

Report to **Development Permit Panel**

To:

Re:

Development Permit Panel

Date:

May 01, 2009

From:

Brian J. Jackson, MCIP

File:

DP 08-414809

Director of Development

Application by Onni Development (Imperial Landing) Corp. for a Development

Permit at 4020 and 4300 Bayview Street

Staff Recommendation

That a Development Permit be issued which would:

- 1. Permit the construction of six (6) buildings over subsurface parking with approximately 52 dwelling units and 5,713.2 m² (61,496.1 ft²) of maritime mixed-use space at 4020 and 4300 Bayview Street on a site zoned "Comprehensive Development District (CD/104)" and "Comprehensive Development District (CD/105)"; and
- 2. Vary the provisions of the Zoning and Development Bylaw No. 5300 to:
 - a) Decrease the minimum buildings and structures setback from public roads and right-ofways secured under Public Rights-of-Passage in "Comprehensive Development District (CD/104)" from minimum 1 m to 0 m for subsurface dyke support and parking structures at the south ends of No. 1 Road, English Avenue and Ewen Avenue.

Brian J. Jáckson, MCIP Director of Development

BJJ:blg Att.

Staff Report

Origin

Onni Development (Imperial Landing) Corp. has applied to the City of Richmond for permission to develop six (6) buildings over subsurface parking with approximately 52 dwelling units and 5,713.2 m² (61,496.1 ft²) of mixed maritime space at 4020 and 4300 Bayview Street on a site zoned "Comprehensive Development District (CD/104)" and "Comprehensive Development District (CD/105)". The site is currently vacant.

There is no associated rezoning application; the applicant is proposing a development under the existing "Comprehensive Development District (CD/104)" and "Comprehensive Development District (CD/105)" zoning.

A Servicing Agreement is required prior to future Building Permit issuance for the design and construction of works including, but not limited to: Bayview Street frontage improvements; public right-of-ways at the south ends of No. 1 Road, East Hope Avenue, English Avenue, and Ewen Avenue; dyke support structure (as part of the required dyke maintenance agreement); and any storm, sanitary or water system upgrade identified in the required capacity analysis. Any upgrades required will be done at the developer's sole cost. A capacity analysis prepared by R.F. Binnie & Associates Ltd., submitted for review on December 2, 2008, is under review.

Registration of a 'no build' restrictive covenant is a condition of Development Permit issuance to ensure that appropriate frontage works, public areas, dyke protection, and infrastructure capacity are secured prior to Building Permit issuance.

Development Information

Please refer to the attached Development Application Data Sheet (Attachment 1) for a comparison of the proposed development data with the relevant bylaw requirements.

Site Context

The site is the last development parcel of the former BC Packers site to be developed by Onni as part of their Imperial Landing development. The consolidated development site is located in the BC Packers waterfront neighbourhood, Bayview Street and BC Packers Riverfront Character Sub-Area of the Steveston Planning Area in Richmond's Official Community Plan (OCP). Development surrounding the subject site is as follows:

- To the northwest, across Bayview Street at the corner of No. 1 Road is a three-storey mixed-use building with commercial at grade and residential units above (DP 03-230077), zoned "Comprehensive Development District (CD/99)";
- To the north, across Bayview Street are seven (7) multi-family buildings. Facing the site between No. 1 Road and Easthope Avenue, are two (2) four-storey residential apartment buildings (DP 03-230076), zoned "Comprehensive Development District (CD/100)". Facing the site between Easthope Avenue and Bayview Street are five (5) three-storey townhouse buildings, zoned "Comprehensive Development District (CD/101)";
- To the east, is Phoenix Pond and its surrounding public open space including the dyke walkway, observation tower and pedestrian bridge, zoned "School and Public Use District (SPU)";

- To the south, across the public dyke walkway is a Maritime Mixed-Use waterfront lot with development potential, zoned "Comprehensive Development District (CD/105)"; and
- To the west, at the south end of No. 1 Road is a public plaza entry to the BC Packers public dyke walkway, pump station and dock. The dock extends out into the Fraser River and established maritime development extends westward along the river's edge. Across the No. 1 Road plaza is the federal/provincial-owned one-storey Department of Fisheries and Oceans office, zoned "Light Industrial District (I2)".

Land Use

The proposal is consistent with the land use called for in the OCP and zoning districts (CD/104 & CD/105). The BC Packers Land Use Map designates the site as "Maritime Mixed Use" (MMU) and to contain "Parking associated with Maritime Mixed Uses & Limited Public Parking". The proposal includes MMU space, residential units, and parking areas for the MMU, and residential uses as well as the public. The public parking will serve members of the general public attracted to the riverfront and associated activities.

Maritime Mixed Uses are defined in the OCP as supporting the maritime economy, including:

- Custom Workshops;
- Enclosed Storage Facilities;
- Fish Auction and Off-loading;
- Laundry and Drycleaning;
- Light Industrial;
- Maritime Educational Facilities;
- Moorage;
- Offices;
- Other Services Related to Maritime Uses;
- Parking;
- Service and Repair of Boats and Marine Equipment; and
- Between Phoenix Pond and No. 1 Road:
 - o Retail uses as accessory uses
 - o Residential uses as a secondary use located above grade

Residential dwelling units are permitted in the east and west portions of the site, zoned "Comprehensive Development District (CD/104)", subject to certain conditions. They are permitted with Mixed Maritime Use if limited to: Multiple-Family dwellings, located above the ground floor, do not occupy more than 62.5% of the building floor area, and are no more than 40 dwelling units or 5,593 m².

The development site contains two separate CD/104 areas, each of which is treated as a separate lot when regulating density under the general provisions of our Zoning & Development Bylaw. The proposal complies, with 12 dwelling units in the west CD/104 area and 40 in the east CD/104 area, for a total in the overall development of 5,501 m² of multiple-family residential use in 52 dwelling units. The multiple-family residential use is on the second and third floors in 4 of the 6 buildings, and occupies no more than 62.5% of the floor area in each building.

The need for parking is discussed in the OCP BC Packers Node policies, which encourage the development of commercial and industrial uses that support or complement the maritime economy, including 0.5 acre of parking to support these uses; and the provision of public parking to serve both water-oriented uses and the Steveston Business Centre.

In addition to meeting the parking needs of the onsite uses, the development will provide parking areas for the general public, which is sought in the OCP. The provision of residential and MMU parking exceeds the Bylaw requirements and OCP policy. In addition to residential parking, approximately 1.6 acres (172 parking spaces) of parking is provided for the MMU uses in a subsurface parking structure. Public parking is provided in the public rights-of-passages at the south ends of English Avenue and Ewen Avenue. The right-of-way areas at the south ends of No. 1 Road, Easthope Avenue, English Avenue and Ewen Avenue will be designed in consultation with Parks staff through a separate required Servicing Agreement application process.

Public Correspondence

There has been considerable public input regarding the subject site over the years. The City has received correspondence from six (6) neighbourhood residents regarding the subject Development Permit application (Attachment 2). Development Permit architectural form and character concerns expressed include:

- Lack of garbage and recycling collection area The site plan has been revised to include six (6) on-site surface loading bays, which are also designed as staging areas for garbage and recycling collection. Each of the buildings has been designed with internal garbage and recycling rooms at the parking level for residents, and at the main floor level for Maritime Mixed-Use.
- Single vehicle access The site plan has been revised to include three (3) vehicle accesses to the parking structures and an additional two (2) vehicle accesses aligned with English Avenue and Ewen Avenue for public parking and loading bays.
- Lack of delivery areas As noted above, the site plan has been revised to include six (6) on-site surface loading bays.
- Lack of green space to complement boardwalk Flexible multi-purpose spaces are proposed for the south road end right-of-way areas which will be designed through a separate required Servicing Agreement to the satisfaction of Parks staff. The intent is for these areas to complement and provide access to the very popular boardwalk and waterfront structures, including public parking and hard surface areas that will have the flexibility to accommodate a variety of public uses and activities. On the privately owned site, the design includes flexible plaza areas adjacent to the boardwalk, including some planting areas. These privately owned and publically accessible open space areas will enhance the public realm along the river's edge.

Flood Plain Management Comments

At the time of the original rezoning (RZ 98-153805), flood plain covenants and minimum elevations for habitable areas (flood construction level) were a provincial responsibility and a covenant was registered on title (BR123814) in 2001. The covenant will be discharged and is required to be replaced with a new flood plain covenant to meet current City standards (e.g., notice, minimum flood construction level, and the City indemnified).

The Flood Plain Designation and Protection Bylaw 8204 requires a minimum 2.9 m GSC flood construction level at the subject location. Accordingly, registration of a flood plain covenant is a requirement of the Development Permit. The Province has indicated that, in response to the potential effects of global warming, the relatively new dyke will need to be raised in the future to at least 4.7 m GSC from the existing height of approximately 3.5 m to 3.7 m GSC. Since the dyke is relatively new in front of the former BC Packer's site, the City does not have plans to raise this portion of the dyke at this time. However, the applicant has been asked to take into consideration both the existing elevation and the future higher dyke elevation. As a result of these special conditions of the site, in consultation with City Engineering staff, a higher finished site grade of 4.0 m GSC is required along with a dyke maintenance agreement as a condition of the Development Permit. The higher site grade of 4.0 m and subsurface structures will provide support for a future higher dyke and also an intermediary ground plane between the lower Bayview Street and higher dyke elevations. The 4.0 m GSC ground plane will be temporarily higher than the existing dyke, until the dyke is raised in the future.

Registration of a dyke maintenance agreement is also required as a condition of the Development Permit to permit structures to encroach into the required minimum 7.5 m setback from the dyke right-of-way (Flood Plain Designation and Protection Bylaw 8204). The structures include: a continuous engineered dyke support structure designed to support a future raised dyke (4.7 m GSC), subsurface parking, mixed-use buildings, vehicle and pedestrian circulation (stairs and ramps), and moveable planters. The agreement will include an Engineering Report and a safeguard right-of-way for maintenance or removal of encroaching structures. The dyke support structure will be continuous along the south and east edges of the development site, including the public right-of-way areas at the south ends of No. 1 Road, East Hope Avenue, English Avenue and Ewen Avenue.

Provincial approval is required to permit the structures to encroach into the existing dyke structure. The proposed structures encroach into the inland toe of the existing dyke. On April 28, 2009, staff received a copy of a letter from the Deputy Inspector of Dikes that set out a series of conditions under which they would consider the proposed development impacts to the dyke. As set out in the conditions of Development Permit Approval, the Building Permit will require Provincial approval and staff from Planning and Engineering will continue to work with the applicant and the Provincial Diking Authority to respond to the Province's concerns, recognizing that development of this site has been under review for over five years and improvements to the dyke were recently completed.

The detailed engineering of the dyke support structure and both City and Provincial Dyke Authority approval processes will take some time. Agreement in principle from the Provincial Diking Authority will be confirmed before Council is asked to consider the subject application. Registration of a 'no build' restrictive covenant is a condition of Development Permit issuance to ensure that appropriate frontage works, public areas, dyke protection, and infrastructure capacity are secured prior to Building Permit issuance. This will allow site and development preparation to proceed in the meantime. The covenant will be discharged when the Engineering Report has been approved and the Servicing Agreement entered into, which includes works in the public right-of-way areas.

Heritage and Environmentally Sensitive Area Comments

Heritage and archaeological considerations of the site were completed with the original rezoning (RZ 98-153805). These included providing the City with interpretative materials, industrial artifacts and commemorative retention or allusion to former cannery and support facilities. Some bottles and shells post settlement (not First Nations) materials were also retrieved and were donated to the Richmond Museum collection.

There are no Environmentally Sensitive Area (ESA) concerns with the proposed development, as the site does not extend into the foreshore area waterfront or associated riparian vegetation. ESA concerns for the uplands were addressed in the original BC Packers Development Permit (DP 98-153807) to protect the river edge ESA.

Staff Comments

The proposed development design attached to this report has satisfactorily addressed the significant urban design issues and other staff comments identified as part of the review of the subject Development Permit application. In addition, it complies with the intent of the applicable sections of the Official Community Plan and is generally in compliance with the "Comprehensive Development District (CD/104)" and "Comprehensive Development District (CD/105)" except for the zoning variances noted below.

Zoning Compliance/Variances (staff comments in bold)

The applicant requests to vary the provisions of the Zoning and Development Bylaw No. 5300 to decrease the minimum buildings and structures setback from public roads and right-of-ways secured under Public Rights-of-Passage in "Comprehensive Development District (CD/104)" from minimum 1 m to 0 m for subsurface dyke support and parking structures at the south ends of No. 1 Road, English Avenue and Ewen Avenue.

(Staff supports the proposed variance as it results from a comprehensive design solution that: (1) provides a continuous structural support for a future higher dyke for flood protection; and (2) improves the Bayview streetscape by removing development parking from public view and reducing the number vehicle accesses through providing consolidated subsurface parking structures that cross the No. 1 Road, English Avenue and Ewen Avenue south road end right-of-ways. The variance is limited to the CD/104 portions of the site where the dyke support and parking structures cross over the right-of-way boundaries. The setback is not required in the CD/105 portions of the site).

Advisory Design Panel Comments

The Advisory Design Panel was supportive of the proposed development. An annotated copy of the relevant excerpt from the Advisory Design Panel Minutes from February 18, 2009 is attached for reference (Attachment 3). The design response from the applicant has been included immediately following the specific Design Panel comments and is identified in 'bold italics'.

Analysis

Conditions of Adjacency

- The City's boardwalk and Phoenix Pond parkland surrounds the development site to the east, south and east respectively. There is an existing strata-titled mixed-use and multi-family development to the north across Bayview Street. The development addresses these adjacencies and the larger Steveston neighbourhood through:
 - o establishing public spaces at the south ends of No. 1 Road, Easthope Avenue, English Avenue and Ewen Avenue. These public spaces establish public access and street corridor views through the development site to the river,
 - o creating public and commerce-oriented plaza spaces along the river's edge to complement the popular public boardwalk,
 - o completing frontage improvements to the Bayview streetscape, and
 - o building massing and forms that are compatible in character to both the existing residential developments and maritime commercial heritage character of the river front.

Urban Design and Site Planning

- The long and shallow development site is located between Bayview Street to the north and the river's edge boardwalk to the south. The site is designed to respond to its neighbourhood context, transitioning from a more industrial character at the west No. 1 Road Steveston Village edge of the site to a more residential character at the east Phoenix Pond edge of the site and drawing the street grid public realm pattern southward to the City's boardwalk along the river's edge.
- The design provides a variety of view corridors and well defined wide pedestrian routes connecting Bayview Street with the river's edge continuous boardwalk, both through the south road end public rights of passage right-of-way areas and between the buildings.
- The design provides a variety of open spaces that complement and articulate the public boardwalk and landmark elements (heritage recollection structures and projections out into the river, viewing tower and pedestrian bridge at Phoenix Pond).
- The development has three (3) driveways along Bayview Street that provide access to subsurface parking structures and surface loading service areas. The number of interruptions in the Bayview pedestrian boulevard is minimized.
- Off-street parking is located in two (2) subsurface parking structures and exceeds the bylaw requirement. In addition, approximately 35 public parking spaces are proposed in multi-purpose surface parking areas at the south ends of English Avenue and Ewen Avenue in public right-of-ways.
- There are six (6) loading bays distributed throughout the site adjacent to Bayview Street and accessed either through the driveways or the south road end public right-of-way areas. The loading bays are located behind raised planters for pedestrian safety.
- Indoor amenity space (Min. 100 m²) for the use of all of the residents is provided in compliance with the OCP. The indoor amenity space location is proposed at the second floor level of Building 2, complete with an outdoor roof deck and excellent views to the river and boardwalk. An indoor amenity space legal agreement is required as a condition of the Development Permit.
- The outdoor amenity space (1,295 m²) has been designed as flexible plaza spaces along the waterside of the development, serving both the residents and MMU spaces, and to complement the public spaces along the river's edge and at the south road ends. The OCP requirement (312 m²) is exceeded.

