



**City of Richmond**  
Planning and Development Department

**Report to Committee**

*To General Purposes - Jan 06, 2008*

**To:** General Purposes Committee

**Date:** December 17, 2008

**From:** Brian J. Jackson, MCIP  
Director of Development

RZ 03-254977

**Re:** **Proposal to Abandon Official Community Plan and Zoning Bylaws – Application by Andrew Cheung Architects Inc. for Rezoning at 3131, 3171, 3191, 3211, 3231, 3251, 3271, 3291, 3331, 3371, 3391 & 3411 Sexsmith Road and 3200, 3220, 3240, 3280, 3300 & 3320 No. 3 Road from Single-Family Housing District, Subdivision Area F (R1/F), 3360 No. 3 Road from Roadside Stand (Class C) District (RSC), and 8511 Capstan Way from Automobile-Oriented Commercial District (C6) and Gas Station District (G1) to School and Public Use (SPU), Comprehensive Development District (CD/181), and Comprehensive Development District (CD/182)**

*File: 12-8060-20-7882*

**Staff Recommendation**

1. That Official Community Plan Amendment Bylaw No. 7882, to:

- a) redesignate 3200, 3220, 3240, 3280, 3300, 3320 & 3360 No. 3 Road, 3131, 3171, 3191, 3211, 3231, 3251, 3271, 3291, 3331, 3371, 3391 & 3411 Sexsmith Road, 8511 Capstan Way, and a portion of City Road Right-of-Way North of Capstan Way from "Mixed Use" to "High Density Mixed Use" in Attachment 1 (Generalized Land Use Map) to Schedule 1 of the Official Community Plan Bylaw No. 7100, and to revise the map in section 3.1, Neighbourhoods & Sense of Community, Neighbourhoods in Richmond, City Centre, accordingly; and
- b) redesignate 3200, 3220, 3240, 3280, 3300, 3320 & 3360 No. 3 Road, 3131, 3171, 3191, 3211, 3231, 3251, 3271, 3291, 3331, 3371, 3391 & 3411 Sexsmith Road, 8511 Capstan Way, and a portion of City Road Right-of-Way North of Capstan Way from "Detailed Land Use Study Required" to "Mixed Use – High Density" and "Park – Configuration and location to be determined" in the "Land Use Map" in Schedule 2.10 of Official Community Plan Bylaw No. 7100 (City Centre Area Plan), together with associated amendments to the accompanying "Development Permit Guidelines",

be abandoned.

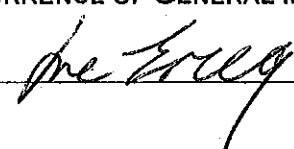
2. That Bylaw No. 8117, for the rezoning of a portion of the subject site as indicated in Schedule A to the said bylaw from "Single-Family Housing District, Subdivision Area F (R1/F)", "Roadside Stand (Class C) District (RSC)", "Automobile-Oriented Commercial District (C6)", and "Gas Station District (G1)" to "School and Public Use District (SPU)", be abandoned.

3. That Bylaw No. 7883, to introduce a new "Comprehensive Development District (CD/181)" and for the rezoning of a portion of the subject site as indicated in Schedule A to the said bylaw from "Single-Family Housing District, Subdivision Area F (R1/F)", "Roadside Stand (Class C) District (RSC)", "Automobile-Oriented Commercial District (C6)", and "Gas Station District (G1)" to "Comprehensive Development District (CD/181)", be abandoned.
4. That Bylaw No. 8113, to introduce a new "Comprehensive Development District (CD/182)" and for the rezoning of a portion of the subject site as indicated in Schedule A to the said bylaw from "Single-Family Housing District, Subdivision Area F (R1/F)", "Roadside Stand (Class C) District (RSC)", "Automobile-Oriented Commercial District (C6)", and "Gas Station District (G1)" to "Comprehensive Development District (CD/182)", be abandoned.
5. That staff bring forward a bylaw to repeal Highway Closure and Removal of Highway Dedication Bylaw No. 8220, to close a lane right-of-way on the north side of Capstan Way between Sexsmith Road and Hazelbridge Way and portions of Sexsmith Road to allow for their consolidation with the subject site.
6. That Subdivision Application SD 07-357988, to consolidate and subdivide 3200, 3220, 3240, 3280, 3300, 3320 & 3360 No. 3 Road, 3131, 3171, 3191, 3211, 3231, 3251, 3271, 3291, 3331, 3371, 3391 & 3411 Sexsmith Road, 8511 Capstan Way, and a portion of City Road Right-of-Way North of Capstan Way to create 8 lots (including one for use as park) and an extension of Hazelbridge Way, be closed.



Brian Jackson, MCIP  
Director of Development

BJJ:spc  
Att. 6

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Major Projects.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Real Estate Services .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks Planning, Design & Construction ...	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Transportation .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	REVIEWED BY TAG      YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		REVIEWED BY CAO      YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

## Staff Report

### Origin

On May 22, 2007, the application by Andrew Cheung Architects Inc., to rezone the area bounded by No. 3 Road, Sea Island Way, Sexsmith Road, and Capstan Way to permit the development of a comprehensively planned, mixed-use, high-density, transit-oriented neighbourhood, was considered at Public Hearing and received third reading of Council. (**Attachments 1, 2 & 3**)

The purpose of this report is to inform Council that, to date, there has been little progress on the completion of the Rezoning Considerations that must be satisfied prior to adoption of the subject zoning and Official Community Plan (OCP) bylaws and, therefore, staff recommend that:

- As per Richmond Policy 5017, Bylaws (Zoning and Official Community Plan) – Time After Public Hearing, the bylaws be abandoned;
- Staff bring forward a bylaw to repeal Bylaw 8220, to close a lane and portions of Sexsmith Road to allow for their consolidation with the subject site (adopted September 8, 2008); and
- The applicant's concurrent subdivision application (SD 07-357988), the completion of which is one of the subject rezoning application's Rezoning Considerations, be closed.

### Findings of Fact

As per the staff report presented at Public Hearing on May 22, 2007, prior to final adoption of the subject rezoning, the developers must complete a list of Rezoning Considerations, including:

- Developer contribution towards the Capstan Canada Line station;
- Developer-funded construction of affordable housing and childcare;
- Developer purchase of a City-owned lot; and
- Subdivision approval, including the execution of a Servicing Agreement (SA) for the developer's design and construction of the proposed park, roads, and engineering requirements.

