



REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Malcolm Brodie, Chair
Planning Committee
DATE: January 18, 2001
FILE: SC 98-153681
LU 00-086975
RE: **STRATA TITLE CONVERSION SUBDIVISION APPLICATION SC 98-153681 AND
LAND USE CONTRACT AMENDMENT APPLICATION LU 00-086975
CORONA HOLDINGS LTD. – 3740 CHATHAM STREET**

The Planning Committee, at its meeting held on Tuesday, January 16, 2001, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION

- (1) ***That the application for a Strata Title Conversion by Corona Holdings Ltd. for the property located at 3740 Chatham Street be approved on fulfilment of the following conditions:***
 - (a) ***Payment of all 2001 utility charges and property taxes;***
 - (b) ***Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of this resolution by Council; and***
 - (c) ***Adoption of a bylaw to amend Land Use Contract 070 which would have the applicant:***
 - i) ***relinquish the right to the six (6) parking spaces on Second Avenue, provided that one (1) space is reserved as a loading zone;***
 - ii) ***install wheel stops for the parking spaces facing Chatham Street so that vehicles do not encroach over the sidewalk and bus stop area; and***
 - iii) ***install a handicapped parking space in front of the building where the elevator is located.***
- (2) ***That a bylaw to amend Land Use Contract 070 with Corona Holdings Ltd. for the property located at 3740 Chatham Street be introduced and given first, second and third readings.***

Councillor Malcolm Brodie, Chair
Planning Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That the Strata Title Conversion Subdivision application (SC 98-153681) and Land Use Contract Amendment application (LU 00-086975) by Corona Holdings Ltd. for the property located at 3740 Chatham Street be denied.

STAFF REPORT

ORIGIN

In December, 1998, Mr. Gerry Hol applied on behalf of Corona Holdings Ltd. to strata title the existing two-storey commercial building at 3740 Chatham Street (see Attachment 1 – Location Map and Attachment 2 – Proposed Strata Title Subdivision Plan).

In order to facilitate this Strata Title Conversion Application, Council approved “Road Exchange Chatham Street and Lane Bylaw No. 6990” on April 12, 1999 (see Attachment 3 – Bylaw No. 6990). This bylaw corrected a building encroachment on the City lane by exchanging equal areas along the lane and Chatham Street.

On October 25, 1999 staff met with the applicant and his surveyor son, Mr. Bert Hol, and reiterated their position (from before the Strata Title Conversion Subdivision Application was submitted) that the City would prefer to repeal the existing Land Use Contract 070 on the subject property and replace it with the Steveston Commercial (Three-Storey) District (C5) as per the rest of Chatham Street.

At this meeting, and at a previous meeting in 1998, Corona Holdings Ltd. made it clear that they were not prepared to have the City repeal Land Use Contract 070 because it permitted a number of parking spaces on both the Chatham Street and Second Avenue right-of-way (see Attachment 4 – Existing Land Use Contract Parking Configuration).

Over the next months, staff and the Hols negotiated a revised parking layout (see Attachment 5 – Revised Land Use Contract Parking Configuration) which would have applicant:

- reduce the parking encroachment on Chatham Street by 0.6 m (2 ft.) by widening the sidewalk in front of the bus stop (which is the end terminus for the Steveston Village);
- install wheel stops for the parking spaces facing Chatham Street so that vehicles do not encroach over the sidewalk and bus stop area;
- install a handicapped parking space in front of the building where the elevator is;
- reconfigure the parking lot to have nine (9) small car spaces; and
- relinquish the right to the six (6) parking spaces on Second Avenue, provided that one (1) space is reserved as a loading zone.

On March 20, 2000, Corona Holdings Ltd. applied to amend Land Use Contract 070 in order to accommodate the revised parking layout as negotiated and agree to by staff and the Hols.

The Planning Committee considered both the strata title conversion and land use contract amendment applications on June 20, 2000. Attachment 6 is a copy of the minutes from this meeting, the submission made by Mr. Hol, and a June 1, 2000 memorandum from the General Manager, Urban Development. At this meeting, the following referral motion was made:

“That the report (dated May 3rd, 2000, from the Manager, Development Applications), regarding an application for strata title conversion and an amendment to a Land Use Contract for property at 3740 Chatham Street, be referred to staff to investigate the possibility of compensating the owner for parking stalls in exchange for the elimination of Land Use Contract 070, Bylaw No. 7132”.

The Planning Committee also expressed concern about several issues, including “(i) the lack of response from tenants in the building; (ii) the fact that by approving the applications, the City would have to negotiate with 17 individuals or a strata corporation in order to discharge the Land Use Contract in the future; and (iii) approving the strata conversion would change the legal structure of the land and would improve the position of the landlord”.

Since the June 20, 2000 Planning Committee meeting, staff have prepared a separate report on the Review of Parking Issues in Steveston. This report dated October 26, 2000 was received by the Planning Committee on November 7, 2000 and provided an overview of the status of the Steveston Parking Reserve Fund. During this period, the applicant also contacted the existing tenants in the building at 3740 Chatham Street who had not responded to the earlier City surveys or who had expressed opposition to the proposed strata title conversion.

Unfortunately, on November 25, 2000, Mr. Hol advised the City that he has decided to withdraw the previously negotiated agreement with staff. The only item he is now prepared to go through with is to relinquish the right to the six (6) parking spaces on Second Avenue, provided that one (1) space is reserved and posted as a loading zone. This would require an amendment to Land Use Contract 070. According to Mr. Hol, this offer will be withdrawn on February 28, 2001 and is subject to the City approving his strata title conversion. Attachment 7 is a copy of Mr. Hol's November 25, 2000 letter.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Corona Holdings Ltd.	To Be Determined
Applicant	Corona Holdings Ltd.	To Be Determined
Site Size	1506 m ² (16,209 ft ² /0.37 ac.)	No Change
Land Uses	Retail trade, food catering establishment, offices	No Change
OCP Designation	Neighbourhood Service Centre	No Change
Area Plan Designation	Commercial	No Change
Zoning	Land Use Contract 070	Amended Land Use Contract 070
Parking Required	39 spaces – LUC 070 30 spaces – C5 zoning	34 spaces
Loading Required	1 space	2 spaces

RELATED POLICIES & STUDIES

Council adopted “Strata Title Conversions – Commercial and Industrial Policy 5031” in 1995. As required under this policy, the applicant has submitted a report by an architect (Egil Lyngen) reviewing the building's age, quality, general condition, measure of compliance with current building codes and City bylaws, life expectancy, and any projected major increases in maintenance costs. This policy also stipulates that the ownership and management of the off-street parking and loading facilities should be specifically addressed.

According to the Strata Property Act, the approving authority (i.e. Council) “may” approve or refuse to approve a strata plan for the conversion of a previously occupied building. In making its decision, the approving authority must consider any other matters that, in its opinion, are relevant. Furthermore, the decision of the approving authority is final and may not be appealed.

According to the Municipal Act, a Land Use Contract can be amended by bylaw, by a Development Permit or a Development Variance Permit (if it does affect the permitted use or density of use), or in the manner specified in the Land Use Contract.

The Public Hearing provisions of the Municipal Act do not apply if the bylaw amending the Land Use Contract does not relate to density or use of an area covered by the contract (which is the case should a bylaw to amend Land Use Contract 070 be introduced).

STAFF COMMENTS

Development Applications staff had no servicing concerns with regard to either application. However, it was noted that they would prefer to replace Land Use Contract 070 with the appropriate zoning in order to resolve the location of parking spaces on the Chatham Street and Second Avenue road allowances.

Land Use staff commented that the zoning for all the parcels in the immediate vicinity of this site is Steveston Commercial (Three-Storey) District (C5). In general, the proposed strata conversion appears to conform to the Steveston Area Plan. Uses under the new strata will still need to conform to the Land Use Contract (which restricts this particular parcel to one two-storey building containing a maximum of 5,450 ft² of net retail area on the first floor and a maximum of 5,244 ft² of net office area on the second floor, with 39 parking spaces). The preference would be for the applicant to rezone the property to remove the Land Use Contract.

