## Report to Committee

To: Planning Committee
From: Wayne Craig
Date: May 24, 2023

Director, Development
File: RZ 20-919113

Application by Dava Developments Ltd. for Rezoning at 8911, 8931, 8951, 8991 Patterson Road from "Residential Single Family (RS1/F)" Zone to "Residential/ Limited Commercial (ZMU54)" Zone and "School \& Institutional Use (SI)" Zone

## Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10464 to create the "Residential/Limited Commercial (ZMU54)" zone and to rezone 8911, 8931, 8951, 8991 Patterson Road from "Residential Single Family (RS1/F)" zone to "Residential/Limited Commercial (ZMU54)" zone and "School \& Institutional Use (SI)" zone be introduced and given first reading.


Wayne Craig
Director, Development
(604-247-4625)
WC:vk
Att. 9

| REPORT CONCURRENCE |  |  |
| :--- | :---: | :---: |
| Routed To: | Concurrence | Concurrence of General MANAGER |
| Law | $\square$ |  |
| Community Social Development | $\square$ |  |
| Transportation | $\square$ |  |

## Staff Report

## Origin

Dava Developments Ltd., on behalf of the owner Patterson Richmond Nominee Ltd.
(Directors: Denise She and David Chung), has applied to the City of Richmond for permission to rezone lands at 8911, 8931, 8951, 8991 Patterson Road from the "Residential Single Family (RS1/F)" zone to a new "Residential/Limited Commercial (ZMU54)" zone and a "School \& Institutional Use (SI)" zone, in the City Centre's Capstan Village area (Attachments $1 \& 2$ ) to permit the development of a mixed-use mid- and high-rise development.
The proposed development (Attachment 3) includes:

- A combined total floor area of $17,154.73 \mathrm{~m}^{2}\left(184,651.80 \mathrm{ft}^{2}\right)$ comprised of:
o $12,246.23 \mathrm{~m}^{2}\left(131,817.30 \mathrm{ft}^{2}\right)$ of residential uses ( 163 dwellings), including:
a) A maximum of $10,398.69 \mathrm{~m}^{2}\left(111,930.56 \mathrm{ft}^{2}\right)$ of market housing (136 units); and
b) At least $1,847.54 \mathrm{~m}^{2}\left(19,886 \mathrm{ft}^{2}\right)$ of affordable housing ( 27 units).
o $4,908.50 \mathrm{~m}^{2}\left(52,834 \mathrm{ft}^{2}\right)$ of non-residential- hotel uses along Garden City Way.
- Transfer of an approximately $829 \mathrm{~m}^{2}$ fee simple parcel adjacent to Sea Island Way to the City for the purpose of public open space.
- Transfer of an approximately $927 \mathrm{~m}^{2}$ parcel adjacent to Garden City Road to the City for the transportation related infrastructure.

Park, engineering and road network improvements shall be designed and constructed through the City's Servicing Agreement processes, and secured with Letters of Credit prior to rezoning bylaw adoption.

## Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 4).

## Subject Site Existing Housing Profile

The subject site is comprised of four contiguous lots, located west of Garden City Road, between Sea Island Way and Patterson Road. The lots are currently vacant.

## Surrounding Development

To the North: Across Sea Island Way, a grocery store on a site zoned "Auto Oriented Commercial (CA)" and the Richmond Lions Manor (Bridgeport) Seniors Living Centre on a site zoned "Health Care (HC)".

To the South: Across Patterson Road/Patterson Park, residential apartments on a site zoned "High Rise Apartment and Artist Residential Tenancy Studio Units (ZHR10) Capstan Village (City Centre)".

To the East: Across Garden City Road, a predominantly single-family residential neighbourhood in the West Cambie Planning Area.

To the West: Single detached dwellings zoned "Single Detached (RS1/F)" which are designated for future high-rise residential, commercial and mixed use development.

## Related Policies \& Studies

## Official Community Plan/ Capstan Village Area Plan

The Official Community Plan (OCP) designation for the subject site is "Mixed Use". The City Centre Area Plan (CCAP) Specific Land Use Map: Capstan Village (2031) (Attachment 2) designation for the subject site is 'Urban Centre T5 ( 35 m )'.

In addition, the subject site is located within the 'Capstan Station Bonus' and 'Village Centre Bonus' CCAP density bonusing areas.
The proposal is consistent with current OCP and CCAP policies applicable to the subject site.
As per the Capstan Village Specific Land Use Map (T5 transect) in the CCAP, no residential dwelling units are permitted within 20 m of Sea Island Way. The proposal complies with this requirement and the residential dwelling units are located on the south side of the site, along Patterson Road.

## Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

## OCP Aircraft Noise Sensitive Development (ANSD) Policy

The subject site is located within ANSD "Area 3", which permits consideration of all aircraft noise sensitive land use types provided that the building design satisfies City standards and potential purchasers are made aware of potential noise conditions.
Prior to rezoning adoption, a covenant will be registered on Title requiring that the developer satisfy all City requirements. An acoustic report will be submitted by the developer and prepared by a qualified acoustic professional at the Development Permit (DP) stage, indicating that the development can be designed and constructed in compliance with the applicable ANSD standards.

## NAV Canada Building Height

Transport Canada regulates maximum permitted building heights in City Centre locations that may impact airport operations. The developer has submitted a letter, prepared by a BCLS registered surveyor, confirming that the development's proposed maximum building height of 47 m ( 154 ft .) GSC complies with all applicable Transport Canada regulations.

## Affordable Housing Strategy

In compliance with the City's Affordable Housing Strategy, the developer proposes to design and construct 27 low-end-of-market rental (LEMR) units, to a turnkey level of finish, at the developer's sole cost, comprising $1,847.54 \mathrm{~m}^{2}\left(19,886.75 \mathrm{ft}^{2}\right)$ of habitable space, based on 15 per cent of the development's total residential floor area $12,246.23 \mathrm{~m}^{2}\left(131,817.30 \mathrm{ft}^{2}\right)$.

## Market Rental Housing Policy

This rezoning application was received prior to the current Market Rental Housing Policy adopted by City Council on June 20, 2022. Consistent with the provisions for in-stream rezoning applications, this application is exempt from the Market Rental Housing Policy if the rezoning bylaw is granted first reading prior to June 20, 2023.

## Public Consultation

A rezoning sign has been installed on the subject property. Staff have received three comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

Two residents of the neighbouring property at 8988 Patterson Road contacted staff by phone and expressed concerns about the impact on their views and enquired about the public hearing and notification process. Staff reviewed the application with the inquirers including the conceptual plans prepared by the developer.

One area resident was concerned about the lack of existing on-street parking available in the neighbourhood. (Attachment 5). Staff informed the inquirer that each development is responsible for providing the required parking as per City bylaws to support the proposed development. As such, the proposed rezoning application under review will be required to meet the parking requirements on-site to support the proposed program, which includes parking for residents, visitors and delivery vehicles.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment. Public notification for the Public Hearing will be provided as per the Local Government Act and the City's Zoning Bylaw 8500.

## Analysis

Dava Developments Ltd. has applied to rezone the subject site to permit the construction of a mixed use development, 163 residential units (including 27 affordable housing units), and a 100 -room hotel. This proposal is consistent with the City's OCP and CCAP policies applicable to the subject site, which encourage high-rise, high-density mixed use development including, among other things, public open space and affordable housing.

## Existing Legal Encumbrances

Development of the subject site is not encumbered by existing legal agreements on Title.

## Built Form and Architectural Character

The developer proposes to construct a high-density, mixed residential and hotel development (Attachment 3) and is generally consistent with the CCAP's Development Permit Guidelines. The proposed form of development is an L-shaped building with a seven-storey hotel and a 14 -storey residential building over a shared two-level below grade parkade. Outdoor amenities are proposed on the roof gardens of the residential and hotel sections of the building, to which residents will have access.

As per the CCAP, development sites for which net density is permitted to exceed 3.0 FAR in the Capstan Station Bonus area may be considered under 3.2.8 Sub-Area B.4, which allows maximum building height of 45 m ( 148 ft .).

## Housing Type and Tenure

A. Overall Dwelling Unit Mix: The OCP and CCAP encourage the development of a variety of unit types and sizes supportive of the diverse needs of Richmond's population including, but not limited to, households with children.

- Staff support the developer's proposal for 49 per cent 1 -bedroom units ( 80 units) and 49.7 per cent two and three-bedroom units, family-friendly units ( 81 units), including:

| Unit Type | Market Housing | Affordable Housing | Total |
| :--- | :---: | :---: | :---: |
| Studio | - | $7.4 \%(2$ units $)$ | $1.2 \%(2$ units) |
| 1-bedroom | $51.5 \%(70$ units) | $37 \%(10$ units $)$ | $49.1 \%(80$ units) |
| 2-bedroom | $36.0 \%(49$ units) | $33.4 \%(9$ units $)$ | $35.6 \%$ (58 units) |
| 3-bedroom | $12.5 \%(17$ units) | $22.2 \%(6$ units) | $14.1 \%$ (23 units) |
| Total | 136 Units | 27 Units | 163 Units |

B. LEMR Housing: The developer proposes to design and construct 27 Low-End Market Rental (LEMR) units, to a turnkey level of finish, at the developer's sole cost, comprising at least $1,847.54 \mathrm{~m}^{2}\left(19,886.75 \mathrm{ft}^{2}\right)$ of habitable space, based on 15 per cent of the development's total residential floor area. In order to promote the development of more family-friendly housing options in Richmond, the Affordable Housing Strategy requires at least 20 per cent of LEMR units to be provided with two or more bedrooms. The proposed development exceeds this minimum requirement, with 55 per cent of LEMR units having two and three-bedrooms.

The proposed affordable housing will be clustered together in Level 3 and Level 4 of the development. Per the requirements of the Affordable Housing Strategy, property developers have the option to cluster affordable housing units together within a development only if they have entered into a partnership with a qualified non-profit organization to own or manage the units. The developer has provided evidence of a partnership with S.U.C.C.E.S.S., a qualified non-profit organization, to own or manage the clustered affordable housing units (Attachment 6). The Developer has also provided a letter of support by S.U.C.C.E.S.S for the proposed LEMR units related to target tenant groups, programming, services and the unit mix proposed (Attachment 7).

| Unit Type | Affordable Housing Strategy Requirements (1) |  |  | Project Targets (2) |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | Minimum Unit Area | Max. LEMR Rent | Total Maximum Household Income | Unit Mix | BUH (3) |
| Studio | $37 \mathrm{~m}^{2}\left(400 \mathrm{ft}^{2}\right)$ | \$811/month | \$34,650 or less | $7.4 \%$ <br> ( 2 units) | $7.4 \%$ <br> (2 units) |
| 1-Bedroom | $50 \mathrm{~m}^{2}\left(535 \mathrm{ft}^{2}\right)$ | \$975/month | \$38,250 or less | $\begin{gathered} 37.0 \% \\ (10 \text { units }) \\ \hline \end{gathered}$ | $\begin{gathered} \hline 33.3 \% \\ (9 \text { units) } \\ \hline \end{gathered}$ |
| 2-Bedroom | $69 \mathrm{~m}^{2}\left(741 \mathrm{ft}^{2}\right)$ | \$1,218/month | \$46,800 or less | $\begin{gathered} 33.3 \% \\ (9 \text { units }) \\ \hline \end{gathered}$ | $\begin{gathered} 22.2 \% \\ (6 \text { units }) \\ \hline \end{gathered}$ |
| 3-Bedroom | $91 \mathrm{~m}^{2}\left(980 \mathrm{ft}^{2}\right)$ | \$1,480/month | \$58,050 or less | $\begin{gathered} 22.2 \% \\ (6 \text { units) } \\ \hline \end{gathered}$ | $\begin{gathered} 22.2 \% \\ (6 \text { units }) \\ \hline \end{gathered}$ |
| TOTAL | $\begin{gathered} 1,847.54 \mathrm{~m}^{2} \\ \left(19,886.75 \mathrm{ft}^{2}\right) \end{gathered}$ | N/A | N/A | 27 Units | $\begin{gathered} 85.1 \% \\ (23 \text { units) } \end{gathered}$ |

(1) Values adopted by Council on July 24, 2017. May be adjusted periodically, as provided for under City policy.
(2) Project Targets will be confirmed through the project's Development Permit processes.
(3) BUH indicates units designed and constructed in compliance with the City's Basic Universal Housing standards.

Occupants of the LEMR units will enjoy full use of all on-site indoor and outdoor residential amenity spaces, which, together with parking, bike storage and related features, will be provided by the owner/operator at no additional charge to the affordable housing occupants.