In light of the large size and complexity of the subject development, the list of Rezoning Considerations is lengthy and the cost to the developers is significant. To assist the developers in the timely and cost-effective completion of the Rezoning Considerations, staff provided for:

- Retention of outside Counsel;
- Phasing and security flexibility with regard to park, road, and engineering construction;
- Engineering services crossing the park (which has been estimated by the developers to represent a \$2 million saving to the project);
- A tunnel under Hazlebridge Way and re-use of existing buildings, as requested by developers;
- Staff overtime; and
- Meeting with the developers and their consultants on numerous occasions.

### Related Policies & Studies

#### Policy 5017: Bylaws (Zoning and Official Community Plan) – Time After Public Hearing

This policy directs that where one year or more has elapsed after a Public Hearing, staff should report on the circumstances that have precluded the bylaw's presentation to Council for adoption with the recommendation that the bylaw be abandoned, unless there are clear reasons to do otherwise.

Typically, the City does not act on this policy unless the time period (a) suggests a development application has gone dormant, or (b) presents a hardship (e.g., impacts neighbours or OCP objectives).

City Centre Area Plan (CCAP)

In July 2008, Council approved an update to the CCAP. This update was prepared in the knowledge that the subject rezoning, as approved at Public Hearing in May 2007, was:

- “Unique” due to its proposed contribution towards the funding of the Capstan Station;
- Not intended to be precedent setting with regard to density; and
- Incomplete (and the City had no authority to require the developers to complete).

In light of this and broad planning objectives for the City Centre, the approved CCAP update:

- Designates the subject site (and its neighbours) for less net density than that proposed under the subject rezoning (i.e. 3 Floor Area Ratio versus 3.4 to 7.64 FAR);
- Provides for density bonusing to maximize density (up to 3 FAR) and secure amenities; and
- Restricts the approval of any rezoning in Capstan Village (including the subject site) until funding for the station’s design and construction has been secured. (In other words, it does not presume the subject application’s proposed \$15 million contribution.)

More specifically with regard to the last point, based on the CCAP, if the subject application is:

- Completed – Development elsewhere in Capstan Village can proceed;
- Terminated – Development elsewhere in Capstan Village will be delayed until alternate station funding is secured (e.g., via future development applications); and
- Permitted to remain open indefinitely – Development elsewhere in Capstan Village will be delayed indefinitely (i.e. until the subject application is completed or it is terminated and alternate station funding is secured).

**Analysis**

On May 29, 2008 (one year after Public Hearing), the developers were informed in writing (**Attachment 4**) that the subject Rezoning Considerations should be complete by November 28, 2008 or staff would recommend to Council that the pending bylaws be abandoned. In addition, the developers were directed to seek arbitration to resolve internal issues that were compromising their ability to reach agreement on key aspects of the project.

Subsequent to this, staff worked hard to advance the project, but, as of the date of writing this report:

- The Rezoning Considerations are not complete (**Table 1**). In particular, the developers are unwilling to fund the Capstan Station as originally agreed, and have proposed terms that are unacceptable to Translink and City staff;
- The developers appear to be unwilling to comply with the Rezoning Considerations as originally agreed to in May 2007 (**Table 1 & Attachment 6**), which is of concern as Council has little ability to deviate from the approved Considerations without a new Public Hearing; and
- The developers have not yet sought arbitration, which may prevent them from cooperating to the extent necessary to successfully deliver the project.

Given this situation, staff are concerned that the subject application may not be completed, and leaving the application open indefinitely could represent a significant hardship to:

- Capstan Village property owners, for whom development may be delayed indefinitely; and
- The City of Richmond and Translink, whose ability to secure alternate station funding could be compromised.

In light of this, staff recommend that the subject application should be terminated.

**Table 1: Status of Rezoning Considerations**

Rezoning Considerations			Status @ November 28, 2008
	Item	Requirement Prior to Bylaw Adoption	
1	<b>Capstan Canada Line Station</b> • Design & construction	• \$15 million developer contribution secured	<ul style="list-style-type: none"> <li>• The developers have proposed (<b>Attachment 5</b>): <ul style="list-style-type: none"> <li>- \$500,000 prior to bylaw adoption</li> <li>- Remainder upon completion of 50% of project construction (<u>not</u> to be secured by a Letter of Credit or other means acceptable to the City)</li> </ul> </li> <li>• <b>The developers' proposal is NOT acceptable to Translink.</b></li> </ul>
2	<b>Affordable Housing</b> • 4,645 m <sup>2</sup> (50,000 ft <sup>2</sup> ) of "subsidized rental housing"	<ul style="list-style-type: none"> <li>• Covenants registered requiring: <ul style="list-style-type: none"> <li>- Construction is at the developers' sole cost</li> <li>- On-going operation is to the satisfaction of the City</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• No formal response received from the developers</li> </ul>
3	<b>Childcare Facility</b> • 25-child "turnkey" facility	<ul style="list-style-type: none"> <li>• Covenants registered requiring: <ul style="list-style-type: none"> <li>- Construction is at the developers' sole cost</li> <li>- On-going operation is to the satisfaction of the City</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• No formal response received from the developers</li> </ul>
4	<b>City-Owned Lot</b> • To be purchased by the developers at market value	<ul style="list-style-type: none"> <li>• Price as approved by Council (and verbally agreed to by the developers), May 2007</li> </ul>	<ul style="list-style-type: none"> <li>• The developers have proposed a revised price that is roughly \$1.6 million less than the Council-approved price.</li> </ul>
5	<b>Legal Documents</b> • Right-of-ways, covenants, etc.	<ul style="list-style-type: none"> <li>• 100% complete</li> </ul>	<ul style="list-style-type: none"> <li>• The City has prepared and circulated many documents to the developers, but has received no comments or documents in return.</li> </ul>
6	<b>Servicing Agreement</b>	<ul style="list-style-type: none"> <li>• Approved design for: <ul style="list-style-type: none"> <li>- Roads</li> <li>- Park</li> <li>- Engineering (as per the approved capacity analysis, including pump station upgrades)</li> </ul> </li> <li>• Construction of all works to be: <ul style="list-style-type: none"> <li>- Secured by a Letter of Credit</li> <li>- Completed in "Phase 1" of the project</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Alternate Developers' Proposal (Attachment 5):</b> <u>Phase 1</u>: Construction to be limited to – <ul style="list-style-type: none"> <li>- For roads: Hazelbridge Way</li> <li>- For park: Unspecified</li> <li>- For engineering: Works needed to service the new lots, <u>EXCEPT</u> for the pump station (the cost of which, the developers indicate, should be the sole responsibility of the City)</li> </ul> <u>Remainder</u>: Construction to be – <ul style="list-style-type: none"> <li>- For roads &amp; engineering: On a lot-by-lot basis</li> <li>- For park: Not specified</li> </ul> <u>Security</u>: Provided prior to bylaw adoption: <ul style="list-style-type: none"> <li>- For "Phase 1": Letter of Credit at 105% of estimated costs (<i>Note: Staff estimate that this standard of approved design would take approximately one year to complete.</i>)</li> <li>- For remaining works: No security proposed (<i>with the exception of "no build" covenants, which staff have informed the developers are inadequate</i>)</li> </ul> </li> <li>• <b>The developers' alternate proposal does NOT:</b> <ul style="list-style-type: none"> <li>- Satisfy the Rezoning Considerations as understood at Public Hearing; nor</li> <li>- Adequately protect the City's interests.</li> </ul> </li> </ul>

