

**Comparison of Cook 88 Development Ltd. and MacLean Homes Cooney Road Ltd.**

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| <b>Applicant:</b>  | <b>Cook 88 Development Ltd.</b>              | <b>MacLean Homes Cooney Road Ltd.</b>                        |
| <b>Property Location:</b>  | 8400/8440 Cook Road &<br>6571 Eckersley Road | 6600/6620 Cooney Road &<br>6591/6611 Eckersley Road          |
| <b>Approx. Size of Property:</b>   | 33,000 s.f.                                  | 34,800 s.f.  |
| <b>Approx Size of Development:</b>   | 29,000 s.f.                                  | 55,000 s.f.  |
| <b>Number of Units:</b>  | 28 units                                     | 50 units   |
| <b>Floor Space Ratio:</b>  | 1.02<br>(Old Bylaw; Low density)             | 1.6<br>(New Bylaw; High density)                             |
| <b>Public-Rights-of-Passage<br/>Right-of-Way for lane access<br/>along Property Line</b> | <b>proposed 6.0 metres *</b>                 | <b>proposed 3.0 metres to be<br/>reduced to 1.5 metres *</b> |
| <b><u>Status of Rezoning Application:</u></b>  |  |  |
| <b>Date on which Drawings<br/>Submitted to City for<br/>Rezoning Application</b>         | September 6, 2006                            | <b>June 6, 2006 *</b>  |
| <b>Date of Planner Committee<br/>Meeting</b>   | December 5, 2006                             | March 20, 2007   |
| <b>Date of First Reading</b>   | December 11, 2006                            | March 26, 2007   |
| <b>Date of Second &amp; Third<br/>Reading</b>  | January 15, 2007                             | April 16, 2007   |
| <b>Final Approval of<br/>Rezoning Application:</b>                                       | Pending                                      | Pending  |

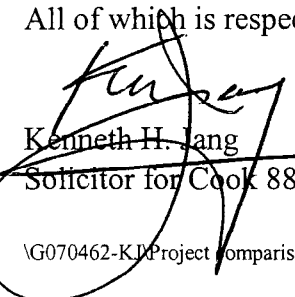
| <b><u>Status of Development Permit Application:</u></b>  |  |  |
|--|--|--|
| <b>Date on which Drawings were Submitted to City for Development Permit</b>                      | January 29, 2007   | February 9, 2007   |
| <b>Date of Meeting of Advisory Design Panel (ADP)</b>  | May 17, 2007<br>(Postponed to June 6, 2007 because of lack of quorum)  | <b>February 7, 2007 *</b><br>(Before the Planner Committee Meeting on March 20, 2007 and 2 days before the DP application was submitted) |
| <b>Final Approval of Development Permit Application:</b>   | Pending -<br>Expected not to be before June 30, 2007 because of delays | Pending -<br>Expected to be prior to June 30, 2007   |
| <b>Expected Increase in Development Cost Charges as result of delays to after June 30, 2007:</b> | Approx. \$120,000  |  |

**Submissions:**

1. Cook 88 became owner of 8400/8440 Cook Road & 6571 Eckersley Road on May 31, 2006.
2. In June of 2006, Cook 88 tried to contact MacLean Homes to negotiate an off-site agreement regarding the right-of-way for a 9 metre lane access between their respective properties. MacLean Homes did not return any of Cook 88's calls.
3. Cook 88 called the city planner for MacLean Homes' development, Diane Nicholas, to set up a meeting for both owners to negotiate the right-of-way lane access issue. Diane Nicholas lead Cook 88 to believe that there was no immediate plan by MacLean Homes to proceed with the development of the adjacent property and she denied the request for a meeting.
4. Diane Nicholas advised Cook 88 that Cook 88 would have to provide the 6.0 metre right-of-way for the lane access if Cook 88 proceeded with their development before MacLean Homes.
5. Based upon that advice, on September 6, 2006, Cook 88 submitted its drawings for its rezoning application. The drawings included a proposed 6.0 metre right-of-way.

