



**City Council**

**Council Chambers, City Hall  
6911 No. 3 Road**

**Monday, January 28, 2013  
7:00 p.m.**

Pg. #

ITEM

**MINUTES**

1. *Motion to adopt:*

(1) *the minutes of the Regular Council Meeting held on Monday, January 14, 2013* (distributed previously);

CNCL-11

(2) *the minutes of the Regular Council Meeting for Public Hearings held on Monday, January 14, 2013.*



**AGENDA ADDITIONS & DELETIONS**

**PRESENTATION**

CNCL-19

Keith Liedtke, Chair of the Board of Directors, accompanied by Suzanne Haines, General Manager, Gateway Theatre presented the 2011-2012 Annual Report.

**COMMITTEE OF THE WHOLE**

2. *Motion to resolve into Committee of the Whole to hear delegations on agenda items.*



3. Delegations from the floor on Agenda items.

**(PLEASE NOTE THAT FOR LEGAL REASONS, DELEGATIONS ARE NOT PERMITTED ON ZONING OR OCP AMENDMENT BYLAWS WHICH ARE TO BE ADOPTED; OR ON DEVELOPMENT PERMITS/DEVELOPMENT VARIANCE PERMITS - ITEM NO. 15.)**

4. *Motion to rise and report.*



## RATIFICATION OF COMMITTEE ACTION

## CONSENT AGENDA

**(PLEASE NOTE THAT ITEMS APPEARING ON THE CONSENT AGENDA WHICH PRESENT A CONFLICT OF INTEREST FOR COUNCIL MEMBERS MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.)**

## CONSENT AGENDA HIGHLIGHTS

- Receipt of Committee minutes
- Forsaken: The Report of the Missing Women Commission Inquiry
- Regulation of Soil Removal and Deposit Activities on Agricultural Land
- Land use applications for first reading (to be further considered at the Public Hearing on Monday, February 18, 2013):
  - 11120 & 11200 No. 5 Road – ALR Exclusion and Rezone from (AG1) to (CC) (Everbe Holdings – applicant)
  - 5640 Hollybridge Way – Rezone from (IB1) to (RCL3) (Cressey (Gilbert) Development LLP – applicant)
- Waterworks & Water Rates Bylaw Amendment
- GVRD Bylaw to Repeal the Mosquito Control Administration & Coordination Service Bylaw
- Steveston Village Parking Strategy – Report on Trial Implementation
- Metro Vancouver Board Request – Projects Eligible for Federal Strategic Priorities Fund

5. *Motion to adopt Items 6 through 14 by general consent.*



## Council Agenda – Monday, January 28, 2013

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ITEM

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### 6. COMMITTEE MINUTES

*That the minutes of:*

- CNCL-57 (1) *the Community Safety Committee meeting held on Tuesday, January 15, 2013;*
- CNCL-64 (2) *the General Purposes Committee meeting held on Monday, January 21, 2013;*
- CNCL-112 (3) *the Planning Committee meeting held on Tuesday, January 22, 2013;*
- CNCL-118 (4) *the Public Works & Transportation Committee meeting held on Wednesday, January 23, 2013;*
- be received for information.*



Consent  
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### 7. FORSAKEN: THE REPORT OF THE MISSING WOMEN COMMISSION OF INQUIRY

(File Ref. No.) (REDMS No. 3736901 v.4)

CNCL-127

See Page CNCL-127 for full report

#### COMMUNITY SAFETY COMMITTEE RECOMMENDATION

*That:*

- (1) *the City work collaboratively and constructively with the Honourable Steven Point's advisory committee (the "Advisory Committee") on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the report entitled, Forsaken: The Report of the Missing Women Commission of Inquiry (the "Report");*
- (2) *if the Advisory Committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force;*
- (3) *staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report (establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force); and*

- (4) *in addition to the referral made at the November 14, 2012 Community Safety Committee meeting, staff be asked to arrange meetings with representatives of regional policing, including Chairs of police boards and representatives of police, from parties interested in regional policing, including Abbotsford and MLA Kash Heed.*



Consent  
Agenda  
Item

8. **REGULATION OF SOIL REMOVAL AND DEPOSIT ACTIVITIES ON AGRICULTURAL LAND**

(File Ref. No.: 12-8060-20-8094) (REDMS No.3780836)

CNCL-153

See Page CNCL-153 for full report

**GENERAL PURPOSES COMMITTEE RECOMMENDATION**

- (1) *That staff be directed to prepare a bylaw amendment to Soil Removal and Fill Deposit Regulation Bylaw No. 8094 to provide that soil deposit and removal activities relating to existing “farm use” in the Agricultural Land Reserve will require a permit from the City and request that the ALC act on this commencing immediately;*
- (2) *That, following first, second and third reading of the above bylaw amendment, the bylaw be forwarded to the responsible Provincial ministries for approval;*
- (3) *That staff be directed to report back on the options and implications for charging fees for soil removal and deposit activities in the Agricultural Land Reserve;*
- (4) *That an education and “Soil Watch” program, as outlined in the staff report dated January 16, 2013 titled “Regulation of Soil Removal and Deposit Activities on Agricultural Land” from the City Solicitor, be implemented;*
- (5) *That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to non-farm uses of land within the Agricultural Land Reserve, and in particular, in relation to soil deposit and removal activities;*
- (6) *That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to farm uses of land within the Agricultural Land Reserve and seek appropriate legislative changes;*
- (7) *That staff be directed to review, and dispute if necessary, the rulings and discussions from time to time in relation to the Finn Road property, and report back through Committee;*



- (8) *That the Agricultural Advisory Committee (AAC) be advised of this resolution; and*
- (9) *That copies of this resolution be forwarded to the Premier, the local MLAs, and the Leader of the Official Opposition.*



CNCL-157

**REGULATION OF SOIL REMOVAL AND DEPOSIT ACTIVITIES ON AGRICULTURAL LAND**

**ADDITIONAL STAFF RECOMMENDATION**

*That the Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 8992, be introduced and given first, second and third readings.*



Consent  
Agenda  
Item

- 9. **REFERRAL REPORT ON DRIVE-THROUGHS IN RICHMOND'S ZONING BYLAW AND APPLICATION BY EVERBE HOLDINGS LTD. FOR AGRICULTURAL LAND RESERVE EXCLUSION, OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING AT 11120 AND 11200 NO. 5 ROAD FROM AGRICULTURE (AG1) TO COMMUNITY COMMERCIAL (CC)**

(File Ref. No. 12-8060-20-8988/8989, RZ 10-556878, AG 10-556901) (REDMS No. 3736284)

CNCL-158

See Page CNCL-158 for full report

**PLANNING COMMITTEE RECOMMENDATION**

- (1) *That Option 2 (in the report dated January 8, 2013 from the Director of Development), which recommends that no further review of restricting drive-throughs in Richmond's Zoning Bylaw 8500 for new developments, be approved;*
- (2) *That authorization for Everbe Holdings Ltd. to apply to the Agricultural Land Commission to exclude 11120 and 11200 No. 5 Road from the Agricultural Land Reserve be granted;*
- (3) *That Official Community Plan Amendment Bylaw No. 8988, to re-designate 11120 and 11200 No. 5 Road from "Mixed Employment" to "Commercial" in the 2041 Official Community Plan Land Use Map to Schedule 1 of Official Community Plan Bylaw 9000 and to amend the Development Permit Area Map in Schedule 2.8A (Ironwood Sub-Area Plan) of Official Community Plan Bylaw 7100, be introduced and given first reading;*
- (4) *That Bylaw 8988, having been considered with:*

- (a) *the City's Financial Plan and Capital Program;*
  - (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*
- is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) (a) of the Local Government Act;*
- (5) *That Bylaw 8988, having been considered in accordance with the City Policy on Consultation During Official Community Plan development is hereby deemed not to require further consultation; and*
  - (6) *That Bylaw 8989, for the rezoning of 11120 and 11200 No. 5 Road from "Agriculture (AG1)" to "Community Commercial (CC)", be introduced and given first reading.*



Consent  
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10. **APPLICATION BY CRESSEY (GILBERT) DEVELOPMENT LLP FOR REZONING AT 5640 HOLLYBRIDGE WAY FROM INDUSTRIAL BUSINESS PARK (IB1) TO RESIDENTIAL/LIMITED COMMERCIAL (RCL3): FOLLOW-UP ON REVISED AFFORDABLE HOUSING PROVISIONS**

(File Ref. No. 12-8060-20-8957, RZ 12-602449) (REDMS No. 3741616)

CNCL-187

See Page **CNCL-187** for full report

**PLANNING COMMITTEE RECOMMENDATION**

*That Bylaw 8957 to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to "Residential / Limited Commercial (RCL3)" be introduced and given first reading.*



Consent  
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11. **WATERWORKS AND WATER RATES BYLAW AMENDMENT**

(File Ref. No. 10-6060-00; 12-8060-20-5637/8909) (REDMS No. 3654517)

CNCL-283

See Page **CNCL-283** for full report

**PUBLIC WORKS & TRANSPORTATION COMMITTEE RECOMMENDATION**

*That Waterworks and Water Rates Bylaw No. 5637, Amendment Bylaw No. 8909 be introduced and given first, second and third readings.*



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12. **GREATER VANCOUVER REGIONAL DISTRICT BYLAW TO REPEAL THE MOSQUITO CONTROL ADMINISTRATION AND COORDINATION SERVICE (BYLAW NO. 1179, 2012)**

(File Ref. No. 10-6125-04-14) (REDMS No. 3742450)

CNCL-295

See Page **CNCL-295** for full report

PUBLIC WORKS & TRANSPORTATION COMMITTEE  
RECOMMENDATION

*The City of Richmond consents to the repeal of the Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005 and consents to the adoption of the Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012).*



Consent  
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Item

13. **STEVESTON VILLAGE PARKING STRATEGY – REPORT BACK ON TRIAL IMPLEMENTATION (JUNE-SEPTEMBER 2012)**

(File Ref. No. 10-6455-01/2012) (REDMS No. 3706046)

CNCL-306

See Page **CNCL-306** for full report

PUBLIC WORKS & TRANSPORTATION COMMITTEE  
RECOMMENDATION

*That the following proposed measures to improve City management of free on- and off-street public parking in the Steveston Village area, as described in the staff report dated January 9, 2013 from the Director, Transportation, be endorsed:*

- (1) *Community Bylaws provide regular patrols of the Village area as part of city-wide activities;*
- (2) *the time limit for free public parking spaces be increased from two to three hours;*
- (3) *operation of the lanes revert back to the status quo that was in effect prior to the trial; and*
- (4) *parking-related signage and pavement markings be improved prior to the start of the peak summer period in 2013.*



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14. **METRO VANCOUVER BOARD REQUEST – PROJECTS ELIGIBLE  
FOR FEDERAL STRATEGIC PRIORITIES FUND**

(File Ref. No. 01-0157-00) (REDMS No. 3718056)

CNCL-321

See Page **CNCL-321** for full report

PUBLIC WORKS & TRANSPORTATION COMMITTEE  
RECOMMENDATION

*That a letter be sent to all Richmond Members of Parliament, with a copy to the Metro Vancouver Board, seeking the designation of cycling infrastructure as an eligible project under the federal Strategic Priorities Fund.*



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CONSIDERATION OF MATTERS REMOVED FROM THE  
CONSENT AGENDA

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NON-CONSENT AGENDA ITEMS

PUBLIC ANNOUNCEMENTS AND EVENTS

NEW BUSINESS

**BYLAWS FOR ADOPTION**

- CNCL-325**      Richmond Zoning Bylaw No. 8500, Amendment **Bylaw No. 8477**  
(8511 and 8531/8533 Williams Road, RZ 08-414049)  
Opposed at 1<sup>st</sup> Reading – None.  
Opposed at 2<sup>nd</sup>/3<sup>rd</sup> Readings – None.
- ☐
- CNCL-326**      Richmond Official Community Plan Bylaw 7100, Amendment **Bylaw No. 8838**  
(8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road, RZ 06-349722)  
Opposed at 1<sup>st</sup> Reading – None.  
Opposed at 2<sup>nd</sup>/3<sup>rd</sup> Readings – None.
- ☐
- CNCL-331**      Richmond Zoning Bylaw No. 8500, Amendment **Bylaw No. 8840**  
(8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road, RZ 06-349722)  
Opposed at 1<sup>st</sup> Reading – None.  
Opposed at 2<sup>nd</sup>/3<sup>rd</sup> Readings – None.
- ☐
- CNCL-337**      Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road) **Bylaw No. 8984**  
Opposed at 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> Readings – None.
- ☐
- CNCL-363**      Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road) ARTS Units **Bylaw No. 8985**  
Opposed at 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> Readings – None.
- ☐

## DEVELOPMENT PERMIT PANEL

### 15. RECOMMENDATION

See DPP Plan Package (distributed separately) for full hardcopy plans

CNCL-390  
CNCL-395  
CNCL-397

- (1) *That the minutes of the Development Permit Panel meeting held on Wednesday, January 16, 2013, and the Chair's report for the Development Permit Panel meetings held on April 25, 2012, and January 16, 2013, be received for information; and*
- (2) *That the recommendations of the Panel to authorize the issuance of:*
  - (a) *a Development Permit (DP 12-626299) for the property at 10780 Cambie Road;*
  - (b) *a Development Variance Permit (DV 11-565153) for the property at 16300 River Road; and*
  - (c) *a Development Permit (DP 09-466065) for the property at 8531 Williams Road (formerly 8511 and 8531/8533 Williams Road).**be endorsed, and the Permits so issued.*



## ADJOURNMENT





**Regular Council Meeting for Public Hearings  
Monday, January 21, 2013**

Place: Council Chambers  
Richmond City Hall  
6911 No. 3 Road

Present: Mayor Malcolm D. Brodie  
Councillor Chak Au  
Councillor Linda Barnes  
Councillor Derek Dang  
Councillor Evelina Halsey-Brandt  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Linda McPhail  
Councillor Harold Steves

Michelle Jansson, Acting Corporate Officer

Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

**1. Zoning Amendment Bylaw 8700 (RZ 10-521413) & Bylaw 7840 (RZ04-272351)**

(Location: 6551/6553 Williams Road & 6511/6531 Williams Road;

Applicant: Urban Era Builders and Developers Ltd. & Parmjit Randhawa)

*Applicant's Comments:*

The applicant was available to answer questions.

*Written Submissions:*

None.

*Submissions from the floor:*

None.

PH13/1-1

It was moved and seconded

*That Zoning Amendment Bylaw 8700 be given second and third readings.*

**CARRIED**



**Regular Council Meeting for Public Hearings**  
**Monday, January 21, 2013**

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PH13/1-2

It was moved and seconded

*That Zoning Amendment Bylaw 7840 be given third reading.*

**CARRIED**

**2. Zoning Amendment Bylaw 8967 (RZ 12-598701)**

(Location: 6711, 6771 and 6791 Williams Road; Applicant: Interface Architecture Inc.)

*Applicant's Comments:*

The applicant was available to answer questions.

*Written Submissions:*

(a) Jatinder Dhillon, 9708 Gilhurst Crescent (Schedule 1)

(b) Craig Bradshaw, 6860 Shawnigan Place (Schedule 2)

*Submissions from the floor:*

None.

PH13/1-3

It was moved and seconded

*That Zoning Amendment Bylaw 8967 be given second and third readings.*

The question on Resolution No. PH13/1-3 was not called as discussion ensued concerning the written submission by Mr. Bradshaw and the preservation of the cedar hedge. Staff were directed to consult with the property owner regarding the preservation of the existing cedar hedge.

The question on Resolution No. PH13/1-3 to give second and third reading to Bylaw 8967 was then called and it was **CARRIED**.

**3. Zoning Amendment Bylaw 8970 (RZ 12-615299)**

(Location: 10251 Bird Road; Applicant: Ronald Herman, Anita Herman & Tammia Bowden)

*Applicant's Comments:*

The applicant was available to answer questions.

*Written Submissions:*

None.





**Regular Council Meeting for Public Hearings**  
**Monday, January 21, 2013**

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*Submissions from the floor:*

None.

PH13/1-4

It was moved and seconded

*That Zoning Amendment Bylaw 8970 be given second and third readings.*

**CARRIED**

**4. Zoning Amendment Bylaw 8972 (RZ 11-586280)**

(Location: 9431, 9451, 9471 and 9491 Williams Road; Applicant: Yamamoto Architecture Inc.)

*Applicant's Comments:*

The applicant was available to answer questions.

*Written Submissions:*

None.

*Submissions from the floor:*

Stewart Whitfield, 9371 Pinewell Crescent, stated his concerns were mainly with potential flooding on his property, on-site drainage, grading, and privacy. He suggested a retaining wall be installed to address the issues.

Mr. Wayne Craig, Director of Development, advised that through the Building and Development Permit processes, on site drainage issues will be addressed and that a preliminary landscape plan shows a hedge along the north property line. Further information can be made available at the time of the Development Permit process.

PH13/1-5

It was moved and seconded

*That Zoning Amendment Bylaw 8972 be given second and third readings.*

**CARRIED**

**5. Zoning Amendment Bylaw 8979 (RZ 12-603740)**

(Location: 16700 River Road; Applicant: Brian Dagneault Planning Consultants Ltd.)

*Applicant's Comments:*

The applicant was available to answer questions.



**Regular Council Meeting for Public Hearings  
Monday, January 21, 2013**

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*Written Submissions:*

(a) Steve Easterbrook, 17740 River Road (Schedule 3)

*Submissions from the floor:*

None.

*Council Deliberations:*

In response to the email submission from Mr. Easterbrook, Mr. Craig advised that the application was not referred to the Agricultural Advisory Committee as the lands are not within the Agricultural Land Reserve and the rezoning is consistent with the industrial designation within the Official Community Plan. In terms of the notification area for the public hearing, the standard notification area was recommended by staff.

PH13/1-6

It was moved and seconded

*That Zoning Amendment Bylaw 8979 be given second and third readings.*

**CARRIED**

OPPOSED: Councillor Linda Barnes  
Councillor Harold Steves

**ADJOURNMENT**

PH13/1-7

It was moved and seconded

*That the meeting adjourn (7:15 p.m.).*

**CARRIED**

Certified a true and correct copy of the Minutes of the Regular Meeting for Public Hearings of the City of Richmond held on Monday, January 21, 2013.

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Mayor (Malcolm D. Brodie)

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Acting Corporate Officer  
City Clerk's Office (Michelle Jansson)

**MayorandCouncillors**

From: City of Richmond Website [webgraphics@richmond.ca]  
Sent: Monday, 21 January 2013 2:17 PM  
To: MayorandCouncillors  
Subject: Send a Submission Online (response #727)

<b>To Public Hearing</b>
Date: <u>Jan 21/13</u>
Item # <u>2</u>
Re: <u>Zoning Amendment</u> <u>Bylaw 8967</u>

**Send a Submission Online (response #727)**

**Survey Information**

Site:	City Website
Page Title:	Send a Submission Online
URL:	<a href="http://cms.richmond.ca/Page1793.aspx">http://cms.richmond.ca/Page1793.aspx</a>
Submission Time/Date:	1/21/2013 2:23:55 PM

**Survey Response**

Your Name:	Jatinder Dhillon
Your Address:	9708 Gilhurst Crst. Richmond, BC V7A 1P2
Subject Property Address OR Bylaw Number:	8967
Comments:	I am the owner of 6633 Williams Road. I would like to express that I am in favour of the re-zoning. I feel townhouses in the area will be favorable to the area.

**Mayor and Councillors**

From: City of Richmond Website (webgraphics@richmond.ca)  
Sent: Monday, 21 January 2013 2:23 PM  
To: Mayor and Councillors  
Subject: Send a Submission Online (response #728)

To Public Hearing
Date: Jan 21 / 13
Item # 2
Re: Zoning Amendment
Bylaw 8967

**Send a Submission Online (response #728)**

**Survey Information**

Site:	City Website
Page Title:	Send a Submission Online
URL:	<a href="http://cms.richmond.ca/Page1793.aspx">http://cms.richmond.ca/Page1793.aspx</a>
Submission Time/Date:	1/21/2013 2:30:20 PM

**Survey Response**

Your Name:	Craig Bradshaw
Your Address:	6860 Shawnigan Place, Richmond
Subject Property Address OR Bylaw Number:	Bylaw 8967 ( RZ 12-598701)
Comments:	<p>This zoning amendment bylaw relates to the property immediately south and adjacent to my residence. I want to insure that the large mature cedar hedge, located on the south boundary of my property, is protected and not damaged during the redevelopment process. This hedge provides privacy as well as sound buffering for my residence, and is also a significant landscaping feature. There are also numerous large mature trees of varying species on the subject property, as well as those adjacent to the subject property. To maintain the character and ambiance of the current neighbourhood it is critical that these trees be maintained.</p>

**Jansson, Michelle**

To: Eng, Kevin  
Subject: RE: Public Hearing to Rezone AG1 Land to Storage

<b>To Public Hearing</b>
Date: <u>Jan 21 /13</u>
Item # <u>5</u>
Re: <u>Zoning Amendment</u>
<u>Bylaw 8979</u>

**From:** Steve Easterbrook [<mailto:steve@rabbitriverfarms.com>]

**Sent:** Friday, 18 January 2013 10:12

**To:** Eng, Kevin

**Cc:** Bill Jones; Bill Zylmans; Steves, Harold; Danny Chen; Dave Sandhu; Krishna Sharma; Kyle May; Scott May; Todd May; Crowe, Terry; [Kathleen.Zimmerman@gov.bc.ca](mailto:Kathleen.Zimmerman@gov.bc.ca); [Tony.Pellett@gov.bc.ca](mailto:Tony.Pellett@gov.bc.ca)

**Subject:** Public Hearing to Rezone AG1 Land to Storage

**Importance:** High

Co-Chairs and Fellow Ag Advisory Committee Members,

I'm wondering if any of you have heard of a Public Hearing set for Monday January 21st to rezone AG1 land at 16700 River Road. I was under the understanding that rezoning applications and other issues related to Agricultural Land in Richmond were supposed to come to the AAC for input as part of the pre-requisite for considering rezoning. Also, the Mayor and counsel specified that mail notices for public hearings related to agricultural areas would be sent to properties within a 1 km radius as opposed to other zoning districts which would only require notice to property owners within 50 meters. This special amendment was implemented to ensure adequate notice to land owners affected in the more sparsely populated Agricultural areas of Richmond. According to the City Clerk's office the Notice on the subject Public Hearing was only mailed to properties within 50 meters so the rules implemented by Counsel were not properly followed to inform neighbours that are affected by this possible rezoning.

So it looks like this Public Hearing to rezone AG1 land has again flown under the radar. Ag1 and ALR land is being chopped away at one property at a time moving east along River Road. There are more and more trucks travelling the full length of River Road east & west so it is becoming a Commercial Highway even though is a 9 tonne load limit which is ignored by the trucks that are using some of the storage properties that have already been rezoned west of the subject property. There is no City monitoring or RCMP monitoring of truck traffic bylaw i

I missed one of the AAC meetings a few months ago so maybe the other members of the AAC were aware of this???? If not this is another incident of lack of process that diminishes the effectiveness, purpose and stewardship duties of the AAC. Please let me know your thoughts.

Steve Easterbrook

Rabbit River Farms  
17740 River Road,  
Richmond, BC V6V 1L9  
Tel: 604-447-2694  
Fax: 604-447-2614  
Cell: 778-668-8848

**Jansson, Michelle**

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**To:** Eng, Kevin  
**Subject:** RE: Public Hearing to Rezone AG1 Land to Storage

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**From:** Eng, Kevin  
**Sent:** Friday, 18 January 2013 17:07  
**To:** 'Steve Easterbrook'  
**Cc:** 'Bill Jones'; 'Bill Zylmans'; Steves, Harold; 'Danny Chen'; 'Dave Sandhu'; 'Krishna Sharma'; 'Kyle May'; 'Scott May'; 'Todd May'; Crowe, Terry; 'Kathleen.Zimmerman@gov.bc.ca'; 'Tony.Pellett@gov.bc.ca'  
**Subject:** RE: Public Hearing to Rezone AG1 Land to Storage

Hi Steve and all.

An application to rezone 16700 River Road is proceeding to Public Hearing on Monday, January 21, 2012. For reference, I have attached a link to the Public Hearing agenda and staff report if you would like additional information on the proposal. The application involves rezoning the site to allow for commercial vehicle parking and storage and general outdoor storage:

- [http://www.richmond.ca/cityhall/council/agendas/hearings/2013/012113p\\_agenda.htm](http://www.richmond.ca/cityhall/council/agendas/hearings/2013/012113p_agenda.htm)

This rezoning application at 16700 River Road was not forwarded to the AAC for the following reasons:

- The subject site is not contained in the ALR.
- The 2041 Official Community Plan (OCP) Land Use Designation for the site and the 16,000 block of River Road is "Industrial". The subject proposal involving commercial vehicle parking and general outdoor storage is consistent with the OCP Industrial designation.
- The rezoning proposal complies with a Council approved Interim Action Plan, which identifies a number of provisions that must be met and addressed through the processing of rezoning application for commercial vehicle parking and outdoor storage. The proposal at 16700 River Road complies with and has addressed all components of the Interim Action Plan.
- Pertaining to trucks travelling on River Road – through the rezoning application, the proponent/property owner is required to undertake works to ensure that trucks travelling to and from the site comply with approved routes in the area. These approved routes for trucks only permit travel on River Road WEST of the sites approved for truck parking out to No. 6 Road only. Through the rezoning, construction and modification of the driveway access to the subject site (based on a design approved by City Transportation staff) is required that will restrict truck turning movements to/from the site. Therefore, trucks turning into the site will be restricted to right-in turns only (travelling from the west only). Trucks exiting the site will be restricted to left-out turns only (travelling west on River Road out to No. 6 Road). Construction, inspection and approval of a modified driveway to the subject site is being secured as a rezoning consideration and must be completed prior to getting final adoption of the rezoning application. These turning restrictions to be implemented with the site at 16700 River Road will not enable any commercial vehicles or trucks to travel east on River Road (i.e., in between Kartner Road allowance, No. 8 Road, No. 9 Road and Westminster Highway). These turning restrictions are being secured for all properties that are applying for rezoning in the 16,000 block of River Road.

Please contact me if you have any questions or require clarification.

Regards,  
Kevin Eng  
Policy Planning  
City of Richmond  
Ph: 604-247-4626  
[kenq@richmond.ca](mailto:kenq@richmond.ca)

**CNCL - 18**



Tuesday, December 11, 2012

David Weber, City Clerk  
City of Richmond  
6911 No. 3 Road  
Richmond, BC  
V6Y 2C1

Re: Delegation to January City Council Meeting

Dear Mr. Weber,

The Gateway Theatre would like to send a delegation to Richmond City Council at their scheduled meeting on January 28, 2013. This presentation is a requirement of our operating agreement with the City of Richmond in which we will be reviewing Gateway Theatre's 2011-2012 operations.

Keith Liedtke, Chair of the Board of Directors and I will attend to make this presentation. Please feel free to contact me if you have any questions at 604-247-4971.

Sincerely,

A handwritten signature in black ink, appearing to read 'SH' or 'Suzanne Haines', written in a cursive style.

Suzanne Haines  
General Manager

cc: Councillor Chak Au



**2011-2012 ANNUAL REPORT  
RICHMOND GATEWAY THEATRE SOCIETY**





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Upcoming Webinars: How to Write Excellent Meeting Minutes -- Jan 31  
Performance Measurement – How to Use It – Feb 15  
How to Write Effective Public Sector Emails – Jan 28

GROUP RATES ARE AVAILABLE (60% discount)

## 'Procurement Essentials for Public Servants'

Train at Your Desk – Convenient, Simple and Effective  
Wednesday, February 27th, 2013.  
1:30 to 3:00 PM EST

This webinar will instruct participants on the process and key decisions involving procurement inside government. The session will provide a detailed overview of the areas and key considerations when procuring goods and services.

Who Should Attend: Public servants at all levels who wish to develop an understanding of procurement essentials.

You'll learn:

- How to decide on a supplier through sole sourcing, solicitation by invitation, bidders lists or open competition
- When to use a contract and when to use a standing offer
- The process of writing a statement of work
- How to set up evaluation criteria for contract proposals
- How to manage a contract
- The impact of the U.S. Patriot Act on Canadian contracting
- Values and ethics in procurement

Investment: \$174 per participant (group rate -- \$695 per group)  
To Enroll: Visit Government Training at [BlackstoneSeminars.com](http://BlackstoneSeminars.com)  
Questions: Tel:1-888-764-1542 email: [info@blackstoneseminars.com](mailto:info@blackstoneseminars.com)

If the above date is unsuitable, the session will be recorded for viewing at your leisure.  
Note: Access from your computer will not be affected by government firewalls.

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City of  
Richmond

Malcolm D. Brodie  
Mayor

6911 No. 3 Road  
Richmond, BC V6Y 2C1  
Telephone: 604-276-4123  
Fax No: 604-276-4332  
[www.richmond.ca](http://www.richmond.ca)

### ***GREETINGS FROM THE MAYOR:***



On behalf of City Council and the residents of Richmond, I would like to extend sincere greetings to all the readers of the *Gateway Theatre Society* 2011 – 2012 Annual Report.

The Gateway Theatre is the third largest theatre in the Lower Mainland and Richmond's only live professional theatre. It contributes greatly to the local community through its performing arts, public art displays, professional theatre productions, and as a venue for meetings and film shoots. Further, it offers year-round acting, musical theatre, and technical training classes for aspiring youth.

Richmond City Council is very proud of how the Gateway Theatre reflects the remarkable and culturally diverse nature of this community. As Mayor, I take great pride in this diversity, as I believe that it creates mutual respect and generates understanding of the different perspectives and traditions that make up a cultural heritage.

Thank you to all the volunteers, society members, board and staff for your strong commitment to the Gateway Theatre and its subsequent success. Best wishes for the future!

Malcolm D. Brodie  
Mayor

## Message from the Chair



Our 27<sup>th</sup> year of operation saw some exciting changes take place at the Gateway Theatre, as we welcomed our new Artistic Director, Giovanni Sy. Giovanni joins Suzanne Haines, our General Manager, who is back from maternity leave - as the Senior Management Team at the Gateway Theatre.

Giovanni joins us after our long standing Artistic & Executive Director Simon Johnston, retired in April 2012. I wanted to take this opportunity, to remember Simon for his 12 years of leadership, growing our theatre to one of the largest in B.C. The Board is delighted to have Giovanni, as he brings a new & dynamic artistic vision to the community, and we look forward to even more growth under his artistic leadership!

The 2011-2012 professional theatre season featured some old favorites, new scripts and nationally acclaimed work. The beloved *Sound of Music* was back with favorite songs which ignited the community, resulting in sold out houses. This year we also joined Chemainus Theatre Festival to produce *All Shook Up*, which had audience members dancing in the aisles. *Templing Providence* showed us what a minimalist set can bring to a story, and *Mary's Wedding* was a delight showcasing emerging talent.

The Academy saw our highest attendance yet in the classes with over 300 students coming to the theatre. We offer professional instruction to youth in musical theatre, voice and acting disciplines. The success of this program is demonstrated by the self-awareness and self-confidence our students develop, not to mention their career achievements as they not only return to our stages to demonstrate their crafts, but grace other theatres with their talents.

I want to thank our audience for their outstanding support in 2011-2012. Box Office revenue for our Main Stage, Studio, Play Development and Academy, covers approximately 75% of the costs for these productions. (The national average is below 50%) The additional funds required to put on these events comes from sponsorship, grants and fundraising activities. Our audience's strong support for the Gateway provides a compelling example of why more private sector support for our theatre is warranted.

The Gateway Theatre Cocktail pARTy returned this year with increased attendance. All couples attending the event enjoyed the food, wine, and beer - and left the evening with an original piece of art. It was again a very special night for all attending, the artists, the attendees, the volunteers and the Gateway Theatre staff.

Gateway Theatre hosted a variety of cultural events with the community. These groups have brought Chinese operas, dance and music recitals to our stage. This past year, we had a reduction in our rentals program due to cancellation of events outside of our control. These community partners are returning with full bookings next year.

The committed work of our Board, Staff and Volunteer Teams has once again been incredible. Their dedication and the hours they invest in making the theatre what it is today, is invaluable to our success and our existence. Thank you!

I also want to thank Beverley Siver for a "job well done", stepping into Suzanne's shoes as our Interim General Manager while Suzanne was on maternity leave.

The City of Richmond's support remains invaluable to our existence. Their foresight to bring professional theatre to our community has spawned a myriad of artistic groups in our community, with the Gateway being the cultural leader of those services.

Most of all – A Big Thank-you, to all our patrons and sponsors for their continued support!  
All of us are looking forward to our new 2012-13 Season!

**Keith Liedtke**

*Chair, Richmond Gateway Theatre Board*

## **2011-2012 Richmond Gateway Theatre Society Board**

### **Executive Committee**

Keith Liedtke	Chair
Lori Chalmers	Vice Chair
Susan Ness	Treasurer
Debbie Tobin	Secretary
Chak Au	City Council Liaison

### **Members at large**

Seemah Aaron  
Michael Anderson  
Denise Chambers  
Suzanne Dunn  
Elana Gold  
Evelyn Lazare  
Scott Stewart  
John Watson  
Ian Whitaker

### **Committees**

<b><u>Fundraising</u></b>	<b><u>Finance</u></b>	<b><u>Endowment</u></b>	<b><u>Nominating</u></b>
Debbie Tobin, Chair	Susan Ness, Chair	Garth Edwards, Chair	Keith Liedtke, Chair
Michael Anderson	Suzanne Dunn	Ron Climenhaga	Denise Chambers
Lori Chalmers	Katharine Lecy	Anabel Ho	Evelyn Lazare
Denise Chambers	Keith Liedtke	Trudy Morse	Susan Ness
Reena Clarkson	John Watson	Scott Stewart	
Diane Cousar	Ian Whitaker		Simon Johnston (staff)
Elana Gold		Jovanni Sy (staff)	
Carmen McCracken	Suzanne Haines (staff)		
Susan G. Ness	Simon Johnston (staff)		
	Jessie Li (staff)		
Sheilagh Cahill (staff)	Beverley Siver (staff)		
Suzanne Haines (staff)	Jovanni Sy (staff)		
Kent McAlister (staff)			
Beverley Siver (staff)			
Melanie Yeats (staff)			

## Mission Statement

Gateway Theatre is a welcoming and inclusive regional theatre for Richmond and its surrounding communities. Encouraging participation and cultural diversity, we strive for excellence and leadership in the development and production of live professional theatre and programs that connect the community.

## Core Values

These values define the way decisions are made at the Gateway Theatre. They create a welcoming team and inclusive culture for staff, volunteers, partners, clients, and patrons.

### LEADERSHIP

- Sustainability
- Relationships with community
- Proactive

### RESPECT

- Treatment of each other
- Positive attitude
- Dignity

### INCLUSIVE

- Participation
- Diversity: cultural, social & ethnic
- Responsiveness

### QUALITY

- Unique
- Artistic Excellence
- Innovation

## Programs

Gateway Theatre's mission is implemented through programs delivered to the region. These programs are:

### A: Live Professional Theatre

- Main Stage Productions
- Studio Productions
- Play Development
  - Commissions
  - Readings
  - Workshops
  - Dramaturgy
- Gateway Academy for the Performing Arts

### B: Community Connections

- Partnerships
  - City of Richmond
  - Corporate
- Rentals Program
- Volunteer Program
- Special Events
- Mentorship



## Report from the General Manager



I just finished reading the latest post on the Gateway Theatre blog about food from our new Artistic Director, Jovanni Sy who is currently in a production in Hong Kong. It is a reminder that things are different here at the Gateway. This past season has been a flurry of change and excitement at the Gateway Theatre. I was fortunate to be off for a year of maternity leave to care for my new son while Beverley Siver (Interim General Manager) and Simon Johnston cared for the Gateway Theatre. What an exceptional year it turned out to be.

Financially the year was fabulous with robust ticket sales for the season and increased enrolment in the Academy. We had new and very successful collaborations with Chemainus Theatre Festival in producing *Steel Magnolias* and *All Shook Up*. We welcomed artists from Theatre Newfoundland &

Labrador with *Tempting Providence*, a show that celebrated its 500<sup>th</sup> performance in 2012 and has toured internationally. *The Sound of Music* broke all box office records in the Gateway's history and *Mary's Wedding* played to sold out houses. *Kismet one to one hundred* introduced our audience to verbatim theatre from Chop Theatre.

We opened our doors to community artists groups to produce their productions throughout the year. This year we had fewer rental days due to illness for a couple of key artists and the cancellation of the School District 38 events. We welcome the schools back in the coming year to produce events with their students.

We were present at a number of outreach activities this year. Two of the larger events include the Steveston Salmon Festival in July 2011 and the Children's Arts Festival in February 2012. We look forward to participating in the community throughout the year.

One of my greatest joys is to mingle with our incredibly dedicated volunteers. They are your friends and neighbours who join us on an almost nightly basis to take your tickets, hang your jacket and guide you to your seat. They also join us in the office to assist with administrative duties. Our volunteers are a committed group with a wealth of knowledge and experience. Thank you for the 11,130 hours of your time that you have donated this past season.

Upon my return, the structure of the organization shifted as I took on Simon Johnston's executive director responsibilities. I would like to thank Simon for the incredible foundation he built for the Gateway Theatre as we move into our next chapter of artistic programming. I would also like to thank the City of Richmond for believing in the importance of the performing arts in Richmond. I look forward to working more closely with the City of Richmond as we build relationships and programming with and for the community.

Thank you to my Board of Directors for the countless hours they contribute and their unflagging support of our programs. I am also grateful to our volunteers, our administration team, our production personnel and our faculty for their selfless contributions to excellence in the performing arts in our community.

**Suzanne Haines**  
General Manager, Gateway Theatre

## Report from the Artistic Director



The Gateway Theatre's 2011-2012 Season – Artistic Director Emeritus Simon Johnston's farewell season – was an interesting mix of old and new, elaborate and simple. Our audiences certainly responded favourably: ticket sales easily surpassed all projections.

*Steel Magnolias* opened our Mainstage season in October. Nicola Cavendish directed this co-production with Chemainus Theatre. Originally staged as an off-Broadway play in 1987, the story, written by Robert Harling, is based on the playwright's experience with the death of his sister. The play featured six outstanding actresses, one of whom (Sarah Carlé) was nominated for a Jessie award.

Rodgers and Hammerstein's *The Sound of Music* opened in December and became the top-grossing show in Gateway history. Our universally acclaimed production was directed by Chris McGregor, musically directed by Allen Stiles, and choreographed by Dawn Ewen.

In January, we welcomed Theatre Newfoundland Labrador's touring production of *Tempting Providence*. Robert Chafe's play was imaginatively staged by award-winning director Jillian Keiley – the new artistic director of the National Arts Centre in Ottawa. With nothing more than a table, four chairs, and a piece of cloth, the cast of four told a stirring tale of Newfoundland in the 1920s.

*All Shook Up* concluded our season in April in triumphant fashion, shattering all box office projections. It was also a bittersweet occasion as this co-production with Chemainus Theatre marked Simon Johnston's last show as Artistic Director. Simon did a marvelous job directing this crowd pleaser. Actress Luisa Jovic was a standout and was also nominated for a Jessie Richardson Theatre award.

Our Studio series offered two very different shows. In November, Stephen Massicote's *Mary's Wedding* told a heartbreaking tale of romance amidst the ruins of the First World War. The show was ably directed by Artistic Associate Natasha Nadir. Nicola Elbro, playing the title character, was nominated for a Jessie as Outstanding Actress.

*Kismet one to one hundred* was a unique show we presented in February from the innovative young Vancouver-based company Chop Theatre. The three performer-creators along with director-creator Anita Rochon interviewed one hundred people ranging in age from 1 to 100 on the nature of kismet. They then staged their finding in a delightfully theatrical offering.

After a year hiatus, SceneFirst returned in January 2012 in glorious fashion. Under the curation of Natasha Nadir, three shows – Sally Stubbs' *Kid Gloves*, Gordon Pengilly's *Flesh and Ghosts*, and *Winners and Losers* by James Long and Marcus Youssef – were presented to enthusiastic audiences. *Winners and Losers* was subsequently selected to premiere in our upcoming 2012-13 season. As an added bonus, we presented a fourth reading in April. Yvette Nolan's *The Birds* recast the classic play by Aristophanes into a unique First Nations-inspired setting.

The Gateway Academy entered its 20th year with after school classes in musical theatre and acting taught by a faculty of amazing professionals. The program is located at the Gateway and offers a variety of courses ranging from beginners to pre-professional levels. 305 students enrolled in fourteen different



classes that ran from July to May. As in previous years, many of the classes had waiting lists. The Academy is suited to those 6 – 18 years of age. The majority of enrolment comes from Richmond with the remaining students traveling in from surrounding communities. We recently conducted a strategic review of the Academy and have identified two areas of possible curriculum expansion: adding more programs available to pre-professionals and adding adult education in both theatre arts and theatre appreciation.

**Jovanni Sy**

*Artistic Director, Gateway Theatre*

### **What our patrons say:**

#### **Steel Magnolias**

by Robert Harling



“Great performances and story line - even my husband liked it!!”

“Superb acting, beautifully crafted – so much gratitude to the actors of this show.”

From left: Dolores Drake, Sarah Carlé, Susan Coodin. Photo by Cim MacDonald

#### **Mary's Wedding**

by Stephen Massicotte

“It was superb! Your cast was so good – I hardly breathed throughout.”

“A wonderful moving touching performance by two talented actors. Such a terrific show. Thank You.”



Giovanni Mocibob & Nicola Elbro. Photo by Sherry Elasoff

#### **The Sound of Music**

Book by Howard Lindsay & Russel Crouse, music by Richard Rodgers, lyrics by Oscar Hammerstein II



Cast of The Sound of Music. Photo by David Cooper

“The singers, lighting and technical, scenery and costumes were top notch. As my husband said "who needs to go to New York!!!" Thank you so very much for a brilliant show.”

“Last night's play was one of the best I have seen at Gateway.”

## **Tempting Providence**

by Robert Chafe

"It was like being with friends! Loved it. Great acting that kept my interest peaked."

"A very special play, well done and we will spread the word"



Darryl Hopkins, Robert Wyatt Thorne, Willow Kean & Deidre Gillard-Rowlings. Photo by Peter Buckle

## **Kismet one to one hundred**

by Emelia Symington Fedy, Daryl King, Anita Rochon & Hazel Venzon



"I feel full of thought and wonder after watching today's show. I want to ask my friends and family those questions."

"Thank you so much. I particularly enjoyed the unique format and the thought provoking topic. Well Done!"

From left: Hazel Venzon, Daryl King, Emelia Symington Fedy. Photo by Charles Venzon

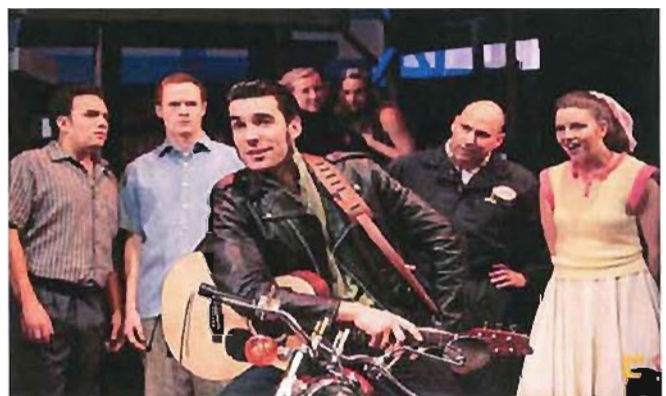
## **All Shook Up**

by Joe DiPietro

In association with Chemainus Theatre Festival

"From the band and set to lighting and sound, everything was just delightful in every way. We found ourselves smiling and talking about the show all the way home and even now, days later, moments from the show return to us."

"All I can say is WOW! We were blown away. I haven't enjoyed anything like that at the theatre in forever."



From left: Cast of All Shook Up. Photo by David Cooper

## Gateway Academy for the Performing Arts

The Gateway Theatre Academy for the Performing Arts offers classes in musical theatre, acting, singing and speech. The faculty is composed of working professional artists who are passionate about sharing their knowledge and expertise with a new generation of performers. In 2011/12 over 300 students aged 6-18 years participated in summer camps and year-long classes. The students gained both technical and interpersonal skills empowering them as young people in the world.

### Summer Camps

Musical Theatre Camp (ages 8-13)

Acting Intensive Camp 1 (ages 11-13)

Acting Intensive Camp 2 (ages 8-10)

Improv Camp 1 (ages 8-10)

Improv Camp 2 (ages 11-13)

### Voice-Speech

Speech A (ages 8-10)

Speech B (ages 11-13)

Singing A (ages 8-10)

Singing B (ages 11-13)



### Acting

Acting Introduction (ages 6-7)

Acting-A (ages 8-10)

Acting-B (ages 10-13)

Acting-C Performance (ages 13-18)

### Musical Theatre

Musical Theatre Introduction (ages 6-7)

Musical Theatre-A (ages 8-10)

Musical Theatre-B (ages 10-13)

Musical Theatre-C Performance (ages 13-18)



### 2011-2012 Scholarship Winners



**Ironwood Plaza McDonald's Young Performer Award (6-8):**  
Jordan McKenzie

**Steveston McDonald's Young Performer Award (8-10):**  
Meghan Houston

**Alderbridge Way McDonald's Young Performer Award (10-13):** Aaron Moy-Peche

**Blundell Centre McDonald's Young Performer Award (13-18):** Allegra Calabrigo-Smith

From left: Jordan McKenzie; Christine Campbell, representing McDonald's restaurants; Aaron Moy-Peche; Ruth McIntosh, Academy Manager



## Community Clients

Two-thirds of theatre dates are dedicated to community clients. In 2011 -2012 Gateway Theatre embraced a variety of organizations, with diverse entertainment performed or presented here. Our clients, both new and returning for this past year were:

BC Chinese Music Association	Richmond Christian School
Burke Academy of Dance*	Richmond Community Band*
Chuen Ying Arts Centre	Richmond Concert Association*
Cindy Yang Academy of Dance	Richmond Hospice Foundation
City of Richmond*	Richmond Youth Concert Band*
Dance Co*	Springtime Stage
Defy Gravity	Steveston Arts Connection
Festival of Voice*	Super Productions
Gabriela's Movement Studio*	The Pacific Piano Music Association
Grand Hale Marine Products	Tong Moo Do
International Drug Free Athletics	Touring Players*
Bodybuilding	Vancouver Academy of Dance*
Music Encore Society	Vancouver Asian Canadian Theatre Company
Pacific Piano Society*	Vancouver Beauty Dance
Ping Academy of Dance	Vitta Piano Studio
Rich City Idol	Wei Li
Richmond Academy of Dance*	West Point Grey Academy
Richmond Chinese Folk Dance Society*	

\*Organizations who have been users for more than 10 years

## Facility Usage Report

MONTH	MONTHLY TOTAL	Attendance						
		Gateway Theatre Plays	Academy	Rentals	Main Theatre	Studio A	Studio B	Lobby
JULY (2011)	1935	147	1788	0	33	5	10	0
AUGUST	294	50	244	0	0	21	0	0
SEPTEMBER	2131	189	634	1308	4	0	56	2
OCTOBER	4176	3175	868	133	17	0	56	1
NOVEMBER	2494	998	831	665	3	0	69	0
DECEMBER (2011)	10981	10510	471	0	24	0	56	1
JANUARY (2012)	904	113	434	357	1	0	59	0
FEBRUARY	4335	2638	868	829	19	0	56	0
MARCH	2898	799	831	1268	6	0	68	0
APRIL	6023	5117	906	0	15	0	48	0
MAY	4962	0	0	4962	14	0	0	0
JUNE (2012)	5198	260	0	4938	18	0	0	0
<b>TOTAL</b>	<b>46331</b>	<b>23996</b>	<b>7875</b>	<b>14460</b>	<b>154</b>	<b>26</b>	<b>478</b>	<b>4</b>

TOTAL  
ATTENDANCE: 46331  
USAGE 662

## Volunteer Program

Heartfelt thanks go out yet again to our volunteers at Gateway Theatre. Gateway Volunteers serve as Hosts, Ticket Takers, Usbers, Bar Assistants, Reception/Food Prep Assistants, Candy Sellers, and Administrative Assistants. Aside from these regular tasks, many hours are spent distributing posters and flyers in the community, light blocking for the technical and artistic crews, candy bagging for our concession sales, assisting with auditions, and more. Our volunteers are the welcoming face and ambassadors to the Gateway Theatre. Their commitment, hours, efforts, donations, memberships, and passion are a vital part of our Gateway family.



Total Number of Volunteers	125
Number of Volunteers with over 10 years of service	35
Total hours of donated time in 2011-2012	11,130 hours
\$ Value of time	\$114,082.50

**BRAVO GATEWAY VOLUNTEERS!**

## Fundraising Committee Report



Simon Sinek is quite right when he says, “people don’t buy what you do; they buy why you do it.” This is the mindset that the fundraising committee, unknowingly, put forward when we embarked on our second pARTy, which was a resounding success. As with any new initiative it takes time and careful attention to detail to get people to “buy why you do it”.

This year was no exception to that rule. The committee members worked tirelessly for the better part of a year building relationships with local vendors, sponsors, restaurateurs, wineries, past guests as well as future guests and most importantly; the artists who donated over \$35,000 worth of original art to make our event one of a kind. The countless hours the committee spent building relationships in the community on behalf of the Gateway Theatre is priceless and will serve as a solid foundation for any future endeavors that this committee chooses to take on.

We are especially grateful to all of our donors and sponsors without whom we would not be able to bring you the highest quality affordable theatre in the Lower Mainland. A thousand thank yous to these very kind and generous businesses, patrons, private individuals, partners and foundations as well as to government granting agencies is not nearly enough. As you read through this AGM report please make special note of who these people and organizations are and, if at all possible, please thank them personally.

With all of this being said this committee is only as good as the people who sit on it. Without the talent, dedication, and generosity of the following committee members and the amazing Gateway Volunteers the work that is done by this group, on behalf of the Gateway Theatre, simply put; would not happen. Please join me in thanking your Fundraising Committee for a job very well done!

