



**To:** Richmond City Council

**Date:** April 9, 2003

**From:** David McLellan  
Chair, Development Permit Panel

**File:** 0100-20-DPER1

**Re:** **Development Permit Panel Meeting Held on March 26, 2003**

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**Panel Recommendation**

That the alterations to gables, entry roof, deck railings and landscaping at 9333 Alberta Road be deemed to be in general compliance with the Development Permit (DP 99-169895) issued for that property.

A handwritten signature in cursive script, appearing to read "David McLellan".

David McLellan  
Chair, Development Permit Panel

**Panel Report**

The Development Permit Panel considered two development permit applications and one matter of general compliance at its meeting held on March 26, 2003. The two new applications were referred back for further work, but the general compliance matter is ready for Council consideration.

DP 99-169895 – ROSITCH HEMPHILL AND ASSOCIATES ARCHITECTS – 9333 ALBERTA ROAD

The proposal to adjust the landscaping and several architectural features on this residential project in the McLennan North neighbourhood did not generate any concerns from the panel. The alterations take into account either changes on the site since the approval was given for the project or slight improvements to the architecture.

The Panel recommends that these alterations be deemed to be in general compliance with the Development Permit issued.

DJM:djm



## Development Permit Panel

Wednesday, March 26, 2003

Time: 3:30 p.m.  
Place: Council Chambers  
Richmond City Hall  
Present: David McLellan, General Manager, Urban Development, Chair  
Jeff Day, General Manager, Engineering and Public Works  
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, March 12, 2003, be adopted.*

**CARRIED**

### 2. Development Permit DP 97-121069

(Report: February 24/03 File No.: DP 97-121069) (REDMS No. 961833)

APPLICANT: MB 628 Ventures Ltd.

PROPERTY LOCATION: 8580 Cambie Road

INTENT OF PERMIT: To allow the construction of two business park buildings at 8580 Cambie Road (on the Odlin Road extension) on a site zoned Business Park Industrial District (I3).

#### Applicant's Comments

Mr. Paul Leong, architect, provided a brief history of the project that had been initiated four years ago. An original rendering was used to provide a sense of the architectural style of the project, and Mr. Leong noted that the form and character had not changed from the initial concept. The project would complete phases 1 and 2 of a 3 phase project, and would include showroom, warehouse and office space.

### **Staff Comments**

The Manager, Development Applications, Joe Erceg, said that the revived 1997 application, for a site zoned I3, met the majority of Development Permit guidelines. In addition, the westward extension of Odlin Road and an interim access to Cambie Road would be provided. Mr. Erceg gave advice that the staff recommendation was that the Development Permit be issued.

Mr. Erceg responded to questions from the Chair regarding – i) the portion of Odlin Road, and the extension north, that would be built; and ii) the lack of a model.

Mr. Leong said that not providing a model was an oversight. He then referred to an artists' rendering that showed the covered walkway, the number of projection details, and, the cantilever over the main floor that provided shadowing and sidewalk cover. Mr. Leong responded to questions from the Chair regarding the lack of current demand for the type of proposed uses; the formula that had been used to determine the parking requirements; the demand for individual unit access; whether the units would be strata titled; and, bicycle amenities.

### **Correspondence**

JTB International (Canada) Ltd. – Schedule 1

Richmond International High School and College – Schedule 2

### **Gallery Comments**

Mr. Kon Uyeyama, architect and Chair of the Board of Directors for Richmond High School and College, and Mr. Tom Law, Vice-Principal, were present. Mr. Uyeyama said that, in addition to those contained in the letter submitted on behalf of the school, he also shared some of the concerns contained in the letter received from JTB International (Canada) Ltd. Concern was also expressed that the green space be retained.

Mr. Law said that the issues of traffic safety and the proximity of the proposed new road to the portables and the playing field were also of strong concern.

### **Panel Discussion**

Mr. Day said that he was not enthralled with the design of the project as it appeared too harsh. The Chair, Mr. McLellan, said that he would not support the project due to the reservations he had regarding the approach to the construction of the project; the lack of accessibility; the less than impressive architecture; and, the lack of bicycle facilities.

**Panel Decision**

It was moved and seconded

*That a Development Permit be issued that would allow the construction of two business park buildings at 8580 Cambie Road (on the Odlin Road extension) on a site zoned Business Park Industrial District (I3).*

**DEFEATED**

Opposed: Mr. McLellan and Mr. Day

It was moved and seconded

*That Development Permit DP-97-121069 be referred:*

- 1) to the Richmond Committee on Disability for their input on the provision of disabled access and the tenancy conditions; and,*
- 2) to the City Centre North Transit and Transportation Task Force for their comment.*

Prior to the question being called stairwell lifts were suggested should elevators not be provided.