A Housing Agreement and Housing Covenant will be registered on Title prior to final adoption of the zoning bylaw, which will secure the following conditions in perpetuity:

- LEMR units are required achieve occupancy prior to any other buildings or uses in the proposed development.
- The residential use of the 27 LEMR units is restricted to residential rental tenure.
- Age-related occupancy restrictions are prohibited.
- Single ownership of all 27 the LEMR units is maintained.
C. Market Strata Housing: The developer proposes to design and construct 136 market strata housing units, comprising $10,469.37 \mathrm{~m}^{2}\left(112,691.3 \mathrm{ft}^{2}\right)$ and common circulation space in the building.

| Unit Type | Min. Unit Area | Unit Mix (1) | BUH (1) | Adaptable (1) |
| :--- | :---: | :---: | :---: | :---: |
| Studio | - | - | - | - |
| 1-bedroom | $51.8 \mathrm{~m}^{2}\left(558 \mathrm{ft}^{2}\right)$ | $51.5 \%(70$ units $)$ | $5.1 \%(7$ units $)$ | $5.1 \%(7$ units $)$ |
| 2-bedroom | $73.4 \mathrm{~m}^{2}\left(790 \mathrm{ft}^{2}\right)$ | $36.0 \%(49$ units $)$ | $3.7 \%(5$ units $)$ | - |
| 3-bedroom | $91.5 \mathrm{~m}^{2}\left(985 \mathrm{ft}^{2}\right)$ | $12.5 \%(17$ units $)$ | $2.2 \%(3$ units $)$ | $2.9 \%(4$ units $)$ |
| Total | N/A | $\mathbf{1 3 6}$ Units | $\mathbf{1 1 \%}(\mathbf{1 5}$ units $)$ | $\mathbf{8 \%}$ (11 units) |

(1) Unit area and unit mix in the above table may be adjusted through the Development Permit Process

Consistent with OCP policy respecting multiple family housing development projects and in order to maximize potential rental and housing opportunities throughout the City, a restrictive covenant will be registered on Title prior to rezoning bylaw adoption, prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.
D. Accessibility: Richmond's OCP seeks to meet the needs of the City's aging population and people facing mobility challenges by encouraging the development of accessible housing that can be approached, entered, used and occupied by persons with physical or sensory disabilities.

- Staff support the developer's proposal, which is consistent with City policy and will include:
i) Barrier-free lobbies, common areas, and amenity spaces;
ii) Aging-in-place features in all units (e.g., blocking for grab bars, lever handles, etc.); and
iii) 23.3 per cent Basic Universal Housing (BUH) units (i.e. 38 of 163 units) overall, including 11 per cent of market units (i.e. 15 of 136 units) and 85.1 per cent of affordable housing units (i.e. 23 of 27 units). In addition to the BUH units, eight per cent of market units (i.e. 11 of 136 units) will be adaptable units.


## Village Centre Bonus (VCB)

Under the CCAP and Zoning Bylaw, developments that make use of the density bonus provisions of the Village Centre Bonus (i.e. 1.0 floor area ratio for commercial uses) must make an amenity contribution (based on five per cent of bonus VCB floor area) and as applicable, utilize the permitted bonus VCB floor area for commercial uses that are selected for their ability to enhance the vitality and amenity of the applicable City Centre Village (e.g., Capstan Village).
Community Amenity Contribution: Based on a review of the development proposal, staff confirm that no City-owned amenity space is required to be incorporated into the subject development and recommend that a cash-in-lieu contribution be accepted in lieu of on-site amenity space.

In compliance with the CCAP, prior to rezoning bylaw adoption, the developer proposes to make a voluntary cash contribution of $\$ 2,300,833.60$, based on the equivalent-to-construction-value rate of $\$ 871.00$ per square foot and $5 \%$ of the site's maximum permitted VCB bonus floor area ( $245.42 \mathrm{~m}^{2} / 2,641.6 \mathrm{ft}^{2}$ ). If the payment is not made within one year of third reading of the zoning amendment bylaw, the Council-approved "equivalent to construction value" community amenity contribution rate in effect for the City Centre at the time of final reading of the zoning amendment bylaw will be applicable.
Commercial Uses: The developer proposes that 100 per cent of the development's potential VCB floor area is comprised of 100 room hotel along Garden City Road. Prior to final adoption of bylaw, the developer is required to register a restrictive covenant(s) or alternative legal agreement(s) on Title, to the satisfaction of the City, which includes limit the length of stay of hotel guests to a maximum of six months and prohibiting cooking facilities within rooms and strata titling of individual or groups of hotel rooms.

## Capstan Station Bonus (CSB)

Under the CCAP and Zoning Bylaw, developments that make use of the density bonus provisions of the Capstan Station Bonus (i.e. 0.5 floor area for residential uses) must:

- Prior to rezoning bylaw adoption, provide public open space in some combination of fee simple, dedication, and/or Statutory Right of Way (as determined to the City's satisfaction) at a rate of at least $5 \mathrm{~m}^{2}\left(54 \mathrm{ft}^{2}\right)$ per dwelling, based on the total number of dwelling units.

The developer has agreed to provide a 10.0 m wide portion of the subject site adjacent to Sea Island Way totalling $829 \mathrm{~m}^{2}$ in area to the City as public open space including the proposed Sea Island Way Greenway. This area is proposed to be designated as "School \& Institutional Use (SI)" consistent with City-owned properties used for public open space purposes. Based on 163 units, the on-site landscape area requirement for public use would be $815 \mathrm{~m}^{2}$. Staff support that the proposed public open space be considered to satisfy the obligation for the on-site landscaped/park use via the Capstan Station Bonus.

- Prior to rezoning bylaw adoption, enter into Service Agreement (SA) for design and construction of the greenway which will include minimum 3.5 m wide tree boulevard (width to be refined as part of Servicing Agreement) design to accommodate potential future widening of Sea Island Way), 2.5 m wide bike path (transitioned to meet existing onstreet bike path to the west) and 2 m wide sidewalk.
- Prior to Building Permit (BP) issuance, make a voluntary contribution towards the construction and integration of the Capstan Canada Line Station, based on the number of approved units and the Council-approved contribution rate in effect at the time of BP issuance (i.e. currently $\$ 10,068.47$ per unit, which rate is updated annually each October 1 ).
- Demonstrate to the satisfaction of the City that the additional density results in a superior building and landscape design and an attractive, pedestrian-friendly public realm.

Staff support the developer's proposal which includes the landscape along Patterson Road, Garden City Road, and the dedication of land and provision of Sea Island Way Greenway along Sea Island Way.

## Transportation and Site Access

The proposed development provides for transportation improvements and related features, all at the developer's sole cost, to be secured through a combination of road dedication and legal agreements registered on Title, to the satisfaction of the Director of Transportation, and the City's standard Servicing Agreement process (secured with Letters of Credit), as applicable, as per the attached Rezoning Considerations (Attachment 9).
Staff support the developer's proposal, which is consistent with City objectives and includes:

- Frontage improvements along Sea Island Way to accommodate road, off-street multi-purpose path, sidewalk, planted boulevard and related upgrades. This includes 10 m wide area of dedication along the Sea Island Way, and a 5 mx 5 m corner cut on the southwest corner of Garden City Road/Sea Island Way, measured from the new property line along Sea Island Way and off the existing property line along Garden City Road.
- Frontage improvements along Patterson Road to accommodate sidewalk, planted boulevard and related upgrades. This includes 2 m of road dedication at the vehicle turn around area (off $8911 \& 8931$ Patterson Road) and a 4 m x 4 m corner cut on the southeast corner of Garden City Road/Patterson Road.
- A pedestrian connection between Patterson Drive and the multi-use path along the south side of Sea Island Way along the west edge of the subject site.

This includes granting a minimum 1.5 m public-rights-of-passage Statutory Right-ofWay along the western portion of the property and the space to be determined through the Development Permit process. Maintenance will be the responsibility of the owner.

The number of site access driveways is limited to one vehicular access off Patterson Road.
The City's Zoning Bylaw 8500 allows for parking reductions. The proposal includes a reduced parking space rate of 0.8 parking spaces per strata unit. The proposed 20 per cent reduction for residential and hotel parking rate is consistent with other comparable developments in the Metro Vancouver region and were also validated through a Transportation Impact Assessment, which was reviewed and accepted by the City and supported by the following required Transportation Demand Management (TDM) measures, which will be further reviewed through the required Development Permit process:

- Transit Pass Program: monthly bus pass (two-zone) will be offered to 25 per cent of the market strata units ( 136 units) for a period of one year and 100 percent of affordable housing units ( 27 units) and secured with a Letter of Credit and registration of a legal agreement on Title prior to final adoption of the rezoning bylaw.
- Active Transportation:

0 A shared bicycle maintenance and repair facility.
o End of trip facilities: Enhanced end of trip-cycling amenities for hotel employees.

- Car-share spaces: Allocate a minimum of two parking spaces for car-share vehicles within the residential visitor ( 1 stall) and hotel ( 1 stall) portions of the development, with a Statutory Right-of-Way registered on Title to ensure such spaces are publically accessible in perpetuity. The car-share space will be equipped with an electric vehicle (EV) quick-charge ( 240 V ) charging station for the exclusive use of car-share vehicles parking in the designated car-share spaces.
- EV Charging: Electrical charging for 100 per cent of visitor parking spaces for affordable housing and 10 per cent for residential market strata visitors.
- Off-site cycling improvements:
o Subject to consultation with MoTI, widen/improve existing pedestrian crossings on the south side of Sea Island Way/Garden City Road to enable cyclist crossings, including upgrade of the channelized right turn lane with a smart channel and a tighter radius to improve pedestrian and cyclist safety; and
o Provide a new 2.5 m wide cycle track within the channelized island on the southeast corner of the Sea Island Way/Garden City Road intersection.


## Tree Retention and Replacement

The applicant has submitted a Certified Arborist's Report; which identifies on-site and off-site tree species, assesses tree structure and condition and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses 84 bylaw-sized trees on the subject property, two trees on neighbouring properties, and five street trees on City property.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report and supports the Arborist's findings, with the following comments:

- 84 trees (tag\# 1-2, 4-19 \& 21-86) are located on-site (Attachment 8).
- 63 trees are located on the future development lot. The built form with two levels of below grade parking extending across the site precludes the opportunities for tree retention.
Replacement trees should be specified at 2:1 ratio.
- Included in the on-site trees are a 2 significant trees (tag \#18 and 67) that would require replacement at $3: 1$ ratio as per the OCP. While these trees are currently identified for removal, tree protection and retention for these trees will be subject to further review through the Development Permit process to see if modification to the parking structure will facilitate retention.
- 21 trees ( $\operatorname{tag} \# 19,21,24-29,41-46,79-85$ ) are located on-site but within the area being provided to the City for the purposes of public open space and greenway. One tree (Tag \#A) is located on City property on the north property line of 8891 Patterson but may conflict with proposed greenway works. Tree protection and retention within this area will be subject to further review through the design of the frontage improvements and proposed multi-use path and sidewalk facilities which to be coordinated as part of the required Servicing Agreement. Further details will be provided at the time of the Development Permit application.
- One Tree (tag \#87) located off-site to the south on City property is in good health and condition, but conflicts with the building and parkade due to the proximity to the property line and is recommended for removal, $\$ 2,250.00$ required in compensation. Tree protection and retention will be further reviewed through the Development Permit process to see if modification to the parking structure will facilitate retention.
- Two Trees (tag\# 3 \& 20) located on adjacent neighbouring property to the east are located in close proximity to the development lot and proposed parkade structure. These trees are to be retained and protected unless appropriate authorization is obtained from the adjacent property owner. This will be further reviewed as part of the Development Permit application. If the owner does not consent to the removal, the development is required to provide tree protection as per City of Richmond Tree Protection Information Bulletin Tree-03.


## Tree Replacement

The applicant wishes to remove 63 on-site trees (Trees \# 1-2, 4-18, 22, 23, 30-40, 47-78, 86). The $2: 1$ replacement ratio for 61 trees and $3: 1$ replacement for the two larger caliper trees if they cannot be retained would require a total of 128 replacement trees. The preliminary landscape plans provided by the applicant identify a total of 31 new trees to be planted on-site. The required replacement trees are to be of the following minimum sizes, based on the size of the trees being removed as per Tree Protection Bylaw No. 8057.

| No. of Replacement Trees | Minimum Caliper of Deciduous <br> Replacement Tree | Minimum Height of Coniferous <br> Replacement Tree |
| :---: | :---: | :---: |
| 14 | 8 cm | $\mathrm{n} / \mathrm{a}$ |
| 17 | $\mathrm{n} / \mathrm{a}$ | 4 m |

To satisfy the replacement ratios established in the OCP, the applicant will contribute $\$ 72,750.00$ to the City's Tree Compensation Fund in lieu of the remaining 97 trees that cannot be accommodated on the subject property after redevelopment. Additional opportunities for on-site tree planting will be reviewed through the Development Permit process.

## Tree Protection

Two Trees (tag\# 3 \& 20) located on the neighbouring property at 8891 Patterson Road are located in close proximity to the subject site. The trees are in good health condition and have been identified for retention. Should the detailed design of the project determine that these are in conflict with the proposed development, the applicant will be required to obtain consent from the property owner to remove the two trees or redesign the building in order to retain the trees. If the trees are authorized for removal the applicant is required to provide $2: 1$ compensation. Further details will be provided at the time of the Development Permit application.

