



To: Richmond City Council
From: Joe Erceg, MCIP
Chair, Development Permit Panel
Date: May 23, 2007
File: 0100-20-DPER1-01-
2007-Vol 01
Re: Development Permit Panel Meetings Held on February 14, 2007 and
September 13, 2006

Panel Recommendation

- I. That the recommendations of the Panel to authorize the issuance of:
 - i) a Development Permit (DP 06-333449) for the property at 9451 Granville Avenue (formerly 9415, 9431 and 9451 Granville Avenue); and
 - ii) a Development Permit (DP 05-298718) for the property at 12231 and 12251 1st Avenue

be endorsed, and the Permits so issued.



Joe Erceg, MCIP
Chair, Development Permit Panel

SB:blg

Panel Report

The Development Permit Panel considered the following items at its meetings held on February 14, 2007 and September 13, 2006.

DP 06-333449 – AM-PRI CONSTRUCTION LTD. – 9451 GRANVILLE AVENUE
(FORMERLY 9415, 9431 AND 9451 GRANVILLE AVENUE)
(February 14, 2007)

The Panel considered a Development Permit application to permit the construction of 30 townhouses at 9451 Granville Avenue (formerly 9415, 9431 and 9451 Granville Avenue) on a site zoned “Townhouse District (R2-0.7)”. A variance is included in the proposal to permit tandem parking.

Mr. Taizo Yamamoto, Architect, advised that he was available to answer questions.

In response to queries from the Panel, the applicant advised that a contribution was provided to the school site trail, which will be built by the School Board at a future date. One of the six (6) trees to be transplanted appeared to be too large. Exterior materials include horizontal vinyl siding, Hardi-plank siding, Hardi-panel board and metal fencing with brick posts. The colour scheme was tan neutral with painted accents.

Subsequent to the Panel meeting, discussions with the arborist and the transplant expert concluded and a total of five (5) existing trees will be replanted on site. The applicant has retained the tree moving contractor and they are awaiting issuance of the Building Permit to proceed with the tree moving works. A portion of the \$23,000 security provided by the applicant for the successful transplanting of the six (6) existing trees will be provided to the City’s tree compensation fund (e.g. \$3,833).

There were no comments from the public on the proposal.

The Panel recommends that the Permit be issued.

DP 05-298718 – PATRICK COTTER ARCHITECT INC. – 12231 AND 12251 1ST AVENUE
(September 13, 2006)

The Panel considered a Development Permit application to permit the construction of a two-storey, over-parkade mixed-use development containing approximately 280 m² (2,995 ft²) of commercial use on the first floor and three (3) dwellings on a site zoned “Steveston Commercial (two-storey) District (C4)”. Variances are included in the proposal to: increase the building height, permit a three-storey building, permit on-street commercial loading and reduce the manoeuvring aisle width.

David Wootton, Architectural Technologist, and Gary Fields, Senior Associate, both from the architect’s office, provided a brief description of the project.

Staff advised that both staff and the applicant worked closely to achieve a development that gives a strong sense of the Steveston neighbourhood. The gables and the pitched roof feature incorporated into the design are compatible with the Bayview streetscape. The design meets 31 of the 33 guidelines outlined in the Official Community Plan (OCP Steveston Area Plan). The Heritage Commission gave the project a good review, as did the Advisory Design Panel.

The Chair stressed that he would like to see the applicant revisit the choice of patterning and materials for the street level commercial retail units on this key Steveston site, paying special attention to historical proportions in the design of the doors and the display glazing. The Chair encouraged the applicant to use more traditional materials and detailing more in conformance with the design guidelines which prefer wood, and to make changes to the design before presentation to Council.

In response to Panel discussion, Mr. Wootton and Mr. Fields agreed to work with staff to meet the guidelines to explore the following: a store front design more in keeping with the Steveston Village Design Guidelines.

Subsequent to the Panel meeting, the commercial storefront fenestration pattern was changed to better reflect a heritage character, as a result the windows and doors were revised with a stained fir wood framed window door (versus aluminium which was proposed originally) and heavy frame aluminium glazing system painted to compliment the wood door (faux finish). The proposed doors were changed from double doors to single doors. Those changes are now proposed for the project. The overall design reflects the heritage character of commercial facades for the Steveston Village area.