Architectural Form and Character

- The mixed-use and non-residential buildings at the west end of the site are designed with references to the cannery heritage of the site and include: punched windows, simple large building massing, and pitched roof forms. Industrial materials such as galvanized metal canopy elements and corrugated metal siding are used throughout the site to establish a consistent materiality and unify the buildings.
- The cannery heritage of the site has been particularly referenced in the design of the two non-residential MMU buildings at the south end of Easthope Avenue. The larger building presents a two-storey massing along the boardwalk that reinforces the visual images associated with old waterfront cannery buildings.
- The ground floor MMU areas are large flexible open spaces to maximize the opportunity to accommodate the broad range of uses permitted (see Land Use section);
- Moving eastward through the site, the mixed-use buildings are designed to reflect the more residential character of the surrounding neighbourhood to the northeast of the site. More articulated rooflines and smaller scale elements are introduced. Brick is also introduced in the building bases to enhance the material palette within the development and to provide a warm contrast with the more industrial materials at the west portion of the site. A contrasting material is used for the upper residential floors, corrugated metal siding or board & batten.
- The proposed materials and colours are consistent with the design guidelines for the Bayview Street and BC Packers Riverfront Character Sub-Area (corrugated metal siding, brick, painted concrete, Hardi-board & batten, heavy timber posts and beams, anodized aluminum windows & doors, vinyl windows, galvanized metal and glass canopies, metal railings and guard rails, standing seam metal roofing).
- The proposed colours of the development will include: galvanized aluminum, sealed and exposed architectural concrete, brick, off white and muted black accents, stained cedar and white painted wood posts and beams, dark grey and black railings, roof areas of dark and medium grey, and wall areas of off-white, bolder burgundy, light, medium, and dark grey.
- The proposed building height for the six (6) building development ranges from 9.6 m to 12 m and one to three storeys.

Landscape Design and Open Space Design

- The dominant character of the landscape design is public use and commerce-oriented plaza spaces along the river's edge to complement and integrate into the popular public boardwalk. Public spaces are established at the south road ends for public access and street corridor views to the river. The landscape plan provides a pedestrian oriented Bayview streetscape with trees, plaza areas and pedestrian scaled stair and canopy elements.
- The landscape design provides a variety of pedestrian connections and view corridors between Bayview Street and the river's edge boardwalk, both through the south road end public rights of passage right-of-ways and between the buildings.
- The site grade transitions (approximately 0.6 m) from lower Bayview Street to higher plaza areas surrounding the six (6) buildings, and again down (approximately 0.2 m to 0.5 m) to the existing boardwalk dyke. The higher finished site grade and subsurface structures will provide a greater degree of flood mitigation, provide structural support for a future higher dyke, and accommodate a gentle transition to a future higher dyke.

- Flexible use public open spaces will be provided in the public-rights-of-passage right-of-way areas at the south ends of No. 1 Road, East Hope Avenue, English Avenue, and Ewen Avenue. A preliminary design concept has been provided for these areas, which will be designed through a separate required Servicing Agreement in consultation with Parks and Transportation staff. The design will include special paving, public parking, landscaping, trees, utilities, street furniture, signage works, ramps, terraces, and stairs.
- There are no existing trees on-site. The landscape design has predominantly deciduous and some Evergreen trees. Approximately 58 trees are proposed throughout the site and public right-of-ways.
- Children's play equipment is not included in the Mixed Maritime Use proposal. The project is a block away from Steveston Park to the north, which includes a substantial children's playground.

Sustainability

- Incorporates Smart Growth principles of providing mixed-use infill development on a Brownfield site in close proximity to transit service to maximize opportunities to live, work and play in the same neighbourhood and to minimize dependence on car travel.
- The economic base of the neighbourhood is enhanced through business and employment.
- The development facilitates future raising of the dyke for flood protection.
- Bus transit service is available one block to the north along No. 1 Road and Moncton Street. Walking and cycling are facilitated with the incorporation of pedestrian routes through the development to connect with both Bayview Street and the continuous boardwalk.
- Water conservation measures are incorporated in selection of fixtures, plant materials, and irrigation system. Low flow fixtures and dual flush toilets will be used. Predominantly native and/or drought resistant plant selection. Lawn areas with high water demand are minimized. The irrigation system will include efficient heads and drip lines.
- Large operable windows in residential units to maximize natural light and ventilation and minimize dependence on mechanical systems
- Construction materials will include: low VOC paints and low-emitting carpet, composite wood and laminate adhesives.

Crime Prevention Through Environmental Design

- The site, buildings and parking structures have been designed to comply with CPTED principles.
- Access is controlled in residential areas and associated parking areas.
- Natural surveillance is maximized through simple building forms, building and entry
 orientation, use of glazing, overlook from upper floors and seating areas, clear sight lines
 from street and public areas, and encouraging public use. Visibility is enhanced in the
 parking structures with: lighting, slender columns, door glazing panels, convex mirrors, and
 white painted walls and columns.
- Territoriality is established through landscaping buffers and grade changes.

Public Art

• The applicant has chosen not to participate in the City's voluntary Public Art Program. The developer has previously provided a significant contribution for amenities through the completed rezoning application process as part of the master planned BC Packers community as apparent in the built public realm of the streetscape and along the boardwalk. In master-planning the former industrial site, focus was placed on locating heritage artifacts where they would be most accessible to the public. The intention of this development is to provide as much public space as possible, and to provide venues for temporary and seasonal public events.

Affordable Housing

• The applicant has chosen not to participate in the City's Affordable Housing Strategy. The existing Comprehensive Development District (CD/104) zoning allows residential land use, but not does not include a density bonus provision for affordable housing. In addition, the applicant noted that significant public amenities were provided to the City through the rezoning application for the BC Packers master-planned community.

Legal Agreements

- Registration of an indoor amenity space legal agreement is required to secure the use of designated indoor amenity space (Min 100 m²) for the residents.
- Discharge and replacement of the flood covenant (BR123814) is required to meet current City standards and to harmonize with the Flood Plain Designation Bylaw 8204 (Min 2.9 m GSC).
- Discharge and replacement of the right-of-ways at the south ends of No. 1 Road, East Hope Avenue, English Avenue, and Ewen Avenue (BR123840, BR123841, BR123842, BR123843, BR123844, BR123845, BR123846, and BR123847, all with plan LMP49901) are required to meet current City standards and to allow: subsurface development parking, surface public parking, pedestrian passage, public events, access and utilities for the adjacent City-owned waterfront (4000 Bayview Street) and water lot (Lot H) areas. The new legal agreement will also serve to notify future residents that there is a development lot to the south (City- owned Lot H) which relies on access and utilities through the statutory right-of-way (SRW) areas on the subject lot.
- Registration of a dyke maintenance agreement is required to permit buildings and structures to encroach into the required 7.5 m setback from the dyke right-of-way. The agreement will also involve the Provincial Dyke Authority due to encroachment into the toe of the existing dyke. The structures are for: a continuous engineered dyke support structure designed to support a future raised dyke (4.7 m GSC), subsurface parking, vehicle and pedestrian circulation (stairs and ramps), and moveable planters. The agreement will include an Engineering Report and a safeguard right-of-way for maintenance or removal of encroaching structures. The dyke support structure will be continuous along the south and east edges of the development site, including the public right-of-way areas at the south ends of No. 1 Road, East Hope Avenue, English Avenue and Ewen Avenue.
- Registration of a 'no build' restrictive covenant is a condition of Development Permit
 issuance to ensure that appropriate frontage works, public areas, dyke protection, and
 infrastructure capacity are secured prior to Building Permit issuance. This will allow site and
 development preparation to proceed and covenant will be discharged when the Engineering
 Report for the dyke maintenance agreement has been approved and the Servicing Agreement
 is completed and registered.

Conclusions

Onni Development (Imperial Landing) Corp. has applied to develop its Maritime Mixed-Use (MMU) site, its last remaining development parcel in the former BC Packers lands. The proposed development provides visual interest along Bayview Street and the river boardwalk with six (6) buildings ranging in height from one to three-storey and a variety of semi-public to public spaces along the river's edge. The proposal provides a number of open spaces, view corridors and pedestrian connections from Bayview Street to the river's edge continuous boardwalk. A variety of uses can be accommodated with Maritime Mixed-Use on the ground floor of all of the buildings and upper floor residential units in four (4) of the buildings. The design responds to its neighbourhood context, transitioning from a more industrial character at the west No. 1 Road edge of the site to a more residential character at the east Phoenix Pond edge of the site. The proposal includes subsurface parking, resulting in no visual impact of development parking on the public plaza spaces, streetscape or boardwalk. The development proposal enhances the community with the provision of: a number of pedestrian accesses to the City's boardwalk, a variety of public open spaces along the waterfront, view corridors to the river, and public parking. On this basis, staff recommends support of this Development application.

Sara Badyal, MCIP

Swa Badyal

Planner 1

(604-276-4282)

SB:blg

See Attachment 4 for legal and development requirements to be completed prior to forwarding this application to Council for approval.

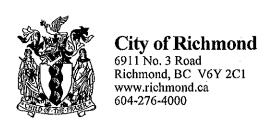
List of Attachments

Attachment 1 Development Application Data Sheet

Attachment 2 Public Correspondence

Attachment 3 Advisory Design Panel Minutes Annotated Excerpt (February 18, 2009)

Attachment 4 Development Permit Considerations



Development Application Data Sheet

Development Applications Division

| DP 08-41 | | Attachment 1 | | |
|--|--|-----------------|-----------------------|--|
| Address: | 4020 and 4300 Bayview Street | | | |
| Applicant: Onni Development (Imperial Landing) Corp. | | Owner: | Same | |
| Planning Ar | rea(s): Steveston | | | |
| Floor Area | Gross: added parking and service areas | Floor Area Net: | 11.212 m ² | |

| | Existing | Proposed | |
|---------------------------|---|---|--|
| Site Area: | 1.41 Ha (14,100 m ² or 151,771 ft ²) | No Change | |
| Land Uses: | Vacant | Mixed-Use | |
| OCP Land Use Designation: | Maritime Mixed-Use Parking associated with Maritime Mixed Uses & Limited Public Parking | No Change (1.6 ac MMU parking & 35 public parking spaces) | |
| ESA | Upland site adjacent to ESA boardwalk lot with riparian edge | No Change | |
| Heritage | Part of waterfront heritage area Archaeological slough to West | No Change | |
| Zoning: | CD/104 & CD/105 | No Change | |
| Number of Units: | Vacant | 52 dwelling units & 5,711 m ² MMU | |

| | | | 5,711111 1011070 | |
|--|---|--|---|--|
| | Bylaw Requirement | Proposed | Variance | |
| Floor Area Ratio: | Max. 0.8 | 0.8 | None Permitted | |
| Floor Area – Residential: (permitted in CD/104 area only) | Max. 40 units or 5,593 m ² & Max. 62.5% of bldg area | 5,501 m² & Max. 62.5% of bldg area | None Permitted | |
| Lot Coverage: | . Max. 60% | 39.7% | None | |
| Building Setback – CD/104: Public Road & ROW CD/105: Property line & ROW (excluding subsurface structures) | Min. 1 m | 0 m Min. to ROW 1 m Min. to property line | Decreased setback from ROW for subsurface dyke support and parking structure (CD/104 area only) | |
| Residential Setback – Dyke: (CD/104 area only) | Min. 5 m | 5 m Min. | None | |
| Height (m): | Max. 12 m & three-storey | Max. 12 m one to three-storey | None | |
| Off-street Parking Spaces: Maritime Mixed-Use Resident Visitor Public (Accessible) | 171 78 11 n/a (6) | 172 (1.6 ac.) 81 20 35 (7) | None | |
| Total off-street Spaces: | 260 | 308 | None | |
| Indoor Amenity Space: | Min. 100 m ² | Min. 100 m ² | None | |
| Outdoor Amenity Space: | Min. 312 m ² | 1,295 m² | None | |

Public Correspondence

Ken Miller May 2009

Margret Perry May 2009

Walter & Shirley Nieboer June 2008 to February 2009

Harold & Gloria Bacon July 2008

----Original Message----

From: Ken Miller [mailto:ken.miller1@shaw.ca]

Sent: Friday, 8 May 2009 2:25 PM

To: 'Margret Perry'; MayorandCouncillors
Cc: 'David Fairweather'; 'Bob Butterworth'

Subject: Onni mess on the waterfront

Thanks Margret.

My family has enjoyed a long family history in Steveston, living and working here since the 1800's. From my "fishing industry perspective", the metamorphosis of Steveston village has been a bit sad, but also positive and exciting. What ultimately happens to the Onni land has the potential to either severely detract from, or wonderfully enhance the village. In the meantime, I agree, it is unacceptable to leave it as it is.

Last summer I saw three families trying to share the small triangle of grass in the courtyard at the western end of the property. They each had a corner staked out with their picnic blanket. A waterfront parklike area would be welcome and well-used. Like many others, I think it would be a huge mistake to cover the entire lot with multi-storey buildings....

Ken Miller

----Original Message----

From: Margret Perry [mailto:mperry789@shaw.ca]

Sent: May-04-09 1:52 PM

To: mayorandcouncillors@richmond.ca

Cc: ken.miller1@shaw.ca; David Fairweather; Bob Butterworth

Subject: Congratulations!

Congratulations to everyone involved in the "How We Lived" zone at Britannia Heritage Shipyard!

It is spectacular - a wonderful addition to the already delightful experience of the shipyard and the Murakami residence and boatyard.

Now please can we clear up the mess that exists in the waterfront lots along the boardwalk between the village and Phoenix Pond.

If there are problems agreeing on what can happen there surely Richmond has the power and the responsibility to ask ONNI to simply grass over the area. By doing so they will increase public respect and the public will gain more green space.

Many thanks for your dedication to the quality of life in Richmond.

Sincerely, Margret Perry From: Walter Nieboer [mailto:W.NIEBOER@SHAW.CA]

Sent: Monday, 9 February 2009 4:36 PM

To: Badyal, Šara

Subject: Re: 4020 Bayview St - proposed onni development

Hi Sara, thanks for the update. I hope that the design revisions include larger condo units ,at least for some part of the project , as previously commented , on and that there is a significant scaleback on the amount of commercial space that was initially proposed with this development, there is already a lot of commercial space in Steveston and Onni has had trouble leasing the space in their most recent building in the Village along #1 road and Bayview street. I still think a mix of park and slightly higher density ,ie a bit higher building might be attractive for this prime property along the river. Any thoughts or comments?

Regards, Walter Nieboer

----Original Message-----

From: Walter Nieboer [mailto:W.NIEBOER@SHAW.CA]

Sent: Tuesday, 28 October 2008 1:45 PM

To: Badyal, Sara

Subject: Re: 4020 Bayview St - proposed onni development

Sara, another idea struck me the other day when CTV suggested that Onni may have some financial difficulties in this market condition.

My thought is that Onni my be open to a property swap with the City. That is trade all or part of the lands along Bayview ,east of #1 road for some other property that the city controls ,say part of the Garden City lands, plus a modest amount of cash to Onni.

The objective being to realize park along the river ,enhancing the Steveston waterfront, and to presumably assist Onni during these difficult financial conditions.

Hope these thoughts are helpful. Regards, Walter Nieboer

----Original Message-----

From: Walter Nieboer [mailto:W.NIEBOER@SHAW.CA]

Sent: Saturday, 13 September 2008 11:46 AM

To: Badyal, Sara

Subject: Re: 4020 Bayview St - proposed onni development

Sara, thanks for responding so quickly, I appreciate your interest. A question arises from your reply. In the last paragraph you say "retail" is not permitted and neither are strictly residential buildings. What does all that mean in light of Onni's proposals to date, residential and retail?