**Financial Impact**

If the subject OCP and Zoning Bylaws are abandoned and the applicant's concurrent subdivision application (SD 07-357988) is closed:

- DCCs, paid by the developers on June 30, 2008, will be returned with interest; and
- The City will not receive developer contributions towards the Capstan Station from the subject application and, as per the CCAP (approved in July 2008), the City will have to pursue an alternative station funding strategy before development may proceed in Capstan Village.

**Conclusion**

As noted in the subject application's May 2007 staff report, the Canada Line is a landmark transit initiative and the subject development is made very attractive by, among other things, its proposed developer contribution towards the enhancement the system (e.g., Capstan Station) and its integration with surrounding development. On the other hand, to date the developers have:

- Appeared to be unwilling to meet the subject application's Rezoning Considerations, including the proposed contribution to the Capstan Station;
- Proposed modifications to the Rezoning Considerations, some of which Council may not be able to approve without a new Public Hearing;
- Not completed the Rezoning Considerations, even though staff indicated they should be complete by November 28, 2008 or a recommendation would be made to Council that the pending bylaws be abandoned; and
- Delayed development elsewhere in Capstan Village,

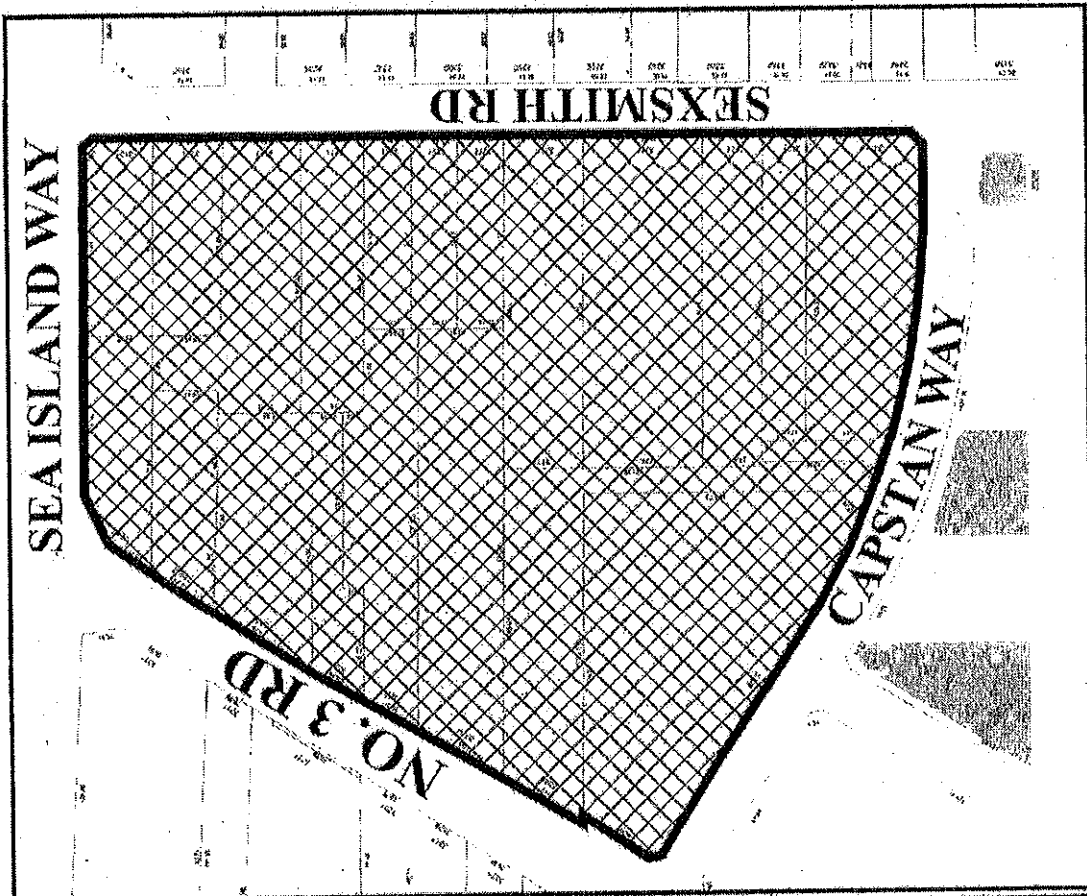
In light of this, staff recommend that the subject OCP and zoning bylaws be abandoned, a bylaw to repeal the related Highway Closure bylaw be brought forward to Council, and the concurrent subdivision application be closed (the latter of which includes returning, with interest, the DCCs paid by the developers in June 2008).