Debbie Tobin, Chair  
Michael Anderson  
Lori Chalmers  
Denise Chambers  
Reena Clarkson  
Diane Cousar  
Elana Gold

Carmen McCracken  
Susan Ness  
Sheilagh Cahill (staff)  
Suzanne Haines (staff)  
Kent McAlister (staff)  
Beverley Siver (staff)  
Melanie Yeats (staff)

	2011-2012	2010-2011	2009-2010
<b>Revenues</b>			
Fundraising	61,184	73,621	54,773
Memberships & Donations	25,217	34,552	30,690
Sponsorships	25,000	24,560	32,663
Grants*	60,168	194,451	179,023
<b>Total Revenues</b>	<b>171,569</b>	<b>327,184</b>	<b>297,149</b>
<b>Total Expenses</b>	<b>62,333</b>	<b>69,018</b>	<b>31,748</b>
<b>Net Raised</b>	<b>109,236</b>	<b>258,166</b>	<b>265,401</b>

\* No Direct Access Gaming in 2011-12

**Special thanks** to all sponsors who recognize the importance of the Performing Arts in our community and whose support enables the Gateway Theatre to continue to provide excellence in its programming:

**Sustaining Support:** The City of Richmond

**Operating Support:** BC Arts Council  
Province of British Columbia

**Accommodation Sponsor**  
Accent Inns Vancouver Airport

**Educational Outreach Sponsor**  
RBC Foundation

**Performance Sponsors**  
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**Academy Scholarship Sponsor**  
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Sign-A-Rama

**Venue Sponsor**  
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**Catering Sponsors**  
Anna's Cake House  
Bean and Beyond Cafe  
Canterbury Food Services Ltd.  
Continental Seafood Restaurant  
Executive Airport Plaza Hotel

**In-Kind Sponsors**  
Anna's Cake House  
The Boathouse - Richmond  
Boston Pizza (Head Office)  
Canterbury Food Services Ltd.  
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Chocolaterie Bernard Callebaut  
Cobs Bread – Blundell Centre  
Damien's Belgian Waffles Ltd.  
Dan-D Pack  
Design Tech Hair Studio  
Dr. Sun Yat-Sen Classical Chinese Garden

**Project Grants**  
BC Arts Council  
Canadian Heritage  
City of Richmond  
Human Resources Development Canada

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KVOS Television  
Richmond News  
The Richmond Review

**Corporate Donors**  
Ackroyd Insurance Agencies Ltd.  
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RBC on behalf of Sarjit Sekhon  
Richmond Chinatown Lions Club  
TELUS Corporation on behalf of  
Glenda Johnson

Nooch Snack and Chill  
The Sheraton Vancouver Airport Hotel  
The Westin Wall Centre Vancouver Airport

Felicos Restaurant  
The Keg Steakhouse & Bar  
Lacquer Beauty Bar  
Mandalay Lounge & Steakhouse  
Nando's Flame Grilled Chicken – Head Office  
Nature's Path Foods Inc.  
Panago Pizza – Head Office  
Paesano's Fine Italian Cuisine  
Paula Craig with The Whole Being  
Yoga Company

Raintree Wellness Spa  
Richmond Aquatics  
Richmond YYoga  
Ricky's All Day Grill – Garden City Centre  
Starbucks – Ackroyd Plaza

Starbucks – Richmond Centre.  
Subway Restaurant – Blundell Centre  
Suki's Hair Salon  
Waves Coffee House – No. 1 Road  
White Spot – Richmond Centre

## **Gateway Theatre Cocktail pARTy 2012**

### ***Media Sponsors***

Richmond News  
The Richmond Review

### ***Gift Bag Sponsor***

Phoenix Art Workshop

### ***Gallery Sponsors***

Angels There for You  
Caltron  
Chompers Family Dental

### ***Catering & Wine Sponsors***

Anna's Cake House  
Bean and Beyond Café  
Beerthirst  
Cravings Restaurant and Lounge  
Elysian Brewing  
Gudrun  
Italian Tomato Restaurant  
Kettle Valley Winery

Mandalay Lounge and Steakhouse  
Mogiana Coffee  
Nooch Snack & Chill  
Road 13  
Sanduz Estate Wines  
The Steveston Cookie Company  
Tapenade Bistro

### ***Artists***

Marta Adamovich  
Catherine Adamson  
Jil Ashton-Leigh  
Lori Bagneres  
John Beatty  
Breen Bergstrom  
Jodie Blaney  
Richard Bond  
Elaine Campbell  
Ho-Ming Chan  
Jill Charuk  
Raymond Chow  
Brenda Clark  
Diane Cousar  
Donna D'Aquino  
Peter Daniels  
Catherine Fields  
Elaine Fleming  
Eileen Fong  
Leor Froelich  
Jean Garnett

Daniel Grant  
Andrea Hajalo-Forbes  
Xuan Han  
Louise Howard  
Mike Hughes  
Jeanette Jarville  
Therese Joseph  
Joyce Kamikura  
Carmen Keitch  
Shelly Kent-Snowsell  
Susanne Kestner-Aiello  
Howard Ku  
June MacDonald  
Jan MacLeod  
Ron Manning  
Graciela Marino  
Mena Martini  
Angus McDonald  
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Merle McKee  
Byard McLean

Adrienne Moore  
Sara Morrison  
Charlene Mui  
Patti Munro  
Tara Nakano  
Gina Page  
Christina Passey  
Veronica Poon  
Shirley Rampton  
Kim Scott  
Darlene Shandola  
Irena Shklover  
Craig Smith  
Violet Smythe  
Lawrence Solkoski  
Patrick Sullivan  
Sharon Sullivan  
Jennifer Taylor  
Grace Ting  
Annie Tsai  
Morley Watson



William Watt  
Loraine Wellman  
Robin White

Sharon Wilson  
Tina Winterlik  
Donna Wright

Rebecca Wu  
Helen Yannacopoulos

**Special thanks to our 2011-2012 Donors**

Margaret Agrey  
Archie & Hazel Anderson  
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Michael Anderson  
Ted Andrew  
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Fanny Lai  
Amy & William Leung  
Keith Liedtke & Elizabeth Doyle  
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Christopher Richardson  
Andrew & Laurel Richardson

**Seat Dedicators (Companies)**

Ampri Group  
Budget Appliance Centre Ltd.  
Maple Freight Partnership  
Tembo Design

**Debbie Tobin**

*Fundraising Committee Chair, Richmond Gateway Theatre Society Board*

## Endowment Committee Report



The Richmond Gateway Theatre Society (RGTS) has an endowment fund that is internally restricted by the Board of Directors. The fund began with \$199,000 left over from the building fund and was given to RGTS by the City of Richmond. The RGTS created a policy that 1/3 of the interest from the funds was to be used for grants to the community. The remaining 2/3 was to be used for operations. To date, the RGTS has reinvested the latter 2/3 portion of the interest back into the fund to enable the fund to grow. In June 2012, the fund held \$327,923.

The Endowment Committee is now 26 years old. It functions independently of the Board with members representing theatre, music, dance and the RGTS.

The Endowment Committee meets annually as a jury to distribute the grant funds available for distribution from the interest from that fiscal year. This year the committee received three applications totalling \$4,300. There was \$2,461 available which was distributed in the following way:

- Richmond Community Band Society                      \$950 for artists' fee
- Gateway Academy for the Performing Arts              \$1,500 for bursaries

Many thanks to the committee members Ron Climenhaga, Anabel Ho, Scott Stewart, Jovanni Sy and stalwart Trudy Morse and Administrative Assistant, Robin White for their efforts.

### **Garth Edwards**

*Endowment Committee Chair, Richmond Gateway Theatre Society*

## Finance and Audit Committee Report

### Message from the Treasurer



We are reminded each year as we look over the finances of the Richmond Gateway Theatre Society that serving our community with quality theatre productions and managing the city's premier facility for the performing arts is an ongoing challenge. However, this past season's box office revenues exceeded all expectations and helped us recover from a very difficult 2010-2011 fiscal year. While rental revenues were impacted by factors beyond the Society's control within our community, the production box office revenues and the Academy revenues were so strong that we were able to decrease our operating fund deficit by \$53,200.

Thanks to the hard work and dedication of the Society's management team, the administration fund deficit of \$41,785 noted in last year's financial report has been eliminated over the course of the 2011-2012 fiscal year. This was done through the implementation of a new vacation and overtime policy set in place for the Society's employees.

When a year like this comes together, it is especially pleasing to be the one to thank those people and organizations that put all of their effort into making it happen. I'd like to take the opportunity to thank the Finance and Administrative staff of the Gateway Theatre for their continued support of the Finance Committee over the past year. I would also like to thank all the members of the Finance Committee for their enthusiastic participation and advice to the Board of the Richmond Gateway Theatre Society. And finally, I'd like to thank the Society's membership, as well as every individual and organization who supported the Society through the 2011-2012 fiscal year. It was very rewarding to see how well the Richmond Gateway Theatre Society has been appreciated and supported by the community of Richmond.

**Susan Ness**

*Treasurer, Richmond Gateway Theatre Society Board*

**RICHMOND GATEWAY THEATRE SOCIETY**  
**Financial Statements**  
**June 30, 2012**





**BLUE FISH GROUP**  
CHARTERED ACCOUNTANTS

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**INDEPENDENT AUDITORS' REPORT**

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To the Members of Richmond Gateway Theatre Society

**Report on the Financial Statements**

We have audited the accompanying financial statements of Richmond Gateway Theatre Society, which comprise the statement of financial position as at June 30, 2012, the statement of operations and fund balances and the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

*Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

*Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, these financial statements present fairly, in all material respects, the financial position of Richmond Gateway Theatre Society as at June 30, 2012 and its financial performance and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

**Report on Other Legal and Regulatory Requirements**

As required by the Society Act of British Columbia, we report that, in our opinion, the accounting principles have been applied on a basis consistent with that of the preceding year.

Chartered Accountants  
Burnaby, B.C.  
September 25, 2012

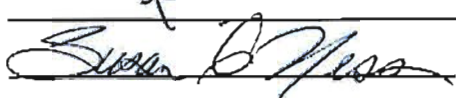
# RICHMOND GATEWAY THEATRE SOCIETY

## Statement of Financial Position

June 30, 2012

	2012	2011
<b>ASSETS</b>		
<b>CURRENT</b>		
Cash and term deposits (Note 4)	\$ 371,272	\$ 286,944
Accounts and grants receivable	65,595	53,982
Inventory	6,099	5,464
Prepaid expenses	8,639	9,891
Prepaid production expenditures	26,123	77,553
	<u>477,728</u>	<u>433,834</u>
<b>PROPERTY AND EQUIPMENT (Note 3)</b>	28,188	4,929
<b>TERM DEPOSITS RESTRICTED FOR ENDOWMENT FUNDS</b>	<u>337,923</u>	<u>334,541</u>
	<u>\$ 843,839</u>	<u>\$ 773,304</u>
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT</b>		
Accounts payable and accrued liabilities	\$ 123,153	\$ 125,621
Wages payable	3,126	-
Deferred administration grant revenue	10,000	13,645
Deferred operating revenue	397,363	423,243
	<u>533,642</u>	<u>562,509</u>
<b>COMMITMENTS AND CONTINGENCIES (Note 9)</b>		
<b>NET ASSETS (DEFICIENCY)</b>		
Externally restricted administration fund	1,541	(41,785)
Internally restricted general endowment fund	327,923	324,541
Externally restricted Rotary endowment fund	10,000	10,000
Internally restricted grant fund	2,490	2,997
Unrestricted operating fund	(31,757)	(84,958)
	<u>310,197</u>	<u>210,795</u>
	<u>\$ 843,839</u>	<u>\$ 773,304</u>

ON BEHALF OF THE BOARD

  
 \_\_\_\_\_ Board Chair  
  
 \_\_\_\_\_ Treasurer

See accompanying notes to financial statements



**RICHMOND GATEWAY THEATRE SOCIETY**  
**Statement of Operations and Fund Balances**  
**Year Ended June 30, 2012**

	Operating fund (Schedule 1)	Administration fund (Schedule 2)	Grant fund (Schedule 3)	Rotary Endowment fund	General Endowment fund	2012	2011
Revenues	\$ 1,284,105	\$ 1,057,495	\$ -	\$ 170	\$ 5,173	\$ 2,346,943	\$ 2,382,740
Expenditures	1,230,905	1,014,169	2,298	170	-	2,247,542	2,378,920
Excess (deficiency) of revenues over expenditures	53,200	43,328	(2,298)	-	5,173	99,401	3,820
Interfund transfers (Note 5)	-	-	1,791	-	(1,791)	-	-
Fund balance, beginning of year	(84,957)	(41,785)	2,997	10,000	324,541	210,796	206,975
Fund balance, end of year	\$ (31,757)	\$ 1,541	\$ 2,490	\$ 10,000	\$ 327,923	\$ 310,197	\$ 210,795

See accompanying notes to financial statements





# RICHMOND GATEWAY THEATRE SOCIETY

## Statement of Cash Flows

Year Ended June 30, 2012

	2012	2011
<b>OPERATING ACTIVITIES</b>		
Excess (deficiency) of revenues over expenses	\$ 99,401	\$ 3,820
Item not affecting cash:		
Amortization of property and equipment	11,972	7,232
	<u>111,373</u>	<u>11,052</u>
Changes in non-cash working capital:		
Accounts and grants receivable	(11,612)	(6,722)
Inventory	(635)	587
Prepaid expenses	1,252	(2,864)
Prepaid production expenditures	51,430	(22,361)
Accounts payable and accrued liabilities	(2,468)	(46,352)
Deferred administration grant revenue	(3,645)	9,319
Deferred operating revenue	(25,880)	34,686
Wages payable	3,126	-
	<u>11,568</u>	<u>(33,707)</u>
Cash flow from (used by) operating activities	<u>122,941</u>	<u>(22,655)</u>
<b>INVESTING ACTIVITIES</b>		
Purchase of property and equipment	(35,231)	-
Cash flow used by investing activities	<u>(35,231)</u>	<u>-</u>
<b>INCREASE (DECREASE) IN CASH FLOW</b>	<b>87,710</b>	<b>(22,655)</b>
<b>CASH - Beginning of year</b>	<b>621,485</b>	<b>644,140</b>
<b>CASH - End of year</b>	<b><u>\$ 709,195</u></b>	<b><u>\$ 621,485</u></b>
<b>CASH CONSISTS OF:</b>		
Cash and term deposits	\$ 371,272	\$ 286,944
Term deposits restricted for endowment funds	<u>337,923</u>	<u>334,541</u>
	<b><u>\$ 709,195</u></b>	<b><u>\$ 621,485</u></b>

See accompanying notes to financial statements



## RICHMOND GATEWAY THEATRE SOCIETY

### Notes to Financial Statements

Year Ended June 30, 2012

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#### 1. PURPOSE AND STATUS OF THE ORGANIZATION

The Richmond Gateway Theatre Society was founded in 1982 and is Incorporated as a non-profit society under the Society Act of British Columbia and is tax-exempt as a registered charity and charitable organization under the Income Tax Act.

The purpose of the Society is to manage and operate the Richmond Gateway Theatre on behalf of the City of Richmond (the "City") and its citizens. The direct revenue sources of the Society are not sufficient to cover its total expenditures and, as a result, the continued support of the City of Richmond is required to finance the building and administration costs of the Society.

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#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

##### Inventory

Inventory is valued at the lower of cost and net realizable value, with cost defined as the purchase price paid by the organization.

##### Property and equipment

Property and equipment are recorded at cost less accumulated amortization. Amortization rates are designed to amortize the assets over their estimated useful lives. The amortization rates are as follows:

.. Computer equipment	3 years	straight-line method
Computer software	3 years	straight-line method
Theatre equipment	5 years	straight-line method
Office equipment and furniture	3 years	straight-line method

Under the terms of the agreement between the Richmond Gateway Theatre and the City of Richmond, certain property improvements, equipment and furniture directly acquired by the City on behalf of the Society are considered property of the City and are not recorded in these financial statements.

##### Cash

Cash and cash equivalents consist of physical currency held on site and balances held in bank accounts.

## RICHMOND GATEWAY THEATRE SOCIETY

### Notes to Financial Statements

Year Ended June 30, 2012

---

#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

##### Revenue recognition and basis of financial statement presentation

The Society follows the deferral method of accounting for contributions and operating revenues.

Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection reasonably assured.

Restricted contributions received and restricted for the purposes of purchasing property and equipment are deferred and recognized as revenue in the periods in which the related amortization is recorded.

Production revenue and expenses are matched whereby revenue received for future productions is recorded as deferred operating revenue and expenditures made for future productions are recorded as prepaid production expenses. Production revenue and expenses are recognized in the period the productions are performed.

Academy revenues are recognized in the period that the corresponding classes are held.

Membership fee revenues are recognized in the year covered by the membership fee.

Endowment contributions are recognized as direct increases in net assets. Externally restricted contributions are recognized as revenue in the year in which the related expenses are recognized.

Grants from various foundations and government agencies are recorded as revenue when notice of approval is received or conditions fulfilled.

Donations from the general public are recorded upon receipt of the donated assets.

The Society records donated materials and services (gifts-in-kind) used in the normal course of operations that would otherwise be purchased, and for which fair value is supported by an independent appraisal. Such items are recognized at fair value. During the year, the Society received donated art, which was in turn sold during a fundraising event. Donated art that was not sold is not capitalized, but expensed as a part of the function expenditures.

Interest income and rental income are recognized as revenue in the period to which they relate.

From time to time, the Board of Directors (the "Board") may impose certain restrictions on fund balances. These amounts are presented on the statement of financial position and statement of operations and fund balances. These internally restricted amounts are not available for other purposes without approval of the Board of Directors.

## RICHMOND GATEWAY THEATRE SOCIETY

### Notes to Financial Statements

Year Ended June 30, 2012

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#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

##### Administration fund

This fund represents the cumulative excess (deficiency) of revenues over expenditures relating to the management and operation of the Richmond Gateway Theatre. The revenue for this fund is received from the City and expenditures are restricted by an annual budget which is approved by the City.

Restricted contributions received from the City and restricted for the purposes of purchasing property and equipment are deferred and recognized as revenue in the periods in which the related amortization is recorded.

##### General endowment fund

The Society's Board of Directors has internally restricted resources for endowment purposes. Investment income on this amount is allocated based on the Board's discretion. These internally restricted amounts are unavailable for other purposes without approval of the Board of Directors.

##### Rotary endowment fund

This externally restricted fund represents deposits resulting from a grant of \$10,000 from the Richmond Sunrise Rotary Club. Interest earned on these deposits is to be used for bursaries and scholarships of the summer musical theatre program.

##### Net assets internally restricted for grants

These contributions have been set aside for distribution to various community groups to assist with special production costs, use of Richmond Gateway Theatre where not otherwise possible, educational costs or special events.

##### Measurement uncertainty

The preparation of financial statements in accordance with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. These estimates are reviewed periodically, and, as adjustments become necessary they are reported in earnings in the period in which they become known.

##### Contributed services

Volunteers contribute their time every year to assist the Society in carrying out its activities. The value of contributed services of a non-remunerative nature is not recognized in these financial statements.

## RICHMOND GATEWAY THEATRE SOCIETY

### Notes to Financial Statements

Year Ended June 30, 2012

---

#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

##### Financial instruments

The organization complies with CICA Handbook Section 3855, Financial Instruments.

This standard requires all financial instruments within its scope to be included on the organization's statement of financial position and measured either at fair value or, in certain circumstances when fair value may not be considered most relevant, at cost or amortized cost. Changes in fair value, if any, are to be recognized in the statements of revenue and expenditures and the statement of net assets.

All financial instruments are classified into one of the following five categories: held-for-trading, held-to-maturity, loans and receivables, available-for-sale financial assets, or other financial liabilities. Initial and subsequent measurement and recognition of changes in the value of financial instruments depends on their initial classification.

The organization's financial instruments consist of cash, term deposits, accounts and grants receivable and accounts payable and accrued liabilities. It is management's opinion that the organization is not exposed to significant interest, currency or credit risks arising from these financial instruments. The fair values of the financial instruments approximate their carrying values, given the short-term nature of these instruments.

In accordance with this standard, the organization has classified its financial instruments as follows:

- Cash and cash equivalents are classified as held-for-trading. Held-for-trading financial instruments are measured at fair value at the balance sheet date with all related income, expenses, gains and losses recognized in net income.
- Interest and accounts receivable is classified as loans and receivables. Loans and receivables are measured at amortized cost.
- Term deposits are classified as held-to-maturity. Held-to-maturity financial assets are those financial assets the organization intends to hold until their maturity date and consist of guaranteed investment certificates (GICs). Held-to-maturity financial assets are measured at amortized cost.
- Accounts payable and accrued liabilities are classified as other financial liabilities. Other financial liabilities are measured at amortized cost.

##### Use of estimates

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying disclosures. Although these estimates are based on management's best knowledge of current events and actions the organization may undertake in the future, actual results may differ from the estimates.

# RICHMOND GATEWAY THEATRE SOCIETY

## Notes to Financial Statements

Year Ended June 30, 2012

### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

#### New and future accounting policies

The following new and future accounting standards have been issued by the Canadian Institute of Chartered Accountants ("CICA"):

In December 2010, the Accounting Standards Board of the CICA finalized the new accounting standards for not-for-profit organizations ("ASNFO"). These new standards will replace the existing standards of Canadian generally accepted accounting principles for fiscal years beginning on or after January 1, 2012 and early adoption is optional. As a result, these new standards will be adopted in the year ending June 30, 2013. The organization does not expect significant changes in adopting ASNFO.

### 3. PROPERTY AND EQUIPMENT

	Cost	Accumulated amortization	2012 Net book value	2011 Net book value
Computer equipment	\$ 7,810	\$ 7,810	\$ -	\$ 2,603
Computer software	4,675	4,675	-	1,558
Theatre equipment	35,231	7,043	28,188	-
Office equipment and furniture	9,211	9,211	-	768
	<u>\$ 56,927</u>	<u>\$ 28,739</u>	<u>\$ 28,188</u>	<u>\$ 4,929</u>

### 4. CASH AND TERM DEPOSITS

The cash and term deposit balance includes \$2,489 (2011 - \$2,997) in respect of the grant account, which is internally restricted.

### 5. INTERFUND TRANSFERS

1/3 of the interest earned on General Endowment fund is appropriated by the Board to the Grant fund.

# **RICHMOND GATEWAY THEATRE SOCIETY**

## **Notes to Financial Statements**

**Year Ended June 30, 2012**

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### **6. SUPPLEMENTAL CASH FLOW INFORMATION**

	2012	2011
Cash paid for bank and credit card processing charges	\$ 19,511	\$ 18,030
Cash received as interest	3,881	3,723

During the year, the organization had cash flows arising from bank and credit card processing charges paid and interest received as indicated above.

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### **7. COMPARATIVE FIGURES**

Certain of the figures presented for comparative purposes have been reclassified to conform with the financial statement presentation adopted for the current year.

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### **8. SPECIAL EVENTS REVENUE AND EXPENDITURES**

The Society held a fundraising event during the year through which it received gifts-in-kind in the form of works of art. These works of art were sold during the event. The donated art was valued independently and recorded in "Special events and fundraising" revenue (see Schedule 1) in the amount of \$35,850. The related expenditures were recorded under "Special events and fundraising" expenditures (see Schedule 1).

---

### **9. COMMITMENTS AND CONTINGENCIES**

#### **Letters of guarantee:**

The Society has a letter of guarantee outstanding in the amount of \$25,000 (2011 - \$25,000) which is not recorded in these accounts. The letter of guarantee expires on August 5, 2013 and is provided to the Canadian Actors' Equity Association and its members as security for related obligations of the Society.

#### **Production royalties and fees to producers:**

As of June 30, 2012, the Society has obligations to pay minimum royalties of \$3,500 (2011 - \$nil) to playwrights relating to productions taking place in the fiscal 2013 season. The Society also has obligations to pay fees to producers and co-producers of \$44,000 (2011 - \$42,508) relating to productions taking place in the fiscal 2013 season. Royalties and fees to producers are payable on various dates in the 2013 fiscal year, and have not been recorded as liabilities in these accounts.

#### **Operating leases:**

The Society is committed under certain lease agreements for equipment. Future minimum lease payments on these leases, for the next five years, are as follows:

2013	\$ 6,961
2014	6,961
2015	5,888
	<u>\$ 19,810</u>

## **RICHMOND GATEWAY THEATRE SOCIETY**

### **Notes to Financial Statements**

**Year Ended June 30, 2012**

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#### **10. FUNDING FROM THE CITY OF RICHMOND AND ECONOMIC DEPENDENCE**

The City of Richmond owns the theatre in which the Society is located, and the property and equipment therein, with the exception of the property and equipment included in the Society's statement of financial position. The Society is economically dependent on the support of the City of Richmond. The City provides annual funding, based on the Society's annual application. Total funding from the City of Richmond for 2012 was \$1,057,495 (2011 - \$1,031,442).

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#### **11. INVENTORY EXPENSED IN THE YEAR**

The cost of inventory expensed in the year was \$19,451 (2011 - \$23,058).

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**RICHMOND GATEWAY THEATRE SOCIETY**  
**Statements of Operations and Fund Balances - Operating Fund (Schedule 1)**  
**Year Ended June 30, 2012**

	2012	2011
<b>REVENUE</b>		
Main Stage and Studio productions	\$ 726,816	\$ 581,143
Academy	154,843	145,787
Rentals	155,087	213,813
Sponsorships	25,000	24,560
Special events and fundraising (Note 8)	61,184	73,621
Bar revenue	44,649	45,928
Miscellaneous, box office surcharge, parking and equipment rental revenue	28,685	31,394
Grants	60,168	194,451
Memberships and donations	25,217	34,552
Interest income	2,476	1,493
	<u>1,284,105</u>	<u>1,346,742</u>
<b>EXPENDITURES</b>		
Main Stage and Studio productions	682,878	769,176
Academy	144,141	165,201
Play development	30,964	27,577
Rentals	57,156	91,550
Sponsorship and membership expenses	9,778	9,366
Special events and fundraising (Note 8)	52,555	59,652
Bar expenses	34,776	37,266
Miscellaneous, box office and parking expenses	10,775	16,644
Amortization of property and equipment	4,547	-
Marketing, advertising and publicity	181,633	182,272
Credit card, bank charges and interest	18,871	17,916
Volunteer program expenses	2,831	3,665
	<u>1,230,905</u>	<u>1,380,285</u>
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES</b>	<b>53,200</b>	<b>(33,543)</b>
<b>FUND BALANCE, beginning of year</b>	<b>(84,957)</b>	<b>(51,414)</b>
<b>FUND BALANCE, end of year</b>	<b>\$ (31,757)</b>	<b>\$ (84,957)</b>

See accompanying notes to financial statements



**RICHMOND GATEWAY THEATRE SOCIETY**  
**Statements of Operations and Fund Balances - Administration Fund**  
*(Schedule 2)*  
**Year Ended June 30, 2012**

	2012	2011
<b>REVENUE</b>		
Funding from the City of Richmond <i>(Note 10)</i>	\$ 1,057,495	\$ 1,031,442
<b>EXPENDITURES</b>		
Salaries and benefits	869,662	857,452
Office, supplies, delivery and other	33,112	52,334
Theatre supplies	19,412	20,037
Insurance	9,426	9,361
Travel, training and staff development	17,427	9,624
Association fees	8,476	6,830
Telephone	7,376	8,196
Legal and accounting	28,357	16,493
Computer support and software	12,854	8,585
Amortization of property and equipment	7,425	7,232
Interest and bank charges	642	106
	<u>1,014,169</u>	<u>996,250</u>
<b>EXCESS OF REVENUE OVER EXPENDITURES</b>	43,326	35,192
<b>FUND BALANCE, beginning of year</b>	<u>(41,785)</u>	<u>(76,977)</u>
<b>FUND BALANCE, end of year</b>	<u>\$ 1,541</u>	<u>\$ (41,785)</u>

See accompanying notes to financial statements



**RICHMOND GATEWAY THEATRE SOCIETY**  
**Statements of Operations and Fund Balances - Grant Fund**      **(Schedule 3)**  
**Year Ended June 30, 2012**

	2012	2011
<b>EXPENDITURES</b>		
Distribution of grants	\$ 2,300	\$ 2,250
Bank charges (recoveries)	(2)	8
	<u>2,298</u>	<u>2,258</u>
<b>TRANSFER OF INTEREST FROM</b>		
General endowment fund	<u>1,791</u>	<u>1,476</u>
<b>EXCESS (DEFICIENCY) OF TRANSFER OF INTEREST OVER EXPENDITURES</b>	(507)	(782)
<b>FUND BALANCE, beginning of year</b>	<u>2,997</u>	<u>3,779</u>
<b>FUND BALANCE, end of year</b>	<u>\$ 2,490</u>	<u>\$ 2,997</u>

See accompanying notes to financial statements



## Gateway Administration

Artistic Director  
General Manager  
Artistic Associate  
Administrative Assistant  
Production Manager & Technical Director  
Head Carpenter  
Head Electrician  
Head Sound  
Finance Officer  
Finance Assistant  
Manager, Marketing & Publicity  
Marketing Coordinator  
Manager, Development  
Member & Event Coordinator  
Manager, Presentations & Rentals  
Rentals & Events Coordinator  
Manager, Gateway Academy  
Academy Instructors

Building Services Coordinator  
Building Services Assistant  
Building Services Assistant  
Box Office Assistant  
Box Office Assistant  
Box Office Assistant  
Manager, Volunteers & Audience Services  
Volunteer & Audience Services Assistant  
Academy Intern  
Marketing Intern  
Production Intern  
Program Intern  
Bartender  
Bartender  
Bartender  
Bartender  
Bartender  
FOH Manager/Bartender  
FOH Manager/Bartender

### Satellite Companies

#### **Pacific Piano Competition**

Dorothy Lau  
Trudy Morse

Jovanni Sy  
Suzanne Haines  
Natasha Nadir  
Robin White  
Brian Heath  
Bill Davey  
Ed Arteaga  
Paul Siczek  
Jessie Li  
Kelly Ye  
Sherry Elasoﬀ  
Dawn Ewen  
Sheilagh Cabill  
Stephanie Shardlow, Jennifer Forlin  
Vivienne Stonier (on leave)  
Christopher King  
Ruth McIntosh  
Spencer Bach, Eileen Barrett, Dorothy Dittrich,  
Dawn Ewen, Vashti Fairbairn, Heidemarie  
Guggi, Gail Lotenberg, Elizabeth McLaughlin,  
Bev Sauve, Spencer Snashall, Tamara  
Vishniakoff  
Paul Bartlett  
Mesfin Ayalew  
Jade Phung  
Evelin Fowler  
Yvette Scholten  
Nancy Zeigler  
Melanie Yeats  
Kent McAlister  
Julie Leung  
Rowan Grant  
Chirag Naik  
Katrina Darychuk  
Raj Hehar  
Joanne Malo  
Anne McLeman  
Jordan Skinner  
Stephanie Wilson  
Taylor Lewis  
Jenny McDonald



## Community Safety Committee

Date: Tuesday, January 15, 2013

Place: Anderson Room  
Richmond City Hall

Present: Councillor Derek Dang, Chair  
Councillor Linda McPhail  
Councillor Ken Johnston  
Councillor Evelina Halsey-Brandt  
Councillor Bill McNulty  
Mayor Malcolm Brodie

Also Present: Councillor Chak Au

Call to Order: The Chair called the meeting to order at 4:00 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the meeting of the Community Safety Committee held on Wednesday, November 14, 2012, be adopted as circulated.*

**CARRIED**

### NEXT COMMITTEE MEETING DATE

Wednesday, February 13, 2013, (tentative date) at 4:00 p.m. in the Anderson Room

**Community Safety Committee**  
**Tuesday, January 15, 2013**

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**LAW AND COMMUNITY SAFETY DEPARTMENT**

1. **COMMUNITY BYLAWS – OCTOBER 2012 ACTIVITY REPORT**

(File Ref. No. 12-8060-01) (REDMS No. 3705969)

**COMMUNITY BYLAWS – NOVEMBER 2012 ACTIVITY REPORT**

(File Ref. No. 12-8060-01) (REDMS No. 3722383)

Edward Warzel, Manager, Community Bylaws, reviewed the October and November 2012 Community Bylaws activities, and noted that future staff report statistics will be further detailed in an effort to better reflect enforcement activity.

In reply to queries from Committee, Mr. Warzel advised that out-dated parking metres are being replaced with new parking metres; staff anticipate that the new parking meters will decrease the number of parking meters vandalized. Also, Mr. Warzel spoke of recent restrictions in relation to communication protocols, noting that staff are closely monitoring the situation.

It was moved and seconded

- (1) *That the staff report titled Community Bylaws – October 2012 Activity Report (dated November 14, 2012 from the General Manager, Law & Community Safety), be received for information; and*
- (2) *That the staff report titled Community Bylaws – November 2012 Activity Report (dated December 10, 2012 from the General Manager, Law & Community Safety), be received for information.*

**CARRIED**

2. **RICHMOND FIRE-RESCUE – OCTOBER 2012 ACTIVITY REPORT**

(File Ref. No. 09-5000-01) (REDMS No. 3704592)

**RICHMOND FIRE-RESCUE – NOVEMBER 2012 ACTIVITY REPORT**

(File Ref. No. 09-5000-01) (REDMS No. 3723541 v.2)

Discussion ensued regarding the number of medical calls Richmond Fire-Rescue (RFR) responds to and the nature of these calls.

John McGowan, Fire Chief, advised that RFR can explore partnering with Vancouver Coastal Health in an effort to provide more detailed statistics related to the cause of these types of calls.

In reply to query from Committee, Fire Chief McGowan stated that staff are finalizing the licence agreement with Lafarge Canada Inc. for a fire fighter training facility.

**Community Safety Committee**  
**Tuesday, January 15, 2013**

---

It was moved and seconded

- (1) *That the staff report titled Richmond Fire-Rescue – October 2012 Activity Report (dated November 12, 2012, from the Fire Chief, Richmond Fire-Rescue) be received for information; and*
- (2) *That the staff report titled Richmond Fire-Rescue – November 2012 Activity Report (dated December 17, 2012, from the Fire Chief, Richmond Fire-Rescue) be received for information.*

**CARRIED**

**3. RCMP'S MONTHLY REPORT – OCTOBER 2012 ACTIVITIES**

(File Ref. No. 09-5000-01) (REDMS No. 3699882)

**RCMP'S MONTHLY REPORT – NOVEMBER 2012 ACTIVITIES**

(File Ref. No. 09-5000-01) (REDMS No. 3717275)

Renny Nasset, Officer in Charge (OIC), Richmond RCMP, spoke on the number of business break and enters and stated that staff recently performed a five-year crime analysis of such crimes. The crime analysis indicates that statistics for October and November 2012 are comparable to statistics from previous years. He stated that often a rash of break and enters are attributed to a particular group and once this group is apprehended, the statistics drop significantly.

In reply to a query regarding the success of the pedestrian safety campaigns, OIC Nasset advised that pedestrian safety has been identified as a key initiative for the Richmond RCMP.

In reply to queries from Committee, OIC Nasset commented on the RCMP's investigation related to the recent break and enters at herbal medicine retailers. Also, OIC Nasset spoke of Project Link, a daytime foot patrol initiative created in an effort to curb crime along the No. 3 Road corridor. He spoke of a working group that includes representatives from Richmond Centre and Lansdowne Centre, and noted that efforts are currently underway to include representatives from Parker Place, Aberdeen Centre, and Yaohan Centre.

Discussion took place regarding the manner in which RCMP statistics are presented to Committee, and OIC Nasset advised that the RCMP is bound by policies set by Statistics Canada. Also, OIC Nasset advised that he would provide Committee with figures related to case clearance rates.

Discussion further took place regarding the manner in which RCMP statistics are presented to Committee and it was noted that including the value of goods stolen may have adverse affects.

**Community Safety Committee**  
**Tuesday, January 15, 2013**

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The Chair summarized OIC Nasset's comments in relation to business break and enters, noting that a five-year crime analysis indicates that statistics for October and November 2012 are comparable to statistics from previous years. Typically, a rash of break and enters are attributed to a particular group and once this group is apprehended, the number of break and enters will decrease.

It was moved and seconded

- (1) *That the report titled RCMP's Monthly Report – October 2012 Activities (dated November 1, 2012, from the OIC RCMP) be received for information; and*
- (2) *That the report titled RCMP's Monthly Report – November 2012 Activities (dated December 3, 2012, from the OIC RCMP) be received for information.*

**CARRIED**

**4. FORSAKEN: THE REPORT OF THE MISSING WOMEN COMMISSION OF INQUIRY**

(File Ref. No.) (REDMS No. 3736901 v.4)

Barbara Sage, Staff Solicitor, provided background information and stated that staff have received correspondence from the Honourable Shirley Bond, Minister of Justice and Attorney General, in response to Mayor Brodie's letter dated November 28, 2012.

In reply to a query, Phyllis Carlyle, General Manager, Law and Community Safety, advised that the purpose of the staff report is to supplement the staff report titled Police Services Models considered at the November 14, 2012 Community Safety Committee meeting.

Discussion ensued regarding the staff referral made at the November 14, 2012 Community Safety Committee meeting and the Chair requested that in addition to those identified in Part (4) of the staff referral, that Committee ask the City of Abbotsford for their assistance in Richmond's analysis of police services model and request to meet with MLA Kash Heed.

Discussion further ensued and Committee requested that staff report back on the Province's progress in relation to regional policing and that this request was to supplement the staff referral made at the November 14, 2012 Community Safety Committee meeting.

Mayor Brodie stated that in addition to hearing from the various police departments as identified in the staff referral made at the November 14, 2012 Community Safety Committee meeting, it is important to hear from the Chairs of the various police boards.



**Community Safety Committee**  
**Tuesday, January 15, 2013**

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It was moved and seconded

*That:*

- (1) *the City work collaboratively and constructively with the Honourable Steven Point's advisory committee (the "Advisory Committee") on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the report entitled, Forsaken: The Report of the Missing Women Commission of Inquiry (the "Report");*
- (2) *if the Advisory Committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force;*
- (3) *staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report (establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force); and*
- (4) *in addition to the referral made at the November 14, 2012 Community Safety Committee meeting, staff be asked to arrange meetings with representatives of regional policing, including Chairs of police boards and representatives of police, from parties interested in regional policing, including Abbotsford and MLA Kashi Heed.*

The question on the motion was not called as discussion ensued regarding hearing from the Vancouver Police Department.

*Councillor Au left the meeting (5:01 p.m.) and did not return.*

The question on the motion was then called and it was **CARRIED**.

**5. FIRE CHIEF BRIEFING**

(Verbal Report)

Items for discussion:

- (i) *Results of Movember Challenge between Richmond Fire-Rescue & Richmond RCMP*

Fire Chief McGowan commented on the results of the Movember Challenge between RFR and Richmond RCMP, highlighting that the Great Canadian Firefighter Challenge raised approximately \$453,000, and Canada had the top worldwide total, raising approximately \$39 million.

**Community Safety Committee**  
**Tuesday, January 15, 2013**

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*(ii) Open Houses for Christmas Lighting Events*

Fire Chief McGowan spoke of the Fire Hall Christmas Lighting Events, noting that they were well attended.

*(iii) Christmas Tree Chipping*

Fire Chief McGowan stated that the 31<sup>st</sup> Annual Richmond Firefighters Charitable Society Drive-Through Tree Chipping event was successful and raised approximately \$8,000.

*(iv) New Battalion Chief*

Fire Chief McGowan advised that RFR member Trevor Johnson has been promoted to Battalion Chief.

**6. RCMP/OIC BRIEFING**

(Verbal Report)

Item for discussion:

*(i) Update on New Years*

OIC Nessel commented on New Year's Eve activities, noting that most incidents were alcohol related, however no major issues were reported.

**7. MANAGER'S REPORT**

*(i) Pacific Region Training Centre and Depot Division*

Ms. Carlyle extended an invitation to all members of Council who wish to visit the RCMP Pacific Region Training Centre in Chilliwack or the Depot Division in Regina.

**ADJOURNMENT**

It was moved and seconded

*That the meeting adjourn (5:19 p.m.).*

**CARRIED**

**Community Safety Committee**  
**Tuesday, January 15, 2013**

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Certified a true and correct copy of the Minutes of the meeting of the Community Safety Committee of the Council of the City of Richmond held on Tuesday, January 15, 2013.

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Councillor Derek Dang  
Chair

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Hanieh Berg  
Committee Clerk



## General Purposes Committee

Date: Monday, January 21, 2013

Place: Anderson Room  
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair  
Councillor Chak Au  
Councillor Linda Barnes  
Councillor Derek Dang  
Councillor Evelina Halsey-Brandt  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Linda McPhail  
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:00 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the meeting of the General Purposes Committee held on Monday, January 7, 2013, be adopted as circulated.*

**CARRIED**

**General Purposes Committee**  
**Monday, January 21, 2013**

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**COMMUNITY SERVICES DEPARTMENT**

**1. RICHMOND OLYMPIC EXPERIENCE: BUSINESS PLAN 2.0**

(File Ref. No. 01-0005-01) (REDMS No. 3748590)

John Mills, General Manager, Richmond Olympic Oval Corporation, accompanied by Jason Kita, Manager, Enterprise Services, noted a small correction in the Analysis of the staff report, and indicated that confidential proprietary business and financial information contained in the staff report had been removed.

A discussion then ensued about:

- how this project requires a minor capital budget in comparison to projects of this nature;
- how the Richmond Olympic Experience (ROE) may be twinned with other projects within the City to enhance tourism in the City;
- the importance of conducting best practices research as a part of this project, and how any research requiring travel is being sustained by private sponsorship and the Olympic Network Partners;
- general information relating to the agreements and acquisition of artefacts for the exhibition. It was noted that many of the artefacts will be traded on a temporary basis with other Olympic Museums, and that the nature of most of the related agreements will be focused on the insurance and transportation of such artefacts;
- the sale of Olympic Museum and other sports related merchandise;
- the requirement for a full-time Programmer to ensure ROE's operational needs are met, and to facilitate access to educational programs developed for children and youth;
- the rationale for choosing the word "experience" rather than "museum" as the name for the project. It was noted that the word "experience" is more accurate in describing the project, as ROE is to be more than a static museum, given the proposed interactive and stimulating displays;
- the opening of ROE, which is anticipated to take place in the fall of 2014. It is projected that ROE will receive approximately 10,000 visitors annually to begin;
- details related to the funding for ROE. It was noted that funding sources include the initial Council approved funding of \$575,000, as well as additional resources from tourism, the Oval Capital Program, and private sector sponsorship;

## General Purposes Committee

### Monday, January 21, 2013

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- the recruitment process for future members of the Advisory Committee, which is anticipated to be completed by the end of February, 2013;
- how the experience offered at ROE will differ from some of the Olympic Museums that have been visited by members of City Council and staff and were noted as not the most memorable and exciting experiences; and
- how the existing infrastructure including human resources, information technology (IT), and reception at the Oval would be used to support ROE.

During the discussion, staff was requested to provide Committee with ongoing updates with specific information on the status of the various agreements required for the project.

It was moved and seconded

*That the staff report titled Richmond Olympic Experience: Business Plan 2.0 (dated January 11, 2013 from the Director, Arts, Culture and Heritage) be received for information.*

CARRIED

## LAW & COMMUNITY SAFETY DEPARTMENT

### 2. REGULATION OF SOIL REMOVAL AND DEPOSIT ACTIVITIES ON AGRICULTURAL LAND

(File Ref. No.: 12-8060-20-8094) (REDMS No.3780836)

Phyllis Carlyle, General Manager Law and Community Safety, joined by Doug Long, City Solicitor, and May Leung, Staff Solicitor, and , made reference to a memorandum (attached as **Schedule 1**, and forms part of these minutes) containing the following three attachments: (i) Agricultural Land Commission Document: - *Re: Importation of Fill – 9360 Finn Road, Richmond*; (ii) Letter from McTavish Resource and Management Consultants Ltd.; and (iii) Drawing: *Location of All Weather Access Road 9360 Finn Road, Richmond BC*, and spoke about the stop work order that had been issued by the Agricultural Land Commission (ALC) for the property.

A discussion then ensued about:

- how the community can continue to be updated on the matter. Members of the community were encouraged to consult the ALC directly as their first route of communication, and to contact the City's Community Bylaws personnel as a second route of communication;

## General Purposes Committee

### Monday, January 21, 2013

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- how the City is limited in the actions it may take related to the matter, as the City operates on a legislative paradigm, and this matter falls under the mandate of the ALC;
- the proposed amendment to the Soil Removal and Fill Deposit Regulation Bylaw No. 8094 that would result in the requirement for Richmond ALR property owners having to submit an application to the City in addition to their application to the ALC. It was noted that such an amendment to the bylaw would require provincial approval;
- complications and concerns that may arise if the two agencies, the City and the ALC, made conflicting decisions regarding an application;
- conducting a review of farm uses of agricultural land and seeking appropriate legislative changes;
- concerns about the carcinogens found in paving materials such as black top and the hazards posed by mixing such products with soil;
- the use of limestone rather than gravel or black top for the roadways on farmland. Discussion also took place about requesting the ALC to review and reconsider the types of materials that may be appropriate for the construction of roadways on farmland;
- how the City will continue to work with the ALC in reporting any non-compliant activities observed on ALR lands; and
- the staff shortage at the ALC and the feasibility of City staff collaborating with ALC staff on a more official level.

During the discussion, staff was requested to continue making specific inquiries about the Finn Road property to the ALC, and report back on ongoing updates on the status.

Jim Wright, 8300 Osgoode Drive, read from his submission, attached as **Schedule 2**, and forming part of these minutes. Mr. Wright commended the City for its prompt action to address the dumping of fill on the property at 9360 Finn Road before speaking about specific concerns related to the site.

Colin Smith, local farmer, spoke about the specifications related to cranberry farms, and questioned the rationale for using this specification on the particular property at 9360 Finn Road.

Gina Alexis, Richmond resident, stated that she resided across from 9360 Finn Road, and expressed concerns related to the use of peat moss on the property and questioned the rationale behind the issuance of an ALC permit for fill on the property.

**General Purposes Committee**  
**Monday, January 21, 2013**

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Ray Galawan, local farmer, spoke about the process related to acquiring a permit to place fill on ALR land, and expressed concern about how the City is not officially involved in the process as it is in the jurisdiction of the ALC. Mr. Galawan also spoke about the difficulties he encountered in receiving a response back from the ALC when he contacted them about the concerns related to the dumping of fill at 9360 Finn Road. In conclusion, Mr. Galawan stated that the blockade at the property will not be removed until the dumping of fill has come a stop, and all toxic materials removed. He further stated that he expected the City's bylaw personnel to visit the property and confirm that hazardous materials have been removed.

Kimi Hendez, local farmer, expressed concerns relating to the dumping of specific materials on farm land, and the resulting impact on the farm-ability of such lands. A copy of Ms. Hendez's submission is attached as **Schedule 3** and forms part of these minutes.

It was moved and seconded

- (1) *That staff be directed to prepare a bylaw amendment to Soil Removal and Fill Deposit Regulation Bylaw No. 8094 to provide that soil deposit and removal activities relating to existing "farm use" in the Agricultural Land Reserve will require a permit from the City and request that the ALC act on this commencing immediately;*
- (2) *That, following first, second and third reading of the above bylaw amendment, the bylaw be forwarded to the responsible Provincial ministries for approval;*
- (3) *That staff be directed to report back on the options and implications for charging fees for soil removal and deposit activities in the Agricultural Land Reserve;*
- (4) *That an education and "Soil Watch" program, as outlined in the staff report dated January 16, 2013 titled "Regulation of Soil Removal and Deposit Activities on Agricultural Land" from the City Solicitor, be implemented;*
- (5) *That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to non-farm uses of land within the Agricultural Land Reserve, and in particular, in relation to soil deposit and removal activities;*
- (6) *That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to farm uses of land within the Agricultural Land Reserve and seek appropriate legislative changes;*



**General Purposes Committee**  
**Monday, January 21, 2013**

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- (7) *That staff be directed to review, and dispute if necessary, the rulings and discussions from time to time in relation to the Finn Road property, and report back through Committee;*
- (8) *That the Agricultural Advisory Committee (AAC) be advised of this resolution; and*
- (9) *That copies of this resolution be forwarded to the Premier, the local MLAs, and the Leader of the Official Opposition.*

**CARRIED**

**ADJOURNMENT**

It was moved and seconded  
*That the meeting adjourn (5:44 p.m.).*

**CARRIED**

Certified a true and correct copy of the  
Minutes of the meeting of the General  
Purposes Committee of the Council of the  
City of Richmond held on Monday,  
January 21, 2013.

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Mayor Malcolm D. Brodie  
Chair

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Shanan Sarbjit Dhaliwal  
Executive Assistant  
City Clerk's Office



City of  
Richmond

Schedule 1 to the Minutes of the  
General Purposes Committee  
Meeting of Monday, January 21,  
2013.

TO: MAYOR & EACH  
COUNCILLOR  
FROM: CITY CLERK'S OFFICE

Michelle Jansson

**Memorandum**

Law & Community Safety Department

To: Mayor and Council  
From: Phyllis L. Carlyle  
General Manager, Law and Community Safety  
Re: Fill Deposit Activities at 9360 Finn Road

Date: January 21, 2013

File:

In regards to recent events surrounding fill deposit activities at 9360 Finn Road, please find attached documents for your review:

- Agricultural Land Commission Document:  
*Re: Importation of Fill – 9360 Finn Road, Richmond*
- Letter from McTavish Resource & Management Consultants Ltd.
- Drawing: *Location of All Weather Access Road 9360 Finn Road, Richmond, BC*

Please feel free to contact me with any questions or concerns.

Sincerely,

Phyllis L. Carlyle  
General Manager, Law and Community Safety

PLC:sf

pc: George Duncan, CAO



**Agricultural Land Commission**  
133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

January 18, 2013

ALC File: 49945

CANADA FUTURE INVESTMENT CO. LTD.  
1825 FOSTER AVENUE  
COQUITLAM, BC, V3J 7K8  
(Delivered by Registered Mail)

BILL JONES HORTICULTURE INC.  
308 – 8171 COOK ROAD  
RICHMOND, BC, V6Y 3T8  
(Delivered by Personal Service)

Dear Sirs:

**Re: Importation of Fill – 9360 Finn Road, Richmond**

In my capacity as Compliance and Enforcement Officer for the Agricultural Land Commission (the "ALC"), I have conducted investigations in relation to various complaints submitted to the ALC with respect to activities being conducted at the property located at 9360 Finn Road, Richmond.

Based on my investigations to date, I have determined the following:

1. Canada Future Investment Co. Ltd. (Incorporation No. 0633844) is the registered owner of 9360 Finn Road, Richmond which is situated in the Agricultural Land Reserve (ALR). The property is legally described as ~~legally described as:~~

PID: 003-593-118

Lot 6, Except: Firstly: Part Subdivided by Plan 41056; Secondly: Part Subdivided by Plan 80324; Section 15, Block 3 North, Range 6 West, New Westminster District, Plan 38989

(Hereinafter referred to as the "Property")

2. Minde Jiang, Tingtian Jiang, Xingjun Xu are listed as directors of Canada Future Investment Co. Ltd.
3. The Property is leased to Bill Jones Horticulture Inc. (Incorporation No. 0934976).
4. William Jones and David Johnston are listed as directors of Bill Jones Horticulture Inc.
5. Mr. Jones has also been authorized by Tingtian Jiang to act as agent on behalf of Canada Future Investment Co. Ltd. for all issues dealing with the land preparation of the Property to support nursery production.
6. Following an inspection of the Property, including the farm road currently under construction, I note that the road is being constructed with concrete and asphalt debris.

7. That a farm development plan has been prepared by the Mr. Bruce McTavish, P.Ag. of McTavish Resource & Management Consultants Inc. dated October 25, 2012 (the "Plan").

Based on the foregoing information and information submitted in the Plan, the current activities relating to the construction of the farm access road on the Property do not conform to the Plan which was uses as the basis for assessing whether or not the proposed land preparations were consistent with the *Act* and/or *Regulations*.

Furthermore, the use of concrete and asphalt debris is inconsistent with other agricultural guidelines and construction practices, such as those set by the BC Cranberry Growers' Association and Ministry of Environment's guidelines for the use of recycled concrete and asphalt within the agricultural context.

ACCORDINGLY, PURSUANT TO SECTION 50 OF THE ACT, I HEREBY ORDER THAT YOU AND YOUR AGENTS, REPRESENTATIVES, EMPLOYEES AND ANY OTHER PERSONS ACTING ON YOUR BEHALF, TO IMMEDIATELY CEASE ALL ACTIVITIES ASSOCIATED WITH THE IMPORTATION AND DEPOSITION OF FILL MATERIALS, ON THE PROPERTY.

In conclusion, I draw your attention to section 55 of the *Agricultural Land Commission Act* which provides you with the ability to appeal this order. **A notice of appeal must be delivered to the Commission not more than 60 calendar days after the written determination, decision, order or penalty is personally served.** I have enclosed a copy of the Commission's *Practice Directives* regarding appeals. Please note that the 60 day appeal period does not relieve you of the responsibility to comply with the terms of this order.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Thomas Loo  
Agricultural Compliance and Environment Officer

TL/  
File#49945\_SWO\_FinnRd



**McTAVISH  
RESOURCE & MANAGEMENT  
CONSULTANTS LTD.**

January 19, 2013

Agricultural Land Commission  
133 – 4940 Canada Way  
Burnaby, B.C. V5G 4K6

Re: 9360 Finn Road, Richmond, B.C.  
Lot 6 Except: Part Subdivided by Plan 41056; Secondly; Part Subdivided by Plan  
80324; Section 15, Bloc 3 North, Range 6 West, New Westminster District, Plan  
38989.

(Hereinafter referred to as the property)

ALC File: 49945

Attn: Thomas Loo  
Enforcement Officer

Based on the meeting with yourself and Colin Fry on January 18, 2013; Bill Jones Horticulture Inc. the farm lessee (Incorporation # 0934976) fully agrees to the following actions which will take place as soon as possible to remediate the road that is under construction on the property.

- a) The existing road will have the material pulled back and all asphalt, metal, or any other non concrete or gravel material removed and stockpiled in the farm yard adjacent to the existing barn,
- b) Asphalt will be processed in the farm yard area, and broken into pieces that are approximately 3/4 inches or smaller and used only for road surfacing,
- c) Any metal or other material not appropriate for road construction will be removed from the site to an appropriate disposal facility,
- d) Concrete will be broken into pieces that will typically be 18 inches (46cm) minus and placed at the base of the road on the subsoil following the BC Ministry of Agriculture Guidelines for Cranberry Berm Construction.

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<sup>1</sup> BC Ministry of Agriculture and Lands, December 2006 Order No. 820.200.1 Strengthening Farming Factsheet. Guidelines for Farm Practices Involving Fill. Page 6 of 15.