There were no comments from the public on the proposal.

The Panel recommends that the Permit be issued.



Development Permit Panel

Wednesday, May 16, 2007

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Joe Erceg, Chair
Andrew Nazareth, General Manager, Corporate Services
Cathryn Volkering Carlile, General Manager, Parks, Recreation and Cultural Services

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

1. Minutes

It was moved and seconded

That the minutes of the meeting of the Development Permit Panel held on Wednesday, April 25, 2007, be adopted.

CARRIED

2. Development Permit 06-350946

(Report: April 2, 2007, File No.: DP 06-350946) (REDMS No. 2131705)

APPLICANT: MingLian Holdings Ltd.

PROPERTY LOCATION: 6040 No. 3 Road and 8060, 8080 Westminster Highway

INTENT OF PERMIT:

1. To permit the construction of a mixed-use commercial/residential development consisting of approximately 131 dwelling units (including 5 seniors housing units), approximately 750 m² (8,070 ft²) of commercial space and associated parking in a 16 storey building fronting on Westminster Highway and a 4 storey building fronting on No. 3 Road on a site zoned "Downtown Commercial District (C7)"; and
2. To vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Reduce the required number of parking spaces for each seniors' housing unit from 1.7 (resident and visitor) parking spaces per dwelling unit to 0.4 (resident and visitor) parking spaces per dwelling unit;

- b) Permit six (6) parking stalls in a tandem arrangement; and
- c) Reduce the minimum off-street manoeuvring aisle width for commercial use from 7.5 m (25 ft.) to 6.7 m (22 ft.).

Applicant's Comments

Wing Leung, of W.T. Leung Architects, spoke on behalf of the applicant and advised that the project was an L-shaped development with a 16-story mixed-use tower with 126 residential units in the tower, 5 seniors rental-housing units, and a 3-story parkade. In addition there is a fourth floor rooftop landscaped courtyard amenity space. A new north-south lane, parallel to No. 3 Road is provided for, and all vehicle access will be provided from this lane. Retail units on the ground floor are double-height.

Mr. Leung stated that in addition to being the architect for MingLian Holdings Ltd. he is the architect for Clarry Enterprises, which owns the site at 6020 No. 3 Road, which is currently under application (DP 07-363082). However, the client is not prepared to proceed concurrently with the subject application due to Clarry's concerns associated with the building of the Canada Line.

The Chair noted that the applicant was presenting an integrated development but based on the architect's comments, it appeared that the key corner component was, at the eleventh hour, not going to be included.

In response to queries from the Panel, Mr. Leung stated that:

- landscaping improvements have been made including: (i) the fourth floor courtyard level including the combination of hard and soft landscaping features to create two outdoor areas; (ii) a proposed green roof on top of the low rise portion of the project; (iii) trees lining the Westminster Highway façade; further, the applicant is awaiting confirmation of design treatment information from the Canada Line with regard to how to landscape within proximity of the pillars and the elevated guideway;
- since the 3-dimensional model was created, it was decided to not use the burgundy material for the exterior cladding, but to replace it with 2 tones of a more muted shade of burgundy;
- tree lined garden areas are introduced at the fourth level within large planters;
- all bicycle requirements, including lockup provisions, have been met, and in addition chargers for electric scooters are located along the fourth floor corridor;
- with regard to segregated parking for visitors and residents, there are two sets of gates: the first gate, located off the north-south lane, will be locked after business hours to secure the commercial and visitor parking area; a second gate leading to the upper floor residential parking spaces will be secured, and residents will use a computerized fob to gain access to their designated parking level.

Staff Comments

Jean Lamontagne, Director of Development, advised that the 5 seniors housing units were designed according to the City's published guidelines. The project includes a 25-year housing agreement so that the applicant can target the clientele that would meet the criteria for occupation of seniors rental housing units. Mr. Lamontagne further advised that legal agreements are required to secure parking, access, garbage and recycling, and loading requirements for the corner site at 6020 No. 3 Road.

