



To: General Purposes Committee

Date: June 16, 2004

From: Terry Crowe
Manager, Policy Planning

File: 0155-20-NWES1

Re: "MATERIALLY AFFECTED" REFERRAL FROM NEW WESTMINSTER
PROPOSED DESTINATION CASINO AT 50 GIFFORD STREET

Staff Recommendation

That:

1. the City of New Westminster be advised that the City of Richmond is "materially affected" by the proposed destination casino at 350 Gifford Street, New Westminster.
2. the City of New Westminster not conclude its "materially affected" consultation process until an agreement has been reached between the City of New Westminster and the City of Richmond regarding Richmond's "materially affected" concerns which include additional public consultation, land use incompatibility (noise), traffic, safety and policing concerns.
3. the BC Lottery Corporation be notified of Richmond's "materially affected" concerns.
4. Richmond City Staff be directed to continue consultations with the City of New Westminster Staff and report back to Richmond City Council as required.

Terry Crowe
Manager, Policy Planning

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|--|-------------------------------------|--------------------------|--|
| FOR ORIGINATING DIVISION USE ONLY | | | |
| CONCURRENCE OF GENERAL MANAGER | | | |
| <i>be Crowe</i> | | | |
| REVIEWED BY TAG | YES | NO | |
| <i>JC for PK</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| REVIEWED BY CAO | YES | NO | |
| <i>M.K</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

Staff Report

Origin

On May 31, 2004, the City of New Westminster formally asked, under the *BC Gaming Control Act* and Regulations, if Richmond considered itself to be “materially affected” by the proposed destination casino at 350 Gifford Road, New Westminster.

Background

Previous New Westminster OCP Amendment Referral

The City of New Westminster had previously requested Richmond’s comments regarding the proposed casino as part of its OCP amendment consultation process, under the *Local Government Act*.

Richmond responded on May 10 and 25, 2004 (see **Attachment 1**) indicating that it strongly objected to the proposed OCP amendment for the following reasons:

- the lack of consultation with Hamilton Area residents and businesses;
- the lack of consultation with adjacent industrial property owners to address issues of noise impacts and land use compatibility.
- concerns regarding the negative traffic impacts in the Hamilton Area (e.g. increased traffic volume, speeding, etc.); and
- potential impacts on existing Richmond RCMP to enforce traffic control and speeding in the Hamilton Area.

On June 7, 2004, New Westminster City Council held a Public Hearing on proposed amendments to the New Westminster Official Community Plan and Zoning Bylaw to facilitate the relocation of a destination casino to 350 Gifford Street in New Westminster. City staff presented Richmond’s concerns. Following the Public Hearing, Third Reading was given to all relevant bylaws.

Analysis

“Materially Affected”

In accordance with the *Gaming Control Act*, the City of New Westminster has written to the City of Richmond asking whether Richmond City Council considers that it will be “materially affected” by the relocation of a destination casino to the Queensborough Area (see **Attachment 2**). A municipality may consider itself to be materially affected if there is a likelihood that as a result of the proposed gaming facility, it will:

- incur significant new infrastructure or policing costs;
- experience increased traffic with a significant impact on its highways, or
- experience a significant adverse impact on the amenities and character of one or more of its neighbourhood.

Richmond's Response

Based on the criteria outlined above, the City of Richmond deems itself to be materially affected by the proposed casino for the same reasons which it objected to regarding the proposed New Westminster OCP casino amendment.

Staff Consultation

On June 14, 2004, Richmond Staff met with New Westminster Staff to discuss New Westminster's possible responses to Richmond's concerns.

On June 16, 2004, the City of New Westminster responded to the City of Richmond's concerns and how it may respond to them (**Attachment 3**).