We are really interested to see the subject property made useful and can see an opportunity to do that with a mix of residential and park as outlined in my previous email. We hope that the parties can work something out soon sothat the property can be an asset for the community instead of an eyesore.

Thanks again and good luck. Walter & Shirley Nieboer

----Original Message-----

From: Walter Nieboer [mailto:W.NIEBOER@SHAW.CA]

Sent: Friday, 12 September 2008 2:47 PM

To: Badyal, Sara

Subject: Proposed Onni Development

Sara, I wrote you previously regarding this proposed development, expressing concerns about the proposal to include retail in all 6 buildings on the total main floor and the small sizes of the proposed condo units, under 1000 sq ft. We also know that there is a strong desire by the community to develop the subject property, along the waterfront and Bayview east of # 1 road, into a park. While I understand that it may not be practical to achieve a park for the entire property it may be possible to come to an accommodation with Onni that meets their requirement to develop the property to meet their commercial /fiscal needs and achieve a park.

My suggestion is that the city permit Onni to develop their property East of East Hope rd to a higher density, say two 6-8 story concrete buildings, in return for Onni releasing or making the westerly portion of the properties available to the city at cost or some low value to be developed into park.

The benefits would be significant to all parties as the proposed new park area would greatly enhance the attractiveness of the waterfront for all residents and visitors and would enhance the attractiveness of the 2 new buildings for prospective buyers of Onni's condo's in the new buildings. I would further propose that the new buildings be limited if not restricted entirely from commercial space use. It is in my view much better and more attractive for commercial space to be concentrated in the village ,rather than spreading commercial tentacles east along the waterfront.

I hope that the above can be considered and seen to be beneficial for the community as a whole and adopted by planning.

Regards, Walter & Shirley Nieboer

----Original Message-----

From: Walter Nieboer [mailto:w.nieboer@shaw.ca]

Sent: Tuesday, 10 June 2008 3:33 PM

To: Badval, Sara

Subject: Onni Development Application File DP 08414809

Sarah, we were in to look at Onni's most recent application to the City to develop the vacant property at 4020 Bayview street. We live across the street at 4111 Bayview in an Onni bldg 'The Brunswick'. Hence our interest in the yet to be developed property.

Reviewing the file indicates a significant change in development proposed compared to previous filings. We note specifically the universal inclusion of commercial space on the entire ground floor of each of the 6 proposed buildings. We question the desirability of such space in this area. Particularly throughout all the buildings proposed. Onni as landlord of the commercial space in our building "The Brunwick" has had no success in leasing at least half the space. Also garbage pickup for the commercial tenants, under Onni's control, is a serious noise problem for the residential community.

Particularly as they insist on starting the pickup process as early as 6:30am. They leave the garbage bins out on the street sometimes overnight etc We are concerned with a large increase of commercial activity on the yet to be developed site for the above noise reason AND we don't think it enhances what many consider a valuable public waterfront.

We hope that you will consider these concerns. I will be pleased to discuss this issue further at your convenience.

Thanksl Walter & Shirley Nieboer unit 406 - 4111 Bayview street

PS. we also think that the proposed sizes of the condo's are extremely small @ 600-900 square feet. This being prime waterfront property we would have thought larger units would attract owner occupants rather than rental.

HARDLY & GLORIA BAGON #407-4111 BAYNEA STREET RICHMOND BL V7E GTS JULY 26 7008

Ms. Shikia Badyal Ciry sk kichwart

SUBJECT PROPOSED OMNI DEVELOPHENT 4000 TO 4006 BAPLIEN STREET

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YOURS RESPECTEDLY A PRICON.

Annotated Excerpt from the Minutes from The Design Panel Meeting

Wednesday, February 18, 2009 - 4:00 p.m.

APPLICATION:

DP 08-414809

ARCHITECT : PROPERTY:

Yamamoto Architecture Inc. 4020 and 4300 Bayview Street

Panel Discussion

Comments from the Panel were as follows:

- big project and a lot of elements; good transition from industrial character to more refined residential character to the east side;
- very nice boardwalk; still sketchy on how everything is put together in the project; no colour scheme presented;
- biggest concern is the encroachment of the parkade into the dyke from an engineering point of view; the parkade will be permanently below the water level and therefore require careful attention from an Engineering perspective and diligent maintenance;
- constant coordination by the applicant with the City and the Province needs to be undertaken with regard to the encroachment into the dyke to comply with all regulatory requirements;
- applicant did a great job considering the constraints and complexity of the site;
- biggest concern is the potential conflict that may arise in the relationship between the maritime uses on the ground floor and the residential uses above; particular attention should be paid to the interface of parking and loading;
- good treatment of the west end, particularly the paving, the big open space right along the boardwalk and the residential feel;
- good treatment of the buildings particularly the transition from commercial to residential;
- site is located in one of the most popular public places in Richmond;
- applicant has taken into consideration the heritage and history of the area;
- applicant has approached the project well considering the size and constraints of the project;
- clear detail of the street edge lacking; insufficient information on colours and materials; this information would have been helpful to see how everything is integrated and how each building is defined;
- boardwalk edge is nicely treated with the exception of Building 2; concern related to the length of Building 2; further design development of the edge of the building should be considered; very transparent but the form needs more investigation for further articulation;
- concerns about the impact of garage and circulation on the Bayview Street edge;
- further design development of Building 6 is needed; the elevator tower of Building 6 is an interesting feature; however, further investigation may be needed to determine how it can be integrated into the building; having a narrow walkway through the tower element is not advisable;
- consider better integration of the Building 6 garbage room, which directly faces the sidewalk; consider pulling commercial use around corner of building;
- similar concerns with Building 4; placement of garbage room behind the elevator tower creates a hidden space; investigate how to integrate the tower element into the building;
- good approach to the project; however, it needs further detail and resolution;

February 18, 2009 ADP Meeting

- site planning well resolved;
- concerns with the character of the buildings; does not reflect the heritage character of the site; looks like a purely residential development; consider further development of roof lines;
- concerns with respect to the screening of the parking and other elements on Bayview Street,
 e.g. in front of Building 2 at the two ends; consider possibility of planting the street bulges
 instead of placing tree grates in order to add screening and reduce the impact of expansive
 paving; consider also a raised curb and planting underneath the trees which is more
 environmentally sensitive;
- 4 out of 9 trees specified in the plant list belong to the genus acer; consider increasing tree diversity for environmental health;
- appreciate the use of grasses in the landscaping plan, which is appropriate for the river location; however, dwarf fountain grass, the most dominant plant material in the project is a restrained kind of grass; consider adding more luxurious and bigger kinds of grasses;
- on the waterfront side of Building 5, landscape architect encouraged to consider a more random geometric lay-out of the paving closer to the building; liked random geometric paving elsewhere on site;
- consider use of recycled or stockpiled materials, e.g. timbers or brick, that could add texture and contribute to establishment of a sense of place;
- outstanding project and nicely developed;
- organization of buildings and streets is successful; street terminations at the waterfront are successful;
- boardwalk fronting the buildings is generally well-developed and has public spaces;
- building form, lay-out, materials and detail are generally good; consistent with the character of the residential neighbourhood across the street;
- maritime character of the west end of the development is generally successful;
- column and spandrel expression of Building 2 not consistent with industrial maritime heritage of the site; consider heavy timers with infill; consider bringing skin down to the ground; concerned with relentless storefront;
- roof forms are generally successful; good articulation in response to Planning comments; roof slopes are minimal; could benefit from a higher pitch; will improve pedestrian experience from boardwalk to the buildings;
- consider details pertaining to guards and handrails; look again at boardwalk details, especially on how heavy duty industrial heritage elements are adapted for contemporary use;
- consider 3-dimensional face-illuminated signage as opposed to backlit storefront signage; many opportunities for signage in the project which are appropriate for a pedestrian environment; include signage details in design;
- review relationship of lookout tower right next to the first residential unit;
- public area interface at the public plaza is resolved well;
- concerns on public and handicapped access from the boardwalk to the podium level of all the shop fronts; only 2 accessible ramps are provided;
- applicant has not mentioned preservation of ecology and environment in the presentation;
 lost opportunity to inform prospective buyers and tenants of the project interested in the issue:
- generally, planning of the site responded well to the street ends, visual permeability, massing and zoning requirements; very important and significant site in Steveston; however, project has not adapted to the Steveston vernacular not only in terms of materiality but also in the massing of the buildings;

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February 18, 2009 ADP Meeting

- most successful elevation of building 2 is the north, two-storey massing that imposes on the street; not seen in the south elevation, which has a one-storey strip mall appearance with pavilion on top; should be more developed on river edge;
- public access from the plaza to the roof deck on the second level of Building 2 and its intended use are not clear; further design development is necessary;
- brick is a foreign waterfront edge material; consider a simpler material palette; heritage character materials used in a contemporary manner;
- open spaces very similar in character; no hierarchy of plaza space and softer space; consider programming spaces and study the uses for the open spaces; desirable to see more contrast between hard building and soft spaces and soft planting to add visual interest;
- appreciation for the public art previously undertaken along the boardwalk; due to the significance of the site, consider participation in the formal public art process; consider larger scale, bold 3-D pieces; and
- consider materiality of ground plane; a lot of concrete and paving in the project; consider use of wood timbers as a hard surface.

Panel Decision

It was moved and seconded

That DP 08-414809 move forward to the Development Permit Panel subject to the following comments of the Advisory Design Panel:

- 1. consider dyke engineering and coordinate closely with the Province and Engineering to ensure that dyke interfaces meet regulatory requirements *Design is required to comply*;
- 2. consider transition from ground floor mixed maritime use units (MMU) to residential uses of the upper floors and give careful consideration to potential areas of conflict which may result Incorporated. The residential and MMU uses are separated through setting back the upper floor residential units from the MMU base, locating lobbies away from MMU unit entries, and providing separate garbage and recycling rooms for the two uses;
- 3. ensure design development of Building 2, re-examine its form and character and provide relief to the length of the building Incorporated. Riverside elevation improved with a two-storey element that breaks the length of the riverside elevation and provides a visual connection to the smaller second floor. Window treatment also improved to reflect more of a "punched" window typical to cannery type buildings and less of a storefront appearance.
- 4. consider design development to the location of garbage enclosures particularly at the north end of Building 6 Incorporated. Garbage & recycling room re-oriented to reduce visibility from Bayview Street. Streetscape elevation improved with additional storefront windows.
- 5. consider design development of the north corner of Building 6 to integrate the beacon element as an important orienting architectural element of the development Incorporated. Elevator tower 'beacon' stand-alone element enhanced with added glazing and maintained simple massing. Relationship of elevator lobby and residential staircase strengthened with connecting canopy, adjacency of entries, and repeated use of galvanized cladding. Similar tower elements appear as a vertical element marking the residential elevator lobby for building 4 and the stair tower anchoring the northeast corner of building 2.

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- 6. consider garbage, recycling and loading locations to determine how to minimize the impact on the streetscape along Bayview Street Incorporated. Designed to balance minimized impact on Bayview Street and operational adjacency of loading bays to service areas. Loading bays are located adjacent to Bayview to achieve smoother grade transitions. They are separated from the sidewalk with a change in paving treatment and raised planters, lessening the impact on the streetscape, and clearly defining the boundary between the loading areas and pedestrian realm.
- 7. consider design development of the character of the buildings to reflect the heritage character of the site Incorporated. Building 2 riverside elevation improved to reinforce Cannery building character. Maritime Mixed-Use buildings 2 & 3 designed to refer to Cannery heritage of site. Residential character increases towards the eastern portion of the site. Industrial materials such as galvanized metal canopy elements and corrugated metal siding are used throughout the site to establish a consistent materiality and unify the buildings.
- 8. consider design development of the roof lines to reference industrial and heritage character Considered. Buildings 1 to 3 employ simpler roof lines to reference the cannery heritage character. Building 2 roofline made steeper and articulated along south elevation to relate to two-storey massing and break in the ground floor facade. Buildings 4 to 6 employ more articulated roof lines with smaller scale elements to reflect a more residential character.
- 9. consider planting Bayview Street bulges to break down the rigours of streetscape standards Landscaping along Bayview Street has been enhanced. City boulevard planting will be designed through separate Servicing Agreement to City requirements.
- 10. consider open planting and removal of tree grates under street trees Will resolve through separate required Servicing Agreement for City boulevard design and construction. Open planting proposed adjacent to trees in place of tree grates. These planting beds will soften the expanse of sidewalk hardscape and create another layer of landscape to buffer the street and the buildings.
- 11. consider reducing the impact of expansive paved areas to give softer treatment Incorporated. In consultation with staff, open planting areas proposed throughout site are balanced with hard paved areas to provide multi-purpose flexible spaces.
- 12. consider greater diversity of planting materials specifically the tree selections *Incorporated*.
- 13. consider the size and type of ornamental grass (needs to be bigger and bolder) *Incorporated in specific locations in consideration of CPTED principles.*
- 14. consider design development of the plaza to the south of Building 5 to make it more informal Considered. Landscaping south of Building 5 creates a transition from the orthogonal building aligned to the street grid to the established landscaping patterns along the boardwalk. The landscaping is designed to preserve the view of the river from the building. More flexible use of plaza area envisioned at end of Ewen Avenue ROW where the plaza widens and ramps down to the boardwalk.
- 15. consider higher pitched roofs to allow better views to the roof line The opportunity to increase roof pitches is impacted by the flood protection requirement to raise the ground

- floor level and the regulated maximum height restrictions for the site. Modest roof pitches are proposed and a height variance is requested.
- 16. consider the heritage elements (pertaining to handrails and guard rails) that are handled in a contemporary way particularly in relation to Building 3 Considered. In consultation with staff, handrails and guardrails have been designed to unify guardrails on upper levels of buildings (balconies etc.) with at grade handrails and throughout the site.
- 17. consider 3-dimensional signage in view of the pedestrian environment of the site The developer will work with future MMU tenants and the City to develop signage that is appropriate to the site and reflects the pedestrian environment.
- 18. develop the relationship between the south end of Building 6 and the existing tower element at the southeast corner of the property Incorporated. The ground floor southwest corner is recessed further to increase articulation of the exit stair tower and relate it to the existing lookout tower element. Additionally, the materiality of the Building 6 stair tower (galvanized metal) relates to the lookout tower but presents a solid mass to contrast with the open structure of the lookout tower. The lookout tower marks the termination of the bridge axis and provides a marker at the end of the boardwalk. From the lookout, pedestrians will have more than 270 degree views to the north, east, south, and down the boardwalk to the west. Building 6 is set back from the south property line to provide a visual connection to the stair tower from the western side of the boardwalk. The base of Building 6 is meant to contain and define the Ewen Ave. ROW plaza whereas the upper storeys are setback from the base to give the lookout tower more breathing room.
- 19. consider the planting materials over trellis elements over the parking entrances Done.
- 20. consider handicapped accessibility along the waterfront edge, particularly at the western end of the site Incorporated. Accessible ramps reconfigured at western side of Building 1 to be oriented end-to-end and provide smoother transition from public plaza to boardwalk. Additional ramp added in front of Building 2 to provide access to new entry in setback portion mid-way through Building 2 base. Wide, accessible slopes (5%) provided at English and Ewen Ave. ROW plazas to create seamless connection to boardwalk.
- 21. design development of Building 2 to make it more expressive of the Steveston vernacular and cannery buildings Incorporated. Building 2 improved with two-storey break element in riverside elevation facing the boardwalk, more of a "punched" window detail, and increased roof pitch. Along with the use of galvanized siding, these elements enhance the reference to Cannery building type vernacular.
- 22. design development to clarify intended use and public access to the Building 2 roof deck Incorporated. The roof decks in Building 2 provide semi-private outdoor spaces for the second floor. These are valuable spaces with views to the river, East Hope plaza and the boardwalk. The developer will work with future tenants to clarify whether there would be general public access to these private outdoor spaces and how it would be managed.
- 23. consider choice of materials for Buildings 4, 5 and,6 and consider alternative to brick as cladding material Use of brick decreased to Buildings 4 & 6 to reinforce the transition from industrial to residential character towards the east portion of the site. The concrete base of Building 1 is repeated on Building 5 for visual interest along the streetscape. A brick clad base is maintained for Buildings 4 and 6 to enhance the material palette within the development and to provide a warm contrast with the more industrial materials.