Correspondence

Clarry Enterprises Ltd., c/o Mr. Dan Buller, Suite 100 – 555 Davie Street, Vancouver

Gallery Comments

Dan Buller, representing Clarry Enterprises Ltd., owner of the property at the south-east corner of No. 3 Road and Westminster Highway, addressed the Panel with regard to Development Application for 6020 No. 3 Road (DP 07-363082) and reiterated the concerns he outlined in his letter to the Panel, dated May 16, 2007 (Schedule 1):

- MingLian Holdings Ltd. has created a fantastic project, and has been cooperative in providing Clarry with 35 parking spaces; Clarry had attempted a consolidation with MingLian, but was unsuccessful in doing so;
- challenges have been imposed on the Clarry-owned site by the Canada Line including: the challenge of maximizing the site density due to the required setbacks from the Canada Line, on-site vehicle manoeuvrability challenges, and geotechnical concerns;
- the site development will be restricted to a narrow, tall structure and the economic viability is uncertain due to specific site constraints;
- if the corner property is not part of a larger consolidation it is not economically feasible to develop the site at this time;
- Clarry hopes to overcome the complications so that the prospect of development for the corner lot becomes a reality.

In response to queries from the Chair, Mr. Buller stated that:

- with regard to geotechnical concerns, the introduction of the Canada Line will impose certain construction constraints and limit the building footprint which impacts the on-site manoeuvrability and the marketing of the residential units;
- the impact of the Canada Line is not the only reason for Clarry not presenting its project to the Development Permit Panel at this time;
- there is no agreement with MingLian to acquire parking spaces;
- with regard to a timeline for the Clarry project if it proceeds, Clarry has to return to the drawing board with the architect and re-examine zoning issues and density concerns, as well as explore the challenges presented by the Canada Line;

- in terms of Clarry being willing to sell the corner property, discussions have taken place, but those discussions have failed.

In conclusion, Mr. Bullar stated that Clarry would like to see the MingLian project proceed, provided that elements that impact the Clarry project are reduced.

The Chair expressed concern that an integrated project at a key City Centre intersection would include only two thirds of the development if constructed. The Chair asked staff if there were any rental units included in the Clarry development permit application, and Mr. Lamontagne advised that there were no rental units included. The Chair requested that the architect address some of the issues raised by Mr. Bullar.

Mr. Leung advised that he would like to see the project proceed. From a design perspective the project as presented is attractive and efficient. He added that provisions have been included in the subject application to provide parking, access and other benefits for the corner site. He has met with representatives of Richmond Fire Rescue and the City's Building Division and he is confident all safety measures and Building Code stipulates can be addressed, and he was advised that no cross-exiting was required.

The Chair noted that if the project moved forward without the Clarry component, a concrete wall would be visible at the high profile, high traffic corner of No. 3 Road and Westminster Highway.

Mr. Leung suggested that in order to mitigate the appearance of such a concrete wall, it could be treated with a textured finish, public art, or with a 3-dimensional painted mural to suggest the exterior of a completed building, something that is done in cities in Europe and as he had undertaken on a previous project during Expo '86.

Masa Ito, 3180 Hunt Street, Richmond, addressed the panel and expressed his concern that the project under discussion does not appear to have sufficient urban open space along the Westminster Highway frontage. He asked the Panel to consider a wider setback from Westminster Highway in order to potentially accommodate pedestrian-oriented open space in this high-density area of the City.

In response to a query from the Panel, Mr. Lamontagne advised that the development allowed for patios, as well as for canopies, and that the canopy projection depth would be further reviewed through the servicing agreement process.

Panel Discussion

The Panel expressed the belief that it should refer the application to the May 30, 2007 meeting of the Development Permit Panel.

The Chair commented that he sensed there was unfinished business between MingLian Holdings Ltd. and Clarry Enterprises Ltd. that it was not the Development Permit Panel, or City staff's role or responsibility, to mediate or solve issues between the applicants.

He stated that it would be inappropriate for the Panel to recommend proceeding with the application when the issue of the corner lot remained unclear. He encouraged Clarry to move quickly through the process of re-considering the development of 6020 No. 3 Road.