Furthermore Bill Jones Horticulture Inc. agrees that:

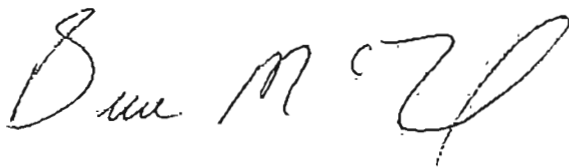
All road construction on the property will be consistent with the direction given by the Agricultural Land Commission during our meeting of January 18, 2013. This direction is; that the all weather access road that is under construction be consistent with The BC Ministry of Agriculture Guidelines titled "Guidelines for Farm Practices Involving Fill" specifically page 6 of 15 section V, description of berm and road building for Cranberries which states: *"The berm profile typically consists of a layer of soil/woodwaste/structural fill at the bottom, topped with an optional geotextile fabric, followed by an 45 cm layer of coarse material (e.g. rock or broken concrete), and then topped with a 15 cm layer of fine material (e.g. crushed rock (e.g. ¾ inch minus or ground asphalt)."*

And section VI which states that:

*"Fill placed 6 metres wide and up to 60 cm deep would be typically suitable for other types of farm roads. The length and location of the road would vary depending on the site."*

The remediation work and further road construction will be closely monitored by Bruce McTavish, P.Ag., RPBio to ensure that the activities taking place are compliant with all requirements of the Agricultural Land Commission and consistent with the BC Ministry of Agriculture Guidelines as referenced in this document.

Regards,

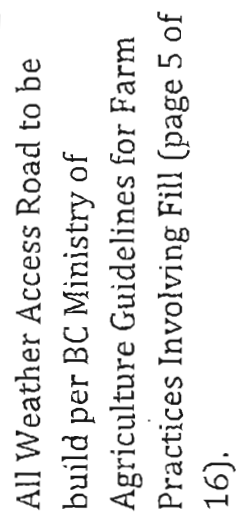


Bruce McTavish P.Ag., RPBio.

CC Colin Fry, Executive Director Agricultural Land Commission  
Bill Jones, President of Bill Jones Horticulture Inc.



(Drawing not to scale)



As agreed upon by Bill Jones  
Horticulture Inc. and the  
Agriculture Land Commission in  
the meeting of January 18, 2013.

Presented by Jim Wright, 8300 Osgoode Drive, Richmond,  
speaking as President of the Garden City Conservation Society  
to the General Purposes Committee of Richmond Council, Jan. 21, 2013,  
re "Regulation of Soil Removal and Deposit Activities on Agricultural Land"  
I'm providing relevant documents with minimal markup of the most relevant parts.

Mayor Brodie and Councillors,

We commend your prompt action to address dumping that would harm the long-term agricultural capability of the ALR land at 9360 Finn Road. Thanks to Farmer Ray Galawan and FarmWatch and our citizens, it has become an occasion to assert that Richmond acts effectively in collaboration with the Agricultural Land Commission to safeguard our farmland, especially from dumping.

The main intent of my input was to clarify what documents provided by Thomas Loo of the Agricultural Commission staff show when viewed together with visual evidence that FarmWatch has protected and recorded. I learned about the stop-work order at the last minute, but I've adapted so that this is still relevant.

My own conclusion is that the Qualified Practitioner responsible for the 9360 Finn Road project has not provided adequate oversight in keeping with the understandings listed in the December 7<sup>th</sup> letter from Executive Director Colin Fry of the Agricultural Land Commission and the Terms and Conditions sent with it. I was going to urge you to ask Colin Fry to deem the project to include a non-farm use. That would require an application for non-farm use to be approved by the Commission.

That step with the ALC's Colin Fry is now not needed at this time, but it may still be needed later. The step would be in keeping with this paragraph in his letter:

If there is no oversight by a Qualified Practitioner at any time during this project, the Commission may consider the deposition to be a non-farm use and deem it as being non-compliant with the Agricultural Land Commission Act.

Thomas Loo has come to additional understandings with the Qualified Practitioner and the party he is working for. I'm sure that Farmer Ray and FarmWatch will be monitoring closely. This still matters because further action may be needed if the monitors identify a problem, so I ask council to prepare for it now.

A key factor in all this is the term *Granular Fill*. The ALC's Colin Fry was responding to the Qualified Practitioner's report with a diagram titled "Constructed Roadway" on page 55. The labels show that the road would consist of "Granular Fill." Granular fill is usually crushed rock and it seems to typically have dimensions under three inches. However, we know from the Thomas Loo email message that he went along with the Qualified Practitioner's stated intent to him to use concrete pieces of up to six inches as a base, which has now been increased to 18 inches. The point remains that there was a wide divergence between the criteria the Qualified Practitioner promised and what actually happened, which I have observed firsthand.

Whatever council does with the staff recommendation, the Garden City Conservation Society is asking council to keep setting clear expectations about no-nonsense action by the Commission. The results will clarify what else needs to be done.



From: [Thomas.Loo@gov.bc.ca](mailto:Thomas.Loo@gov.bc.ca)

Date: Thu, 10 Jan 2013 10:26:43 -0800

Subject: RE: freedom of information re: 9360 Finn Road

Good Morning Mr. Galawan,

Thank you for your email request. I will process it and send you the information that you have requested as per our telephone conversation – I can send you the following items.

- 1) The letter of assessment by ALC staff – Some people have called it the "authorization" letter. The letter advises to the agent that the proposal as submitted would be considered a permitted use.
- 2) The proposal as submitted by their agent
- 3) The Agrologist Report (who is also the agent acting for the occupier and owners)

Just to give you an update. I met with the Agrologist – Mr. Bruce McTavish and two staff from the City Bylaw Dept. Ms. Magda Laljee – Supervisor of Bylaws, and Mr. Ed Warzel – Manager of Bylaws.

We conducted a site inspection to review the site and the issue of the concrete debris. I've also taken the liberty to enclose a copy of the Agrologist's notes.

In short, the Commission does not object to the use of recycled concrete for the purposes of constructing a farm access road. Mr. McTavish advised that the reason they are using the larger pieces at the base is to provide some stability. He advised that it was his opinion that pieces up to about 6" or so should be placed at the bottom to create a stable platform. Then they would be using smaller than 6" pieces for the middle and a final layer of 4" or less for the driving surface. This will create an all weather access and create a good surface that should last heavy use for a long time.

Currently the width of the road does exceed the Min. of Agriculture's Guidelines for "Farm Practices involving Fill". Typical widths are about 5 metres with a height that is about 0.5 metres above the natural grade.

Given the softer soils McTavish advised that they need to create a trench to reach a more stable compact soil at the bottom. Overall height of the road should be within the reasonable limits as set by the guidelines. We have assurances that upon completion of the project, the road width will be reduced to something closer to the 5 metres or so.

From this point on, McTavish will monitor and ensure that overall no rebar will be placed as "road material". During our inspection, we did notice a few larger pieces of rebar metal protruding out from the road. They will be removed in the upcoming week. I've also asked them to consider dedicating a small area when the loads come in, that they can dump and inspect. All plastic/ metal debris should be removed and set aside for disposal.

As to the reason the road bisects the parcel. McTavish advised that his client feels this way it will access a larger portion of the finished tree farm and decrease the amount of overall road. The original plan submitted showed the road to the west of the residence, going from Finn Road to the south property line, which essentially would have done the same thing.

McTavish's client feels that by starting behind the existing pad and building area, they would be able to use the surface there as a staging area for materials leaving the finished farm.

McTavish has also suggested that his client may want to consider erecting a large sign to inform the residents in the area of what is taking place.

Please let me know if you need anything else.

The short summary at this time is that I did not observe anything that would be considered a contravention of the ALC Act. Tree nurseries are considered a "farm use" and therefore the development of them is permitted. The volumes of soils that they will be importing for the site to create adequate root depth also seemed reasonable and necessary. This project originally had larger volumes, but because of ALC concerns, they did reduce the volumes to absolutely what was necessary.

The Richmond Agricultural Advisory Committee is aware of this, and it is my understanding that they were supportive.

This site will not be a dump site for debris and unsuitable soils.

City of Richmond staff and ALC Compliance Officers will be monitoring this site throughout the development.

Thomas

Thomas Loo Compliance and Enforcement Officer Provincial Agricultural Land Commission Suite 133 - 4940 Canada Way Burnaby, British Columbia, V5G 4K6 Phone #: (604) 660-7000 Fax #: (604) 660-7033

Excerpts from

**Agricultural Site Assessment and Farm Plan For Bill Jones Horticultural Inc.,**  
9360 Finn Road Richmond, B.C. Prepared for Bill Jones Horticultural Inc. Prepared  
by: **Bruce McTavish, M.Sc., MBA, P.Ag., RPBio.** McTavish Resource & Management  
Consultants Ltd. 2858 Bayview St. Surrey, B.C. V4A 3Z4, October 25, 2012

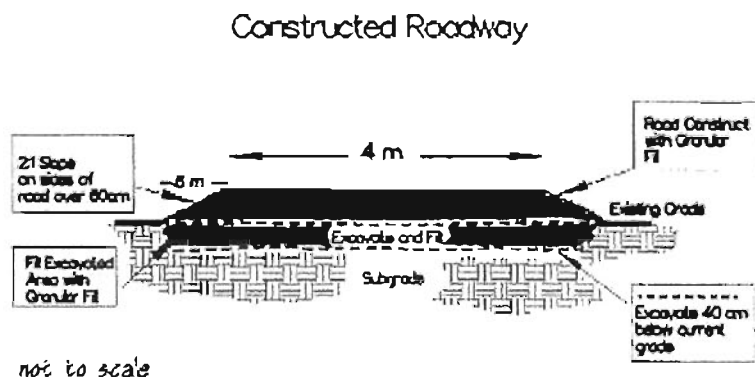
From page 28:

## 9.0 Construction of Farm Access Roads and Berms

To access the caliper trees and the Filbert area a perimeter access road will need to be constructed and the current central road extended to the eastern property line. Efficient harvest of caliper trees requires large wagons and flat bed trucks to be loaded on the site. To do this efficiently it is recommended that the perimeter road be wide enough and with wide enough corners for a flat deck trailer to drive in a circular fashion around the farm. This will require the top of road width to be 4m and with side slopes of 2:1, the road should be slightly higher than the ground elevation to prevent flooding and improve stability.

To reduce visual impacts the topsoil stripped during road building will be used to construct a small berm that will be planted with Cedar trees. The suggested road design is shown in appendix VI.

From page 55:



Client: Bill Jones Horticultural Inc. Street: 9360 Finn Road Town: Richmond BC			Scale NTS
Contact: Bruce McTavish	Phone #: 604.240.2481	Date: 06.28.12	
Designer: Liz Spring	Editor:	Plan = Access Road view	



McTAVISH  
RESOURCE & MANAGEMENT  
CONSULTANTS LTD.

January 8, 2013.

Attn: Bill Jones

RE: Site inspection 9360 Finn Road Richmond , B.C.

Bill,

I carried out a site inspection with the City of Richmond and the ALC this afternoon and as discussed with you after the meeting, the following procedures need to be put in place:

- a) There cannot be concrete with rebar or other metal in it used for road material and the several pieces that we observed need to be removed,
- b) We observed the occasional piece of one inch plastic water pipe, and this needs to be removed,
- c) Once the topsoil is brought in the access road needs to be reduced to a width of 4 metres,
- d) When you are bringing in concrete and you have the operator on site, Thomas Loo and I need to be on site to do a short training session on allowable material as well as roles and responsibilities. This is to ensure that the operator clearly understand the need to separate anything that would be considered undesirable, and they are clear that I as the Professional Agrologist will be making site visits and have authority over material quality,
- e) From our discussion I understand that you are fine with putting up a sign that will have Agricultural Site Development and the ALC file number as well as my email and web site contact as the main contact person to answer agricultural related questions. I will develop an abbreviated form of my report to post on my web site as well as the site plan that people can be directed to.

Regards

Bruce McTavish. P.Ag., RPBio.  
President



McTavish Resource & Management Consultants Ltd. [bmct@intergate.ca](mailto:bmct@intergate.ca) ph. 604-240-2481  
2858 Bayview St. Surrey, B.C. V4A 2Z4



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 7, 2012

Reply to the attention of Thomas Loo  
File: #49945

McTavish Resource Management Consultant Ltd  
2858 Bayview St.  
Surrey, BC, V4A 2Z4  
(via email – bmct@intergate.ca)

Dear Mr. McTavish:

**Re: Proposal to Place Fill in the ALR**  
**Property: 9360 Finn Road, Richmond, BC**  
**PID: 003-593-118**  
**Legal Description: LOT 6 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN**  
**41056; SECONDLY: PART SUBDIVIDED BY PLAN 80324; SECTION 15**  
**BLOCK 3 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN**  
**38989**

This letter is in response to a proposal to deposit fill that was received at this office on October 25, 2012.

As described in the proposal and accompanying documents, the Commission understands the following about the proposal to place fill:

- The property is owned by Canada Future Investment Co. Ltd., (BC 633844)
- The owners have appointed you, Bruce McTavish to act as their agent in this regard.
- The type of material proposed to be placed is Topsoil and granular fill.
- The area of the proposed fill is 10 ha.
- The proposed volumes of fill material are 48133 m<sup>3</sup>.
- The intended depth of fill is 0.3 m.
- The proposed duration of the fill project is 3 years.
- The proposed fill area is included in Appendix A "Figure 7. Farm Layout"
- The area marked as "Container Nursery", will be built according to similar container nursery construction with the use of imported gravel and geotextile materials. The topsoil in the "Container Nursery" area shall be salvaged stored for the purposes of future restoration of the approximate 1.45 hectares.
- The project shall be done in accordance to the report as submitted by McTavish Resource & Management Consultants Ltd., dated October 25, 2012 (the "plan") and will be overseen by the Qualified Professional (QP) of record, Mr. Bruce McTavish
- Any and all imported materials shall must be screened and authorized by the QP prior to placement on the above noted property,
- The QP must provide updates as requested by the Commission
- Upon completion of the project, the QP is to submit a final report outlining the final agricultural capability and the placement of materials as it relates to the plan



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Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

Based on the above, information, it is our understanding that the proposal will not substantially raise the property, but will allow the intended crop adequate root depth.

If at any time, that you feel as the Qualified Professional of record that you observe materials that you feel are unsuitable for this project or are no longer associated with the project, then you are to notify the Commission immediately.

If there is no oversight by a Qualified Professional at anytime during this project, the Commission may consider the deposition to be a non-farm use and deem it as being non-compliant with the Agricultural Land Commission Act

Please note, it is your responsibility to ensure that the placement of fill does not cause danger on or to adjacent land, structures or rights of way, or foul, obstruct or impede the flow of any waterway. In addition, this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin Fry, Executive Director

### TERMS AND CONDITIONS

1. That the fill placement activities be restricted to the 10.0 ha area as shown on the attached air photo.
2. That the total fill placement shall be limited to 48133 m<sup>3</sup> to achieve the finished grade elevations as proposed and identified in the report, as prepared by Bruce McTavish of McTavish Resource & Management Consultants Ltd. dated October 25, 2012 (the "Plan").
3. The fill placement shall be in substantial compliance with the plan.
4. That, under the direction of the qualified professional of record, Mr. Bruce McTavish all existing 'topsoil' on the authorized site shall be stripped and salvaged for future soil reclamation purposes. Salvaged topsoil is to be stripped using an excavator with a cleanup bucket to ensure soil horizons are removed separately. Topsoil stockpiles are to be stored separately by horizon type and replaced in the reverse order of removal to prevent mixing of the horizons and to facilitate the re-creation of the present soil condition. Salvaged 'topsoil' shall not be removed from the property.
5. That Topsoil material is not authorized to be removed from the property.
6. That appropriate weed control must be practiced on all disturbed areas.
7. That all soil stockpiles shall be seeded and established to an appropriate plant cover, or other suitable soil erosion control measure shall be applied to protect the stockpiles from wind, runoff or other removal process. Protection is also to extend to damage which may be caused by recreational vehicles such as motorcycles etc.
8. That dust suppression practices, and/or restrictions on gravel pit vehicle traffic be applied when necessary to minimize air-borne dust from traffic on the access road and thereby potential negative impacts resulting from the dust on neighbouring properties.
9. A yearly report must be submitted to the Commission detailing volumes and quality of the soils, photos, as well as information relating to the placement as it related to the plan.
10. That a final report prepared by the qualified professional of record be submitted to the Commission upon completion of the project. The final report shall include a written description of the completed project, photos of the site, and evidence that the reclamation has been completed as well as professional assessments specific to:
  - a) the soil reclamation outcomes for all areas within the fill placement area.
  - b) the efficacy of site drainage on the total reclaimed area;
  - c) identifying potential negative impacts on the drainage of soils elsewhere on the property, and/or on neighbouring properties, should the impacts be determined to be a result of the project and its activities.
11. That the proposed fill placement project, including all reclamation activities, be completed by September 1, 2015. Upon completion of the project, please submit a

closure report which includes photos and written confirmation of the project's completion as outlined above.

12. Should you require an extension of time beyond this date to complete the project, a request shall be submitted to the Commission prior to July 1, 2015. The request shall include a status report that includes details of the project, the reason for the extension request, and photos of the site.
13. Approval for fill is granted for the sole benefit of the applicant and is non-transferable without written approval of the Commission. Should ownership of the property change, please inform the Commission in writing.

**Please advise this office, by signing and returning one copy of these conditions, whether or not you intend to proceed with the placement of fill proposal on the above basis.** As the agent for this proposal, the Commission considers it to be your responsibility to notify your client. Should you, or your client not agree to restrictions as set out in the above 'terms and conditions', the option of submitting a formal Non-Farm Use application to the Commission is available. Should an application be made, please be advised that the Commission has the authority to grant an approval, with or without conditions, or deny the proposal. The application process is initiated by submitting the required forms and paying the requisite fee (\$600) to the local government.

I, \_\_\_\_\_ agree to the above terms and conditions and intend to  
(print name here) proceed with the placement of fill as outlined above.

\_\_\_\_\_  
Signature of owner or agent



# Submission to City General Purpose Meeting to be included in minutes

Schedule 3 to the Minutes of the  
General Purposes Committee  
Meeting of Monday, January 21,  
2013.

- ① Dec. 7 ALC Approval Letter for 9360 Finn Rd
- ② "Guidelines for Farm Practices  
Involving Fill" Min Ag Dec. 2006  
intended to assist municipal governments in taking  
over jurisdiction of soil after provincial  
"Soil Conservancy Act" was repealed in 2002  
referenced in  
Stop Work Order  
letter Jan. 19, 2013
- ③ Research on Soil Contaminants



Agricultural Land Commission  
133-4940 Canada Way  
Surrey, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 7, 2012

Reply to the attention of Thomas Loo  
File: #49945

McTavish Resource Management Consultant Ltd  
2858 Bayview St.  
Surrey, BC, V4A 2Z4  
(via email - bmct@intergate.ca)

TERMS OF  
APPROVAL from  
ALC

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Re: Proposal to Place Fill in the ALR  
Property: 9360 Finn Road, Richmond, BC  
PID: 003-593-118  
Legal Description: LOT 6 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 41056; SECONDLY: PART SUBDIVIDED BY PLAN 80324; SECTION 15 BLOCK 3 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 38989

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- The project shall be done in accordance to the report as submitted by McTavish Resource & Management Consultants Ltd., dated October 25, 2012 (the "plan") and will be overseen by the Qualified Professional (QP) of record, Mr. Bruce McTavish
- Any and all imported materials shall must be screened and authorized by the QP prior to placement on the above noted property,
- The QP must provide updates as requested by the Commission
- Upon completion of the project, the QP is to submit a final report outlining the final agricultural capability and the placement of materials as it relates to the plan

1) wasn't in accordance with report

2) fill  
→ wasn't screened



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Based on the above, information, it is our understanding that the proposal will not substantially raise the property, but will allow the intended crop adequate root depth.

If at any time, that you feel as the Qualified Professional of record that you observe materials that you feel are unsuitable for this project or are no longer associated with the project, then you are to notify the Commission immediately.

If there is no oversight by a Qualified Professional at anytime during this project, the Commission may consider the deposition to be a non-farm use and deem it as being non-compliant with the Agricultural Land Commission Act

Please note, it is your responsibility to ensure that the placement of fill does not cause danger on or to adjacent land, structures or rights of way, or foul, obstruct or impede the flow of any waterway. In addition, this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin Fry, Executive Director

③  
QP  
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-ways  
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### TERMS AND CONDITIONS

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11. That the proposed fill placement project, including all reclamation activities, be completed by September 1, 2015. Upon completion of the project, please submit a

is QP  
monitoring —

closure report which includes photos and written confirmation of the project's completion as outlined above.

12. Should you require an extension of time beyond this date to complete the project, a request shall be submitted to the Commission prior to July 1, 2015. The request shall include a status report that includes details of the project, the reason for the extension request, and photos of the site.
13. Approval for fill is granted for the sole benefit of the applicant and is non-transferable without written approval of the Commission. Should ownership of the property change, please inform the Commission in writing.

**Please advise this office, by signing and returning one copy of these conditions, whether or not you intend to proceed with the placement of fill proposal on the above basis.** As the agent for this proposal, the Commission considers it to be your responsibility to notify your client. Should you, or your client not agree to restrictions as set out in the above 'terms and conditions', the option of submitting a formal Non-Farm Use application to the Commission is available. Should an application be made, please be advised that the Commission has the authority to grant an approval, with or without conditions, or deny the proposal. The application process is initiated by submitting the required forms and paying the requisite fee (\$600) to the local government.

I, \_\_\_\_\_ agree to the above terms and conditions and intend to  
(print name here) proceed with the placement of fill as outlined above.

\_\_\_\_\_  
Signature of owner or agent

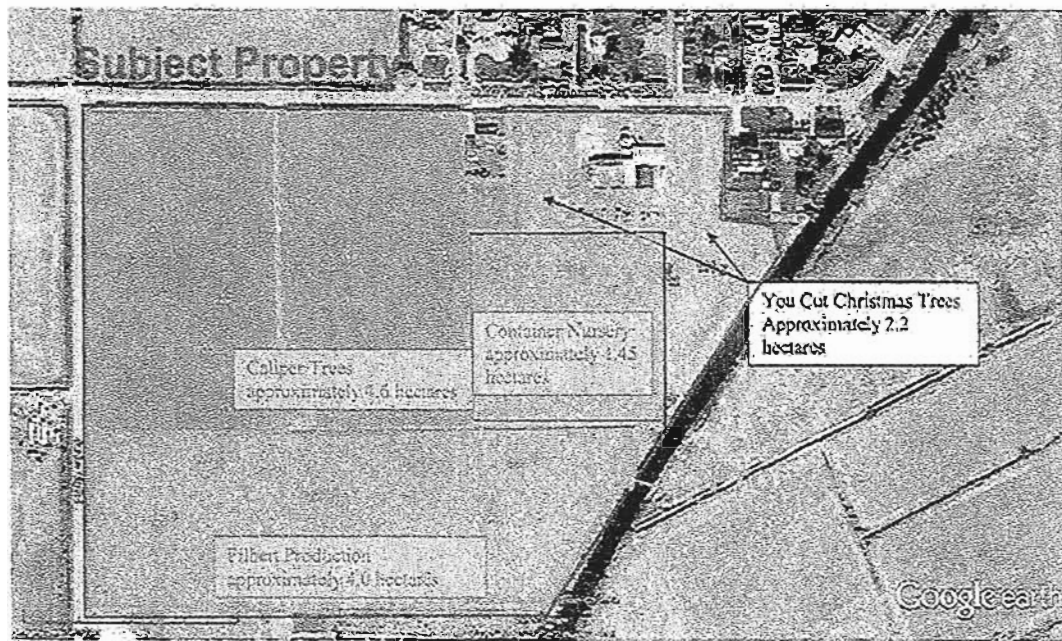


Figure 7 Farm Layout

**Letter of Credit - Example**

**BENEFICIARY:** Minister of Finance  
c/o Provincial Agricultural Land Commission  
#133 - 4940 Canada Way  
Burnaby, BC V5G 4K6

Re: ALC Application # \_\_\_\_\_

We hereby issue in your favour our Irrevocable Letter of Credit # \_\_\_\_\_ for CAD

\$ \_\_\_\_\_ in the account of \_\_\_\_\_

*(Name of Individual or Company)*

\_\_\_\_\_  
*(Street Address and/or Legal Description)*

**TERMS AND CONDITIONS:**

1. Expiry Date: \_\_\_\_\_
2. Drawings are to be made in writing to \_\_\_\_\_  
*(Name of Financial Institution)*
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is Irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**  
"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."
10. We engage to honour presentations submitted within the terms and conditions indicate above.

①

Non compliance: to Dec. 7 Approval letter

- QP ~~are~~ wasn't always on site
- fill was not being screened
- dumping was not in accordance of QP report (applic'n to ALC)

② Inspector letter to Ray

- width of road exceeds Min. Guidelines "Farm Practices involving Fill"
- over 6" pieces.
- monitoring did not take place
- AAC was not informed.



# Strengthening Farming FACTSHEET



Ministry of  
Agriculture and Lands

Order No. 820.200-1  
December 2006

## GUIDELINES FOR FARM PRACTICES INVOLVING FILL

This Factsheet describes farm practices involving soil and/or woodwaste fill, and the rationale/references for these practices. The Factsheet also includes suggestions to local governments as to the type of notice they may require, in order to balance the needs of a viable agricultural industry with the local governments' ability to take action against property owners who violate a bylaw, Agricultural Land Commission requirements, or other provincial and federal regulations.

### Be Advised:

- The Agricultural Land Commission (ALC) Act defines "fill" as any material brought on land in the ALR. ~~Except where exempted by regulation, the placement of fill in the ALR is a non-farm use activity and is illegal without approval or authorization of the ALC.~~ The exemptions provided in the ALC Regulations, however, allow filling where necessary for farm uses, and other permitted uses, provided that the filling activity does not (a) cause danger on or to adjacent land, structures or rights of way, or (b) foul, obstruct or impede the flow of any waterway. For 'specified' farm uses a notification process is additionally set out in the Regulations.
- Fill to raise the soil surface elevation to address on-farm soil drainage issues typically requires an application to the ALC.
- Farmers are advised that a plan should be prepared prior to any fill use. The plan should describe the purpose as well as explain why the placement of fill is necessary for the farm use, or for a permitted use. It should include information on the location and area to receive fill, the volume, quality, and method of placement of the fill material, as well as any potential drainage impacts or requirements.
- Farmers should also check with their local governments in advance for any restrictive covenants, zoning, regulations or permit requirements that would prohibit/limit the use of fill.

### Recommended Local Government Notice

Local governments are encouraged to exempt or waive permit requirements and fees for farm uses that are consistent with these farm practice guidelines. However, individual local government approaches vary, and specific requirements may be identified by a local government upon receipt of a notification. A sample local government fill notice is appended to this factsheet.

## Definitions of Terms use in this Guideline

The terms “woodwaste” and “soil” are used repeatedly throughout this Factsheet in reference to “fill” materials that are suitable and appropriate for particular farm uses on agricultural land. The commonly accepted definition of these two “fill” materials is given below.

### **Woodwaste\*:**

Code of Agricultural Practice for Waste Management (under EMA) “Woodwaste includes hog fuel, mill ends, wood chips, bark and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.”

Note:

- While “woodwaste” is the term used in the regulations, it is actually a wood byproduct and not a waste material.
- Most woodwaste used for agricultural purposes may include bark material.

Farm Practices Description, BCMAFF, January 2004 “Woodwaste deposits must not exceed a total depth of 30 cm, which should be achieved by applying layers that do not exceed 15 cm per year. The volume and manner in which woodwastes are applied must follow good agronomic practices for the soil type, climatic area and crop to be grown.”

Note:

- Woodwaste storage would obviously exceed the 30 cm depth.

### **Soil\*\*:**

The definition in the Agricultural Land Commission Act is “includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.”

Note:

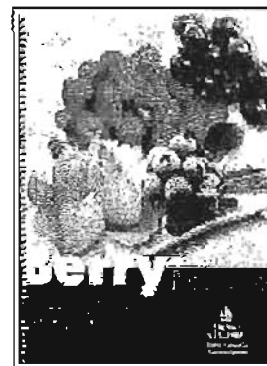
- A local government bylaw definition may wish to only include clay, silt, sand, gravel, cobbles or peat.
- Soil is typically a mixture of mineral material, organic (living and decaying) matter, air and water that is capable of supplying nutrients, moisture, and can serve as a growth medium for plants.

## Guidelines

a) Applying woodwaste\* as a soil conditioner at planting (e.g. for new plantings of blueberries or cranberries)

### i) Berry Production Guide, BCMAFF, 2005-2006

- In blueberries, plants grown on mineral soil will benefit from the application of sawdust before planting.
- Woodwaste (shavings or sawdust) is used as a soil amendment to improve the tilth of raised planting beds on mineral soils. Build raised beds after the sawdust is incorporated.
- Good drainage can be promoted by incorporating a small amount of sawdust in the beds before planting.
- Before transplanting on mineral soils, apply a 5 to 10 cm layer of sawdust over the planting bed and incorporate into the top 15 to 20 cm.
- The optimum soil pH for blueberries is 4.5 to 5.2. Sawdust, incorporated into the soil when beds are formed, lowers the soil pH slightly and also increases the organic matter content.





## ii) Crop Profile for Cranberries in British Columbia BCMAL, 2006

- Some growers, especially those who do not have ideal peat, may layer sand or sawdust over mineral soils in order to plant vines. This practice has been used very successfully to encourage vine establishment.
- In BC cranberries are grown primarily on peat soils. They are also grown on mineral soils with higher organic matter and in fields top dressed with sand or sawdust. They prefer an acidic pH of about 4.0 to 5.0 in the root zone.

## iii) EFP Reference Guide, 2005

- Apply woodwaste as a soil conditioner only to mineral soils having a carbon-nitrogen ratio (C:N) of 30:1 or lower. Note: This C:N ratio does not apply to organic soils.



## iv) Code of Agricultural Practice for Waste Management (under EMA)

- Part 7, Section 20: Wood waste may only be used for (a) plant mulch, soil conditioner, ground cover, on-farm access ways, livestock bedding and areas where livestock, poultry or farmed game are confined or exercised, b) berms for cranberry production, or c) fuel for wood fired boilers.

## v) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- The storage and application of fertilizers, mulches and soil conditioners are designated farm uses and are specifically referred to as 'permitted farm uses' under the Regulations. The placement of these types of 'fill' materials is exempted from the requirements for a non-farm use application to the Commission. The necessity for land applying these 'fill' materials requires that their placement is for an agronomic purpose and at an agronomically determined rate. These activities are permitted subject to not causing danger on or to adjacent lands or fouling, obstructing or impeding the flow of any waterway. These activities, which include land application of woodwaste as a mulch or soil conditioner, may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act.



## vi) BC Cranberry Growers' Association

- Up to one foot per acre of woodwaste may be used to develop a new field on mineral soils.
- Note: The use of soil amendments/composted organics is not part of a fill bylaw.

## Typical Amounts Used

- For blueberries: 25 to 50 units per hectare, @ 5.7 cubic metres/unit.
- For cranberries: Up to 30 cm in depth, or 740 cubic metres/ha.



b) Applying an organic mulch (e.g. woodwaste\*, coco fibre, etc.) to crops of blueberries, cranberries or strawberries

## i) Berry Production Guide, 2005-2006

- Strawberries and blueberries are the two berry crops that most likely benefit from the use of mulches. In blueberries, woodwaste (shavings or sawdust) is used as mulch around established plants for improved weed, soil moisture, and temperature control.

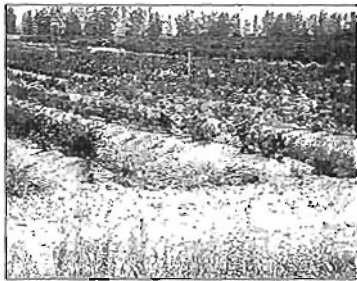




- In strawberries, straw or wood chips can be used between crop rows to control weeds, reduce moisture loss by evaporation and protect from winter injury (BC Interior locations).
- In U-pick strawberry operations, wood chips or sawdust mulch can help in soil management and in keeping picker's feet clean.
- Other ways to promote good drainage include covering raised beds with sawdust mulch.
- Blueberries often grow more vigorously and produce better yields if they are mulched. Apply 5 to 10 cm of sawdust to the surface of the bed the first year and every 2 to 3 years to maintain the mulch. The roots tend to grow into the mulch so as it decomposes the plant roots may become exposed if the sawdust layer is not maintained.

## ii) Code of Agricultural Practice for Waste Management (under EMA)

- Part 7, Section 20: as noted above in section (a) of this factsheet, indicates that woodwaste may be used as plant mulch.



## iii) Waste Discharge Regulation

- Section 3(5) (a): The use of industrial wood residue as plant mulch is exempt from section 6(2) and 6(3) of the *Environmental Management Act* (i.e. the prohibition against introducing waste into the environment).

## iv) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- The storage and application of fertilizers, mulches and soil conditioners are designated farm uses for the purposes of the Act. For an agronomic purpose, the use of these types of materials, including organic mulches, may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act*.

## v) EFP Reference Guide, 2005

- Limit the total outdoor depth of woodwaste for all crop areas to 30 cm (suggested).

## vi) BC Cranberry Growers' Association

- Woodwaste may be used to fill low areas in existing fields.

### Typical Amounts Used

- For blueberries: 15 to 30 cm deep, 0.9 to 1.2 m wide, per row, (Note: typical row spacing is 3 metres).
- For cranberries: Up to 15 cm deep.

### Additional Recommended Local Government Notice

- No notice required if re-applying mulch to existing plantings.



## c) Applying woodwaste\* as a ground cover

## i) Code of Agricultural Practice for Waste Management (under EMA)

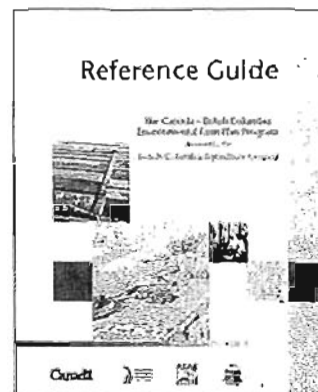
- Part 7, Section 20: as noted above in section (a) of this factsheet, indicates that woodwaste may be used as a ground cover.

ii) EFP Reference Guide, 2005

- Limit the total outdoor depth of woodwaste for all crop areas to 30 cm (suggested).

iii) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- Fertilizer, mulch and soil conditioner uses, that include storage and land application, and the placement of woodwaste as a ground cover on soil, are permitted farm uses for the purposes of the Act. For an agronomic purpose, the use of these materials may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act*.



Typical Amounts Used

- For landscaped areas around buildings, or weed suppression on berms, up to 15 cm per year.

Additional Recommended Local Government Notice

- No notice required if re-applying over existing ground cover.

d) Using woodwaste/soil for berms and on-farm access roads (e.g. on cranberry farms)

i) Berry Production Guide, BCMAFF, 2005-2006

- The use of woodwaste as described by the "*Code of Agricultural Practice for Waste Management*" is allowed on on-farm access ways and for berms in cranberry production.

ii) Code of Agricultural Practice for Waste Management (under EMA)

- Part 7, Section 20: as noted above in section (a) of this factsheet, indicates that woodwaste may be used for on-farm access ways and berms for cranberry production.

iii) Code of Agricultural Practice for Waste Management (under EMA)

- Part 4, Section 8 (2): Solid agricultural waste may be stored on a field for more than 2 weeks if the agricultural waste is located at least 30 m from any watercourse or any source of water used for domestic purposes. Note: To ensure that field storage of manure is meeting setback requirements from watercourses, farmers may need to construct temporary access roads to manage manure storage sites.



iv) Crop Profile for Cranberries in British Columbia, BCMAL, 2006

- Fields are usually surrounded by roadways, which also act as dikes. The top of the dike should be wide enough to accommodate all equipment, including heavy trucks, and firm enough to support them at least 0.5 m higher than the maximum water level expected in the bed for harvest. Flood harvesting relies on the natural buoyancy of the fruit. The bed is flooded with 20 to 30 cm of water, depending on the evenness of the bed, vine growth, and method of harvest. Booms are used to trap the floating berries and direct them to a corner of the bed, where they are lifted into trucks.



#### v) BC Cranberry Growers' Association

- Cranberry fields are long term (greater than 50 year) investments. It takes 7 years after planting for a field to reach the financial break-even point. Cranberry field berms act as dykes and as roads, and are required for two types of farm traffic. Main roads must bear the weight of a fully loaded semi-trailer truck (e.g. 25,000 kg of cranberries for a total weight of 43,000 kg). Secondary roads/berms must be able to bear the weight of a pick-up truck. A typical berm will have a bottom width of 9 to 10.5 m narrowing to 3.5 to 5 m at the top. Some larger berms may be as wide as 7.5 m at the top. The berm profile typically consists of a layer of soil/woodwaste/structural fill at the bottom, topped with an optional geotextile fabric, followed by an 45 cm layer of coarse material (e.g. rock or broken concrete), and then topped with a 15 cm layer of fine material (e.g. crushed rock (e.g. "3/4 inch minus") or ground asphalt). Note: Sand is too pervious, and woodwaste breaks down over time. The minimum total height is 1 m, and there is no maximum height.
- The overall footprint of berms is decreasing as the quality of the roads is improved and older roads are removed.
- Similar material and construction is used for irrigation reservoirs.



avoid. → soil contaminated w/ rock.  
 new use:  
 - crushed fines fine  
 - hogfuel  
 - 3/4" minus  
 maybe

#### vi) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- Benning, as a land development work, is designated a farm use that includes the construction, maintenance and operation of a driveway necessary for that farm use. This is interpreted to include building on-farm access roads on the top of berms. The placement of fill necessary for this type of land development work is also considered to be a designated farm use. To be necessary requires that the amount of fill brought on to the land for building the berms and roads shall be commensurate with the scale, scope and needs of the farm operation, as well as the parcel area and soils on the property.

#### Typical Amounts Used

- There is no typical amount of material per hectare for cranberry berms/roads, as their construction is site-dependent.
- Fill placed 6 metres wide and up to 60 cm deep would be typically suitable for other types of farm roads. The length and location of the road would vary, depending on the site.

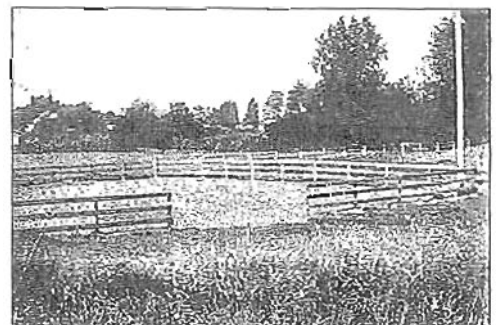
#### Additional Recommended Local Government Notice

- No notice is required if maintaining an existing road or berm and volume to be used is less than 200 m<sup>3</sup>.

e) Using woodwaste\*/soil\*\* for livestock bedding/livestock pens/exercise yards/riding arenas/turnout yards/containment pens/feedlots

#### i) Code of Agricultural Practice for Waste Management (under EMA)

- Part 7, Section 20: as noted above in section (a) of this factsheet, indicates that woodwaste may be used for livestock bedding.



ii) Waste Discharge Regulation (under EMA)

- Section 3(5) (b) and (c): The use of industrial wood residue as foundation material for animal bedding, and in sports areas is exempt from section 6(2) and 6(3) of the Environmental Management Act.

iii) EFP Reference Guide, 2005

- Limit the total outdoor depth of woodwaste for all livestock areas to 30 cm (suggested).

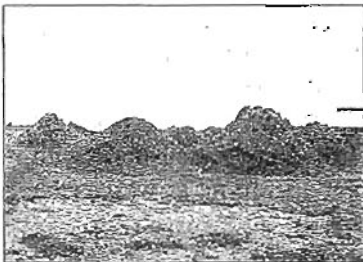


iv) Horses in the Community....a Yea or a Neigh?  
BCMAL Factsheet, 2005

- A common problem to horse holdings in the wetter areas of BC is excess water and mud. This often results in damp stalls, hoof disease, wet feed, wet bedding and poor drainage in pastures, turn out paddocks, and exercise areas.
- Planning and hard work are required to maintain an outdoor riding arena or track that has clean, safe footing, is fairly easily maintained, that holds up in all kinds of weather and does not cause pollution. Riding arenas located on high dry land have proven to be the most trouble free and maintainable. Earth moving equipment may be required to level the site and create diversion ditches.
- Leveling the site beforehand eliminates the practice of leveling with woodwaste as a landfill and creating a potential source of contaminated runoff. Woodwaste use must not exceed a total depth of 45 cm and the maximum application rate at any one time should not exceed 15 cm. The best time to top-up woodwaste is in April or May. Look at alternate footing materials to replace woodwaste where wet land is a problem. Sand, combinations of sand and woodwaste, ground up rubber from tires and a host of products are intended to improve the riding arena footing.

v) Building an Environmentally Sound Outdoor Riding Ring  
BCMAL Factsheet, 2005

- The average size ring is approximately 21 m x 42 m. The minimum recommended size is 20 m x 36 m.
- The factsheet describes in detail the types of materials that may be used, including geotextile membrane, aggregate, sand, woodwaste, or organic materials.
- Select a convenient well-drained site. Remove all vegetation and topsoil. Crown the ring with a 2% slope from centre and form a swale around the outside. Compact the sub-base. Add a base of uniform dense graded aggregate; dampen and compact to 10 to 15 cm. Add a 5 to 7.5 mm cushion of sand, sawdust or a combination of sand and organic material.
- Note: Sawdust and shavings are also used in livestock barns (e.g. poultry, dairy) for bedding, and for trucks/trailers transporting livestock.



vi) ALR Use, Subdivision and Procedure Regulation  
(under ALC Act)

- Livestock operations and horse riding facilities (if the stables do not have more than 40 permanent stalls) are farm uses that include the construction, maintenance and operation of structures necessary for these uses. This is interpreted to include livestock pens/exercise yards/riding arenas and outdoor riding rings/turnout yards/containment pens/feedlots, etc.
- The placement of fill necessary for these farm uses is also considered to be a designated farm use. **ONCL-599** necessary it is required that the amount and type of fill used for the above structures shall be commensurate with the scale, scope and



needs of the livestock/equestrian facility, as well as the parcel area and soils on the property.

#### Typical Amounts Used

- 400 m<sup>2</sup> for three horses is a typical paddock area required, and a typical maximum depth is 30 cm.
- A typical riding ring size is described above.
- Amounts and fill materials used will be site dependent.

#### Additional Recommended Local Government Notice

- No notice required for bedding materials to be used in existing livestock barns, pens, yards or riding arenas.

f) Bringing in soil\*\* (and possibly woodwaste\*) for the building of berms for horizontal light abatement for greenhouses, for aesthetics, or as an urban/rural buffer

#### i) BCGGA and UFG Good Neighbour Guidelines for Lighting Greenhouses

- Greenhouses should have sidewall light abatement measures (for example curtains/screens, berms, trees etc.) for all walls that expose houses and streets to light emissions.
- Note: Greenhouses may be able to use soil previously excavated for buildings on the property.
- Note: Hedges may also be planted on top of berms, and mulched with woodwaste or spent growing media. Light abatement structures (i.e., berms plus plantings and/or fencing) would typically be at least 3 m high.

#### ii) BC Cranberry Growers' Association

- Berms may be built along the edge of property lines to contain sprinkler drift, spray drift, liquid fertilizer drift, to reduce visibility and protect equipment from theft. The profile would be similar to profile described in d) above. Hog fuel or gravel would be added on the top if the berm was also intended to be used as a road. Otherwise, cedar hedges may be planted on top.

#### iii) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- Berms, as a land development work, are a designated farm use that includes the construction, maintenance and operation of a structure necessary for that farm use. This is interpreted to include berms for building light abatement structures including the planting of hedges on top of the berms and fencing as a means of screening light from greenhouses. The placement of fill necessary for the farm use is also considered to be a designated farm use. To be necessary it is required that the amount and type of fill used for the berms shall be commensurate with the scale, scope and light abatement needs of the farm operation, as well as the parcel area and soils on the property.

#### Typical Amounts Used

- The amount of material varies as the footprint and size of the berms vary.

#### Additional Recommended Local Government Notice

- No notice is required if constructing a new berm or maintaining an existing berm and the volume to be used is less than 200 m<sup>3</sup>.

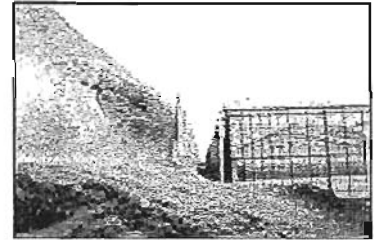


g) Using woodwaste\* as fuel for wood fired boilers

**Note:** This is not a fill practice; however it is included in this factsheet as the storage of woodwaste for use as fuel may be misconstrued as being used for fill.

**i) Code of Agricultural Practice for Waste Management (under EMA)**

- Part 7, Section 20: as noted above in section (a) of this factsheet, indicates that woodwaste may be used for fuel in wood fired boilers.



**Typical Amounts Used**

- Amounts vary, depending on the size of the storage facility and boiler requirements.

**Additional Recommended Local Government Notice**

- No notice required if a boiler is installed.

h) Using woodwaste\*/gravel/sand for container nursery bed production or ball and burlap production



**i) Nursery and Landscape Pest Management & Production Guide, BCMAFF, 2002**

- Land suitable for nursery stock production should be devoid of low frost pockets.
- Conifers and broadleaf evergreens are dug, and balled and burlapped, which means that a quantity of soil is left around the roots and secured with burlap and twine. In order to conserve topsoil on the site, efforts should be made to replace soil removed in the root ball by the addition of amendments such as compost. On the Coast it is possible to overwinter some (bareroot) material in a (60 to 90 cm) deep bed of sawdust. Heeling in sawdust will prevent desiccation.
- Managing soil organic matter is integral to sound soil management and is a key to long-term productive field operations, particularly where significant quantities of topsoil are removed over time. As an example, straw and woodwaste can be beneficial to soil, however, when added directly to the soil, nitrogen can be 'tied-up'. In order to avoid this, urea or an ammonium salt should be added at the same time. Woodwaste should only be applied in the top 10 cm of soil.
- When used for a container bed, woodwaste should be less than 30 cm deep and should be placed back from any waterway including a drainage ditch.

**ii) EFP Reference Guide, 2005**

- For preparation of nursery beds, geotextile fabrics either alone or in combination with sand and gravel are recommended as alternatives to woodwaste.

**iii) Nursery and Turf – Commodity Description, BCMAFF, January, 2003**

- For container production, mulch is required to create a stable working and growing area. Nursery growers use a considerable amount of woodwaste for on-farm and access roads, soilless media and container beds.



**iv) BC Landscape and Nursery Association**

- For ball and burlap production, growers may create a temporary bed of woodwaste that may be 1.5 m deep. After selling the plants they will spread the material to add organic inatter to the field. Nurseries may also store piles of sawdust mixes/soilless media.

Note: Because of disease issues, e.g. Sudden Oak Death Syndrome, the Canadian Food Inspection Agency may require the building of deeper nursery beds to prevent the formation of standing water.

#### v) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- As a potential soil amendment, and where applied when collected, stored and handled in compliance with Part 7, Storage and Use of Woodwaste in the *Code of Agricultural Practice for Waste Management*, the use of woodwaste for container bed production is a designated farm use. To be necessary it is required that the amount of woodwaste applied to the land shall be commensurate with the scale, scope and container nursery bed needs of the farm operation, as well as the parcel area and soils on the property.

Note: In the ALR, the placement of soil\*\* fill materials, for container nursery bed production requires an application to the ALC.

#### Typical Amounts Used

- Amounts and materials used will be site dependent.

#### Additional Recommended Local Government Notice

- No notice required if maintaining an existing nursery bed.

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#### i) Applying sand or sawdust to cranberries

##### i) "Cranberries," April-May 2005

- A process called "sanding" may take place. Sanding applies a fresh layer of sand into the fields where the cranberry vines are located. The sand will then sink to the bottom of the vines – to provide a new rooting zone along the cranberry stems, as well as aid in disease control by burying old plant residues. It covers up the old woody growth of the cranberry vines and forces the plant to produce what is referred to as "upright" – the young stems with the fruit buds. This makes for a much healthier plant.

##### ii) Crop Profile for Cranberries in Washington, 2000

- Beds have been drained, cleared, leveled and covered with a one to two inch layer of sand before the field is planted to select vines. A thin layer of sand spread over the bed stimulates new root and vine growth, improves aeration and drainage of surface water, and levels out low spots to make dry harvesting easier.

##### iii) Crop Profile for Cranberries in British Columbia, BCMAL, 2006

- Some growers, especially those who do not have ideal peat, may layer sand or sawdust over mineral soils in order to plant vines. This practice has been used very successfully to encourage vine establishment.
- Sanding cranberry vines is a method of stimulating the production of new uprights and roots, and is a cultural method of pest control.
- In BC cranberries are grown primarily on peat soils. They are also grown on upland mineral soils with higher organic matter and in fields of sand or sawdust. They prefer an acidic pH of about 4.0 to 5.0 in the root zone.

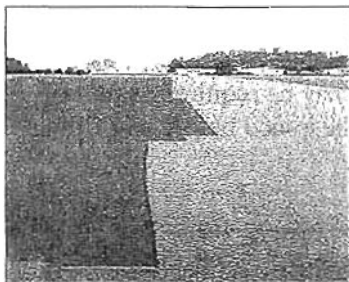
#### Typical Amounts Used

- The initial application is 15 to 20 cm deep (when planting). Topdressing every few years would be 2.5 to 5 cm deep. Filling of holes in established fields would be 15 to 20 cm deep.

#### Additional Recommended Local Government Notice

- No notice required for existing fields.

#### j) Soil\*\* or woodwaste\* amendments for turfgrass production



#### i) Nursery and Turf – Commodity Description, BCMAFF January 2003

- Mineral and/or organic material, such as sand, sawdust, compost or manure, is sometimes placed on the field to replace the soil that was removed in previous harvests.
- Note: The use of soil amendments/composted organics is not part of a fill bylaw.

#### ii) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- Turf farms are a specified farm use for which a notification to the commission is required for the placement of fill.

#### Typical Amounts Used

- 2.5 to 4 cm per crop; 1 crop harvested every 15 months.

#### Additional Recommended Local Government Notice

- No notice for existing turf fields using up to 4 cm of material per crop.

#### k) Farm buildings that take up less than 2% of the parcel



#### i) ALR Regulation Use, Subdivision and Procedure Regulation (under ALC Act)

- The construction, maintenance and operation of farm buildings, including, but not limited to any of the following: (i) a greenhouse; (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production; (iii) an aquaculture facility, are designated farm uses for the purposes of the Act. They may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act.
- For 'specified' farm uses, that includes the construction of greenhouses and farm buildings for an intensive livestock operation or for mushroom production, and where the fill 'footprint' exceeds 2 % of the property area, a notification process is additionally set out in the Regulations.

#### ii) ALC Policy: Placement of Fill or Removal of Soil: Construction of Farm Buildings.

- The ALC, by policy, further sets limits for the placement of fill for particular farm uses (e.g. for construction of a single family residence the area is limited to 0.2 ha; for the construction of farm buildings the area is limited to 2 % of the parcel area).
- Where it has been determined through the building approval process that placement of fill or removal of soil is necessary for the construction of a farm building, of which the building area is less than 2% of the parcel, the acceptable volume of fill or soil removal is that needed to undertake the construction of the building.

not  
fill + soil  
removal

- The over-riding principle is that the volume is reasonable and the quality of material is not deleterious to the agricultural quality of the land or the environment and all activity must be done in accordance with good agricultural practice.

iii) ALC Policy: Placement of Fill or Removal of Soils:  
Construction of a Single Family Residence

- The ALC allows fill for a single family residence building of up to 0.2 ha, subject to the local government approval process, typically through a building permit.

Typical Amounts Used

- The amount of materials used will vary.

Recommended Local Government Notice

- Building construction is typically regulated by municipal bylaws, and formal applications must be made to the local government. Requirements vary by municipality. Geotechnical reports and/or fill plans may be required as part of this process. In many cases, a building permit must be issued before any filling can proceed.

l) Farm buildings that take up more than 2% of the parcel

i) ALR Regulation Use, Subdivision and Procedure Regulation (under ALC Act)

- Buildings for 'specified farm-uses' (e.g. greenhouses, farm buildings or structures for an intensive livestock operation or mushroom production) greater than 2% of the parcel area, the owner must submit a Notice of Intent to the ALC and applicable local government of their intention to remove soil or place fill at least 60 days beforehand. The ALC's CEO may request additional information within 30 days of receipt of the notice, and may order restrictions or set the terms and conditions for the conduct of that use.

Typical Amounts Used

- The amounts of materials used will vary.