Transportation staff noted that the six (6) parking spaces on Second Avenue are within the City's road allowance. If not counting these spaces, concern was expressed whether the applicant would be providing enough parking spaces on-site to support the existing land use. It was also suggested that the applicant close the Second Avenue driveway access, reconfigure this entrance to angular parking spaces and use the remaining access via the lane to service the site. The additional public parking spaces created along the Second Avenue frontage would then directly benefit the applicant, since they would be available for the general public including customers/visitors of this site.

ANALYSIS

In response to the referral motion and concerns expressed by the Planning Committee on June 20, 2000, staff can advise as follows:

1. *Investigate the possibility of compensating the owner for parking stalls in exchange for the elimination of Land Use Contract 070*

As outlined in the October 26, 2000 staff report to the Planning Committee, the Steveston Parking Reserve Fund has a current balance of \$61,579.78. According to the City's Zoning & Development Bylaw No. 5300, the sum of \$10,500.00 has been established as the value for each parking space required but not provided on a property being developed. Therefore, using this value, the cost of compensating Mr. Hol for the loss of six (6) parking spaces on Second Avenue would be \$63,000.00. This would totally deplete the Steveston Parking Reserve Fund. Furthermore, Mr. Hol has made it very clear that he will not agree to eliminate Land Use Contract 070. Thus, there would appear to be little possibility of pursuing this suggestion made by the Planning Committee.

2. *Lack of response from tenants in the building*

All of the existing tenants at 3740 Chatham Street have now been heard from as to whether or not they are in favour of the proposed strata title conversion subdivision application. The following is the response received:

In Favour	-	14 or 93%
Not In Favour	-	1 or 7%

As noted by Mr. Hol in his November 25, 2000 letter, the one tenant opposed to the strata title conversion only occupies 2% of the existing building at 3740 Chatham Street.

3. *By approving the applications, the City would have to negotiate with 17 individuals or a strata corporation in order to discharge the Land Use Contract in the future*

According to Mr. Hol, "the City would only have to negotiate with one representative of the Strata Corporation being the Strata Council, which is no different than negotiating with one representative of Corona Holdings Ltd. In fact, the City has a 100% better chance of negotiating a satisfactory discharge of the Land Use Contract with a strata corporation, than negotiating a discharge with me".

The point Mr. Hol does not address is that these applications may be the first and only opportunity the City has to negotiate the elimination of Land Use Contract 070. As stated in the June 1, 2000 memorandum from the General Manager, Urban Development, "this is a rare opportunity to bring the land use regulations into conformity with the remainder of an area which will see considerable change and improvement. In this case, there is also the opportunity to bring back into public control much needed parking for the greater public benefit".

4. *Approving the strata title conversion would change the legal structure of the land and would improve the position of the landlord*

According to Mr. Hol, "approval of any application that comes before the Planning Committee improves the position of the landlord or the owner. In this case the City's position would also be improved by a larger property tax base, which would generate more tax revenue for the City".

However, by approving the strata title conversion, the City will have to deal with a strata council representing 17 owners should it ever try to negotiate the elimination of Land Use Contract 070. Furthermore, by withdrawing from the previous agreement with City staff, the proposed subdivision does nothing to improve the parking encroachments on Chatham Street.

OPTIONS

Option 1: DENY the Strata Title Conversion Subdivision Application and the Proposed Land Use Contract Amendment Application (RECOMMENDED)

Staff can see little public benefit to approving the proposed strata title conversion subdivision or the amendment to Land Use Contract 070 as proposed by the applicant. Traditionally, the City has taken the position that it would like to replace Land Use Contracts with zoning at any opportunity. Furthermore, according to "Strata Title Conversions – Commercial and Industrial Policy 5031" and the Strata Property Act, Council must consider matters that are relevant such as the ownership and management of off-street parking and loading facilities.

The advantages of replacing Land Use Contract 070 with the Steveston Commercial (Three-Storey) District (C5) would be that: it would be consistent with the surrounding zoning; allow a similar range of permitted uses; increase the maximum height from two-storeys to three-storeys; and allow a floor area ratio (F.A.R.) of 1.0 (the site is currently developed to a 0.83 F.A.R.).

Option 2: APPROVE the Strata Title Conversion Subdivision Application and Direct Staff to Prepare a Revised Bylaw to Amend Land Use Contract 070 (APPLICANT'S PROPOSAL)

The applicant has now indicated that he is only prepared to relinquish the right to the six (6) parking spaces on Second Avenue, provided that one (1) space is reserved and posted as a loading zone. Staff are not in agreement with this option because it does not address the issues previously agreed to by Mr. Hol. Specifically, it does not reduce the parking encroachment on Chatham Street in front of the bus stop, prevent vehicles from encroaching over the Chatham Street sidewalk by installing wheel stops and reconfiguring the parking to have nine (9) small car spaces, or create a handicapped parking space. If the Planning Committee were to recommend this option to Council, a revised bylaw to amend Land Use Contract 070 would have to be prepared by staff.

FINANCIAL IMPACT

The City would deplete the \$61,579.78 in the Steveston Parking Reserve Fund if it were to compensate Corona Holdings Ltd. \$10,500.00 for each of the six (6) parking spaces on Second Avenue in exchange for the elimination of Land Use Contract 070 as suggested by the Planning Committee on June 20, 2000.

There would be no cost to City to either deny or approve the proposed strata title conversion subdivision and land use contract amendment as suggested by staff or the applicant.

CONCLUSION

Corona Holdings Ltd. has applied to strata title the existing two-storey commercial building at 3740 Chatham Street. Staff would prefer to replace Land Use Contract 070 on the site with the Steveston Commercial (Three-Storey) District (C5). The applicant does not want to do this. As a compromise, staff agreed to amend the Land Use Contract to reconfigure the parking lot to reduce the encroachments on Chatham Street and to relinquish the applicant's right to the six (6) parking spaces on Second Avenue. Originally, the applicant agreed to this compromise but now he has changed his mind. Therefore, staff are recommending that the strata title conversion subdivision and land use contract amendment applications be denied. Alternatively, the Planning Committee and/or Council could approve the strata title conversion subject to the introduction of the appropriate land use contract amendment bylaw as suggested by the applicant.