The question was then called and it was **CARRIED**.

**3. Development Permit DP 02-215579**

(Report: March 5/2003 File No.: DP 02-215579) (REDMS No. 972094)

APPLICANT: Ah-Ten Holdings Ltd.

PROPERTY LOCATION: 9180 & 9200 Hemlock Drive and 6233 Katsura Street

INTENT OF PERMIT:

1. To permit the development of a 4-building high-rise residential complex containing approximately 492 units on a property zoned Comprehensive Development District (CD/67); and to
2. Vary the regulations in the Zoning and Development Bylaw to:
  - a) allow up to 60 vehicles to be parked in tandem; and
  - b) reduce the setback from Garden City Road from 10 m (32.808 ft.) to 5.5 m (18 ft.) for a generator room and lockers.

**Applicant's Comments**

Mr. Larry Doyle, Lawrence Doyle Architects, accompanied by Mr. Chris Turcotte, Cressey Developments and Mr. Peter Kreuk, landscape architect, was present.

With the aid of a model, elevations and a site plan, Mr. Doyle reviewed the site plan, the conditions of adjacency, the rezoning and development permit processes that had initiated several years ago, and the project itself. Mr. Doyle said that the project was typical of high rise developments in Richmond with 3 levels of parking located in the centre; that the new road responded to a staff comment that the access be relocated away from the intersection; that landscaped terraces and amenity buildings were located on the 4<sup>th</sup> level; that the two southern towers were similar in layout and design, as were the two northern towers; that the towers had been well spaced to provide separation and good views and also views through the site; and, that in order for the project to succeed the landscaping had to be well done.

#### **Staff Comments**

The Manager, Development Applications, Joe Erceg, said that the current plans represented an improvement over the original concept submitted four years ago as new roads would be built and Garden City Road upgraded. Mr. Erceg then gave advice that the notification process that had been undertaken had not included notification of a required height variance and that, as a result, a re-notification was necessary. Mr. Erceg suggested that the project be rescheduled to the April 16, 2003 meeting of the Panel.

#### **Correspondence**

None.

#### **Gallery Comments**

Mr. Ranson, 9140 Ferndale Road, provided a written submission which is attached as Schedule 2 and forms a part of these minutes. Also distributed were a number of photographs. Mr. Ranson indicated that he had spoken to the matter in 1997 when the development was first proposed and that he had received considerable assurances regarding his concerns about the existing trees and that the preload not being located too close to the edge of the property. During construction, however, the preload had reached the property line and all existing trees within 15 ft. of the property line were lost. In spite of Mr. Kreuk and Mr. Turcotte providing assurance that the situation would be remedied, Mr. Ranson said that he was quite offended that the large trees were gone. Further, Mr. Ranson expressed his disappointment that damage such as this could occur with the City's knowledge.

Mr. McLellan explained that the reason for the Development Permit process was to eliminate the type of problems such as those being heard but that the City did not require a permit prior to pre-load of a site nor prior to tree removal, although the City did aid in the identification and preservation of those trees considered important.

In further response to Mr. Ranson's concerns Ms. Volkering-Carlile said that the role of the City regarding trees on private property had been referred by the Parks, Recreation and Cultural Services Committee, earlier in the week, for a review of what would be involved in addressing the issue. Ms. Volkering-Carlile also said that during the discussion at the Committee meeting the opinion had been expressed that in many cases it was preferable that development restore the site as opposed to preserving existing trees.

Mr. Turcotte said that the loss of trees was not a deliberate attempt on the part of the developer, but that the situation had been caused by a rupture of the soft clay layer underneath the lockblocks. In response to a question from the Chair Mr. Turcotte indicated that Mr. Kreuk was working with Mr. Ranson on the proposed restoration and that a letter would be provided to the Panel confirming this.

#### **Panel Discussion**

Mr. McLellan indicated that due to the re-notification requirement the discussion on the matter was concluded.

#### **4. GENERAL COMPLIANCE - REQUEST BY ROSITCH HEMPHILL AND ASSOCIATES ARCHITECTS FOR A GENERAL COMPLIANCE RULING AT 9333 ALBERTA ROAD**

(Report: March 19/2003 File No.: DP 99-169895) (REDMS No. 980277)

APPLICANT: Rositch Hemphill and Associates Architects

PROPERTY LOCATION: 9333 Alberta Road

#### **Panel Decision**

It was moved and seconded

*That the attached plans for 9333 Alberta Road be considered to be in general compliance with the approved plans in DP 99-169895.*

**CARRIED**

5. **Adjournment**

It was moved and seconded

*That the meeting be adjourned at 4:35 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, March 26, 2003.