Suzanne Carter-Huffman  
Senior Planner/Urban Design

SPC:spc

Attachment 1	Location Map
Attachment 2	Development Data Sheet (As Per Public Hearing, May 22, 2007)
Attachment 3	Preliminary Subdivision Plan (As Per Public Hearing, May 22, 2007)
Attachment 4	City Letter to the Applicant (Dated May 29, 2008)
Attachment 5	City Letter to Applicant (Dated December 4, 2008)
Attachment 6	Applicant's Letter (Dated November 27, 2008)



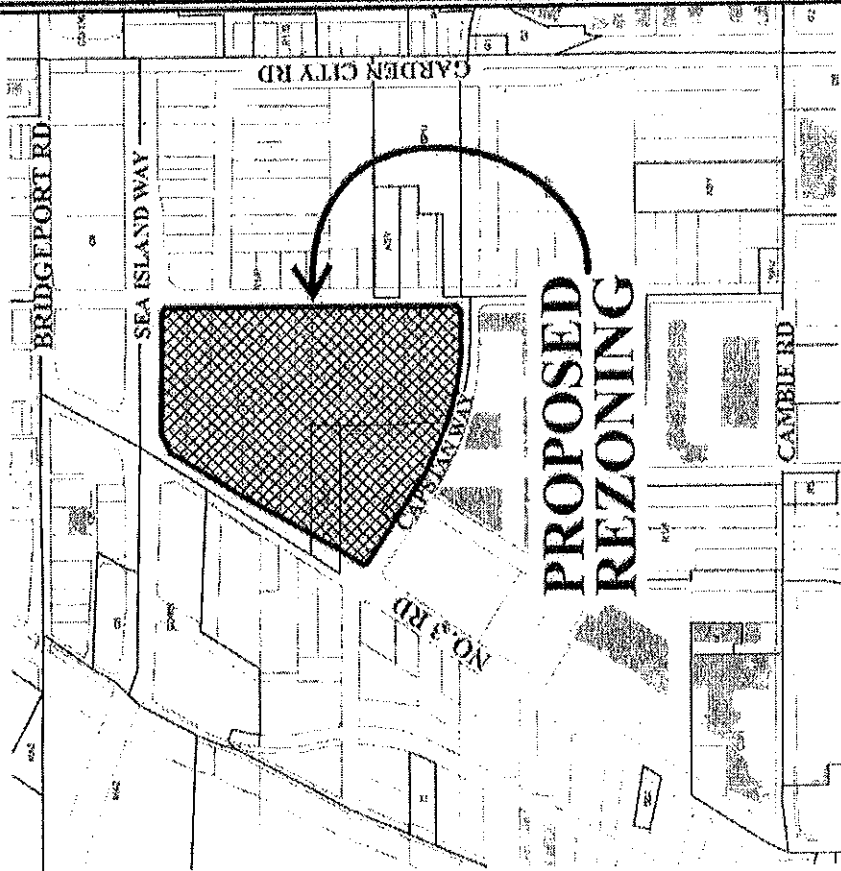
Original Date: 01/20/04

Revision Date:

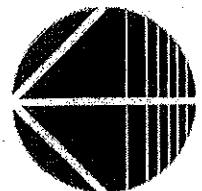
Note: Dimensions are in METRES

RZ 03-254977

City of Richmond



PROPOSED  
REZONING



**ATTACHMENT 2**  
**Development Data Sheet (As Per Public Hearing, May 22, 2007)**

**RZ 03-254977**

**Address:** 3200, 3220, 3240, 3280, 3300, 3320 & 3360 No. 3 Road, 3131, 3171, 3191, 3211, 3231, 3251, 3271, 3291, 3331, 3371, 3391 & 3411 Sexsmith Road, and 8511 Capstan Way

**Applicant:** Andrew Cheung Architects Inc.

**Planning Area:** City Centre Area – Schedule 2.10

<b>Existing</b>		<b>Proposed</b>
<b>Owners</b>	Pinnacle International Sun Tech City Development City of Richmond	To be determined
<b>Site Size</b>	69,650 m <sup>2</sup> (17.2 acres)	<ul style="list-style-type: none"> <li><u>Net site</u> – 57,833 m<sup>2</sup> (14.3 acres)</li> <li><u>Park dedication</u> – 5,808 m<sup>2</sup> (1.4 acres)</li> <li><u>Road dedication</u> – 6,009 m<sup>2</sup> (1.5 acres)</li> </ul>
<b>Land Uses</b>	<ul style="list-style-type: none"> <li>Vacant</li> <li>Single-family residential</li> <li>Gas station</li> <li>Automobile-oriented commercial</li> </ul>	<p><u>Maximum total buildable floor area</u></p> <ul style="list-style-type: none"> <li>Based on a net density of +/-5.24 floor area ratio (FAR)</li> <li>302,974 m<sup>2</sup> (3,261,292 ft<sup>2</sup>), including parking &amp; storage at or above a designated elevation of 1.5 m (5 ft.) geodetic</li> </ul> <p><u>Multiple-family residential floor area</u></p> <ul style="list-style-type: none"> <li>177,860 m<sup>2</sup> (1,914,532 ft<sup>2</sup>), including 4,645 m<sup>2</sup> (50,000 ft<sup>2</sup>) of "Affordable Subsidized Rental Housing"</li> <li>59% of maximum buildable floor area</li> <li>Maximum floor area &amp; units specified in zoning bylaws</li> </ul> <p><u>Non-residential floor area</u></p> <ul style="list-style-type: none"> <li>125,114 m<sup>2</sup> (1,346,760 ft<sup>2</sup>), including parking &amp; storage at or above a designated elevation of 1.5 m (5 ft.) geodetic</li> <li>41% of maximum buildable floor area (or more if it takes the place of residential uses)</li> </ul>
<b>OCP Designation</b>	"Mixed Use"	"High Density Mixed Use"
<b>City Centre Area Plan</b>	"Detailed Land Use Study Required"	<ol style="list-style-type: none"> <li>"Mixed Use – High Density"</li> <li>"Park – Configuration and location to be determined"</li> </ol>
<b>Zoning</b>	<ul style="list-style-type: none"> <li>Single-Family Housing District, Subdivision Area F (R1/F)</li> <li>Roadside Stand (Class C) District (RSC)</li> <li>Automobile-Oriented Commercial District (C6)</li> <li>Gas Station District (G1)</li> </ul>	<ol style="list-style-type: none"> <li><u>School and Public Use District (SPU)</u> Use: 0.6 ha (1.4 ac) of City park</li> <li><u>Comprehensive Development District (CD/181)</u> Uses: Office, hotel, retail &amp; residential Number of Parcels: 5 Net Density: 3.40 - 7.00 floor area ratio (FAR) net, including parking</li> <li><u>Comprehensive Development District (CD/182)</u> Uses: Office, hotel, retail &amp; residential Number of Parcels: 2 Net Density: 3.99 &amp; 7.64 FAR net, including parking</li> </ol>
<b>Estimated Number of Dwelling Units</b>	N/A	<ul style="list-style-type: none"> <li>"Market" Housing: 2,036 @ 85 m<sup>2</sup> (915 ft<sup>2</sup>) gross/unit</li> <li>"Affordable Subsidized Rental Housing": +/-100 @ 46.5 m<sup>2</sup> (approx. 500 ft<sup>2</sup>) gross/unit</li> <li>Total: +/-2,136</li> </ul>
<b>Childcare</b>	N/A	<ul style="list-style-type: none"> <li>25-child "turnkey" facility to be constructed at the developers' sole cost</li> </ul>







## City of Richmond

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May 29, 2008  
File No. RZ 03-254977

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Re: "Suntech" Site - Rezoning Application RZ 03-254977

Thank you for meeting with me and Joe Erceg, General Manager, Planning & Development, on May 28, 2008, to discuss the rezoning under the above file number, commonly referred to as the "Suntech" Site. I appreciate your advice that you are both willing to work towards making this project a success.