Recommended Local Government Notice

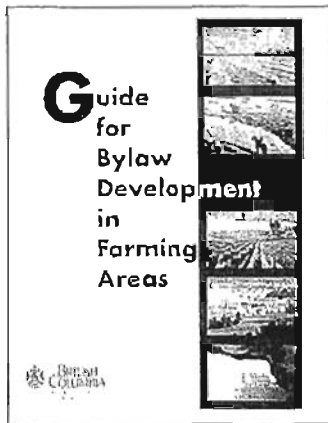
- Some local governments may require the approval of a building permit application before any filling can take place
- Building construction is typically regulated by municipal bylaws, and formal applications must be made to the local government. Requirements vary by municipality. Geotechnical reports and/or fill plans may be required as part of this process. In many cases, a building permit must be issued before any filling can proceed.
- Applicants should include copies of the completed ALC "notice of intent" with their building permit application.



m) Fill for parking, loading and turnaround areas

i) ALR Use, Subdivision and Procedure Regulation (under ALC Act)

- Any activity designated as farm use for the purposes of the Act, including the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use, may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act*. To be necessary, the amount and type of fill used for the above, which includes loading and turnaround areas and parking, shall be commensurate with the scope and needs of the farm operation, as well as the parcel area and soils on the property.



- An application to the ALC is required where the proposed fill area on an individual parcel, for the above uses, exceeds 2% of the property area.

**ii) Guide for Bylaw Development in Farming Areas, BCMAFF, 1998**

- Off-street parking spaces should be required for all commodities that undertake direct farm marketing. Produce stands/Nurseries: 1 parking space per 20 m<sup>2</sup> of direct farm marketing area; Greenhouses: 1 parking space per 15 m<sup>2</sup> of direct farm marketing area.

**iii) BC Cranberry Growers' Association**

- Areas for periodic staging and loading of large trucks, including semi-trailers, are required. Also required are areas to temporarily store/compost vine cuttings/trimmings. Parking is commonly required for workers during the harvest season.

**iv) BC Greenhouse Growers' Association**

- In order to accommodate staff/worker parking an area equivalent to about 400 m<sup>2</sup> per hectare greenhouse area under production may be required. Up to an additional 10% may be required for loading and turn around areas.

**Typical Amounts Used**

- Areas required will vary, depending on the commodity. For cranberries and greenhouses see the estimates listed above.
- Parking and loading areas should be appropriately sized and located so as to minimize removal of land from production.
- Local governments should be consulted prior to constructing such areas as some local government bylaws contain site coverage restrictions.

n) Using woodwaste\* and sand for cranberry field drainage trenches

**i) Crop Profile for Cranberries in British Columbia BCMAL, 2006**

- Reservoirs and ditches are constructed to contain and move water for frost protection, irrigation and harvest, and to store water recovered from these operations. Some new fields are being constructed with perimeter drains which eliminate the need for a ditch around the fields inside the dike and allows for a greater usable crop area.

**ii) BC Cranberry Growers' Association**

- Drains are installed by digging a 60 cm deep trench (10 to 15 cm wide), placing a 75 to 100 mm perforated plastic drainage pipe, then filling with approximately 50 cm of woodwaste (usually aged cedar chips, not hog fuel), adding a geotextile cloth, and then topped with up to 15 cm of sand. The trenches would be placed approximately every 3 to 3.5 m throughout the field, in both new and existing fields.

**Typical Amounts Used**

- As described above.

**Additional Recommended Local Government Notice**

- No notice for existing fields.

Example:

## NOTICE OF PROPOSED "FILL" ACTIVITY

Local Government: \_\_\_\_\_

Bylaw Number: \_\_\_\_\_

Fax form to: \_\_\_\_\_

*Note: The information required by this form is collected under the Local Government Bylaw. This information may be available for review by any member of the public. If you have any questions about the collection or use of this information, please contact the Local Government.*

Owner: _____	Agent: _____
Address: _____	Address: _____
Telephone: _____	Telephone: _____
Cell: _____	Cell: _____
Fax: _____	Fax: _____
E-mail: _____	E-mail: _____

Civic Address of Property: _____
Legal Description: _____
Size of Property / Parcel: _____ (hectares or dimensions)

Zoning of Property:	<input type="radio"/> Agricultural	<input type="radio"/> Residential	<input type="radio"/> Commercial	<input type="radio"/> Industrial
	<input type="radio"/> Other – specify: _____			
Current Use:	_____			
Proposed Land Use: (if different than current use)	_____			

Adjacent Uses: North _____	East _____
South _____	West _____

Type of Fill Material	<input type="radio"/> Topsoil	<input type="radio"/> Excavation soil	<input type="radio"/> Sand	<input type="radio"/> Gravel
	<input type="radio"/> Ditch-cleanings	<input type="radio"/> Woodwaste	<input type="radio"/> Soil Conditioner	<input type="radio"/> Mulch
	<input type="radio"/> Other – specify: _____			

Source of Fill materials:	_____		
Volume: _____ cubic metres	Depth: _____ metres		
Total Project Area: _____	hectare or dimensions		
Duration of the Project: _____	weeks / months		

Purpose of Project: (refer to Factsheet "Guidelines for Farm Practices Involving Fill" BC Ministry of Agriculture and Lands as appropriate) _____
Proposed Reclamation Measures: (if applicable) _____

Has either a Professional Agrologist and/or a Professional Engineer reviewed the project and provided a written report? ☐ Yes ☐ No (If Yes, please attach a copy of the report.)

**Declaration and Consent:** I/we declare that the information is to the best of my/our knowledge, true and correct. I/we consent to the use of the information provided in this notice and all supporting documents. Furthermore, I/we understand that the Local Government may take the necessary steps to confirm the accuracy of the information and documents provided.

**CNCL - 106**

Date \_\_\_\_\_

Signature of Owner or Agent \_\_\_\_\_

Print Name \_\_\_\_\_

## METRIC CONVERSIONS

Metric	Imperial Equivalent	Metric	Imperial Equivalent
2.5 cm	1 inch	10.5 m	35 feet
4 cm	1.5 inches	20 m	65 feet
5 cm	2 inches	21 m	70 feet
7.5 cm (75 mm)	3 inches	36 m	120 feet
10 cm (100 mm)	4 inches	42 m	140 feet
15 cm	6 inches	15 square metres	160 square feet
20 cm	8 inches	20 square metres	215 square feet
30 cm	12 inches (1 foot)	400 square metres	4300 square feet
45 cm	18 inches	0.2 ha	0.5 acre
50 cm	20 inches	1 ha	2.47 acre
60 cm	24 inches (2 feet)	16.2 ha	40 acre
90 cm (0.9 m)	3 feet	40 ha	100 acre
1.2 m	4 feet	5.7 cubic metres	200 cubic feet (1 volumetric sawdust unit)
1.5 m	5 feet		
3.5 m	12 feet	1,230 cubic metres	1 foot depth over 1 acre
4.5 m	15 feet	18,300 cubic metres	23,900 cubic yards
5 m	16 feet	25 volumetric sawdust units per hectare	10 volumetric sawdust units per acre
6 m	20 feet	400 square meters per ha	1800 square feet per acre
7.5 m	25 feet	25,000 kg	55,000 pounds
9 m	30 feet	43,000 kg	95,000 pounds

Conversions in this table are rounded to a convenient number.

## LIST OF ACRONYMS

ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
BCGGA	BC Greenhouse Growers' Association
BCMAFF	BC Ministry of Agriculture, Food and Fisheries
BCMAL	BC Ministry of Agriculture and Lands
EFP	Environmental Farm Plan
EMA	Environmental Management Act
UFG	United Flower Growers Co-Op Association

## RESOURCE MANAGEMENT BRANCH

Ministry of Agriculture and Lands  
1767 Angus Campbell Road  
Abbotsford, BC Canada V3G 2M3  
Phone: (604) 556-3100 Toll Free: 1-888-221-7141  
December 18, 2006

**CNCL - 107**

## WRITTEN BY

Geoff Hughes-Games, PAg  
Provincial Soil Specialist  
Kathleen Zimmerman, PAg  
Regional Agrologist

May 11/11 for City Council

Re: contaminants, toxins

~~UBC student helping us with policy research, getting other students involved~~

~~UBC student helping us with policy research, getting other students involved~~

\* need local enforcement  
of "deliterious" fill

From ~~UBC~~

On soil/water contamination - I did a quick survey of literature on the issues and I think we can safely say that there are contaminants in the waste material and there is potential of contaminants leaching from the waste into the soil and potentially into the groundwater and beyond. What type of contaminants depends on the materials and what the materials were previously used for which we don't know so can't make conclusive statements regarding contaminants. Concrete on its own is not so dangerous as it is primarily aggregates and limestone/calcium carbonate (could maybe raise pH, but I am not confident this would be an issue), asphalt on the other hand definitely is problematic as it contains organic compounds that are considered toxic and monitored in environmental monitoring. Asphalt usually contains bitumen, which is a form of petroleum and which contains (PAH) Polycyclic aromatic hydrocarbons - organic (carbon based) pollutants that can be dangerous to humans (in soil or drinking water). Various heavy metals can also be leached from these waste materials such as zinc. The scraps of unknown material is a concern cause we don't even know what it is or where from. The other thing is that aside from material depending on what it was used for it may have contaminants from the urban environment on it - example if it is road waste it could have pollutants that accumulate from cars.

In terms of enviro effect it is difficult to say anything conclusively because there are many variables from the type of contaminants, levels, mobility in the enviro and each one's level of toxicity. For instance PAHs must pass a certain threshold in the enviro before they are considered a contaminant (according to regulation). Maybe Lis has more insight on this??

Art made what I think is the most convincing points - that putting contamination issues aside - we can state for sure that this land will no longer be able to produce food. If tree farm fails in a few years the productivity of the land and potential for reverting to food production has been destroyed. It would be an astronomical cost to reclaim the land - removal of all that material, cost of properly disposing, rebuilding topsoil fertility, and then you would want to test to ensure there are no contaminants that would impact food.

One idea is contacting somewhere like Cottonwood to inquire about costs/challenges of establishing food production on land that may be contaminated from urban environment. (I will do this)

Another idea (Art's) is to contact the agrologist who signed off for the company's application (Bruce McTavish) and get him out to the site to see what is happening and respond to communities concerns - hold him accountable. Art also pointed out that the guy the ALC has monitoring (Thomas Loo) is not an agrologist or environmental scientist.

Q P's (Bruce McTavish) ~~rep~~ <sup>(regent)</sup> represents the ~~current~~ use & fertility of the land. Need Local control.



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Asphalt is a constituent of petroleum with most crude petroleum containing some asphalt. It is comprised mainly of polycyclic aromatic hydrocarbons (PAH's). Asphalts are highly complex and can contain up to 150 carbon atoms, as well as sulfur, and several heavy metals, like nickel, lead, chromium, mercury, arsenic, and more. Asphalt is a solid or semisolid substance and is mixed with solvents to make it easier to work with. These solvents are volatile organic compounds like naphtha, toluene, and xylene. PCB's have also been added to asphalt in the past, to add fire resistance, flexibility and inhibit corrosion. I'm not sure if this is still done, as PCB's are banned in North America (though not around the world), so it may be more of a problem in old asphalt than in new stuff.

For some info on the impacts of PAH's and VOC's, see below. Hope this helps for now!

;) )

Leila

### **Volatile Organic Compounds (VOCs)**

At elevated concentrations, VOCs affect the cardiovascular, neurological and nervous systems, and many are known carcinogens. The following VOCs, present in oil spills and other industrial processes, can pose a particular health risk to humans and the surrounding environment.

#### **{SH3}Benzene{SH3}**

Benzene is a natural part of crude oil and gasoline, and is also used to make some types of rubbers, lubricants, plastics, dyes, detergents, drugs and pesticides. Industries that involve the use of benzene include the rubber industry, oil refineries, petroleum pipelines, coke and chemical plants, shoe manufacturers and gasoline-related industries and associated infrastructure. In most accidents and spills involving petroleum, benzene is definitely a concern. Natural sources of benzene include volcanoes and forest fires.

Benzene is a known carcinogen and can cause a rare form of kidney cancer and leukemia as well as other blood cancers. Short-term inhalation of high levels of benzene can be fatal, and low levels can cause drowsiness, dizziness, headaches, tremors, rapid heart rate, confusion or mental fog and unconsciousness. Eating foods or drinking water contaminated with high levels of benzene can cause vomiting, stomach irritation, dizziness, sleepiness, convulsions and death. Benzene damages the bone marrow and can lead to a decrease in red blood cells and anemia. It can also cause excessive bleeding and depress the immune system, resulting in a higher incidence of infections. It can impact the reproductive systems of men and women and cause birth defects such as spina bifida and anencephaly. When animals have been exposed to benzenes in studies, results have shown low birth weights, delayed bone formation and bone marrow damage.

#### **{SH3}Ethyl Benzene{SH3}**

Ethyl benzene is found in coal tar and petroleum. It is used primarily to make the chemical styrene. It is used as a solvent, a constituent of asphalt and naphtha and is a constituent of synthetic rubber, fuels, paints, inks, carpet glues, varnishes, tobacco products and insecticides. It is a component of automotive and aviation fuels.

Acute exposure to ethyl benzene can cause eye, throat, nose, upper respiratory tract, and mucous membrane irritation; chest constriction; redness and blistering of the skin. Neurological effects include dizziness, fatigue and lack of coordination. Animal studies have shown impacts to the

central nervous system, pulmonary system and effects on the liver, kidney and eyes. Chronic exposure to ethyl benzene can cause fatigue, headache, and eye and upper respiratory tract irritation, as well as drying, dermatitis and defatting of the skin.

#### {SH3}Toluene{SH3}

Toluene occurs naturally in crude oil. It is also produced in the process of making coke from coal and gasoline and other fuels (such as jet fuel) from crude oil. Toluene is used in making paints, paint thinners, fingernail polish, lacquers, adhesives and rubber and in some printing and leather tanning processes. Low to moderate exposure to toluene can cause tiredness, confusion, weakness, drunken-type actions, memory loss, nausea, loss of appetite and loss of hearing and color vision. Toluene is also known to impact the cardiovascular system and the neurological/nervous system. Higher exposure levels can cause unconsciousness and death.

#### {SH3}Xylene{SH3}

Xylene occurs naturally in petroleum and coal tar; it can catch on fire easily. It is found in small amounts in airplane fuel and gasoline. It is used in paints, paint thinners and varnishes. It is used also as a solvent and cleaning agent, and in the printing, rubber and leather industries.

Xylene exposure can damage the central nervous system, liver and other body systems. Signs and symptoms of acute exposure to xylene include headache, fatigue, irritability, lassitude, nausea, anorexia, flatulence, irritation of the eyes, nose and throat, issues with motor coordination and balance, flushing, redness of the face, a sensation of increased body heat, increased salivation, tremors, dizziness, confusion and cardiac irritability. Chronic exposure can cause central nervous system depression; conjunctivitis; dryness of nose, throat and skin; dermatitis; anemia; mucosal hemorrhage; bone marrow hyperplasia and kidney and liver damage.

#### {SH3}Trichloroethylene (TCE){SH3}

TCE is used primarily as a degreasing agent for metal and electronic parts; as an extractant for oils, waxes and fats; a solvent for cellulose esters and ethers; a dry-cleaning fluid (although it has largely been replaced since the 1950s by tetrachloroethylene); refrigerant and heat exchange fluid; fumigant; carrier agent in paints and adhesives; a scourant for textiles and as a feedstock for manufacturing organic chemicals. When first widely produced in the 1920s, its major use was to extract vegetable oils from plant materials such as soy, coconut and palm, as well as in coffee decaffeination. It has also been used in the medical field as an anesthetic. TCE can enter groundwater and surface water from industrial discharges or from improper disposal of industrial wastes at landfills. It can also be found in typewriter correction fluid, paint, spot removers, carpet-cleaning fluids, metal cleaners and varnishes.

When inhaled, TCE can cause central nervous system depression, liver and kidney damage. The symptoms of acute exposure can look similar to alcohol intoxication, beginning with a headache, dizziness and confusion and progressing with increasing exposure to unconsciousness.

Respiratory and circulatory depression can eventually lead to death. TCE is believed to cause cancer (liver and kidney), leukemia, non-Hodgkin lymphoma as well as congenital heart defects. There are many other VOCs (Tetrachloroethane, 1,2,4-Trichlorobenzene, Vinyl chloride) to be concerned about - those named above are just a few common ones.

#### **Polycyclic Aromatic Hydrocarbons (PAHs)**

Polycyclic aromatic hydrocarbons are a group of over 100 different semi-volatile organic compounds that are formed during the incomplete burning of coal, oil and gas, garbage or other organic substances like tobacco or charbroiled meat. PAHs are found in coal tar, crude oil, creosote and roofing tar, but a few are used in medicines or to make dyes, plastics and pesticides.

When coal is converted to natural gas, PAHs can be released, which is why some former coal-gasification sites may have elevated levels of PAHs. They are also found in incinerators, coke ovens and asphalt processing and use. They are also a major concern when it comes to human and environmental health impacts at oil spills, as they are present in crude oil. Although hundreds of PAHs exist, two of the more common ones are benzo(a)pyrene and naphthalene. Polycyclic aromatic hydrocarbons can cause red blood cell damage that can lead to anemia; they can also suppress the immune system. Possible long-term health effects from exposure may include cataracts, kidney and liver damage and jaundice. Some polycyclic aromatic hydrocarbons are cancer-causing. Also, high prenatal exposure to PAHs is associated with lower IQ and childhood asthma, as well as low birth weight, premature delivery and heart malformations in babies.



## Planning Committee

Date: Tuesday, January 22, 2013

Place: Anderson Room  
Richmond City Hall

Present: Councillor Bill McNulty, Chair  
Councillor Evelina Halsey-Brandt  
Councillor Chak Au  
Councillor Harold Steves

Absent: Councillor Linda Barnes

Also Present: Councillor Linda McPhail

Call to Order: The Chair called the meeting to order at 4:00 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the meeting of the Planning Committee held on Tuesday, January 8, 2013, be adopted as circulated.*

**CARRIED**

1. **REFERRAL REPORT ON DRIVE-THROUGHS IN RICHMOND'S ZONING BYLAW AND APPLICATION BY EVERBE HOLDINGS LTD. FOR AGRICULTURAL LAND RESERVE EXCLUSION, OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING AT 11120 AND 11200 NO. 5 ROAD FROM AGRICULTURE (AG1) TO COMMUNITY COMMERCIAL (CC)**

(File Ref. No. 12-8060-20-8988/8989, RZ 10-556878, AG 10-556901) (REDMS No. 3736284)

Wayne Craig, Director, Development, provided background information. In regards to the staff referral, Mr. Craig stated that staff recommend not proceeding with a review to ban or to restrict drive-through development in Richmond, and he spoke of more effective alternatives for reducing greenhouse gas emissions.

**Planning Committee**  
**Tuesday, January 22, 2013**

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Discussion ensued regarding the intent of the referral and it was noted that the current zoning bylaw has no provisions to prohibit a business from having a drive-through component; a comment was made that drive-throughs should be considered on an individual basis.

It was moved and seconded

- (1) That Option 2 (in the report dated January 8, 2013 from the Director of Development), which recommends that no further review of restricting drive-throughs in Richmond's Zoning Bylaw 8500 for new developments, be approved;*
- (2) That authorization for Everbe Holdings Ltd. to apply to the Agricultural Land Commission to exclude 11120 and 11200 No. 5 Road from the Agricultural Land Reserve be granted;*
- (3) That Official Community Plan Amendment Bylaw No. 8988, to re-designate 11120 and 11200 No. 5 Road from "Mixed Employment" to "Commercial" in the 2041 Official Community Plan Land Use Map to Schedule 1 of Official Community Plan Bylaw 9000 and to amend the Development Permit Area Map in Schedule 2.8A (Ironwood Sub-Area Plan) of Official Community Plan Bylaw 7100, be introduced and given first reading;*
- (4) That Bylaw 8988, having been considered with:
  - (a) the City's Financial Plan and Capital Program;*
  - (b) the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) (a) of the Local Government Act;*
- (5) That Bylaw 8988, having been considered in accordance with the City Policy on Consultation During Official Community Plan development is hereby deemed not to require further consultation; and*
- (6) That Bylaw 8989, for the rezoning of 11120 and 11200 No. 5 Road from "Agriculture (AG1)" to "Community Commercial (CC)", be introduced and given first reading.*

**CARRIED**

2. **APPLICATION BY CRESSEY (GILBERT) DEVELOPMENT LLP FOR REZONING AT 5640 HOLLYBRIDGE WAY FROM INDUSTRIAL BUSINESS PARK (IB1) TO RESIDENTIAL/LIMITED COMMERCIAL (RCL3): FOLLOW-UP ON REVISED AFFORDABLE HOUSING PROVISIONS**

(File Ref. No. 12-8060-20-8957, RZ 12-602449) (REDMS No. 3741616)

**Planning Committee**  
**Tuesday, January 22, 2013**

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Mr. Craig noted that after revisions to the affordable housing component of the proposed application, staff support the submission of an Affordable Housing Special Development Circumstance in order to keep the location of the affordable housing units within one building block. Mr. Craig stated that the developer has agreed to provide interior finishes that are of similar value and quality to those found in the market units. Also, he advised that the developer has agreed to provide permanent access to the shared interior amenity space at no charge to the future occupants of the affordable housing units.

Dena Kae Beno, Affordable Housing Coordinator, provided background information and advised that the proposed development has been revised to increase the number of affordable housing units to best support its target tenant group. She stated that the number of two-bedroom units has been increased to accommodate single parents with one or two children and that the sole studio unit would be suitable for an expectant mother.

Ms. Beno commented on the proposed housing program, highlighting that the City would work with the future affordable housing provider and local non-profit community service and health providers to develop a coordinated approach for access and delivery of the housing support programs. Also, Ms. Beno spoke of the adjacent childcare facility, noting that spaces would be provided to accommodate children from the affordable housing units.

Discussion ensued and Ms. Beno advised that the proposed affordable housing model builds community support and would be the first of its kind in Richmond.

It was moved and seconded

*That Bylaw 8957 to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to "Residential / Limited Commercial (RCL3)" be introduced and given first reading.*

**CARRIED**

3. **APPLICATION BY INTERFACE ARCHITECTURE INC. FOR REZONING AT 4991 NO. 5 ROAD FROM SCHOOL & INSTITUTIONAL USE (SI) TO LOW DENSITY TOWNHOUSES (RTL4)**

(File Ref. No. 12-8060-20-8947/8948/8986, RZ 11-593406) (REDMS No. 3646966)

Mr. Craig provided background information and advised that the complex leased by the City for the operation of gymnastics, air pistol and archery programming would remain in place as the lease would be in effect until February 2016.

**Planning Committee**  
**Tuesday, January 22, 2013**

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In reply to queries from Committee, Mr. Craig advised that (i) the proposed floor area ratio is 0.6; (ii) although the site is located within a High Aircraft Noise Area, the area does not restrict the development of multi-family dwellings; and (iii) a condition to building in a High Aircraft Noise Area is that the proposed development must be designed and constructed in a manner that mitigates potential aircraft noise.

Discussion ensued and Committee expressed concern in relation to the potential loss in recreational space should the subject property be rezoned. In response to Committee's concerns, Dave Semple, General Manager, Community Services, advised that staff are examining options on how to address this matter.

In reply to queries from the Chair, Ken Chow, Architect, Interface Architecture Inc., stated that the subject site consists of approximately 76,000 square feet of recreational space. Also, Mr. Chow advised that the subject site could potentially be better utilized with a residential mixed-use development; however a residential mixed-use development would require an increase in density.

In reply to queries from Committee, Mr. Craig stated that a residential mixed-use development was not considered due to access concerns with the subject site, the narrow site geometry, and adjacency concerns expressed from the existing single-family neighbourhood to the north. Also, he stated that the proposed \$700,000 contribution towards the City's Leisure Facilities Reserve Fund can be utilized at Council's discretion.

Discussion ensued and the following Committee comments were noted:

- a residential mixed-use development should be examined in pursuit of the best use of the subject site; and
- staff should research the history of the subject site as it relates to rezoning.

Joe Erceg, General Manager, Planning and Development, advised that should the proposed application be referred back to staff, staff would require sufficient time to consider a residential mixed-use application for the subject site. Mr. Erceg stated that in consulting with the neighbourhood, the applicant has learned that the neighbourhood is sensitive to density matters and height of future buildings on the subject site. As such, a change from low density townhomes to residential mixed-use would require the applicant to further consult with the neighbourhood.

Sean Lawson, 6463 Dyke Road, accompanied by Davy Sangara, 2485 West 5<sup>th</sup> Avenue, Vancouver, and Colin LaRiviere, 6200 25<sup>th</sup> Avenue, Delta, representing the applicant, provided background information and was of the opinion that the application before Committee was the best use for the subject site.

**Planning Committee**  
**Tuesday, January 22, 2013**

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Mr. Lawson commented on the neighbourhood consultations, highlighting that they were well attended and that the design of the proposed project was altered in an effort to complement the existing single-family neighbourhood north of the subject site. Also, he commented on nearby commercial centres, noting that there is a strip mall at the corner of No. 5 Road and Cambie Road.

In relation to Committee's concern regarding the potential loss in recreational space should the subject property be rezoned, Mr. Lawson advised that the majority of those that utilize recreation space at the subject site are non-Richmond residents. Mr. Lawson listed the various soccer and tennis facilities throughout Richmond, noting that these groups are well represented.

Mr. Sangara commented on the traffic impact study, noting that the current use of the subject site creates surges in parking demand due to special events. As such, the proposed development would likely generate less parking spill over to adjacent neighbourhoods.

Mr. LaRiviere commented on his business, noting that most programs are at full capacity. He stated the City has been successful in meeting the demands of various sports groups as many users of his facility are non-Richmond residents. Also, Mr. LaRiviere spoke of various recreational facilities in Richmond that offer similar space, and was of the opinion that any sport group that may be displaced could find comparable recreational space elsewhere in Richmond.

Mr. Lawson commented on the proposed \$700,000 contribution towards the City's Leisure Facilities Reserve Fund, noting that the proposed contribution is generous in light of the density of the proposed development.

Annie Watson, representing the Richmond Gymnastics Association, expressed concern regarding the future home of the Richmond Gymnastics Association.

Mr. Semple advised that a staff report on matter was forthcoming.

As a result of the discussion, the following **referral** was introduced:

It was moved and seconded

*That the Application by Interface Architecture Inc. for rezoning at 4991 No. 5 Road from School & Institutional Use (SI) to Low Density Townhouses (RTL4) be referred back to staff to:*

- (a) consider other development options including but not limited to commercial / retail or mixed-use development and an increase in density to ensure the best utilization of the site;*
- (b) research the history of the subject site as it relates to the existing recreational uses on the site; and*



**Planning Committee**  
**Tuesday, January 22, 2013**

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- (c) *examine the potential implications that the loss of the existing on-site private recreation facility space would have on the City's recreation facility inventory and its various user groups.*

The question on the referral was not called as discussion ensued and it was noted that Committee would like to hear from the various sports groups that would be impacted by the proposed development.

The question on the referral was then called and it was **CARRIED**.

**4. MANAGER'S REPORT**

(i) *Lingyen Mountain Temple*

Mr. Craig advised that the Lingyen Mountain Temple has indicated that they are proposing to conduct a telephone survey of the immediate neighbourhood in relation to the future expansion of the temple.

(ii) *Neighbourhood Open House – Tait Area*

Mr. Craig spoke of a City-led open house that would take place on January 24, 2013 seeking the neighbourhood's input on potential land use options and road alignment options for the extension of McKessock Place.

(iii) *Former Steveston Secondary School Site*

Discussion ensued regarding the status of the former Steveston Secondary School site, and Mr. Erceg advised that a copy of a past position paper regarding the City's position on the matter would be re-circulated to Council.

**ADJOURNMENT**

It was moved and seconded  
*That the meeting adjourn (5:05 p.m.).*

**CARRIED**

Certified a true and correct copy of the  
Minutes of the meeting of the Planning  
Committee of the Council of the City of  
Richmond held on Tuesday, January 22,  
2013.

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Councillor Bill McNulty  
Chair

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Hanieh Berg  
Committee Clerk



## Public Works & Transportation Committee

Date: Wednesday, January 23, 2013

Place: Anderson Room  
Richmond City Hall

Present: Councillor Chak Au, Vice-Chair  
Councillor Derek Dang  
Councillor Linda McPhail  
Councillor Harold Steves  
Mayor Malcolm Brodie (4:40 p.m.)

Absent: Councillor Linda Barnes

Call to Order: The Vice-Chair called the meeting to order at 4:00 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the meeting of the Public Works & Transportation Committee held on Wednesday, November 21, 2012, be adopted as circulated.*

**CARRIED**

### NEXT COMMITTEE MEETING DATE

Wednesday, February 20, 2013, (tentative date) at 4:00 p.m. in the Anderson Room

## ENGINEERING AND PUBLIC WORKS DEPARTMENT

1. **WATERWORKS AND WATER RATES BYLAW AMENDMENT**

(File Ref. No. 10-6060-00; 12-8060-20-5637/8909) (REDMS No. 3654517)

John Irving, Director, Engineering, noted that the rates in Schedules B and C to Bylaw No. 5637 as presented in the staff report required updating, and circulated revised versions of both Schedules which are attached as **Schedule I**, and form part of these minutes.

A brief discussion ensued about the various recommended changes to the existing bylaw, during which Mr. Irving noted that the amendments result in more clarity and easier administration of the bylaw.

It was moved and seconded

*That Waterworks and Water Rates Bylaw No. 5637, Amendment Bylaw No. 8909 be introduced and given first, second and third readings.*

**CARRIED**

2. **GREATER VANCOUVER REGIONAL DISTRICT BYLAW TO REPEAL THE MOSQUITO CONTROL ADMINISTRATION AND COORDINATION SERVICE (BYLAW NO. 1179, 2012)**

(File Ref. No. 10-6125-04-14) (REDMS No. 3742450)

Suzanne Bycraft, Manager, Fleet & Environmental Programs, introduced Dalton Cross, Environmental Health Officer, Vancouver Coastal Health.

A discussion then ensued and the following was noted:

- surveillance relating to the West Nile Virus has been conducted for several years, which included collecting and testing of mosquitos for the virus;
- the results of the surveillance have been monitored by the BC Centre for Disease Control (BCCDC), and it has been determined that it is unlikely that the West Nile Virus would appear in Richmond to the extent that would cause public health concerns;
- if the virus does appear in Richmond, there will be enough lead time to respond and get the program running before there is a substantial outbreak of the virus; and
- members of the public with any concerns related to the West Nile Virus are encouraged to contact the Richmond Health Department.

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It was moved and seconded

*The City of Richmond consents to the repeal of the Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005 and consents to the adoption of the Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012).*

**CARRIED**

## **PLANNING AND DEVELOPMENT DEPARTMENT**

**3. NO. 1 ROAD AND MONCTON STREET INTERSECTION – REPORT BACK ON "PEDESTRIAN SCRAMBLE" FEATURE**

(File Ref. No. 10-6450-07-03/2012) (REDMS No. 3718261)

Donna Chan, Manager, Transportation Planning, was available to answer questions. A discussion took place, during which the following was noted:

- in an effort to alleviate some of the traffic delays, the no right-turn-on-red restriction and the associated warning signs will be removed;
- people with visual impairments rely on traffic movement as well as the “cuckoo” and “chirp” sounds made by the traffic lights as they indicate when it’s safe to cross the street in a particular direction. It was further noted that the scramble feature creates confusion for those with guide dogs;
- the scramble feature has been well received by pedestrians;
- the scramble feature has received some negative feedback from drivers, especially with the existing parking concerns in that area;
- the lines on the pavement at the intersection are confusing; and
- staff will provide periodic updates on the matter.

It was moved and seconded

*That the report on the operation of the pedestrian scramble feature at the intersection of No. 1 Road and Moncton Street be received for information.*

The question on the motion was not called, as a member of the public requested an opportunity to speak to Committee.

Ralph Turner, Steveston resident, expressed concerns related to the confusion between drivers and pedestrians as a result of the scramble feature. Mr. Turner suggested that (i) the traffic lights at the intersection be programmed to not allow pedestrians in the intersection at the same time as vehicles; and (ii) consideration be given to removing the parking lots on both sides of the intersection.

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In response to Mr. Turner's suggestions and concerns, staff advised that programming the traffic lights to not allow pedestrians in the intersection simultaneously with vehicles is difficult as those with visual impairments rely on the traffic cues to cross the intersection.

The question on the motion was then called, and it was **CARRIED**.

**4. STEVESTON VILLAGE PARKING STRATEGY – REPORT BACK ON TRIAL IMPLEMENTATION (JUNE-SEPTEMBER 2012)**  
(File Ref. No. 10-6455-01/2012) (REDMS No. 3706046)

Victor Wei, Director, Transportation, circulated a revised version of page 7 to the staff report, which is attached as **Schedule 2**, and forms part of these minutes.

A discussion then ensued about:

- the need for additional parking in Steveston, as well as the need to improve parking along No. 1 Road;
- the benefits associated with increasing the time limit from two to three hours for both on- and off-street parking spaces;
- how the Steveston Conservation Strategy recommends that the streetscape in Steveston be kept simple, which includes minimizing signage;
- how the addition of angled parking on Chatham Street would increase the parking capacity in the area by approximately 80 or 90 spots; and
- two reports that are anticipated to be presented to Committee in late February or early March, 2013. It was noted that one of the reports will address the streetscape in Steveston, and the other report will be in connection to the Steveston Conservation Strategy.

Ralph Turner, Steveston resident, stated that the parking problem in Steveston is not a simple issue to address as Steveston's demographics have significantly changed. He also expressed concerns related to vehicles speeding along Chatham Street, and the "holiday mode" mindset of people when they visit Steveston. In conclusion, Mr. Turner noted that overzealous bylaw enforcement makes people feel unwelcome to Steveston, and suggested that consideration be given to issuing a warning to first-time violators. He also requested the City not to approve any reductions in parking requirements for new developments in Steveston.

*Mayor Brodie entered the meeting (4:40 p.m.).*

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It was moved and seconded

*That the following proposed measures to improve City management of free on- and off-street public parking in the Steveston Village area, as described in the staff report dated January 9, 2013 from the Director, Transportation, be endorsed:*

- (1) *Community Bylaws provide regular patrols of the Village area as part of city-wide activities;*
- (2) *the time limit for free public parking spaces be increased from two to three hours;*
- (3) *operation of the lanes revert back to the status quo that was in effect prior to the trial; and*
- (4) *parking-related signage and pavement markings be improved prior to the start of the peak summer period in 2013.*

**CARRIED**

**5. METRO VANCOUVER BOARD REQUEST – PROJECTS ELIGIBLE FOR FEDERAL STRATEGIC PRIORITIES FUND**

(File Ref. No. 01-0157-00) (REDMS No. 3718056)

It was moved and seconded

*That a letter be sent to all Richmond Members of Parliament, with a copy to the Metro Vancouver Board, seeking the designation of cycling infrastructure as an eligible project under the federal Strategic Priorities Fund.*

**CARRIED**

**6. MANAGER'S REPORT**

None.

**ADJOURNMENT**

It was moved and seconded

*That the meeting adjourn (4:48 p.m.).*

**CARRIED**

**Public Works & Transportation Committee**  
**Wednesday, January 23, 2013**

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Certified a true and correct copy of the Minutes of the meeting of the Public Works & Transportation Committee of the Council of the City of Richmond held on Wednesday, January 23, 2013.

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Councillor Chak Au  
Vice-Chair

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Shanan Sarbjit Dhaliwal  
Executive Assistant, City Clerk's Office

**SCHEDULE "B" TO BYLAW NO. 5637  
BYLAW YEAR 2013  
METERED RATES**

**METERED COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTIES  
METERED MULTIPLE-FAMILY AND STRATA TITLED PROPERTIES  
METERED FARMS**

**1. RATES**

All consumption per cubic metre:	\$1.1976
Minimum charge in any 3 month period (not applicable to Farms)	\$110.00
Undetected leak rate per cubic meter (per section 25B of this bylaw)	\$0.6727

**2. RATES FOR EACH METER**

Rent per water meter for each 3-month period:

Meter Size	Base Rate
16 mm to 25 mm (inclusive)	\$15
32 mm to 50 mm (inclusive)	\$30
75 mm	\$110
100 mm	\$150
150 mm	\$300
200 mm and larger	\$500



**SCHEDULE "C" TO BYLAW NO. 5637  
BYLAW YEAR 2013  
METERED RATES**

**METERED RESIDENTIAL PROPERTIES**

**1. RATES**

All consumption per cubic metre:	\$1.1976
Undetected leak rate per cubic meter (per section 25B of this bylaw)	\$0.6727

**2. RATES FOR EACH METER**

Rent per water meter for each 3-month period:

<u>Meter Size</u>	<u>Base Rate</u>
16 mm to 25 mm (inclusive)	\$12
32 mm to 50 mm (inclusive)	\$14
75 mm	\$110
100 mm	\$150
150 mm	\$300
200 mm and larger	\$500

### **Financial Impact**

The provision of regular enforcement in the Steveston Village area would be accommodated within Community Bylaw's existing operational budget which would be similar to the pre-trial service levels.

The proposed improvements to existing signage and pavement markings have an estimated total cost of \$3,000 and would be funded from the 2013 Neighbourhood Traffic Safety Program, which is part of the 2013 Capital Budget previously approved by Council.

### **Conclusion**

The proposed adjusted measures to continue to improve the management of free on- and off-street public parking in the Steveston Village area respond to and address the key concerns cited by both residents and merchants arising from the trial implementation of a parking strategy for the area from June to September 2012. While these measures may not meet the full expectations of all stakeholders, they are considered at this time to be the most effective approach to striking a balance between providing a reasonable amount of time for visitors who drive to the Steveston area to enjoy its amenities and an appropriate level of enforcement to ensure adequate turnover of free public parking spaces.



Joan Caravan  
Transportation Planner  
(604-276-4035)

JC:lce



# City of Richmond

## Report to Committee

To CS - Jan 15 2013

To: Community Safety Committee

Date: January 7, 2013

From: Phyllis L. Carlyle  
General Manager, Law & Community Safety

File:

Re: Forsaken: The Report of the Missing Women Commission of Inquiry

### Staff Recommendation

That:

1. the City work collaboratively and constructively with the Honourable Steven Point's advisory committee (the "Advisory Committee") on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the report entitled, *Forsaken: The Report of the Missing Women Commission of Inquiry* (the "Report");
2. if the Advisory Committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force; and
3. staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report (establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force).

Phyllis L. Carlyle  
General Manager, Law & Community Safety  
(604-276-4104)

REPORT CONCURRENCE	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS: 
REVIEWED BY CAO	INITIALS: 

## Staff Report

### Origin

On November 14, 2012, the Community Safety Committee resolved, in addition to other matters:

*That:*

- (3) *staff enter into discussions to determine the prospect of whether a regional police force would be led by the Province.*

On November 28, 2012, Mayor Brodie wrote to the Honourable Shirley Bond, Minister of Justice and Attorney General, advising that the Community Safety Committee had referred back to staff Resolution (3) above as well as a request to analyse the costs involved in pursuing an independent police department with contracted external specialized services and advised that the City of Richmond looked forward to working collaboratively with the Province on these important issues. Mayor Brodie asked that the Minister assign some of her staff to work with City of Richmond staff regarding these two referrals. To date the Minister has not formally responded and her staff continue to work with City representatives.

On December 17, 2012, *Forsaken: The Report of the Missing Women Commission of Inquiry* (the "Report") was released. A preliminary review of the Report is set out below. The purpose of this report to Committee is to inform it of the contents of the Report which seem most applicable to the November 14, 2012 referral (3) referred to above.

### The Inquiry

The Inquiry was tasked with inquiring into and making findings of fact respecting the conduct of the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in B.C. respecting women reporting missing from the Downtown Eastside of the City of Vancouver "DTES"). The Commission heard 93 days of evidence and 86 witnesses. There were 256 exhibits entered encompassing over 27,000 pages. There were public hearings, written submissions, public policy forums and input from community engagement forums throughout the province.

### The Report

The 1,448 page Report was released on December 17, 2012. The 63 recommendations and two additional proposals are set out in Attachment 1.

The Report's recommendations fall into five major themes:

1. Healing and reconciliation, and legacy.
2. Policing reforms.
3. Crown policy and practices.
4. Missing persons' response and community engagement.
5. Services and supports.

## Report Conclusions

The Report's conclusions most relevant to the City of Richmond's issues relating to policing models including regionalization are set out in Attachment 2.

## Progress since 2002

The Report acknowledges that both the VPD and the RCMP have taken "*meaningful steps*" to improve their practices in light of the experience and Commissioner Oppal commends them for these efforts.<sup>1</sup>

## Independent Advisor

Recommendations 12.1 and 12.2 recommend that the Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations and to work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

## Provincial Reaction to the Report

On the day of the Report's release, Minister Bond advised:

*"I want to assure you, as well as all British Columbians, that our government will use these recommendations as a blueprint for building a legacy of safety and security for vulnerable women over the coming years."*<sup>2</sup>

In addition, the Province took the following steps:

1. The Honourable Steven Point, former Lieutenant Governor, was appointed as the champion to provide advice to government as it implements the recommendations and to chair a new advisory committee on the safety and security of vulnerable women. His committee is to provide community-based guidance on the Report's 63 recommendations and two additional proposals.
2. The Minister Responsible for Housing committed \$750,000 to the WISH Drop-In Centre to allow them to expand the hours in which they provide services to women.
3. The Ministry of Transportation and Infrastructure is developing a targeted consultation plan to address the commissioner's recommendation for safer transportation opportunities along the Highway 16 corridor.

Minister Bond also advised:

*"We're in the process of discussing a 10-year policing plan for British Columbia, and I think the concept of what that model might look like deserves further discussion."* She did not say which model her government would prefer.<sup>3</sup>

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<sup>1</sup> Part 12 Vol III p. 212

<sup>2</sup> BC Government On-line News Room Release December 17, 2012

In addition she stated:

*"We heard from Commissioner Oppal that it is important that we have a discussion about regional policing with mayors and leaders and I think the recommendations is very timely. Certainly, I've always been willing to sit down and discuss with local mayors in the Vancouver area to talk about that (regional policing) as an option."*<sup>4</sup>

## Analysis

The Province's detailed analysis of the advantages and disadvantages of a Greater Vancouver police force is not publicly available if it has been done. In order to perform this analysis, Provincial leadership is required to establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force (as set out in Recommendation 9.2).

At the moment, it is unknown whether the Province will agree to the Report's recommendation to establish a Greater Vancouver police force or if the Province will seriously consider an application by the City of Richmond to establish its own police force while using an external service provider for some functions. Clearly the creation of an independent police force is completely at odds with the regionalization recommendation. What does seem apparent however is that the Province will not agree to either a Greater Vancouver police force or to an independent City of Richmond Police force until the Province has completed its BC Policing Plan and until Mr. Point's committee has completed its review of the Report and provided community-based guidance on the report's 63 recommendations and two additional proposals.

## Financial Impact

There is no financial impact associated with this report.

## Conclusion

Staff recommend the City work collaboratively and constructively with Mr. Point's advisory committee on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the Report, and if Mr. Point's committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

Staff further recommend that staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report.



Barbara Sage  
Staff Solicitor  
(604-247-4636)

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<sup>3</sup> Times-Colonist December 18, 2012

<sup>4</sup> Province newspaper December 17, 2012

**Attachment 1**

**Part Thirteen Volume 3, Conclusion and Summary of Recommendations.**

# PART THIRTEEN

CONCLUSION AND SUMMARY  
OF RECOMMENDATIONS



## PART 13 -- CONCLUSION AND SUMMARY OF RECOMMENDATIONS

### A. Conclusion

As stated earlier, the Missing Women Commission of Inquiry has concluded that the police investigations into the missing and murdered women were blatant failures. I have reviewed in great detail the evidence that the critical police failings were manifest in recurring patterns of error that went unchecked and uncorrected over several years. Given the history of unlearned lessons of serial killer investigations, I delved further into the underlying causes of these failures and found that the causes were themselves complex and multi-faceted. I have framed my recommendations to address these complexities within the context of four overarching themes: equality, community engagement, collaboration and accountability. It should come as no surprise that I have made a large number of recommendations to address these complexities: 63 in total. The recommendations dovetail one with another, each provides an additional tool, an additional check or counterbalance, an additional collaborative mechanism, all geared toward the central goals of enhancing the safety of vulnerable women and improving the initiation and conduct of investigations of missing persons and suspected multiple homicides.

I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police. There is no mirroring concept of "unforesaken," but together we can work toward this end by protecting and supporting vulnerable women. Together, we can and we must, build a legacy of safety to honour the missing and murdered women who are remembered and missed. In doing so, we can provide the only right answer to the question posed by Sarah de Vries' quote at the beginning of my report:

"Will they remember me when I am gone, or would their lives just carry on?"

It is only together that we can ensure that, while the women are gone, they are not forgotten.

### B. Summary of Recommendations

I urge the Provincial Government to commit to these two measures immediately upon receipt of this report:

- 1) To provide funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours per day.
- 2) To develop and implement an enhanced public transit system to provide a safer travel option connecting the Northern communities, particularly along Highway 16.

Please note that points 1 and 2 are not formal recommendations.

### Restorative Measures

Please note that recommendations are numbered according to the Part of the Report in which they are introduced. (Example: Part 3 begins with 3, Part 4 begins with 4, and so on.)

I make the following recommendations in order to lay the foundation for effective change through acknowledging the harm and fostering healing and reconciliation:

- 3.1 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the form and content of the apologies and other forms of public acknowledgement required as a first step in the healing and reconciliation process.
- 3.2 That Provincial Government establish a compensation fund for the children of the missing and murdered women.
- 3.3 That Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an application process pursuant to established guidelines.
- 3.4 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to consider mechanisms for funding it. These consultations and recommendations could be undertaken together with recommendation 3.1.

### Equality-Promoting Measures

I make the following recommendations in order to renew our commitment to equal protection of the law through practical measures:

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency and with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
- 4.3 That Provincial Government amend the *BC Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown

Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.

- 4.5 That Provincial Government adopt a policy statement in the *BC Crown Policy Manual* requiring that a prosecutor's evaluations of how strong the case is likely to be when presented at trial should be made on the assumption that the trier of fact will act impartially and according to the law.
- 4.6 That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.
- 4.7 That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.
- 4.8 That Provincial Government fund three law reform research projects on aspects of the treatment of vulnerable and intimidated witnesses:
  - The effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony;
  - Police, counsel and the judiciary's bias and perceptions of credibility of people with drug addictions or who are engaged in the survival sex trade; and
  - Potential changes to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes.
- 4.9 That Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses by all actors within the criminal justice system based on the best practices identified by the Commission through its review of protocols and guidelines existing in other jurisdictions.
- 4.10 That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.
- 4.11 That the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.

- 4.12 That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:
- Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);
  - More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
  - Training and resources to make prevention of violence against Aboriginal women a genuine priority;
  - Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and
  - Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.
- 4.13 That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.
- 4.14 That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.

#### Measures to Enhance the Safety of Vulnerable Urban Women

I make the following recommendations in order to enhance the safety of vulnerable women in the DTES and other urban settings, including by listening to and learning from vulnerable women and responding to their needs:

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living

in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.

- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.
- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
  - Reducing the number of tickets issued and charges laid for minor offences;
  - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
  - Increasing the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.

- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

#### Measures to Prevent Violence Against Aboriginal and Rural Women

I respond to the call to stand together and move forward and make the following recommendations in order to prevent violence against Aboriginal and rural women:

- 6.1 That Provincial Government fully support the implementation of The Highway of Tears Symposium action plan, updated to the current situation and in a manner that ensures involvement of all affected communities along Highway 16.
- 6.2 That Provincial Government fund a community consultation process led by Aboriginal organizations to develop and implement a pilot project designed to ensure the safety of vulnerable Aboriginal youth during the rural-urban transition.
- 6.3 That Provincial Government provide additional funding to Aboriginal women's organizations to create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.
- 6.4 That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.
- 6.5 That Provincial Government fund a collaborative action research project on the entry of young women into the sex trade, especially Aboriginal women who are often homeless during the transition from reserves or foster homes to urban centres, and to develop an action plan to facilitate and support exiting the survival sex trade.

#### Improved Missing Person Policies and Practices

I make the following recommendations for the improvement of missing person policies and practices including by fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.

- 7.2 That proposed provincial missing persons standards include at least 15 components:
- Definition of “missing person;”
  - Criteria for the acceptance of reports;
  - Jurisdiction;
  - Missing Person Risk Assessment Tool;
  - Provincial Missing Person Reporting Form;
  - Standards related to interaction with family/reportees;
  - Initial steps – background information;
  - Supervisory responsibility/quality control;
  - Forensic evidence standards;
  - Coroners’ Liaison;
  - Monitoring outstanding missing person cases;
  - Automatic annual review of unsolved cases;
  - Closing missing person files;
  - Prevention and intervention; and
  - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case



information.

- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reporters; or to create an independent civilian-based agency for this purpose.

#### Enhanced Police Investigations

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
  - Provide an explanation as to why MCM was not used for a "major crime" in an annual report to the Director of Police Services;
  - Notify the Director of Police Services of all "major crime" investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and



- Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.

- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

#### Regional Police Force

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

#### Effective Multi-Jurisdictional Policing

I make the following recommendations for effective multi-jurisdictional policing relating to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

### Increase Police Accountability to Communities

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

### Measures to Assure the Women's Legacy

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

## Attachment 2

## The Report's Conclusions

*"I have concluded that the police investigations into the missing and murdered women from the DTES from 1997 to 2002 were a blatant failure," states the Commissioner.<sup>5</sup>*

At the same time, he states that we as a community must all share in the blame for the failed missing women investigations. He explains:

*"The police failures in this case mirror the general public and political indifference to the missing women."<sup>6</sup>*

...

*"While the police have a legal duty to overcome systemic biases and ensure equal protection of the law, they cannot do it alone. The lack of prioritization of the missing women investigations never became a matter of public importance. At some level, we all share the responsibility for the unchecked tragedy of the failed missing women investigations."<sup>7</sup>*

....

*"While this report focuses on police failures to investigate their disappearance, none of us can escape responsibility for what happened to the missing and murdered women. It is my hope and conviction that this report will contribute to a lasting legacy of increased safety and the saving of lives."<sup>8</sup>*

...

*"The story of the missing women is a tragedy of epic proportions. The women were forsaken: first, by society in general in failing to provide them with the basic conditions of safety and security to which every human being is entitled; second, by the police who are entrusted with the responsibility of protecting all members of society, particularly the vulnerable, and for solving crimes perpetrated against everyone. While this Inquiry focuses on the police failure to fully and effectively investigate the disappearances of the women from the DTES, ultimately all of society shares the responsibility for allowing this tragedy to unfold."<sup>9</sup>*

.....

*"While I appreciate and accept the limitations on my mandate, I cannot completely ignore the broader social, political and legal context of this Inquiry. As I noted at the outset, the story of the missing women is shaped by their marginalization, which is synonymous with conditions of endangerment and vulnerability to predation. Three overarching social and economic trends contribute to the women's marginalization: retrenchment of social assistance programs, the ongoing effects of colonialism, and the criminal regulation of prostitution and related law enforcement strategies. The outcome of these combined marginalization processes was that the missing women, as a group, were abandoned by society as a whole. This tenuous status was reinforced by police failings that further discounted and discarded the women. As a result, they were forsaken.*

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<sup>5</sup> Part 12 Vol III p. 212

<sup>6</sup> Part 4 Vol IIB p. 237

<sup>7</sup> Executive Summary p. 96

<sup>8</sup> Executive Summary p. 5

<sup>9</sup> Executive Summary p. 108

*It is not police's responsibility to address the conditions of marginalization.. As a society, we must take action to directly address these underlying causes that contribute to women's vulnerability to violence and serial predation. All of the police resources, the best organizational structures, and the best policing practices cannot do that. Moreover, it is heartless, unfair and wrong-headed to ask the police to do better without concurrently ensuring that we, as a society, do better."*<sup>10</sup>

### **Critical Police Failures or Patterns of Error**

The Report concludes the following were critical police failures, or patterns of error, that had a detrimental impact on the outcomes of the missing and murdered women investigations:

- I. Poor report taking and follow up on reports of missing women;*
- II. Faulty risk analysis and risk assessments;*
- III. Inadequate proactive strategy to prevent further harm to women in the DTES;*
- IV. Failure to follow Major Case Management ("MCM") practices and policies;*
- V. Failure to consider and properly pursue all investigative strategies;*
- VI. Failure to address cross-jurisdictional issues and ineffective coordination between police forces and agencies; and*
- VII. Failure of internal review and external accountability mechanisms."*<sup>11</sup>

### **Reasons for the Police Failures**

The Report identifies the following reasons for these police failures:

#### **I. Discrimination, systemic institutional bias, and political and public indifference**

Commissioner Oppal concludes that the systemic bias against the missing women contributed to the critical police failures in the missing women investigations.

