirmed that the residential units could be accessed by wheelchair.

The Panel expressed support for the application and noted (i) the significant details provided in the presentation of the project, (ii) the rationale for the requested parking variance, and (iii) the benefits that the project would bring to the City.

Also, the Panel directed staff to work with the applicant to formulate a package of signage guidelines for the proposed development in terms of the sizes, fonts, materials type and locations of the signage in order for the applicant to develop a logical and cohesive signage design.

Subsequent to the Panel meeting, a comprehensive signage package has been developed and included in the DP plans to encourage a coordinated sign design for the various tenants. A City issued sign permit will be required prior to any signage being installed on the site.

The Panel recommends that the Permit be issued.

DP 07-389656 – CTA DESIGN GROUP – 12900 AND 13100 MITCHELL ROAD
(August 11, 2010)

The Panel considered a Development Permit application to permit the construction of vehicle access to four (4) multi-tenant industrial warehouse buildings on properties zoned “Industrial (I) and partially designated as Environmentally Sensitive Areas. A variance is included in the proposal to vary the minimum road construction standards contained in Subdivision Bylaw No. 6530 for the access road in the Tipping Road allowance on Mitchell Island.

Ciaran Deery, of CTA Design Group, provided a brief presentation, noting that:

- The Mitchell Island development site contains three (3) buildings, and the applicant is seeking parking areas along the southern side of the two (2) buildings that front the Fraser River.
- Enhancement planting would improve the foreshore of the Fraser River.

Staff supported the Development Permit application and requested variance to narrow Tipping Road. Staff commended the applicant for working with the City. Staff noted that the applicant has made a financial contribution for future dike improvements, registered dike Rights-of-Way, provided foreshore planting, and 135 metres of frontage improvements. Staff further noted that an earlier iteration of the staff report mentioned an ‘installation of a vehicle turn restriction island at the intersection of Tipping Road and Mitchell Road’, but that this was no longer required and would be removed from the list of requirements.

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No correspondence was submitted to the Development Permit Panel regarding the application.

In response to Panel queries, staff advised that:

- The variance for a narrow access road allows for more landscaping elements.
- The ESA was on private property on Mitchell Island.
- Tipping Road is a public road and will be undergoing improvements.

The Panel noted that the applicant and staff had managed the ESA issue with sensitivity, that the proposed development represented an improvement in the area, and that the landscaping elements would enhance that portion of Mitchell Island.

Since the Panel meeting, the applicant has been working to secure potential tenants for the site prior to addressing the Servicing Agreement road design given the significant construction requirements for Tipping Road. The applicant recently secured a potential tenant for the site and entered into a Servicing Agreement for the construction of the Tipping Road allowance.

The Panel recommends that the Permit be issued.