From our meeting it was evident that there are several issues of fundamental disagreement amongst yourselves and that little or no progress has been made to satisfy the development conditions (attached) that you have previously agreed to as part of your rezoning application. The purpose of this letter is to document the discussion and agreements we reached at our meeting in order to provide you with a final opportunity to complete the project.

I believe that the following represents the agreement reached with you at our meeting yesterday:

1. You will refer three issues which you have been unable to resolve to Arbitration immediately. The issues to be arbitrated are:
  - i. Parking configuration between your development sites.
  - ii. Entitlement to a disputed buildable area of approximately 20,000 square feet.
  - iii. Distribution of a City owned lot, which you must acquire, amongst yourselves.
2. If you are unable to agree on an Arbitrator, you will both advise me in writing immediately and the City will select an Arbitrator on your behalf.

## City Letter to the Applicant (Dated May 29, 2008)

- 2 -

1. You will immediately start addressing and satisfying the development conditions which consist of eight (8) pages and are attached to this letter (i.e. Attachment 21 to the rezoning report for RZ 03-254977)

In addition to the above agreement, I wish to reiterate some significant points of discussion from our meeting.

1. It is City practice to provide developers with 12 months from third reading to complete all development requirements. Your project was granted third reading on May 22, 2007, therefore, this period has technically expired.
2. The date on which the opportunity for DCC grandfathering expires is Monday, June 30, 2008. You have not taken significant steps to meet the development conditions and secure this grandfathering, nor have you presented a plan for how you would do so. While the City is willing to work with you, I believe that it is virtually impossible for you to meet this deadline.
3. As previously advised, if your development does not proceed under the current rezoning, future development under the draft City Centre Area Plan on your site will be at significantly lower density.

To assist you in satisfying the noted development conditions, I suggest that:

1. You designate a Project Manager who can present a single, consistent position to work with City staff. Please advise your agreement and details of a designated Project Manager, or an alternative proposal for City consideration, by June 12, 2008. In the absence of a response, it is staff's intent to proceed to Council with the recommendation to rescind the relevant bylaws for this project
2. You fully satisfy all the attached development conditions by Friday, November 28, 2008. I note that this represents an extension of approximately six months for you to complete this project. In the event that you do not meet this timeline, it is staff's intent to proceed to Council with the recommendation to rescind the relevant bylaws for this project.

Thank you for taking the time to meet with me on this project and for your commitment to complete it in a constructive and timely manner. If you have any question please contact Joe Erceg, General Manager, Planning and Development at 604-276-4083 or myself.

Yours truly,



George Duncan  
Chief Administrative Officer

Attach: 1

cc: Joe Erceg, MCIP, General Manager, Planning and Development  
Brian J. Jackson, MCIP, Director of Development

## **Rezoning Considerations**

No. 3 Road/Sea Island Way/Seasmith Road/Capstan Way  
RZ 03-254977

Prior to final adoption of OCP Amendment Bylaw No. 7882, and Zoning Amendment Bylaw Nos. 8117, 7883, and 8113, the developer is required to complete the following:

1. Ministry of Transportation approval required for Bylaw Nos. 8117, 7883, and 8113.
2. Ministry of Environment (MOE) Certificate of Compliance or alternative approval to proceed granted from MOE regarding potential site contamination issues.
3. Registration of a legal agreement on title regarding the Development Phasing - Setting out the terms and conditions of the phasing of development of the lots and the related development of Parcel H, roads, and services and, in specific, requiring that Parcel H, the Hazelbridge Way extension, required improvements to existing roads around the perimeter of the subject site, and the project's two privately-owned/publicly-accessible roads will be constructed in the project's first phase of construction.
4. Prepare a comprehensive "Public Art Plan" for the subject site (e.g., goals, concept/theme, siting of artworks, artwork selection process/criteria, phasing, maintenance, deaccessioning requirements, etc.), to the satisfaction of the City, for the creation and installation of artworks to:
  - i. Be installed within the areas of the subject site secured for public use (e.g., Parcel H, Capstan "greenway", No. 3 Road pedestrian area, etc.);
  - ii. Be owned by the City;
  - iii. Have a total value of \$250,000; and
  - iv. Be funded and implemented on a parcel-by-parcel basis by the subject development as a condition of Development Permit (DP)
5. Proof of an executed agreement regarding the Capstan Transit Station to the satisfaction of the City, including payment of all voluntary contributions specified in the agreement.
6. Registration of a legal agreement on title, together with all necessary bylaws, to ensure that "Affordable Housing" is provided on-site as follows -

Provide 50,000 ft<sup>2</sup> of "Affordable Subsidized Rental Housing" (as defined by Richmond's draft Affordable Housing Strategy) to be secured in favour of the City with a Housing Agreement, including:

Parcel	Gross Buildable Floor Area Excluding Parking
C	35,000 ft <sup>2</sup>
G	15,000 ft <sup>2</sup>

7. Registration of a legal agreement on title to ensure that childcare is provided on-site as follows-

Provide a childcare facility on Parcel G to accommodate 25 children (age 0 to 6 years old), to be secured in favour of and operated to the satisfaction of the City.
8. Registration of a legal agreement on title to ensure that residential units are protected for use as live/work dwellings and for home occupation as provided for under the zoning of the subject site as follows-
  - i. For home occupation - To be permitted in all residential dwellings; and

- ii. For live/work dwellings – To include any dwelling unit fronting on a public road or right-of-way, secured by the City of Richmond for the purpose of public access, with a floor slab elevation that is within 3 m (9.8 ft.) of the elevation of that public road or right-of-way.
9. Registration of a Subdivision Plan for the subject site, including property consolidation (including the developer's completion of purchase of the City-owned lot at 3391 Sexsmith Road), road dedications (Hazelbridge Way extension and widening of Capstan Way and Sexsmith Road at Sea Island Way), road closures (at Sexsmith Road and the unopened lane situated mid-block along the north side of Capstan Way), and transfer of parcel H to the City of Richmond for use as park, as per the "Draft Subdivision Plan" (Attachment 16), to the satisfaction of the City, together with:
- i. Capacity Analysis – The applicant shall complete a capacity analysis to the satisfaction of the City and be responsible for implementing all the works indicated in that analysis at the applicant's sole cost;
  - ii. Gas Station – If the existing gas station on Parcel G is to be maintained beyond the time of subdivision, additional legal agreements shall be required, as determined to the satisfaction of the City.