Holger Burke, MCIP
Development Coordinator

HB:blg

LIST OF ATTACHMENTS

**Strata Title Conversion Subdivision Application SC 98-153681
Land Use Contract Amendment Application LU 00-086975**

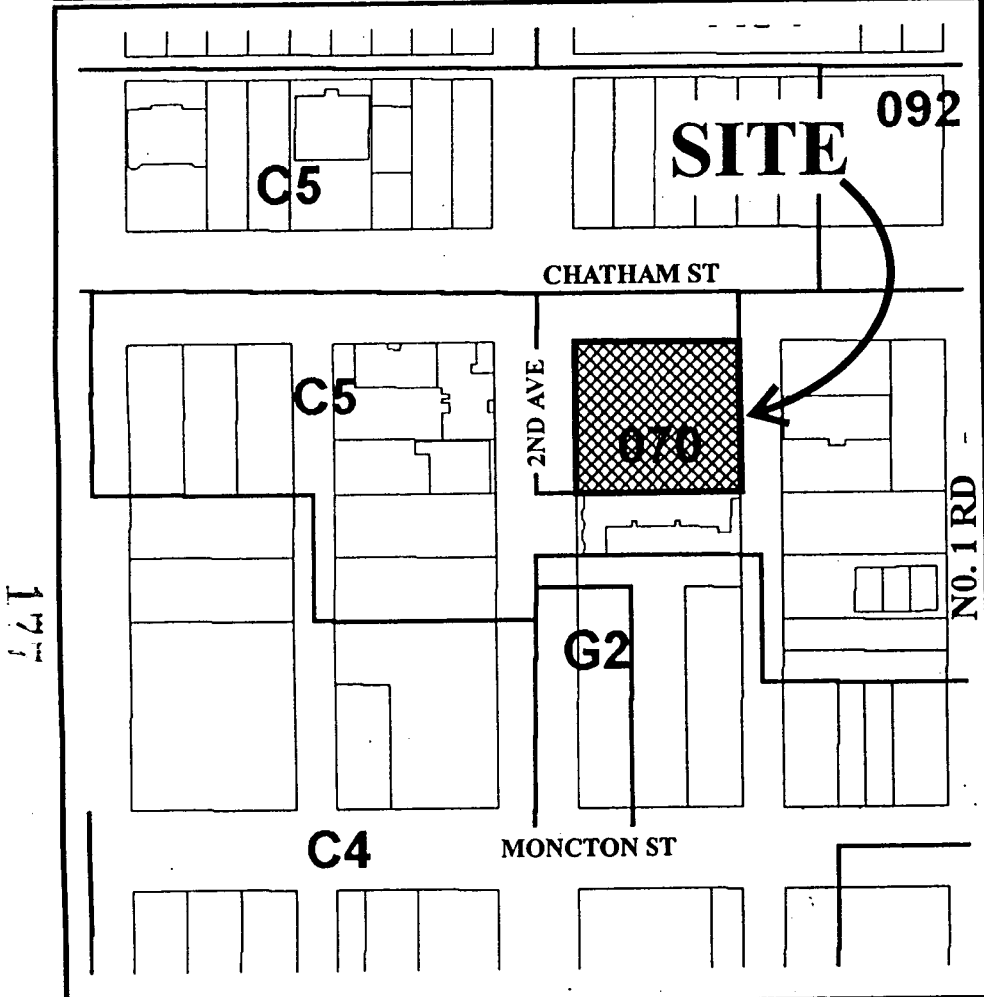
(Corona Holdings Ltd. – 3740 Chatham Street)

- | | |
|---------------------|--|
| Attachment 1 | Location Map |
| Attachment 2 | Proposed Strata Title Subdivision Plan |
| Attachment 3 | Bylaw No. 6990 (Road Exchange Chatham Street and Lane) |
| Attachment 4 | Existing Land Use Contract Parking Configuration |
| Attachment 5 | Revised Land Use Contract Parking Configuration |
| Attachment 6 | June 20, 2000 Planning Committee Minutes and Submissions |
| Attachment 7 | November 25, 2000 Letter from Gerry Hol, Corona Holdings Ltd. |



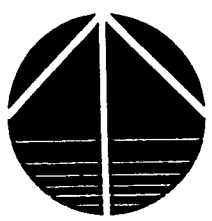
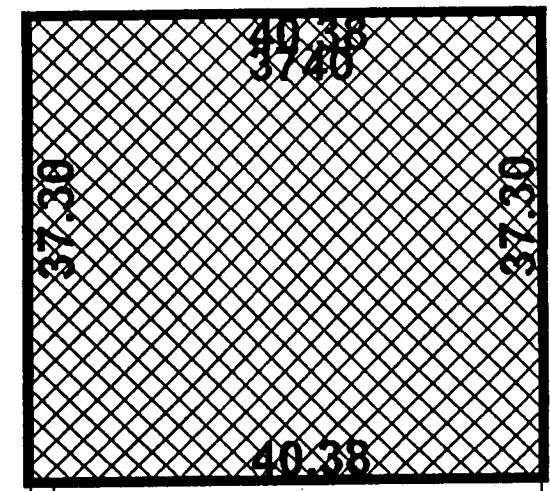
City of Richmond

3711	3731	3735	3751	3755
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CHATHAM ST

2ND AVE



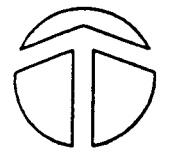
SC 98-153681

Original Date: 05/23/00

Revision Date:

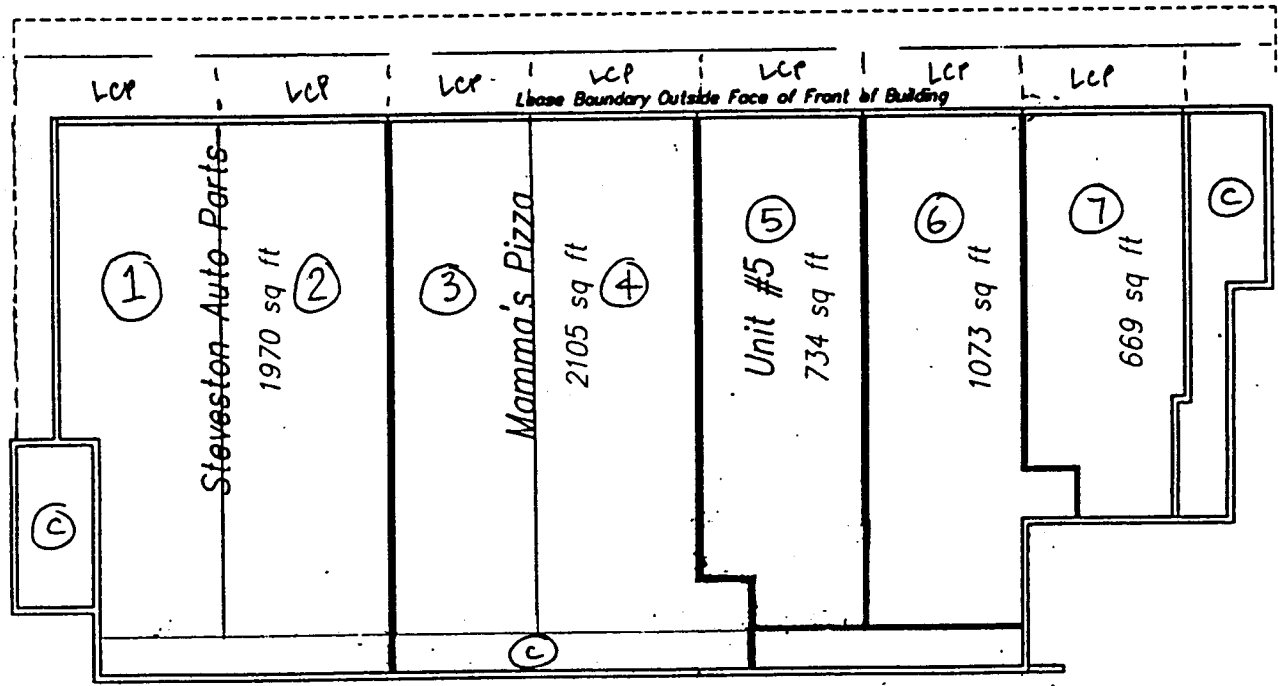
Note: Dimensions are in METRES

ATTACHMENT 1



1/16" = 1'

Plan showing Lease Areas Of Parts
Of A Building Located At 3740 Chatham Street, Steveston, BC
Ground Floor



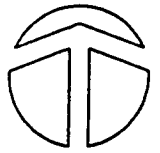
178



Hol & Associates
Professional Land Surveyors
Phone: 591-9770
Fax: 591-9770 Mar 96