Three Trees (tag\# B, C, D) located south of lot \# 2, 8931 Patterson Road are to be retained and protected. However, these trees may be relocated or compensation provided for them as determined to the satisfaction of City Parks through the Development Permit process.

Six Trees along the Garden City Boulevard are in good health and condition and are to be retained and protected.

To ensure that the trees identified for retention are protected at the development stage, the applicant is required to complete the following items:

- Prior to final adoption of the rezoning bylaw, submission to the City of a contract with a Certified Arborist for the supervision of all works conducted within or in close proximity to tree protection zones. The contract must include the scope of work required, the number of proposed monitoring inspections at specified stages of construction, any special measures required to ensure tree protection and a provision for the arborist to submit a postconstruction impact assessment to the City for review.
- Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin Tree-03 prior to any works being conducted on-site and remain in place until construction and landscaping on-site are completed.


## Public Art

The CCAP encourages voluntary developer contributions towards public art, especially in the case of projects, like the subject development, that are situated along key public open space corridors (e.g., Capstan Greenway). The developer has proposed to integrate public art with the proposed development. Staff recommend acceptance of the developer's offer with a minimum value of at least $\$ 138,551.77$, based on City-approved rates and the maximum buildable floor area permitted under the subject site's proposed "Residential/Limited Commercial (ZMU54)" zone, excluding affordable housing (as indicated in the table below). Prior to rezoning adoption, the developer will prepare a public art plan for consideration by the Richmond Public Art Advisory Committee and, as required, Council, followed by the registration of legal agreements on Title to secure the implementation of the approved plan to the City's satisfaction.
(NOTE: The developer prepared a public art plan, which was presented and endorsed by the Richmond Public Art Advisory Committee on Feb 14, 2023.)

| Use | Max. Permitted Floor Area <br> Under ZMU54 Zone | Affordable Housing <br> Exemption | Min. <br> Developer <br> Contribution <br> Rates | Min. Voluntary <br> Developer <br> Contribution |
| :---: | :---: | :---: | :---: | :---: |
| Residential | $12,271.25 \mathrm{~m}^{\mathbf{2}}\left(132,086.51 \mathrm{ft}^{\mathbf{2}}\right)$ | $1,847.54 \mathrm{~m}^{\mathbf{2}}\left(19,886.75 \mathrm{ft}^{2}\right)$ | $\$ 0.99 / \mathrm{ft}^{2}$ | $\$ 111,077.77$ |
| Non- <br> Residential | $4,908.5 \mathrm{~m}^{2}$ <br> $\left(52,834.6 \mathrm{ft}^{2}\right)$ | Nil | $\$ 0.52 / \mathrm{ft}^{2}$ | $\$ 27,473.99$ |
| TOTAL | $\mathbf{1 7 , 1 7 9 . 7 5 \mathrm { m } ^ { \mathbf { 2 } } ( 1 8 4 , 9 2 1 . 1 1 \mathrm { ft } ^ { \mathbf { 2 } } )}$ | $\mathbf{1 , 8 4 7 . 5 4 \mathrm { m } ^ { \mathbf { 2 } } ( 1 9 , 8 8 6 . 7 5 \mathrm { ft } ^ { \mathbf { 2 } } )}$ | Varies | $\$ 138,551.77$ |

## Variance Requested

None.

## Site Servicing and Frontage Improvements

City policy requires that the developer is responsible for the design and construction of water, storm sewer and sanitary sewer upgrades, together with related public and private utility improvements, arising as a result of the proposed development, as determined to the satisfaction of the City. Prior to rezoning adoption, the developer will enter into a standard City Servicing Agreement, secured with a Letter of Credit, for the design and construction of required off-site works, as set out in the attached Rezoning Considerations (Attachment 8 ): including but not limited to:

- City utility works (water, sanitary, storm sewer) upgrades and connections.
- Road and frontage improvements to Patterson Road, Sea Island Way and Garden City Road.
- The greenway on the future City lot adjacent to Sea Island Way.
- Refinements to the interface with adjacent Patterson Park.


## Sustainability

The sustainability requirements set out in the applicable sections of Richmond's BC Energy Step Code for the proposed mixed use residential and hotel buildings is Step 2 with the provision of a low-carbon building energy system with a provision for future connection to a future City owned district energy utility system. The mechanical engineer has provided a letter confirming the project is being designed to achieve Step 2 with the provision of a privately owned low-carbon building energy system on the subject site. More information regarding the development's sustainability initiatives will be provided at the Development Permit stage.

## Future Development Permit Application Considerations

Development Permit approval, to the satisfaction of the Director, Development, is required prior to final adoption of the rezoning bylaw. At Development Permit stage, additional design development is encouraged with respect to the following items:

- Streetscape along Sea Island Way: Soften the raised parkade using planting and proposed integration of public art on the north along the proposed Sea Island Way Greenway.

Refine the alignment of active transportation infrastructure within the Sea Island Way Greenway to maximize buffer to adjacent traffic should future widening of Sea Island Way be required.

- Parkade and Patio along Patterson Road: Lower the patio to have a better interface with Patterson while situating the portion of parkade below finished grade.
- Architectural Design: The façade and materiality are to be further developed in response to the key gateway site.
- Common Amenity Spaces: The proposal includes approximately $148.87 \mathrm{~m}^{2}$ of shared indoor amenity space and $1,016.42 \mathrm{~m}^{2}$ of shared outdoor amenity space, exceeding the OCP Development Permit Guidelines rates for indoor amenity space (Min. $100 \mathrm{~m}^{2}$ ) and for outdoor amenity space (Min. $978 \mathrm{~m}^{2}$ ). More information is required with respect to the programming, design, and landscaping of these spaces to ensure they satisfy City objectives.
- Accessibility: Design and distribution of Basic Universal Housing units, adaptable units, aging-in-place features, and common spaces.
- Sustainability: Opportunities to enhance building performance in coordination with architectural expression.
- Crime Prevention through Environmental Design (CPTED): Opportunities to enhance CPTED measures including surveillance and territoriality to promote a sense of security.
- Parking, Loading \& Waste Management: The development proposal is consistent with the Zoning Bylaw and related City requirements. Further design of vehicle parking and circulation, truck manoeuvring, waste management activities, and related features and spaces to ensure all conditions of the Zoning Bylaw are met. This includes maintaining proposed parking provisions while ensuring all encroachments into parking and loading facilities are removed and adequate buffers and dimensions are maintained.


## Financial Impact or Economic Impact

As a result of the proposed development, the City will take ownership of developer contributed assets constructed to City standards, such as road works, waterworks, storm sewers, sanitary sewers, street lights, street trees, bike lanes and traffic signals. The anticipated operating budget impact for the ongoing maintenance of these assets is insignificant.

## Conclusion

Dava Developments Ltd. has applied to the City of Richmond for permission to rezone lands at 8911, 8931, 8951, 8991 Patterson Road from "Residential Single Family (RS1/F)" to a new "Residential/Limited Commercial (ZMU54)" zone and "School \& Institutional Use (SI)" zone, in the City Centre's Capstan Village area to permit the development of a mixed-use mid rise and high- rise development, comprised of 163 dwellings and 100 hotel guest rooms.

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10464 be introduced and given first reading.


Virendra Kallianpur
Program Manager, Urban Design
(604-247-4620)
VK:js

Att. 1: Location Map<br>2: City Centre Capstan Village Area Plan<br>3: Conceptual Development Plans<br>4: Development Application Data Sheet<br>5: Public Correspondence<br>6: Non-profit letter of partnership<br>7: Non-profit letter of support<br>8: Tree Management Plan<br>9: Rezoning Considerations

## City of

Richmond


## City of Richmond


illage (2031)

Bylaw 9593 2017/05/08


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PROPOSED HOTEL \＆RESIDENTIAL DEVELOPMENT AT 8911－8991 PATTERSON ROAD RICHMOND BC PROJECT TEAM ARCHITECTURAL DRAWING LIST


 MMG LANDSCAPE ARCHITECTS LTD．
CIIL：
MPT ENGINEERING CO．LTD．

TRAFFIC： ELECTRICAL \＆MECHANICAL STRUCTURAL：
WELLERSMITH BOWERS
CONSULTING STRUCTURAL ENGINEERS ACOUSTIC：
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PLN－ 128

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PLN - 129

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| LOADING CALCULATION |  |  |  |  |  |
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| LAND USE | GLA | UNITS/ROOMS | REFERENCE | MEDIUM SIZE LOADING | LARGE SIZE LOADING |
| RESIDENTIAL | -- | 165 | 7.13.6.1 | 1 | -- |
| HOTEL | 4,908.50 m2 | 100 | 7.13.6.2 | 2 |  |
| TOTAL REQUIRED |  |  |  | 3 | 1 |
| TOTAL PROPOSED |  |  |  | 3 | -- |









PLN - 133



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| PRoJECT No. | 2019061101 |
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PLN - 136







PLN - 139





PLN - 141



PLN - 142



| RESIDENTIAL AND HOTEL DEVELOPMENT |  |  |
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Address: 8911, 8931, 8951, 8991 Patterson Road

## Applicant: Dava Developments Ltd.

## Planning Area(s): $\quad$ City Centre (Capstan Village)

|  | Existing | Proposed |
| :---: | :---: | :---: |
| Owner | Dava Developments | No change |
| Site Size ( $\mathrm{m}^{2}$ ) | 4,908.5 | No change |
| Land Uses | Single Detached | Hotel and Residential |
| OCP <br> Designation | Mixed Use | No change |
| Area Plan Designation | - Land Use Designation: Urban Centre T5 (35m); <br> - Village Centre Bonus Area <br> - Capstan Station Bonus Area <br> - Richmond Arts District <br> - Key Mixed-Use Areas and Commercial Reserve <br> - Mixed-Use Core (Along Patterson Rd) <br> - Highway Commercial (Along Sea Island Way) | No change |
| Zoning | Single Detached (RS1/F) | Residential/ Limited Commercial (ZMU54) and School and Institutional Use (SI) |
| Number of Units | Nil | Market Housing: 136 units Affordable Housing: 27 units Residential Total: 163 units Hotel: 100 guest rooms |
| Other Designations | ANSD Area 3 (new Aircraft Noise Sensitive Land Uses may be considered) | ANSD uses are proposed |


|  | Site Specific ZMU 54 Zone | Proposed Development | Variance |
| :---: | :---: | :---: | :---: |
| Floor Area Ratio: | 3.5 FAR Including: <br> - Base 2.0 <br> - Capstan Station Bonus (CSB): 0.5 <br> - Village Centre Bonus (VCB): 1.0 for hotel only | 3.5 FAR, including: Residential 2.5 Hotel 1.0 | none permitted |
| Buildable <br> Floor Area $\left(\mathrm{m}^{2}\right)$ :* | $17,179.75 \mathrm{~m}^{2}\left(184,921.11 \mathrm{ft}^{2}\right)$, including Base (Residential): 9,817 $\mathrm{m}^{2}$ (105,669.2 ft²) <br> - $\quad$ CSB (Residential): $2,454.12 \mathrm{~m}^{2}$ (26,417.3 ft²) <br> - VCB (Hotel): $4,908.5 \mathrm{~m}^{2}(52,834.6$ $\mathrm{ft}^{2}$ ) | $17,154.73 \mathrm{~m}^{2}\left(184,651.80 \mathrm{ft}^{2}\right)$, including Residential: $12,246.23 \mathrm{~m}^{2}$ ( $131,817.30 \mathrm{ft}^{2}$ ) Hotel: $4,908.5 \mathrm{~m}^{2}\left(52,834.6 \mathrm{ft}^{2}\right)$ | none permitted |
| Lot Coverage (\% of lot area): | Building: Max. $90 \%$ | Building: Max. 89.9 \% | none |
| Lot Size: | 4,000 m ${ }^{2}$ | 4,079.5 m ${ }^{2}$ | none |


| Lot <br> Dimensions <br> (m): | None | Width: $75.23 \mathrm{~m}-93.29 \mathrm{~m}$ <br> Depth: $51.58 \mathrm{~m}-52.71 \mathrm{~m}$ | none |
| :---: | :---: | :---: | :---: |
| Setbacks (m): | Front (south): Min. 3 m <br> Rear (north): Min. 0 m Interior Side (west): Min. 0 m Exterior Side (east): Min. 3 m | Front (south): Min. 3 m <br> Rear (north): Min. 0 m Interior Side (west): Min. 0 m Exterior Side (east): Min. 3 m | none |
| Height (m): | 45 m (148 ft) | Residential Top of structure 44.03m Hotel Top of Structure 29.77 m | none |
| Off-street <br> Parking <br> Spaces - <br> Regular (R) / <br> Visitor (V): | At least 193 spaces, based on: <br> - Apartment: R 1.0 per du; V 0.2 per du <br> - Affordable Housing: R 0.8 per du; $\checkmark 0.2$ per du <br> - $20 \%$ reduction applied if both shared parking and TDM measures are implemented, as per an approved TIA | Total 222 spaces, based on: <br> Market Residential 135(R) + 22(V) <br> Affordable Housing 18 (R)+5 (V) <br> Hotel 40 <br> Car share 2 | none |
| Off-street <br> Parking Spaces Total: | 194 | 222 | none |
| Tandem Parking Spaces: | Not permitted | Nil | none |
| Amenity Space Indoor: | Min. $70 \mathrm{~m}^{2}$ | $148.87 \mathrm{~m}^{2}$ | none |
| Amenity Space Outdoor: | Min. $978 \mathrm{~m}^{2}$ | 1,016.42 m² | none |

Other:

* Preliminary estimate; not inclusive of garage; exact building size to be determined through zoning bylaw compliance review at Building Permit stage.