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David McLellan  
Chair

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Deborah MacLennan  
Administrative Assistant





addition to an increase in unauthorized parking, there will also be increases in foot traffic through parking lots near the proposed development(s). We believe there are some safety considerations here for pedestrians and drivers alike, especially if the volume of foot traffic through surrounding parking lots increase substantially as a result of these new developments. Foot traffic pathing should be adequate so that walking through parking lot areas is minimized.

- (c) Location/Address Confusion: Our understanding is that, at this time, there is no proposed access through Cambie Road to these new developments. The access as proposed is through a new extension to Odlin Road. We believe that "re-addressing" the property to reflect the Odlin access will make it easier for patrons to locate businesses in the business parks being proposed. It is our considered opinion that keeping the Cambie address is a confusing inconvenience for all parties.

Again, we draw on our experiences at our particular location. Though there has been some significant improvement, our experience has been that some patrons of Odlin Crescent tenants are still experiencing some difficulty in finding business locations. We can imagine that this problem will be more acute once patrons find that they cannot access business locations directly from Cambie Road and they ask surrounding businesses for location assistance

- (d) Finally, we have concerns about the impact of additional traffic volumes generated by these new developments. Again, this is more of a safety concern. Where McKim meets Odlin Crescent, an uncontrolled intersection, there is significant foot and motor vehicle traffic. The west-facing parkade access from Pacific Plaza onto Odlin Crescent is less than half a short block from the Cambie Road/Odlin Crescent intersection. From a safety standpoint, with the additional anticipated traffic volumes resulting directly from the new developments, we believe that the City should review additional traffic control measures whether it involves signal control from Cambie Road to Odlin Crescent or whether it involves well defined crosswalks to control foot traffic in the immediate area.

On behalf of the JTB International (Canada) Group, please accept my thanks for allowing us this opportunity to express our concerns regarding the proposed application permit and what we see as key impacts and affects that may result from such construction as proposed.

Most Sincerely



Andy H. Shimizu CGA  
Manager, Accounting & Administration  
JTB International (Canada) Group

**I wonder why we are here today to approve a development that is already well underway. Our official notice of this mammoth project was received on March 14/03.**

- 1/ Can a developer clear land and construct pre-load retaining walls, etc. without prior approval of this panel and/or has approval been given?**
- 2 Is it not be the responsibility of City staff to advise neighboring residents of any pre-approvals that they have given to the developer?**
- 3/ What accountability does the City staff have to advise adjoining residents of the development criteria given to the developer that ensures City regulations and or other criteria are preserved and that the development will not be intrusive?**
- 4/ What assurances can be given to the present residents along Ferndale Road that any further damage done to their homes or property and caused by this development will be remedied by the City or the Developer?**

1/ **Can a developer clear land and construct pre-load retaining walls, etc. without prior approval of this panel and or has approval been given?**

I am very concerned that the City of Richmond review Panel is here today to approve or deny a development known as DP 02-215579 when the developer has in fact started the process by removing from the property of any and all trees. This act alone is in direct contravention and contrary to the panel chairman's comments made to the developer in 1997, which stated, and I quote, "**the developer should make every attempt to retain mature birch trees**". Further retaining walls and pre-load have be completed on half of the property.

2/ **Is it not be the responsibility of City staff to advise neighboring residents of any approvals that they have given the developer? Our official notice of this mammoth project was received on March 14/03.**

After hearing backhoe and drilling activity behind my property in the fall on 2002, I contacted Mr. Alex Jamieson of the City regarding same. He advised me that I would be formerly advised by the city in the form of a notice of a meeting of the development panel prior to any major work being done.

A few days before Christmas we were awakened to the sound of chain saws and backhoe activity. **So much for notice.** I explained to my wife that it was Cressey property but that I was sure they were obliged to adhere to the 1997 panel dictates and other bi-laws and bulletins such DEVAPPS-04 regarding the protection of trees. My thought was that they were probably just cleaning the area up waiting for City of Richmond approval. **Wrong Again.**

I could see from the work being done that the contractor had no instruction to saving any of the trees. I made a point of walking out to the end of my property every time they came close and finally the backhoe operator asked me what my concerns were. I explained that the city had instructed Cressey to save as much birch as possible and asked if he know that the area adjacent to our property was planned as a walkway. Further the twin birch I was concerned about which were 90+ feet high and were actually on the property line and I wanted them saved for the sake of both properties. There were 6 or 7 other trees, cedar, Holly etc within three feet of the line behind my property on the Cressey side as well. The operator said he would talk to his folks and went about his business. A few days later I came home to find that all the trees within the three-foot area were gone. My wife advised that a manager type arrived and when he viewed the trees gave what appeared to be, (a get rid of sign) and down went all but the birch.