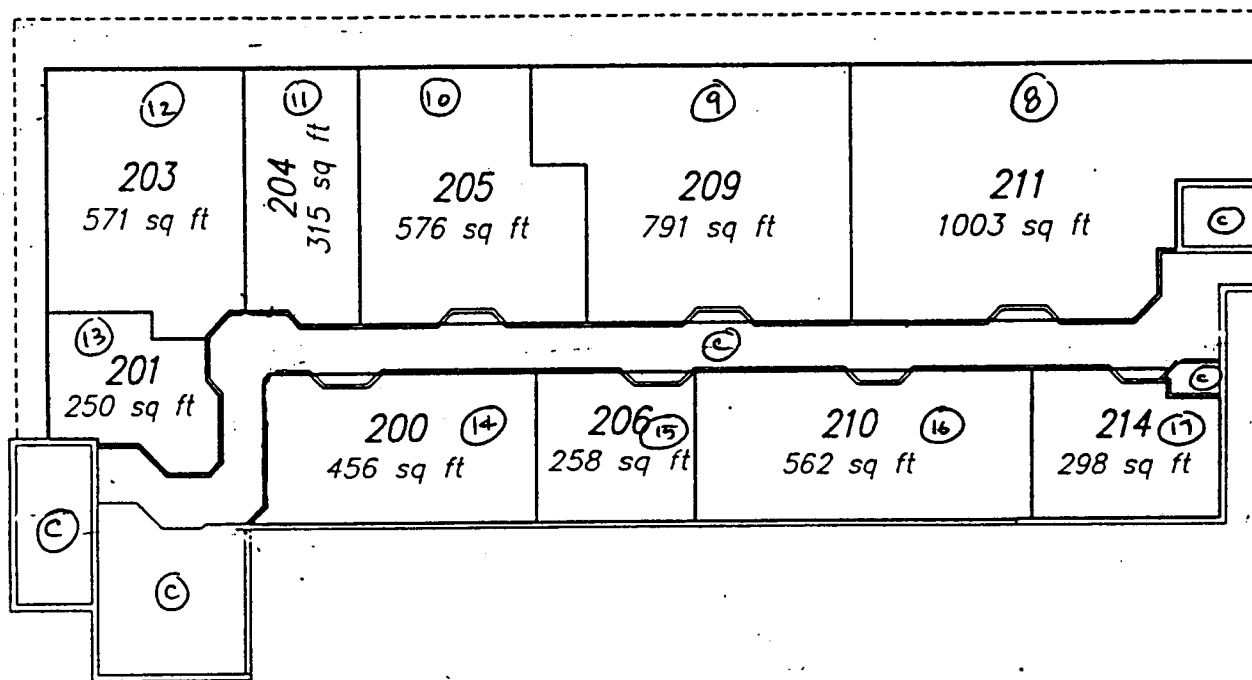
Plan showing Lease Areas Of Parts
Of A Building Located At 3740 Chatham Street, Steveston, BC

Second Floor



1/16" = 1'

179



Hol & Associates

Professional Land Surveyors

Phone: 501-8770

File: Lenn Mar 96

CITY OF RICHMOND

BYLAW 6990

**A BYLAW TO AUTHORIZE THE EXCHANGE OF CERTAIN
PORTIONS OF A ROAD FOR OTHER LANDS IN SECTION 10 BLOCK
3 NORTH RANGE 7 WEST NEW WESTMINSTER DISTRICT
REQUIRED FOR ROAD PURPOSES**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Pursuant to Section 535 of the Municipal Act being Chapter 323 of the Revised Statutes of British Columbia, 1996, as amended, the Council of the City of Richmond, does grant and dispose to Corona Holdings Ltd. or its nominee:

All and singular that certain parcel or tract of land lying and being a portion of road dedicated by Plan 249, in the City of Richmond, and shown as Parcel "A" of Block 4, Section 10 Block 3 North Range 7 West New Westminster District, on Reference Plan to Accompany the City of Richmond Road Exchange Bylaw, prepared by G.A. Hol, B.C. Land Surveyor, and certified on the 11th day of March, 1999, a paper print of which is attached hereto (hereinafter called "Parcel A")

2. The Mayor and City Clerk are hereby authorized to execute a form of Transfer to have effect as a Crown Grant disposing, conveying and granting Parcel "A" unto Corona Holdings Ltd. or its nominee, by affixing the seal of the City thereto and attesting to the fact by signing their names.
3. Parcel A shall be stopped up and closed to traffic.
4. It shall be lawful, pursuant to Section 535 of the Municipal Act, for Corona Holdings Ltd. or its nominee, to enter into a form of transfer or to file a subdivision plan for the purpose of disposing, conveying, dedicating or granting to the Province of British Columbia, in exchange for Parcel "A":

PID: 003-566-595 That part of Lot "A" (RD44184E) Block 4, Section 10, Block 3 North Range 7 West New Westminster District Plan 249 and shown as Parcel "B" on Reference Plan to Accompany the City of Richmond Road Exchange Bylaw, prepared by G.A. Hol, B.C. Land Surveyor, and certified on the 11th day of March, 1999, a paper print of which is attached hereto (hereinafter called "Parcel B").

Parcel B being necessary for the purpose of establishing road within the City of Richmond.

5. This Bylaw may be cited as "Road Exchange Chatham Street and Lane Bylaw No. 6990".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAR 2 2 1999

MAR 2 2 1999

MAR 2 2 1999

APR 1 2 1999

CITY OF RICHMOND
APPROVED for content by originating Dept. <i>[Signature]</i>
APPROVED for legality by Auditor <i>[Signature]</i>

[Signature]

 MAYOR

[Signature]

 CITY CLERK

Reference Plan To Accompany City Of Richmond Road Exchange Bylaw No. _____
 Of Part Of Lot "A" (RD44184E) Plan _____ And Part Of Road Dedicated
 By Plan 249 Both Of Blk 4 Sec 10 Blk 3 N Rge 7 W N.W.D.

Plan LMP _____

B.C.S. 92G.015

Pursuant To Section 120 Of The Land Title Act

SCALE 1 : 250



This Plan Lies Within The Greater Vancouver Regional District
 Integrated Survey Area No. 18, Richmond, NAD83 (CSRS)

This Plan Shows Ground Level Measured Distances
 From The Computation Of U.T.M. Coordinates
 Multiplied By Combined Factor 0.9996031

LEGEND:

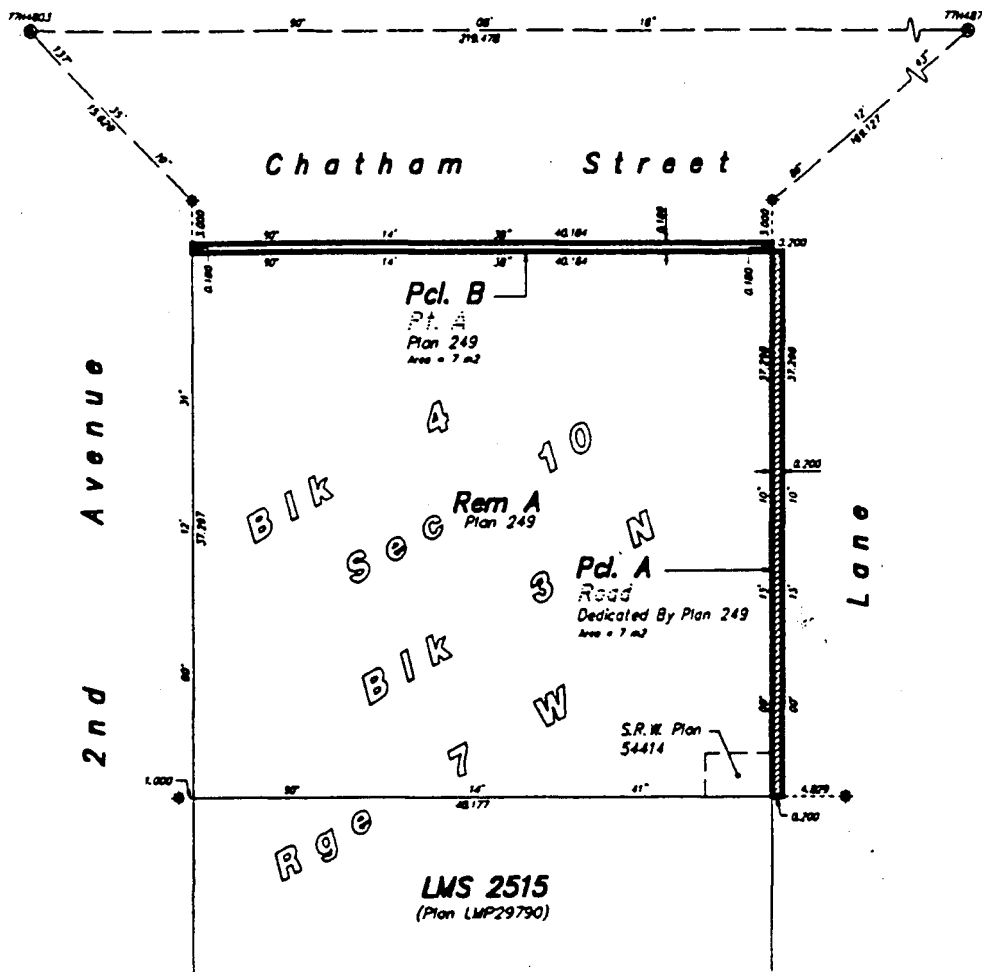
All Bearings Are Derived From Observations Between
 Control Monuments 77H4803 & 77H4879
 All Distances Are In Metres And Decimals Thereof

