



To: Richmond City Council

Date: April 28, 2004

From: Paul Kendrick
City Solicitor

File: 12-8060-20-7484/2004-Vol
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Re: GREAT CANADIAN CASINO - STATUS OF REZONING REQUIREMENTS

Staff Recommendation:

That the City inform the British Columbia Lottery Corporation that it is satisfied that the Great Canadian Casino has satisfied all of the requirements relating to the rezoning of the site at 8811/8831 River Road.

Paul Kendrick
Paul Kendrick
City Solicitor
(4104)

Att. 1

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Development Applications		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Transportation		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
REVIEWED BY TAG		YES	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
			REVIEWED BY CAO		
			YES	<input checked="" type="checkbox"/>	N/A
					<input type="checkbox"/>

Staff Report

Origin

Council gave 3 readings to the Bylaw to rezone the site of the new Great Canadian Casino on March 17, 2003 after the public hearing. The bylaw was given fourth reading on May 12, 2003 prior to Great Canadian Casino completing the rezoning requirements. This procedure was used in order to allow the Great Canadian Casino to commence construction in order to meet their timetable.

The City's position was protected two ways: first, by way of the City holding letters of credit to ensure the work was completed and second, the British Columbia Lottery Corporation agreed that the Casino would not be able to open until they were informed by the City that the rezoning requirements had been satisfied.

Great Canadian Casino would like this resolution adopted as soon as possible as getting the necessary financing to complete the project is dependant on the City's satisfaction with the state of the rezoning requirements. A letter from the Great Canadian Casino relating to these issues is attached.

Findings Of Fact

Following is the list of rezoning requirements relating to the rezoning and the current status of each.

1. REQUIREMENT

- entering into a Servicing Agreement with the City to include:
 - dedication, design & construction of Garden City Road including:
 - land dedication and acquisition as necessary to assemble the required right-of-way (24.0 m) from Van Horne Way to River Road;
 - construction of Garden City Road to City arterial road standards, from Bridgeport Road to River Road

COMMENT

The construction will be by mid-June 2004, and is subject to a servicing agreement with appropriate letters of credit in place. The portion of Garden City north of the railway right of way to River Road has not yet been dedicated, but the registered owner, the Provincial Government, and all of the other parties with registered interests in the property have agreed to dedicate the necessary area.

2. REQUIREMENT

- registration of public rights of way including a 5 m wide waterfront walkway, the existing pier and proposed public plaza and open space areas

COMMENT

The walkway and plaza are being constructed and registration of the appropriate rights of way will be done after the areas are surveyed after construction is complete.

3. REQUIREMENT

- design, construction and maintenance to acceptable City standards of the waterfront walkway including, but not be limited to the following elements:
 - high quality surface treatment;
 - seating and viewing opportunities;
 - adequate lighting

COMMENT

A development permit has been issued but construction will not start until the summer. The City is holding a letter of credit set at 200% of the estimated cost of construction.

4. REQUIREMENT

relocation of existing water mains to service the development

COMMENT

This work has been completed.

5. REQUIREMENT

design and construction of a new street lighting system on River Road to current City standards

COMMENT

This work should be completed by May 19, 2004, and is the subject of a servicing agreement and the City is holding a letter of credit.

6. REQUIREMENT

concluding a crossing agreement with CP Rail for the new Garden City Road extension at the existing rail tracks in order to service the development

COMMENT

This has been completed for the purposes of constructing the crossing. The City is currently negotiating a permanent crossing agreement and this should be concluded soon.

7. REQUIREMENT

registration of covenants on the titles of adjacent properties which are intended to be used to provide the required accessory parking for the project;

COMMENT

The registration of these covenants has become problematic. The large parking lot south of River Road is owned by the Province and it is planned that the lot will be eventually also be used for the RAV line and a park and ride, with the Casino and RAV possibly sharing a parking structure. Under the current circumstance it appears that even without a formal covenant this area will be used for parking.

The other lot is the location of the parking structure being constructed west of the casino. This lot is held by the Casino on a month-to-month lease pending resolution of First Nation claims on the land. If the situation changes on either of these lots the City will pursue obtaining the necessary covenants.

8. REQUIREMENT

registration of a revised 20 m dyke right-of-way, discharging unneeded portions of the existing dyke right-of-way.

COMMENT

Great Canadian Casino have indicated that the right of way will be granted when construction is completed, the City will not release the existing right of way until the new one is granted.

Analysis

While the rezoning requirements have not been completed precisely as originally stated, Great Canadian Casino has met most of them, some are not possible at the moment or the City is protected through agreements and security on the balance.

Financial Impact

The City is well protected in the unlikely event of default, and adopting this resolution will not have a negative financial impact and will allow the relocated Casino to open on schedule.

None of the requirements which the Great Canadian Casino have asked to modify would result in cost savings to the Great Canadian Casino.

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It is expected the City's casino income will increase substantially when the new casino opens and thus it is the City's interest that the casino open in a timely matter.

Conclusion

The Great Canadian Casino have completed the bulk of their rezoning requirements and it would be appropriate for Council to inform the British Columbia Lottery Corporation that the City is satisfied with the services provided and the casino can be opened when the BCLC decides it is appropriate.

A handwritten signature in black ink, appearing to read 'Paul Kendrick', is written over the typed name and extends horizontally across the page.

Paul Kendrick
City Solicitor
(4104)

PK:pk

April 15, 2004

VIA FACSIMILE: 604-276-4052
DELIVER BY HAND

ATTENTION: Joe Erceg
General Manager of Urban Development
City of Richmond
6911 No. 3 Road
Richmond, BC
V6Y 2C1

Dear Joe,

Re: Great Canadian Place Update

Please find below a current update regarding the re-zoning issues as of April 15, 2004.

1) **Garden City Road Extension**

- Scheduled completion date May 19, 2004.

2) **Design, construction and maintenance to acceptable City standards of the waterfront walkway**

- DP has been approved for waterfront walkway. Construction to begin Summer 04.

3) **Registration of Public Rights of Way including 5 m wide waterfront walkway, the existing pier and proposed public plaza area and open spaces.**

- Registration will be complete after construction.

4) **Relocation of existing water mains to service the development**

- Complete.

5) **Design and construction of a new street lighting system on River Road to current City standards.**

- Scheduled completion date, ~~May~~ May 19, 2004.

6) **Conclude a crossing agreement with CP Rail for the new Garden City Road extension to the existing rail tracks in order to service the development.**

- Complete

7) **Registration of covenants on the titles of adjacent properties which are intended to be used to provide the required accessory parking for the project**

- West K, lease will be on a month to month basis until the First Nation issues are satisfied.
- South K, maximum 5 year lease to be turned over to the Province for the RAV line.

8) **Registration of a revised 20 m Dyke Right – of – Way, discharging unneeded portions of the existing right-of-way.**

- Registration will be completed once the structure is complete.

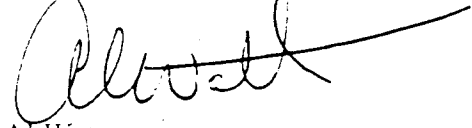
As you can see there are items that cannot be completed until the entire project is near completion. I trust you will find that we have fulfilled as many of the re-zoning requirements as possible that affect the casino opening.

I would appreciate it if you could respond to me in writing your agreement that the outstanding issues will not affect our June 25th, 2004 opening date.

Please contact me at 604-247-3603 or 604-351-7061 if you require any further information.

Sincerely,

GREAT CANADIAN CASINOS INC.



Al Watt

Vice President, Planning & Development

CC: Paul Kendrick, City Solicitor 604-278-5139

AW/bk
101-04