**Prior to registration of a Subdivision Plan the following shall be included as conditions to the approval of the subdivision:**

- i. Registration of Right-of-Way agreements as per "Right-of-Way Location Diagram", for which:  
The developer shall be responsible for liability and maintenance to the satisfaction of the City, for the following:
  - (a) Areas allowing 24-hour public pedestrian and bicycle circulation, special events use as deemed to be appropriate by the City, and bylaw enforcement, including:
    - Parcels B & C –
      - A 6.0 m wide corridor centred on and running the full length of the common property line between the two parcels;
      - A strip of land of varying width along the south side of Sea Island Way to accommodate the cross-section described for this frontage under the Servicing Agreement requirements (e.g., a public sidewalk, boulevard, and related landscaping) to the satisfaction of the City of Richmond, subject to Ministry of Transportation approval; and
    - Parcels E & F –
      - A 12.0 m wide corridor running the full length of the common property line between the two parcels such that a 4.0 m wide right-of-way is registered on Parcel E and an 8.0 m wide right-of-way is registered on Parcel F.
  - (b) Areas allowing 24-hour public pedestrian and bicycle circulation, temporary commercial and special event uses (e.g., mobile food/retail kiosks and vendors, buskers, street entertainers, and similar uses) as deemed to be appropriate by the City, and bylaw enforcement, including:

- **Parcels A, B & G –**
    - A blanket right-of-way across the three parcels, the extent of which shall be amended to include only the subject site's No. 3 Road frontage, the proposed "transit plaza", the mid-block route between Parcel H and the Capstan Canada Line Station (e.g., generally following the common property line of Parcels A and G), and related publicly-accessible outdoor areas based on approved Development Permit designs to the satisfaction of the City (Note that this may involve more than one right-of-way agreement.); and
  - **Parcels E, F & G –**
    - 5.0 m wide corridor for the establishment of a landscaped greenway route along the entire north edge of Capstan Way, together with corner cuts at the intersections of No. 3 Road, Hazelbridge Way, and Sexsmith Road.
- (c) Areas allowing for 24-hour public pedestrian, bicycle, and vehicle circulation, temporary commercial and special event uses (e.g., mobile food/retail kiosks and vendors, buskers, street entertainers, and similar uses) as deemed to be appropriate by the City, and bylaw enforcement, including "new streets" etc:
- Parcels D (e.g., cul-de-sac); and
  - Parcels A (e.g. between Hazelbridge Way & No. 3 Rd. frontage)

The City shall be responsible for maintenance, for the following:

- (a) Allowing for 24-hour public pedestrian and bicycle circulation, various recreation activities and temporary commercial and special event uses (e.g., mobile food/retail kiosks and vendors, buskers, street entertainers, and similar uses) as deemed to be appropriate by the City of Richmond, and bylaw enforcement, for:
- **Parcel D –**
    - A corridor of varying width running along a portion of the west property line of Parcel D, the purpose of which shall be limited to City park-related uses, design, used, and maintained in coordination with Parcel H, and shall not be secured in part or in whole via fencing, landscaping, or other means for the use of Parcel D.
- (b) Allowing for emergency vehicle passage:
- **Along the west edge of Parcel H –**
    - A corridor of varying width running along a portion of the northwest property line of Parcel H, the purpose of which shall be limited to secondary access for emergency vehicles. This area shall be designed in coordination with the development of Parcel H.
- ii. Registration of a temporary construction easement to facilitate the necessary construction staging area around the proposed Capstan Station. The construction easement shall cover an approximately 5 m wide area around the proposed transit station location, will be effective only during the period of construction of the Station and will provide for the joint use of such area by the developer for its construction activities to the extent required.

- iii. Registration of Right-of-Way agreements for underground utilities that cannot be accommodated within dedicated road allowances.
- iv. Registration of legal agreements on title to provide cross access and/or off-site parking agreements between the following:
  - (a) Parcels A and G, to facilitate shared access to and use of the parking facilities on these parcels and all related public and private vehicle and pedestrian movement between them
  - (b) Parcels A and B, to facilitate shared access to and use of the parking facilities on these parcels and all related public and private vehicle and pedestrian movement between them; and
  - (c) Parcels F and G, to facilitate shared access to and use of the parking facilities on these parcels, the shared use of any vehicle/pedestrian tunnel beneath Hazelbridge Way and pedestrian bridge over Hazelbridge Way, and all related public and private vehicle and pedestrian movements, to be amended and, as determined by the City, supplemented or replaced with additional legal requirements, based on approved Development Permit designs to the satisfaction of the City.
- v. Registration of No Build Covenants restricting construction:
  - (a) Of a building or structure below finished grade within 4.0 m of the subject site's No. 3 Road property line, with the exception of the Canada Line guideway and Capstan Station, City works, and underground utilities, to be amended based on approved Development Permit designs to the satisfaction of the City; and
  - (b) On all parcels, with the exception of Parcel H, until such time that, on a parcel-by-parcel basis, the developer satisfies the City's conditions of Building Permit related to the contribution of funds as per the Capstan Transit Station agreement.
- vi. Registration of a legal agreements on title to restrict Vehicular Access as follows:
  - (a) Parcels D, E, F & G –
    - Limiting vehicle access (e.g., driveways) to each respective subject site's frontage on Hazelbridge Way. Only one driveway location shall be permitted for each parcel;
  - (b) Parcels A & G –
    - Restricting vehicle access (e.g., no driveways) from the Right-of-Way registered to accommodate public vehicle and pedestrian access along the east sides of Parcels A to the building sites on those parcels (Note that Parcel A may have driveway access from the right-of-way along its north frontage.); and
  - (c) Restricting vehicle access (e.g., no driveways) to the subject site's frontages along:
    - Parcels B & C – Sea Island Way;
    - Parcels A, B, C, D, E & G – No. 3 Road and Sexsmith Road (excluding locations where a Right-of-Way is registered to accommodate public vehicle and pedestrian access in place of a public road); and
    - Parcels E, F & G – Capstan Way.