- Control Monument Found
- Standard Lead Plug Found
- ▬ Demotes Road To Be Closed
- ▬ Demotes Road To Be Dedicated

Deposited In The Land Title Office
 At New Westminster, B.C.
 This _____ Day Of _____

Ref. No. _____

LMP 41738



I, G.A. Hall, a British Columbia Land Surveyor,
 of Surrey, British Columbia, Certify That I Was
 Present At And Personally Supervised The Survey
 Represented By This Plan, And That The Survey And
 Plan Are Correct. The Survey Was Completed On
 The 11th Day Of March 1999

A.C.L.S.

Other Signature(s)

Paul Landis
 Solicitor
 City of Richmond
 6811 No. 3 Road,
 Richmond, BC V5T 2C1
 778-4000

or is the signature of
 J. HOWARD MATHIAS

Transfer(s) Signature(s)
 CITY OF RICHMOND by
 its authorized signatory

Execution Date		
T	M	D

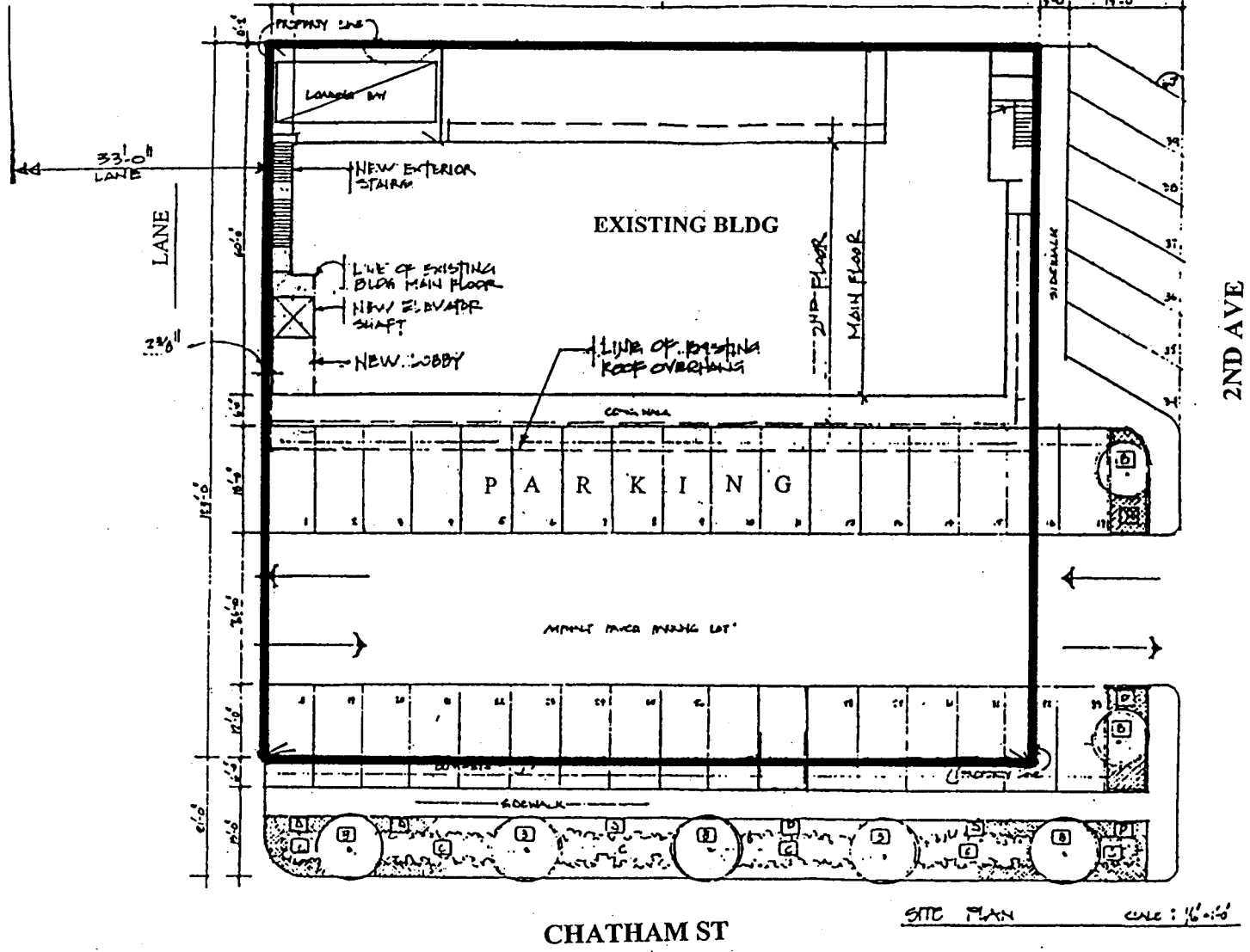
GREGORY C. HALSEY-BRANDT
 Mayor
 Authorized Signatory

J. HOWARD MATHIAS
 City Clerk
 Authorized Signatory

OFFICER CERTIFICATION: Your signature constitutes a representation that you are
 a solicitor, notary public or other person authorized by the Evidence Act,
 R.S.B.C. 1979 c. 176, to take affidavits for use in British Columbia and
 certifies the matters set out in Part 3 of the Land Title Act as they pertain
 to the execution of this instrument.

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CHATHAM ST

SITE PLAN SCALE: 1/8" = 1'-0"