## Kallianpur, Virendra

## From:

Kallianpur,Virendra
Sent:
July 27, 2022 1:57 PM
To:
Subject:
'rdubnov@live.ca'
RE: Implement better parking

Hi Ryan

## Good Afternoon.

Thank you for contacting the city and expressing your concern on the lack of sufficient street parking in the area in relation to the proposed development application. Your comments will be retained and noted on file.

Each development is responsible for providing the required parking as per City bylaws to support the proposed development program. Similarly, the proposed rezoning application at 8911-8991 Patterson, RZ 20-919113 which is under review will also be required to meet the parking requirements on site to support the proposed program, which includes parking for residents, visitors, and delivery vehicles.

Please note that the design of the street frontage works (including but not limited to street parking) associated with this proposal has not yet been determined, but that the City will take your comments into consideration.

Thank you for sharing your concern.
Have a good day

Best
Viren

Virendra Kallianpur MCIP-I, AICP, RELi AP, WELL AP, LEED AP BD+C
Senior Urban Designer I Planning \& Development I City of Richmond
T: 604.247.4620IE: vkallianpur@richmond.ca

From: Ryan Dubnov [rdubnov@live.ca](mailto:rdubnov@live.ca)
Sent: July 26, 2022 3:22 PM
To: DevApps [DevApps@richmond.ca](mailto:DevApps@richmond.ca)
Subject: RE: Implement better parking

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Apologies the image did not attach correctly.

Find attached dev application for 8911-8991 Patterson road
All adjacent or surrounding developments are seriously lacking in street parking. Any given time of day, there is no free parking which causes trickle parking challenges to surrounding streets.

On Jul 26, 2022 08:21, DevApps < DevApps@richmond.ca> wrote:

Good morning,

Thank you for your email.

If you could please inform us of what proposed development is lacking street parking, we can ensure we forward your concern to the correct Planner.

Regards,
Development Applications

From: Ryan Dubnov [rdubnov@live.ca](mailto:rdubnov@live.ca)
Sent: July 25, 2022 11:00 PM
To: DevApps < DevApps@richmond.ca>
Subject: Implement better parking

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

The entire neighbourhood surrounding this proposed development is lacking adequate street parking for residents, visitors, and Logistics vehicles.

If the City may keep this in mind during review, and recommend for large aprons outside the budding floor plate to allow for more street parking, then this neighbourhood will be more viable

# MEMORANDUM OF UNDERSTANDING <br> BETWEEN <br> Dava Developments Ltd. 

(BC Incorporation \# BCO918547)

## AND

## S.U.C.C.E.S.S AFFORDABLE HOUSING SOCIETY

(BC Incorporation \#S0061005)

## WHEREAS:

Dava Developments Ltd, a long-time prominent Richmond-base developer (the "Developer"), is developing a housing project in the City of Richmond at 8911-8991 Patterson Road which includes 29 Affordable Housing units. The project is currently in the Rezoning stage and the Developer anticipates commencing construction in 2025 with occupancy expected in 2027.
S.U.C.C.E.S.S Affordable Housing Society (the "Housing Operator") is experienced in providing housing operations, management, and maintenance services for affordable homes.

The Developer and the Housing Operator have been in discussions regarding the Housing Operator purchasing or leasing the Affordable Housing units from the Developer, upon completion of construction.

The Housing Operator is interested in purchasing or leasing the Affordable Housing units from the Developer to add to its affordable housing portfolio and increase the number of affordable housing units.

## SECTION B. INTENT

1. The proposed project is located at 8911-8991 Patterson Road, Richmond and consists of a 14 story residential building a 6 story residential building and a 7 story hotel building.
2. The 14 story residential building will include 29 Affordable Housing units on the $3^{\text {rd }}$ and $4^{\text {th }}$ floors.
3. The project is currently in the rezoning stage. The number, size and mix of housing is subject to change through the permitting process.
4. The Developer and the Housing Operator will make best efforts to enter into a purchase and sale agreement of the Affordable Housing units to the Housing Operator. Failing a purchase and sale agreement, the Developer and the Housing Operator will enter into a lease agreement and the Housing Operator will operate the Affordable Housing units.

## SECTION C. RESPONSIBILITIES: The Housing Operator

1. The Housing Operator will manage the Affordable Housing units as per City of Richmond Affordable Housing requirements during their ownership or lease term.
2. The Housing Operator will support the permitting process for the project, attending meetings with municipality as required.
3. The Housing Operator will provide general advice and guidance on specification and design however the Developer retains the right to develop in accordance with their requirements.

## SECTION D. RESPONSIBILITIES: The Developer

1. The developer will ensure that all Affordable Housing units are delivered as per City of Richmond Affordable Housing requirements.
2. The developer will ensure that all affordable housing units are sold to and/or managed by one housing operator.

## SECTION E. BINDING

This Memorandum is intended to be non-binding, and until a purchase and sale agreement or lease agreement is executed by both parties there will be no binding legal obligations between the parties. Although this Memorandum sets out the basic understandings reached between the Developer and the Housing Operator to date, the actual documentation may well be the subject of further good faith negotiation and contain terms not included in this Memorandum.

## This Memorandum of Understanding outlines the parties' intentions prior to a legal agreement being entered into formalizing the terms of the relationship together

SIGNED:
NAME:


TITLE:


DATE:


Diva Developments Ltd.

SIGNED:

S.U.C.C.E.S.S AFFORDABLE HOUSING SOCIETY

Mr. Virendra Kallianpur
Development Applications Department
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1
Delivered via email - vkallianpur@richmond.ca
April 12, 2023

Dear Mr. Virendra
I am writing in connection with Dava Developments' Affordable Housing Units (AHU's) at 8911-8991 Patterson Road. I understand from with Dava Developments that the project will be reviewed by the Planning Committee in short order. Per City Staff request, I am writing to clarify S.U.C.C.E.S.S.'s position regarding the following:

## Any objectives that the non-profit organization has for the affordable housing related to target tenant groups

S.U.C.C.E.S.S. selects residents in a fair, equitable, non-discriminative, transparent, consistent, and accountable manner and does not discriminate against any applicant or resident by reason of race, colour, religion, national or ethnic origin, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age, the fact that there are children forming part of the family or any other cause prohibited by local, provincial, and federal laws. S.U.C.C.E.S.S. complies with federal and provincial laws regarding human rights and adheres to National Occupancy Standards. Per the National Occupancy Standards, studio and 1-bed units are reserved for single persons and couples while 2-bed and 3-bed units are reserved for families.

## Any objectives the non-profit organization has for the affordable housing related to programming or services that will be offered.

S.U.C.C.E.S.S. offers programming and services at each housing sites appropriate to the needs of the tenants. These programs and services enable S.U.C.C.E.S.S. to achieve its goal as a bridge between individuals and the community at large, and assist them to integrate and contribute fully to society.

Once the AHU's are tenanted, S.U.C.C.E.S.S. will assess the tenant needs and develop the appropriate programs. S.U.C.C.E.S.S. will also lean on its well-established community relationships and partnerships to ensure the tenants are linked to community supports and benefit from increased engagement and activity for a healthier, inclusive, and less isolated living experience.

## Confirmation that the non-profit organization supports the affordable housing unit mix proposed.

Overall, S.U.C.C.E.S.S. supports the current AHU mix. The current unit mix represents a very good balance between family and single units at approximately $50 \%$ each. We are also glad to see a relatively high number of 3-bed units which are in high demand for larger families.

Please let me know if you require any further information
Regards


Ahmed Omran
Director, Community Real Estate and Asset Management April 12, 2023

Copies: Shiu Kee Tang, Dava Developments


File No.: RZ 20-919113

## Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10464, the developer is required to complete the following:

1. (Official Community Plan Amendment Bylaw): Final Adoption of OCP Amendment Bylaw 10464.
2. (Ministry of Transportation \& Infrastructure - MOTI): Provincial Ministry of Transportation \& Infrastructure Approval must be received.
3. (NAV Canada Building Height): Submit a letter of confirmation from a registered surveyor assuring that the proposed building heights are in compliance with Transport Canada regulations.
4. (Consolidation, Subdivision, Dedication and Land Transfer) Registration of a Subdivision Plan for the subject site and park land ownership transfer, to the satisfaction of the City. Prior to the registration of a Subdivision Plan, the following conditions shall be satisfied:
4.1. (Site Contamination - Dedicated and/or Transferred Land) Prior to rezoning bylaw adoption, submission to the City of sufficient information and/or other assurances satisfactory to the City in its sole discretion to support the City's acceptance of the proposed dedicated and/or transferred land. Such assurances could include one or more of the following:
4.1.1. a contaminated sites legal instrument (e.g. Certificate of Compliance (COC) or Final Site Determination (FSD) showing no contamination in the dedication and/or transferred lands);
4.1.2. evidence satisfactory to the City, in its sole discretion, that the lands to be dedicated and/or transferred to the City are in a satisfactory state from an environmental perspective; and
4.1.3. a legal commitment to provide a contaminated sites legal instrument (e.g. Certificate of Compliance (COC) or Final Site Determination (FSD) showing no contamination in the dedication lands and/or transferred), including security therefor in the amount and form satisfactory to the City.
4.2. Road: Dedication of approximately $59.47 \mathrm{~m}^{2}$ for road and related purposes, as indicated generally on the Preliminary Subdivision Plan (Schedule 1) and Preliminary Road Functional Plan (Schedule 2). Final extents and amounts to be determined through the required Servicing Agreement* application process, to the satisfaction of the Director of Transportation. Road dedication areas include:
4.2.1. $\quad 39.79 \mathrm{~m}^{2}-2 \mathrm{~m}$ road dedication along the vehicle turn around area off $8911 \& 8931$ Patterson Road frontage (to which Development Cost Charge credits shall NOT apply); Exact extent to be confirmed through the detailed design SA process to the satisfaction of the City;
4.2.2. Corner Cuts:
4.2.2.1 $\quad 11.68 \mathrm{~m}^{2}-5 \mathrm{~m} \times 5 \mathrm{~m}$ corner cut on the southwest corner of Garden City Road/Sea Island Way, measured from the new property line along Sea Island Way and off existing property line along Garden City Road (to which Development Cost Charge credits shall NOT apply); and
4.2.2.2 $\quad 8.00 \mathrm{~m}^{2}-4 \mathrm{mx} \mathrm{4m}$ corner cut on the northwest corner of Garden City Road/Patterson Road cuts (to which Development Cost Charge credits shall NOT apply)
4.3. Granting of minimum 1.5 m public-rights-of-passage statutory right-of-way for the purposes of providing a pedestrian connection between Patterson Drive on the south to the multi-use path along the south side of Sea Island Way along the west edge of the subject site. This will include the full area of the pedestrian walkway and access ramps and will be further designed as part of the Development Permit process.
4.4 Lot Consolidation and Subdivision:

### 4.4.1. Consolidation of four existing lots into a single development parcel totalling $4,908.5 \mathrm{~m}^{2}$.

4.6. Sea Island Way Greenway: Transfer of the approximately $829 \mathrm{~m}^{2}(0.20 \mathrm{ac}$. $)$ lot to the City as a fee simple lot to accommodate Sea Island Way Greenway for public use. The primary business terms of the required land transfer, including any environmental conditions, shall be to the satisfaction of the Director, Real Estate Services, the City Solicitor, the Director, Parks Services and the Director of Development. All costs associated with the land transfer shall be borne by the developer. The lands to be transferred are generally indicated on the Preliminary Subdivision Plan (Schedule 1).
NOTE: Development Cost Charge (DCC) credits shall not apply.
NOTE: This land transfer is required to satisfy the developer's CCAP and Zoning Bylaw public open space requirements with respect to the Capstan Station Bonus.
4.7 Garden City: Transfer of the approximately $927 \mathrm{~m}^{2}$ ( 0.23 ac .) lot to the City as a fee simple lot or as road dedication to accommodate side walk, boulevard, open space for public use. The primary business terms of the required land transfer, including any environmental conditions, shall be to the satisfaction of the Director, Real Estate Services, the City Solicitor, the Director, Parks Services and the Director of Development. All costs associated with the land transfer shall be borne by the developer. The lands to be transferred are generally indicated on Reference Plan EPP93646 (Schedule 3).
NOTE: Development Cost Charge (DCC) credits shall not apply.
5. (Capstan Station Bonus-CSB): Registration of a restrictive covenant and/or alternative legal agreement, to the satisfaction of the City, securing that "no building" will be permitted on the subject site and restricting Building Permit* issuance for the subject site, in whole or in part, until the developer satisfies the terms of the Capstan Station Bonus (CSB) as provided for via the Zoning Bylaw. More specifically, the developer shall provide for cash and public open space contributions as follows:
a) Capstan Station Reserve Contribution: The preliminary estimated cash contribution is as shown in the following table. The actual value of the developer contribution shall be based on the actual number of dwelling units and the City-approved contribution rate in effect at the time of the Building Permit* approval
TABLE 1

| Use | No. of Dwellings <br> (Preliminary Estimate) | CSB Contribution Rate <br> (Effective to Sep 30,2023) | CSB Voluntary Contribution <br> (Preliminary Estimate) |
| :---: | :---: | :---: | :---: |
| TOTAL | 163 | $\$ 10,068.47 /$ dwelling | $\mathbf{\$ 1 , 6 4 1 , 1 6 0 . 6 1}$ |

b) Public Open Space Contribution: Prior to the final reading of the Rezoning Bylaw, granting of at least $815 \mathrm{~m}^{2}$ (8,772.59 $\mathrm{ft}^{2}$ ) of publicly-accessible open space to the City, through dedication, based on $5.0 \mathrm{~m}^{2}\left(53.82 \mathrm{ft}^{2}\right)$ per dwelling unit and a maximum of 163 dwellings. More specifically, prior to rezoning adoption the developer shall:
i. Maximum Number of Dwellings: Register a covenant and/or alternative legal agreement on title, to the City's satisfaction, to restrict the maximum number of dwellings on the subject site to 165 .
NOTE: This is consistent with findings of the rezoning review that indicate the subject site cannot reasonably accommodate more than $829 \mathrm{~m}^{2}\left(8,923.28 \mathrm{ft}^{2}\right)$ of CSB public open space.
ii. Publicly-Accessible Open Space: Provide public open space to the City (as shown in Schedule 1). The ultimate configuration of the open space shall be confirmed to the satisfaction of the City through the Development Permit review and approval process but the size shall not be less than the area indicated below:
Fee Simple Transfer: An area 10 m wide adjacent to Sea Island Way is required to accommodate the Sea Island Way Greenway, as per Section 2.6.3(c) of the CCAP, which results in $829 \mathrm{~m}^{2}$ of land dedication for public and to accommodate road, off-street multi-purpose path, sidewalk, planted boulevard, and related upgrades.
NOTE: Site specific zone ZMU 54 provides for the developer to calculate density on this additional road dedication (Development Cost Charge credits shall NOT apply).
6. (Hotel): Registration of a restrictive covenant(s) and/or other legal agreement(s) on title to ensure that the use and operation of the proposed hotel are consistent with City policy with respect to the Village Centre Bonus and

Residential / Limited Commercial (ZMU54) zone, which permit bonus density on the subject site for non-residential purposes only. More specifically:
a) The meaning of hotel shall comply with Richmond Zoning Bylaw definition and, for the purposes of the subject development, the meaning of hotel shall also include, but may not be limited to, requirements that a hotel shall:
i. Be a stand-alone building, which for the purposes of the subject development, shall mean it is located over, under, and or beside other uses on the lot, but functions independently of those other uses except as described below:
ii. Contain guest rooms for use as transient rental accommodation, together with complementary uses and spaces required directly or indirectly in support of the guest rooms (e.g. Recreation/leisure facilities, meeting/convention facilities, restaurant, retail, administration, and back of house uses);
iii. Guest room shall mean a habitable room wherein accommodation is offered for rent, or rented, to persons on a temporary basis and that does not contain cooking or food preparation facilities, but may include a microwave, coffee maker, tea kettle (or other similar small domestic appliances, as are customary in similar quality hotel properties, used primarily for heating pre-prepared food), a compact refrigerator with a maximum capacity of 0.14 m 3 ( 5 ft 3 ), and a single bowl bar-size sink installed within a counter space having a maximum width of $1.5 \mathrm{~m}(5 \mathrm{ft}$.) and a maximum depth of $0.6 \mathrm{~m}(2 \mathrm{ft}$.);
iv. Not contain any dwelling unit(s);
v. Not share a common interior corridor, lobby, emergency exit, or other indoor space(s) or use(s) with the resident(s) of any dwelling(s) on the lot, EXCEPT that:
a. Guests, visitors, and employees of the hotel and residents and visitors of the dwellings may have shared use of the parking structure on the lot, as determined to the satisfaction of the City through an approved Development Permit*;
b. If so determined by the developer, the residents of the dwellings on the lot may make use of any recreation/leisure facilities provided as part of the hotel (provided that the Richmond OCP residential amenity space requirements for the dwellings are satisfied as part of the residential portion of the development on the lot, exclusive of the hotel's recreation/leisure facilities); and
c. Hotel and residential uses may share a common wall, floor, or other features, as required to demise the two uses;
vi. Be permitted to be subdivided as an air space parcel, provided that any such air space parcel does not include any dwelling units or other residential uses.
b) Registration of a covenant or alternative legal agreement on title, to the satisfaction of the City, securing the owner's and the owner's assignee's commitment to limit the length of stay of hotel guests to a maximum of six months.
c) Registration of a covenant or alternative legal agreement on title, to the satisfaction of the City, for each hotel building prohibiting strata titling of individual or groups of hotel rooms.
d) "No development" shall be permitted on the lot, restricting Development Permit issuance for any building on the lot, in whole or in part (excluding parking), unless the approved Development Permit includes the hotel and plans are attached to the subject restrictive covenant to make clear the size, location, and related features of the hotel, to the satisfaction of the City.
e) Following Development Permit issuance, the City may permit alterations to the design of the hotel, provided that any such alterations comply with an approved Development Permit and the subject restrictive covenant is amended or replaced, as determined to the satisfaction of the City.
7. Submission of a Landscape Security in the amount of $\$ 72,750$ ( $\$ 750 /$ tree) to ensure that a total of 97 replacement trees are planted and maintained; minimum 8 cm deciduous caliper or 4 m high conifers). NOTE: minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A-3.0 Replacement Trees.
8. Submission of a Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, and deposit of a Landscaping Security based on $100 \%$ of the cost estimate provided by the Landscape Architect, including installation costs. The Landscape Plan should:

- include a mix of coniferous and deciduous trees;
- include the dimensions of tree protection fencing as illustrated on the Tree Retention Plan attached to this report; and
- include the 31 required replacement trees with the following minimum sizes:

TABLE 2

| No. of Replacement Trees | Minimum Caliper of Deciduous Tree | or | Minimum Height of Coniferous Tree |
| :---: | :---: | :---: | :---: |
| 31 | 8 cm |  | 4 m |

If required replacement trees cannot be accommodated on-site, a cash-in-lieu contribution in the amount of $\$ 750 /$ tree to the City's Tree Compensation Fund for off-site planting is required.
9. City acceptance of the developer's offer to voluntarily contribute $\$ 72,750$ to the City's Tree Compensation Fund for the planting of replacement trees within the City.
10. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of the trees to be retained. The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
11. Submission of a Tree Survival Security to the City in the amount of $\$ 45,000$ for the three trees (Tag\# B, C, D) and the six trees Garden City boulevard to be retained.
12. Submission of Tree compensation to the City in the amount of $\$ 2,250$ for one tree removal (tag \# 87).
13. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.
14. Registration of a legal agreement on title identifying that the proposed development must be designed and constructed in a manner that mitigates potential aircraft noise impacts to the proposed dwelling units. The owner-developer shall notify all initial purchasers of the potential aircraft noise impacts. Furthermore, prior to each Development Permit and Building Permit* issuance, the owner-developer shall submit a report(s) and/or letter(s) of confirmation prepared by an appropriate registered professional, which demonstrates that the interior noise levels and thermal conditions comply with the City's Official Community Plan and Noise Bylaw requirements.
a) CMHC guidelines for interior noise levels as indicated in the chart below:

TABLE 3

| Portions of Dwelling Units | Noise Levels (decibels) |
| :--- | :---: |
| Bedrooms | 35 decibels |
| Living, dining, recreation rooms | 40 decibels |
| Kitchen, bathrooms, hallways, and utility rooms | 45 decibels |

b) the ASHRAE 55-2004 "Thermal Environmental Conditions for Human Occupancy" standard for interior living spaces.
15. Mixed-Use Noise: Registration of a legal agreement on title that identifies the building as a mixed use building, and indicating that they are required to mitigate unwanted noise and demonstrate that the building envelope is designed to avoid noise generated by the internal use from penetrating into residential areas that exceed noise levels allowed in the City's Noise Bylaw and noise generated from rooftop HUAC units will comply with the City's Noise Bylaw.
16. Registration of a flood indemnity covenant on title.
17. Registration of a restrictive covenant prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.
18. View and Other Development Impacts: Registration of a legal agreement on title stipulating that the development is subject to potential impacts due to other development that may be approved within the City Centre including without limitation, loss of views in any direction, increased shading, increased overlook and reduced privacy, increased ambient noise and increased levels of night-time ambient light, and requiring that the owner provide written notification of this through the disclosure statement to all initial purchasers, and erect signage in the initial sales centre advising purchasers of the potential for these impacts.
19. Shared Residential Rooftop Amenity Space: Registration of a legal agreement on title providing unrestricted access to the rooftop outdoor amenity space for the exclusive use and enjoyment of residential owners and occupants (including the affordable housing occupants). Any use of the rooftop outdoor amenity space by hotel users (i.e. operator, owner and/or guests) shall be at the sole discretion of the residential owner(s)/operator(s) (including the market residential
strata units and the affordable housing units) and be secured with a shared use agreement, which agreement may provide for, but may not be limited to the following, as determined to the satisfaction of the residential owner(s)/operator(s):
a) The hotel's use of the amenity space shall not compromise the use or enjoyment of the amenity space or facilities by the residents;
b) Restrictions on the hotel's use of the outdoor amenity space (e.g., no commercial activities, no alcohol, no smoking, no amplified music) and/or permitted hours of use; and
c) Cost sharing arrangements, which shall not result in any additional costs to the residents as a result of the hotel's use of the outdoor amenity space (e.g., for cleaning, maintenance, repairs, security, liability, access to or use of facilities) and may include an access charge or other fee payable to the residential owner(s)/operator(s) by the hotel.
The ultimate configuration and size of the shared rooftop amenity space shall be confirmed to the satisfaction of the City through the Development Permit review and approval process.
20. The submission and processing of a Development Permit* completed to a level deemed acceptable by the Director of Development.
21. (Village Centre Bonus (VCB) Amenity Contribution): The City's acceptance of the developer's voluntary cash contribution in lieu of constructing City-owned community amenity space on the subject site (as indicated in the table below), which funds shall be applied to the construction of City Centre child care and/or other use(s) that provide a community amenity, as provided for under the development's site-specific ZMU54 zone, to the satisfaction of the City.
In the event that the contribution is not provided within one-year of the application receiving third reading of Council (Public Hearing), the Construction-Value Amenity Transfer Contribution Rate shall be increased annually thereafter based on the Statistics Canada "non-Residential Building Construction Price Index" yearly quarter-to-quarter change for Vancouver, where the change is positive.
TABLE 4

| Use | Maximum Permitted VCB <br> Bonus Floor Area <br> Under the ZMU54 Zone | VCB Community <br> Amenity Space Area <br> $(5 \%$ of Bonus Area) | Construction-Value <br> Amenity Transfer <br> Contribution Rate | Minimum Voluntary <br> Developer Cash <br> Contribution |
| :---: | :---: | :---: | :---: | :---: |
| TOTAL | $4,908.50 \mathrm{~m}^{2}\left(52,834.65 \mathrm{ft}^{2}\right)$ | $245.42 \mathrm{~m}^{2}\left(2,641.6 \mathrm{ft}^{2}\right)$ | $\$ 871 / \mathrm{ft}^{2}$ | $\$ 2,300,833.60$ |