*"Bias is an unreasonable departure from the police commitment to providing equitable services to all members of the community. The systemic bias operating in the missing women investigations was a manifestation of the broader patterns of systemic discrimination within Canadian society and was reinforced by the political and public indifference to the plight of marginalized female victims."*<sup>12</sup>

Commissioner Oppal concludes that the police did not consciously decide to under-investigate the missing women or to deny protection to women in the DTES, but the effect of the policing strategies employed by them resulted in exactly those outcomes.<sup>13</sup>

*"Ultimately, many assumptions made by the police worked against the interests of the women and allowed the violence to continue, despite the valiant efforts of the individual members of the investigative teams."*

<sup>10</sup> Executive Summary p. 111

<sup>11</sup> Executive Summary pp. 27-28

<sup>12</sup> Part 4 Vol IIB p. 217

<sup>13</sup> Part 4 Vol IIB p. 238

*"I conclude that there was systemic bias in the police response to the missing women investigations. In particular, I find that systemic bias:*

- Allowed faulty stereotyping of street-involved women in the DTES to negatively impact missing women investigations;*
- Resulted in the failure to take the lives of the women into account in the policing strategies, particularly in failing to recognize the duty to protect an endangered segment of our community; and*
- Contributed to a failure to prioritize and effectively investigate the missing women cases."*<sup>14</sup>

## **II. A want of leadership**

Under this heading, Commissioner Oppal concludes:

*"The missing women investigations suffered from a want of leadership. This lack of oversight resulted in investigations without sufficient direction, staffing or resources. Ineffective leadership affected all phases of the investigation: from the delays in confirming women missing, to the breakdown of the initial Pickton investigation, to the delay in setting up a JFO, to the misguided operational plan for Project Evenhanded.*

*"Witnesses provided me with a range of explanations for the want of leadership. I conclude that the pattern of disengaged leadership was due to a combination of lack of interest and understanding. Early opinions that this was a low priority issue as the women were merely missing were stubbornly persistent, reinforced by the outdated belief of "no body, no crime." This led to a disinterest in newer analytical approaches, such as Det. Insp. Rossino's statistical analysis. There was also a lack of political pressure. Leadership required someone in a senior position to go out on a limb, but everyone chose to play it safe. All of these things meant that there was no champion for the missing women when one was needed and richly deserved."*<sup>15</sup>

## **III. Poor systems, limited and outdated policing approaches and standards**

Commissioner Oppal states that in his view,

*"five limitations in policing systems and approaches contributed to the failed missing women investigations:*

- I. Inadequate missing person policies and practices;*
- II. The unacceptably slow adoption of MCM systems;*
- III. A parochial and silo-based approach to policing;*
- IV. Failure to develop and apply policing standards;*
- V. Poor or non-existent integration of community-based policing principles in the approaches taken to the investigations."*<sup>16</sup>

<sup>14</sup> Part 4 Vol IIB p. 238

<sup>15</sup> Part 4 Vol IIB p. 251-252

#### IV. Fragmentation of policing

On this topic, Commissioner Oppal comments:

*"One of this Commission's stark conclusions is that the fragmentation of policing in the Lower Mainland materially contributed to the failures of the missing women investigations. The Greater Vancouver area is the only major center in Canada without a regional police force. It is clear from the evidence that a regional police force stood a good chance of apprehending Robert Pickton much earlier.*

*...  
"Without doubt, one of the critical police failures in the missing women investigations was the failure to address cross-jurisdictional issues and the ineffective coordination between police forces and agencies." <sup>17</sup>*

#### V. Inadequate resources and allocation issues

On this topic, Commissioner Oppal comments:

*"There is a wide chasm between the views of the investigators on their lack of access to resources and the perspective of senior management. Most of the senior managers told the Commission that despite the general context of tight resources, resources could be found when necessary. The erroneous view from the top was that there were no additional investigative steps to be taken." <sup>18</sup>*

*...  
"Resources were not made available because of the lack of priority assigned to the missing women and Pickton investigations by the VPD and the RCMP. Requests from the most involved investigators and their supervisors were largely ignored or received only partially in response. The case was simply not compelling enough to shift management's perception about its importance." <sup>19</sup>*

#### VI. Police force structure and culture, personnel issues and inadequate training

After identifying certain issues relating to the foregoing, Commissioner Oppal makes the following recommendations:

*4.10 That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.*

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<sup>16</sup> Part 4 Vol IIB p. 253

<sup>17</sup> Part 9 Vol III p. 188

<sup>18</sup> Part 4 Vol IIB p. 266

<sup>19</sup> Part 4 Vol IIB p. 267

*4.11 That the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.*

*4.12 That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:*

- Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);*
- More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;*
- Training and resources to make prevention of violence against Aboriginal women a genuine priority;*
- Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and*
- Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.*

*4.13 That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.*

*4.14 That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.*

## **Regionalization**

Commissioner Oppal makes the following recommendations respecting a regional police force:

*9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.*

*9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.*

Commissioner Oppal sets out three options for regionalization:

### 1. *Single Police Service Model*

*This model "involves creating a single provincial police service, governed by a semi-independent police authority, overseen by a Provincial Government ministry. ... Dr. Gordon refuted the concern that a provincial service would be detached from the community: this is simply not so, as long as the service is properly set up. A large police service, properly constructed and administered with community advisory boards, will ensure proper community priority setting and oversight. The main advantages are massive economies of scale; a single set of standards; a single government authority calling the shots without interference with operations; single recruitment, training, and complaint systems; and so on."*<sup>20</sup>

### 2. *Multi-Region Policing Model*

*According to the Report, this model "would have some of the benefits of shared provincial standards and training but would be organized along regional lines. Dr. Gordon did not believe that this model was appropriate for British Columbia at present."*<sup>21</sup>

### 3. *Model that combines Provincial and Regional Policing*

*This model "combines Provincial and Regional Policing. Dr. Gordon expressed the view that this model is the most viable option for the province and a very effective model. The regional policing bodies would be similar to regional health authorities. Dr. Gordon was of the view that it was important not to extrapolate too much from Ontario, which has city, regional and provincial police services: that model is not readily adaptable to our province."*<sup>22</sup>

Commissioner Oppal does not express support for any particular model at this time. *"I include this overview here only for the purpose of showing that the commitment to a regional police force is simply a new, effective starting point for the discussion. It is not intended to foreclose a thorough canvassing of the cost and benefits of options for a Greater Vancouver police force."*<sup>23</sup>

He cites the main reasons for supporting a Greater Vancouver police force are:

- *"Co-operative enforcement and improved effectiveness in providing safety and security;*
- *Improved communication, access to information and accountability;*
- *Improved capacity to deliver specialized services;*
- *Financial benefits;*
- *Enhanced professional and career development; and*
- *Community relations and law enforcement equity."*<sup>24</sup>

Commissioner Oppal states that a regional, accountable police force that maintains adequate links to communities within the region can be created if sufficient resources are devoted to this change process or it will not happen. *"Provincial leadership is key,"* he states.<sup>25</sup>

<sup>20</sup> Part 9 Vol III p. 196

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

<sup>23</sup> *ibid.*

<sup>24</sup> Executive Summary p. 151

<sup>25</sup> Part 9 Vol III p. 197



### *Developing the optimal model for a regional police force*

The independent expert committee referred to in Recommendation 9.2 would facilitate a consultation process involving stakeholders from the community perspective, the municipal leadership perspective, and police institutions, all with a goal of developing the optimal model for a Greater Vancouver police force. As part of this process, information would be gathered relating to:

- *"A current analysis of what is working well now and what is not;*
- *A review of both successes and failures;*
- *An economic analysis of the costs of the current system, including the costs to public safety, and any proposed models;*
- *Data gathered within an analytical framework to ensure insightful questions are asked, and the appropriate data is gathered and understood properly;*
- *An apolitical process through which to hear community views; and*
- *Independent performance and financial audits."*<sup>26</sup>

#### Commissioner Oppal comments:

*"I recognize that there are outstanding questions as to the best model to employ and how to efficiently manage the transition. I underscore that the barriers to a regional police force for Greater Vancouver are political; they have nothing to do with better policing. This is not a new debate and the divisions are clearly drawn between advocates and detractors of a regional police force. The challenge is to find a balance between local control and input while getting the benefits of regional policing.*

*"In light of the clear findings of this Inquiry, this situation of a stalemate cannot be allowed to continue to prevail. It is time for the Province of British Columbia to commit to the creation of a unified police force and to set up an independent evaluation and consultation process to develop the best model and implementation plan for a Greater Vancouver police force. As Dr. Rossmo stated, history tells us there will be another serial killer, and in those circumstances there must be a strong effective response. Let's not wait for the next Robert Pickton to strike."<sup>27</sup>*

### *Transitioning to new policing model*

The Report refers to a number of issues and challenges relating to any transition to a new policing model:

- *"Cost implications;*
- *Need for clearer economic data on the costs of various models and transition costs;*
- *Organizing and managing the transition;*

<sup>26</sup> Part 9 Vol III p. 197

<sup>27</sup> Part 9 Vol III p. 198

- *Timing of transition must be gradual;*
- *Funding start-up/transition;*
- *Personnel issues, such as negotiating collective agreements and benefits, the loss of senior positions and the impact on promotional opportunities;*
- *Changing the physical infrastructure, equipment, etc.;*
- *Training, retraining, transfer and recruitment;*
- *Domination of smaller forces by larger ones;*
- *Deciding who will continue to do the policing;*
- *Accountability issues are key;*
- *Loss of community control;*
- *Reduction in service levels;*
- *Effectiveness issues, such as miscommunication, isolation, and lack of cooperation;*
- *Confidence and trust in police is critical.* <sup>28</sup>

## Integration

Commissioner Oppal rejects the integrated teams system. He said that the majority of participants in the Policy Forums believe that the integrated team system is an attempt to get around the politics of police reform and to avoid the issue of regionalization. Suggestions for integration are merely suggestions to prop up a broken system.<sup>29</sup> He adds that:

*"The greatest concern about integration, and one that can only be fully overcome through the establishment of a regional police force, is the lack of regional leadership and the ability to set and pursue regional policing priorities. I accept the position taken by the VPD that without a unified command structure, there are many people in charge, and when there are many people in charge, no one is in charge. In the words of Retired Chief Constable Bob Stewart, where there are a half a dozen leaders, "the buck stops nowhere" – no one is accountable."*<sup>30</sup>

## Inter-Jurisdictional Cooperation

The Report comments on some difficulties with inter-jurisdictional cooperation between the various police agencies. The Report found three barriers to effective investigation of individual missing women:

1. *"some reportees found it difficult to make a report because it was unclear which police agency they should go to.*
2. *"there was reluctance or hesitancy to take over the investigations because it was difficult to determine in some of the missing women investigations where they were last seen because no one had observed them going missing.*

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<sup>28</sup> Part 9 Vol III p. 197

<sup>29</sup> Part 9 Vol III p. 190

<sup>30</sup> Part 9 Vol III p. 191

3. *"in some cases there was no meaningful investigation undertaken because one police force deferred to the other or thought the other was taking the lead."*<sup>31</sup>

### **Facilitating Effective Multi-jurisdictional Responses to Crime**

To facilitate an effective multi-jurisdictional response to crime, and in particular, to major crimes, the Report recommends:

*10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.*

*10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.*

*10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.*

### **Ensuring Police Accountability to the Communities they Service Including Police Board Issues**

The Report concludes that the Vancouver Police Board was *"ineffective in carrying out its oversight mandate."*<sup>32</sup>

The Report makes a number of recommendations relating to Police Boards:

*11.2 That the Police Act be amended to provide that the Mayor is an ex officio member of the Board, but has no voting authority.*

*11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.*

*11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.*

If these recommendations are adopted, it is likely that municipalities with Police Boards will have less control than they do now over their police forces.

The Report also makes a recommendation with respect to the accountability structure of the Greater Vancouver police force:

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<sup>31</sup> Part 3 Vol IIB p. 63

<sup>32</sup> Executive Summary p. 92

*11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.*



# City of Richmond

## Report to Committee

*To GP - JUN-21 2013*

**To:** General Purposes Committee

**Date:** January 16, 2013

**From:** Doug Long  
City Solicitor

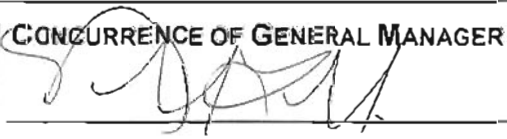


**File:** 12-8060-01/2012-Vol  
01

**Re:** Regulation of Soil Removal and Deposit Activities on Agricultural Land

### Staff Recommendation

1. That staff be directed to prepare a bylaw amendment to Soil Removal and Fill Deposit Regulation Bylaw No. 8094 to provide that soil deposit and removal activities relating to existing "farm use" in the Agricultural Land Reserve will require a permit from the City;
2. That, following first, second and third reading of the above bylaw amendment, the bylaw be forwarded to the responsible Provincial ministries for approval;
3. That staff be directed to report back on the options and implications for charging fees for soil removal and deposit activities in the Agricultural Land Reserve;
4. That an education and "Soil Watch" program, as outlined in the staff report dated January 16, 2013 titled "Regulation of Soil Removal and Deposit Activities on Agricultural Land" from the City Solicitor, be implemented; and
5. That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to non-farm uses of land within the Agricultural Land Reserve, and in particular, in relation to soil deposit and removal activities.

Doug Long  
City Solicitor

REPORT CONCURRENCE			
		CONCURRENCE OF GENERAL MANAGER 	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS: 	REVIEWED BY CAO	INITIALS: 

## Staff Report

### Origin

At the January 14, 2013 Council meeting, a number of concerns were brought forward regarding soil deposit and land filling activities on agricultural land and a request was made for staff to review the City's *Soil Removal and Fill Deposit Regulation Bylaw No 8094* ("Bylaw 8094") to identify any deficiencies in relation to regulating soil deposit activities on lands within the Agricultural Land Reserve ("ALR").

This report supports Council's Term Goal # 8 *to demonstrate leadership in sustainability through continued implementation of the City's Sustainability Framework* which includes the continued commitment to the protection of the City's ALR for future agricultural viability.

### Analysis

#### *Current Regulatory Framework - Powers/Authority*

The *Agricultural Land Commission Act* ("ALC Act") and related regulations regulate properties within the ALR and the Agricultural Land Commission ("ALC") oversees the regulations under the *ALC Act*. Therefore, City bylaws relating to land within the ALR, including Bylaw 8094 and the City's Zoning Bylaw 8500, must be consistent with the *ALC Act*.

As provided for in Bylaw 8094, soil deposit and removal permits activities on ALR land (unless exempted by section 3.2 of Bylaw 8094) require a permit issued by the City's Manager of Community Bylaws. Permits processed under Bylaw 8094 include review by the City's Agricultural Advisory Committee ("AAC") prior to issuance. The City's Community Bylaws Division is responsible for monitoring compliance with issued permits and the requirements of Bylaw 8094.

Section 3.2(a) of Bylaw 8094 provides that a permit is not required where soil deposit or removal:

- (a) is related to or carried out in connection with an existing "farm use", as defined in the *ALC Act*;
- (b) for an approved farm practice as defined in the *Guidelines for Farm Practices Involving Fill*; and
- (c) is outlined in a "Soil Removal or Fill Deposit Notice" submitted to the City at least five business days before the soil removal or deposit activity is to take place.

As a result of the exemption under section 3.2 of Bylaw 8094, the City receives notice of soil removal and deposits for existing "farm use" but once the ALC determines that the activity is related or carried out in connection with a "farm use", a City permit is no longer required and the City (including the AAC) is not involved further in reviewing, regulating or enforcing the soil removal or deposit activity.

### ***Repeal of Permit Exemption for “Farm Use”***

If the City wishes to apply the permitting process under Bylaw 8094 to all soil removal and deposit for “farm use”, section 3.2 of Bylaw 8094 will have to be repealed. The repeal of section 3.2 will require Provincial approval, as the *Community Charter* provides that certain bylaws relating to soil removal require the approval of the Minister of Energy, Mines and Petroleum Resources and certain bylaws relating to soil deposit require the approval of the Minister of Environment. Further, bylaws imposing a fee relating to soil removal or deposit require approval by the Minister of Community, Sport and Cultural Development.

Upon repeal of section 3.2 of Bylaw 8094, the City would have the same influence over soil removal and deposit activities related to “farm uses” as for “non-farm uses”, including referral to the AAC for comment and oversight by the City’s Community Bylaws Division. However, as with all agricultural activities, the City’s influence is subject to any regulations and requirements under the *ALC Act* and related regulations. The City will not be able to prohibit a soil removal or deposit activity related to a “farm use” (i.e. refuse to issue a permit for such activity) if the ALC approves the soil removal or deposit.

If section 3.2 of Bylaw 8094 is repealed, staff expect that the Community Bylaws Division will process a higher volume of permit applications. This may warrant the imposition of a fee for soil removal and deposit activities (which, as mentioned earlier, would require the approval of the Minister of Community, Sport and Cultural Development).

### ***Additional Awareness Measures***

Awareness of City and ALC regulations relating to soil removal and deposit activities would promote compliance with such regulations. Staff recommend that the City work closely with the AAC to develop an educational program regarding Richmond’s farming community and soil removal and deposit activities on ALR land.

Further, a community “Soil Watch” program would assist the Community Bylaws Division and ALC with identifying concerns and monitoring compliance with City and ALC requirements for soil removal and deposit activities. A Soil Watch Program would include the following:

- strategically-placed signage within the ALR neighbourhoods to draw attention to soil removal and deposit activities; and
- a phone number to report non-compliance or concerns to City for appropriate action by City and/or ALC staff.

### ***Delegation of ALC Powers Relating to “Non-Farm Use”***

Under section 26 of the *ALC Act*, the ALC has the authority to delegate its decision-making and enforcement powers relating to “non-farm use” to a local government through an agreement between the ALC and the local government. Soil removal and deposit activities are considered “non-farm use” unless the *ALC Act* and regulations specify otherwise (i.e. soil removal and

deposit activities associated with certain farm uses). Where the ALC determines that a soil removal or deposit activity is a “farm use”, the delegated authority relating to “non-farm use” would not apply.

So far, very few local governments have entered into agreements to accept the permitted delegation under section 26 of the *ALC Act*. If directed by Council to do so, staff will review the authority and process for the ALC to delegate to the City decision-making and enforcement relating to non-farm uses of land within the ALR, and in particular, in relation to soil deposit and removal activities.

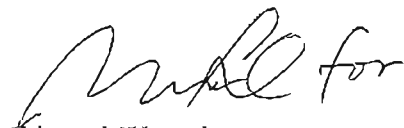
### **Financial Impact**

Staff estimate that the increased cost of processing and monitoring additional permit applications for soil removal and deposit activities relating to “farm use” will be offset by the application fee required for such permits.

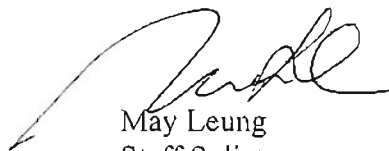
Staff estimate the cost of the “Soil Watch” program signage and educational initiatives at \$12,000.

### **Conclusion**

This report provides information on the City’s current regulation of soil deposit activities in the ALR, and consideration of measures to address the City’s permit exemption for soil removal and deposit activity related to existing “farm use” in the ALR and increase awareness of regulations and monitoring relating to soil removal and deposit activities within the City.



Edward Warzel  
Manager, Community Bylaws  
(604-247-4601)



May Leung  
Staff Solicitor  
(604-247-4693)





**Soil Removal and Fill Deposit Regulation Bylaw No. 8094,  
Amendment Bylaw No. 8992**

The Council of the City of Richmond enacts as follows:

1. Soil Removal and Fill Deposit Regulation Bylaw No. 8094 is amended by repealing paragraph 3.2.1(a) in its entirety and marking it as "REPEALED".
2. This Bylaw is cited as "**Soil Removal And Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 8992**".

FIRST READING

SECOND READING

THIRD READING

MINISTERIAL APPROVALS

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept. <i>EL</i>
APPROVED for legality by Solicitor <i>h2</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER



# City of Richmond

## Report to Committee Planning and Development Department

TO PLN - JAN 22, 2013

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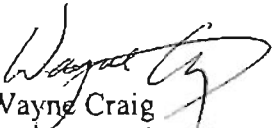
**To:** Planning Committee  
**From:** Wayne Craig  
Director of Development  
**Date:** January 8, 2013  
**File:** RZ 10-556878  
AG 10-556901  
**Re:** Referral Report on Drive-Throughs in Richmond's Zoning Bylaw and Application by Everbe Holdings Ltd. for Agricultural Land Reserve Exclusion, Official Community Plan Amendment and Rezoning at 11120 and 11200 No. 5 Road from Agriculture (AG1) to Community Commercial (CC)

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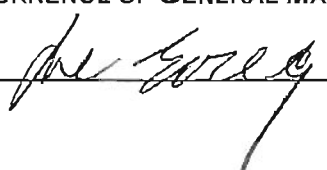
### Staff Recommendation

1. That Option 2 (in the report dated January 8, 2013 from the Director of Development), which recommends that no further review of restricting drive-throughs in Richmond's Zoning Bylaw 8500 for new developments, be approved.
2. That authorization for Everbe Holdings Ltd. to apply to the Agricultural Land Commission to exclude 11120 and 11200 No. 5 Road from the Agricultural Land Reserve be granted.
3. That Official Community Plan Amendment Bylaw No. 8988, to re-designate 11120 and 11200 No. 5 Road from "Mixed Employment" to "Commercial" in the 2041 Official Community Plan Land Use Map to Schedule 1 of Official Community Plan Bylaw 9000 and to amend the Development Permit Area Map in Schedule 2.8A (Ironwood Sub-Area Plan) of Official Community Plan Bylaw 7100, be introduced and given first reading.
4. That Bylaw 8988, having been considered with:
  - the City's Financial Plan and Capital Program;
  - the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) (a) of the Local Government Act.
5. That Bylaw 8988, having been considered in accordance with the City Policy on Consultation During Official Community Plan development is hereby deemed not to require further consultation.

6. That Bylaw 8989, for the rezoning of 11120 and 11200 No. 5 Road from "Agriculture (AG1)" to "Community Commercial (CC)", be introduced and given first reading.

  
Wayne Craig  
Director of Development

WC:ke

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Economic Development	<input checked="" type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	

## Staff Report

### Purpose

At the November 20, 2012 Planning Committee, the following referral was made:

*That staff report back to Committee on removing drive-throughs in the Zoning Bylaw for new applications.*

Processing of a rezoning application and ALR exclusion at 11120 and 11200 No. 5 Road (RZ 10-556878; AG 10-556901) for a commercial development has also been completed by staff. This application was originally submitted in December 2010. The financial institution was secured as the tenant for the development by the proponent in September 2012, which was prior to the November 20, 2012 referral on drive-throughs.

This report is divided into 3 sections and addresses the following:

1. *Provides information on drive-throughs and the proposed approach to respond to the November 20, 2012 Planning Committee referral to review drive-through developments in Richmond if directed so by Council.*
2. *Outlines options on how to proceed with the referral on drive-throughs in Richmond, including the processing of “in-stream” development applications involving drive-throughs that were submitted prior to the November 20, 2012 referral.*
3. *Proposes forwarding an “in-stream” rezoning application at 11120 and 11200 No. 5 Road to Council for review and consideration.*

### 1. Background Information and Approach to Referral on Drive-Throughs in Richmond

#### Background Information to Drive-Through Referral

##### Zoning Bylaw

Currently, there are no provisions in the City’s zoning bylaw to prohibit a business with a drive-through component. The only uses in the Zoning Bylaw that specifically references and regulates a drive-through is under the “Restaurant” and “Restaurant, drive-through” use definitions. In order to have a drive-through component associated with a restaurant, a zoning district must include “Restaurant, drive-through” as a permitted use in the zoning.

Asides from restaurants, other businesses are also permitted to have a supporting drive-through component so long as the main use is permitted in the zoning district. As a result, some common businesses that have a supporting drive-through are financial institutions, convenience stores and coffee-shops.

##### Bylaws to Restrict the Unnecessary Idling of Vehicles

On June 25, 2012, Council adopted provisions to address idling on public roads and City owned property in the Traffic Control and Regulation Bylaw (Bylaw 5870) and Parking (Off-street) Regulation (Bylaw 7403). The above referenced Bylaws include restrictions to prevent the idling of vehicles for longer than three minutes, with applicable restrictions on idling only applying to public road-ways and City owned property. To accommodate the operation of

vehicles, where idling is necessary (i.e., emergency service vehicles, public utility service vehicles while conducting required work), the bylaw includes an exemption for these types of vehicles only. Implementation of anti-idling restrictions in the bylaws was done in conjunction with existing educational programs and initiatives in Richmond that play a significant role in reducing unnecessary vehicle idling.

#### Development Application Process

Development of any new commercial building involving a drive-through component or adding a drive-through to an existing business will likely involve a Development Permit at minimum and possibly a rezoning depending on the requested uses. Through the required development application processes, the overall site plan and drive-through component would be reviewed to ensure the following issues are addressed:

- Location and overall siting of the drive-through to ensure screening from adjacent buildings/uses, implementing a compact form of development and adherence with applicable Development Permit guidelines.
- Review drive-through arrangement for adequate storage of queued vehicles to ensure drive-through service is quick and efficient with no disturbance to the operation of the internal parking and drive-aisle areas.
- Maximize addition of landscaping to be incorporated into the drive-through component of the development.

Council does have the ability to deny a development involving a drive-through component only if a rezoning application is required. If only a Development Permit application is required, review of the proposal is limited to general form and character and urban design issues.

#### City's Community Energy and Emissions Plan

The City of Richmond is currently developing the City's first Community Energy and Emissions Plan (CEEP). The City has undertaken a wide range of actions to accelerate the transition towards more sustainable energy systems and reduce greenhouse gas emissions. The City's CEEP builds upon successes achieved to-date and serves to identify a strategic pathway forward to further advance energy system sustainability and achieve greater greenhouse gas emissions reductions. A wide-range of actions are being evaluated in the Plan. Currently, those actions identified as having a high-impact of reducing greenhouse gas emissions and moving towards energy system sustainability across the City are strategic residential/commercial densification, alternative energy systems development, transportation choices, developing sustainable buildings and effective solid waste management strategies. When compared to these high-impact actions, a selective approach of restricting drive-throughs will not have a significant impact on greenhouse gas emissions reduction and advancing the City's sustainability objectives based on the development of the CEEP to date. The Plan is underway and is anticipated to be completed in mid-2013.

## **Proposed Approach to Drive-Through Referral**

This section provides information on a proposed approach to address the November 20, 2012 Planning Committee referral on removing drive-throughs in the Zoning Bylaw, if Council directs staff to undertake the review.

### Background Research

Staff will need to undertake research to compile a list of all existing drive-throughs in the City and what type of business operations they are associated with. This information on drive-throughs is necessary to determine the extent of existing drive-through components with commercial developments and the potential impact of not allowing drive-throughs on future developments.

A survey of other municipalities across the region should also be completed to determine if any municipalities have implemented regulations to ban drive-throughs, including any supporting rationale. Staff are not immediately aware of any other municipalities in the Lower Mainland that have implemented bans on drive-through development.

Other research to be undertaken as part of the review would be to contact a variety of existing drive-through operators in Richmond (i.e., food establishments, coffee shops, banks) to obtain information on average vehicle wait times at various times of the day for the drive-through component of the business.

### Consultation and Review of Economic Implications

An examination of the economic implications of restricting drive-through development in the City is necessary as part of any review. On this basis, consultation is recommended with various representatives of the development community, which includes but may not be limited to the following groups:

- Richmond's Economic Advisory Committee and Advisory Committee on the Environment.
- Urban Development Institute (UDI).
- National Association for Industrial and Office Parks (NAIOP), Commercial Real Estate Development Association.
- Richmond Chamber of Commerce.
- Other stakeholders as deemed necessary by City staff and/or recommended by Council.

Staff anticipate that there will be opposition from the development community in relation to any proposed ban or prohibitive restriction on drive-through development in Richmond.

## **2. "In-Stream" Applications and Options to Address the Drive-Through Referral**

### **"In Stream" Applications Involving a Drive-Through Component**

Staff reviewed all active development applications currently being processed to determine which ones have a drive-through component and were submitted prior to the November 20, 2012 referral. Based on this review, one development application is being processed by staff for a financial/bank institution with an accessory supporting drive-through for an Automated Teller

Machine (ATM) at 11120 and 11200 No. 5 Road (RZ 10-556878). In September 2012, the developer secured a financial/bank institution as the sole proposed tenant for the building, which included an accessory drive-through component. As a result, this proposal is considered an “in-stream” application.

Given that there is only one “in-stream” development application involving a drive-through component at 11120 and 11200 No. 5 Road, staff recommend that this application be permitted to be considered by Council now to avoid any potential delays to the project.

### **Options to Address the Drive-Through Referral**

**Option 1** City staff proceed with examining the removal of drive-throughs in the Zoning Bylaw and review the implications of not allowing new drive-through development in Richmond based on the proposed approach outlined in this report.

**Option 2** **(RECOMMENDED)** Do not proceed with a review of banning or restricting drive-through development in Richmond.

### **Rationale for Recommending Option 2**

Staff recommend Option 2 for the following reasons:

- Businesses with drive-through components play an important role in the viability of small to large scale commercial projects in Richmond.
- There are more effective alternatives for reducing greenhouse gas emissions and advancing overall sustainability within commercial developments. Examples include supporting strategic residential densification in close proximity to commercial development and compact forms of development as supported by the 2041 Official Community Plan and preliminary findings from the City’s Community Energy and Emissions Planning process.
- Not allowing a drive-through component may result in adverse impacts such as increased demand for additional off-street parking, less compact forms of development and higher traffic volumes in existing drive-throughs.

The following is also important to note in the staff support of Option 2:

- Council has the following authority through these development application processes:
  - Rezoning – Council has the ability to approve and/or deny applications involving a drive-through component.
  - Development Permit – Council can review overall form and character of a project involving a drive-through, but cannot prohibit a drive-through use if permitted in the zoning.
  - New drive-through proposals may involve both a rezoning and Development Permit application or just a Development Permit application depending on the existing zoning for the site.
- The recommended Option 2 enables in-stream applications with a drive-through component to proceed forward and not be delayed.

### **3. In Stream Application at 11120 and 11200 No. 5 Road (RZ 10-556878; AG 10-556901)**

Everbe Holdings Ltd. Has applied to the City of Richmond for permission to rezone 11120 and 11200 No. 5 Road (**Attachment 1** – Location Map) from “Agriculture AG1” to “Community Commercial (CC)” zoning in order to permit the development of a new commercial building for a financial institution and supporting off-street parking.

In conjunction with the rezoning proposal, the following supporting Official Community Plan (OCP) amendments and Agricultural Land Reserve (ALR) exclusion application is required.

- Amendment to the 2041 Official Community Plan Land Use Map to re-designate the subject properties from “Mixed Employment” to “Commercial”.
- Amendment to the OCP Ironwood Sub-Area Plan Development Permit Area Map (Schedule 2.8A of OCP Bylaw 7100) to include 11120 and 11200 No. 5 Road into “Area A” of the Development Permit Area Map.
- Application to exclude the subject sites from the ALR.

#### **Project Description**

The proposal is to develop a purpose built financial institution in a one-storey 472 sq. m (5,078 sq. ft.) building with a total of 19 off-street parking spaces on the consolidated site. The financial institution is proposed to be the sole tenant for this development. An accessory drive-through component is proposed as part of the site plan to enable ATM service for drive-through customers.

The building is positioned on the south-west corner of the subject site to maximize building frontage along No. 5 Road, which also enables space for the vehicle access and separation from the existing commercial complex to the north. Off-street parking stalls and landscaping is located on the north portion of the development site. Behind the proposed financial institution (to the east) is the vehicle queuing area for the ATM drive-through and sufficient space for screened garbage and recycling enclosure. Vehicle access to the development site will be from No. 5 Road only. A preliminary site plan and building drawings are contained in **Attachment 2**.

#### **Findings of Fact**

A Development Application Data Sheet providing details about the development proposal is contained in **Attachment 3**.

#### **Surrounding Development**

To the North: A commercial complex zoned Auto-Oriented Commercial and Pub (ZC26) that includes an existing drive-through component servicing a financial institution.

To the East: A warehousing complex zoned Industrial Business Park (IB1).

To the South: A 3 storey office building with surrounding off-street parking zoned Industrial Business Park (IB1).



To the West: On the west side of No. 5 Road, a commercial complex containing a variety of retailing and office activities and a restaurant on properties zoned Industrial Business Park (IB1). This commercial complex contains a number of drive-throughs that service a food establishment, coffee shop and financial institutions.

### **Related Policies & Studies**

#### Metro Vancouver Regional Growth Strategy

The development site is designated for “Mixed Employment” in the Metro Vancouver Regional Growth Strategy (RGS) Land Use Designation Map. The proposed development of a financial institution building complies with the RGS land use designation.

#### 2041 Official Community Plan Land Use Map Amendment

In the 2041 OCP Land Use Map, the subject properties are currently designated for “Mixed Employment”, which is defined as follows:

*“Those areas of the City where the principal uses are industrial and stand-alone office development, with a limited range of support services. In certain areas, a limited range of commercial uses are permitted such as the retail sale of building and garden supplies, household furnishings, and similar warehouse goods.”*

Based on the financial institution development, an OCP amendment is proposed to designate the subject site for “Commercial”. An OCP amendment for the subject properties is appropriate as all of the surrounding commercial complexes to the north and west of the subject site have a “Commercial” OCP Land Use Map designation. The “Commercial” Land Use Map designation enables a wide range of commercial activities, including financial service, which complies with the proposed Community Commercial (CC) zoning to be implemented. Although these two properties are currently designated for “Mixed-Employment”, the overall small area of the combined sites poses challenges to developing a viable industrial or office complex. Designating the development site to “Commercial” in the 2041 OCP Land Use Map also complies with overall OCP policies of promoting a wide range and diversity of commercial services around identified neighbourhood service centres.

#### Ironwood Sub-Area Plan – Development Permit Area Map Amendment

The Ironwood Sub-Area Plan (Schedule 2.8A of OCP Bylaw 7100) identifies specific Development Permit Areas for residential, mixed use and commercial oriented development in the vicinity of Steveston Highway and No. 5 Road intersection. The intent of identifying these Development Permit Areas in the sub-area plan is to implement specific guidelines aimed at supporting a special character within the Ironwood Sub-Area and to supplement City-wide Development Permit guidelines. Currently, the two subject properties are not included in a Development Permit Area and would not require a Development Permit application if an industrial or office building was developed on the site in accordance with the existing “Mixed Employment” OCP land use designation. The proposed OCP amendment to the Ironwood Sub Area Plan would revise the Development Permit Area Map to include the subject properties into “Area A – Commercial Development along the South Side of Steveston Highway”, thus requiring a Development Permit application for the commercial proposal. This approach of amending the Development Permit Area Map to include properties undergoing redevelopment is

consistent with the previous approach of implementing specific Development Permit guidelines for commercial developments in the Ironwood Sub-Area (i.e., Ironwood Shopping Plaza; Sands Commercial Plaza). Refer to **Attachment 4** for a copy of the proposed amended Development Permit Area Map.

#### ALR Exclusion

The subject properties are contained in the ALR and are the final two properties that remain in the ALR at the south east corner of Steveston Highway and No. 5 Road. Throughout the 1980's, a majority of properties south of Steveston Highway and east of No. 5 Road were excluded from the ALR for industrial development. Since the late 1980's, there are a few properties in this area that have remained in the ALR. The Agricultural Land Commission (ALC), in their review of previous ALR exclusions for areas south of Steveston Highway and east of No. 5 Road, have identified to the City that these remaining properties in the ALR should also be excluded and that the best means to address this would be through one "ALR Block Exclusion" application submitted to the ALC. Given the small size of each of the properties (i.e., less than 2 acres), there is also the possibility that they are exempted from the provisions of the ALC Act. However, even though the sites may meet the criteria to be exempted from the provision of the ALC Act, the only way to remove the ALR designation is through an exclusion application, which is being sought through this proposal.

Coordinating an ALR exclusion for 11120 and 11200 No. 5 Road with a specific redevelopment proposal is consistent with other redevelopments in the surrounding area that also involved an ALR exclusion (i.e., Sands Plaza redevelopment directly to the north). The two subject properties are the final two sites that remain in the ALR at the corner of No. 5 Road and Steveston Highway. There are some remaining pockets of land in the ALR further south along No. 5 Road (refer to **Attachment 5** for a reference map). The City is not processing any active applications for redevelopment for these properties in the ALR. Any future ALR exclusions in this area will be coordinated with submitted redevelopment proposals.

As the ALR exclusion application has been made by the owner of the subject properties, Council authorization (via resolution), allowing the ALR exclusion at 11120 and 11200 No. 5 Road to proceed is required prior to forwarding the application to the ALC. There is no requirement for the ALR exclusion to be forwarded to a Public Hearing unless Council deems it necessary. On this basis, the ALR exclusion can be forwarded to the ALC for consideration in advance of the Public Hearing if approved by Council. Confirmation of ALC approval of the exclusion application is required and secured as a rezoning consideration for the project.

#### Richmond Public Art Program

The Richmond Public Art Program applies to larger commercial development with a total floor area of 2,000 sq. m (21,530 sq. ft.) or greater. The total floor area for the financial institution is 472 sq. m (5,078 sq. ft.) and therefore does not apply to this development.

#### Flood Plain Covenant

Registration of a Flood Plain Covenant on title that requires a minimum flood construction level of 2.9 m is required and will be secured as a rezoning consideration for the subject application.

## **Consultation**

City staff reviewed the overall rezoning and OCP amendment proposal in accordance with OCP Bylaw Preparation Consultation Policy 5043. Based on this review, no further consultation with external agencies or stakeholders is recommended.

### Agricultural Advisory Committee Review of the ALR Exclusion

The ALR exclusion was reviewed and supported by the Agricultural Advisory Committee (AAC) on December 8, 2011 (Please see **Attachment 6** for a copy of minutes).

## **Public Input**

At the time of preparation of this staff report, no public correspondence has been received in relation to either the proposed ALR exclusion or OCP amendment and rezoning to facilitate development of the financial institution. Standard notification will be required in accordance with the statutory rezoning process and staff will provide updates to Council on any correspondence received.

## **Staff Comments**

### Engineering

The subject site has adequate City water service for the proposed development. Through the forthcoming building permitting process, a professional engineer is required to confirm there is adequate flow available from the City system.

A servicing capacity analysis was undertaken by the applicant's engineering consultant for the City storm and sanitary sewer systems. Based on the analysis of the City sanitary and storm system, no upgrades are required. Through the analysis of the City storm system, the developer has committed to implementing on-site storm water management measures with the objective of maintaining and reducing storm flow rates into the City system. Through the forthcoming Development Permit application, inclusion of on-site stormwater management measures (i.e., additional landscaping, permeable pavers) will be required to be included in the site and landscape plan to the satisfaction of Engineering staff.

### Transportation

Transportation staff reviewed the proposed site plan for the financial institution, arrangement for vehicle access/egress and off-street parking provisions for the subject site. Frontage upgrades will be required along the development site's No. 5 Road frontage to undertake works to match the existing standard established to the immediate north and south of the site (i.e., concrete curb, grass & treed boulevard and 1.5 m wide concrete sidewalk). To implement these frontage works (and corresponding road works along No. 5 Road), land dedication is required along the development site's No. 5 Road frontage to align with the property lines along the road to the immediate north and south of the subject site. Staff estimate that a minimum 4.35 m (14.3 ft.) wide land dedication is required along the consolidated site's No. 5 Road frontage. The exact width of land dedication along No. 5 Road will be confirmed by the legal survey to be submitted prior to final adoption of the rezoning.

The driveway access for the development site is proposed to be along No. 5 Road that will allow for full vehicle movements to enter and exit the site (i.e., Right In/Out; Left In/Out).

Transportation staff support the implementation of a full movement vehicle driveway as the following related road and frontage upgrades will be completed as part of this development and coordinated with existing transportation infrastructure and driveway accesses servicing surrounding developments:

- Road works along No. 5 Road to provide:
  - North of the development site's vehicular access – implementation of a southbound left-turn lane (minimum 3.1 m width) on No. 5 Road for traffic entering the site. The design is required to include a raised median to separate the southbound left-turn lane from northbound traffic along No. 5 Road.
  - Extension of the existing northbound right-turn lane to the northern edge of the development site.
  - Minimum 4.0 m wide painted median south of the development site's vehicular access to Featherstone Way.
  - Maintain the existing two northbound and two southbound traffic lanes along No. 5 Road.
- Upgrades along the development site's No. 5 Road frontage (i.e., concrete curb & gutter; grass & treed boulevard; concrete sidewalk).
- All road and frontage upgrades are to be completed at the sole cost of the developer.

The proponent's consultant completed a preliminary functional design showing the implementation of the above referenced road and frontage works along No. 5 Road, which was reviewed and supported by Transportation staff. Completion and approval of a Servicing Agreement for all identified frontage and road works based on the approved preliminary functional design is a rezoning consideration to be completed as part of this development (Refer to **Attachment 7** for a copy of the rezoning considerations)

The proposed vehicle access along No. 5 Road will be the permanent driveway servicing this development site. There are no opportunities or requirements for this development site to tie into or share access from any neighbouring properties. A total of 19 off-street parking stalls (including 2 universally accessible stalls) is provided, which meets the zoning bylaw requirements identified for the financial institution building.

#### Proposed Drive-Through Component

The developer has confirmed with the financial institution that the proposed drive-through is a necessary component of the development to provide for safe and secure ATM service, especially outside of regular business hours when the bank is closed. The drive-aisle for the drive-through is not located next to the public road frontage as it is situated at the rear of the proposed building. The drive-aisle has a sufficient vehicle queue length and arrangement to ensure quick and efficient movement of vehicles and that the existing off-street parking area and No. 5 Road site access is not impacted. The drive-through component will also include appropriate Crime Prevention Through Environmental Design (CPTED) measures (i.e., sufficient lighting, video surveillance and appropriate landscaping) to maximize the overall safety of the operation.

Ministry of Transportation Referral

This rezoning application was referred to Ministry of Transportation staff for review and approval based on distance to the Highway 99/Steveston Highway Interchange. City staff referred the proposed rezoning and received preliminary approval from Ministry of Transportation staff in December 2012. Final approval from the Ministry of Transportation will be completed as a rezoning consideration for the project.

On-Site Trees

Currently, the development site is vacant with preload materials placed on the southwest portion of the site where the proposed building will be situated. In 2010, the existing buildings on both properties were demolished. Prior to obtaining a demolition permit, a tree removal permit to remove 6 trees on the north property (11120 No. 5 Road) was approved. These 6 trees were the only bylaw sized trees located on the development site. Through the review of the tree removal permit application, City staff identified the trees as either dead or in poor condition and recommended their removal. Through the forthcoming Development Permit application, submission and review of a landscape plan will be completed to confirm that the proposal is able to implement replacement trees in accordance with City OCP Development Permit guidelines for on-site landscaping (i.e., 2:1 on-site replacement).

Forthcoming Development Permit Application

Submission and processing of a Development Permit application to the satisfaction of the Director of Development is a rezoning consideration for this proposal. The Development Permit application will address the following issues:

- Submission of a landscape plan for the whole development site that takes into account landscape screening and fencing for neighbouring properties and implementation of appropriate landscaping along the streetscape to coordinate with the building design and entrance, driveway and proposed frontage upgrades (concrete sidewalk and grass & treed boulevard).
- Design refinement to maximize the amount of frontage along No. 5 Road, develop a visual focal point along the streetscape.
- Review the proposed variance to the side-yard setback along the south edge of the development site for the building from the required 6 m (20 ft.) to within close proximity of the property line. Additional design refinement will be undertaken to address the proposed reduction to the south side-yard in the context of surrounding development through the Development Permit application.
- Incorporate storm water management provisions to be implemented to maintain and reduce storm flows into the City's storm system (to be reviewed and approved by City engineering staff).
- Review the overall design and layout of the proposed drive-through component and ensure it complies with applicable General and Specific Ironwood Sub-Area Plan Development Permit guidelines.
- Specific comments or concerns identified through the rezoning process that require follow-up in the Development Permit.

### **Analysis of Rezoning and ALR Exclusion Application**

An OCP amendment to revise the 2041 OCP Land Use Map from “Mixed Employment” to “Commercial” is supportable given the surrounding mix of commercial and industrial uses in the area. Given the relatively small total area of the two subject sites, the viability of redeveloping the site for office or industrial activities is unlikely. Furthermore, the proposed development of a banking institution on the site provides for the creation of a business that generates both jobs for the area and provides for financial services to neighbourhood residents and surrounding businesses. On this basis, staff support the proposed redevelopment and corresponding amendments to the 2041 OCP Land Use Map.

Amendments are also proposed to include the two subject properties into the Ironwood Sub-Area Development Permit Area Map to ensure that the specific design guidelines are complied with.

An application to exclude the two lots from the ALR is also being forwarded concurrently with Council’s consideration of the rezoning application. Staff support exclusion of the development site from the ALR as this is consistent with previous approaches of excluding ALR land in this area. If Council endorses the ALR exclusion, it will be forwarded to the ALC for their consideration. ALC approval of the proposed ALR exclusion is a rezoning consideration attached to this development.

Development of a financial/bank institution is considered a supportable use given the context of residential development in the surrounding area and wide range of commercial uses at Ironwood, Sands Plaza and Coppersmith shopping plaza. The site plan has been developed to locate the building along No. 5 Road to maximize street frontage and allow for appropriate separation to surrounding buildings and uses. Further design and site plan refinement will be undertaken through the Development Permit application process.

The applicant has confirmed with the proposed financial institution tenant that the drive-through component of the development is an important part of the overall viability of this project and helps to serve the needs of customers that require use of the ATM outside of regular business hours. There are also a number of existing drive-throughs established on neighbouring commercial sites to the north and across No. 5 Road to the west. The proposed drive-aisle for the drive-through is located away from the public street frontage along No. 5 Road and is designed to ensure quick and efficient movement of vehicles.

### **Financial Impact or Economic Impact**

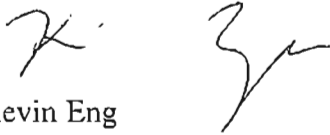
None.

### **Summary of Report and Staff Recommendations**

This report:

1. Provides initial research and background information on drive-throughs in Richmond along with a proposed approach on responding to a Planning Committee referral to remove drive-throughs from the Zoning Bylaw for any new developments in the City, if directed so by Council.

2. Recommends that “in-stream” applications with a drive-through component be allowed to proceed forward and presents Options to address the referral on drive-throughs. Option 2 is supported by staff, which recommends not to proceed with a review of drive-throughs in Richmond.
3. Brings forward a rezoning application at 11120 and 11200 No. 5 Road to develop a financial institution building with an accessory drive-through ATM component for Council consideration.