2ND AVE



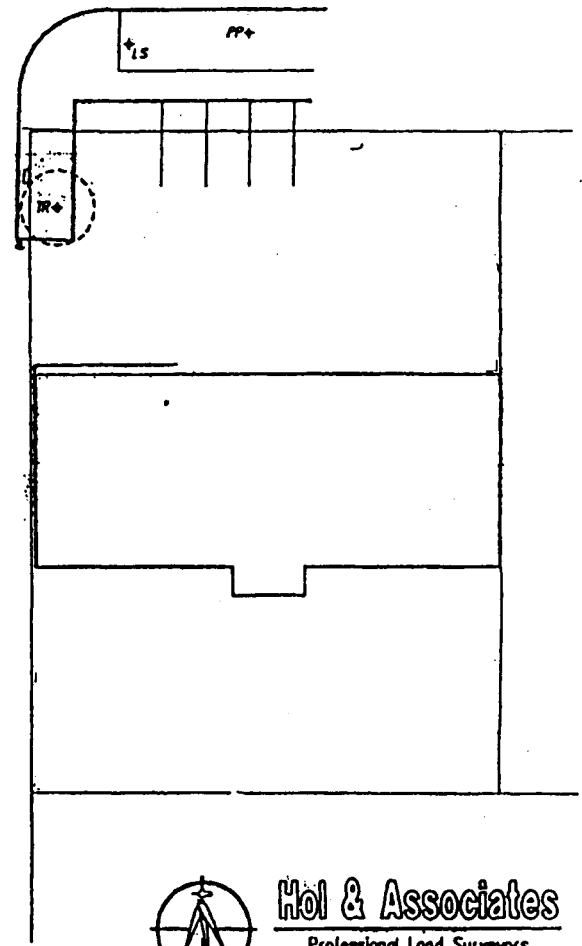
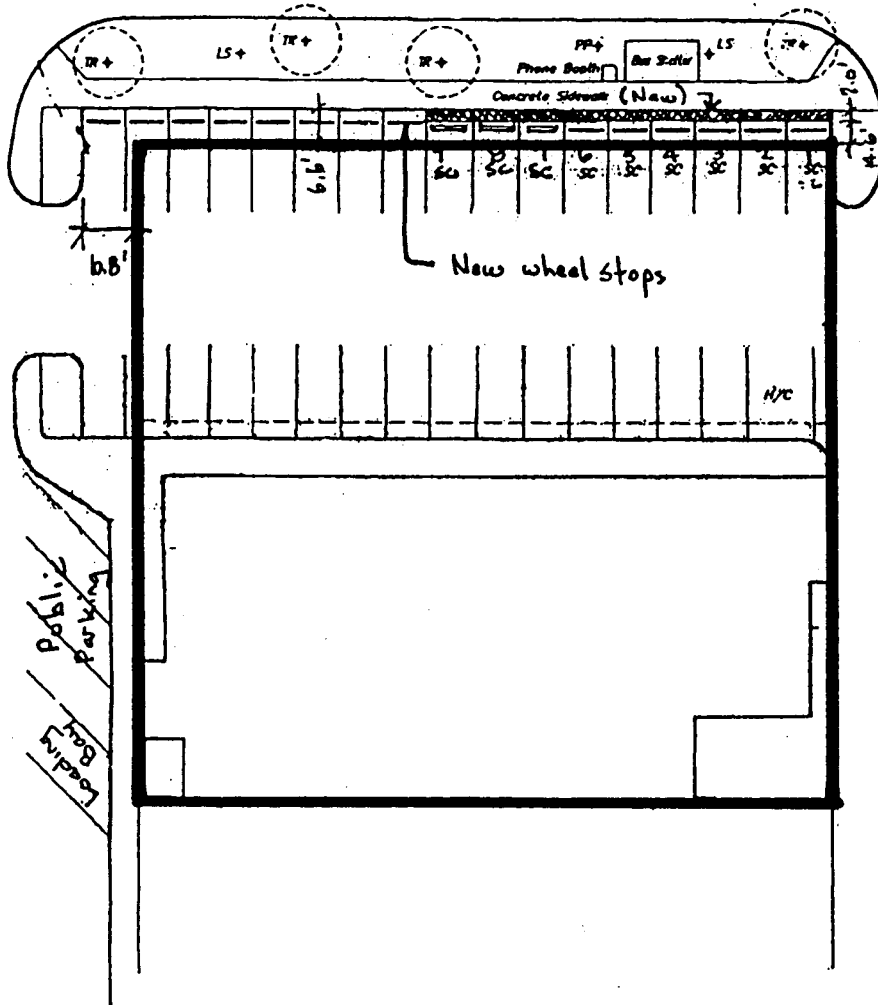
Attachment 4

Existing Land Use Contract Parking Configuration

Date
05/25/00

ATTACHMENT 4

CHATHAM ST



Hol & Associates

Professional Land Surveyors
 Phone: 591-9770
 Fax: 848 St J
 Date: 29 Nov 99



Attachment 5
 Revised Land Use Contract Configuration

Date
 05/25/00

ATTACHMENT 5

8.

It was moved and seconded
That the report (dated June 7th, 2000, from the Manager, Development Applications), regarding an Agricultural Land Reserve Appeal Application for Subdivision by Gerard Hol and Lynda Hol at 12400 No. 3 Road, be referred to staff for further discussions with the applicants on various options, and to obtain information from the Agricultural Land Reserve Commission on this matter.

Prior to the question being called, staff were directed to review City regulations to determine if it was a City restriction that existing homes could not be expanded.

The question on the motion was then called, and it was CARRIED.

8. **STRATA TITLE CONVERSION SUBDIVISION APPLICATION
SC 98 -153681 AND LAND USE CONTRACT AMENDMENT
APPLICATION LU 00-086975 (BYLAW NO. 7132)
CORONA HOLDINGS LTD. – 3740 CHATHAM STREET**
(SC 98-153681 LU 00-086975 - Report: May 3/00, File No.: 8060-20-7132)
(REDMS No. 149867, 82582, 156637, 150126)

Mr. Burke reviewed the report with Committee members. Mr. McLellan expressed concerns about the continued existence of the Land Use Contract for the subject property. He then provided information on the use of Land Use Contracts by the City during which he noted that the City had been trying to eliminate all Land Use Contracts.

Mr. McLellan stated that the Steveston town site was facing considerable changes within the next 25 years, and if the Land Use Contract was allowed to continue, City staff would be forced to negotiate with all the people on the strata title in order to regain control of the City's property. For these reasons, he was not in favour of the proposed amendment to the Land Use Contract.

Mr. Bert Hol, representing Corona Holdings Ltd., referred to correspondence sent by David McLellan, and advised that his father's proposal was to return all the angle parking stalls located along 2nd Avenue to the City, however the parking related to the building use would remain in the control of the applicant. He suggested that the proposal would also help to correct certain parking situations in the area.

Discussion then ensued among Committee members, staff and the delegation on the options which were available if the amendment to the Land Use Contract was denied. With reference to the parking spaces and loading bay on the public right-of-way, advice was given that the Traffic Bylaw contained a provision which allowed use of a public road allowance for private purposes, and Mr. McLellan suggested that it might be possible to make a similar arrangement for the subject property.

Mr. Hol stated that 2 of the loading bays were located on 2nd Avenue, but not on the Corona Holdings property, and he voiced concern that these stalls could be removed from the development. Mr. Hol suggested that the only way to maintain them as part of the development was through the Land Use Contract.

Mr. McLellan stated that this was his concern, that future development plans for this area, such as expansion to existing transit routes, would be impeded by the fact that the City had little control over the public right-of-way.

Mr. Gerry Hol, 12400 No. 3 Road, owner and builder of the building at 3740 Chatham Street, addressed the Committee on this matter. A copy of his submission is attached as Schedule B and forms part of these minutes.

Discussion then took place among Committee members and staff on the conditions of the Land Use Contract, and whether any other options existed which would allow the City to recover its property.

It was moved and seconded

(1) *That the application for a Strata Title Conversion by Corona Holdings Ltd. for the property located at 3740 Chatham Street be approved on fulfilment of the following conditions:*

(a) *Payment of all City utility charges and property taxes, including the year 2001 if the subdivision proceeds after September 30, 2000;*

(b) *Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of this resolution by Council; and*

(c) *Adoption of Bylaw No. 7132 to amend Land Use Contract 070.*

(2) *That Bylaw No. 7132 to amend Land Use Contract 070 with Corona Holdings Ltd. for the property located at 3740 Chatham Street be introduced and given first, second and third readings.*

The question on the motion was not called, as concern was expressed about several issues, including (i) the lack of response from tenants in the building; (ii) the fact that by approving the applications, the City would have to negotiate with 17 individuals or a strata corporation in order to discharge the Land Use Contract in the future; and (iii) approving the strata title conversion would change the legal structure of the land and would improve the position of the landlord.

The question on the motion was then called, and it was **DEFEATED**.

OPPOSED: Cllr. Brodie
Greenhill
McNulty

It was moved and seconded

That the report (dated May 3rd, 2000, from the Manager, Development Applications), regarding an application for strata title conversion and an amendment to a Land Use Contract for property at 3740 Chatham Street, be referred to staff to investigate the possibility of compensating the owner for parking stalls in exchange for the elimination of Land Use Contract 070, Bylaw No. 7132.