Within a day or so a Cressey project manager, Mr. Patrick Kutak, regarding the Birch and asked me if I had a problem, approached me. I said I did and that the Birch was on the property line and, as per City Council, should be saved. Patrick then advised me that he was building a retaining wall abutting the property line requiring him to excavate and therefore the tree would be unsafe. I asked him if this was approved since the area next

to the property line was to be a walkway and right-of-way couldn't he build his retaining wall further out. The answer was the tree had to go for safety sake due to the roots being loosened by the excavation since heavy pre-load was needed, as the area was a fire-lane as well. He said he would replace the birch with a few trees and they proceeded to remove it.

I have since reviewed the 1997 minutes where Cressey had stated, in answer to my question on pre-load, that the retaining wall would be 15-18 feet away from my property line. If this statement had been lived up to, the beautiful birch would be there as well as some of the other trees in close proximity.

3/ **What accountability does the City staff have to advise adjoining residents of the development criteria given to the developer that ensures City regulations and or other criteria are preserved and that the development will not be intrusive?**

Shortly after constructing the retaining wall and adding to the pre-load the wall sank and the result was that all the trees along the property line of 9140 and 9200 were destroyed and had to be removed. Our back yards now had a 4.5 x 15 x 120 berm. I called Mr. Jamieson and explained all that had happened only to hear him say that it was not his fault and that it was up to the developer to repair the damage. He also proceeded to tell me that the second phase of pre-load would result in the wall being built away from the property line to ensure no tree damage. This would result in the fact that my neighbors down the way would not have the same problem. I am happy for my neighbors but was extremely upset with him as I had already lost the birch and had further tree losses and other damage, which could have, been avoided. I asked him if the on-going development was under the city control or not. His only response was a curt; "I should have called him earlier". I read with interest, Mr. Jamieson's notes that porous paving should be used over roots to save the trees. **A little late for 9100, 9140 and 9200 Ferndale Road.**

For the record, Cressey has verbally told me that they will repair my back yard with a new lawn, five-meter conifer trees and flowering plants as designed by Mr. Kreuk (design yet to be received). Mr. Wally Juchymenko advised me on Monday March 24, that a written proposal would be forthcoming shortly, once the grade issue was verified. They also confirmed that a permanent fence would be built (although I do not see that mentioned in the latest application), **I hope sooner than later for security sake.**

It is my opinion that the stress and anguish my family and my neighbors have suffered over the last three months should not have happened. Had the staff at the City of Richmond provided the residents with information and made sure Cressey et al knew what the city intentions and expectations were, many, if not all, of the problems would not exist. Basic application of the Protection of Existing Trees Bulletin may have prevented much of our anxiety. Work should not have progressed prior to a development permit being issued ensuring the 1997 and 2003 City guidelines would have been honored.

**Statements from the 1997 Development Panel Minutes David McLellan Chair**

**“ The Hedge at Garden City Road would not have to be removed”**

**“Most of the site would be cleared however, a group of trees would be retained and protected during construction to prevent damage”**

**“That pre-loading would end approximately 15 – 18 ft. short of the property**

**“That pre-loading should not affect property “**

**“The Chair was “dismayed” that an effort was not being made to retain these trees”**

**“The Chair requested the applicant pay more attention to tree retention”**

**“The Chair indicated that the applicant should make every attempt to retain the mature Birch trees”**

**It was moved and seconded that the applicant agreed to, “construct a fence along the north/south pathway; retain both the birch trees and hedge”**

**None of the above has been achieved at the site to date or mentioned in the staff report**

**No trees have been saved where pre-load has been applied.**

**The pre-load retaining wall was placed against the property not away from it resulting in a 90 foot twin birch being removed along with numerous other trees within a few feet of the property line.**

**The retaining wall failed resulting in a huge amount of yard damage and requiring the removal of all the privately owned tall trees 15 feet into private property.**

For the record, Cressey has verbally told me that they will repair my back yard with a new lawn, five-meter conifer trees and flowering plants as designed by Mr. Kreuk (design yet to be received). Mr. Wally Juchymenko advised me on Monday March 24, that a written proposal would be forthcoming shortly, once the grade issue was verified. They also confirmed that a permanent fence would be built (although I do not see that mentioned in the latest application), **I hope sooner than later for security sake.**