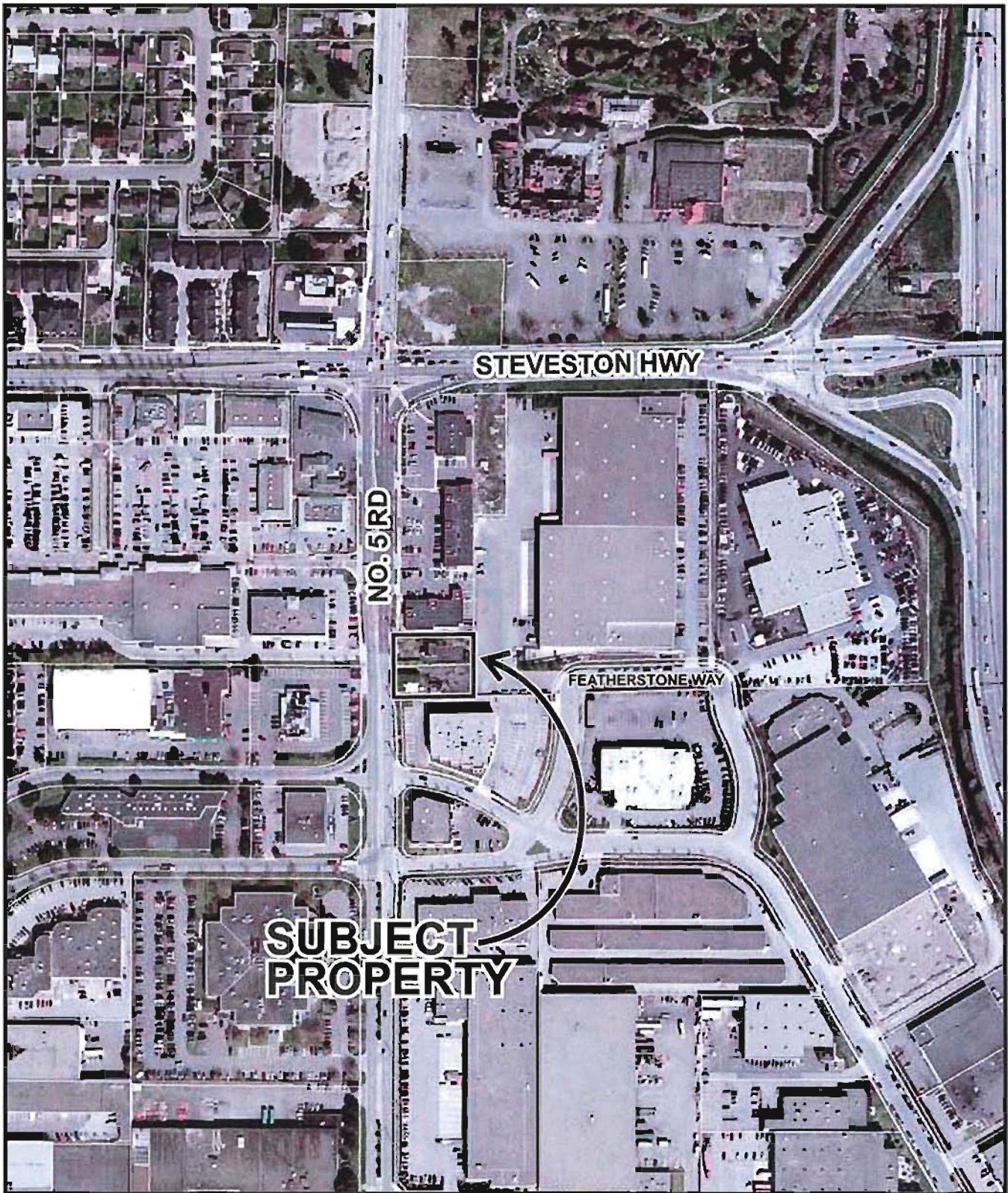
Kevin Eng  
Planner 1

KE:cas

- Attachment 1: Location Map
- Attachment 2: Conceptual Development Plans
- Attachment 3: Development Application Data Sheet
- Attachment 4: Proposed Ironwood Sub-Area Plan Development Permit Area Map
- Attachment 5: ALR Reference Map
- Attachment 6: December 8, 2011 AAC Minutes
- Attachment 7: Rezoning Considerations Concurrence







RZ 10-556878

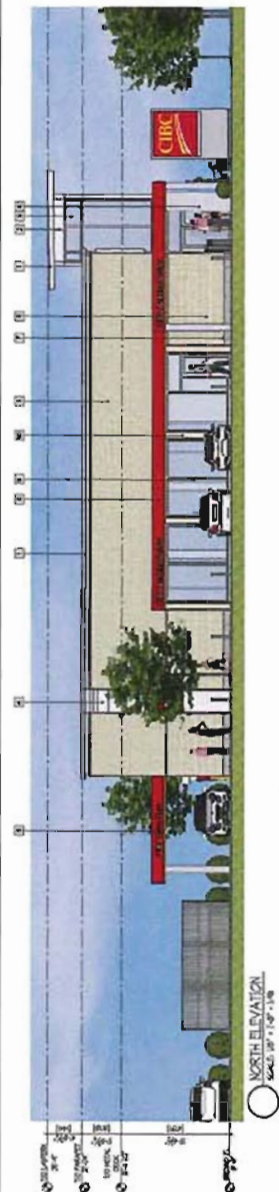
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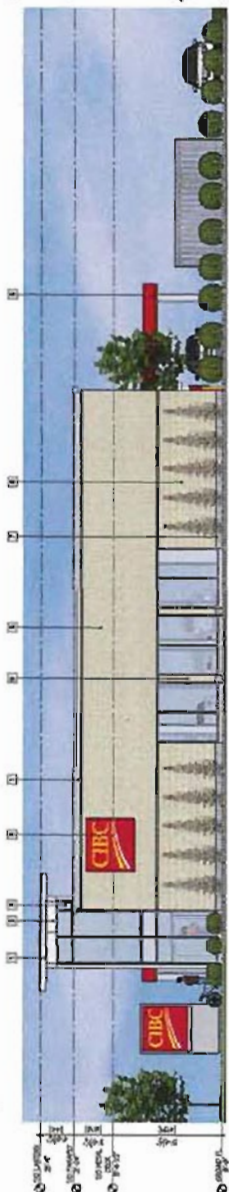
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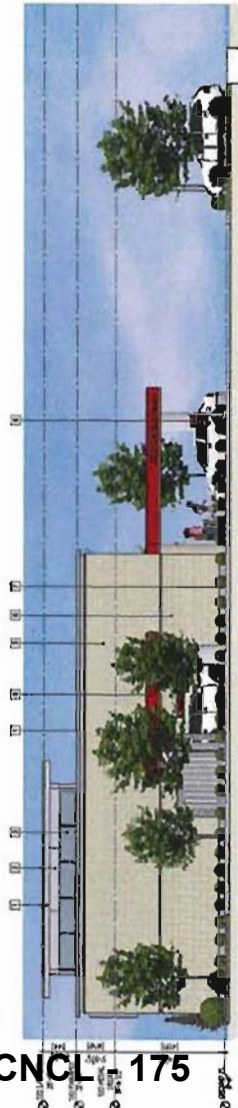




**NORTH ELEVATION**  
SCALE 1/8" = 1'-0"



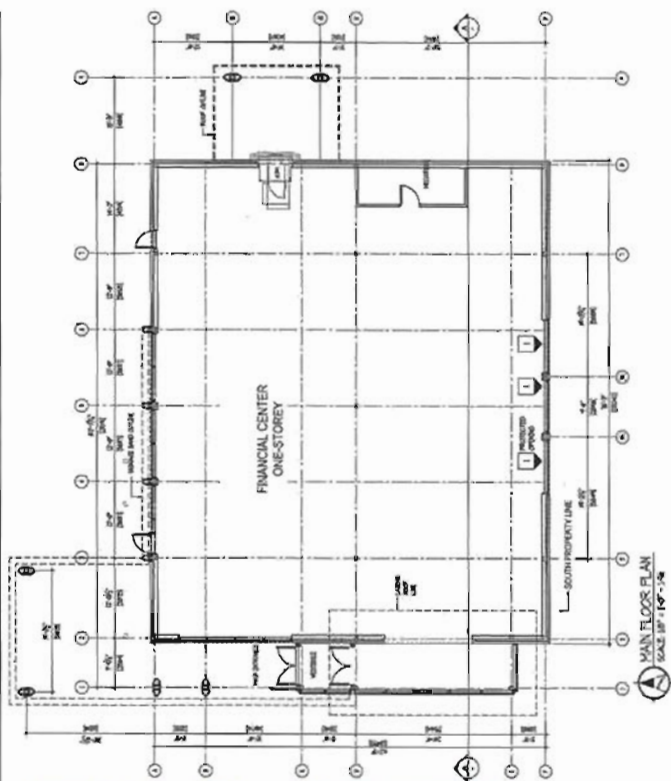
**SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"



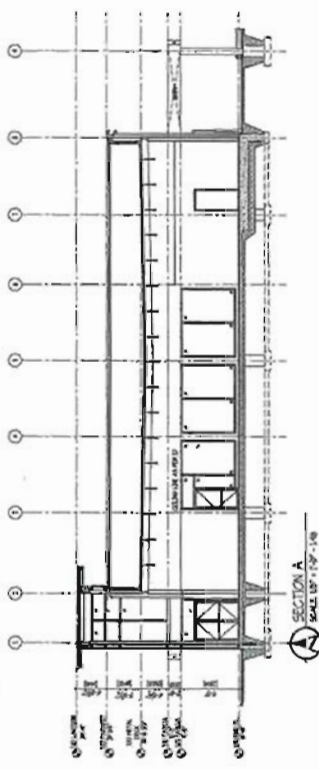
**EAST ELEVATION**  
SCALE 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"



**MAIN FLOOR PLAN**  
SCALE 1/8" = 1'-0"



**SECTION A**  
SCALE 1/8" = 1'-0"

WEST ELEVATION  
SCALE 1/8" = 1'-0"

1. IMPROVED SHALL BE PROVIDED BY 1.000 PM 1/10/2024

EXTERIOR MATERIAL	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
2	PAINT	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
3	GLASS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
4	BRICK	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
5	ROOFING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
6	LANDSCAPE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
7	SCREENING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
8	CLADDING	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
9	STAIRS	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024
10	MECHANICAL	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024

FINANCIAL CENTRE	NO.	DESCRIPTION	FINISH	COLOR	REMARKS
1	2	3	4	5	6
1	CONCRETE	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024	1.000 PM 1/10/2024





Project Name		FINANCIAL CENTRE	
Project No.		100-100	
Scale		1/8" = 1'-0"	
Author		JM	
Checker		JM	
Date		10/10/2010	
3D VIEWS		Scale: 1/8" = 1'-0"	
Project No.		100-100	
Sheet No.		A-103	

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**RZ 10-556878**

**Attachment 3**

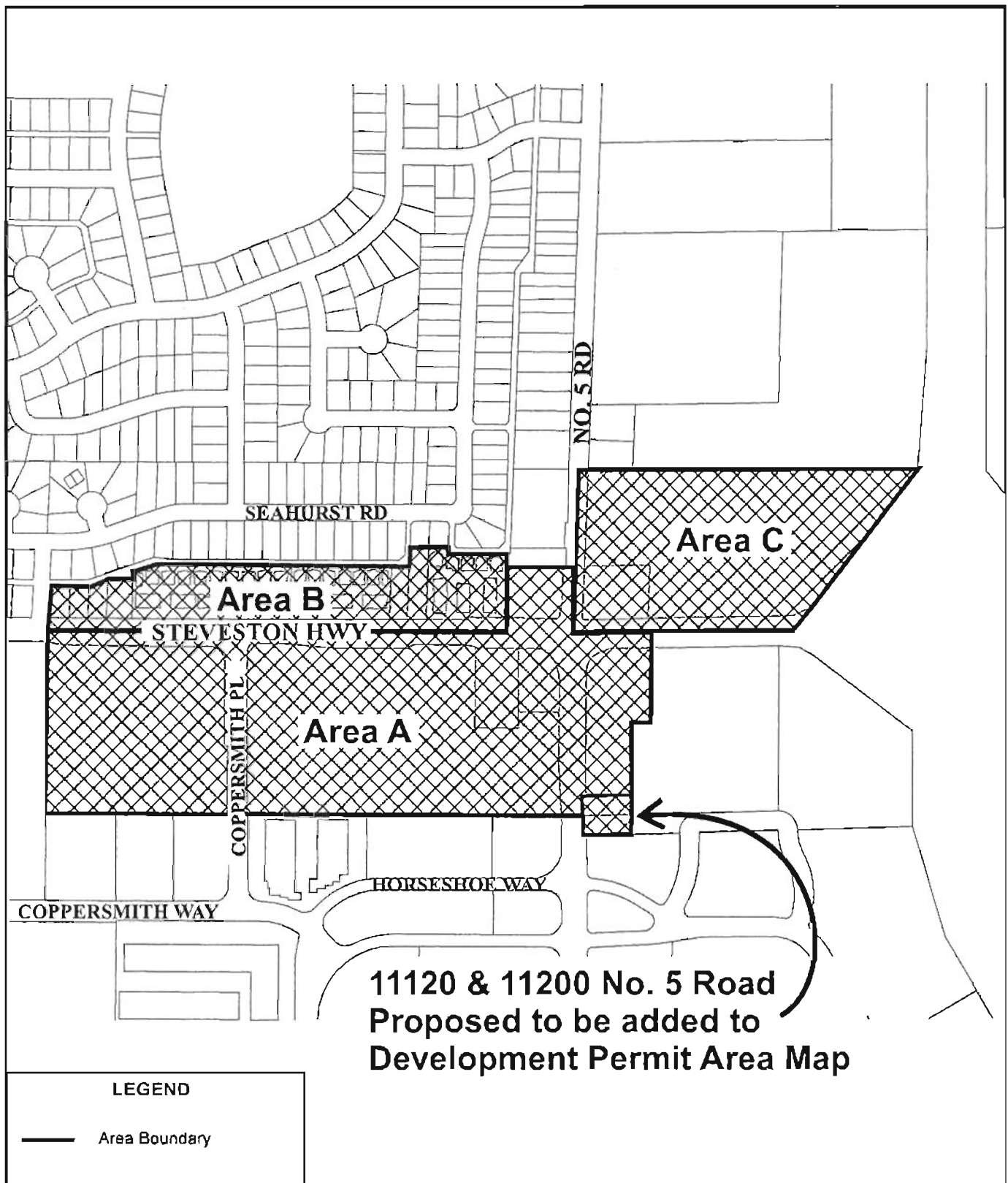
Address: 11120 and 11200 No. 5 Road

Applicant: Everbe Holdings Ltd.

Planning Area(s): Ironwood Sub Area Plan

	Existing	Proposed
<b>Owner:</b>	11120 No. 5 Rd. – 890370 BC Ltd. 11200 No. 5 Rd. – 890370 BC Ltd.	To be determined
<b>Site Size (m<sup>2</sup>):</b>	11120 No. 5 Rd. ~ 1012 m <sup>2</sup> 11200 No. 5 Rd. ~ 1101 m <sup>2</sup>	Consolidated Lots (Gross) ~ 2,023 m <sup>2</sup> Consolidated Lots (Net after dedication) – 1,848 m <sup>2</sup> (approximately)
<b>Land Uses:</b>	Vacant	Commercial financial institution with accessory drive-through and supporting off-street parking
<b>2041 OCP Land Use Map Designation:</b>	Mixed Employment	Commercial
<b>Ironwood Sub-Area Plan – Development Permit Area Map</b>	Subject sites are currently not included in Development Permit Area Map	Include development site into “Area A” of the Ironwood Sub-Area Plan Development Permit Area Map
<b>Zoning:</b>	Agriculture (AG1)	Community Commercial (CC)
<b>Other Designations:</b>	Subject sites are contained in the ALR	Proposed exclusion of both properties from the ALR

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.50 FAR	0.25 FAR	none permitted
Lot Coverage – Building:	Max. 35%	29%	none
Setback – Front Yard (m):	Min. 3 m	4 m Min. 5.6 m Max.	none
Setback – Side & Rear Yards (m):	Min. 6 m	Side Yard (North) ~ 20.7 m Side Yard (South) ~ 0.18 m Rear Yard (East) – 15 m	Variance requested to reduce side yard (south) from 6 m to 0.18 m
Height (m):	9 m	7.85 m	none
Off-street Parking Spaces – Total:	16 stalls required	19 stalls provided	none

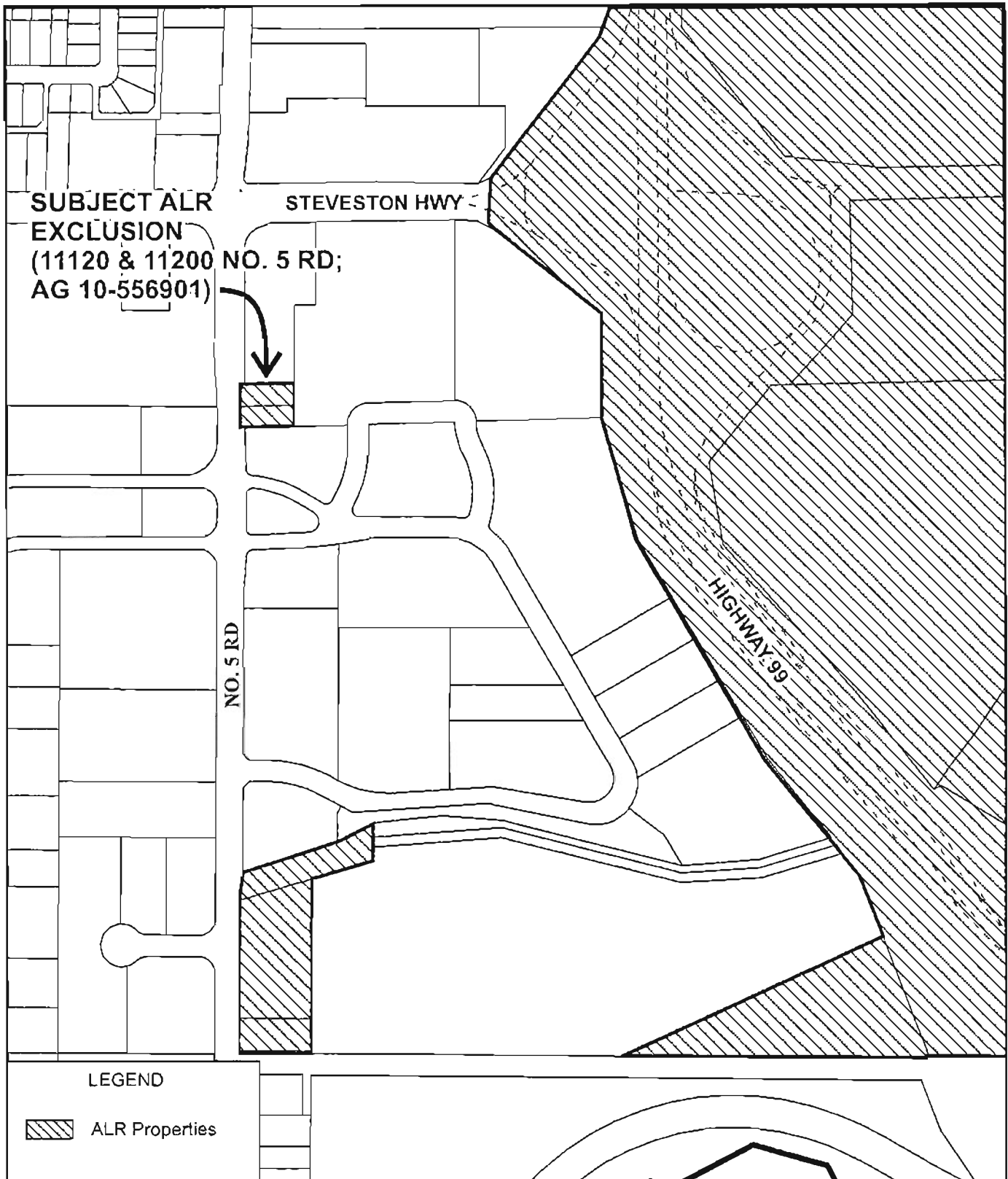


**Ironwood Sub-Area Plan -  
Proposed Amendment to  
Development Permit Area Map**

Original Date: 01/07/13

Revision Date: 01/08/13

Note: Dimensions are in METRES



Agricultural Land Reserve  
Reference Map -  
Area South of Steveston Hwy &  
East of No. 5 Rd.

Original Date: 01/08/13

Revision Date:

Note: Dimensions are in METRES

**Excerpt of Agricultural Advisory Committee Minutes**  
**December 8, 2011**

**Development Proposal – 11120/11200 No. 5 Road (ALR Exclusion)**

City staff summarized the proposal that involved an exclusion of ALR land on the east side of No. 5 Road just south of Steveston Highway. This area has been previously identified as an area that should be excluded from the ALR based on previous land use decisions in the 1980's. ALC staff have confirmed that the preferred option is for the City to proceed with a block ALR exclusion application to deal with exclusion of all properties in this area rather than bringing applications forward individually with development proposals. City staff noted that in order to bring forward a block ALR exclusion – consent from property owners is required by the City.

The proposed development currently is for a commercial oriented plaza similar to the existing development to the north, which requires a rezoning and development permit.

One member noted that despite the history of ALR exclusions in the area, exclusion of land from the ALR is not supported on the basis that the property can be utilized for a community garden and/or other intensive agricultural use.

As a result of the discussion, the AAC forwarded the following motion:

*That the AAC support the ALR exclusion at 11120/11200 No. 5 Road*

*Carried (A. Hamir Opposed)*





**Address:** 11120 and 11200 No. 5 Road

**File No.:** RZ10-556878

**Prior to final adoption of Zoning Amendment Bylaw 8989 , the developer is required to complete the following:**

1. Final Adoption of OCP Amendment Bylaw 8988.
2. ALC approval of the ALR exclusion application for 11120 and 11200 No. 5 Road.
3. Provincial Ministry of Transportation Approval.
4. Approximately 4.35 m wide road dedication along the entire No. 5 Road frontage of the development site. The road dedication is to match the property lines along No. 5 Road for the lots to the immediate north and south of the development site. Exact width and total area of road dedication to be confirmed through the submission of a legal survey to be reviewed and approved by the City.
5. Consolidation of all the lots into one development parcel.
6. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 2.9 m GSC.
7. The submission and processing of a Development Permit\* completed to a level deemed acceptable by the Director of Development.
8. Enter into a Servicing Agreement\* for the design and construction of frontage and road works along No. 5 Road. Works include, but may not be limited to:
  - Frontage works along the consolidated development site's No. 5 Road frontage to include a new 1.5 m wide concrete sidewalk at the new property line tapered to align with the existing sidewalk established to the north and south of the development site, grass & treed boulevard and concrete curb & gutter.
  - Road works along No. 5 Road to provide:
    - North of the development site's vehicular access – implementation of a southbound left-turn lane (minimum 3.1 m width) on No. 5 Road for traffic entering the site. The design is required to include a raised median to separate the southbound left-turn lane from northbound traffic along No. 5 Road.
    - Extension of the existing northbound right-turn lane to the northern edge of the development site.
    - Maintain a 4.0 m wide painted median south of the development site's vehicular access to Featherstone Way.
    - Maintain the existing two northbound and two southbound traffic lanes along No. 5 Road.
  - Servicing Agreement design submission to include all applicable service connections and driveway crossing design for the proposed development.
  - All works are at the sole cost of the developer.

**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 Division. 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 Division 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.

- Signed Copy on File -

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date



**Richmond Official Community Plan Bylaw 9000 and Bylaw 7100  
Amendment Bylaw 8988 (RZ 10-556878)  
11120 and 11200 No. 5 Road**

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

1. Richmond Official Community Plan Bylaw 9000 is amended by repealing the existing land use designation in the attached 2041 Official Community Plan Land Use Map to Schedule 1 thereof of the following area and by designating it Commercial.

P.I.D. 001-946-498

Lot 4 Section 6 Block 3 North Range 5 West New Westminster District Plan 9298

P.I.D. 001-946-463

Lot 5 Section 6 Block 3 North Range 5 West New Westminster District Plan 9298

2. Richmond Official Community Plan Bylaw 7100 is amended by replacing the Development Permit Area Map in Schedule 2.8A (Ironwood Sub-Area Plan) with the map shown as "Schedule A attached to and forming part of Bylaw 8988".
3. This Bylaw may be cited as "**Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 8988**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

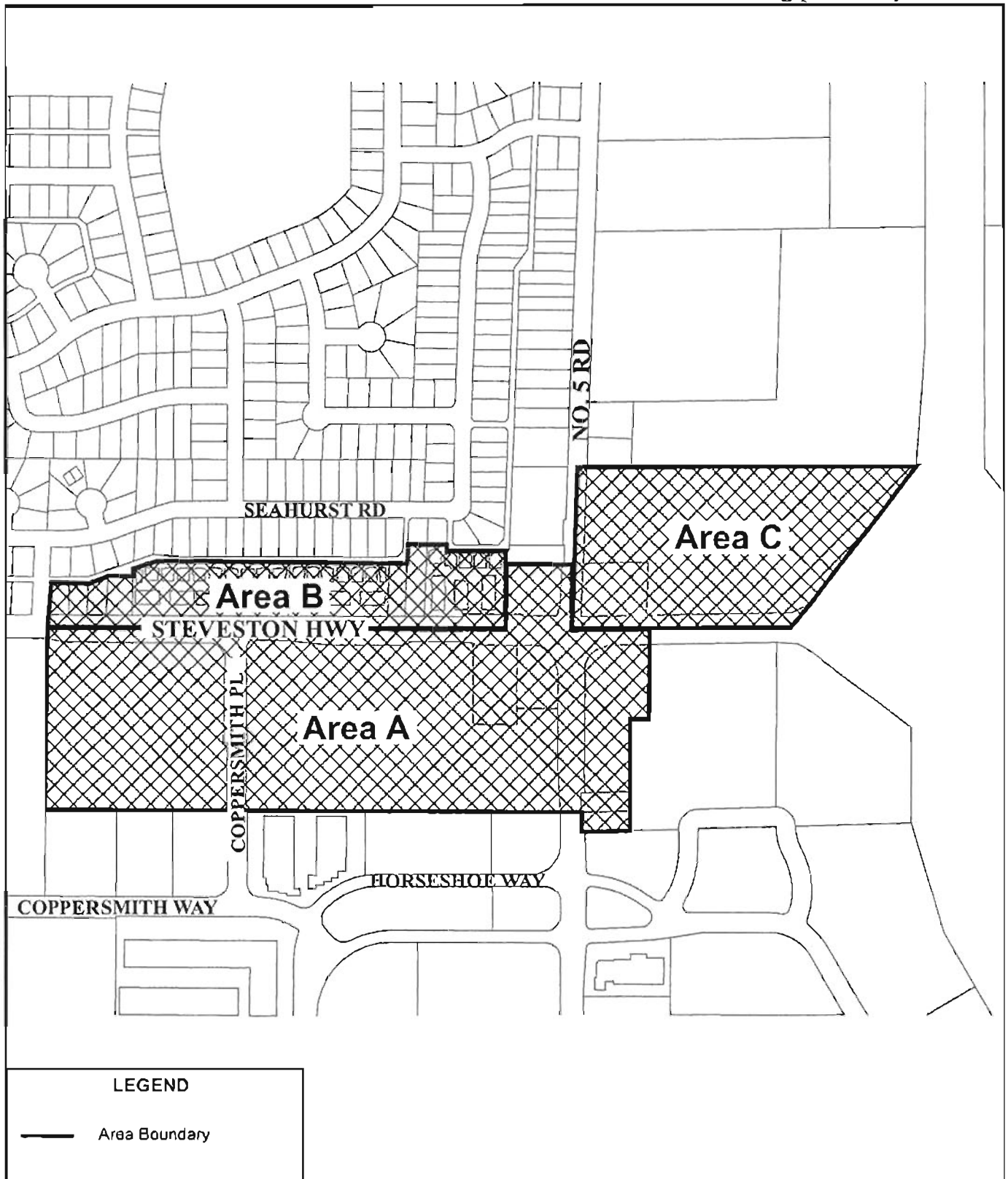
OTHER REQUIREMENTS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by <i>HB</i>
APPROVED by Manager or Solicitor <i>il</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER



**Ironwood Sub-Area Plan -  
Proposed Amendment to  
Development Permit Area Map**

Original Date: 01/07/13

Revision Date:

Note: Dimensions are in METRES



**Richmond Zoning Bylaw 8500  
Amendment Bylaw 8989 (RZ 10-556878)  
11120 and 11200 No. 5 Road**

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

1. 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 **COMMUNITY COMMERCIAL (CC)**.

P.I.D. 001-946-498

Lot 4 Section 6 Block 3 North Range 5 West New Westminster District Plan 9298

P.I.D. 001-946-463

Lot 5 Section 6 Block 3 North Range 5 West New Westminster District Plan 9298

2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 8989**”.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

MINISTRY OF TRANSPORTATION AND  
INFRASTRUCTURE APPROVAL

DEVELOPMENT REQUIREMENTS SATISFIED

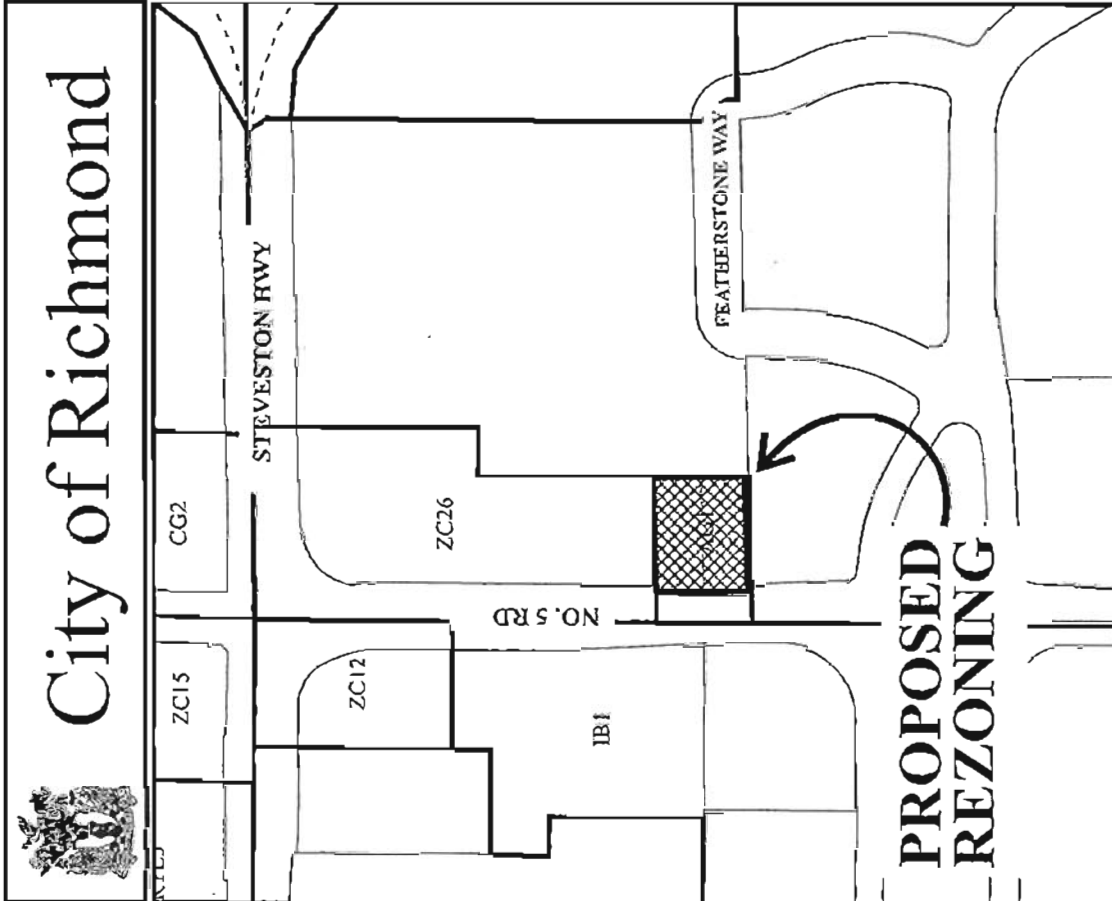
ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED by <i>UB</i>
APPROVED by Director or Solicitor <i>al</i>

# City of Richmond



RZ 10-556878

Original Date: 01/19/11

Revision Date:

Note: Dimensions are in METRES



# City of Richmond

## Report to Committee Planning and Development Department

TO PLN - JAN 22, 2013

**To:** Planning Committee  
**From:** Wayne Craig  
Director of Development

**Date:** January 11, 2013  
**File:** RZ 12-602449

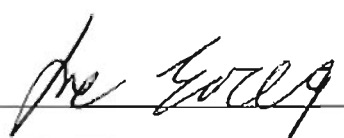
**Re:** Application by Cressey (Gilbert) Development LLP for Rezoning at  
5640 Hollybridge Way from Industrial Business Park (IB1) to Residential/Limited  
Commercial (RCL3): Follow-Up on Revised Affordable Housing Provisions

### Staff Recommendation

That Bylaw 8957 to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to  
"Residential / Limited Commercial (RCL3)" be introduced and given first reading.

  
Wayne Craig  
Director of Development

MM:blg  
Att.

REPORT CONCURRENCE		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Affordable Housing Community Social Development	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

## Staff Report

### Origin

Cressey (Gilbert) Development LLP has applied to the City of Richmond to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to "Residential / Limited Commercial (RCL3)" to permit the construction of a high-rise, high-density, mixed-use development (**Attachment 1**).

This rezoning application was considered at the November 20, 2012 Planning Committee meeting where the following recommendation was passed and subsequently adopted as the following Council Referral:

*"That the application by Cressey (Gilbert) Development LLP to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to "Residential / Limited Commercial (RCL3)" be referred back to: (1) integrate affordable housing units with market units throughout the project; (2) maintain the same quality of materials and finishes for the affordable housing units as those utilized for the market units; and (3) provide affordable housing units access to the indoor amenity space."*

### Findings of Fact

The proposed development now consists of 244 residential units in three (3) residential buildings/blocks ranging from five (5) to 15 stories. The number of units has decreased from the previously proposed 245 to 244 units, with the increase in the number of affordable housing units from 14 to 15 and removal of two (2) market units (**Attachment 2**). Generally, the development includes:

- Two (2) market residential buildings with 14 and 15 stories facing Lansdowne Road with a total of 218 apartment units, located above commercial space on the ground and second floors.
- A five (5) storey block facing Elmbridge Way with a 5000 ft<sup>2</sup> (465 m<sup>2</sup>) childcare facility and 15 affordable housing units located above street-oriented commercial space.
- Street-oriented commercial space with two (2) levels of decorative metal screened parkade located above and the 15-storey market residential tower and the five (5) storey affordable housing / child care block located at each corner.
- A block of 13 townhouses and street-oriented commercial space facing Hollybridge Way.

Please refer to the original November 6, 2012 Staff Report to the November 20, 2012 Planning Committee meeting for a full description of the proposed development in **Attachment 6**.



**Staff Comments**Affordable Housing Strategy

The proposed development is subject to the Strategy which requires that 5% of the total residential building floor area be devoted to affordable housing units, following the Strategy's requirements regarding unit type and target income.

Revised Affordable Housing Provisions in Response to Council Referral

In response to the above-noted Council Referral, staff have worked with the developer to revise the affordable housing component of the proposed development as outlined below.

After revisions to the affordable housing component, City Affordable Housing staff supports this re-submission as an Affordable Housing Special Development Circumstance with the location of the affordable housing units within one (1) building block as an alternative to dispersing the units throughout the development. The developer has also provided a letter detailing the operational rationale for the stand-alone affordable housing block (**Attachment 3**).

As part of the Special Development Circumstance, the affordable housing units would be programmed to support lone parent families (i.e. men and women) with children. The location of the childcare facility in the same building will provide complementary and necessary services for the residents of the affordable housing units.

In regards to the need for such a project, the 2006 Canada Census reports that there are 775 lone parent families in Richmond paying over 50 percent of their income on rent (i.e. 655 female lone-parent and 120 male lone-parent headed households). The Census also reports that the majority of lone parent families have one (1) child.

*Referral Item 1: Integrate affordable housing units with market units throughout the project.*

*Housing Program Changes:* Staff support for the revised proposal is based on the housing being targeted for lower-income, single-parent families as the intended tenants of the affordable housing units. To facilitate this use, the proposed Housing Agreement under the Rezoning Considerations Letter Addendum (**Attachment 5**) will provide for the following:

- i. The developer, and future owners, agreeing to cover all costs related to building envelop maintenance and upkeep in addition to all maintenance and upkeep of all parts of the affordable housing building, as owners.
- ii. The developer, and future owners, retaining ownership of the affordable housing units and working jointly with the City to select a qualified non-profit affordable housing provider and to enter into a service agreement with a non-profit affordable housing provider to co-manage the affordable housing units with the owner, all to the satisfaction of the City.
- iii. The City working with the selected affordable housing provider and local non-profit community service and health providers to develop a coordinated approach for access and delivery of housing, social programs and supports for the families (e.g. life skills,

self sufficiency, financial literacy, health education, higher education, and employment opportunities).

- iv. The City-owned childcare facility would be operated by a non-profit childcare provider with the expectation that spaces would be provided to accommodate children from the affordable housing units.

*Physical Changes:* The affordable housing units are located on the top three (3) floors of the five-storey block facing Elmbridge Way on the south side of the development in which the 5,000 ft<sup>2</sup> (465 m<sup>2</sup>) to 5,500 ft<sup>2</sup> (511 m<sup>2</sup>) childcare facility is located on the fifth level.

The proposed development has been also revised to increase the total number of affordable housing units from 14 to 15 of which the number of two-bedroom units has been increased from nine (9) to 14 units to accommodate single parents with one (1) or two (2) children. The one (1) studio unit would be suitable for expecting mothers and those with young infants. With these changes, the combined habitable floor area comprising is now slightly more than the minimum 5% of the subject development's total residential building area (i.e. 10,760 ft<sup>2</sup> (1,000 m<sup>2</sup>)).

The location and size of these units within the development is included on the revised preliminary architectural plans (**Attachment 4**) and is to the satisfaction of City Affordable Housing staff. In particular, increasing the number of two-bedroom units from nine (9) to 14 is necessary for the intended lone-parent tenants. To accommodate this increase, the overall floor area of residential units has been increased as noted above, while the units sizes have been decreased from 80 m<sup>2</sup> (860 ft<sup>2</sup>) to 69 m<sup>2</sup> (740 ft<sup>2</sup>), which is slightly larger than the project's main type of market two-bedroom units that have floor areas of 68 m<sup>2</sup> (733 ft<sup>2</sup>).

*Rental Rates:* The terms of a Housing Agreement entered into between the developer and City will apply in perpetuity with terms specifying the types and sizes of units, rent levels, and tenant household incomes which have been changed from those found in Table 1 to those in Table 2 below. In this regard, it is important to note that the maximum monthly rent payable by the tenants, including any assistance from the non-profit housing provider or other agencies to the tenants, has been reduced for this Special Development Circumstance. The 2-bedroom rental monthly amount has been reduced from the previous standard Housing Strategy rent of \$1,137 to \$950 for the revised proposal as outlined in Tables 1 and 2. While there was no studio unit in the original proposal, the studio rent level has been reduced from the regular Strategy monthly rate of \$837 to \$800 in the revised proposal.

**Table 1: Previous Affordable Housing Units and Target Groups**

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent*	Total Annual Household Income*
1-Bedroom / Den	5**	50 m <sup>2</sup> (535 ft <sup>2</sup> )	\$925	\$37,000 or less
2-Bedroom	9**	80 m <sup>2</sup> (860 ft <sup>2</sup> )	\$1,137	\$45,500 or less

\* May be increased periodically as provided for under adopted City policy.

\*\* All affordable housing units must satisfy Richmond Zoning Bylaw requirements for Basic Universal Housing.

**Table 2: Revised Affordable Housing Units and Target Groups**

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent Payable by Tenant *	Total Annual Household Income*
Studio	1**	37 m <sup>2</sup> (400 ft <sup>2</sup> )	\$800	\$33,500 or less
2-Bedroom	14**	69 m <sup>2</sup> (740 ft <sup>2</sup> )	\$950	\$45,500 or less

*Referral Item 2: Maintain the same quality of materials and finishes for the affordable housing units as those utilized for the market units.*

The developer has requested providing alternative durable interior finishings which requires less maintenance, but is of similar value and quality to those found in the market units (**Attachment 3**). Affordable Housing staff accepts this proposal. To ensure this quality of materials, the Rezoning Consideration Addendum (**Attachment 5**) requires that the interior finishing and layouts are to be to the satisfaction of Affordable Housing staff.

*Referral Item 3: Indoor Shared Amenity Space*

The developer has agreed to provide permanent access for the affordable unit occupants at no charge to the interior shared amenity spaces provided for the market residential buildings, by way of registered legal agreements (see **Attachment 5**). These spaces include two (2) shared indoor amenity areas totaling 5,333 ft<sup>2</sup> (495 m<sup>2</sup>). This first area includes a gym, squash court, saunas, and change rooms. The second area is comprised of a 1,600 ft<sup>2</sup> (149 m<sup>2</sup>) standalone lounge building.

The affordable housing block will also include a separate indoor amenity room of 470 ft<sup>2</sup> (44m<sup>2</sup>) (which exceeds the base requirement of 22 ft<sup>2</sup> /unit for the 14 affordable housing units). This room will be equipped with a kitchen and will be able to be used for programs and events for the affordable housing tenants. The Housing Agreement and associated housing covenant will also ensure that occupants of the affordable housing units shall enjoy full and unlimited access to and use of all on-site outdoor amenity spaces.

### **Financial Impact**

None.

### **Conclusion**

The proposed physical and program revisions to the affordable housing component of the development as an Affordable Housing Special Development Circumstance marks a substantial improvement over the previous developer proposal. In particular, the proposal to focus on a partnership between the owner, City and non-profit housing provider is particularly suitable for the lower-income, single-parent families targeted for this project.

Furthermore, the co-location of these types of affordable housing units within a building with the proposed 5000 ft<sup>2</sup> (465 m<sup>2</sup>) childcare facility provides synergies for a unique opportunity to serve a part of our community that is under-served here and throughout the region.



Mark McMullen  
Senior Coordinator-Major Projects  
(604-276-4173)

MM:blg

**Attachments**

- Attachment 1: Location Map and Aerial Photograph
- Attachment 2: Revised Development Application Data Sheet
- Attachment 3: Letter from Cressey Developments, January 11, 2013
- Attachment 4: Revised Affordable Housing Blocks Plans from Cressey Developments
- Attachment 5: Rezoning Considerations Letter: Addendum on Affordable Housing
- Attachment 6: Staff Report dated November 6, 2012 to November 20, 2012 Planning Committee

Revision Date:

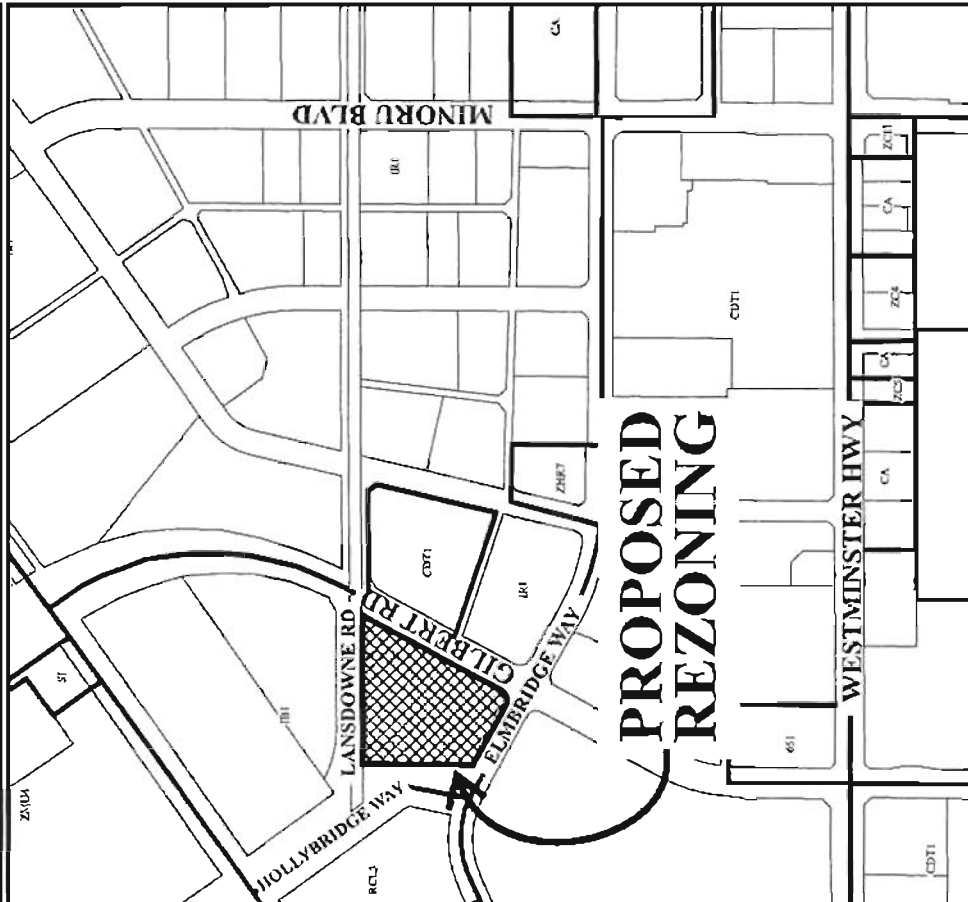
**Note:** Dimensions are in METRES



RZ 12-602449



# City of Richmond







RZ 12-602449

Original Date: 03/15/12

Amended Date: 11/01/12

Note: Dimensions are in METRES





Attachment 2

Address: 5640 Hollybridge Way (With Revised Affordable Housing Units for January 2013)

Applicant: Cressey (Gilbert) Development LLP Owner: Cressey Gilbert Holdings Ltd.

Planning Area(s): City Centre – Oval Village

Floor Area Gross: 293,743 ft<sup>2</sup> (27,290 m<sup>2</sup>)\* Floor Area Net: 281,370 ft<sup>2</sup> (26,140 m<sup>2</sup>)\*

	Existing	Proposed
Site Area:	108,543 ft <sup>2</sup> (10,084 m <sup>2</sup> )	105,379 ft <sup>2</sup> (9,790 m <sup>2</sup> )*
Land Uses:	Retail/Office/Light Industrial	Mixed-Use Commercial / Residential
OCP Designation:	Urban Centre T5 (25 m) / Urban Centre T5 (45 m)	Urban Centre T5 (25 m) / Urban Centre T5 (45 m)
Zoning:	Industrial Business Park (IB1)	Residential / Limited Commercial (RCL3)
Number of Units:	None	244

\*NOTE: The Proposed Site Area will be reduced by 25m<sup>2</sup> due to additional road dedication required after the plans for the Planning Committee report were prepared. This will reduce the Net and Gross Floor Areas by 50m<sup>2</sup> as these amounts are at the maximum 2.0 FAR or 2 times the Proposed Site Area.

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	2.0 Residential Max. 1.0 Commercial Max.	2.0 Residential 0.67 Commercial	none permitted
Lot Coverage (Building excluding podium open space):	Max. 90%	35.3%	None
Setback - Front Yard: Hollybridge	Min. 3 m	3 m at grade 0.0 m for below grade parkade	DVP for parkade
Setback – Ext. Side: Gilbert	Min. 3 m	3.96 m	None
Setback – Ext. Side: Elmbridge	Min. 3 m	3 m	None
Setback – Ext. Side: Lansdowne	Min. 3 m	3 m	None
Height (m):	Max. 47 m geodetic	47m for tallest building (east tower)	None
Lot Size:	4000 m <sup>2</sup>	9790 m <sup>2</sup>	None
Off-street Parking Spaces – Regular/Commercial:	289 resident 49 visitor 9 childcare 243 commercial <u>541 Total</u> (with commercial / visitor sharing)	274 resident (50 tandem for 25 units) 47 visitor 8 childcare 219 commercial <u>501 Total</u> (with commercial / visitor sharing)  (With Zoning Bylaw's 10% TDM Reduction for Commercial and 5% Reduction for Residential & Visitor)	None
Off-street Parking Spaces – Accessible:	10	10	None
Amenity Space – Indoor:	5,390 ft <sup>2</sup> (501m <sup>2</sup> ) min.	5,333 ft <sup>2</sup> (495 m <sup>2</sup> ) for all residents plus 470 (44m <sup>2</sup> ) for the affordable units only	None
Amenity Space – Outdoor: 2 m <sup>2</sup> per unit plus 10% of site area	Min. 13,659 ft <sup>2</sup> (1,269 m <sup>2</sup> )	46,569 ft <sup>2</sup> (4,326 m <sup>2</sup> )	None



Suite 400  
425 West Georgia Street  
Vancouver, BC V6B 3L7  
Tel: 604 581 1255  
Fax: 604 581 7891  
www.cressey.com

January 11<sup>th</sup>, 2013

**CITY OF RICHMOND**

Planning and Development Department  
6911 No. 3 Road  
Richmond, British Columbia V6Y 2C1

Attention **Mr. Mark McMullen**  
**Senior Coordinator, Major Projects**

Dear Sir:

Re: **Affordable Housing at 5640 Hollybridge Way**  
**Rezoning Application RZ 2012-602449**

With reference to the Planning Committee meeting that took place on November 20, 2012 and the decision to have our application referred back to:

- (i) integrate affordable housing units with market units throughout the project;
- (ii) maintain the same quality of materials and finishes for the affordable housing units as those utilized for the market units; and;
- (iii) provide affordable housing units access to the indoor amenity space.

**Discussion**

**(i) integrate affordable housing units with market units throughout the project**

Cressey's motivation for concentrating the affordable housing units within one building was based on the following:

- 1) Air Space Parcel: air space parcels allow for separate ownership and control not afforded by units in a strata, which would allow for the following advantages:
  - a) separate property management with independent operations and maintenance which would afford better cost control;
  - b) full independence from strata corporations which would otherwise be at liberty to pass budgets, bylaws, rules and regulations which may not be in the interest of the affordable housing component of the project;
  - c) ease of management and oversight of units within a self-contained structure;
  - d) the ability to partner with a non-profit social housing service providers to assist in tenant selection and eligibility criteria (such as single mothers seeking stable housing alternatives, per ongoing discussions with Dena Kae Beno -- Affordable Housing Coordinator);

An air space parcel will ensure that the affordable housing component will remain sustainable in the long term and its proximity to the day care parcel will offer unique opportunities for supporting single parents in the Richmond area.

- 2) Limitations of Strata Lots: If the affordable housing units are to be individual strata lots interspersed throughout the market housing component, we foresee some complications including:



- a) no control of maintenance and operating expenses which will likely result in the growth of expenses outpacing the growth in revenue resulting in a depreciating asset;
  - b) the *Strata Property Act* does not permit regulations to be applied differently or inequitably within one phase of a strata (the *Act* does permit sectioning of a strata corporation between commercial and residential sections or by different types of residential strata lots -- specifically apartment-style and townhouse-style -- but would not apply in this application)
- (ii) **maintain the same quality of materials and finishes for the affordable housing units as those utilized for the market units**

While Cressey is committed to quality construction, specifications and material selection for the affordable housing component, Cressey wishes to maintain the flexibility to use alternative durable materials for the affordable housing units that would have a similar appearance and quality as the market units' finishes. These materials would afford greater durability in order to reduce future maintenance and replacement costs in order to support the long-term sustainability and affordability of the affordable housing.

- (iii) **provide affordable housing units access to the indoor amenity space**

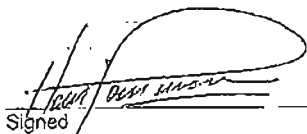
If the affordable housing units were contained in a separate air space parcel, it is feasible to grant access to the indoor amenity space through an easement in favour of the said air space parcel at no costs to the affordable housing units or occupants -- and Cressey is prepared to register such an easement. However, if the air space parcel was not permitted and the affordable housing units were interspersed throughout the project, the *Strata Property Act* does not allow for specific strata lots from being excluded from the equitable share of maintenance and operating expenses.

## Conclusion

We feel strongly that grouping the affordable housing units within one self-contained air space parcel is the "right thing to do" and offers unique opportunities for partnering with non-profit special needs housing providers to address the core needs in the City of Richmond -- Cressey is particularly interested in supporting single-parents through partnerships with groups such as ATIRA with whom we have other ventures at this time.

We trust that the above discussion meets with your satisfaction and would be pleased to meet with all interested parties to debate its merits.