CARRIED

Planning Committee Members.

My name is Gerry Hol, I reside at 12400 No.3 Road and I'm the original owner and builder of the building at 3740 Chatham Street, for which this Strata Conversion is requested.

Twenty four years ago I decided to build on this property, which was zoned General Commercial District. I designed a building in compliance with this Zoning and presented it to the building department for permits.

It was then that your Planning Committee recommended building a larger building, making use of Municipal Property by way of a LUC similar to what the RSCU had done two blocks away. After redesigning and many meetings with Planning, the current LUC and Commercial Building were agreed upon.

The reasons I went along with redesigning and the LUC were:

1. Planning assured me that all future development along Chatham would follow the same guidelines as my development and that of RSCU.
2. I was able to use what the Planning Dept. then referred to as "excess Municipal Road Allowance", for private parking.

Municipal Council and Planning had decided to rezone all the properties along Chatham from General Commercial District back to Residential, so that any future Commercial Development there, would have to be done by way of a LUC, then the Municipality would be able to control how it was developed. This rezoning was proposed and advertised. At the Public Hearing in the Steveston Community Center there was so much opposition to this rezoning that it never took place. Consequently future Commercial Development there took place without LUC, side walks, similar set backs, adequate parking etc.

Inadequate parking is a huge problem in Steveston. Many years ago, to alleviate Steveston's parking problems, a public multi level parking garage at No.1 Road and Moncton was proposed. Future Commercial Developments, unable to provide the required parking, were charged for each parking space not provided.

I understand that there was close to a million dollars in this parking fund and that most of that money has been wasted on inadequate parking solutions.

There is now a McDonald's restaurant where that public parking garage was proposed.

I spoke to this Committee on several occasions and met with Counselor's Steves and McNulty to voice my concerns about parking, but nothing ever changed.

It is not enough for this Committee, Council and City Bylaws to require a certain amount of parking stalls for a development, follow up is needed to make sure that required parking is maintained.

Several parking lots in Steveston which were the requirement of certain Developments have been fenced off for the purpose of boat building, welding, storage etc. In 1998, I walked around Steveston with Harold Steves and Bill McNulty to show them some of the fenced off parking lots. I estimate that there are probably 50 parking spaces involved, putting a further strain on Public parking.

Over the years as more development took place without adequate parking, my parking lot became a favorite for park and ride, neighboring business customer parking, neighboring resident second car parking, waterfront area visitor parking, bicycle and hiking enthusiast parking, etc.

The parking regulation signs I posted did not help, which forced me to adopt and implement a towing program in order to provide adequate parking for my tenants and their clients.

It is very clear on the plan which forms a part of my LUC, that the six parking spaces on Second Ave. are part of my Development and designated parking. My parking regulation signs were posted there as well, and I did have unauthorized parked vehicles towed from there.

The public does not know that I paid dearly for the development of Municipal property to get the use of those parking stalls by way of a LUC, and they can't understand that I can regulate parking there.

One irate owner of a vehicle that was towed from there, sent me a letter demanding the towing fee to be refunded, which I didn't do. He telephoned me and threatened to sue me and had his lawyer send letters to me. Quite some time later I heard that the City had reimbursed him.

He raised so much hell with the City, that Ron Schulz, the previous City solicitor asked me to meet with him regards the towing of vehicles from my designated parking stalls on Second Ave. We discussed at great length my LUC and he told me that when the proposal of this LUC was first put in front of him that he warned the Planning dept. and Council of future potential problems with those parking stalls, but that they did not share his concern. He also said that LUC were no longer used and that the City would like to do away with the existing ones. He asked me to refrain from towing from those parking stalls.

Since then, City work crews have posted City parking regulations on Property designated for my use, without consulting with me. A Tenant of mine for almost twenty years that regularly parked there was even ticketed.

Steveston Parts has requested that the City dedicate a loading area and post the appropriate signage along Second Ave. Their Lease is up early next year and with the increasing difficulties they are having loading and unloading, they will probably not renew unless that problem gets addressed.

City staff indicated that now, with this Strata Conversion Application, is a good time to eliminate my LUC. With the stroke of a pen they want to regain control of the previously thought of "excess Municipal Road Allowance" which was very expensive to get the use of.

The Works and Services completed as agreed upon in Schedule "B" in the LUC (as per copy attached) cost me more than the entire building on that property.

Staff also indicated that parking should be within my property and access to my parking lot should be from the lane only.

This proposal would drastically reduce the size and accessibility of my parking lot, and would probably become reality should this LUC be eliminated.

Most of my Tenants have been there from 10 to 20 years. Only one of my Tenant's business failed. That I think is a pretty good record and I attribute that mainly to the fact that at my building there is adequate **accessible** parking for local residents to do business all year around, my tenants are not just tourist dependant.

There is practically no pedestrian or tourist traffic on Chatham Street. Without good parking my Tenants may be forced into bankruptcy as many tourist dependent businesses in Steveston have been.

I don't want this Strata Conversion to have a negative impact on my tenants business's.

The proposed amendments to my LUC, which includes the City gaining control of the parking spaces on Second Ave. and dedicating a loading zone with the appropriate signage near my building on Second Ave., will address previous problems the City has had with those parking stalls, and will not greatly effect my Tenants.

I hope you will approve this Application, and I think it is a good solution for both the City and myself.

SCHEDULE "B" to Land Use Contract made between The Corporation of the Township of Richmond and Corona Holdings Ltd.

Works and services:

1. Chatham Street frontage -

Road widening
Storm Sewer installation
Watermain upgrading
Ornamental street lighting
Landscaped island boulevard, complete
with curb and gutter
Sidewalk
Relocation of public utilities

2. Second Avenue frontage -

Road widening
Curb and gutter
Sidewalk
Storm drainage
Relocating of existing utilities
Watermain upgrading if deemed necessary

3. Lane frontage -

Storm drainage
• Paving
Shoulder
Curb and gutter returns
Disconnect and remove existing sanitary
sewer line and inspection chambers and
install new sanitary sewer connection.



**CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION**

MEMORANDUM

TO: Planning Committee
FROM: David McLellan
General Manager, Urban Development
DATE: June 1, 2000
FILE: -
RE: **Strata Title Conversion (SC 98-153681) and Land Use Contract Amendment (LU 00-086975) Application at 3740 Chatham Street**

It is appreciated that the staff have worked diligently with the applicant to come to a mutual resolution of the issues around this proposal. I, however, can not concur with the recommendation to amend the Land Use Contract nor to permit the Strata Title Conversion. The subject Land Use Contract is one of only three still in effect in the Steveston business district. This is a rare opportunity to bring the land use regulations into conformity with the remainder of an area which will see considerable change and improvement. In this case, there is also the opportunity to bring back into public control much needed parking for the greater community.

I recommend that the matter be referred back to staff with direction to negotiate the elimination of the Land Use Contract.

David McLellan
General Manager, Urban Development

DJM:djm

pc: Joe Erceg, Manager, Development Applications



November 25, 2000

City of Richmond
6911 No. 3 Road, Richmond, B.C., V6Y 2C1
Urban Development
Attention: Holger Burke

Holger

Re: Proposed Strata Development of 3740 Chatham Street, Steveston, B.C.

CITY STAFF'S VISION:

July 07, 1998 was our first meeting with you, regarding this Strata conversion.

You indicated that City Staff wishes to eliminate my Land Use Contract, take back the City land which is now a part of my Land Use Contract, close the Second Avenue entrance to my parking lot and also enlarge the bus stop.

I decided at that meeting after hearing your vision, that I could never agree to eliminate my Land Use Contract. Your vision frightened me, it would compromise the only reasonably sized and accessible parking lot in Steveston and would have an enormous negative impact on my Tenant's business's.

Strata Conversion is merely a change of ownership. A Strata Council represents Strata owners, the same as I represent Corona Holdings Ltd.