Other issues the Chair wanted addressed were: (i) clarification from Clarry on the timing if it decided to proceed with DP 07-363082; (ii) a strategy for an interim treatment of the subject application's building elevations if Clarry was not involved in a consolidated project; (iii) Planning staff to speak with Major Projects staff to discuss how the project fits into the No. 3 Road Street Study, taking into consideration Mr. Ito's comment that there appeared to be a lack of a public space included in the proposed project, and (iv) Transportation staff to review the parking variance for the seniors rental units.

Mr. Lamontagne clarified the issue of a parking and access agreement between MingLian and Clarry by advising the Panel that an agreement signed by Mr. Bullar, and dated April 12, 2007, is on file with the City.

The Chair granted the request of the owner to address the Panel. Mr. Frank Gu stated that: (i) MingLian owns three pieces of land, consolidated to form one piece; (ii) that efforts have been made to acquire the corner parcel; (iii) that MingLian is receptive to providing parking, access, garbage & recycling agreements to secure the development potential of the corner site; and (iv) that if the Development Permit was rejected, it would be difficult for either MingLian or Clarry to proceed.

The Chair responded that the Panel was not willing to take the risk inherent in deciding to issue a Development Permit for DP 06-350946, and that the Panel would refer the item to the May 30, 2007 Panel meeting.

The Chair commented that information on the design of the project had been clear, but that staff was directed to inform the Panel of the agreements on file, as the discussion had produced contradictory information in that regard.

Panel Decision

It was moved and seconded

That Development Permit DP 06-350946 for property at 6040 No. 3 Road and 8060, 8080 Westminster Highway be referred to the next meeting of the Development Permit Panel, to be held in the Council Chambers on Wednesday, May 30, 2007 at 3:30 p.m., in order to allow the applicant to:

- (a) provide information on (i) whether the adjacent corner parcel, 6020 No. 3 Road (DP 07-363082) intends to proceed with the currently proposed Development Permit, which has been designed to be fully integrated with the subject Development Permit proposal, and on (ii) a proposed timeframe for submitting to the Development Permit Panel a report on the status of the plan for the corner parcel;*
- (b) provide detailed information on an interim treatment of the interface between the subject site and the corner parcel;*
- (c) respond to a staff review of the proposed parking plan and parking requirement variance for the proposed seniors' housing units to ensure appropriate parking is available on-site; and*

- (d) *review the provision of publicly accessible space along the Westminster Highway and No. 3 Road frontages to ensure that appropriate areas are set aside in accordance with the City's vision for publicly accessible areas within the City Centre along the Canada Line.*

CARRIED

3. Development Permit DP 07-358875

(Report: April 26, 2007 File No.: DP 07-358875) (REDMS No. 2179466)

APPLICANT: Jacken Investments Inc.

PROPERTY LOCATION: 11351, 11391, 11411, 11431, 11471, & 11491 Steveston Hwy.

INTENT OF PERMIT:

To permit the construction of 41 townhouse units on a site zoned Townhouse District (R2-0.6).

Applicant's Comments

Mr. Taizo Yamamoto of Yamamoto Architects advised that the site of the project is to the north of the Ironwood Shopping Centre. The townhouse complex includes a centrally located amenity space that includes a children's play area, benches and a mail structure as part of the design. Mr. Yamamoto noted that the roof forms in the rear units have been altered to create additional architectural emphasis and variety.

Staff Comments

Mr. Lamontagne advised that the development meets the Ironwood Sub-Area Plan. He reported that staff had worked with the applicant to address issues that had arisen at the December 18, 2006 Public Hearing.

Correspondence

None.

Gallery Comments

None.

Panel Discussion

In response to the Panel's queries, the applicant advised that:

- safety for children playing on the site is addressed by a proposed fence adjacent to Steveston Highway, a proposed landscaped berm for the Steveston Highway frontage, a dedicated children's play area, an arbour structure, and a gate on the walkway;

- the unauthorized removal of 25 trees in late 2006 and early 2007 was due to a misunderstanding; the owner did not realize that the trees were not to be downed until after the Development Permit had been approved; compensation has since been paid; there are trees remaining on the site, and more trees are proposed to be planted on the site;
- there is only one direct access for vehicles onto Steveston Highway; alternative accesses are provided via cross access arrangements to the east and west.