22. (TDM Measures): Voluntary contribution of the following Transportation Demand Management (TDM) measures:
a) Transit Pass Program: Registration of a legal agreement on title to ensure the execution and completion of a transit pass program, including the following method of administration and terms:
i. Provide 1 year of two-zone compass cards for each of the 34 market units ( $25 \%$ of the total 136 strata units) and 27 affordable housing units ( $100 \%$ of the total 27 Affordable housing units). The intention of the transit pass program is to offer transit passes on a per unit and first-come-first-serve basis. If a tenant opts out or does not "subscribe" to the transit pass program, that pass remains in the pool for a future tenant until they have all been utilized. Number of passes capped at number of units for a period of one year;
ii. Letter of Credit provided to the City for $100 \%$ of transit pass program value;
iii. Administration by TransLink, housing society or management company. The owner is not responsible for the monitoring of use of transit passes but only noting number of "subscribed" users to the program, until full unit count is exhausted over a period of one year;
iv. If the transit pass program is not fully subscribed within one year, the program is to be extended until the equivalence of the costs of the full one year transit pass program has been exhausted. Should not all transit passes be utilized by the end of the second year, the remaining funds equivalent to the value of the unsubscribed transit passes are to be transferred to the City of Richmond for alternate transportation demand management measures at the City's discretion; and
v. The availability and method of accessing the 2-zone transit passes is to be clearly explained in the tenancy agreements.
b) Enhanced Bicycle Facilities: Registration of a legal agreement on title ensuring that:
i. End-of-trip facilities are provided for the commercial uses, including showers, wash basins, water closets, lockers, and change rooms; and
ii. Bicycle repair/maintenance stations are provided and shared amongst all uses on-site, including bicycle repair stand (with tools); foot pump; and faucet, hose and drain for bicycle washing. A note is required on the Development Permit and Building Permit.
c) Car-share Parking: Registration of a restrictive covenant and Statutory Right-of-Way(s) on title, or alternative legal agreement, subject to the final approval of the Director of Transportation, securing the owner's commitment to provide a car share facility and car share equipment to a car share operator or the City, at no cost to the car share operator or the City, both as the case may be, the terms of which shall be generally as follows:
i. A minimum of two (2) car share parking spaces within the development, along with pedestrian and vehicular access, designed, constructed, equipped and maintained by the owner, at the owner's cost, to be:
(a) Co-located and located on the surface parking lot;
(b) Provided with satisfactory pedestrian access;
(c) Designed to be safe, convenient and universally-accessible;
(d) Provided with design features, decorative finishing, lighting and signage, as determined through the Development Permit* and Servicing Agreement* processes;
(e) Each provided with one EV quick-charge ( 240 volt) charging station for its exclusive use;
(f) Accessible to all intended users (e.g. general public, car share operator personnel and car share operator members) at no added cost;
(g) Accessible to all intended users as follows:
(i) General public - 365 days a year for a time period equalling the lengthiest combination of standard business hours and the standard operating hours of local rapid transit; and
(ii) Car share operator personnel and members - 265 days a year for a 24 hours per day (e.g. code entry);
(h) Identify the car share stalls in the Development Permit plans;
(i) Identify the car share stalls in the Building Permit plans; and
(j) Prior to building inspection permitting occupancy, provide wayfinding and stall identification signage for the car share stalls, to the satisfaction of the Director of Transportation;
ii. Terms of agreement between the owner and the car share operator which shall include:
(a) A minimum contractual period for the provision of car share services of three years from the first date of building occupancy; and
(b) Additional provisions as negotiated by the owner and car share operator (e.g. maintenance, repair and replacement by car share vehicles by the car share operator), or as required by the City, subject to the approval of the Director of Transportation.
iii. Supporting submissions provide to the City (Transportation Department) as follows:
(a) Prior to Public Hearing, a copy of the letter of intent addressed to the owner from the car share operator outlining the terms of the provision of car sharing services;
(b) Prior to Development Permit issuance, a copy of the draft contract between the owner and the car share operator describing the terms of the provision of car sharing services;
(c) Prior to building inspection permitting occupancy, a copy of the executed contract between the owner and the car share operator describing the terms of the provision of car sharing services;
iv. Granting of a Public Right of Passage Statutory Right-of-Way, in favour of the City, to secure the car share spaces and the vehicular and pedestrian accesses, subject to the final dimensions established by the surveyor on the basis of functional plans completed to the satisfaction of the Director of Transportation; and
v. In the event that the car-share facilities are not operated for car-share purposes as intended via the subject rezoning application (e.g. operator's contract is terminated or expires), transfer control of the car-share facilities to the City, at no cost to the City, with the understanding that the City at its sole discretion, without penalty or cost, shall determine how the facilities shall be used going forward.
d) Electric Vehicles (EV) Charging Infrastructure: Registration of legal agreement(s) on the subject site requiring that the developer/owner provides, installs, and maintains electrical vehicle (EV) charging infrastructure for the use of the building's residents, commercial tenants, and others as determined to the satisfaction of the City through an approved Development Permit*. This includes providing $100 \%$ of visitor parking spaces for affordable housing and $10 \%$ of visitor parking spaces for strata residential. More specifically, the minimum permitted rates for EV charging infrastructure shall be as indicated in the following table or as per the Official Community Plan or Zoning Bylaw rates in effect at the time of Development Permit* approval , whichever is greatest.
TABLE 5

| User/Use | Energized Outlet - Minimum Permitted Rates |  |
| :--- | :---: | :---: |
|  | Vehicle Parking (1) | Class 1 Bike Storage (2) |
| Strata Residential <br> (i.e. resident parking \& bike storage) | (as per zoning bylaw) | 1 per each 10 bikes or portion thereof in a bike storage <br> room or locker (which Energized Outlet shall be located <br> to facilitate shared use with bikes in the room/locker) |
| Affordable Housing <br> (i.e. resident parking \& bike storage) |  |  |
| Non-Residential <br> (e.g. commercial) | 1 per 10 parking spaces <br> (as per OCP) |  |

(1) "Vehicle Parking" "Energized Outlet" shall mean all the wiring, electrical equipment, and related infrastructure necessary to provide Level 2 charging (as per SAE International's J1772 standard) or higher to an electric vehicle.
(2) "Class 1 (Secured) Bike Storage" "Energized Outlet" shall mean an operational 120V duplex outlet for the charging of an electric bicycle and all the wiring, electrical equipment, and related infrastructure necessary to provide the required electricity for the operation of such an outlet.
23. (Public Art): City acceptance of the developer's offer to make a voluntary contribution towards the City's Public Art Fund, the terms of which shall include the following:
a) The value of the developer's voluntary public art contribution shall be based on the Council-approved rates for residential and non-residential uses and the maximum buildable floor area permitted under the subject site's proposed zoning, excluding floor area associated with affordable housing and market rental, as indicated in the table below.
TABLE 6

| Use | Maximum Floor <br> Area <br> Under the ZMU54 <br> Zone | Affordable Housing <br> Exemption | Minimum Developer <br> Contribution Rate | Minimum Voluntary <br> Developer Cash <br> Contribution |
| :---: | :---: | :---: | :---: | :---: |
| Residential | $12,271.25 \mathrm{~m}^{2}$ <br> $\left(132,086.51 \mathrm{ft}^{2}\right)$ | $1,847.54 \mathrm{~m}^{2}$ <br> $\left(19,886.75 \mathrm{ft}^{2}\right)$ | $\$ 0.99 / \mathrm{ft}^{2}$ | $\$ 111,077.77$ |
| Non-Residential | $4,908.5 \mathrm{~m}^{2}$ <br> $\left(52,834.6 \mathrm{ft}^{2}\right)$ | Nil | $\$ 0.52 / \mathrm{ft}^{2}$ | $\$ 27,473.99$ |
| TOTAL | $17,179.75 \mathrm{~m}^{2}$ <br> $\left(184,921.11 \mathrm{ft}^{2}\right)$ | $\mathbf{1 , 8 4 7 . 5 4 ~ \mathrm { m } ^ { 2 }}$ <br> $\left(19,886.75 \mathrm{ft}^{2}\right)$ | Varies | $\$ 138,551.77$ |

b) In the event that the contribution is not provided within one year of the application receiving third reading of Council (i.e. Public Hearing), the contribution rate (as indicated in the table in item a) above) shall be increased annually thereafter based on the Statistics Canada Consumer Prince Index (All Items) - Vancouver yearly quarter-to-quarter change, where the change is positive.
c) Prior to rezoning bylaw adoption, the developer shall submit a Public Art Plan, for the subject site, to the satisfaction of the Director, Arts Culture and Heritage Services. The Public Art Plan shall be:
i) Prepared by an appropriate professional.
ii) Based on a contribution value of at least the total amount indicated in the table in item a) above.
iii) Consistent with applicable City policies and objectives (for example, the Richmond Public Art Program, City Centre Public Art Plan, Capstan Public Art Plan and other relevant supplementary public art and heritage planning that may be undertaken by the City), as determined to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services.
iv) Presented for review(s) by the Public Art Advisory Committee and endorsement by Council, as required by the Director, Arts, Culture, and Heritage Services.
v) NOTE: For contributions with a cumulative budget over $\$ 250,000$, the Public Art Plan is presented for Council approval prior to Building Permit issuance.
vi) Implemented by the developer, as required by legal agreement(s) registered on Title to prior to rezoning adoption.
d) "No development" shall be permitted on the subject site, restricting Development Permit issuance for any building on the lot, in whole or in part (excluding parking), until the developer, to the City's satisfaction:
i) Enters into additional legal agreement(s), if any, required to facilitate the implementation of the City approved Public Art Plan, which may require that, prior to entering into any such additional agreement(s), a Detailed Public Art Plan is submitted by the developer for the subject site and/or an artist is engaged, to the satisfaction of the City (as generally set out in the legal agreement entered into and the Public Art Plan submitted prior to rezoning adoption).
ii) Submits a Letter of Credit or cash security or cash contribution (as determined in the sole discretion of the City) to secure the developer's implementation of the Public Art Plan, the collective value of which shall be at least $\$ 138,551.77$, including $\$ 6,927.58$ as a cash contribution equal to $5 \%$ of the total amount indicated in the table in item a) above ( $\$ 138,551.77$ ) and a Public Art security Letter of Credit in the amount of $\$ 138,551.77$, being the total amount identified in item a) above.
e) "No occupancy" shall be permitted on the subject site, restricting final Building Permit* inspection granting occupancy of the building (exclusive of parking), in whole or in part, on the subject site until:
i) The developer, at the developer's sole cost and expense, commissions one or more artists to conceive, create, manufacture, design, and oversee or provide input about the manufacturing of the public artwork, and causes the public artwork to be installed on subject site, if expressly permitted by the City in writing and preapproved by Council, or within a statutory right-of-way on the subject site (which right-of-way shall be to the satisfaction of the City and secured by one or more legal agreements for rights of public passage, public art, and related purposes including maintenance, in accordance with the City-approved Public Art Plan and, as applicable, Detailed Public Art Plan).
ii) The developer, at the developer's sole cost and expense and within 30 days after the date on which the applicable public art is installed in accordance with the City-approved Public Art Plan, executes and delivers to the City a transfer of all of the developer's rights, title, and interest in the public artwork to the City if on City property or to the subsequent strata corporation if on the subject site (including transfer of joint worldwide copyright) or as otherwise determined to be satisfactory by the City Solicitor and Director, Arts, Culture, and Heritage Services.
iii) NOTE: It is the understanding of the City that the artist's title and interest in the public artwork will be transferred to the developer upon acceptance of the artwork based on an agreement solely between the developer and the artist and that these interests will in turn be transferred to the City, subject to approval by Council to accept the transfer of ownership of the artwork.
iv) The developer, at the developer's sole cost and expense, has submitted a final report to the City, to be submitted promptly after completion of the installation of the public art in accordance with the City-approved Public Art Plan, which report, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services, includes:

- Information regarding the siting of the public art, a brief biography of the artist(s), a statement from the artist(s) on the public art, and other such details as the Director of Development and Director, Arts, Culture, and Heritage Services may require;
- A statutory declaration, satisfactory to the City Solicitor, confirming that the developer's financial obligation(s) to the artist(s) have been fully satisfied;
- The maintenance plan for the public art prepared by the artist(s);
- Digital records (e.g., photographic images) of the public art, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services.
f) As an alternative to the provision of public art on-site, the developer may offer to make a voluntary cash contribution in lieu; provided that the value of such voluntary public art contribution shall be at least the total amount indicated in the table in item a) above. In this case, the requirements of c) through e) above will not apply.