- vii. Registration of a Flood Plain Covenant requiring a minimum finished floor elevation of 2.6 m geodetic for habitable residential space (including residential storage space).
- viii. With regard to aircraft noise, registration of the following legal agreements on title, including clauses indemnifying the City:
- (a) A covenant to ensure that adequate acoustical measures are employed to address noise impacts in accordance with the OCP Aircraft Noise Sensitive Development Policy; and
  - (b) An Aircraft Noise Warning Agreement to include disclosure on all agreements of purchase and sale of dwellings to potential occupants and notification by signage posted in all sales offices, with wording and sign specifications to the satisfaction of the City.
- ix. With regard to rapid transit operations and related noise, registration of the following legal agreements on title, including clauses indemnifying the City:
- (a) A covenant to ensure that adequate acoustical measures are employed to address noise impacts; and
  - (b) A Rapid Transit Warning Agreement to include disclosure on all agreements of purchase and sale and notification by signage posted in all sales offices, with wording and sign specifications to the satisfaction of the City.
- x. With regard to Parcel H and other outdoor areas on the subject site intended by the City for public recreational use, registration of legal agreements on title to:
- (a) Ensure that potential purchasers are made aware of the City's intended use of these areas (e.g., Parcel H, the mid-block trails between Parcels B and C and between E and F, the Capstan "greenway" along the north side of Capstan Way, and the No. 3 Road public corridor); and
  - (b) Protect the City's ability to make these spaces available for public recreational use and complementary permanent and temporary commercial activities as determined to be appropriate by the City.
- xi. Enter into a Servicing Agreement for the design and construction, to current City standards and specifications, at their sole cost, including, but not limited to, the works as described below:
- (a) Road improvements shall require a Benkelman Beam Test for the roads more than 15 years old, conversion of ditches to a covered storm sewer system, and the undergrounding of all overhead utilities, except that the developer shall not be responsible for the undergrounding of overhead utilities along the east side of Sexsmith Road.
  - (b) Roadway widening and the installation of traffic lanes, curbs and gutters, boulevards, and sidewalks as per the "Proposed Road Network Concept - Ultimate Alignment" (Attachment 18), except that:
    - Sexsmith Road shall be constructed as per the "Proposed Road Network Concept Plan - Interim Alignment" (Attachment 19).
    - The grade of the extension of Hazelbridge Way and Sexsmith Road shall be raised such that no incline exceeds an 6% slope, all necessary slope retention and vehicle/pedestrian access to abutting properties is maintained, and the length of the



portion of the road constructed at its maximum elevation is maximized, the elevations of which shall be:

- For Hazelbridge Way -- 6.0 m geodetic; and
- For Sexsmith Road -- 2.6 m geodetic.
- Sea Island Way improvements subject to consultation with the Ministry of Transportation.

(c) Landscaped boulevards, sidewalks, street lighting, street trees, and street furnishings as follows:

- Hazelbridge Way & Sexsmith Road --
  - A boulevard landscaped with a combination of decorative paving treatment, groundcover planting, shrubs, and a row of large-growing street trees planted in decorative, metal tree grates with a maximum spacing of 9.0 m on centre;
  - Broom finish concrete sidewalk;
  - Decorative City Centre streetlights (L12.6) with irrigation, flower basket arms, and electrical receptacles, but excluding pedestrian lights and banner arms; and
  - Decorative City Centre benches.
- Capstan Way (North side only.) -- "Greenway" treatment including:
  - A 2.5 m wide boulevard along the back of curb landscaped with a combination of decorative paving treatment, groundcover planting, shrubs, and a row of large-growing street trees planted in decorative, metal tree grates with a maximum spacing of 9.0 m on centre;
  - A 2.5 m wide sidewalk with a decorative paving treatment;
  - Decorative City Centre streetlights (L12.6) with irrigation, flower basket arms, electrical receptacles, pedestrian lights, and west of Hazelbridge Way, banner arms; and
  - Decorative public seating.
- Sea Island Way (South side only. Subject to consultation with the Ministry of Transportation.) -- "Greenway" treatment including:
  - A boulevard, along the back of curb with a minimum width of 2.0 m, landscaped with a combination of groundcover planting, shrubs, and a row of large-growing street trees planted with a maximum spacing of 9.0 m on centre;
  - A sidewalk, along the back of the boulevard, with a minimum width of 2.0 m and finished in a decorative paving treatment;
  - Between the back of the sidewalk and the property line, additional groundcover plants, shrubs, and a second row of large-growing street trees planted with a maximum spacing of 9.0 m on centre;
  - Decorative City Centre pedestrian lighting; and
  - Decorative public seating.
- No. 3 Road (East side only.) --
  - Improvements as per Richmond's No. 3 Road Streetscape Study and the Canada Line project, and to the satisfaction of the City.

(d) Traffic signals at the following locations, the timing of installation of which shall be determined by the City:

- Full signals at the:
  - Capstan Way - Hazelbridge Way intersection;
  - Capstan Way - Sexsmith Road intersection; and
  - Sexsmith Road - Hazelbridge Way intersection.