My Land Use Contract should have absolutely nothing to do with my proposal for Strata Conversion application.

June 20, 2000, the Planning Committee referred my application for strata title conversion and amendment of the Land Use Contract for property located at 3740 Chatham Street back to staff.

Considerable time has gone by since then and I have requested the status of my application by fax to you on Sept.09, Oct.10 and again on Nov.14. To date I still haven't heard the outcome of your investigation nor when my application will go back before the Planning Committee.

I would like to respond herein, to the issues raised by the Planning Committee.

- (I) *"the lack of response from tenants in the building."* I understand that you have now heard from all the tenants in the building and only one tenant has not given support. The building in question has 18186 square feet of leased space and the unsupportive tenant occupies 298 square feet of that. Which makes more than 98% support from my tenants.
- (II) *"the fact that by approving the applications the City would have to negotiate with 17 individuals or a strata corporation in order to discharge the Land Use Contract"* The City would only have to negotiate with one representative of the Strata Corporation being a Strata Council, which is no different than negotiating with one representative of Corona Holdings Ltd. In fact, the city has a 100% better chance of negotiating a satisfactory discharge of the Land Use Contract with a strata corporation, than negotiating a discharge with me.
- (III) *"approving the strata conversion would change the legal structure of the land and would improve the position of the landlord"* In my view, approval of any application that comes before the Planning Committee improves the position of the landlord or the owner. In this case the City's position would also be improved by a larger property tax base, which would generate more tax revenue for the City.

I've had all this time to rethink the dealings with City staff on this strata conversion.

I herewith advise you, that I've reconsidered, and I withdraw my generous offer to the City of Richmond, to amend Land Use Contract 070 as previously negotiated and outlined on page 2 of staff report to Planning Committee, dated May 03, 2000. (copy attached)

Regarding my application for strata conversion, I would appreciate it if City staff will, as soon as reasonably possible, forward it to the Planning Committee. To the best of my knowledge all conditions as per City of Richmond Development Application and APPLICATION ATTACHMENT GUIDE have been met.

If approval is not granted I would like to receive the reason it was declined, in writing.

To deal with the contentious parking stalls on Second Avenue, and to avoid future friction with City officials when vehicles are towed away from those stalls, I will agree to relinquish the right to the six (6) parking spaces on Second Avenue, provided that one (1) loading zone will be reserved and posted.

This offer to amend the Land Use Contract will only be agreed to if the previously above Strata Conversion is approved and the offer will be withdrawn on February 28, 2001.

The other issue as mentioned in CITY STAFF VISION above, "*enlarging the bus stop*" can very easily be resolved.

The City can simply relocate the bus stop either one block east or one block west on Chatham Street. The city owns approximately 8 ft. of land not subject to a Land Use Contract, south of the sidewalk, in both of those blocks. The bus stop can be made as large as the City would like, without amending any Land Use Contract's.

Sincerely

Gerry Hol

cc Mayor and Council
cc Planning Committee

CITY OF RICHMOND
BYLAW 7205
LAND USE CONTRACT 070 AMENDMENT BYLAW 7205
(LU 00-086975)
3740 CHATHAM STREET

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Land Use Contract 070 (Bylaw 3376 as amended by Bylaw 3467) is amended by reconfiguring the parking lot as noted on the attached plan referred to as "Schedule A - Revised Land Use Contract Parking Configuration, attached to and forming part of Bylaw 7205".
2. This Bylaw may be cited as "Land Use Contract 070 Amendment Bylaw 7205".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
HB
APPROVED for legality by Solicitor

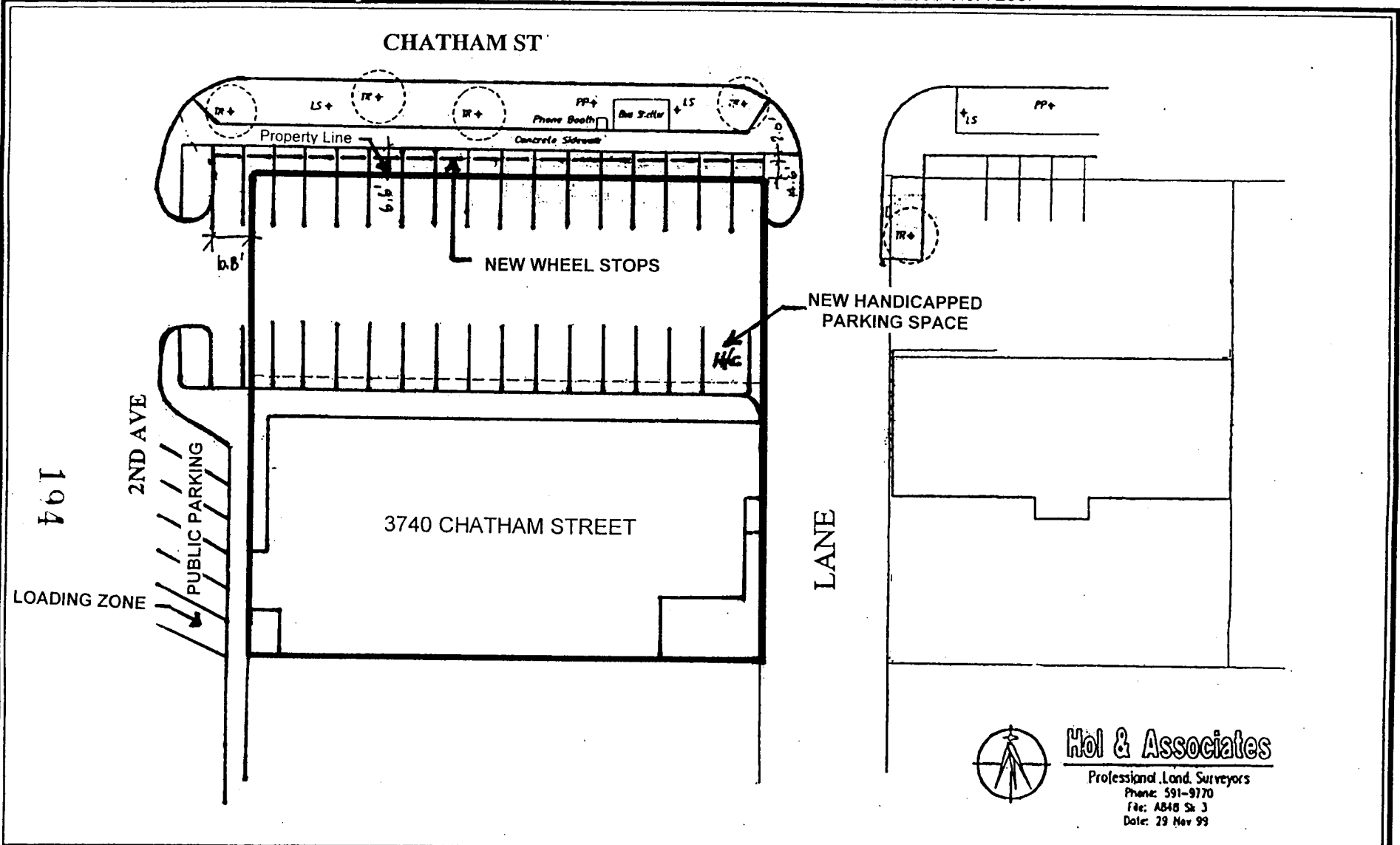
MAYOR

CITY CLERK

Handwritten notes:

Plan for parking lot
 to be used for parking
 lot for the building
 at 3740 Chatham Street
 as shown on the attached
 plan and approved
 by Planning Committee
 on 11/11/10

"SCHEDULE A - REVISED LAND USE CONTRACT PARKING CONFIGURATION. ATTACHED TO AND FORMING PART OF BYLAW NO. 7205."



Hol & Associates

Professional Land Surveyors
 Phone: 591-9770
 Fax: 4648 St J
 Date: 29 Nov 99



Date
 01/17/01