24. (Affordable Housing): The City's acceptance of the developer's offer to voluntarily contribute affordable housing, in the form of low-end market rental (LEMR) units, constructed to a turnkey level of finish, at the sole cost of the developer, the terms of which voluntary contribution shall include, but will not be limited to, the registration of the

City's standard Housing Agreement and Covenant on title to secure the affordable housing units. The form of the Housing Agreement and Covenant shall be agreed to by the developer and the City prior to final adoption of the subject rezoning; after which time, only the Housing Covenants may be amended or replaced and any such changes will only be permitted for the purpose of accurately reflecting the specifics of the Development Permit* and other non-materials changes resulting thereof and made necessary by the Development Permit* approval requirements, as determined to the satisfaction of the Director of Development and Director, Community Social Development. The terms of the Housing Agreements and Covenants shall indicate that they apply in perpetuity and provide for, but will not be limited to, the following requirements:
a) Occupants of the affordable housing units subject to the Housing Agreement shall enjoy full and unlimited access to and use of all on-site indoor and outdoor amenity spaces.
b) All affordable housing units shall be maintained under single ownership (within one air space parcel or one strata lot or legal agreement to the satisfaction of the Director of Development).
c) The imposition of any place age-based restrictions on occupants of any affordable housing unit is prohibited.
d) The developer shall, as generally indicated in the table below:
i) Ensure that the types, sizes, rental rates, and occupant income restrictions for the affordable housing units are in accordance with the City's Affordable Housing Strategy and guidelines for Low End Market Rental (LEMR) housing, unless otherwise agreed to by the Director of Development and Director, Community Social Development; and
ii) Achieve the Project Targets for unit mix and Basic Universal Housing (BUH) standard compliance or as otherwise determined to the satisfaction of the Director, Community Social Development through an approved Development Permit*.
TABLE 7

| Unit Type | Minimum Unit Area | Maximum Monthly Unit Rent** | Total Maximum Household Income** | Number of Units | BUH |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Studio | $37 \mathrm{~m}^{2}$ (400 ft ${ }^{2}$ ) | \$811/month | \$34,650 or less | 7.4\%( 2 units) | 7.4\% (2 units) |
| 1-Bedroom | $50 \mathrm{~m}^{2}\left(535 \mathrm{ft}^{2}\right)$ | \$975/month | \$38,250 or less | 37.0\%(10 units) | 33.3\% (9 units) |
| 2- Bedroom | $69 \mathrm{~m}^{2}\left(741 \mathrm{ft}^{2}\right)$ | \$1,218/month | \$46,800 or less | 33.3\% (9 units) | 22.2\% (6 units) |
| 3-Bedroom | $91 \mathrm{~m}^{2}\left(980 \mathrm{ft}^{2}\right)$ | \$1,480/month | \$58,050 or less | 22.2\% (6 units) | 22.2\% (6 units) |
| TOTAL | N/A | N/A | N/A | $\begin{gathered} \text { 27 Units } \\ 1,847.54 \mathrm{~m}^{2} \\ \left(19,886.75 \mathrm{ft}^{2}\right) \\ \hline \end{gathered}$ | 85.1\% (23 units) |

* Unit mix in the above table may be adjusted through the Development Permit Process provided that the total area comprises at least $15 \%$ of the subject development's total residential building area.
** May be adjusted periodically as provided for under adopted City policy.
e) Single ownership is required for the affordable housing units (single owner for all affordable housing units). The affordable housing unit locations are to be as determined to the satisfaction of the Director of Development and Director, Community Social Development through an approved Development Permit*. Dispersed or clustered unit configurations may be considered; however, dispersed units are required unless a qualified non-profit operator (that requires a clustered unit arrangement) has agreed to partner with the developer to manage the units. NOTE: The developer has provided evidence of a partnership with S.U.C.C.E.S.S., a non-profit organization, to own or manage the clustered affordable housing units. The Developer has also provided a letter of support by S.U.C.C.E.S.S for the proposed housing related to target tenant groups, programming, services and unit mix proposed. To support this partnership, the City is willing to accept clustering of the required units.
f) Occupants of the affordable housing units shall, to the satisfaction of the City (as determined prior to Development Permit* approval), enjoy full and unlimited access to and use of all on-site indoor amenity spaces and outdoor amenity spaces provided on the lot as per OCP, City Centre Area Plan, and Development Permit* requirements, at no additional charge to the affordable housing tenants (i.e. no monthly rents or other fees shall apply for the casual, shared, or exclusive use of any amenities).
g) On-site parking, "Class 1" bike storage, and related electric vehicle (EV) charging stations shall be provided for the use of affordable housing occupants as per the OCP, Zoning Bylaw, and approved Development Permit* at no additional charge to the affordable housing tenants (i.e. no monthly rents or other fees shall apply for the casual,
shared, or exclusive use of the parking spaces, bike storage, EV charging stations, or related facilities by affordable housing tenants), which features may be secured via legal agreement(s) on title prior to Development Permit* issuance.
h) The affordable housing units, related uses (e.g., parking, garbage/recycling, hallways, amenities, lobbies), and associated landscaped areas shall be completed to a turnkey level of finish, at the sole cost of the developer, to the satisfaction of the Director, Community Social Development.
i) "No development" shall be permitted, restricting Development Permit* issuance for any building in whole or in part, until the developer, to the City's satisfaction:
i) Designs the lot to provide for the affordable housing units and ancillary spaces and uses;
ii) If applicable, amends or replaces the Housing Covenant to accurately reflect the specifics of the affordable housing units and ancillary spaces and uses as per the approved Development Permit*; and
iii) As required, registers additional legal agreements on title to the lots to facilitate the detailed design, construction, operation, and/or management of the affordable housing units and/or ancillary spaces and uses (e.g., parking) as determined by the City via the Development Permit* review and approval processes.
j) No Building Permit* shall be issued for any building, in whole or in part, until the developer provides for the required affordable housing units and ancillary spaces and uses to the satisfaction of the City.
k) "No occupancy" shall be permitted, restricting final Building Permit inspection granting occupancy for any building, in whole or in part, until the required affordable housing units and ancillary spaces and uses are completed to the satisfaction of the City and have received final Building Permit inspection granting occupancy.

25. Registration of a restrictive covenant and/or alternative legal agreement(s), to the satisfaction of the City, securing the owner's commitment to connect to District Energy Utility (DEU), which covenant and/or legal agreement(s) will include, at minimum, the following terms and conditions:
a) No building permit will be issued for a building on the subject site unless the building is designed with the capability to connect to and be serviced by a DEU and the owner has provided an energy modelling report satisfactory to the Director of Engineering;
b) If a DEU is available for connection, no final building inspection permitting occupancy of a building will be granted until:
iii) the building is connected to the DEU, which may include the owner's supplied and installed central energy plant to provide heating and cooling to the building, at no cost to the City, or the City's DEU service provider, Lulu Island Energy Company, on the subject site satisfactory to the City;
iv) if the City so elects, the owner transfers ownership of the central energy plant on the site, if any, at no cost to the City, or City's DEU service provider, Lulu Island Energy Company, to the City and/or the City's DEU service provider, Lulu Island Energy Company, on terms and conditions satisfactory to the City;
v) the owner enters into a Service Provider Agreement with the City and/or the City's DEU service provider, Lulu Island Energy Company, executed prior to subdivision (including Air Space parcel subdivision) or depositing a Strata Plan with LTO on terms and conditions satisfactory to the City; and
vi) the owner grants or acquires all Statutory Right-of-Way(s) and/or easements necessary for supplying the DEU services to the building and the operation of the central energy plant, if any, by the City and/or the City's DEU service provider, Lulu Island Energy Company registered prior to subdivision (including Air Space parcel subdivision) or depositing a Strata Plan with LTO.
c) If a DEU is not available for connection, no final building inspection permitting occupancy of a building will be granted until:
vii) the City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU;
viii) the owner enters into a covenant and/or other legal agreement to require that the building connect to a DEU when a DEU is in operation, registered prior to Strata or subdivision (including Air Space parcel subdivision);
ix) the owner grants or acquires the Statutory Right-of-Way(s) and/or easements necessary for supplying DEU services to the building, registered prior to Strata or subdivision (including Air Space parcel subdivision); and
x) the owner provides to the City a letter of credit, in an amount satisfactory to the City, for costs associated with acquiring any further Statutory Right of Way(s) and/or easement(s) and preparing and registering legal agreements and other documents required to facilitate the building connecting to a DEU when it is in operation.
26. Enter into a Servicing Agreement* for the design and construction of frontage and pedestrian network improvements and servicing improvements. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. Works include, but may not be limited to the following:
1) Water Works:
a) Using the OCP Model, there is $294 \mathrm{~L} / \mathrm{s}$ of water available at a 20 psi residual at the Patterson Road frontage and no watermains exist along the Garden City Road and Sea Island Way frontages. Based on your proposed development, your site requires a minimum fire flow of $220 \mathrm{~L} / \mathrm{s}$ along all frontages. New watermains and fire hydrants are required along Garden City Road frontage and along Sea Island Way from Garden City Road to the west property line to service the proposed development. According to the City's hydraulic run, there will be 246 $\mathrm{L} / \mathrm{s}$ of water available at 20 psi residual at the watermain dead end at Sea Island Way if new 300 mm diameter watermains are installed along Garden City Rd and Sea Island Way.
b) The Developer is required to, at the developer's cost:
i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage designs.
ii) Install approximately 80 meters of 300 mm diameter water main along Garden City Road frontage complete with fire hydrants spaced as per the City's Engineering Design Specifications. Tie-in to the south shall be to the existing watermain at Patterson Road. The alignment of the required watermain shall be determined through the servicing agreement design review.
iii) Install approximately 120 meters of 300 mm diameter water main along Sea Island Way from Garden City to the west property line of the proposed development, complete with fire hydrants spaced as per City's Engineering Design Specifications. Alignment of the required watermain shall be determined through the servicing agreement design review.
iv) Install a fire hydrant at the dead end watermain at Sea Island Way frontage to meet City fire hydrant spacing requirements.
v) To address water quality and maintenance issues associated with the resulting dead end watermain, the developer is required to install a new automatic flushing system. The flushing system shall be located in a right-of-way within the north west portion of the proposed site. This potential right-of-way is to be located outside of the 10 m wide right-of-way that will be provided along the north property line of the site for the road widening. The right-of-way requirements shall be determined through the servicing agreement.
vi) Provide a right-of-way for water meter chamber, if a chamber is required. The exact dimensions and location of the right of way shall be finalized at the servicing agreement process.
c) At developer's cost, the City is to:
i) Cut and cap at main the existing water service connections.
ii) Install new water service connection for the proposed site at the watermain dead end at Sea Island Way.
iii) Complete all required tie-ins to existing City water mains.
2) Storm Sewer Works:
a) The developer is required to, at developer's cost:
i) Install approximately 270 meters of 600 mm diameter storm sewer (or OCP size) along Sea Island Way from Garden City Road to Sexsmith Road. A high point shall be established at the north-east corner of the proposed site so that all road run-off at Sea Island Way frontage shall be the directed west to the existing drainage system at Sexsmith Road. Tie-in to the west shall be to the existing 900 mm diameter storm sewer at Sexsmith Road. Alignment of the required storm sewer shall be determined through the servicing agreement design review. No runoff from the frontage improvements and road widening along Sea Island Way frontage shall be directed or tied into the existing storm sewers along the east side of Garden City Road.
ii) Alternatively, confirm through hydraulic modelling, whether the existing drainage system along the east side of Garden City Road and the corresponding downstream drainage system along the north side of Patterson Rd (east of Garden City Rd) has capacity to accommodate the runoff from the proposed frontage improvements and road widening along Sea Island Way. If the existing drainage system does not have capacity, new downstream storm sewers will be required at Garden City Road frontage and along the north side of Patterson Road east of Garden City. City review and approval of the modelling results is required prior to the developer entering into a servicing agreement or prior to rezoning adoption, whichever occurs first.
iii) Install a new storm service connection complete with an inspection chamber. Location and details of the service connection shall be finalized through the servicing agreement design review.
b) At developer's cost, the City is to:
iv) Cut and cap all existing storm sewer service connections at all frontages of the proposed site.
v) Complete all required tie-ins to the existing City drainage system.
3) Sanitary Sewer Works:
a) At Developer's cost, the City is to:
i) Install new sanitary service laterals to proposed development and tie-in to existing sanitary manhole (SMH56969) in front of 8911 Patterson Road.
4) Transportation Works and Frontage Improvements
a) The Developer is required to, at the developer's cost:
ii) Complete the following frontage improvements:
a. Along the Sea Island frontage:
i. Provide the following from north to south: 0.2 m curb and gutter, minimum 3.5 m wide treed boulevard (width to be refined as part of Servicing Agreement* design to accommodate potential future widening of Sea Island Way), 2.5 m wide bike path (transitioned to meet existing on-street bike path to the west), and 2 m wide sidewalk.
ii. Bike path and sidewalk to be continuous with existing pedestrian and cyclist infrastructure along Garden City Road.
b. Along the Garden City Road frontage:
i. Construct landscaped area west of the existing concrete sidewalk.
ii. Maintain existing concrete sidewalk and asphalt shared pedestrian and cyclist path.
c. Along the Patterson Road frontage:
i. Construct a 2 m wide sidewalk extending from the frontage of 8851 Patterson Road to the existing 3 m wide multi-use path to the east;
ii. Re-instate driveways at 8871 and 8891 Patterson Road.
iii. Provide a grassed / landscaped area between the existing 3 m wide multi-use path and the south property line of the subject site.
d. At the Garden City Road and Sea Island Way intersection:
i. Construct new letdown.
ii. Upgrade the channelized right turn lane at the SW corner of Sea Island Way and Garden City Road with a smart channel with a tighter radius, subject to acceptance of the proposed works by MoTI.
iii. Widen and improve existing pedestrian crossing on the south side of Sea Island Way and Garden City Road to enable cyclists crossings.
iv. Provide a new 2.5 m wide cycle track within the channelized island on the southeast corner of the Sea Island Way / Garden City Road intersection, subject to acceptance of the proposed works by MoTI.
iii) Coordinate with BC Hydro Transmission to address the conflict between the existing poles, anchors and overhead lines and the proposed development along Garden City Road frontage. Poles and anchors relocation may be required. If pole relocations are required, the cost of relocating the poles and overhead lines shall be included in the servicing agreement security. Written confirmation of the relocation costs from BC Hydro is required prior to entering into the servicing agreement.
iv) Pre-duct for future hydro, telephone and cable utilities along all road frontages.
v) Locate all above ground utility cabinets and kiosks required to service the proposed development within the developments site (see list below for examples). A functional plan showing conceptual locations for such infrastructure shall be included in the Rezoning staff report and the development process design review. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of SRWs that shall be shown in the functional plan and registered prior to SA design approval:
1. BC Hydro PMT -4 mW X 5 m (deep)
2. BC Hydro LPT -3.5 mW X 3.5 m (deep)
3. Street light kiosk -1.5 mW X 1.5 m (deep)
4. Traffic signal kiosk - 1mW X 1m (deep)
5. Traffic signal UPS -2 mW X 1.5 m (deep)
6. Shaw cable kiosk - 1 mW X 1 m (deep) - show possible location in functional plan
7. Telus FDH cabinet -1.1 mW X 1 m (deep) - show possible location in functional plan
5) Streetlights:
a) Provide street lighting at Patterson Road, Garden City Road and Sea Island way frontages. Please consult the City Planner for the general requirements for street lighting which will be confirmed/finalized through the SA process
6) General Items:
a) The Developer is required to, at the developer's cost:
b) Provide, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first, a preload plan and geotechnical assessment of preload, dewatering, and soil preparation impacts on the existing utilities fronting the development site and provide mitigation recommendations.
c) Provide a video inspection report of the existing utilities along the road frontages prior to start of site preparation works or within the first servicing agreement submission, whichever comes first. A follow-up video inspection, complete with a civil engineer's signed and sealed recommendation letter, is required after site preparation works are complete (i.e. pre-load removal, completion of dewatering, etc.) to assess the condition of the existing utilities and provide recommendations to retain, replace, or repair. Any utilities damaged by the pre-load, de-watering, or other ground preparation shall be replaced or repaired at the Developer's cost.
d) Conduct pre- and post-preload elevation surveys of all surrounding roads, utilities, and structures. Any damage, nuisance, or other impact to be repaired at the developer's cost. The post-preload elevation survey shall be incorporated within the servicing agreement design.
e) Monitor the settlement at the adjacent utilities and structures during pre-loading, dewatering, and soil preparation works per a geotechnical engineer's recommendations, and report the settlement amounts to the City for approval.
f) Submit a proposed strategy at the building permit stage for managing excavation de-watering. Note that the City's preference is to manage groundwater onsite or by removing and disposing at an appropriate facility. If this is not feasible due to volume of de-watering, the Developer will be required to apply to Metro Vancouver for a permit to discharge into the sanitary sewer system. If the sanitary sewer does not have adequate capacity to receive the volume of groundwater, the Developer will be required to enter into a de-watering agreement with the City wherein the developer will be required to treat the groundwater before discharging it to the City's storm sewer system.
g) Not encroach into City rights-of-ways with any proposed trees, retaining walls, or other non-removable structures. Retaining walls proposed to encroach into rights-of-ways must be reviewed by the City's Engineering Department.
h) Coordinate the servicing agreement design for this development with the servicing agreement(s) for the adjacent development(s), both existing and in-stream. The developer's civil engineer shall submit a signed and sealed letter with each servicing agreement submission confirming that they have coordinated with civil engineer(s) of the adjacent project(s) and that the servicing agreement designs are consistent. The City will not accept the 1 st
submission if it is not coordinated with the adjacent developments. The coordination letter should cover, but not be limited to, the following:
i) Corridors for City utilities (existing and proposed water, storm sewer, sanitary and DEU) and private utilities.
ii) Pipe sizes, material and slopes.
iii) Location of manholes and fire hydrants.
iv) Road grades, high points and low points.
v) Alignment of ultimate and interim curbs.
vi) Proposed street lights design.
i) Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure
27. Payment of all fees in full for the cost associated with the Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.