6. It should be noted that Cook88's application number RZ04-267994 was originally for a two lot development by the previous owner. Cook 88 submitted a new application for a three lot-28 unit development on September 6, 2006.
7. Unbeknownst to Cook 88, MacLean Homes had already submitted its drawings for its rezoning application on June 6, 2006. **Despite submitting its drawings first, MacLean Homes was not required to provide the 6.0 metre right-of-way lane access.**
8. On January 29, 2007, Cook 88 submitted its drawings to the City for the Development Permit application.
9. Unbeknownst to Cook 88, on February 9, 2007, MacLean Homes submitted its drawings to the City for the Development Permit application.
10. In addition, MacLean Homes obtained ADP approval on February 7, 2007, **prior to submitting its drawings to the City for the Development Permit application (February 9, 2007) or a Planner Committee Meeting (March 20, 2007).**
11. **On the other hand, Cook 88 had to wait over three and a half months for the City to schedule an ADP meeting on May 17, 2007, which was then postponed to June 6, 2007 because of a lack of quorum.**
12. As a result of the delays, Cook 88 does not expect to obtain the DP Panel approval until after June 30, 2007. **It is expected that Cook 88 will have to pay an increase in the Development Cost Charges of approximately \$120,000 after June 30, 2007.**
13. On May 24, 2007, Cook 88 discovered the status of MacLean Home's rezoning and development application and realized that MacLean Homes' development was allowed to proceed much more quickly than Cook 88's development.
14. **MacLean Homes does not have an off-site agreement with Cook 88 regarding the right-of-way for the lane access.**
15. **Cook 88 intends to put its proposal on hold at this time until its shareholders can meet at the beginning of July, 2007 to reconsider the development. Cook 88 will decide at that time whether or not it will proceed with the development.**

All of which is respectfully submitted this 30<sup>th</sup> day of May, 2007.