- 24. consider hierarchy and diversity of open spaces and give more clarity to the function and use of these spaces Considered. Public open space rights-of-ways are provided at the south ends of No.1 Road, East Hope Avenue, English Avenue and Ewen Avenue. The western ROWs are designed as large flexible spaces with plaza type areas for gathering, performance, vendors and periodic events. These public spaces will be designed in consultation with Parks and Transportation staff through a separate required Servicing Agreement application process. Smaller scale open spaces are provided between buildings and between the buildings and the boardwalk and sidewalk. These areas provide more intimate seating areas and areas in which the ground floor MMU uses can spill out and occupy the periphery of the larger scale plazas.
- 25. consider materiality of the ground plane and study use of timbers as a hard surface treatment Considered. The existing waterfront walkway successfully incorporates concrete paving scored to appear as boardwalk. We believe that this provides the most practical surface in terms of durability and ongoing maintenance in a high-traffic area. Paving materials and their current arrangement have been determined to create variety, textural change and way-finding logic.
- 26. consider entering into the public art process to integrate building forms and landscape elements The Developer has provided a significant contribution for amenities through the completed Rezoning application process as part of the Master Plan community guidelines and constructed in the streetscape and boardwalk public realm. In master-planning the former industrial site, focus was placed on the public realm, and in placing heritage artifacts in locations where they would be most accessible to the public. The intention of this development is to provide as much public space as possible, and to provide a venue for public art in the form of performances, spaces for vendors, as well as more temporary and seasonal activities.

CARRIED

Opposed: Joe Fry and Agatha Malczyk

Development Permit Considerations

4020 and 4300 Bayview Street ("the lands") DP 08-414809

Prior to forwarding the application to Council for approval, the developer is required to complete the following:

- 1) Consolidation of the lots into one (1) development parcel.
- 2) Discharge of the flood plain covenant (BR123814) registered on Title to the lands (see items #4 and #5 below).
- 3) Discharge of the statutory right-of-way (SRW) agreements (BR123840, BR123841, BR123842, BR123843, BR123844, BR123845, BR123846, and BR123847, all with plan LMP49901) registered on Title to the lands regarding the south ends of No. 1 Road, East Hope Avenue, English Avenue, and Ewen Avenue (see item #6 below).
- 4) Registration of a flood plain covenant on Title to the lands to meet current City requirements, identifying a minimum habitable elevation of 2.9 m GSC, and allowing for a subsurface parking structure with elevator access.
- 5) Registration of a dyke maintenance agreement on Title to the lands, including:
 - a) Provision of parking, landscaping and associated access/egress structures to encroach within the minimum 7.5 m setback from the dyke right-of-way (Flood plain designation Bylaw 8204). The structures shall be for the purpose of parking, vehicle and pedestrian circulation (stairs and ramps), moveable planters, or subsurface structure(s) that have been engineered to support a future raised dyke (4.7 m GSC). Owner solely responsible for liability and maintenance. Owner responsible at Owner's cost to maintain structure(s) or reinstate dyke toe approved by the Province.
 - b) Provision of Engineering Report with specifications to the satisfaction of the City, as an attachment to the agreement, and if required, addressed to the City.
 - c) Statutory right-of-way (SRW) agreement granting the City permission and access to maintain or remove encroaching structures.
 - d) The Owner shall be responsible for on-site restoration and grade transition works to provide an appropriate interface between the development and any future higher dyke.
- 6) Registration of statutory right-of-way (SRW) agreement(s) on Title to the lands regarding the south ends of No. 1 Road, East Hope Avenue, English Avenue, and Ewen Avenue:
 - a) to allow subsurface parking structures including parking spaces, owner solely responsible for liability and maintenance;
 - b) to restrict building in the public access areas as the subject lot is not a waterfront lot, and there is a development lot to the south (Lot H) which relies on access and utilities through the statutory right-of-way (SRW) areas on the subject lot; and
 - c) to provide areas for the following public uses, maintained by the City to City standard:
 - i) pedestrian passage;
 - ii) public events;
 - iii) public parking;
 - iv) vehicle access to water lot (Lot H) area;
 - v) utilities to service SRW, waterfront (4000 Bayview Street) and water lot (Lot H) areas; and
 - vi) dykes and drainage maintenance and repair vehicles, equipment, and works.
- 7) Registration of a 'no development/build' covenant on Title to the lands, until the following have been received and approved by the City:
 - a) Engineering Report as part of item #5 above, and

- b) Executed Servicing Agreement* for the design and construction of works including:
 - i) frontage improvements along Bayview Street;
 - ii) treatment of public statutory right-of-ways (SRWs) areas at south ends of No. 1 Road, Easthope Avenue, English Avenue, and Ewen Avenue with paving, public parking, pavement marking, landscaping, trees, utilities, street furniture, signage works, ramps, terraces, and stairs, as per item #6 above, and appropriate dyke works as per item #5 above; and
 - iii) any capacity upgrade of the storm, sanitary and water system reasonably determined by the Director of Engineering to be necessary by reference to the parameters used in the capacity analysis prepared by R.F. Binnie and Associates Ltd as submitted to the City for review on December 2, 2008 and subsequent refinements. Any upgrades required will be performed at the Developer's sole cost.
- 8) Registration of a legal agreement on Title to the lands requiring the provision of at least 100 m² of indoor amenity space onsite (ex. Building 2) for the enjoyment of the residents (in Buildings 1, 4, 5 & 6).
- 9) Letter of Credit for landscaping in the amount of \$241,727.00, or as specified by a Landscape Architect in a sealed quote that includes materials and labour.

Prior to issuance of a Building Permit*, the developer is required to complete the following:

- Submit a Construction Parking and Traffic Management Plan* to the Transportation Division.
 Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
- Obtain a Building Permit* and any other required City approval prior to erecting any construction hoarding.
- Provide confirmation of approval from the Ministry of Environment (Provincial dike authority).
- Provide an Engineering Report to the satisfaction of the City, as per item #5 above.
- Enter into a standard City Servicing Agreement*, as per item #7(b) above.

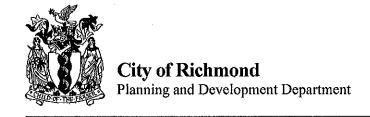
Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to Development Permit issuance.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters-of-credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

| [Signed copy in file] | | |
|-----------------------|-----------------------|--|
| | [Signed copy in file] | |



Development Permit

No. DP 08-414809

To the Holder:

ONNI DEVELOPMENT (IMPERIAL LANDING) CORP.

Property Address:

4020 AND 4300 BAYVIEW STREET

Address:

C/O TAIZO YAMAMOTO

YAMAMOTO ARCHITECTURE INC.

2386 OAK STREET

VANCOUVER, BC V6H 4J1

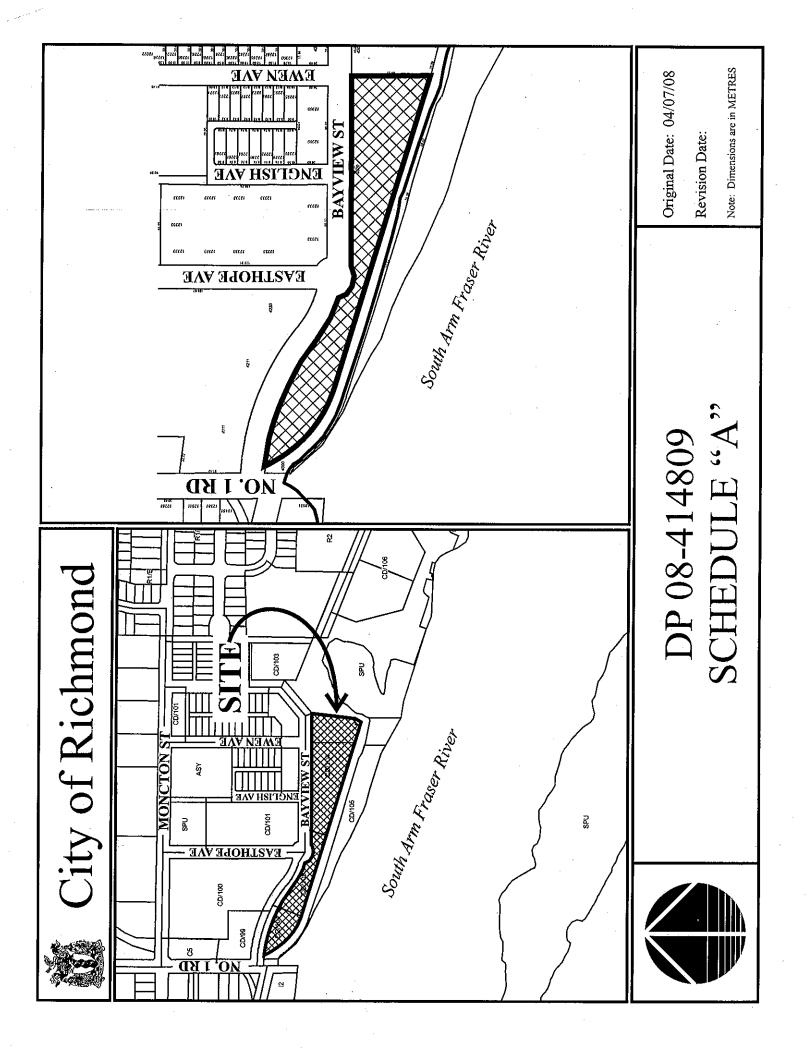
- 1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
- 2. This Development Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied to decrease the minimum buildings and structures setback from public roads and right-of-ways secured under Public Rights-of-Passage in "Comprehensive Development District (CD/104)" from minimum 1 m to 0 m for subsurface dyke support and parking structures at the south ends of No. 1 Road, English Avenue and Ewen Avenue.
- 4. Subject to Section 692 of the Local Government Act, R.S.B.C.: buildings and structures; off-street parking and loading facilities; roads and parking areas; and landscaping and screening shall be constructed generally in accordance with Plans #1 to #16 attached hereto.
- 5. Sanitary sewers, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
- 6. As a condition of the issuance of this Permit, the City is holding the security in the amount of \$241,727.00 to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder. Should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived.