## Prior to a Development Permit* being forwarded to the Development Permit Panel for consideration, the developer is required to:

1. Legal Agreements: Satisfy the terms of legal agreement registered on title prior to rezoning adoption with respect to the development's Development Permit.
2. Additional Requirements: Discharge and registration of additional right-of-way(s) and/or legal agreements, as determined to the satisfaction of the Director of Development, Director of Transportation, Director of Engineering, Manager of Real Estate Services, Manager of Community Social Services, and Senior Manager of Parks.
3. Waste Management Plan: As part of the permit drawings, submit a Plan (i.e. drawings and related specifications), to the City's satisfaction, indicating the nature of all waste management-related facilities proposed on the subject site and their compliance with City bylaws and policies, including, but not limited to, carts/bins (e.g., uses, types, and numbers), waste/holding rooms (e.g., uses, locations, sizes, and clear heights), loading facilities (e.g., locations, sizes, and clear heights), pedestrian/vehicle access (e.g., routes and vehicles turning templates), and related features, as required (e.g., signage, janitor sinks, floor drains, lighting, ventilation, safety measures, and door/gate operations). w
4. Complete an acoustical report and recommendations prepared by an appropriate registered professional, which demonstrates that the interior noise levels and noise mitigation standards comply with the City's Official Community Plan and Noise Bylaw requirements. The standard required for air conditioning systems and their alternatives (e.g. ground source heat pumps, heat exchangers and acoustic ducting) is the ASHRAE 55-2004 "Thermal Environmental Conditions for Human Occupancy" standard and subsequent updates as they may occur. Maximum interior noise levels (decibels) within the dwelling units must achieve CMHC standards follows:
TABLE 7

| Portions of Dwelling Units | Noise Levels (decibels) |
| :--- | :---: |
| Bedrooms | 35 decibels |
| Living, dining, recreation rooms | 40 decibels |
| Kitchen, bathrooms, hallways, and utility rooms | 45 decibels |

## Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
2. Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
3. Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.

## Note:

* This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial Wildlife Act and Federal Migratory Birds Convention Act, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.



Filed NW EPP93646 EPP93646 156-142-0464 RCVD:2019-06-28 RQST:2019-07-09 03:02 Richmond, City of



## Richmond Zoning Bylaw 8500 Amendment Bylaw 10464 (RZ 20-919113) 8911, 8931, 8951, 8991 Patterson Road

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

1. Richmond Zoning Bylaw 8500 is amended by inserting the following into Section 20 (Site Specific Mixed Use Zones), in numerical order:
"20.54 Residential / Limited Commercial (ZMU54) - Capstan Village (City Centre)"

### 20.54.1 Purpose

The zone accommodates low rise and high-rise apartments within the City Centre, plus a limited amount of commercial use and compatible secondary uses and additional uses. Additional density is provided to achieve, among other things, City objectives in respect to affordable housing units, child care, amenity, commercial use, and the Capstan Canada Line station.

### 20.54.2 Permitted Uses

- child care
- congregate housing
- entertainment, spectator
- hotel
- housing, apartment
- housing, town
- live/work dwelling
- office
- restaurant
- retail, convenience
- retail, general
- service, financial
- service, personal


### 20.54.3 Secondary Uses

- boarding and lodging
- community care facility, minor
- home business
- park


### 20.54.5 Permitted Density

1. For the purposes of this zone, if the owner transfers not less than $829 \mathrm{~m}^{2}$ of land to the City as public open space, the calculation of floor area ratio shall be based on a net development site area of $4,908.5 \mathrm{~m}^{2}$.
2. The maximum floor area ratio (FAR) of the site is 2.0.
3. Not withstanding Section 20.54 .5 . 2 the reference to 2.0 is increased to a higher density of 2.5 if:
a) the site is located in the Capstan Station Bonus area designated by the City Centre Area Plan;
b) the owner pays a sum into the Capstan station reserve as specified in Section 5.19 of this bylaw;
c) the owner grants to the City, via a statutory right-of-way, air space parcel, or fee simple lot, as determined at the sole discretion of the City, rights of public use over a suitably landscaped area of the site for park and related purposes at a rate of $5.0 \mathrm{~m}^{2}$ per dwelling unit;
d) the owner provides in the building not less than 27 affordable housing units and the combined habitable space of the total number of affordable housing units would comprise at least $15 \%$ of the total building area; and
e) the owner enters into a housing agreement with respect to the affordable housing units and registers the housing agreement against the title to the owner's lot, and files a notice in the Land Title Office.
4. Notwithstanding Section 20.54.5.2, if the owner has provided affordable housing units under section 20.54.5.3, an additional 1.0 density bonus floor area ratio is permitted, provided that:
a) the lot is located within the Village Centre Bonus area designated by the City Centre Area Plan;
b) the owner uses the additional 1.0 density bonus floor area ratio for non-residential hotel use only; and
c) for the $4,908.5 \mathrm{~m}^{2}$ area resulting from the additional 1.0 density bonus floor area ratio for non-residential hotel purposes, the owner pays a sum to the City prior to final reading/adoption of the bylaw, in lieu of granting $5 \%$ of the additional 1.0 density bonus floor area ratio (i.e. the gross floor area of the additional building area) to the City as community amenity space, equal to $5 \%$ of the 1.0 density bonus floor area:
i) multiplied by the "equivalent to construction value" rate of $\$ 871$ per square foot, if the payment is made within one year of third reading of the zoning amendment bylaw;
or
ii) multiplied by the Council-approved "equivalent to construction value" community amenity contribution rate in effect for the City Centre at the time of final reading of the zoning amendment bylaw, if the payment is not made within one year of third reading of the zoning amendment bylaw,
whichever is greater.

### 20.54.6 Permitted Lot Coverage

1. The maximum lot coverage for buildings and landscaped roofs over parking spaces is $90 \%$, exclusive of portions of the sites the owner grants to the City, via a statutory right-of-way, air space parcel, or alternative means satisfactory to the City, for park or road purposes.

### 20.54.7 Yards \& Setbacks

1. Minimum setbacks shall be:
a) for road and park setbacks, measured to a lot line or the boundary of an area granted to the City for road, park, or open space purposes: 6.0 m , but may be reduced to 3.0 $m$ if a proper interface is provided as specified in a Development Permit approved by the City; and
b) for parts of a building situated below finished grade, measured to a lot line: 0.0 m .
2. There is no minimum interior side yard.
3. There is no minimum setback to the north property line.
4. Architectural features such as cornices, leaders, pilasters, and sills may project into a required setback, but may not project more than a distance of 1.0 m , if a proper interface is provided as specified in a Development Permit approved by the City.
5. Entry stairs, ramps and landscape elements such as paving and fences may project into the required setback but may not exceed $40 \%$ of the frontage as specified in a Development Permit approved by the City.

### 20.54.8 Permitted Heights

1. The maximum building height shall be 47.0 m geodetic.
2. The maximum height for accessory buildings is 5.0 m .
3. The maximum height for accessory structures is 12.0 m .

### 20.54.9 Subdivision Provisions

1. The minimum lot area is $4,000 \mathrm{~m}^{2}$.

### 20.54.10 Landscaping \& Screening

1. Landscaping and screening shall be provided according to the provisions of Section 6.0.

### 20.54.11 On-Site Parking and Loading

1. On-site vehicle and bicycle parking and loading shall be provided according to the provisions of Section 7.0, except that:
a) City Centre Parking Zone 1 rates shall apply for the purpose of minimum number of parking spaces, except that 0.8 parking spaces for residents shall be required per affordable housing unit plus 0.2 spaces for visitors per affordable housing unit, subject to the provision of Transportation Demand Management measures to the satisfaction of the Director of Transportation; and
b) large size loading spaces shall not be required.

### 20.54.12 Residential Rental Tenure

1. For the purposes of this zone, residential rental tenure means, in relation to a dwelling unit in a multi-family residential building, occupancy of a dwelling unit that includes an affordable housing unit in accordance with a housing agreement registered on title, and governed by a tenancy agreement that is subject to the Residential Tenancy Act (BC), as may be amended or replaced from time to time.
2. A minimum of 27 dwelling units shall be residential rental tenure.

### 20.54.13 Other Regulations

1. Telecommunication antenna must be located a minimum 20.0 m above the ground (i.e., on a roof of a building).
2. In addition to the regulations listed above, the General Development Regulations in Section 4.0 and the Specific Use Regulations in Section 5.0 apply."
3. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it

## 2.1 "RESIDENTIAL / LIMITED COMMERCIAL (ZMU 54) - CAPSTAN VILLAGE (CITY CENTRE)".

That area shown hatched and indicated as "A" on "Schedule "A" attached to and forming part of Bylaw 10464".

## 2.2 "SCHOOL \& INSTITUTIONAL USE (SI)".

That area shown cross-hatched and indicated as "B" on "Schedule "A" attached to and forming part of Bylaw 10464".
3. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10464".

FIRST READING
PUBLIC HEARING
SECOND READING
THIRD READING
MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL
OTHER CONDITIONS SATISFIED


ADOPTED

Schedule "A" attached to and forming part of Bylaw 10464



[^0]:    Bylaw 10020 Maximum building height may be subject to established Airport Zoning Regulations in certain areas.
    2019

