



To: Richmond City Council
From: David McLellan
General Manager, Urban Development
Date: February 6, 2001
File: 4105-20
Re: **Application by Tomizo Yamamoto Architect Inc. for Rezoning at 13020 No. 2 Road from Light Industrial District(12) to Comprehensive Development District (CD/112)**

Staff Recommendation

That Council consider the final adoption of Bylaw No. 7087.

David McLellan
General Manager, Urban Development

Staff Report

Origins

Rezoning Bylaw No. 7087 has been given third reading and final adoption is pending; (1) the applicant entering into a servicing agreement to design and construct a portion of the trail adjacent to the site in the former rail right of way, (2) registration of a right of way to provide the City with access to maintain the buffer strip. The applicant has been attempting to resolve with staff the outstanding matters in order that final adoption of the rezoning bylaw can be considered by Council.

Analysis

The City acquired the former rail right of way east of No. 2 Road in the London Princess area a number of years ago. The City has not in any of its Community Plans or Park and Trail Plans designated this land as the location for a public trail. The most recent design concept prepared by staff was reviewed by the Parks, Recreation and Culture Committee of Council in August of this year and was referred back to staff to resolve a number of issues. In the meantime, the applicant for rezoning has been advised that he should provide to the City the sum of \$42,000 which is staff's estimate of the costs for the applicant's portion of the construction of trail, fixtures and landscaping on the City property.

The applicant has offered to pay the amount of \$6,000 to go toward the cost of landscaping some of the City property, since there is a requirement to buffer his development from the Agricultural Land Reserve and by having the City land between his development and the ALR there is a benefit to his site.

The applicant makes the point that it is unfair that he fund the construction of a public trail on a site adjacent to his property especially since the City has never decided to establish a public trail at this location.

The need for the right of way is questionable as well given that the City has direct access to No. 2 Road from the former rail right of way.

Council has three options in responding to this report:

1. Adopt the bylaw, and this would imply that the above noted approach is acceptable
2. Refer the bylaw to staff to advise the applicant of his need to fully address the conditions noted in the original staff report
3. Refer the bylaw to staff to report further on these matters, but this may create the need for a new public hearing on this bylaw.

Financial Impact

The potential loss of a developer contribution to an unapproved City capital project.

Conclusion

The conditions attached to the rezoning of the property in question are not based on current Council and may warrant reconsideration upon final consideration of this rezoning bylaw.

A handwritten signature in black ink, appearing to read "David McLellan". The signature is written in a cursive, flowing style.

David McLellan
General Manager, Urban Development

DJM:djm