| Richmond Concern | New Westminster Response |
|---|---|
| 1. A lack of consultation with Hamilton Area residents and businesses. | <ul style="list-style-type: none"> • Traffic consultant will be instructed to attend a meeting of the Hamilton Community Association to discuss residents' concerns about the proposed casino. |
| 2. A lack of consultation with adjacent property owners to discuss issues of noise and land use compatibility. | <ul style="list-style-type: none"> • City of New Westminster has agreed to register a noise covenant on the subject casino site to require any buildings to be mitigated from neighbouring industrial noise (to CMHC standards). • City of New Westminster has provided Gateway Casinos with contacts from neighbouring industrial properties (e.g. Tree Island Industries, Weyerhauser) for further consultation. |
| 3. Expanded traffic impact study required to: <ul style="list-style-type: none"> - quantify the traffic impact on the residential, business and industrial communities in Hamilton; - identify appropriate mitigation measures, including traffic management and infrastructure requirements. | <ul style="list-style-type: none"> • Traffic consultant will be instructed to: <ul style="list-style-type: none"> - meet with the Hamilton Community Association; - convert the quantitative findings to possible mitigation measures, and - issue an addendum to the traffic impact study. • The improvements to the Highway 91/Howes Street interchange will be completed and fully operational by 2008. • Once the interchange is complete, signage will be considered to direct people to use Howes St. as the main access for the casino. This should help to decrease short-cutting through local neighbourhoods such as Hamilton. |
| 4. Need for expanded RCMP enforcement of traffic control and speeding in the local areas (e.g. Hamilton). | <ul style="list-style-type: none"> • A satellite police station is proposed to be located at the casino itself to facilitate immediate responses for enforcement. • The New Westminster Police Department has had dialogue with the Richmond RCMP to discuss matters of enforcement. These discussions are still ongoing. |

Police Consultations

Richmond RCMP and the New Westminster Police Department have been discussing the proposed casino impact and solutions.

The Richmond RCMP has advised Richmond City staff that they have a variety of concerns including additional traffic and the need for additional policing services including patrols, traffic enforcement and traffic control.

The Richmond RCMP verifies that they are continuing to work with the New Westminster Police Department to achieve a unified approach which will address their mutual concerns and service requirements.

Status

At this time, no “materially affected” solutions have been identified and no agreements have been reached.

On the evening of June 21, 2004, the casino proponent (Gateway) will meet with the Hamilton Community Association at the Hamilton Community Centre. Richmond staff will attend and observe.

Next Steps

Both Cities will need to continue to co-operate to reach an acceptable agreement.

Financial Impact

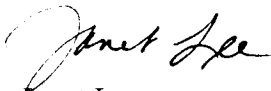
While Richmond is “materially affected”, it is too early to know the costs. These costs will become known as the discussions unfold.

Conclusion

After considerable review, the City of Richmond deems itself to be “materially affected” by the proposed New Westminster casino.

The City of New Westminster is proceeding to address Richmond’s concerns.

Continued co-operation is necessary to reach an agreement regarding Richmond’s “materially affected” concerns.



Janet Lee
Planner 2
(4108)

JL:jl



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
 Telephone (604) 276-4000
 www.city.richmond.bc.ca

May 27, 2004
 File: 01-0155-20-NWES1

City Clerk's Office
 Telephone: (604) 276-4007
 Fax: (604) 278-5139

By Fax

City of New Westminster
 City Clerk's Office
 511 Royal Avenue
 New Westminster, BC V3L 1H9

Attention: Susan Brown
 City Clerk

Dear Ms. Brown:

Re: Official Community Plan Designation Amendment Bylaw No. 6920, 2004 for 350 Gifford Street, New Westminster, BC

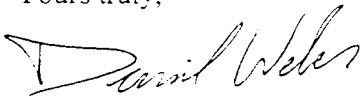
Further to the letter from J. Richard McKenna, City Clerk, dated May 11, 2004, this is to advise you that on Tuesday, May 25th Richmond City Council adopted the following additional resolution relating to the above noted bylaw:

- (1) *That, having received additional information from the City of New Westminster regarding the proposed Destination Casino, at 350 Gifford Street, New Westminster, the City of Richmond continues to strongly oppose Official Community Plan Amendment Bylaw No. 6920 which would accommodate the casino, due to:*
 - (a) *A lack of consultation with the adjacent property owners;*
 - (b) *A lack of consultation with the Hamilton Community Association; and*
 - (c) *Concerns regarding the negative impacts on existing lands uses and traffic.*
- (2) *That, prior to a Public Hearing regarding the proposed casino, the City of New Westminster is requested to:*
 - (a) *Consult with adjacent businesses to ensure that their concerns are adequately addressed, and that there no negative impacts;*
 - (b) *Consult with the Hamilton Community Association and address their concerns;*
 - (c) *With respect to traffic management:*

- ▲ *expand the Traffic Impact Study to provide more detailed analyses and to quantify the traffic impact on the residential, business and industrial communities in Hamilton,*
 - ▲ *based on this further review, identify appropriate mitigation measures, including traffic management and infrastructure requirements, and*
 - ▲ *provide the traffic impact information to the Hamilton community for their awareness and comment;*
- (d) *With respect to traffic safety, request the Richmond RCMP Detachment to provide comments on the proposed casino and to identify the requirements for speeding and traffic control enforcement in Hamilton;*
- (e) *Provide the City of Richmond with additional information regarding how the above matters have been addressed; and*
- (f) *Consult with the City of Richmond to reach acceptable solutions on those matters which affect Richmond.*

A copy of the staff report is attached for your information. If you have any further questions regarding this matter, please call Terry Crowe, Manager, Policy Planning at 604-276-4139.