Panel Decision

It was moved and seconded

That a Development Permit be issued which would permit the construction of 41 townhouse units at 11351, 11391, 11411, 11431, 11471 and 11491 Steveston Hwy. on a site zoned Townhouse District (R2-0.6).

CARRIED

4. Adjournment

It was moved and seconded

That the meeting be adjourned at 4:49 p.m.

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Development Permit Panel of the Council of the City of Richmond held on Wednesday, May 16, 2007.

Joe Erceg
Chair

Sheila Johnston
Committee Clerk

Re: Item #2
rec'd May 16
@ 3:25 p.m.

Clarry Enterprises Ltd.

c/o Mr. Dan Buller
Tel. 604.760.3000 Fax 604.685.1370
Suite 100 - 555 Davie Street, Vancouver, B.C. V6B 5B6

May 16, 2007

Schedule 1 to the Minutes of the
Development Permit Panel meeting
held on Wednesday, May 16, 2007.

Development Permit Panel

City of Richmond

DP 06-350946 "MingLian Development"

6040 No. 3 Road (PID: 004-243-285, B SEC 9 BLK4N RG6W PL 12673) and
8060 (004-211-081, 5 SEC 9 BLK4N RG6W PL 8649).
8080 (004-060-644, 4 SEC 9 BLK4N RG6W PL 8649) Westminster Highway

in relation to DP 07-363082 "Clarry Development"
6020 No. 3 Road (PID: 004-081-455, A SEC 9 BLK4N RG6W)

Respectfully submitted:

Dear Development Panel,

Clarry Enterprises Ltd. is the present owner of the property at the South East corner of Number 3 Road and Westminster Highway, neighbours on two side to the proposed development by Ming Lian Holdings Ltd DP 06-350946.

Related DP 07-363082 was submitted and intended to be part of this development Panel Meeting as the application was to be presented in tandem with MingLians DP 06-350946 application as the two are logistically affiliated.

To clarify the present situation with the related DP 07-363082, as a result of Canada Lines intended placement and construction on and along private property at 6020 Number 3 Road, Clarry Enterprises Ltd. has its application held in abeyance and may unfortunately abandon its proposed development due to its impacts which have "frustrated" the proposed development. The properties that belong to Clarry Enterprises Ltd and Ming Lian Holdings Ltd. independently, both sit within the two blocks along Number 3 Road where the imminent Canada Line will be constructed and shifts from the roadway and sidewalk onto private property, imposing significant challenges, burdens and resulting hardships.

While Ming Lians project DP 06-350946 has overcome many of their challenges and may in fact be permitted to proceed without the corner lot at 6020 Number 3 Road, we do emphasize the importance of preserving the corner properties limited redevelopment potential considerate to what may be constructed as possible future re-development considerations and not just those factored in the presently "frustrated" DP 07-363082. It is our hope that all necessary considerations to accommodate the corner lots future potential and preserve its flexibility, have and will be incorporated into Ming Lians development DP 06-350946 and the City is aware and will assist in overcoming the challenges Clarry's property faces.

Clarry Enterprises has held this property for over 25 years with the foresight to see that this corner remains poised to be a high exposure component to a comprehensive development at this

key intersection in the Downtown core. Clarrys team have tirelessly attempted to mitigate complications through design with limited success and uncovered many aspects too significant to reasonably overcome. It clearly became apparent and an unfortunate reality that both the property and the project in the present redevelopment scheme DP 07-363082 has been compromised. Further, Canada Lines accelerated timetable to construct their line 6 months earlier than initially advised at the site of 6020 Number 3 Road, adding additional complications to sensitive construction timing and the properties optimal preload schedule. Once the Canada Line is constructed, maneuverability complexities and geotechnical challenges for this lone property may make the prospect of any future redevelopment not only challenging, but possibly cost prohibitive and physically impossible.