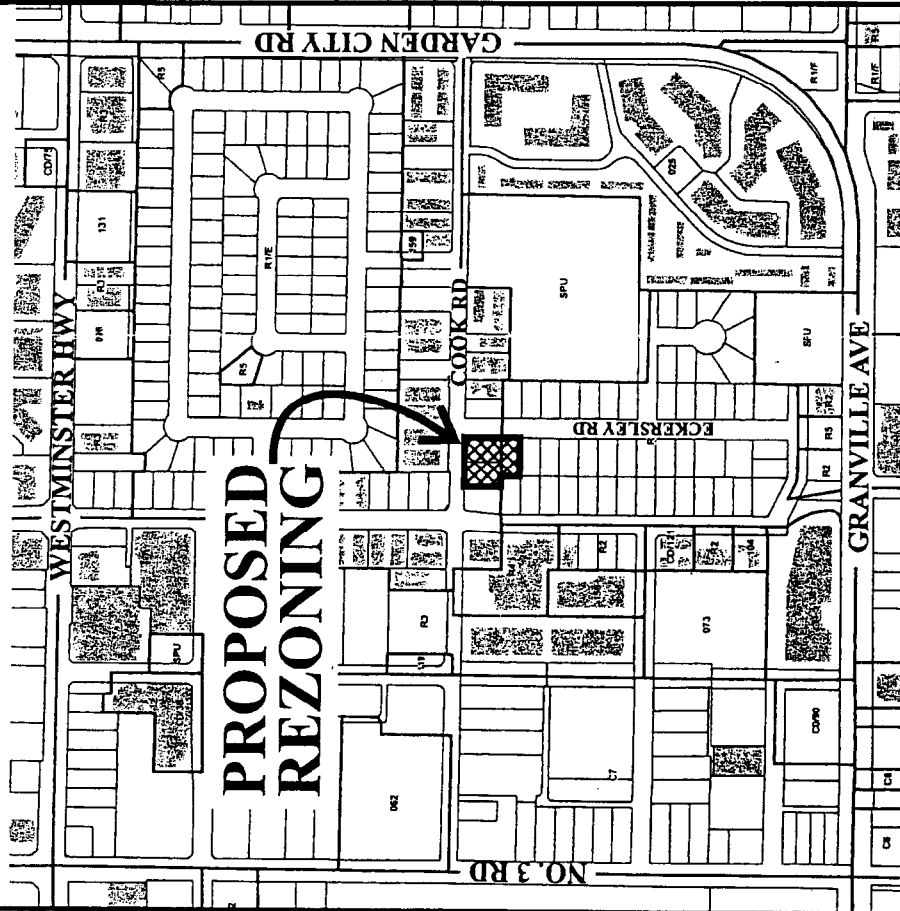


Kenneth H. Jang

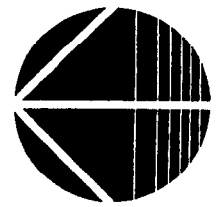
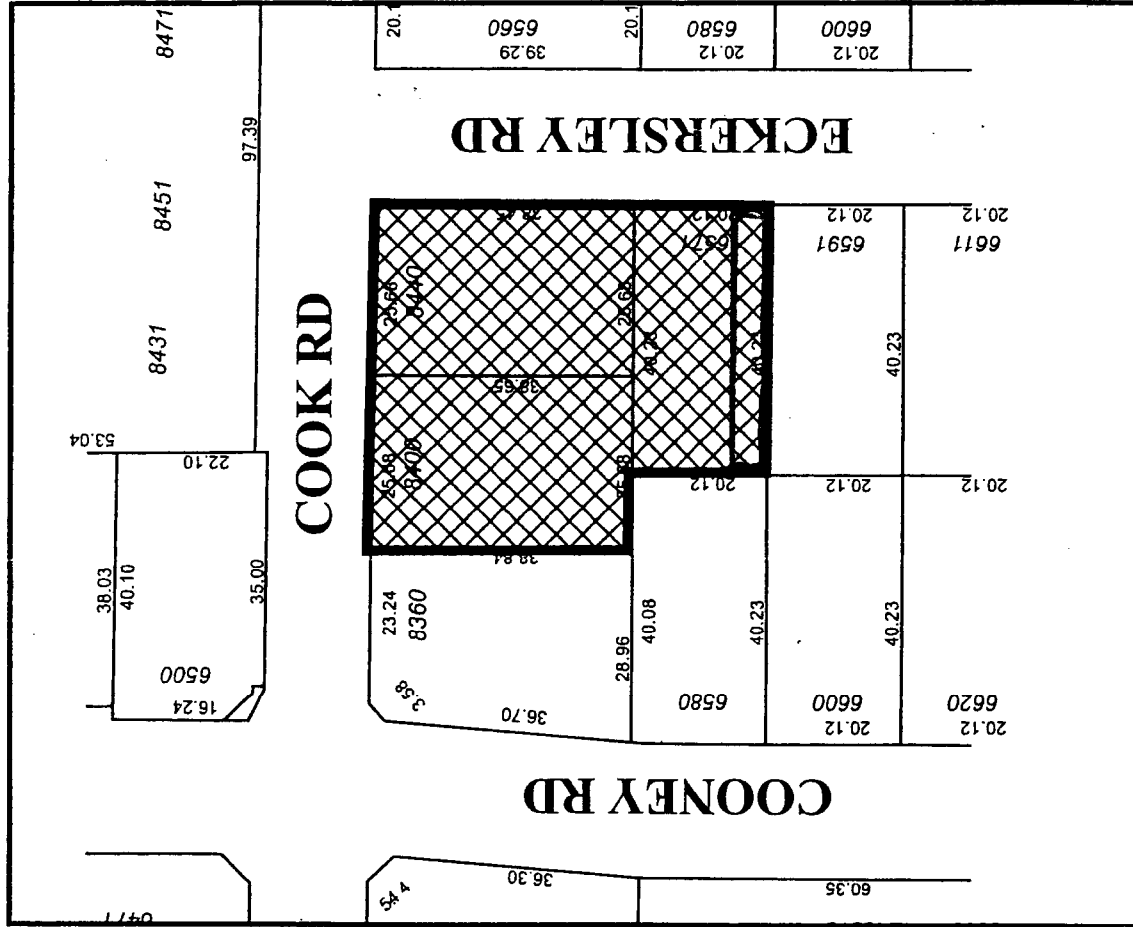
Solicitor for Cook 88 Properties Ltd.



City of Richmond



**PROPOSED  
REZONING**



RZ 04-267994

Original Date: 04/16/04

Revision Date: 09/29/06

Note: Dimensions are in METRES