Yours truly,



David Weber
Acting City Clerk

DW:rms
Att.



TO MAYOR & EACH COUNCILLOR FROM CITY CLERK

ATTACHMENT 2

CORPORATION OF THE CITY OF NEW WESTMINSTER

pc - Gen Manager - Westwood Park W/ ORIGINAL PACKAGE
for appropriate action.
City Solicitor (letter only)

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File: B/L 6920

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DATE: Jun 11/04 R8

May 31, 2004

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

OISS-20-NWE

Dear Mayor and Council:

Re: Proposed Relocation of a Destination Casino (with slots) within the City of New Westminster (Queensborough Area)

The purpose of this letter is to ask Richmond City Council if it considers that Richmond will be "materially affected" by the proposed relocation of a Destination casino to the Queensborough area of the City of New Westminster. This request is being made in accordance with Section 19 of the Gaming Control Act.

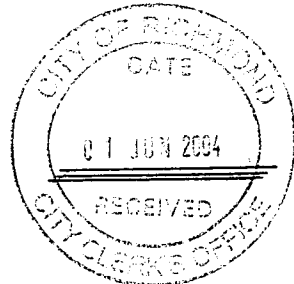
This consultation focuses on the term "materially affected," which means:

For the purposes of the Act "**materially affected**", in relation to a municipality, regional district or first nation, includes that, as a result of the proposal proceeding, the municipality, regional district or first nation can demonstrate a likelihood that it will

- (a) incur significant new infrastructure or policing costs,
- (b) experience increased traffic with a significant impact on its highways, or
- (c) experience a significant adverse impact on the amenities and character of one or more of its neighbourhoods.

Section 11, BC Gaming Control Regulations

Please review the attached material and provide New Westminster City Council with your written response. A Public Hearing on the relevant bylaws is scheduled for **Monday, June 7, 2004**. During your review, if any concerns arise, please contact Mr. Jim Hurst, Senior Planning Analyst, at (604) 527-4588 so that they can be clarified and addressed.



For your convenience, the BC Lotteries Commission contact is:

Mr. Doug Penrose, Vice President
Finance and Corporate Services
BC Lotteries Corporation,
74 West Seymour Street
Kamloops, B.C.
V2C 1E2
Phone: (250) 828-5500

Yours truly,



Robyn Anderson,
Assistant Director of Legislative and Information Services

Encl. (1)

cc. L. Gilbert, Acting Director of Planning
J. Hurst, Senior Planning Analyst
L. Spitale, Director of Strategic Services
M. McAllister, City Solicitor
D. Penrose, BCLC

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CORPORATION OF THE CITY OF NEW WESTMINSTER

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June 2, 2004

File: B/L 6920

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

FAXED
June 2/04

255-20
100021

Dear Mayor and Council:

Re: Proposed Relocation of a Destination Casino (with slots) within the City of New Westminister (Queensborough Area)

Further to my letter of May 31, 2004, please be advised that we require a written response from the City of Richmond no later than **June 30, 2004** but sooner if possible. Also, if Richmond City Council considers that Richmond will be "materially affected" by the proposed relocation of a Destination casino to the Queensborough area of the City of New Westminister, the City of New Westminister would like to set up a meeting prior to **July 7, 2004** in order to attempt to resolve any issues or objections.

During your review, if any concerns arise, please contact Ms. Lisa Spitale, Director of Strategic Services at (604) 527-4549 so that they can be clarified and addressed. Ms. Spitale can also be contacted should you wish to set up a meeting.