- Modified/upgraded signals at the:
  - Sexsmith Road - Sea Island Way; and
  - No. 3 Road - Capstan Way intersection.
- (c) Special crosswalks (e.g., special pavement treatments, bollards, markings, lighting, and/or other features as determined by the City of Richmond) at major pedestrian crossing points, including:
  - Mid-block on Capstan Way at the proposed pedestrian pathway between Parcels E and F;
  - Mid-block on Hazelbridge Way at the proposed pedestrian pathway between Parcels E and F;
  - Mid-block on Hazelbridge Way at the west end of the proposed Parcel H and the east end of Parcel G; and
  - The entire west frontage of Parcel H (crossing to Parcels A & G).
- (f) Sanitary sewer upgrades, as per the developer's capacity analysis approved by the City's Engineering Department.
- (g) Storm sewer upgrades, as per the developer's capacity analysis approved by the City's Engineering Department (e.g., along Hazelbridge Way from Capstan Way to Cambie Road).
- (h) Parcel H design and construction, to the satisfaction of the City:
  - As per the concept described in the "Proposed Park Design Concept" (Attachment 20) approved by the City's Parks Department; and
  - For which the total construction value payable by the developer shall not exceed the value of the subject development's estimated applicable Development Cost Charge (DCC) credits for park construction, excluding any works:
    - Adjacent to, but outside Parcel H's proposed property lines (e.g., sidewalks and landscaping within road rights-of-ways and works on Parcel D and other fronting parcels); and
    - Situated within the boundary of Parcel H, but not specific to its development (e.g., underground services serving adjacent parcels).

Development Permit Conditions, specifically:

The following are to be met prior to a Development Permit application being referred to the Development Permit Panel:

1. Development Permit (DP) application(s) shall be processed and completed to a level deemed acceptable by the Director of Development.
2. Prepare a comprehensive signage package to the satisfaction of the City of Richmond's Development Application Division.
3. Ensure that provision is made such that all residential and non-residential loading, including both small and large trucks (e.g., WB-17), can typically be accommodated on-site (e.g., off a public road) and will not compromise vehicular movement or safety on any existing public roads or the proposed Hazelbridge Way extension.

4. Pay a voluntary contribution towards the creation and installation of public art within the public outdoor spaces on the subject site as per the strategy approved as part of the "Public Art Plan" prepared by the developer as a condition of the subject rezoning.

Building Permit Conditions, specifically:

The following requirements are to be met prior to the issuance of a Building Permit:

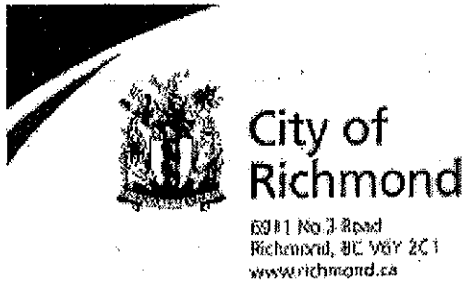
1. Provide an acoustical report by a registered professional, qualified in acoustics, indicating that the building design includes sufficient noise mitigation elements to ensure compliance with covenants registered on title regarding aircraft noise impacts and rapid transit operation impacts.
2. Prepare a construction parking and traffic management plan to the satisfaction of Richmond's Transportation Department, including the location of parking services, deliveries, workers, and loading, lane closures, and proper traffic construction controls as per the "Traffic Control Manual for Works on Roadways (Ministry of Transportation and Highways)" and "MMCD Traffic Regulation Section 01570".

Signed copy on file

Signed

Date

**ATTACHMENT 5**  
**City Letter to the Applicant (Dated December 4, 2008)**



December 4, 2008  
File: 08-4105-01/2008-Vol 01

Office of the Chief Administrative Officer  
Telephone: 604-276-4336  
Fax: 604-276-4322

Mr. Terry Hui  
President  
Concord Pacific Group Inc.,  
#900 - 1095 West Pender Street  
Vancouver, BC V6E 2M6

Mr. Michael De Cotiis  
President  
Pinnacle International  
Suite 300 - 911 Homer Street  
Vancouver, BC V6B 2W6

FAX: 604-895-8296

Fax: 604-688-7749

Re: "Sun Tech" Site Rezoning Application RZ 03-254977

My May 29, 2008 letter to you set out the terms and conditions by which the City of Richmond would agree to extend the deadline for addressing the rezoning conditions to November 28, 2008. As set out in this letter, the extension was based on you fully satisfying all of the rezoning conditions set out in the April 19, 2007 Staff Report and subject to Official Community Plan and Zoning bylaws which received Third Reading on May 22, 2007. I have reviewed your November 27, 2008 letter to Brian Jackson and consulted with staff from Development Applications, Transportation, Law, Engineering and Real Estate and have been advised that the conditions have not been met and there remains significant areas of disagreement between you and the City with respect to fulfilling the conditions.

In accordance with my May 29, 2008 letter, I will be recommending to Council, at its meeting of January 12, 2009, that the bylaws held at Third Reading be repealed. Once this matter has been considered by City Council, please contact Brian Jackson at 604-276-4138 to close the file.

If you have any questions, please contact Joe Erceg, General Manager, Planning & Development, at 604-276-4083 or myself.

Yours truly,

George Duncan  
Chief Administrative Officer

per: Joe Erceg, MCIP, General Manager, Planning and Development  
Brian J. Jackson, MCIP, Director of Development



2534926

**PINNACLE**

International Development, Inc.

November 27, 2008

**Sent Via Email**

Brian Jackson, Director of Development  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Dear Brian,

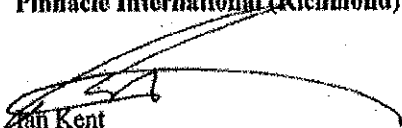
**Re: Pinnacle Park Place/Western Centre - RZ 03-254977**

Further to our recent discussions regarding funding of the aspects of our Rezoning requirements, we appreciate the City's understanding with respect to the current market conditions and the efforts made to extend our Rezoning deadline and reduce up-front costs. We have discussed the various issues with Sun Tech and propose the following:

1. Pinnacle and Sun Tech to pay their allocated shares of \$500,000 for Translink engineering before Rezoning and the balance of \$14,500,000 Capstan Station funding upon 50% completion of the project.
2. Services to be phased with minimum securities required to achieve Subdivision, i.e. Hazelbridge Way extension build-out should be sufficient to allow Subdivision for all of the lands with the balance of the streets and frontage improvements build as the parcels are developed.
3. Upgrading of the sanitary pump station to be completed by the City with no cost to the developer.
4. The servicing drawings will be complete and fully reviewed by the City before subdivision and require the minimum security of 105% of the estimated cost of the first servicing phase.

While an extension of the Rezoning deadline will greatly assist with completing the Rezoning conditions and resolving unknown servicing issues, it is important to us to fully resolve all of the above issues and obtain Subdivision and Rezoning as soon as possible.

Yours Truly,  
**Pinnacle International (Richmond) Plaza Inc.**



**Ian Kent**  
Development Manager

CC Peter Webb  
Thomas Leung

WWW.PINNACLEINTERNATIONAL.CA

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