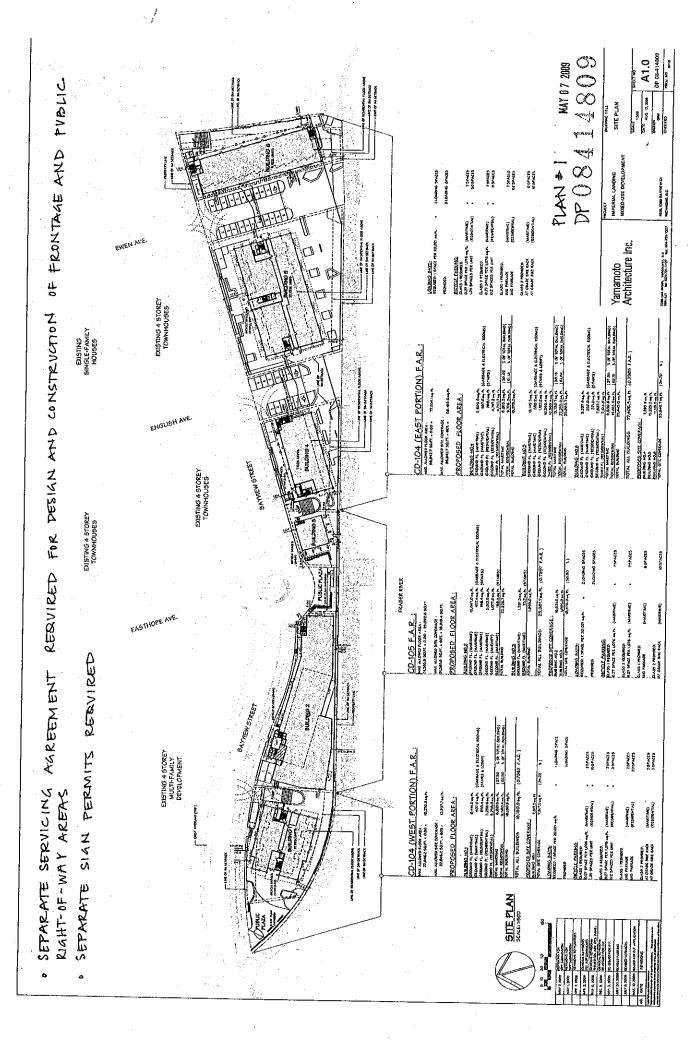
Development Permit

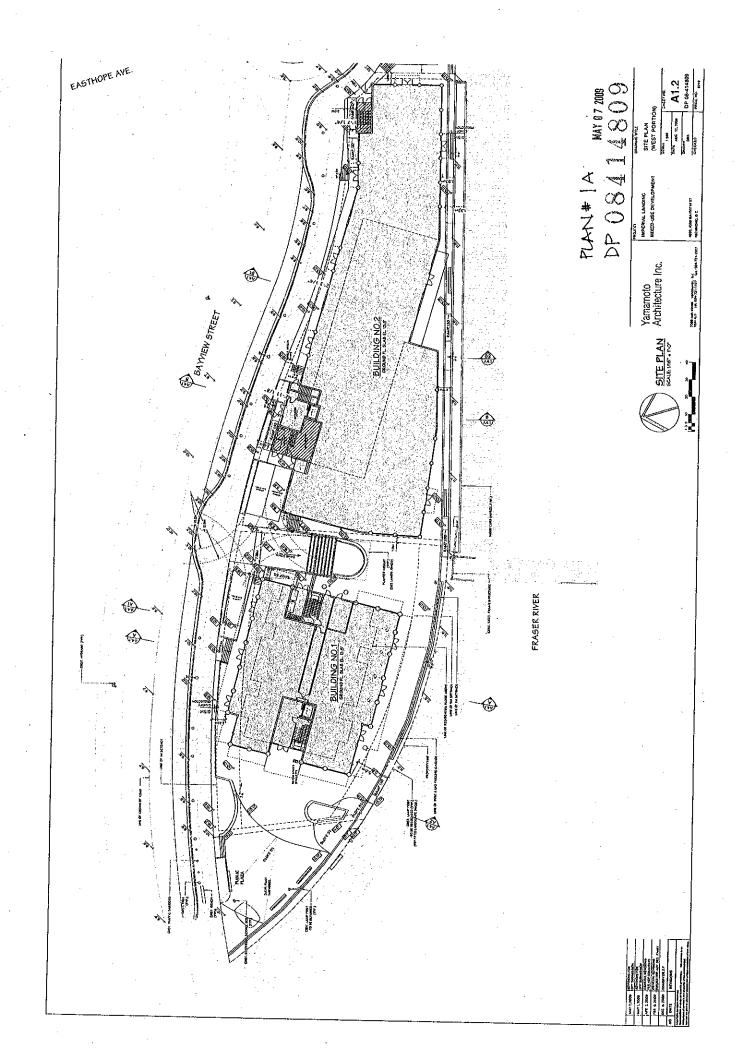
No. DP 08-414809

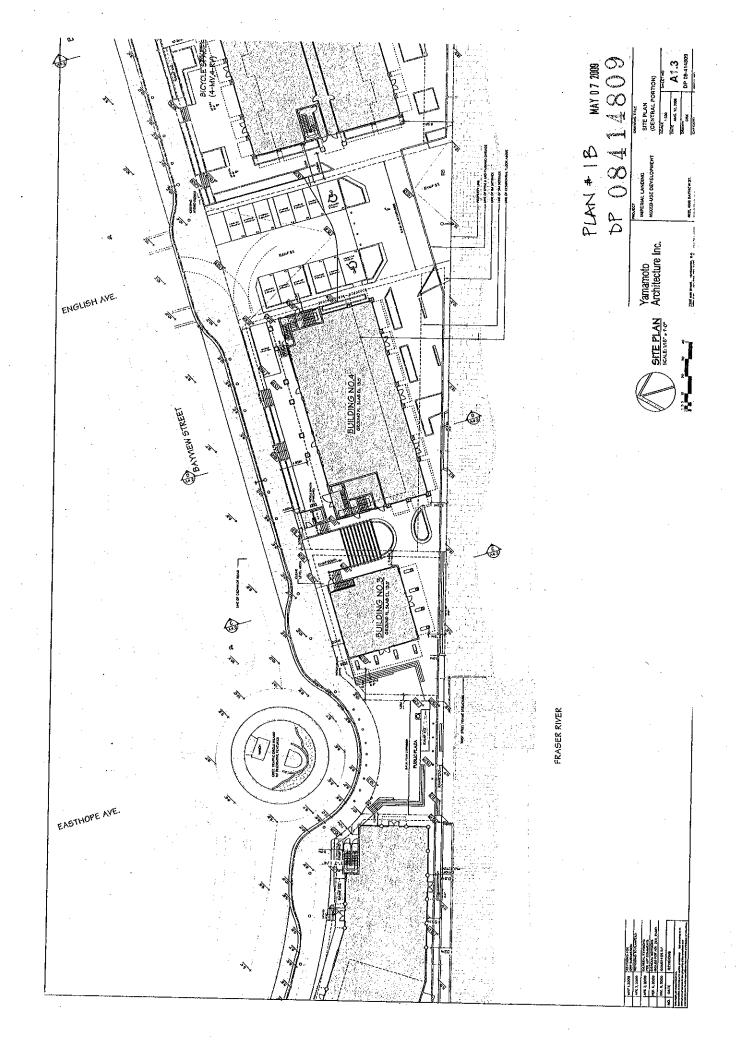
| to the Holder: | ONNI DEVELO | PMENT (IMPERIAL LANDING) CORP. |
|------------------------------|--|---|
| Property Address: | 4020 AND 430 | D BAYVIEW STREET |
| Address: | C/O TAIZO YA YAMAMOTO A 2386 OAK STR VANCOUVER, | RCHITECTURE INC. EET |
| | | struction permitted by this Permit within 24 month I lapse and the security shall be returned in full. |
| | sions of this Permit a | ped generally in accordance with the terms and and any plans and specifications attached to this |
| This Permit is not a l | Building Permit. | |
| AUTHORIZING RESO DAY OF , | LUTION NO. | ISSUED BY THE COUNCIL THE |
| DELIVERED THIS | DAY OF | , |