Yours truly,

Robyn Anderson,
Assistant Director of Legislative and Information Services

- cc. L. Gilbert, Acting Director of Planning
- J. Hurst, Senior Planning Analyst
- L. Spitale, Director of Strategic Services
- M. McAllister, City Solicitor
- N. Asselstine, BCLC (fax 250-828-4637)

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ATTACHMENT 3



CORPORATION OF THE CITY OF NEW WESTMINSTER
511 Royal Avenue, New Westminster, B.C. V3L 1H9 Tel No. (604) 527-4565
Strategic Services Department Fax No. (604) 515-3757

June 16, 2004

City of Richmond
City Clerk's Office
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Attention: David Weber, Acting City Clerk

Dear Mr. Weber:

Re: City of Richmond Issues Pursuant to the Proposed Queensborough Casino and the Gaming Control Act Consultation - Official Community Plan Designation Amendment Bylaw No. 6920, 2004 for 350 Gifford Street, New Westminster

This letter is written in response to the City of Richmond's letter dated May 27, 2004 to the City of New Westminster regarding the Official Community Plan Designation Amendment Bylaw No. 6920, 2004 for 350 Gifford Street, New Westminster.

On June 14, 2004, staff from the City of Richmond and the City of New Westminster met to discuss issues raised in the May 27, 2004 letter.

Consultation with Hamilton Residents and Adjacent Businesses

Star of Fortune/Gateway Casino (Star) held public information meetings prior to the New Westminster Public Hearing of June 7, 2004. Newspaper advertisements were placed in a local Richmond newspaper and two local New Westminster newspapers informing residents and businesses of the Queensborough and Hamilton neighbourhoods about these meetings. Star indicated that some Hamilton residents and adjacent businesses attended the open houses that were held at the Queensborough Community Centre.

New Westminster Strategic Services Department

June 16, 2004

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At the June 14, 2004 meeting with Richmond and New Westminster staff, there was agreement that Star should attend a meeting with Hamilton residents and provide them with additional information on the traffic management plan. This has been conveyed to Star, who is in the process of establishing contact with the Hamilton Community Association. Star will also meet with adjacent businesses to discuss their issues related to the traffic management plan.

Need For Expanded Traffic Study for the East Hamilton Area of Richmond

The New Westminster Engineering Department has reviewed Star's traffic study. Relevant facts are as follows:

- 600 eastbound, 200 westbound in the weekday PM peak hour.
- Site generated traffic 120 eastbound 125 westbound.
- 250 eastbound, 150 westbound in the Saturday afternoon peak hour.
- Site generated traffic 100 eastbound, 125 westbound.
- Westminster Highway was designated by the City of Richmond to be an MRN element, which is designated to carry regional traffic. MRN roads are expected to carry larger volumes of traffic.
- Queues and travel times on Westminster Highway will not be affected significantly and the road will continue to operate well under capacity.
- As there is emergency access only on Boundary Road from the proposed casino site, there is no site generated traffic.
- Boundary Road businesses generate 50 outbound and 15 inbound trips in the weekday PM peak hour. Weekday PM peak hour traffic on Westminster Highway will not increase significantly over current levels, so will not impede egress inordinately. If necessary in the future, access control at Boundary Road could be investigated.
- The 91A overpass at Howes Street will alleviate most pressures on Westminster Highway in the future.
- Signage to encourage the use of the Howes Street access will be considered.

In response to the City of Richmond's issues concerning the impacts on Westminster Highway, the New Westminster Engineering Department has instructed Star to further consider impacts in the Hamilton neighbourhood and identify potential mitigation measures on the residential section of Westminster Highway after consultation with area residents.

New Westminster Strategic Services Department

June 16, 2004

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A Noise Covenant

Both the City of Richmond and delegations at the June 7, 2004 Public Hearing on the casino project brought up the issue of noise mitigation measures between the casino site and adjacent industrial users. New Westminster City Council instructed staff to prepare a noise covenant to be registered on title.

At the June 14, 2004 meeting with staff, the New Westminster City Solicitor offered to provide the draft noise covenant to Richmond staff for their review and comment prior to execution.

Liaison Between the City of New Westminster Police Service and the Richmond RCMP Detachment

The New Westminster Police Service and the Richmond RCMP Detachment have met over the last several months to discuss joint policing matters in the Queensborough and East Hamilton areas. Moreover, the New Westminster Police Service is considering a community policing station in the vicinity of the Queensborough casino site, and providing access to Richmond RCMP and Delta Police. The New Westminster Police Service will be outlining these policing initiatives for the Queensborough area in a letter, which will be forwarded to the City of Richmond.

If you have any further questions regarding matters in this letter, kindly contact me directly at 604 527-4549.

Regards,



Lisa Spitale,
Director of Strategic Services
City of New Westminster

Copies:

Terry Crowe, Manager, Policy Planning, City of Richmond

Doug Penrose, Vice President, British Columbia Lottery Corporation