Clarry had a vision that historically has been shared with the City over the years. This related to have all the lots collectively developed making the overall project an impressive gem to City Center being the last underdevelopment prime exposed corner. The feedback we have received from the City of Richmond over the past 25 years, related to the prospect of the development at this location, would have never foreseen these lots and project being redeveloped in part, and not as a whole, especially not in part that excludes the corner parcel. Throughout the years and specifically in 1997, we had extensive meetings with City of Richmond's City Manager at that time, and the message was loud and clear, "we would like this key corner at this key intersection developed as one fantastic development. With positive yet limited overall success, Clarry relentlessly has tried and pledged their sincere interest in working a mutually beneficial format with our neighbor to cooperatively reduce the Canada Line proximity and feasibility challenges, and our hopes remained that a consolidated project would have the greatest benefit and success overall. We are however extremely appreciative of Ming Lians willingness to assist to accommodate excess parking requirements and, cooperatively, we have come to mutual benefit and agreement on the access to and through the proposed project.

The Canada Line imposed complexities on Clarrys DP 07-363082 including, but are not limited to construction timing, placement, proximity and market related elements, have interfered with Clarrys interests and warrant extensive cost compromising modifications that create further undue hardship and practical challenges for the Development and Property. This undermines the projects feasibility, economically, logistically and practically, and prevents Clarry from achieving a successful return and a fair risk/reward conclusion to the Development and hinders the property to achieve its greatest redevelopment potential. The property may undergo possible rezoning, and unfortunately, there are consequences of not proceeding at this time as the DCC increase takes place July 1 2007. Without the Canada Line imposed hardships, the development could be feasible, would not be compromised and would proceed at this time.

The decision to shift the Canada Line to the East side frontage of private property just prior to Number 3 road at Westminster Highway and continuing along the few blocks, only affect a few land owners, most of whom have successfully redeveloped. Arguably, no other properties along number 3 Road have their potential as compromised as does the foremost corner lot at Number 3 Road and Westminster. The intended expropriation of private property along the entire frontage of Clarrys property combined with the construction of a large concrete pillar at the corner for the overhead guideway which will be constructed in close proximity to any prospective development structure, is what ultimately compromises what could have been a marquee development at the prime Downtown City Center intersection of Number 3 Road and Westminster Highway.

The setbacks, also imposed have greatly reduced the properties footprint and the proximity and placement of the Canada Line itself make the adjustments necessary to mitigate the impacts so significant in many respects that it compromises the project and imposes substantial burdens. Fortunately, Ming Lians development have managed to for the most part overcome the Canada

Line imposed burdens by proposing rental housing their 4th floor with enclosed balconies at the level of the guideway and shifting their residential units and density away from Number 3 Road completely. Having no open market residential units facing Number 3 Road at the guideway level or above, within relatively close proximity affords Ming Lians project fair market returns with limited market risk and value disintegration. Clarrys project has very limited options to mitigate these impacts to the extent of the Ming Lian project and thus the outlook for Clarrys corner development cannot anticipate similar outcome.

It must however be understood that despite the Canada Line imposed complications, Clarry Enterprises Ltd., remains surprised that the City of Richmond has supported a partial development of the South East quadrant of this very high exposure intersection of Richmond. Clarrys understanding for years has been that a partial quadrant development was not possible as the corner property alone faces too many challenges and it is for this reason why many attempts in the passed have been unsuccessful.

We do emphasize and hope that Clarrys interests will not be further impacted by anything relating to Ming Lians development directly or indirectly, considerate to future preloading requirements, and we ask for Ming Lians and the City of Richmonds continued cooperation and support, for any possible future re-development considerations.

Our hopes remain that we can overcome these imposed burdens and complications so the prospect of redevelopment for this last remaining property at this high exposure intersection in Richmond's City Center will become a reality.

That being mentioned, it is our hope that our decision to hold in abeyance Clarrys application DP 07-363082 or alternatively abandon it entirely will not affect the Ming Lian development DP 06-350946 as Clarry Enterprises Ltd. wishes only the best results and extends its complete support for their project with continued and ongoing cooperation to and for Ming Lian Holdings ongoing success.

Yours Truly,

Mr Dan Buller
604.760.3000 direct
on behalf of Clarry Enterprises Ltd.