Sincerely,  
CRESSEY (GILBERT) DEVELOPMENT LLP

  
Signed \_\_\_\_\_

Hani Lamman  
Vice President, Development & Acquisitions

5640 HOLLYBRIDGE WAY Lot: 109 SEC: 5-4-8 PL: 46385 10 CITY CENTRE FCL: 2.8m GSC - Area A SITE AREA										2.67	
105379										PROPOSED FAR	
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LANSLOWNE RD

HOLLYBRIDGE WAY

GILBERT RD

ELMBRIDGE WAY

- COMMERCIAL / RETAIL
- COMMERCIAL CIRCULATION
- LIBERTY CIRCULATION
- MARKET RESIDENTIAL
- AFFORDABLE HOUSING UNITS
- AMENITY
- CHILD CARE

GENERAL NOTES

PARKING STALL DIMENSIONS

BYLAW REF T.1.1.1

REGULAR STALLS 5.0M X 3.5M

SMALL STALLS 4.0M X 2.5M

HANDICAPPED STALLS 5.5M X 3.7M

MINIMUM MANOEUVRING AISLE WIDTH

BYLAW REF T.1.1.1

5.7 M FOR RESIDENTIAL USES

7.5 M FOR ALL OTHER USES

BIKE LOCKERS

BYLAW REF T.1.1.1

MINIMUM DIMENSIONS FOR BICYCLE LOCKERS

BYLAW REF T.1.1.1

VERTICAL 1.20M X 5.0M

LEVEL	AREA	STALLS
LEVEL LA	15	15
LEVEL LB	5	5
LEVEL LC	10	10
LEVEL LD	7	7
TOTAL	37	37

1" = 20' 0" WHEN PRINTED ON A 1:1 SCALE



LEVEL LA

5840 HOLLYBRIDGE  
RZ.2012-802449  
Date JAN 9, 2013

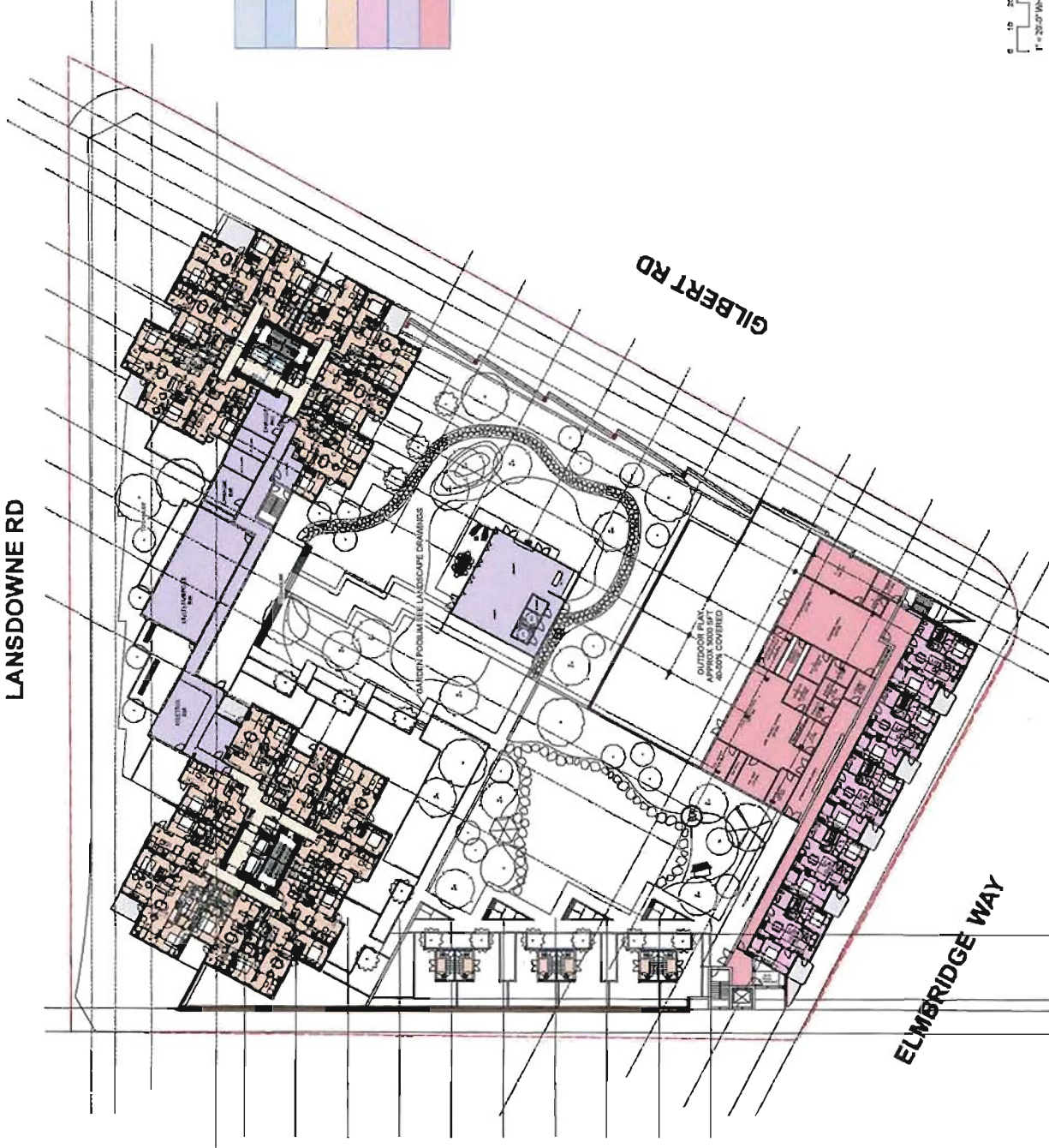
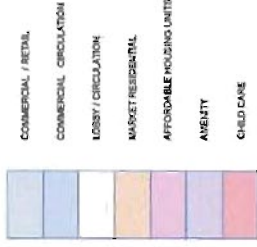


LANSDOWNE RD

HOLLYBRIDGE WAY

GILBERT RD

ELMBRIDGE WAY



5640 HOLLYBRIDGE  
 RZ-2012-602449  
 Date JAN 9, 2013



LEVEL L6



CNCL - 200

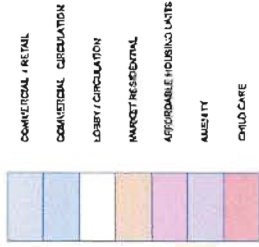
LANSDOWNE RD



HOLLYBRIDGE WAY

GILBERT RD

ELMBRIDGE WAY

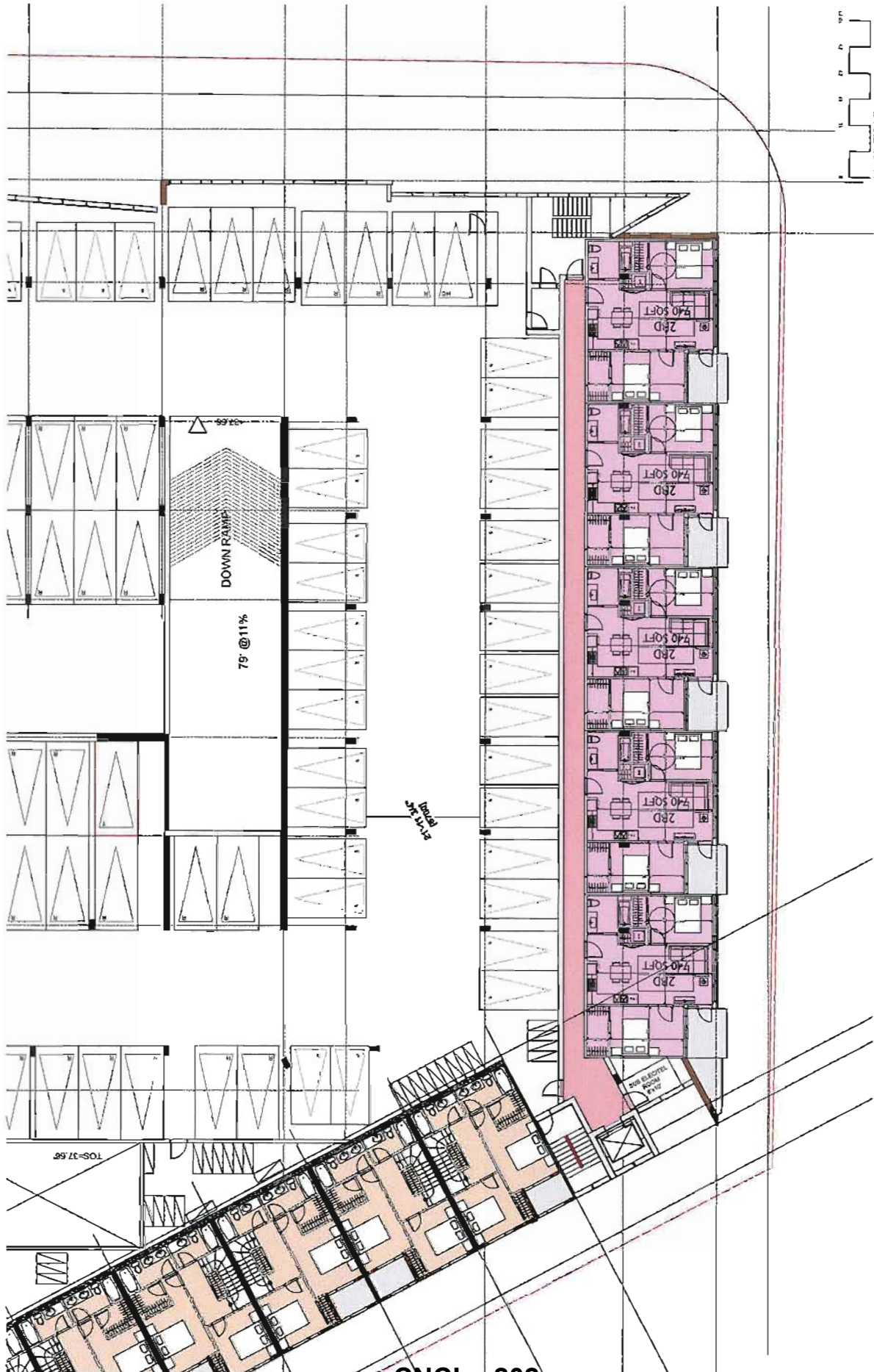


5640 HOLLYBRIDGE  
RZ-2012-602449  
Date JAN 9, 2013

LEVEL L6, L7-13 SIM





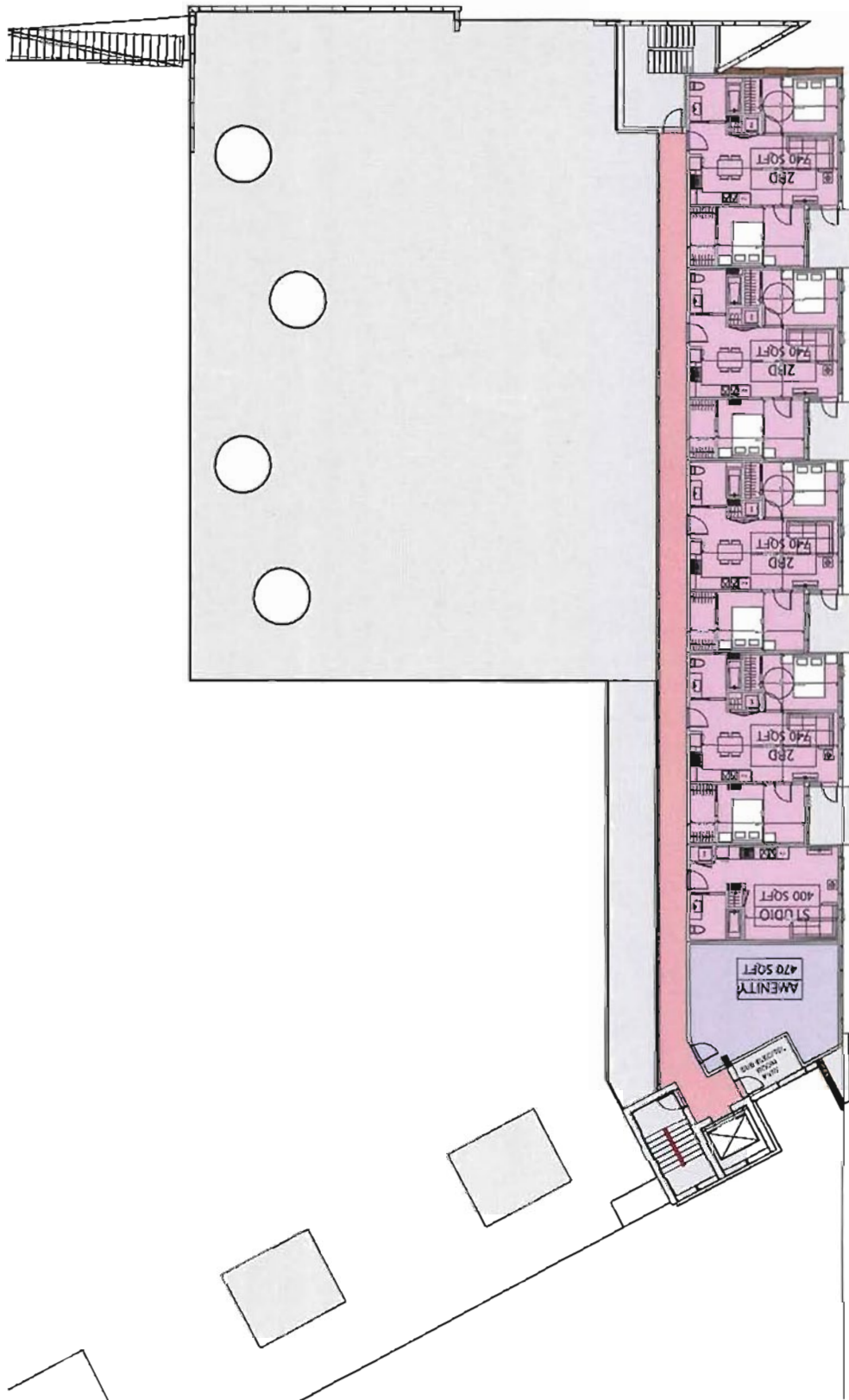


CNCL - 202



## LEVEL L6 AFFORDABLE HOUSING & CHILDCARE





CNCL - 204



8640 HOLLYBRIDGE  
RZ-2012-602449  
Date JAN 9, 2013

LEVEL L6 AFFORDABLE HOUSING







To: Cressey (Gilbert) Development LLP (The Developer)

Address: 5640 Hollybridge Way (The Development) File No.: RZ 12-602449

The following sections replace Sections 8 and 9 of the Rezoning Conditions letter signed by the Developer on November 15, 2012 and considered by Planning Committee on November 20, 2012.

**8. Housing Agreement:** Registration of the City's standard Housing Agreement, as modified to meet the other requirements of this letter, to secure 15 affordable housing units (rental units) to the satisfaction of the City located in the affordable housing airspace parcel (the "AHAP") (see item 9(b) below). The Affordable Housing Units must meet the City's Affordable Housing Strategy (AHS) and Zoning Bylaw 8500. The common areas, including the hallways and indoor amenity area, within the AHAP do not constitute part of the 5% (estimated to be slightly more than 5% or 10,555 sq. ft. at 10,760 sq. ft.) of the total Development's residential FAR (estimated at 211,092 sq. ft.) designated for the affordable housing units themselves.

- a) The Development is considered as a Special Development Circumstance under the City's AHS with low-income, single-parent families as the intended tenants of the affordable housing units. To facilitate this use, the Housing Agreement will provide for the following:

- i. The Developer, and future owners, agreeing to cover all costs related to building envelop maintenance and upkeep in addition to all maintenance and upkeep of all parts of the AHAP as owners.
- ii. The Developer, and future owners, retaining ownership of the affordable housing units and working jointly with the City to select a qualified non-profit affordable housing provider and to enter into a service agreement with a non-profit affordable housing provider to co-manage the affordable housing units with the owner, all to the satisfaction of the City.
- iii. The City and owner working with the selected non-profit affordable housing provider and local non-profit community service and health providers to develop a coordinated approach for access and delivery of housing, social programs and supports for the families (e.g. life skills, self sufficiency, financial literacy, health education, higher education, and employment opportunities).
- iv. The City-owned Child Care facility would be operated by a non-profit childcare provider with the expectation that spaces would be provided to accommodate children from the affordable housing units.
- v. Main business terms setting out the parameters of an operating agreement under which the affordable housing units will be rented and the services provided to the tenants.

- b) As part of this Special Development Circumstance, the Housing Agreement will provide for the following rents payable to the Developer and payable by affordable housing units tenants

by way of a head lease or other agreements. An operating agreement will be entered into between the Developer, City and a non-profit affordable housing provider that it meets the terms of the Housing Agreement:

**2 Bedroom Units**

	TENANT	NON PROFIT
Minimum Monthly Rent	\$0	\$950 <sup>1</sup>
Minimum Monthly Shelter Cost*	\$0	\$994
Potential Additional Rent	N/A	\$187 <sup>2</sup>
Maximum Monthly Rent	\$950	\$1,137
Maximum Monthly Shelter Cost*	\$994	\$1,137

\* Shelter Cost is to be defined as including the above applicable Minimum or Maximum Monthly Rent plus power, and water.

<sup>1</sup> This is the minimum total rent to be received by the Developer from the non-profit housing provider on behalf of the tenants and/or any other assisting agency or body (This rent includes any actual rent paid by the tenants and any assistance that the non-profit housing provider or other agency will pay to or for the tenants).

<sup>2</sup> This Potential Additional Rent cannot impair the non-profit housing provider's ability to provide rental assistance to reduce the actual \$950 monthly rent payable solely by the tenants, nor compromise the quality of program delivery to the tenants.

**Studio Unit**

	TENANT	NON-PROFIT
Minimum Monthly Rent	\$0	\$800 <sup>1</sup>
Minimum Monthly Shelter Cost*	\$0	\$837
Potential Additional Rent	N/A	\$0 <sup>2</sup>
Maximum Monthly Rent	\$800	\$800
Maximum Monthly Shelter Cost*	\$837	\$837

\* Shelter Cost is to be defined as including the above applicable Minimum or Maximum Monthly Rent plus power, and water.

<sup>1</sup> This is the minimum total rent to be received by the Developer from the non-profit housing provider on behalf of the tenants and/or any other assisting agency or body (This rent includes any actual rent paid by the tenants and any assistance that the non-profit housing provider or other agency will pay to or for the tenants).

<sup>2</sup> This Potential Additional Rent cannot impair the non-profit housing provider's ability to provide rental assistance to reduce the actual \$800 monthly rent payable solely by the tenants, nor compromise the quality of program delivery to the tenants.

- c) The Housing Agreement shall be in perpetuity. Based on the forgoing, the terms specify the types and sizes of units (or as adjusted to the satisfaction of the City and the Developer) in Tables 1 and 2, and rent levels and tenant household incomes as set out in Table 2. Changes to Tables 1 and 2 may only be made with the approval of the Director of Development and Manager, Community Social Development.

Table 1: Affordable Housing Unit Locations

AFFORDABLE HOUSING UNIT MIX				
	2 BD UNITS	@740SFT	STUDIO	@400SFT
	#	SFT	#	SFT
L6	4	2960	1	400
L5	5	3700	0	
L4	5	3700	0	
TOTAL	14	10360	1	400
TOTAL LIVABLE AREA	10760	1BD		7%
TOTAL UNITS	15	2BD		93%
TARGET	10538			

Table 2: Affordable Housing Target Groups

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent Payable by Tenant *	Total Annual Household Income*
Studio	1**	37 m2 (400 ft2)	\$800	\$33,500 or less
2-Bedroom	14**	69 m2 (740 ft2)	\$950	\$45,500 or less

\* May be increased periodically as provided for under adopted City policy.

\*\* All affordable housing units must satisfy Richmond Zoning Bylaw requirements for Basic Universal Housing.

## 9. Affordable Housing Airspace Parcel:

### a) Affordable Housing Components

The Developer will be required to construct a block within the Development that includes the 15 affordable housing units themselves with a combined estimated floor area of 10,760 sq. ft. (slightly more than 5% of the Development's total residential FAR), as well as the common halls, common indoor amenity area with a kitchen (with a minimum area of 470 sq. ft.), the elevator core and adjacent landing/lobby areas down to the basement P1 level, and indoor parking within

the Development's parkade (with a minimum of 14 resident and 3 visitor spaces and meeting zoning requirements) in the closest reasonable location to the affordable housing units to the satisfaction of the City. All of the above spaces must be provided and have layouts and finishes acceptable to City Affordable Housing staff.

b) *Legal Requirements*

i. *Construction Covenant*

The *Affordable Housing Airspace Parcel* (AHAP) will include all of the areas and amenities in section 9(a) above. The parking area may be located within the AHAP or be secured by an easement on the parkade parcel with the AHAP being the dominant tenement. This easement and the AHAP configuration described above may be adjusted to the satisfaction of the City.

ii. *Access Easement*

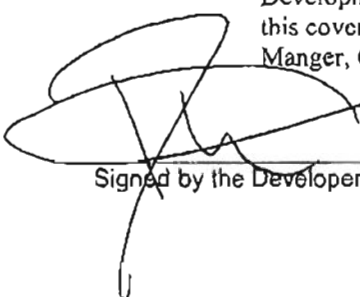
An easement in favour of the *Childcare Airspace Parcel* ("CAP") (see also section 10(b)(ii) below) will be required to provide for access and egress to the elevators and adjacent landing/lobby areas within the AHAP. The costs of maintaining the common areas covered by this easement used by both the CAP and AHAP, including but not limited to the common elevator, elevator core, stairway and lobby/landing areas, will be shared proportionately based on the respective floor areas of the CAP and AHAP.

iii. *Outdoor and Indoor Amenity Easement*

An easement in favour of the AHAP will provide for the affordable housing unit owners and occupiers to have access and egress over and use of all of the Development's common outdoor and indoor amenity areas at the same hours and terms as for the Development's market residential owners/occupiers. The affordable housing unit tenants and non-profit housing provider will not be responsible for any of the costs for maintaining the Development's common outdoor and indoor amenity areas.

iv. *No Occupancy Covenant:*

A "No Occupancy" covenant will be registered against the Development preventing the issuance of final building inspection granting occupancy for any part of the Development until confirmation is provided that the above required components of the AHAP, including the required number of affordable housing units, have been constructed to the satisfaction of the Director of Development and Manager, Community Social Development and are given final building inspection granting occupancy. Changes to this covenant may only be made with the approval of the Director of Development and Manager, Community Social Development.

  
Signed by the Developer DAVID EVANS

Date

JANUARY 16<sup>th</sup>, 2013



# City of Richmond

## Report to Committee Planning and Development Department

*TO PLN - NOV 20 2012*

**To:** Planning Committee  
**From:** Wayne Craig  
Director of Development

**Date:** November 6, 2012

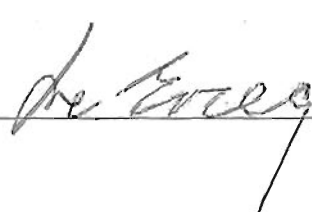
**File:** RZ 12-602449  
*12-8060-20-8957*

**Re:** Application by Cressey (Gilbert) Development LLP for Rezoning at  
5640 Hollybridge Way from Industrial Business Park (IB1) to Residential/Limited  
Commercial (RCL3)

### Staff Recommendation

That Bylaw 8957 to rezone 5640 Hollybridge Way from "Industrial Business Park (IB1)" to  
"Residential / Limited Commercial (RCL3)" be introduced and given first reading.

*Wayne Craig*  
Wayne Craig  
Director of Development  
WC:kt  
Att.

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Real Estate Services	<input checked="" type="checkbox"/>	
Affordable Housing	<input checked="" type="checkbox"/>	
Community Social Development	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	
Capital Buildings & Project Development	<input checked="" type="checkbox"/>	

## Staff Report

### Origin

Cressey (Gilbert) Development LLP has applied to the City of Richmond to rezone 5640 Hollybridge Way from “Industrial Business Park (IB1)” to “Residential / Limited Commercial (RCL3)” to permit the construction of a high-rise, high-density, mixed-use development (**Attachment 1**). The site occupies an entire small block bounded by Gilbert Road, Lansdowne Road, Hollybridge Way and Elmbridge Way. The triangular 1.08 ha (2.69 acre) development site, is now occupied by an industrial and an office/retail building that contains Fitness World.

### Findings of Fact

The proposed development consists of 245 residential units in three (3) residential buildings/blocks ranging from five (5) to fifteen (15) stories. More specifically, the development includes:

- Two (2) market residential buildings with 14 and 15 stories facing Lansdowne Road with a total of 218 apartment units, located above commercial space on the ground and second floors.
- A five (5) storey block facing Elmbridge Way with a 5000 ft<sup>2</sup> (465 m<sup>2</sup>) child care facility and 14 affordable housing units located above street-oriented commercial space.
- Street-oriented commercial space with two (2) levels of decorative metal screened parkade located above and the 15 storey market residential tower and the five (5) story affordable housing / child care block located at each corner.
- A block of 13 townhouses and street-oriented commercial space facing Hollybridge Way.

These buildings/blocks sit adjacent to and on top of a four (4) storey podium containing approximately 70,612 ft<sup>2</sup> (6,560 m<sup>2</sup>) of retail space and three (3) levels of parking within a total net floor area of approximately 281,370 ft<sup>2</sup> (26,140 m<sup>2</sup>). Details of the subject development are provided in the attached Development Application Data Sheet (**Attachment 2**).

The subject site is situated in the Oval Village within the City Centre, broadly located between No. 2 Road and Gilbert Road, north of Westminster Highway. Development in the vicinity of the subject site includes:

To the North: Lansdowne Road forms the boundary to the subject site, with the Richmond Winter Club and surface parking lot facing the street and which is now zoned “Industrial Business Park (IB1).”

To the West: Hollybridge Way bounds the subject site with the property across the street being currently redeveloped for Onni’s Ora development which includes 324 units within three towers and approximately 6225 m<sup>2</sup> (67,000 ft<sup>2</sup>) of retail space; the site was rezoned to “Residential Limited Commercial (RCL3)” in 2010 to facilitate this development.

To the East: Gilbert Road lies to the east with a high-density development on the east side of the road which includes three residential towers which were constructed in 2005 and which is zoned “Downtown Commercial (CDT 1).”

To the South: Elmbridge Way is to the south with the Work Safe BC complex and its large surface parking lot facing Elmbridge Way and which is zoned “Downtown Commercial (CDT 1).”

### **Related Policies & Studies**

#### Official Community Plan (OCP) & City Centre Area Plan (CCAP)

The proposed development site is designated as “Mixed Use” within the City’s Official Community Plan (OCP). Within the City Centre Area Plan’s (CCAP) “Oval Village Specific Land Use” map, the western portion of site is designated as “Urban Centre T5 (45 m)” and eastern portion of site is designated as “Urban Centre T5 (25 m)” as shown on **Attachment 3**. The CCAP states that building height may exceed the maximum permitted, provided that the form of development contributes towards a varied, attractive skyline, does not compromise private views, allows sunlight to amenity areas and provides community views (e.g. sunlight to a park or public space). While the proposed development exceeds the 25 m height identified in the CCAP for the east portion of the site, the proposal complies as detailed later in the report.

More specifically, the above-noted CCAP designations provide for:

- Residential land use with a floor area ratio (FAR) of 1.2, which can be increased to a maximum 2.0 FAR with the provision of an affordable housing density bonus with 5% of this 2.0 FAR provided for affordable housing units.
- Commercial land use of up to 1.0 FAR is permitted above the 2.0 residential FAR with the provision of a “Village Centre Bonus” with an area equal to 5% of the actual commercial floor area being provided for community amenities, including child care facilities, being constructed and transferred to the City.

The CCAP also provides for a Greenway along the Gilbert Road frontage and small Pocket Park and Pedestrian Linkage on the extra-wide road dedication within Hollybridge Way.

#### Aircraft Noise Sensitive Development Policy (ANSO) Area 2

All aircraft noise sensitive land uses (including Child care) may be considered subject to the necessary reports being submitted and covenants being registered on Title as required by the Policy.

#### Affordable Housing Policy

Along with the zoning density bonus noted above, the proposed development is subject to the policy which requires that 5% of the total residential building floor area be devoted to affordable housing units, following the Policy’s requirements regarding unit type and target income.

These above policies and other policies, as applied to the proposed development, are discussed below in the Analysis Section below.

## Public Consultation

As the proposed development is consistent with the City's OCP and CCAP, no formal agency consultation associated with OCP amendment bylaws is required.

Signage is posted on-site to notify the public of the subject application. At the time of writing this report, no public comment had been received.

The statutory Public Hearing concerning the zoning amendment bylaw will provide neighbours and other interested parties with an opportunity to provide comment.

## Staff Comments

### Transportation

The development will include transportation works to be constructed for the proposed development as follows:

*Lansdowne Road:* The frontage improvements (behind the south curb) include a minimum 1.5 m wide landscaped boulevard and a minimum 2.0 m (6.6 ft.) wide sidewalk. There will also be small section of widening of the eastbound curb lane approaching the Lansdowne/Gilbert intersection. To accommodate these required frontage improvements and corner-cut at the southwest corner of the intersection of Lansdowne and Gilbert Roads, road dedication of approximately 319 m<sup>2</sup> (3,434 ft<sup>2</sup>) in area as shown on **Attachment 4** is required. The above works are eligible for DCC Credits, as available, in the City's DCC Program. There will be an additional on-site sidewalk adjacent to the fronting commercial units.

As part of the TDM measures (in respect to parking reductions discussed below), the developer shall design and construct a 2.0 m (6.6 ft.) wide interim asphalt sidewalk behind the curb on the north side of Lansdowne Road between Gilbert Road and Alderbridge Way. This work is being coordinated with the City's Lansdowne Corridor process which is providing guidance for interim works such as this sidewalk and the long-term planning of the streetscape and the proposed linear park on the north side of Lansdowne Road.

*Hollybridge Way:* The applicant will design and complete road widening to accommodate a 2 m (6.6 ft.) wide concrete sidewalk and a 1.5 m (5.0 ft.) wide landscaped boulevard. The scope of work includes the widening of Hollybridge Way fronting the development to accommodate the required through lanes and a left-turn lane into the development's main driveway. The road widening works also include the realignment of Hollybridge Way from the south end of the curb returns at the Lansdowne/Hollybridge Way intersection southwards to the points where the works transition into the existing pavement.

*Gilbert Road:* The developer will design and complete road widening to accommodate an additional 1.8 m (6.0 ft.) wide southbound bike lane. The existing lane configuration between the median and the east curb inclusive is to be maintained. The frontage improvements behind the west curb include greenway treatments, street trees, furnishings, a 1.5 m (5.0 ft.) wide landscaped boulevard, a "rain garden" of variable width, and a minimum 3.0 m (9.8 ft.) wide sidewalk. An approximate 6.3 to 8.3 m (21 to 28 ft.) wide statutory right-of-way (SRW) for



public rights-of-passage with owner maintenance is required to accommodate these frontage improvements aside from the street lights and boulevard street trees.

In addition to the above-noted fronting street works, the applicant is required to widen Gilbert Road north of Lansdowne Road (curb-to-curb inclusive) for a distance of approximately 60.0 m (200 ft.). These works are eligible for DCC Credits, as available, in the City's DCC Program.

*Elmbridge Way:* The applicant is to design and complete road widening to accommodate the following: a 1.5 m (5.0 ft.) wide landscaped boulevard and 2 m (6.6 ft.) wide sidewalk. A 0.26 m (1.0 ft.) wide SRW for public rights-of-passage with City maintenance along the development's frontage will be required for this public sidewalk area. There will be an additional on-site sidewalk adjacent to the fronting commercial units.

*Intersections and Traffic Signals:* Modifications to the existing traffic signals at the Gilbert Road/Elmbridge Way, Gilbert Road/Lansdowne Road, and Elmbridge Way/Hollybridge Way intersections are required.

As the existing Hollybridge Way/Lansdowne Road T-intersection will be reconstructed as a 4-legged signalized intersection by an adjacent development, the subject development is required to make modifications to the traffic signals at this future new intersection.

#### Hollybridge Way Pocket Park

A 310 m<sup>2</sup> (3,343 ft<sup>2</sup>) pocket park is planned for the excess Hollybridge Way road allowance. The pocket park will include seating areas and raised elliptical grass berms to provide a soft buffer and visual interest for this small space (this area is shown in the landscape plans within **Attachment 6**).

The applicant will need to complete a park design for the Development Permit and enter into a Servicing Agreement with the City for the design and construction of the pocket park, to the satisfaction of the City.

#### Servicing Capacity Analysis

City Engineering staff have reviewed the application at a preliminary level and require the following to be included within a Servicing Agreement and secured by the developer at time of rezoning.

*Storm Sewer:* While storm analysis is not required, the existing 200 mm diameter storm sewer at the Gilbert Road frontage between two existing manholes with an approximate length of 160 m (525 ft.) must be relocated from a Statutory Right-of-Way (SRW) on the subject site to within the Gilbert Road allowance and upgraded to a minimum 600 mm size by the developer with specific location and sizing requirements to be confirmed by the City in the Servicing Agreement.

*Sanitary Sewer:* There is a requirement to upgrade the existing 150 mm diameter sanitary sewer within the Gilbert Road allowance for a distance of 55 m (180 ft.) northeast from proposed development's southeast corner to a 200 mm diameter sewer.

*Water Works:* Based on the proposed development, water analysis is not required. Fire flow calculations signed and sealed by a professional engineer based on a Fire Underwriter Survey to confirm that there is adequate available flow are required at Building Permit stage. Specific works to be included within the Servicing Agreement at rezoning include:

- A minimum 200 mm diameter water main being provided along Gilbert Road.
- Replacement and relocation of existing 300 mm water main located 1.2 m (4.0 ft.) from the subject site's Hollybridge Way property line from the Lansdowne Road intersection to approximately 100 m (330 ft.) south to be tied into the new water main at Lansdowne Road.
- Replacement and relocation of the existing 300 mm water main located along the proposed site's Elmbridge Way frontage from the Hollybridge Way intersection to approximately 75 m (246 ft.) to the south-east.

*Existing Statutory Rights-of-Way (SRW):* The current SRWs for the above-noted storm main adjacent to Gilbert Road and for the road corner cut at the intersection of Gilbert and Lansdowne Road will be respectively discharged when this main is removed under the Servicing Agreement and the corner cut is dedicated as road.

## Analysis

### Proposed Zoning Amendment

Bylaw No. 8957 proposes to rezone the subject site from "Industrial Business Park (IB1)" to "Residential/Limited Commercial (RCL3)". The project meets the maximum height of 47 m (154 ft.) permitted under this zoning and complies with the density and land use provisions of the zone. Specifically, the development is proposed to include densities which are dependent upon the following density bonus provisions within the zone as follows:

- The maximum permitted Residential Floor Area Ratio (FAR) of 2.0 which is permitted with provision of 5% of this residential FAR being designated for affordable housing units (as discussed below); and
- An additional commercial FAR of 0.67 which is below the maximum commercial FAR of 1.0 permitted with provision of 5% of the actual commercial FAR being provided for a community amenity, in this case the proposed Child care facility (as discussed below).

### Parking and Transportation Demand Management (TDM)

*On-Site Vehicle Parking:* The proposed project includes three (3) levels of parking and loading above grade and one (1) level below street grade. The parking includes a total of 502 parking spaces with 275 resident spaces and 47 visitor spaces which are shared with the 218 commercial parking spaces as permitted under Zoning Bylaw 8500 (Attachment 2).

*Loading Spaces:* The proposed development has accommodated the required two (2) WB 17 (large 17 m trucks) and one (1) SU9 (medium 9 m trucks) loading spaces within Level 1 along with the majority of the commercial space located at street level.

The above parking amounts include reductions of 10% below the commercial parking and 5% below the residential/visitor parking standard requirements set out in the bylaw. In lieu of this reduction, the City accepts the applicant's offer to voluntarily contribute towards the following Transportation Demand Management (TDM) measures:

- Entering into an agreement with the City to ensure that electric vehicle and bicycle plug-ins be provided as a condition of issuance of the City Building Permits with confirmation that such have been provided as a condition of issuance of an Occupancy Permit for each building as follows:
  - 240V electric plug-ins for 20% of all residential parking spaces;
  - 240V electric plug-ins for 10% of all commercial parking spaces;
  - 120V electric plug-ins for 5% of residential bicycle parking spaces, or one (1) for every bicycle storage compound, whichever is greater.
- Construction of an interim 2 m (6.6 ft.) wide asphalt walkway along the north side of Lansdowne Road between Gilbert Road and Alderbridge Way under the Servicing Agreement.

The applicant will also be providing \$25,000 to the City for the installation of a City Centre-style transit shelter and associated transit accessibility requirements.

#### Form & Character of Development

The Development Permit application plans will be brought forward to the Development Permit Panel for consideration after being given formal review by the Advisory Design Panel. The following provides a general overview of building and site design considerations based on the plans included in **Attachments 6 and 7**.

*Urban Design and Site Planning:* This site includes two (2) relatively high towers at the northwest and northeast corners of the site respectively with 14 and 15 floors adjacent to a four (4) level podium. More specifically, the podium includes:

- One (1) commercial parking level below street grade.
- One (1) level at street grade with the loading zones within the centre of the development and retail space facing all of the surrounding streets. (The main driveway is provided at the centre of the Hollybridge Way frontage while a secondary driveway is provided at the centre of the Lansdowne Road frontage).
- On the third and fourth levels, there is residential parking with 13 townhouse units along with a restaurant facing Hollybridge Way, and commercial space and the first residential floor of each of the two (2) towers facing Lansdowne Road.
- On the south elevation facing Elmbridge Way, a five (5) storey block rises one (1) floor above the podium. This building contains the required 14 affordable housing units with their own amenity area and the 5000 ft<sup>2</sup> (465 m<sup>2</sup>) child care space.

- On the fifth level, a large 1.0 acre (0.41 ha.) outdoor amenity area lays between the two (2) residential towers and affordable housing/child care block.

For the most part, active residential and commercial uses envelope the three (3) levels of parkade and loading areas that lay above street grade at the centre of the podium. The main exception is the two (2) levels of parkade fronting onto Gilbert Road. In this elevation, there is an innovative metal frame supporting a perforated metal screen which will include artistic and graphical elements to be refined at the Development Permit stage.

*Building Height:* Also, as discussed above, the site is designated as “Urban Centre T5 (25 m)” and “Urban Centre T5 (45 m)” within the CCAP which respectively specify a typical building height of 25 m on the eastern portion of the site adjacent to Gilbert Road and 45 m typical height on the western portion of the site adjacent to Hollybridge Way. The CCAP further states that building heights may exceed the maximum permitted, provided that the form of development contributes towards a varied, attractive skyline, does not compromise private views, sunlight to amenity areas and provides community views (e.g. sunlight to a park or open space). Staff are supportive of the proposed height for the east tower that allows the development to meet the 2.0 FAR residential density and yet provide required affordable housing under the RCL3 zoning, yet providing for:

- More common outdoor amenity space on a larger podium garden that occupies approximately 4,131 m<sup>2</sup> (approximately 1.0 acre) or 42% of the net development site.
- A tall 15-storey tower located at the northeast corner of the site, forming a landmark for those vehicles and pedestrians heading south along the gentle bend of Gilbert Road.

*Architectural Form and Character:* The proposed project is composed of varied modern styles on each elevation with:

- Each tower being angled towards the adjacent intersection corner with the northeast tower having angled balconies and large overhangs.
- The two towers being clad in extensive window walls with strong vertical frames to accentuate the height of the buildings which have an overall light look.
- The most prominent east elevation of the project facing Gilbert Road including a varied design vocabulary. The northeast tower and the large retail storefronts include extensive glazing interspaced with darker and painted concrete which has a heavier appearance. The upper two (2) levels of the parkade are clad in a metal frame supporting a perforated metal screen. This innovative approach is to be defined further given the prominence of this section of the facade.
- The west elevation of the project facing Hollybridge Way includes a restaurant and the townhouse units contained within a strong architectural frame as well as the main vehicle entrance to the parkade. The south-west corner of the development also includes a light,

glass clad, seven (7) storey stairway tower adjacent to the affordable housing/child care block that also faces Elmbridge Way.

- The north elevation of the project facing Lansdowne Road includes both towers, and retail storefronts that include glazing interspaced with masonry while the northeast retail unit has a lighter look, using glass curtain wall. The stepped facade of the fifth floor amenity space is setback from the street behind a large tree-covered terrace.
- The south elevation facing Elmbridge Way includes street-level retail with one (1) level of parkade and three (3) levels of affordable housing located above.

*Setback Variance to Hollybridge Way:* The development meets the minimum setback to all property lines, except for a section of the parkade that extends along Hollybridge Way. This section includes five (5) ground-oriented townhouse units on the southern one-third of this frontage adjacent to the proposed pocket park. In this section, the top of the parkade rises above the sidewalk level, appearing as a landscape wall and forming the base and the front patios of these townhouse units. Staff would support a variance for this small section of parkade wall, extending partly above grade, subject to the parking spaces being pulled back or parkade ceiling dropped so that the exposed parkade wall/landscape wall can be split in two (2) terraced sections.

*On-Site Landscape and Open Space Design:* The development includes the following key landscape elements which will be further refined at the Development Permit stage.

*Gilbert Road (East):*

Gilbert Road forms a major entrance into Richmond and is also designated as a Greenway and thus the following are provided:

- There is a linear landscape buffer with a rain garden feature that will receive stormwater from the site and provides a separation between Gilbert Road and the large sidewalk/walkway of up to approximately 6 m (20 ft.) in width adjacent to the grade-level retail.
- This walkway also includes alcoves which provide for seating and bike racks.
- There is a small water feature located at the base of the northeast tower which visually connects to the rain garden with the bridge over this water feature.

*Hollybridge Way:*

- The townhouse units have separate front entries leading onto terrace patios of not more than 1.5 m (5.0 ft.) above street level.
- The main driveway access to the development is at the centre of the Hollybridge Way elevation.

*Other Street Frontages – Lansdowne Road (North) and Elmbridge Way (South):* There are large sidewalks ranging from approximately 4.0 (13.5 ft.) to 6.0 (20.0 ft.) lying partly on the road allowance and partly on the development site behind the boulevard with street trees. There is also a secondary driveway access to the project from Lansdowne Road.

*Podium Level Landscape:* The fifth storey outdoor amenity space on the podium level comprises approximately 1.0 acres (0.41 ha.) and includes the child care play area, large patios, an outdoor fireplace, and treed areas along with a very large central common lawn area.

#### Tree Replacement

A survey was submitted that showed 13 on-site trees and eight (8) off-site trees which are located within the footprint of the proposed development. The developer will need to obtain a tree removal permit for the off-site tree removal. Cash compensation in the amount of \$8,000 for the off-site trees removed from City property is to be provided. The 13 on-site trees removed must be replaced with 26 replacement trees included within the Development Permit landscape plans covered by the landscape security.

#### Advisory Design Panel Review and Further Design Review

The proposed development was also forwarded to the City's Advisory Design Panel (ADP) on July 18, 2012, which provided general comments in support of the development, but also included several comments about elements that need to be addressed. A number of these issues raised by ADP, along with issues identified by staff (as identified below in this report) will need to be resolved before formal ADP review of the Development Permit plans and Development Permit Panel consideration (excerpt of ADP minutes in **Attachment 7**).

In this regard, staff will be working with the applicants to address a number of issues including, but not limited to:

- Providing additional articulation to the two main residential towers. Revisions to proportions of architectural frame components in relationship to the mass of the towers and achieving consistency in the architectural vocabulary in all facades.
- Achieving better capping at the top of the towers.
- Improving the colour palette and resolving compatibility between materials and architectural expression among towers, parkade and lower residential blocks.
- Achieving architectural compatibility between the parkade and east end of affordable housing block.
- Undertaking work on the Lansdowne and Hollybridge Way elevations to ensure that the appropriate articulation and architectural vocabulary is carried along these streets and also reflected on the affordable housing block.
- Further developing the large a metal screen and public art elements that clad the two (2) stories of parkade forming the middle section of the Gilbert Road elevation.
- Further developing the podium landscape with particular attention to the outdoor open and covered areas associated with the child care facility and weather protection over the pedestrian route to this facility.
- Further design of the street landscaping concept to reinforce the role and presence of the parkette at the corner of Hollybridge Way and Lansdowne Road.
- Scaling back the underground parkade below the sidewalk along the Gilbert Road frontage by various means (i.e. more efficient layout, increasing the 5% residential parking TDM, considering a minor variance to parking aisle widths) so that part of the SRW (with public access and owner maintenance) is not located above the parkade.

### Other Major Planning Aspects of Development to Address at Rezoning:

Aside from the servicing, transportation, zoning and design elements of the development, the following planning elements are to be addressed at rezoning.

*Affordable Housing:* Following the City's Affordable Housing Policy, the development will be including 14 affordable housing (low-end market rental) to the satisfaction of the City with combined habitable floor area comprising at least 5% of the subject development's total residential building area (i.e. comprising a total of approximately 10,555 ft<sup>2</sup> (981 m<sup>2</sup>)). The terms of a Housing Agreement entered into between the developer and City will apply in perpetuity. The terms specify the following regarding types and sizes of units, rent levels, and tenant household incomes:

#### **Affordable Housing Target Groups**

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent*	Total Annual Household Income*
1-Bedroom / Den	5**	50 m <sup>2</sup> (535 ft <sup>2</sup> )	\$925	\$37,000 or less
2-Bedroom	9**	80 m <sup>2</sup> (860 ft <sup>2</sup> )	\$1,137	\$45,500 or less

\* May be increased periodically as provided for under adopted City policy.

\*\* All affordable housing units must satisfy Richmond Zoning Bylaw requirements for Basic Universal Housing.

The affordable housing units are located on the top three (3) floors of the five (5) storey block facing Elmbridge Road on the south side of the development which includes commercial on street level and one (1) floor of parking above. The location and size of these units within the development is included within the preliminary architectural plans (**Attachment 5**) and is to the satisfaction of City Affordable Housing staff.

The Housing Agreement and associated housing covenant will ensure that occupants of the affordable housing units subject to the Housing Agreements shall enjoy full and unlimited access to and use of all on-site outdoor amenity spaces. The building will also include a separate indoor amenity room of 753 ft<sup>2</sup> (70m<sup>2</sup>) (which exceeds the base requirement of 22 ft<sup>2</sup> /unit for the 14 affordable housing units).

*Child Care Facility:* The applicant, Cressey (Gilbert) Developments LLP, will be constructing a large, functional child care facility of 5,000 ft<sup>2</sup> (465 m<sup>2</sup>) to 5,500 ft<sup>2</sup> (511 m<sup>2</sup>) located on the fifth level of affordable housing block facing the landscaped podium. This size is well beyond the approximate 3,530 ft<sup>2</sup> (328 m<sup>2</sup>) area that the applicant is required to provide under the density bonus provisions of the RCL3 zoning and CCAP's Village Centre Bonus. Community Services advised that a larger 5,000 ft<sup>2</sup> (465 m<sup>2</sup>) facility is far preferable to having two (2) smaller child care facilities. With this in mind, staff coordinated the review of the IntraCorp rezoning application at 5440 Hollybridge Way (RZ 09-506904) and this application at 5640 Hollybridge Way.

While the applicant will initially fund the construction of the entire child care, up to \$874,000 will be paid by the City for the area beyond which the applicant is responsible under the RCL3 zoning and CCAP. This \$874,000 amount is based on a contribution that IntraCorp agreed to pay as a rezoning consideration to transfer their Village Centre Bonus 1,942 ft<sup>2</sup> (180 m<sup>2</sup>) child care obligation for its development at 5440 Hollybridge Way to this development.

The Intracorp application received a favourable recommendation to proceed at the July 17, 2012 Planning Committee with the amendment bylaw receiving Third Reading at the September 5,

2012 Public Hearing. Staff and the applicant expect that this zoning bylaw amendment to be adopted in early 2013, along with the payment of their child care contribution.

The legal agreements entered into prior to adoption of rezoning for this project will provide that the child care facility (contained within an airspace parcel along with parking and access easements) will receive a final inspection granting occupancy and be completed to the satisfaction of the City prior to final inspection granting occupancy for any other part of the subject development. It is anticipated that this development would be completed by mid 2015 at the earliest.

The agreements will also provide that if there is sufficient money available in the Child Care Development Reserve Fund (from the Intracorp development or other developments) at completion of construction of the child care, the City will pay up to \$874,000 for the facility under an agreement for purchase and sale. If these funds are not available at completion, the agreements would allow the City to enter into a long-term, renewable lease at no cost to the City for the child care. This lease and option to purchase will provide the City with the ability to use the child care as it deems appropriate and allow for sub-leasing by the City to child care providers. The agreements would also include an option to purchase the lease area for up to \$874,000 by the City from the Child Care Development Reserve Fund which the City would exercise when funds become available after completion.

*Indoor Shared Amenity Space:* The developer proposes to construct two (2) shared indoor amenity areas totaling 5,333 ft<sup>2</sup> (495 m<sup>2</sup>). The first area joins the two (2) market-residential towers on the fifth level opening out onto an extensive terrace above Lansdowne Road and the development's large podium garden area to the south. This first area includes a gym, squash court, saunas, and change rooms. The second area is comprised of a 1,600 ft<sup>2</sup> (149 m<sup>2</sup>) standalone lounge building.

*Public Art:* The developer has offered to voluntarily provide \$170,513 to Richmond's Public Art Program (this amount may be adjusted if the residential and commercial building areas change). The applicant may also wish to integrate some public art into the development itself, subject to a Public Art Plan, acceptable to the City, being submitted prior to zoning adoption. The value of any such on-site art, as a portion of the above amount, must also be secured before zoning adoption.

*District Energy:* There will be registration of a restrictive covenant and/or alternative legal agreement(s), securing that no building permit will be permitted to be issued on the subject site until the Developer enters into legal agreement(s) in respect to the developer's commitment to connecting to the proposed City Centre District Energy Utility (DEU), including operation of and use of the DEU and all associated obligations including:

- Design and construction of the development's buildings to facilitate hook-up to a DEU system (e.g., hydronic water-based heating system).
- Entering into a Service Provision Agreement(s) and statutory right-of-way(s) and/or alternative legal agreements, to the satisfaction of the City, that establish DEU for the subject site.



*Flood Construction Level:* There will be registration of the City's standard flood indemnity covenant on Title.

*Tandem Parking:* There will be registration of a restrictive covenant and/or alternative legal agreement on title ensuring that where two (2) parking spaces are provided in a tandem arrangement both parking spaces must be assigned to the same dwelling unit.

*No Access onto Gilbert Road and Elmbridge Way:* There will be registration of a restrictive covenant and/or alternative legal agreement on title that prohibits driveway crossings along the subject site's Gilbert Road and Elmbridge Way frontages.

*Shared Commercial/Visitor Parking:* There will also be restrictive covenants and/or alternative legal agreements registered on title that will provide that no commercial parking spaces may be provided in a tandem arrangement and not more than 50% of the commercial parking spaces may be designated (i.e. sold, leased, reserved, signed, etc.) by the owner or operator for the exclusive use of employees, specific businesses, and/or others.

*Community Planning Program:* The applicant is to contribute \$67,704 towards Richmond's Community Planning Program fund on the basis of \$0.25/ft<sup>2</sup> of total building area, excluding affordable housing units (this amount may be adjusted if the building area changes from 270,815 ft<sup>2</sup>).

#### Other Elements to be Provided at Development Permit:

The submission of the Development Permit to the Development Permit Panel is anticipated to be undertaken prior to adoption of the rezoning. Aside from building and landscape design elements, the following are being addressed as part of the Development Permit review.

*Airport, Commercial/Residential Interface and Industrial Noise:* The City's OCP aircraft noise and industrial noise policies apply. As well, the development will need to meet the same noise levels to address the co-location of commercial and residential uses within the project. Submission of a report that addresses aircraft noise following these provisions will be required to recommend that buildings are designed in a manner that mitigates potential aircraft, as well as commercial/residential interface and industrial noise within the proposed dwelling units. Dwelling units must be designed and constructed to achieve:

- CMHC guidelines for interior noise levels as indicated in the chart below:

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

- The ASHRAE 55-2004 "Thermal Environmental Conditions for Human Occupancy" standard for interior living spaces or most recent ASHRAE standards.

The developer will also be required to enter into and register the City's standard noise-related covenant(s) on Title for Aircraft Noise Sensitive Use Development (ANSUD) and industrial noise.

*LEED Silver:* The developer has committed to meet the Canadian Green Building Council LEED Silver 2009 criteria and submission of follow-up letter confirming that building has been constructed to meet such LEED criteria. The “architect of record” or LEED consultant is also to provide a letter of assurance confirming how each building meets LEED Silver criteria prior to issuance of an Occupancy Permit for each building. The LEED criteria to be met must include *Heat Island Effect: Roof Credit* and *Storm Water Management Credit*.

*Future Development Permit Review:* The developer will continue working with staff on the Development Permit application being completed to a level deemed acceptable by the Director of Development for review by the Advisory Design Panel and Development Permit Panel before being brought to Council for consideration of issuance. This will include finalizing of the architectural and landscape plans in more detail as generally discussed above.

### **Financial Impact**

None.

### **Conclusion**

The subject development is consistent with the OCP, CCAP, the City Centre Transportation Plan, the City Centre Public Art Plan, Affordable Housing Policy, Child Care Development Policy and related policies. In particular, with the sharing of cash contributions from other developers, the applicant is able to provide a large, functional 5000 ft<sup>2</sup> (465 m<sup>2</sup>) child care facility, that is well beyond the 3,531 ft<sup>2</sup> (328 m<sup>2</sup>) area that usually would be required under the RCL3 zone, and which provides a major public contribution from this development.

Overall, the subject development is a well-planned, attractive addition to the community that will contribute to the retail vitality, liveability and amenity of the Oval Village and broader City Centre area. On this basis, staff recommends support for the subject rezoning and related bylaw.

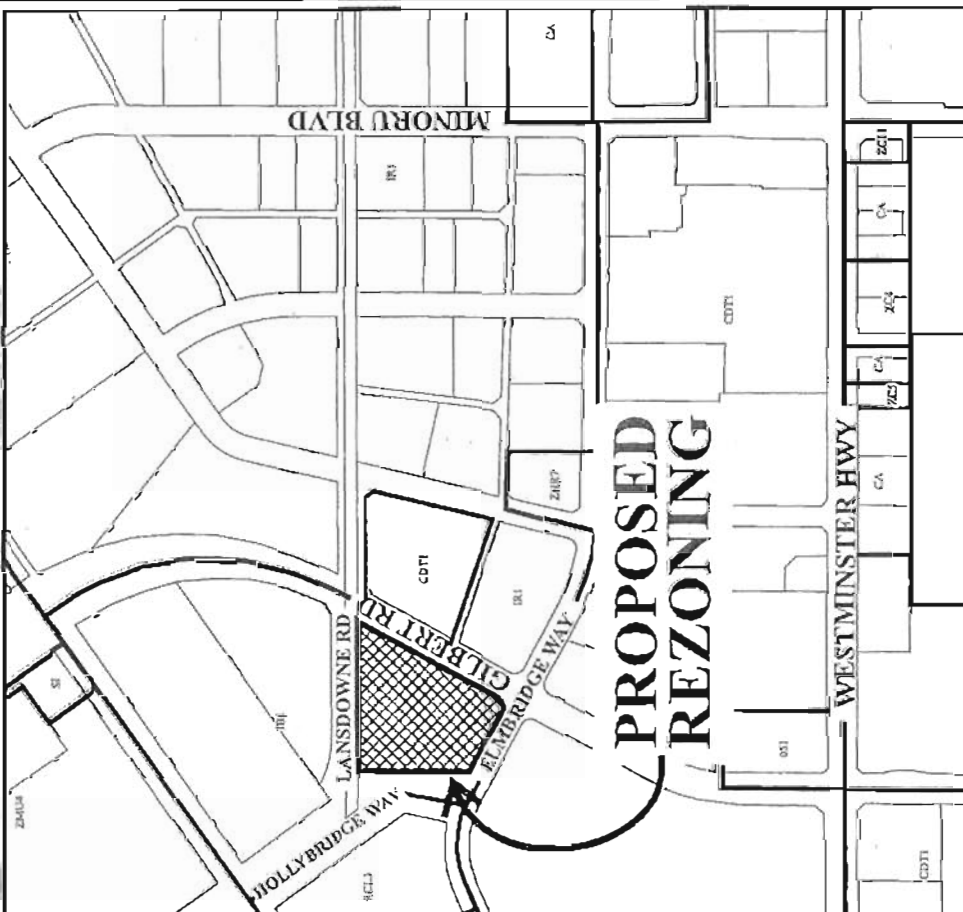


Mark McMullen  
Senior Coordinator-Major Projects  
(604-276-4173)

MM:kt

### **Attachments**

- Attachment 1: Location Map and Aerial Photograph
- Attachment 2: Development Application Data Sheet
- Attachment 3: CCAP Specific Land Use Map
- Attachment 4: Functional Road Layout Plan
- Attachment 5: Preliminary Architectural and Perspective Drawings
- Attachment 6: Preliminary Landscape Plans
- Attachment 7: Excerpt of Minutes from July 18, 2012 Advisory Design Panel Meeting
- Attachment 8: Rezoning Considerations Letter



# PROPOSED REZONING

RZ 12-602449

**Note:** Dimensions are in METRES





RZ 12-602449

Original Date: 03/15/12

Amended Date: 11/01/12

Note: Dimensions are in METRES





Attachment 2

Address: 5640 Hollybridge Way

Applicant: Cressey (Gilbert) Development LLP

Owner: Cressey Gilbert Holdings Ltd.