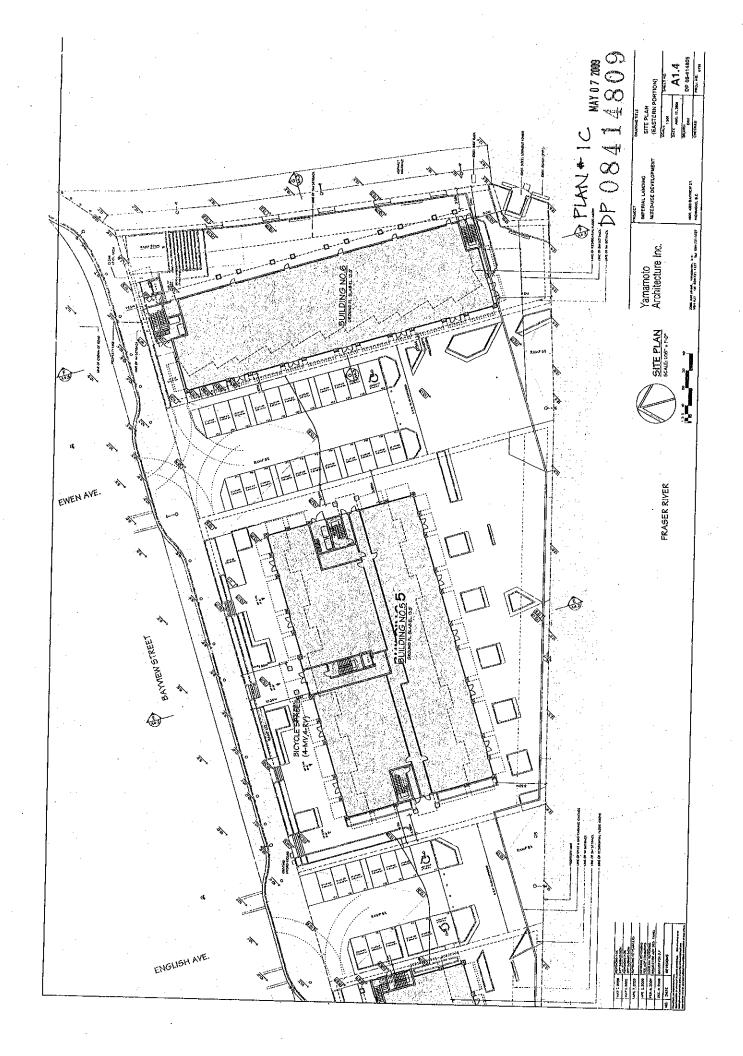
MAYOR

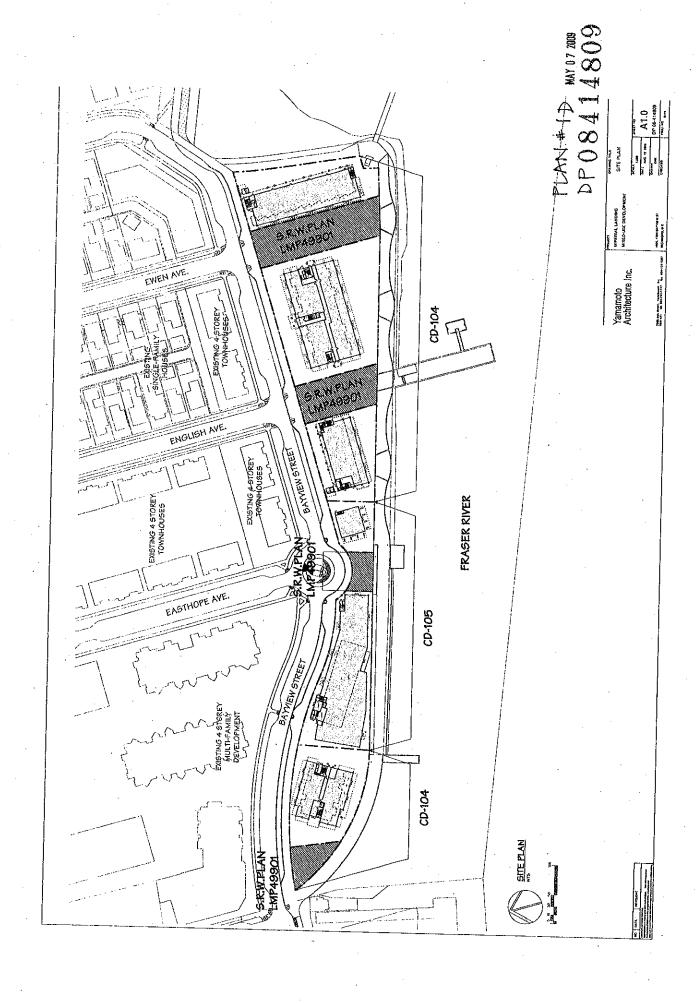


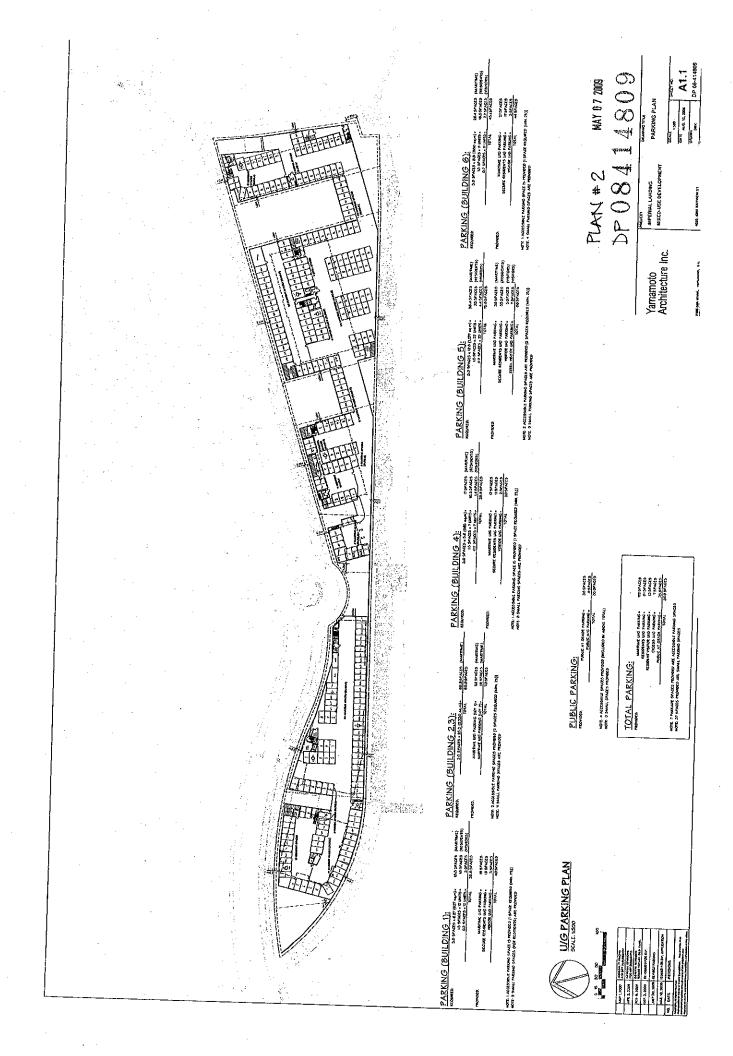


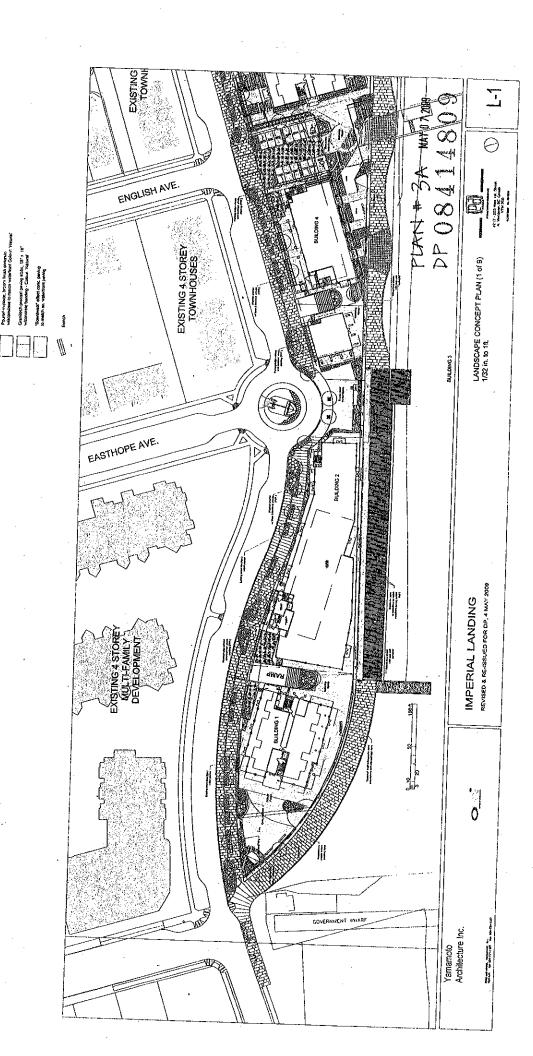


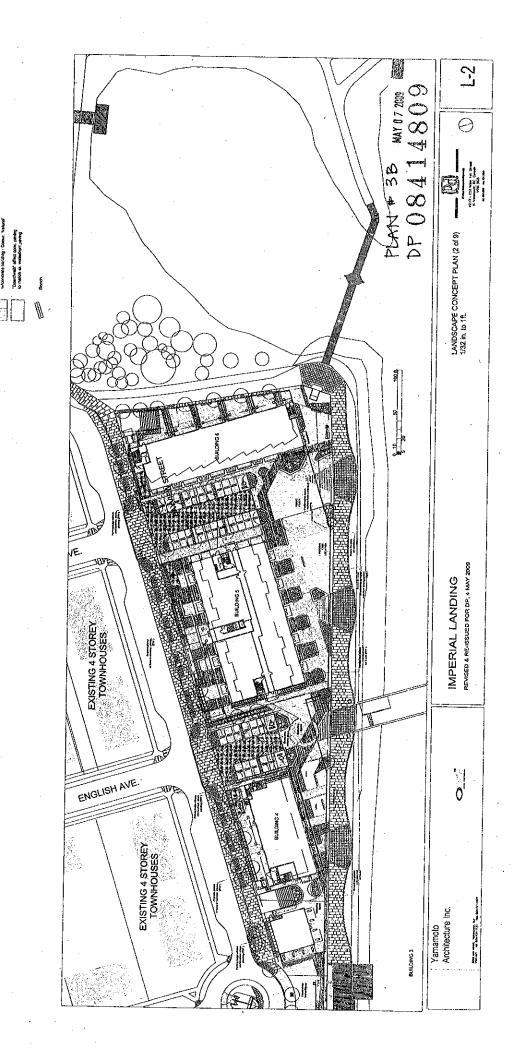


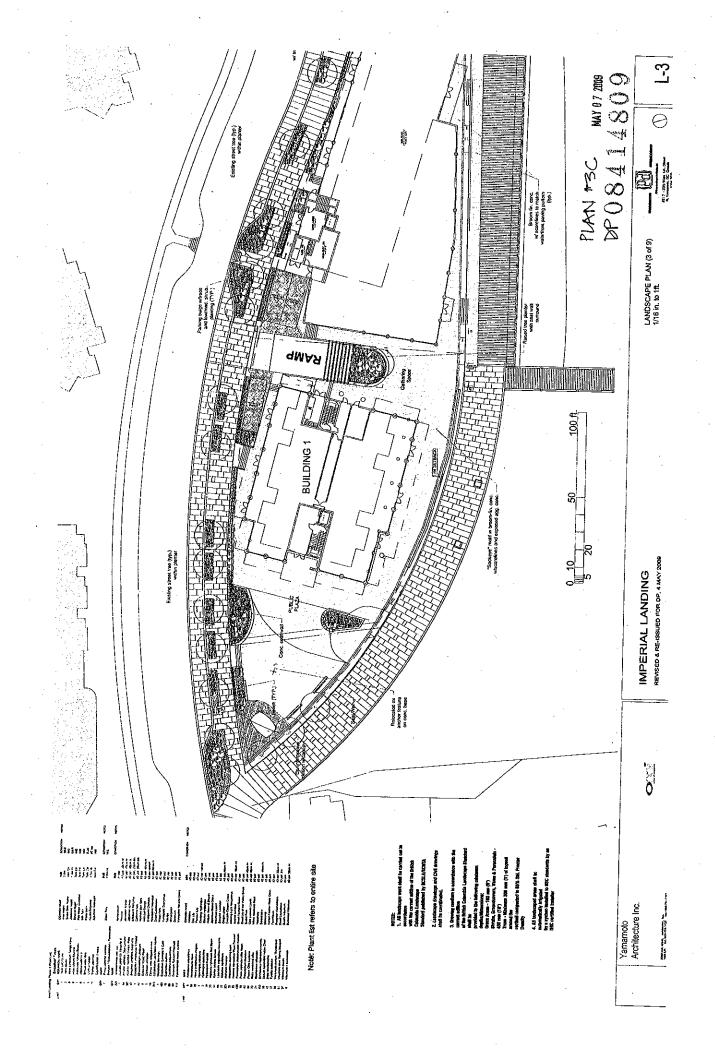


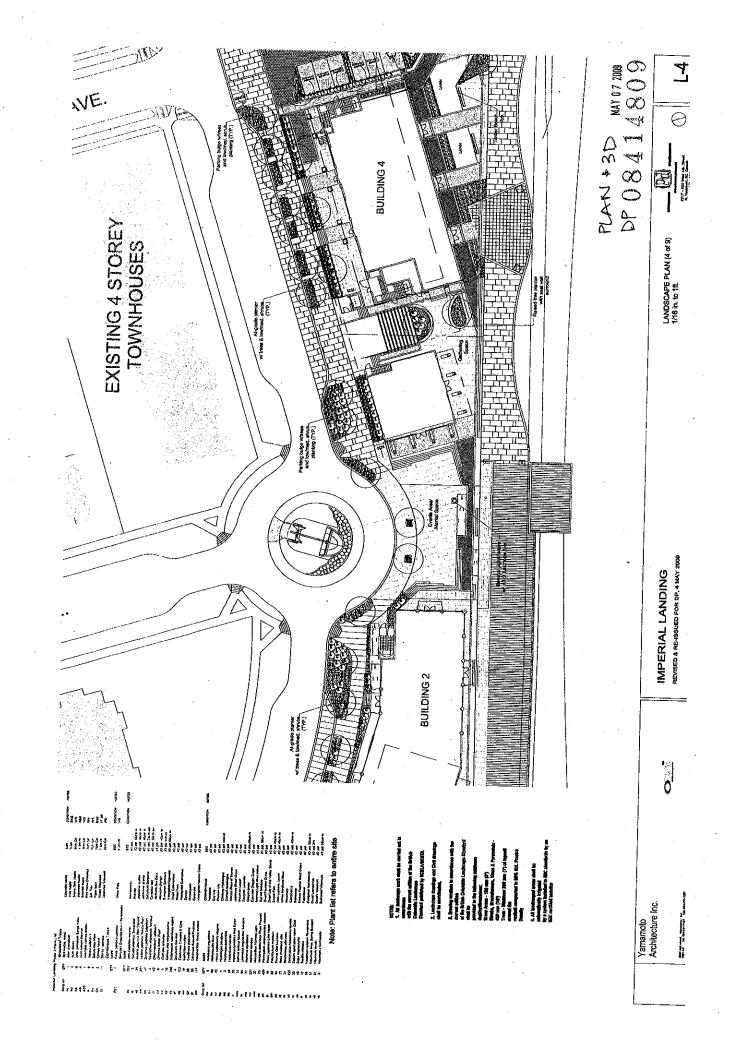


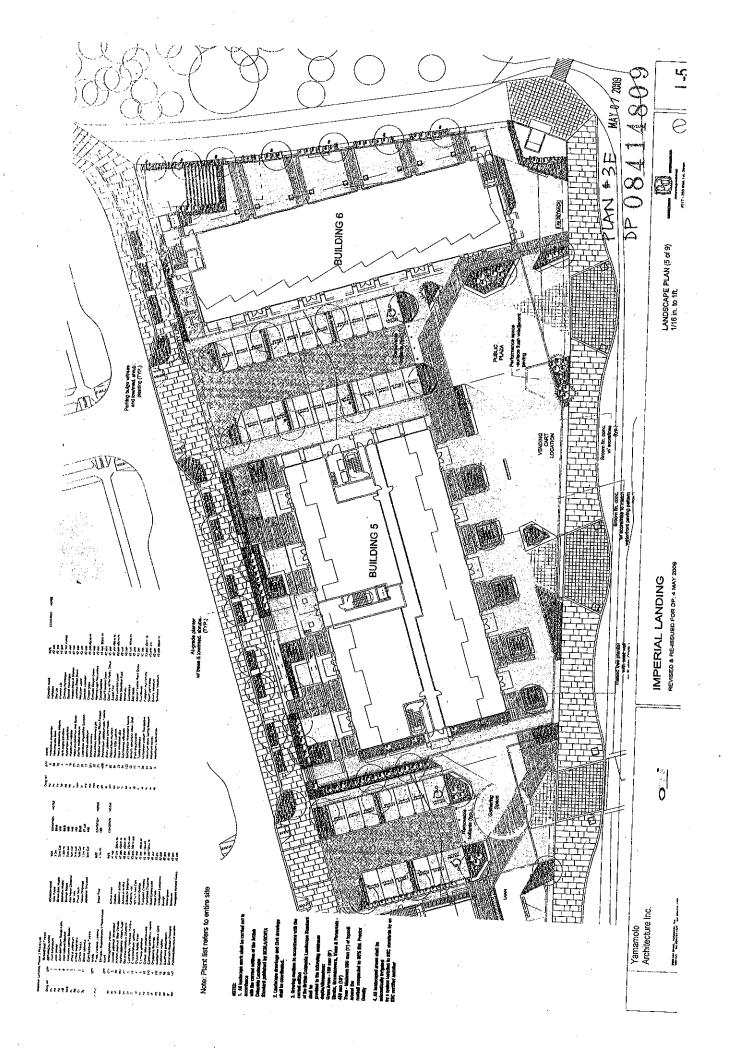


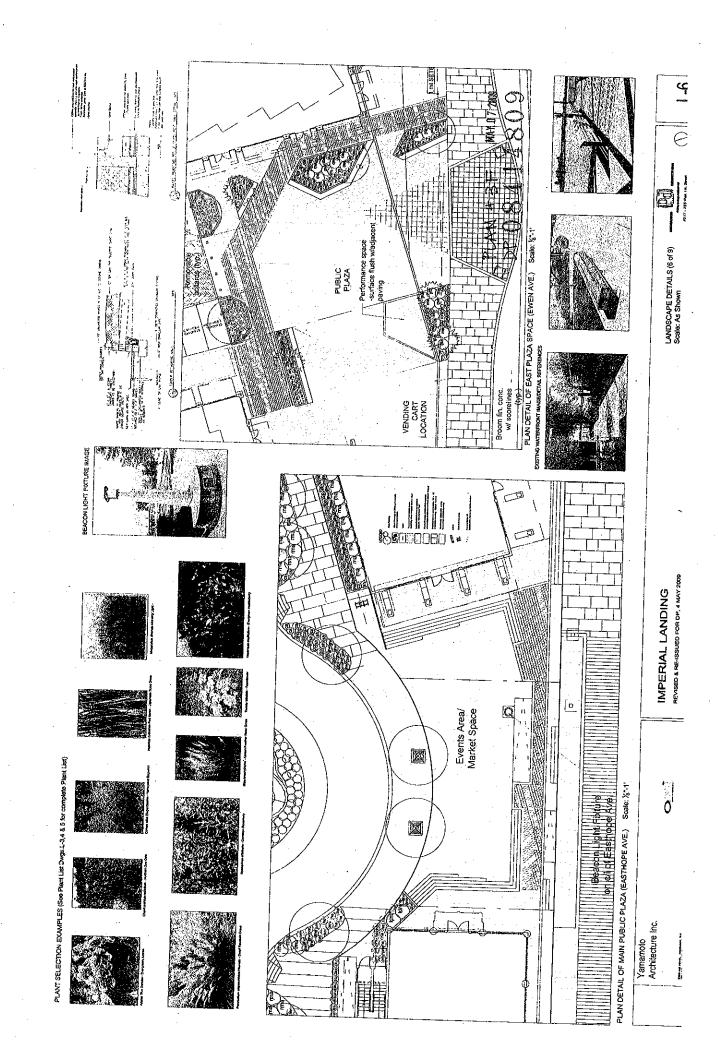


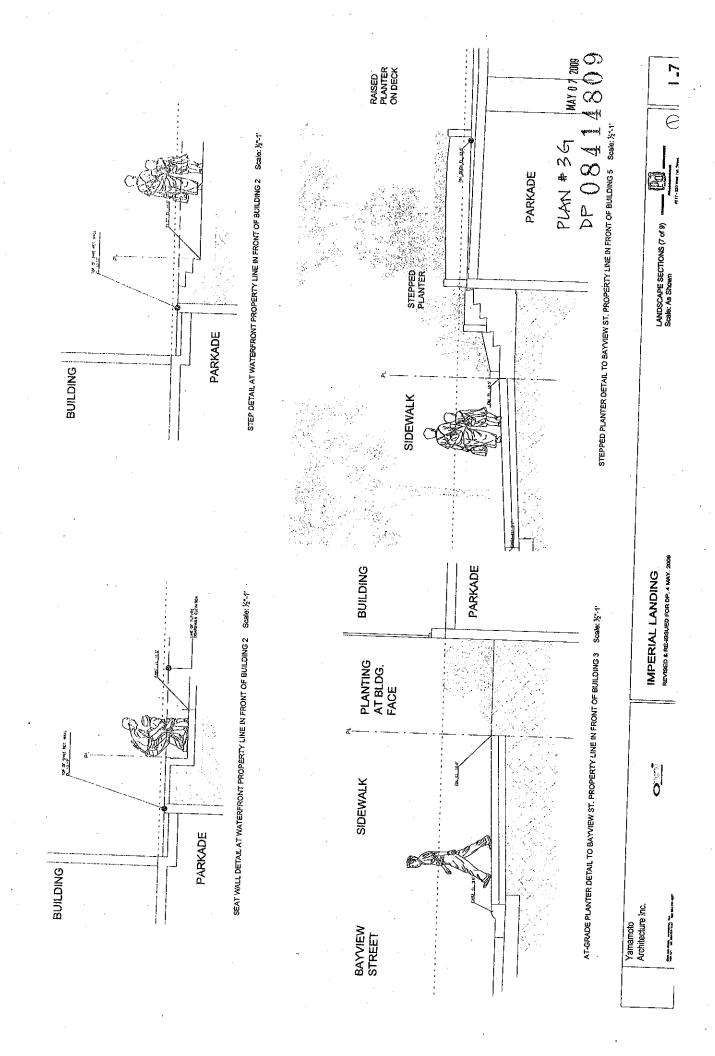


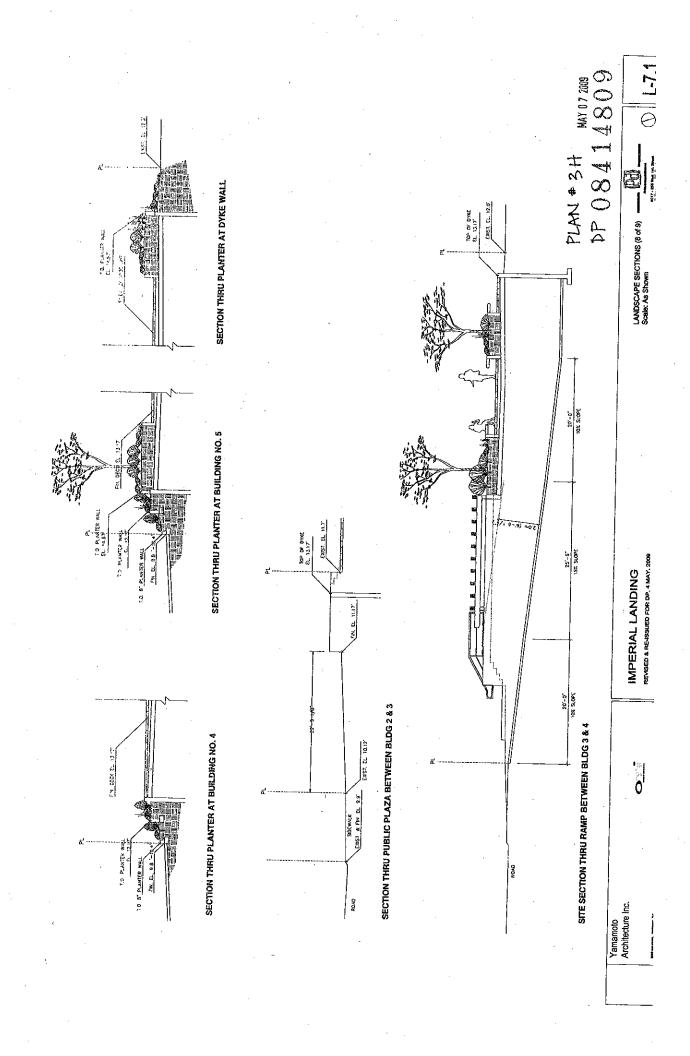


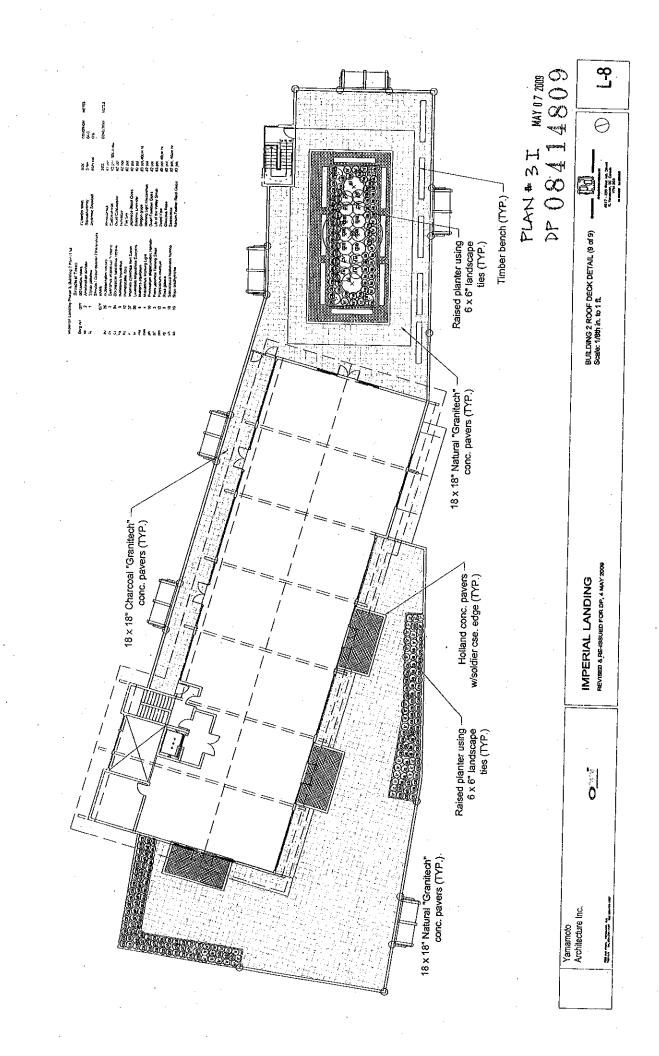


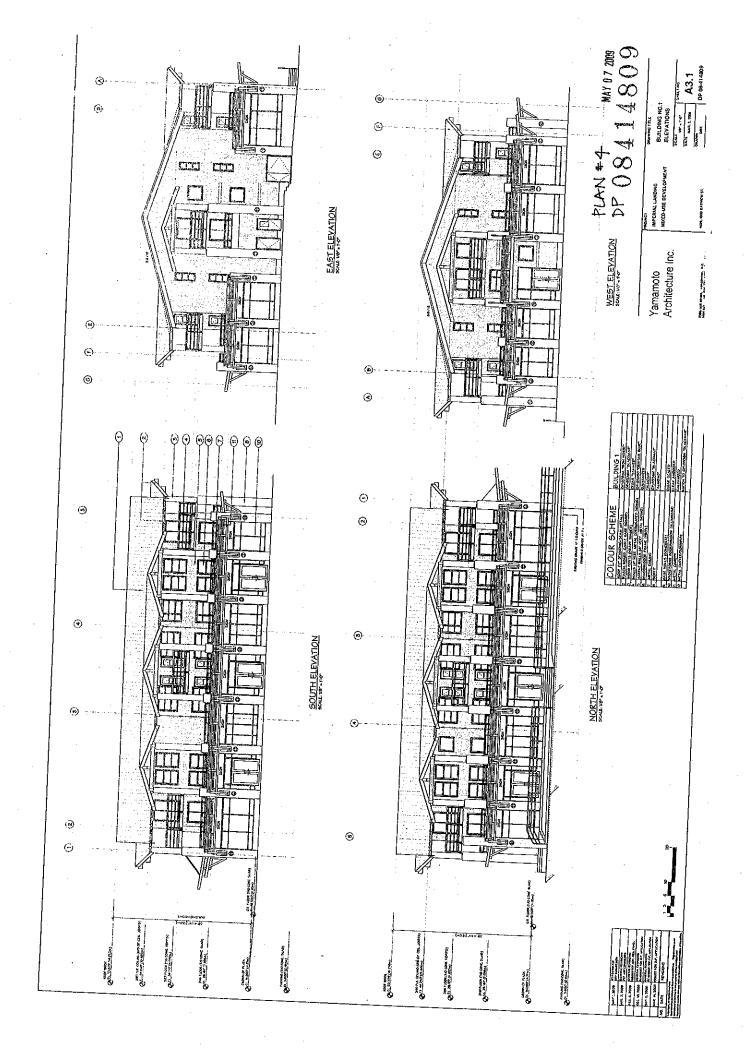


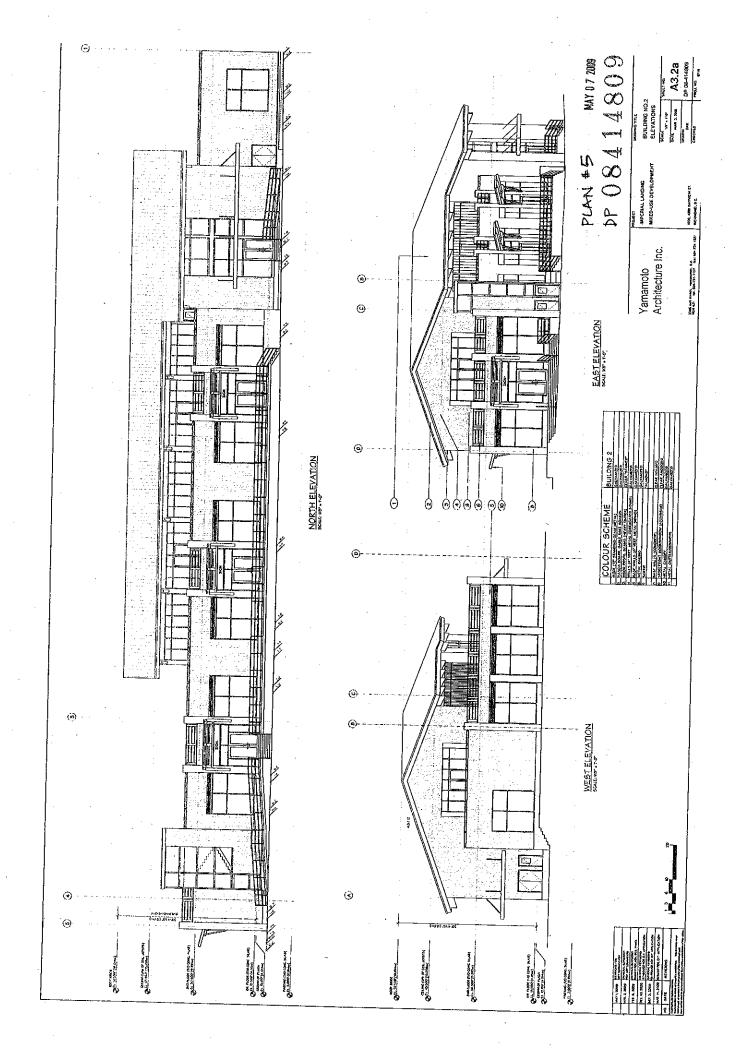




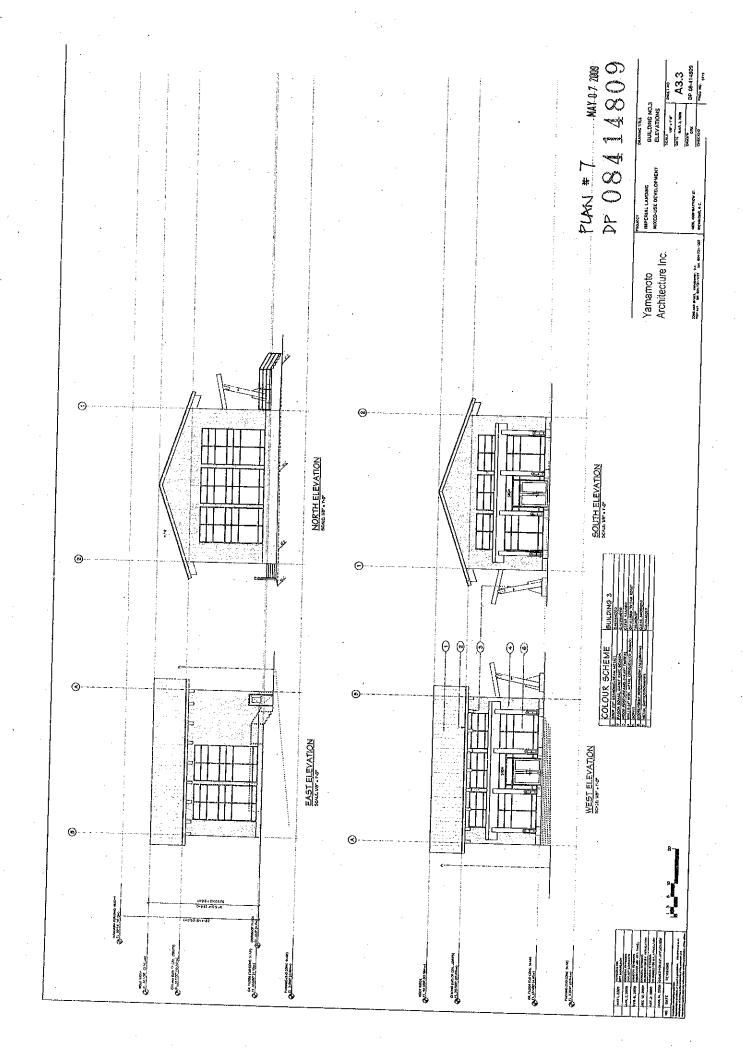


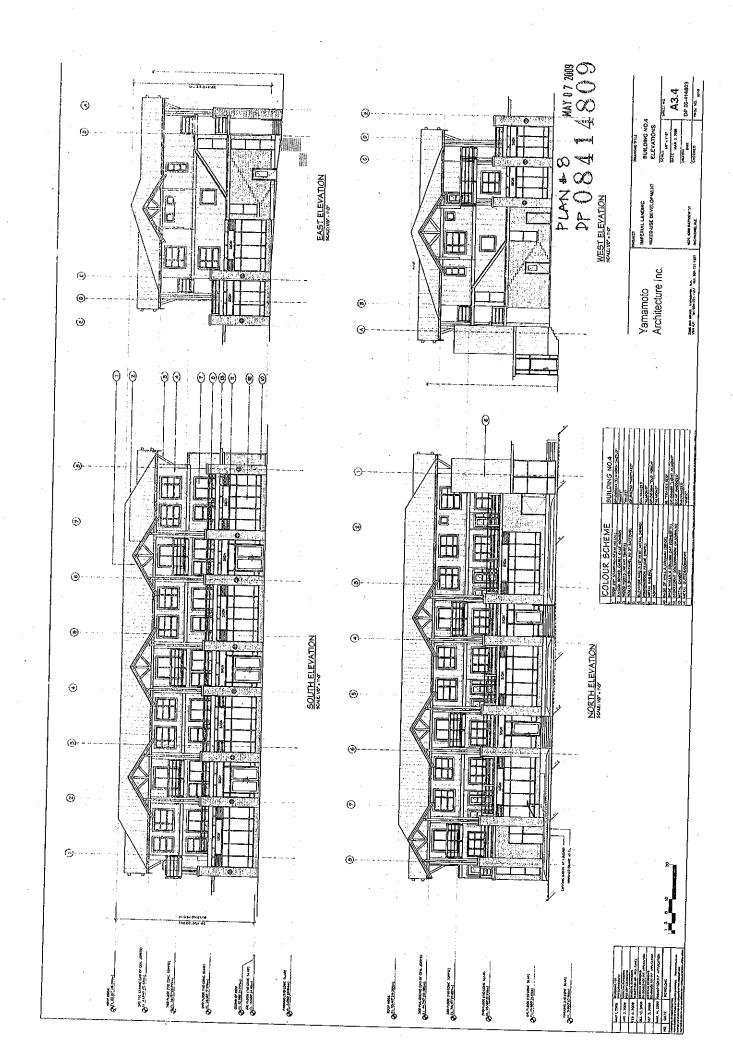


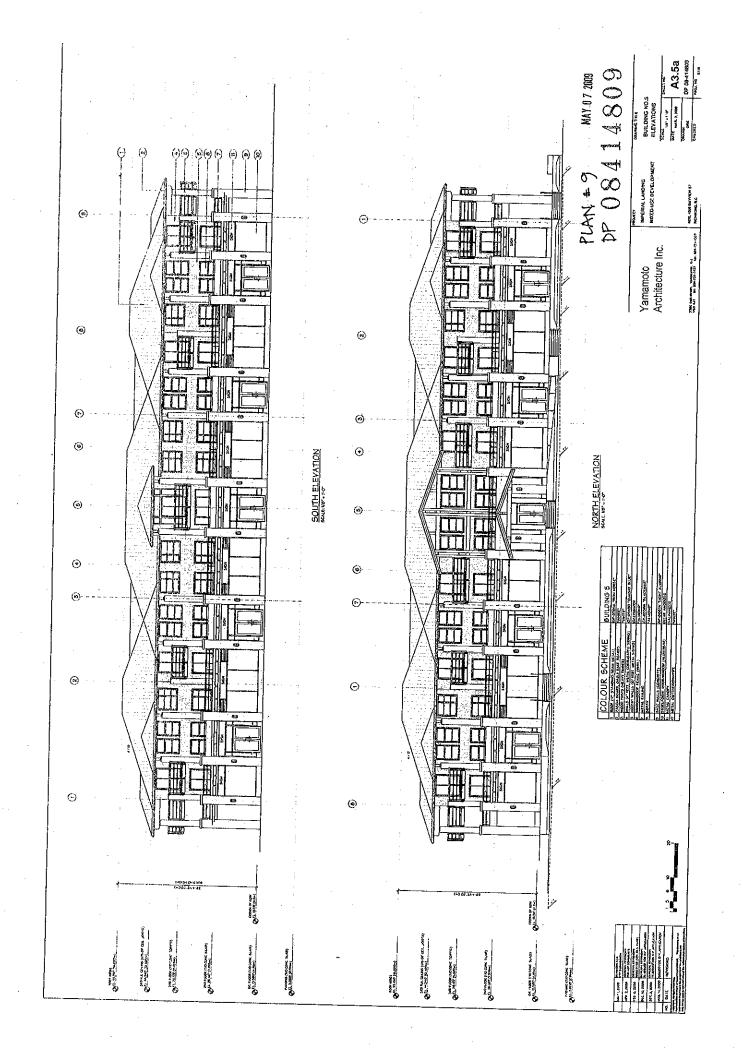


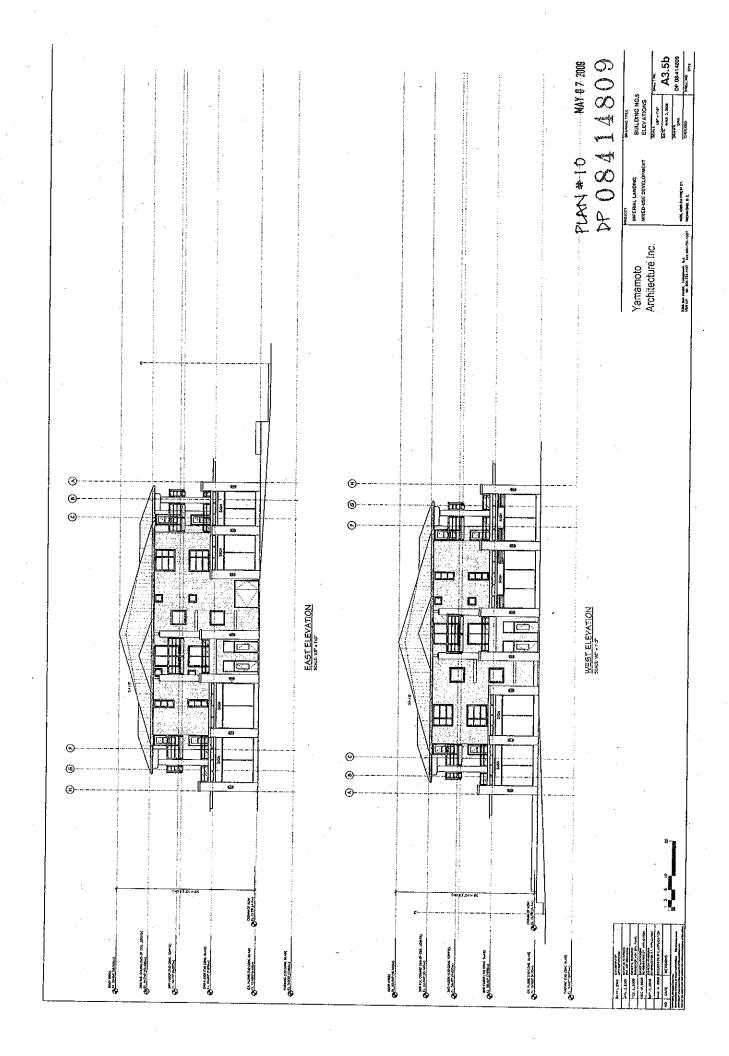


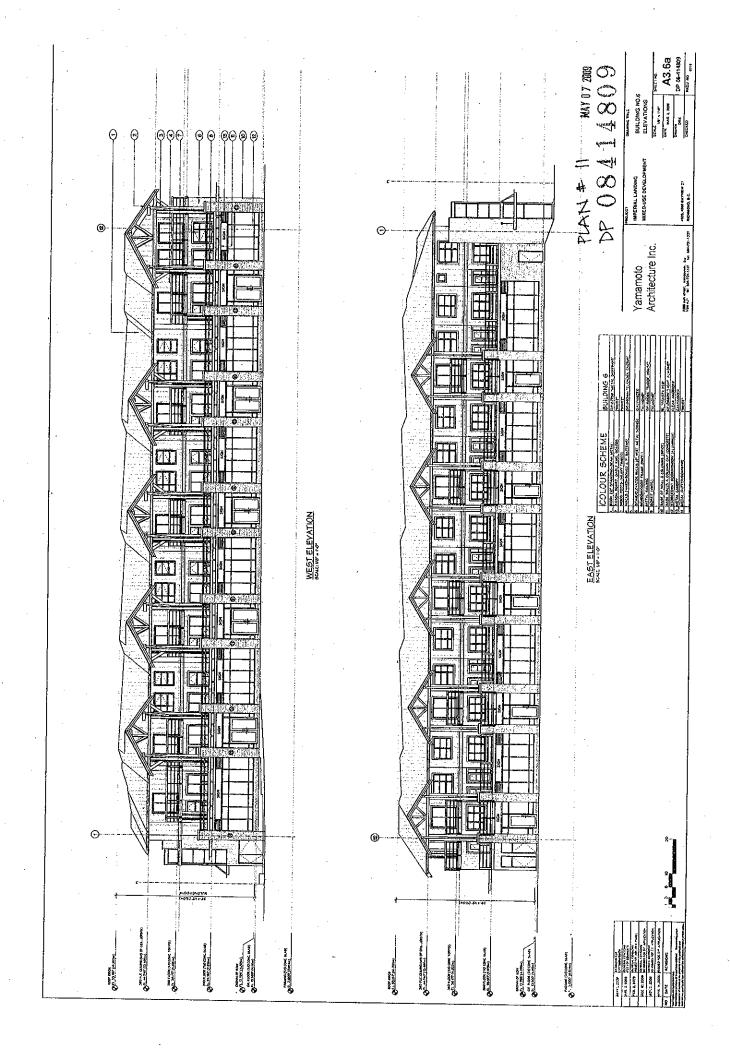
MAY 0 7 2009 4809 DB 084 PLAN +6 Yamamoto Architecture Inc. SOUTH ELEVATION

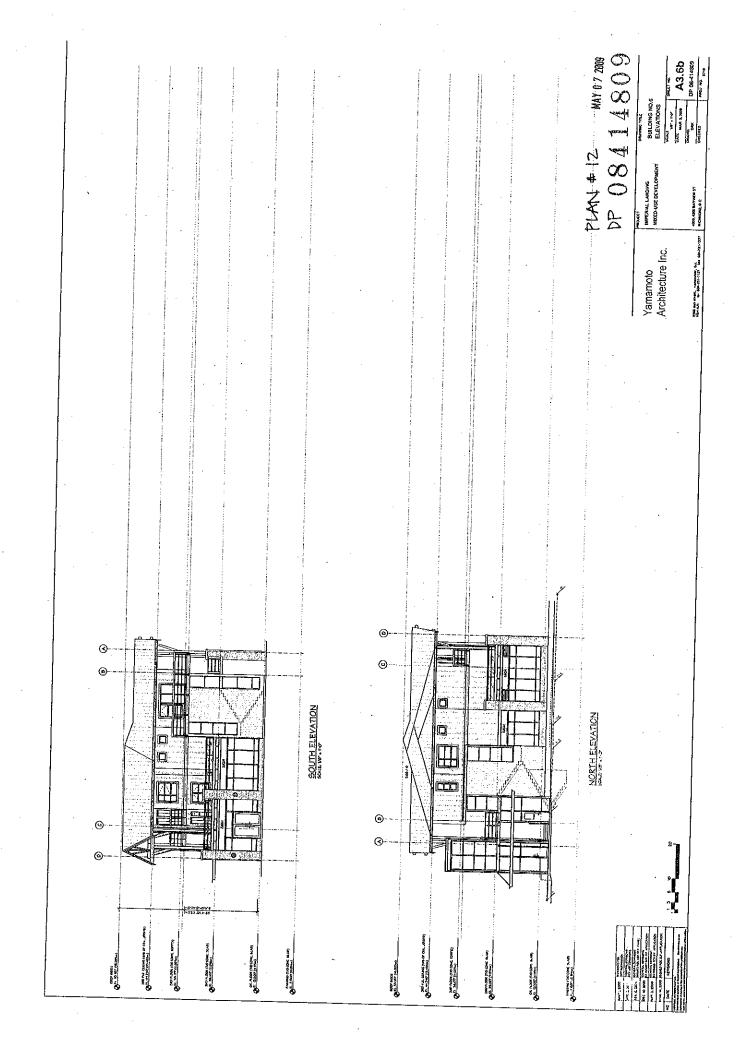


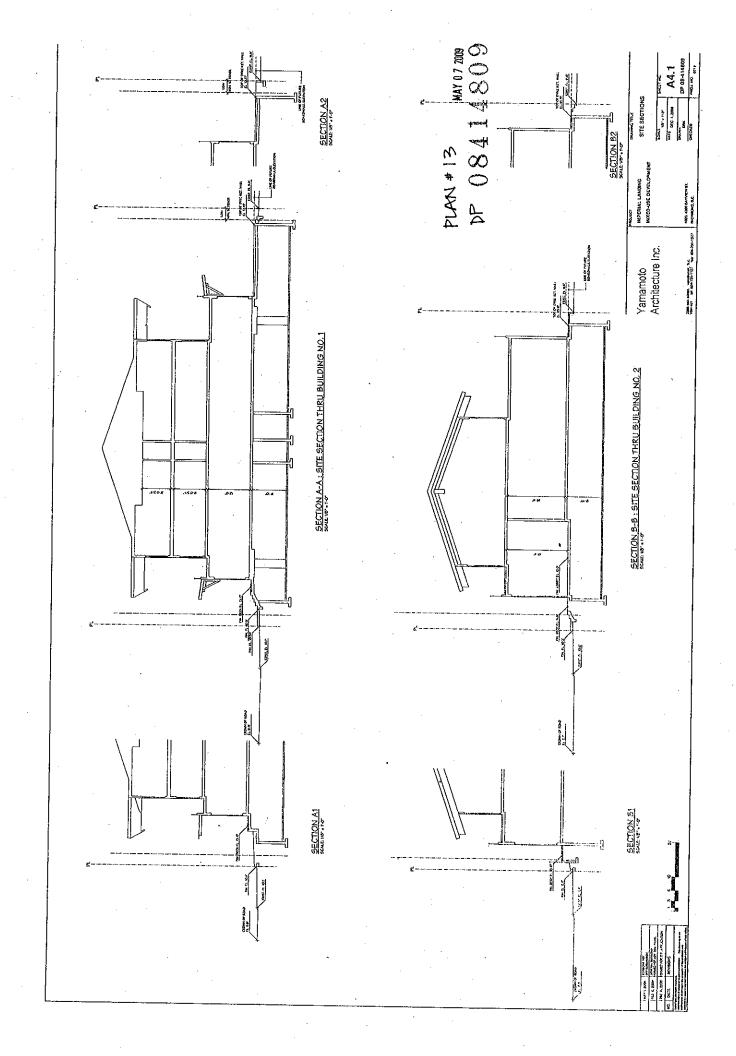


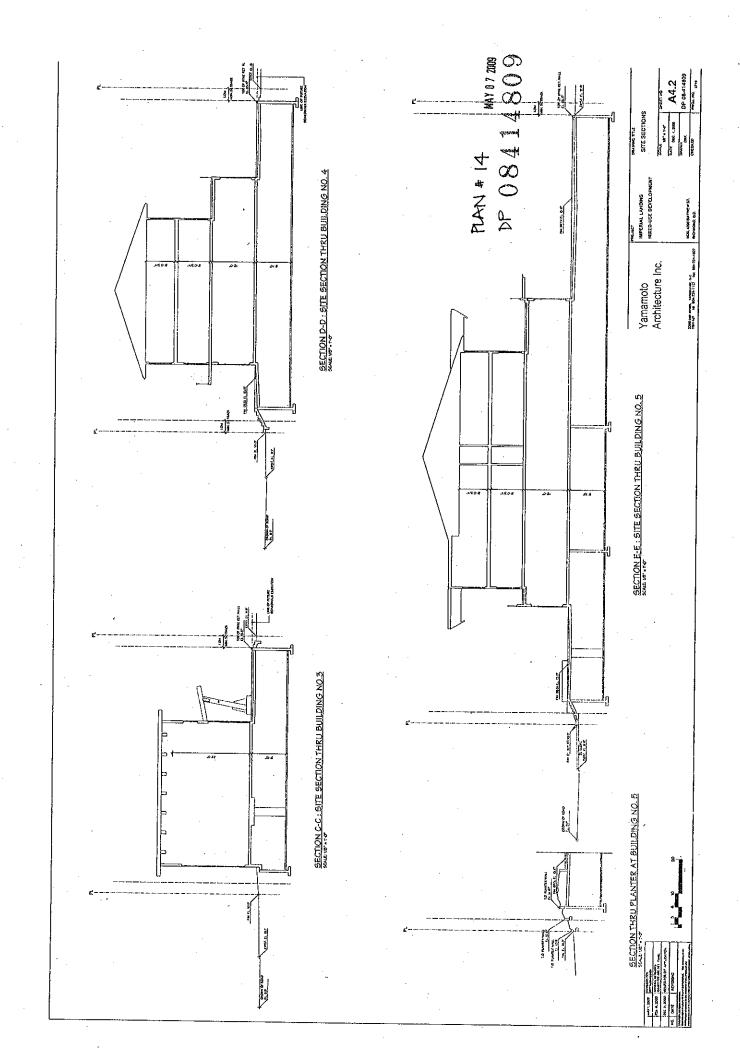


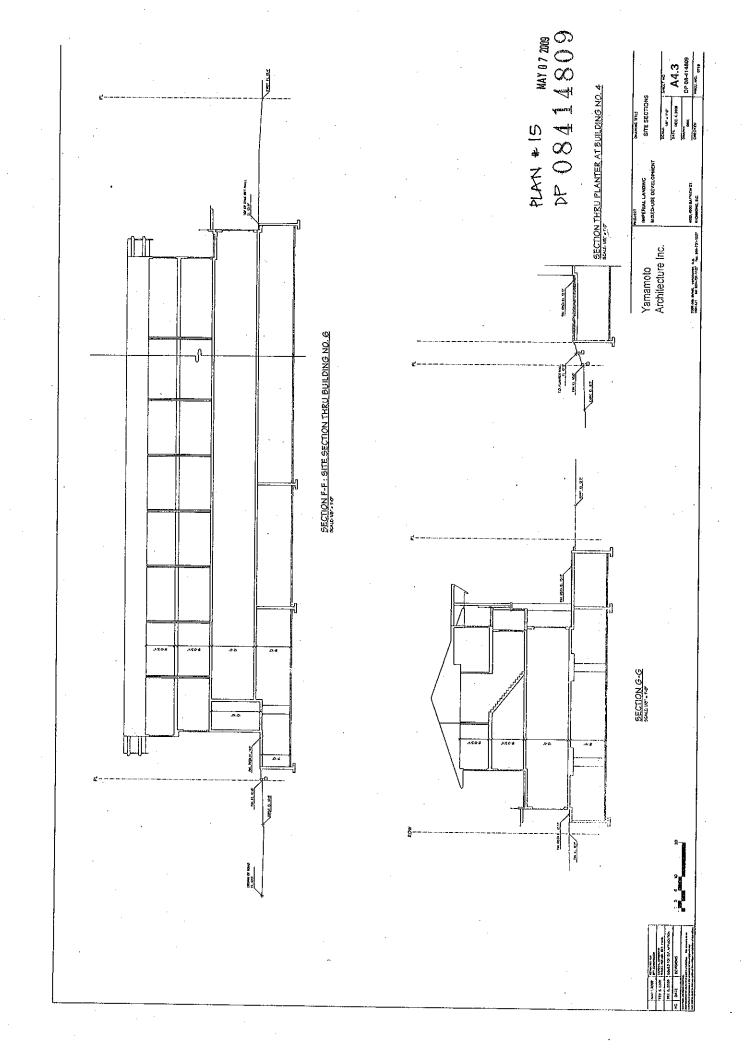


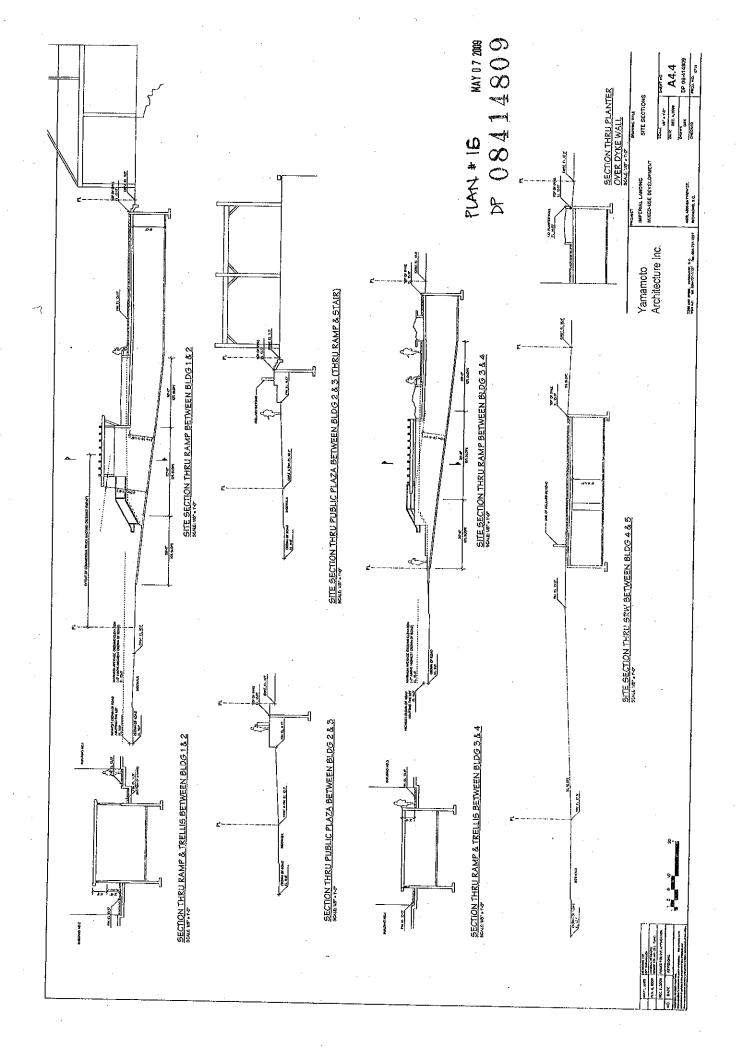












NORTH ELEVATION (BAYVIEW STREET)

NORTH ELEVATION (BAYVIEW STREET)

MAY 1.7 1309 REFERENCE PLAN

DP 08414809

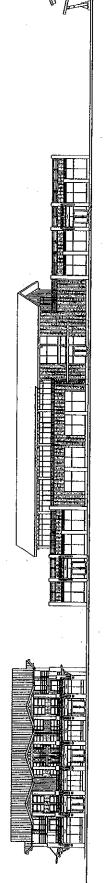
Yamamoto Architecture Inc.

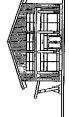
Other cash street, vancousers, b.c. Vibrach will 60x721127 hs.: 60x721-1207

TO STREETSCAPE
SOLA.

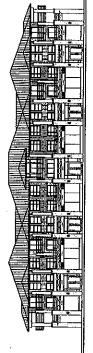
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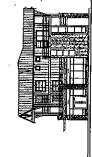
ANY E. MOV. PROFILE SEASON SEASONS AND SEA





SOUTH ELEVATION (BOARDWALK)





SOUTH ELEVATION (BOARDWALK)

MAY 0.7 2009

REFERENCE PLAN DP 08414809

| MOJESTAL LANDING MIXED-USE DEVELOPMENT | |
|---|--|
| Yamamoto Architecture Inc. | |