Planning Area(s): City Centre – Oval Village

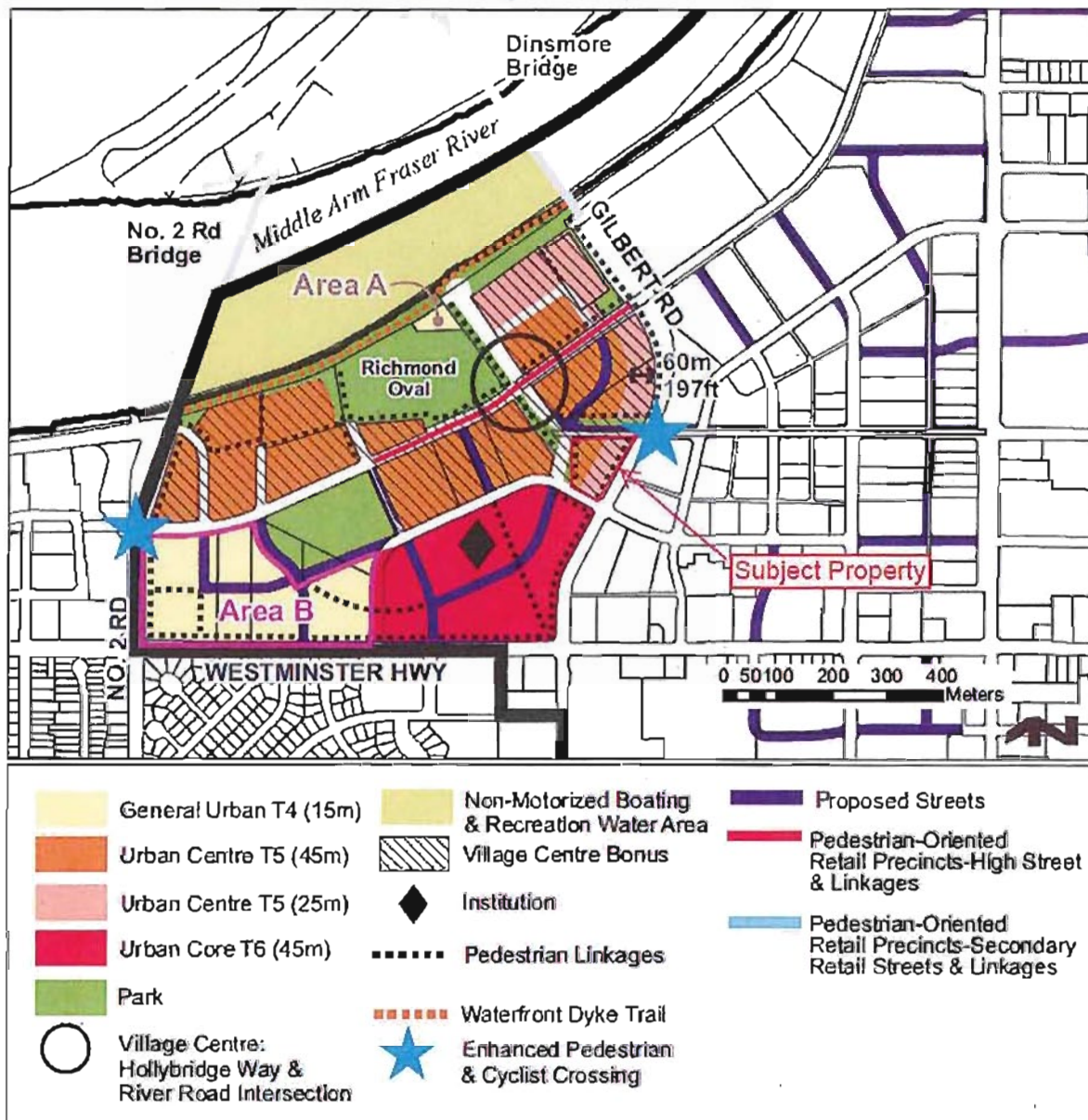
Floor Area Gross: 293,743 ft<sup>2</sup> (27,290 m<sup>2</sup>)<sup>\*</sup> Floor Area Net: 281,370 ft<sup>2</sup> (26,140 m<sup>2</sup>)<sup>\*</sup>

	Existing	Proposed
Site Area:	108,543 ft <sup>2</sup> (10,084 m <sup>2</sup> )	105,379 ft <sup>2</sup> (9,790 m <sup>2</sup> ) <sup>*</sup>
Land Uses:	Retail/Office/Light Industrial	Mixed-Use Commercial / Residential
OCP Designation:	Urban Centre T5 (25 m) / Urban Centre T5 (45 m)	Urban Centre T5 (25 m) / Urban Centre T5 (45 m)
Zoning:	Industrial Business Park (IB1)	Residential / Limited Commercial (RCL3)
Number of Units:	None	245

<sup>\*</sup>NOTE: The Proposed Site Area will be reduced by 25m<sup>2</sup> due to additional road dedication required after the plans for the Planning Committee report were prepared. This will reduce the Net and Gross Floor Areas by 50m<sup>2</sup> as these amounts are at the maximum 2.0 FAR or 2 times the Proposed Site Area.

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	2.0 Residential Max. 1.0 Commercial Max.	2.0 Residential 0.67 Commercial	none permitted
Lot Coverage (Building excluding podium open space):	Max. 90%	35.3%	None
Setback - Front Yard: Hollybridge	Min. 3 m	3 m at grade 0.0 m for below grade parkade	DVP for parkade
Setback – Ext. Side: Gilbert	Min. 3 m	3.96 m	None
Setback – Ext. Side: Elmbridge	Min. 3 m	3 m	None
Setback – Ext. Side: Lansdowne	Min. 3 m	3 m	None
Height (m):	Max. 47 m geodetic	47m for tallest building (east tower)	None
Lot Size:	4000 m <sup>2</sup>	9790 m <sup>2</sup>	None
Off-street Parking Spaces – Regular/Commercial:	290 resident 49 visitor 9 childcare 243 commercial <u>542 Total</u> (with commercial / visitor sharing)	275 resident (50 tandem for 25 units) 47 visitor 8 childcare 218 commercial <u>502 Total</u> (with commercial / visitor sharing)  (With Zoning Bylaw's 10% TDM Reduction for Commercial and 5% Reduction for Residential & Visitor)	None
Off-street Parking Spaces – Accessible:	10	10	None
Amenity Space – Indoor:	3,531 ft <sup>2</sup> (328m <sup>2</sup> ) min.	7,040 ft <sup>2</sup> (654 m <sup>2</sup> )	None
Amenity Space – Outdoor: 2 m <sup>2</sup> per unit plus 10% of site area	Min. 13,659 ft <sup>2</sup> (1,269 m <sup>2</sup> )	46,569 ft <sup>2</sup> (4,326 m <sup>2</sup> )	None

## Specific Land Use Map: Oval Village (2031)

Bylaws 8685, 8701  
2011/10/24





# 5640 HOLLYBRIDGE WAY

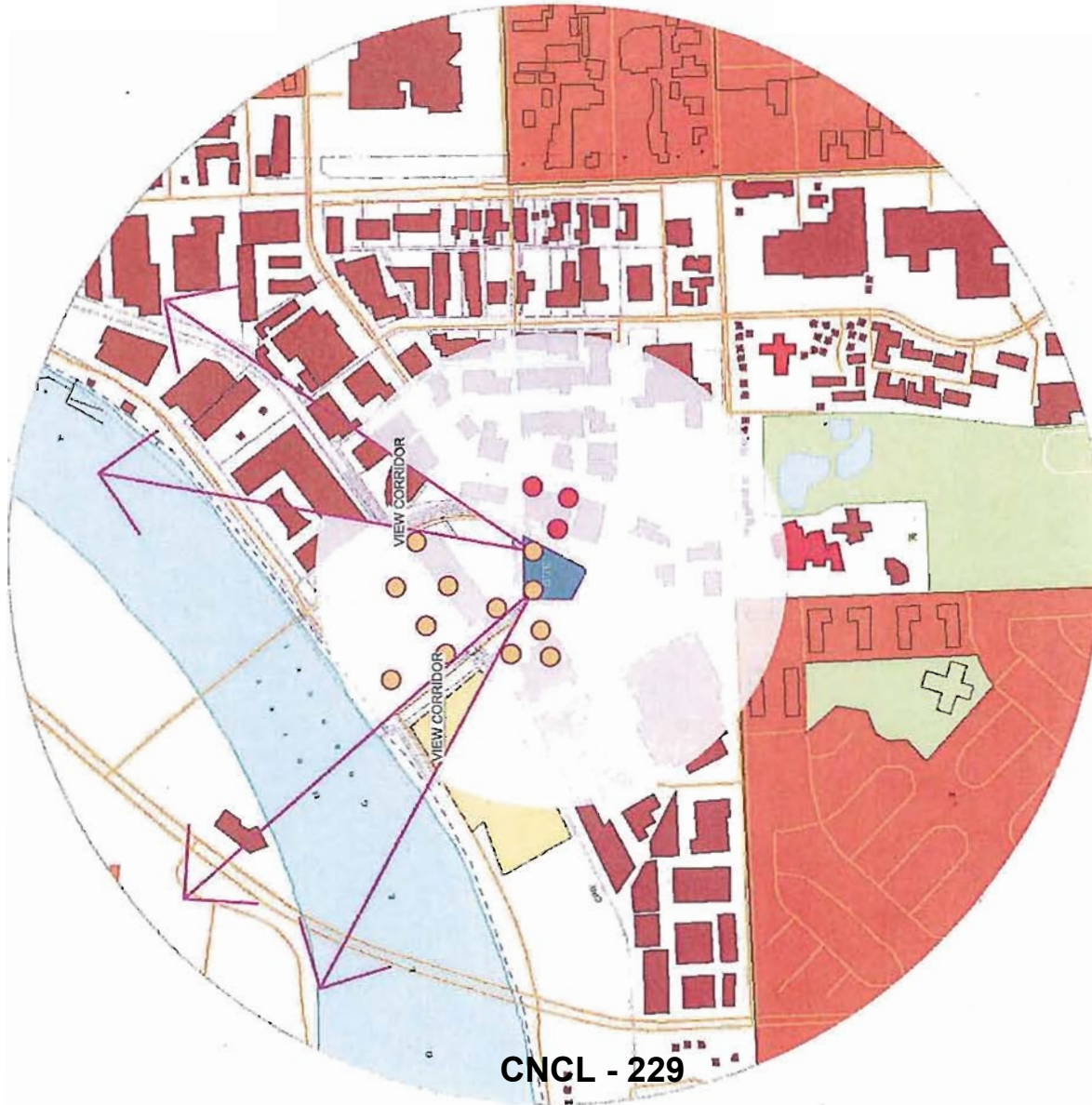


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5640 HOLLYBRIDGE  
RZ2012-602545  
Date OCT 18 2012





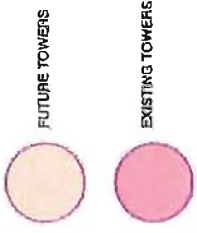
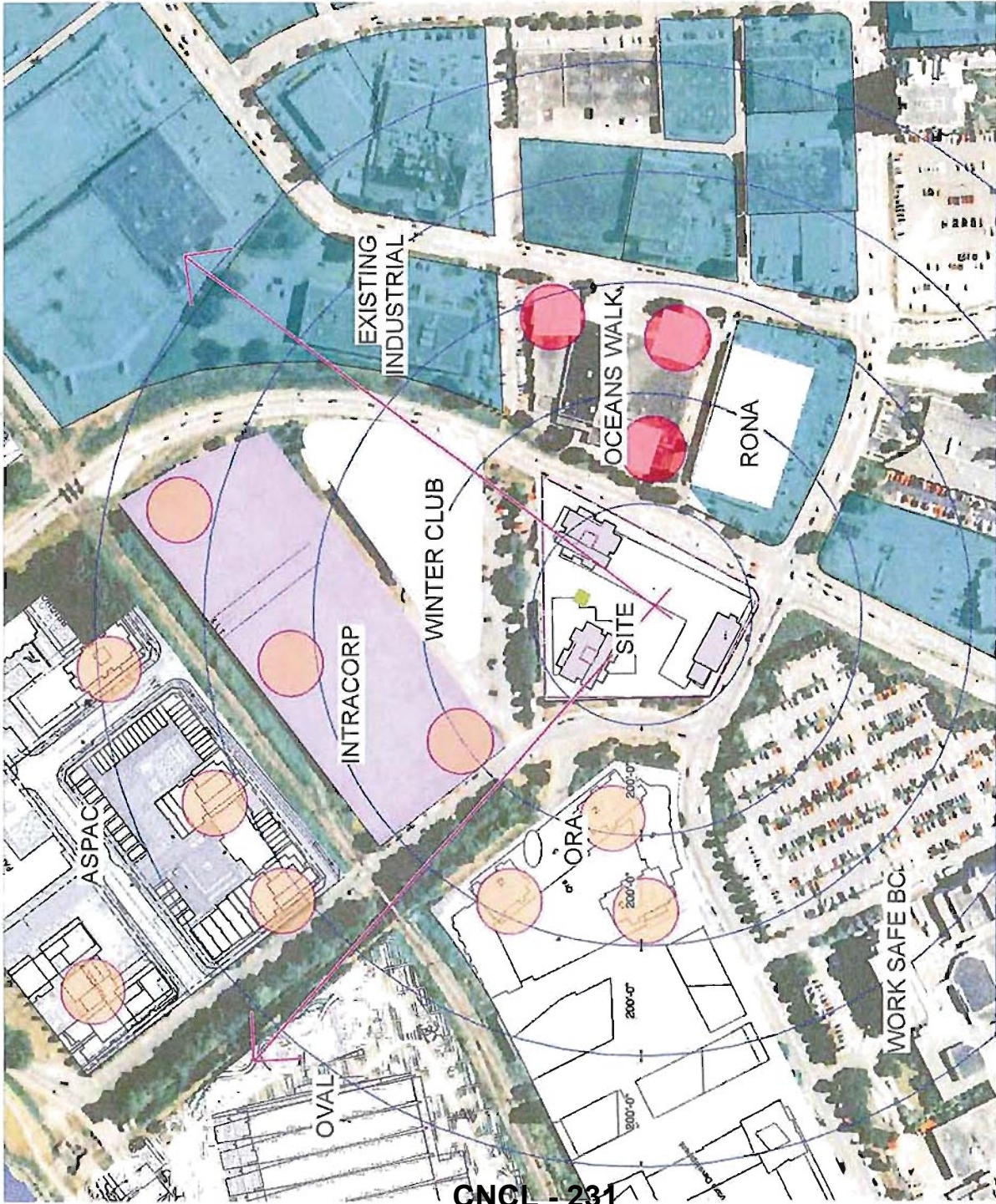


CNCL - 229

DRAWING NO.	DRAWING TITLE	SCALE
0	COVER	N/A
1	DRAWING LIST/CONTEXT	N/A
2	PROJECT STATISTICS	N/A
3	CONTEXT	AS NOTED
4	RATIONALE	N/A
5	RATIONALE	N/A
6	RATIONALE	N/A
7	RATIONALE	N/A
8	RATIONALE	N/A
9	RATIONALE	N/A
10	RATIONALE	N/A
11	SHADOW STUDY	AS NOTED
12	SITE PLAN / ROOF PLAN	AS NOTED
13	LEVEL P1	AS NOTED
14	LEVEL 1	AS NOTED
14a	LEVEL 1	AS NOTED
15	LEVEL 2	AS NOTED
16	LEVEL 3	AS NOTED
17	LEVEL 4	AS NOTED
18	LEVEL 5	AS NOTED
19	TYPICAL FLOORS	AS NOTED
20	PENTHOUSE LEVELS	AS NOTED
21	ELEVATIONS	AS NOTED
22	ELEVATIONS	AS NOTED
23	SECTIONS	AS NOTED
L01	LANDSCAPE GROUND FLOOR	AS NOTED
L02	LANDSCAPE PODIUM LEVEL	AS NOTED

## STATS





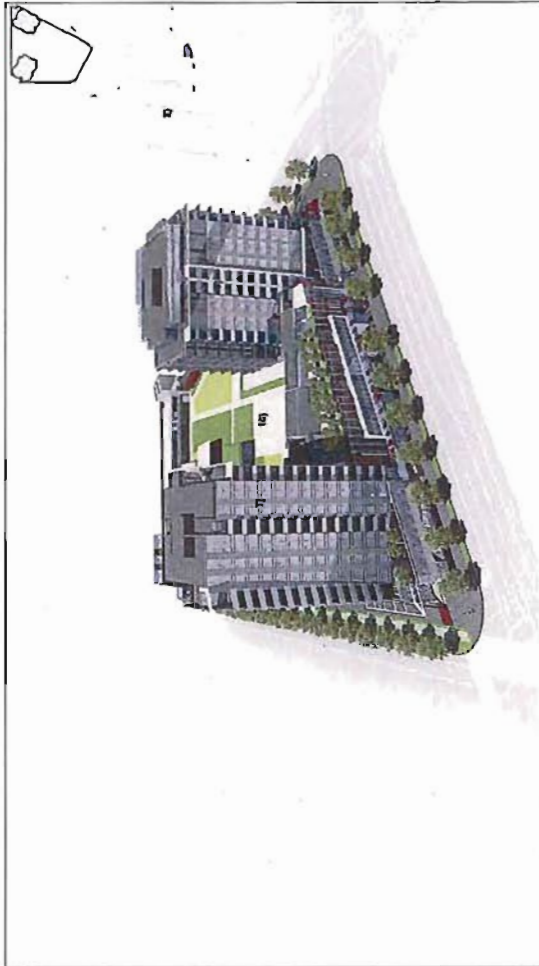
CNCL - 231



CONTEXT





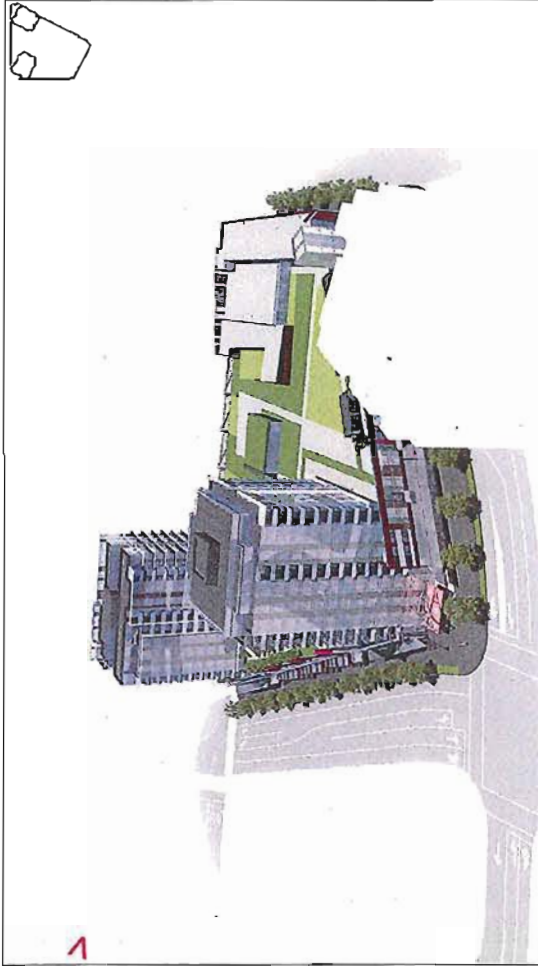


232

The project will consist of two towers, 15 and 14 levels respectively, on a maximum five storey podium containing commercial and residential uses. The base will consist of mainly commercial/retail, with townhouses on the ground floor and an internal parking structure above. The parking structure will be contained with programmed uses on three sides to maintain streetscapes and facade attractiveness.

An eye catching screen wall above the retail area facing Gilbert Road is proposed to contain that side of the parking structure. Additional landscaped roofs on top of the podium are envisioned in order to provide semi-private green spaces for residents and attractive views from the lower units above.

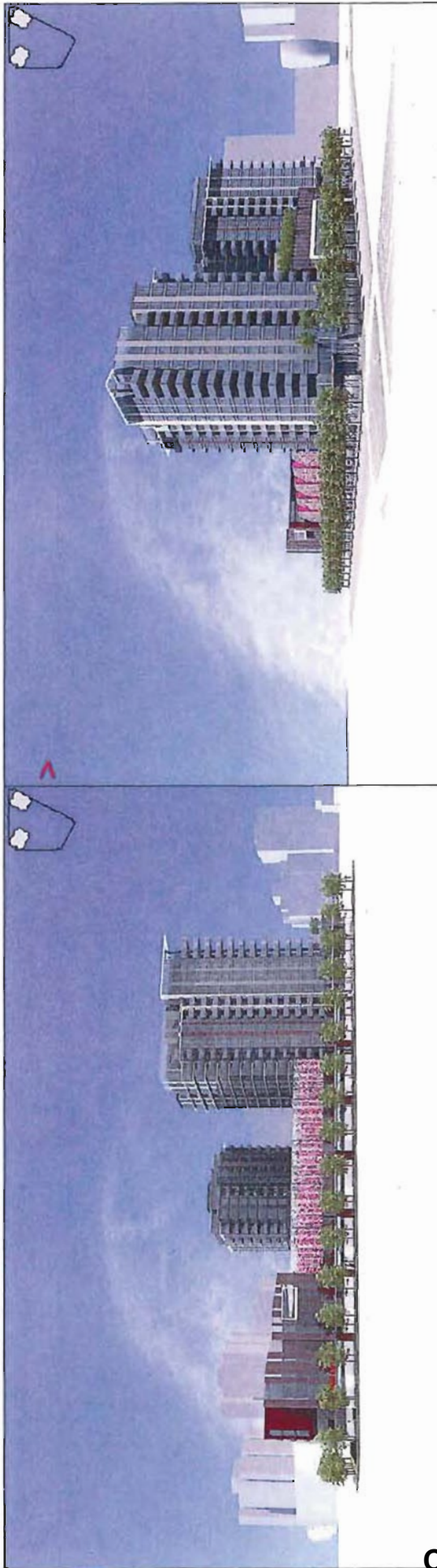




CNCL - 233

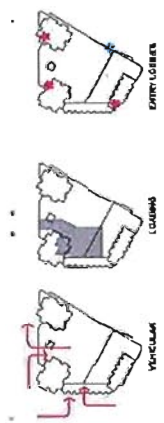
#### MASSING STRATEGY

Consistent with Richmond City Centre Area Plan (CCAP), the towers are placed to minimize impact on existing and proposed buildings within the immediate vicinity. They also maximize near and distant views from the development. Commercial and residential uses are oriented towards the street, engaging residents and shoppers within the neighborhood. The proposed towers are staggered from one another and separated by a minimum distance of 26.5 m, whereas separation from existing towers is a minimum of 24 m. The massing to the south is kept relatively low to avoid excessive shadowing into the interior podium courtyard.



### PROJECT ACCESS

Particular access to the site is from Lansdowne Road and Hollybridge Way. Loading, garbage and recycling will occur within the parking structure as well. Recycling areas will have a minimum of 6 m of headroom. All primary pedestrian entrances will occur at the street level with access to the towers on Lansdowne Road, townhouses directly off of Hollybridge and access to the affordable housing units from the south-west corner entrance.



### ARCHITECTURAL CHARACTER

Consistent with the high-quality architecture of surrounding developments in the neighborhood, 5640 Hollybridge Way will use contemporary glass and concrete construction materials and techniques. The project will emphasize sustainable and performance-based design principles, attaining LEED silver equivalent.

The project will feature an extensive landscaped, accessible roof and a screened wall facing Gilbert Road, which will distinguish the development in views from the south and east. A rain garden is proposed along Gilbert Road as a continuation of the existing greenway. At Hollybridge and the existing greenway. At Hollybridge and Elmbridge, the treatment is more quiet, whilst Lansdowne is considered a more exuberant shopping street terminating in a plaza at the intersection.

Maintaining a suitable pedestrian scale and character at-grade are of highest priority, and the project aims to enliven streetscapes while remaining sensitive to surrounding land uses and developments. The architectural character is sensitive to the pedestrian experience at-grade, with horizontal and vertical facade articulation of the two towers on a podium consisting of visually appealing elements and activity on all four sides of the development.





SCREEN WALL PRECEDENTS



INSPIRATION

### Gilbert Road

The large retail footprint facing Gilbert Road will possibly be occupied by a grocery store and/or a pharmacy that wraps around the side of the development to maintain a commercial character along the edge. In addition to the commercial uses at this edge, rain gardens are proposed at the street frontage as a continuation of the Gilbert road greenway system.





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#### Lansdowne Road

There will be a plaza at the Hollybridge and Lansdowne intersection to create a unique sense of place and enhance the Lansdowne Road termination.

#### Lansdowne Road

The building edge facing Lansdowne Road consists of the two towers linked with double-level retail at the ground level and a double-level Recreation fitness facility. A single level residential amenity space is stepped back at the podium level.







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### Hollybridge Way

Facing Hollybridge Way on the west side of the site, two double-levels of Townhouse units which will give the street an animated mixed-use nature and complement the frontage of the Ora development on the opposite side of the street.



### HOLLYBRIDGE WAY RENDERING

5640 HOLLYBRIDGE  
RZ-2012-602448  
Date OCT 18 2012





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### Elmbridge Way

The Elmbridge Way frontage consists of two-level retail with two levels of affordable housing units above as required by City of Richmond regulations. The corner of the southwestern exposure is punctuated with a shared entrance for affordable housing and child care facilities.

5640 HOLLYBRIDGE  
RZ-2012-002443  
Date OCT 18 2012

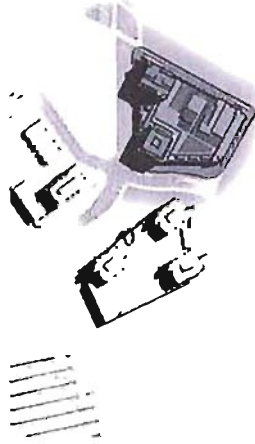
ELMBRIDGE WAY RENDERING



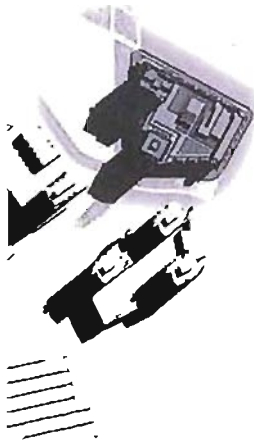
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NOON



10:00AM



MARCH 21

JUNE 21

SEPTEMBER 21

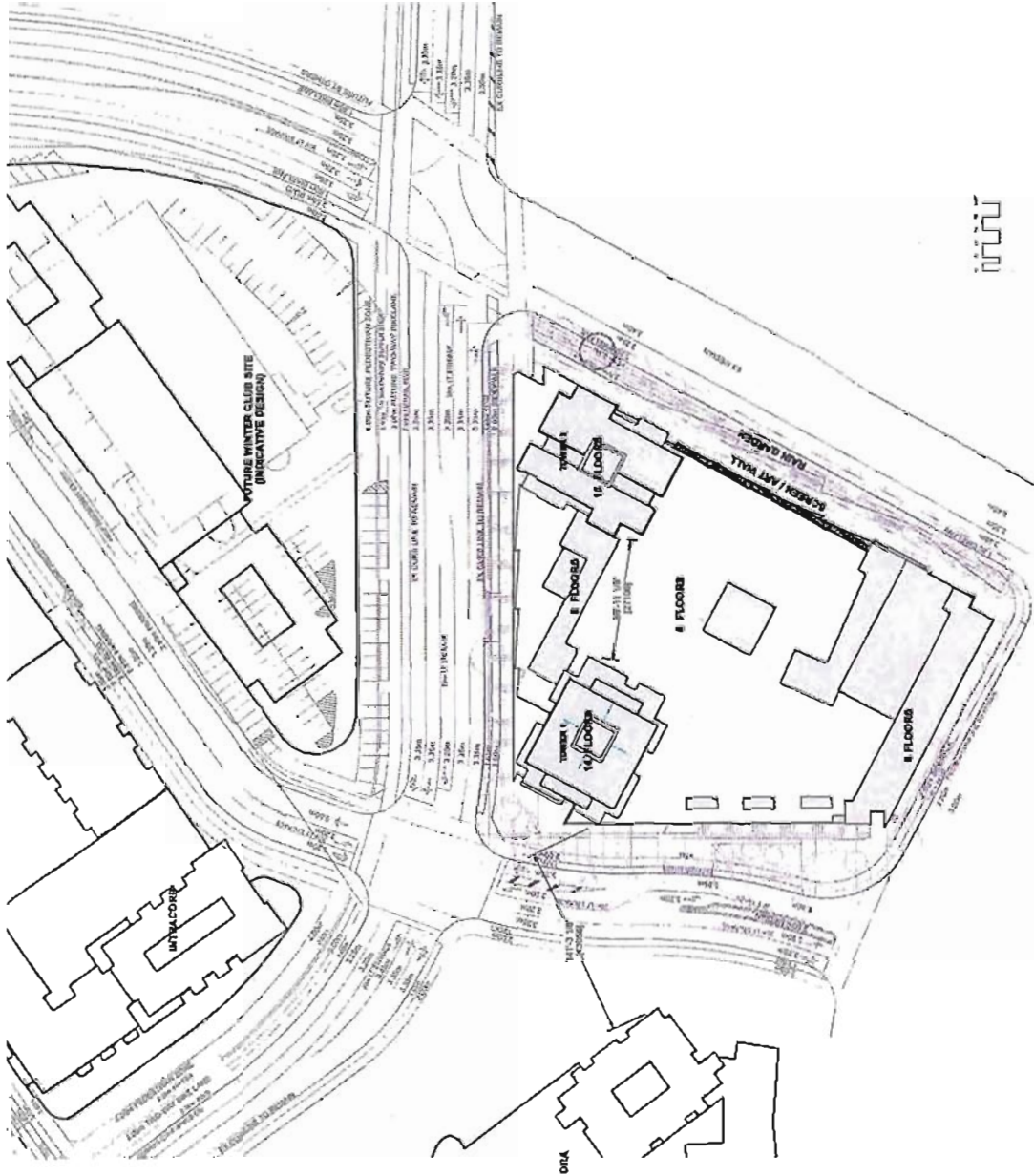
CNCL - 239

5640 HOLLYBRIDGE  
RZ2012-502469  
Date OCT 18 2012



SHADOW STUDY





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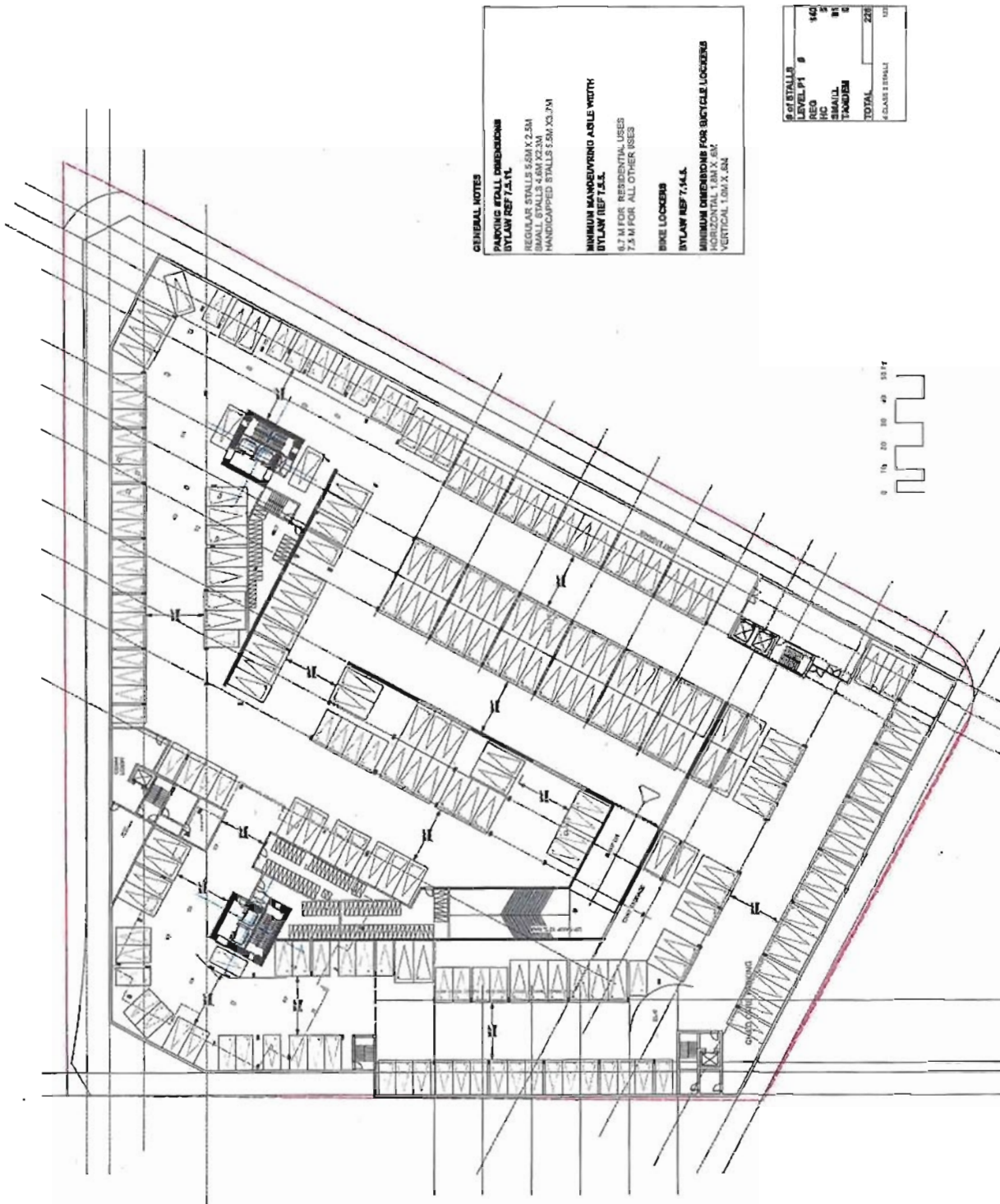
5640 HOLLYBRIDGE  
RZ-2012-80248  
Date OCT 18 2013

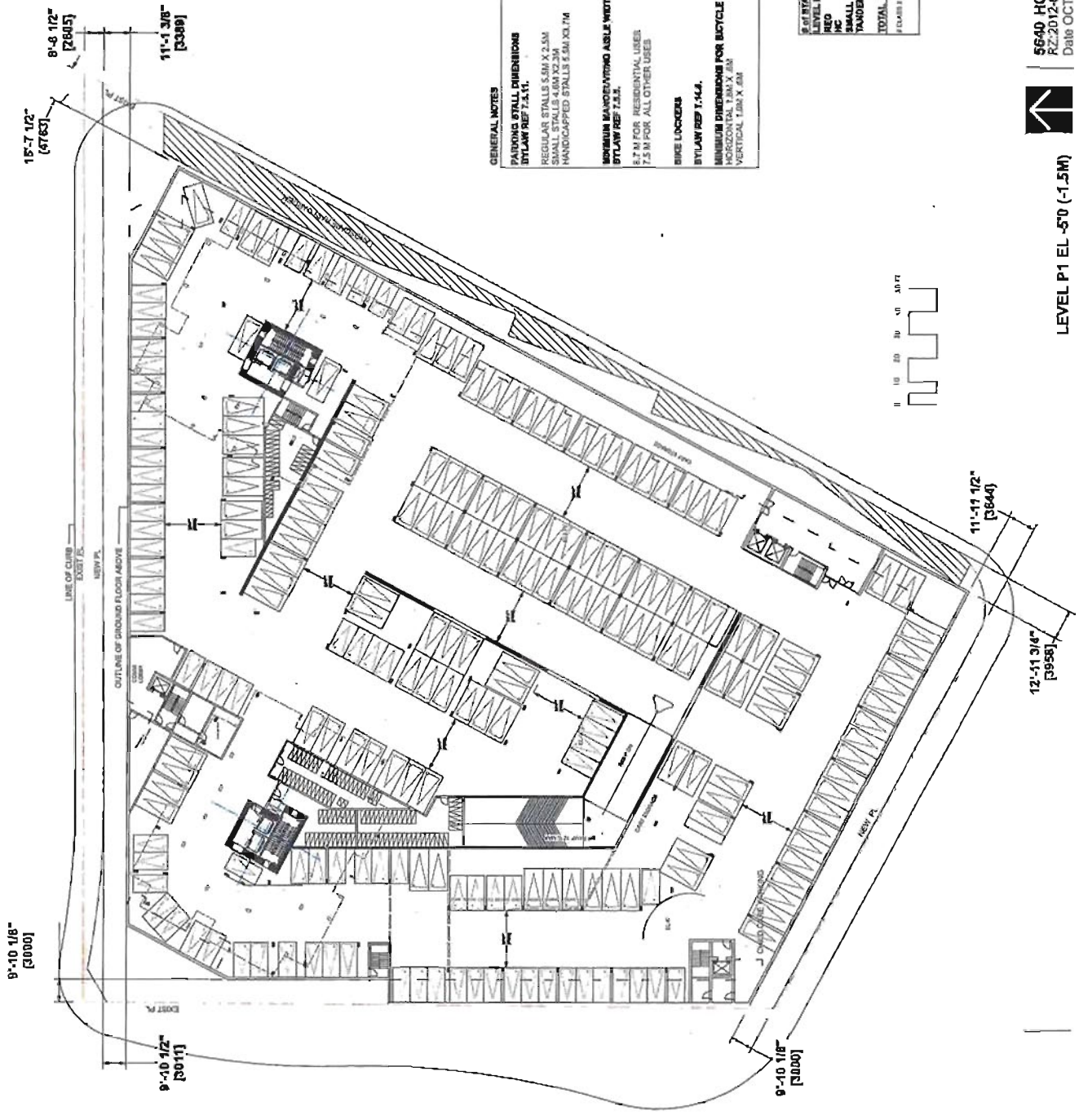


SITE / ROOF PLAN









**GENERAL NOTES**

**PARKING STALL DIMENSIONS**  
 BYLAW REF T.5.11  
 REGULAR STALLS 5.5M X 2.5M  
 SMALL STALLS 4.0M X 2.3M  
 HANDICAPPED STALLS 5.5M X 3.7M

**MINIMUM MANEUVERING ASLE WIDTH**  
 BYLAW REF T.5.1  
 8.7 M FOR RESIDENTIAL USES  
 7.5 M FOR ALL OTHER USES

**BIKE LOCKERS**  
 BYLAW REF T.4.4  
 MINIMUM DIMENSIONS FOR BIKE LOCKERS  
 HORIZONTAL 1.5M X .6M  
 VERTICAL 1.5M X .6M

NO. OF STALLS	LEVEL P1	NO.
REGULAR	140	
SMALL	81	
TOTAL	221	
STALLS & STALLS	221	



LEVEL P1 EL -5'0" (-1.5M)



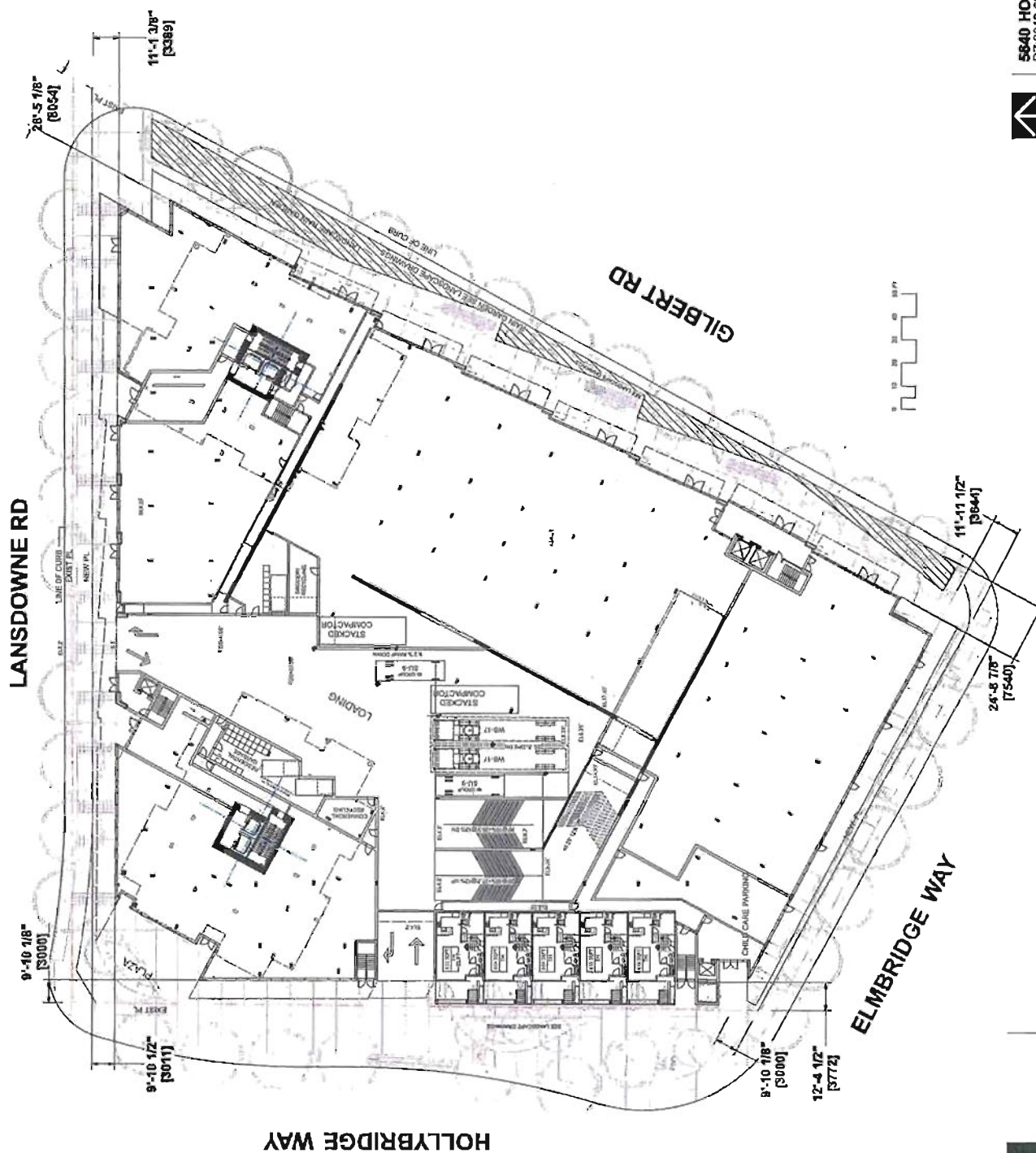


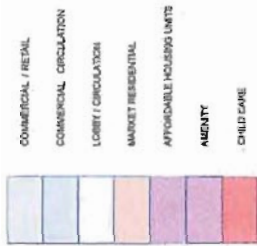
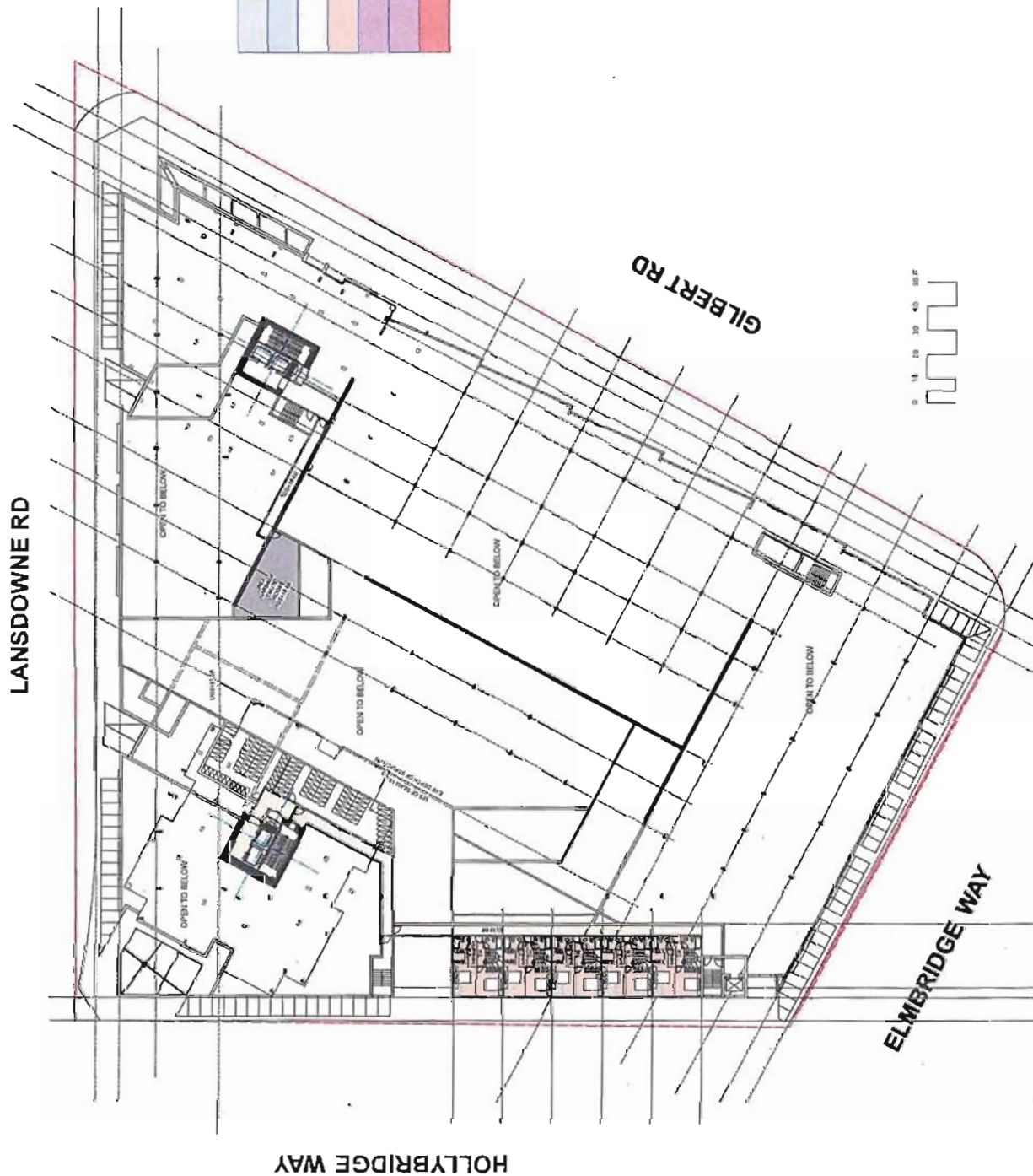






## LEVEL 11



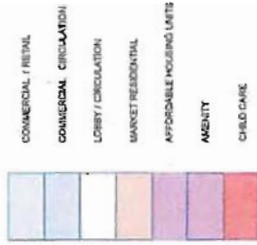


LANSDOWNE RD

HOLLYBRIDGE WAY

GILBERT RD

ELM BRIDGE WAY



**GENERAL NOTES**

**PARKING STALL DIMENSIONS**  
**STALL REF TALL**  
 REGULAR STALLS 5.5M X 2.5M  
 SMALL STALLS 4.5M X 2.3M  
 HANDICAPPED STALLS 6.5M X 3.7M

**MINIMUM MANEUVERING WIDTH**  
**STALL REF TALL**  
 6.7 M FOR RESIDENTIAL USES  
 7.5 M FOR ALL OTHER USES

**BIKE LOCKERS**  
**STALL REF TALL**  
 MINIMUM DIMENSIONS FOR BIKE LOCKERS  
 HORIZONTAL 1.8M X .5M  
 VERTICAL 1.2M X .5M

LEVEL	NO	SMALL	TANDEM	TOTAL
LEVEL 1	88	38	18	144
LEVEL 2	88	38	18	144
LEVEL 3	88	38	18	144
LEVEL 4	88	38	18	144
LEVEL 5	88	38	18	144
LEVEL 6	88	38	18	144
LEVEL 7	88	38	18	144
LEVEL 8	88	38	18	144
LEVEL 9	88	38	18	144
LEVEL 10	88	38	18	144
LEVEL 11	88	38	18	144
LEVEL 12	88	38	18	144
LEVEL 13	88	38	18	144
LEVEL 14	88	38	18	144
LEVEL 15	88	38	18	144
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LEVEL 96	88	38	18	144
LEVEL 97	88	38	18	144
LEVEL 98	88	38	18	144
LEVEL 99	88	38	18	144
LEVEL 100	88	38	18	144

5640 HOLLYBRIDGE  
 RZ-2012-502449  
 Date: OCT 18 2012



LEVEL L3





LANSDOWNE RD

HOLLYBRIDGE WAY

GILBERT RD

ELM BRIDGE WAY

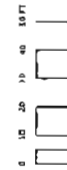
OPEN TO BELOW



COMMERCIAL / RETAIL  
COMMERCIAL CIRCULATION  
LOBBY / CIRCULATION  
MARKET RESIDENTIAL  
AFFORDABLE HOUSING UNITS  
AMENITY  
CHILD CARE

**GENERAL NOTES**  
PARKING STALL DIMENSIONS  
STALL REF T-111  
REGULAR STALLS 5.5M X 2.5M  
SMALL STALLS 4.5M X 2.5M  
PAVING STALLS 5.5M X 3.7M  
MINIMUM MANEUVERING AISLE WIDTH  
STALL REF T-111  
6.7 M FOR RESIDENTIAL USES  
7.5 M FOR ALL OTHER USES  
BIKE LOCKERS  
STALL REF T-111  
MINIMUM DIMENSIONS FOR BICYCLE LOCKERS  
HORIZONTAL 1.5M X 6M  
VERTICAL 1.5M X 6M

STALL TYPE	STALL REF	STALL COUNT	STALL TYPE	STALL REF	STALL COUNT
REGULAR	T-111	3	SMALL	T-111	48
PAVING	T-111	3	PANDEN	T-111	7
<b>TOTAL</b>		<b>54</b>			



LEVEL L4

5640 HOLLYBRIDGE  
RZ-2012-502449  
Date OCT 16 2012

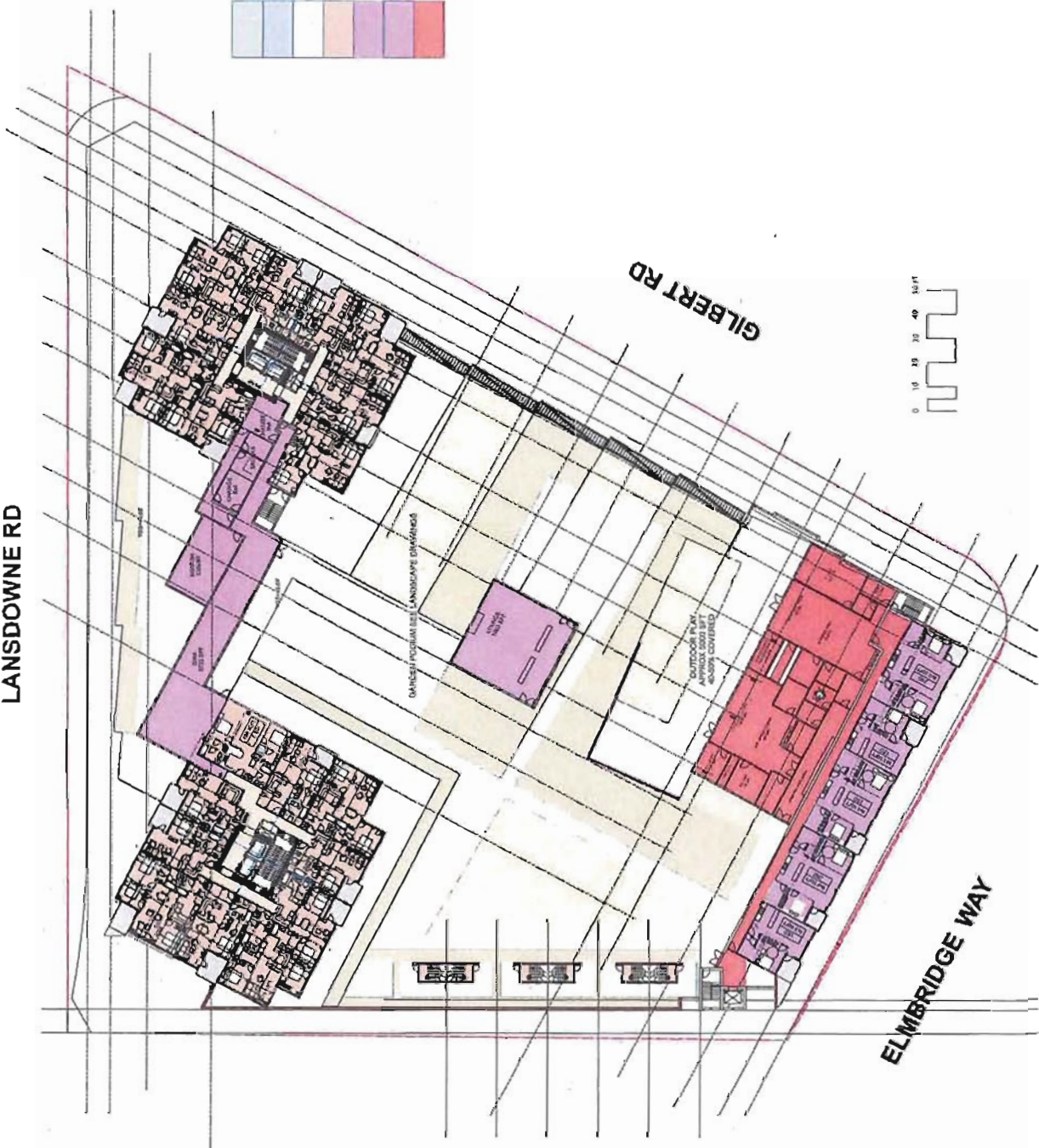
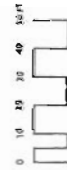
LANSDOWNE RD

HOLLYBRIDGE WAY

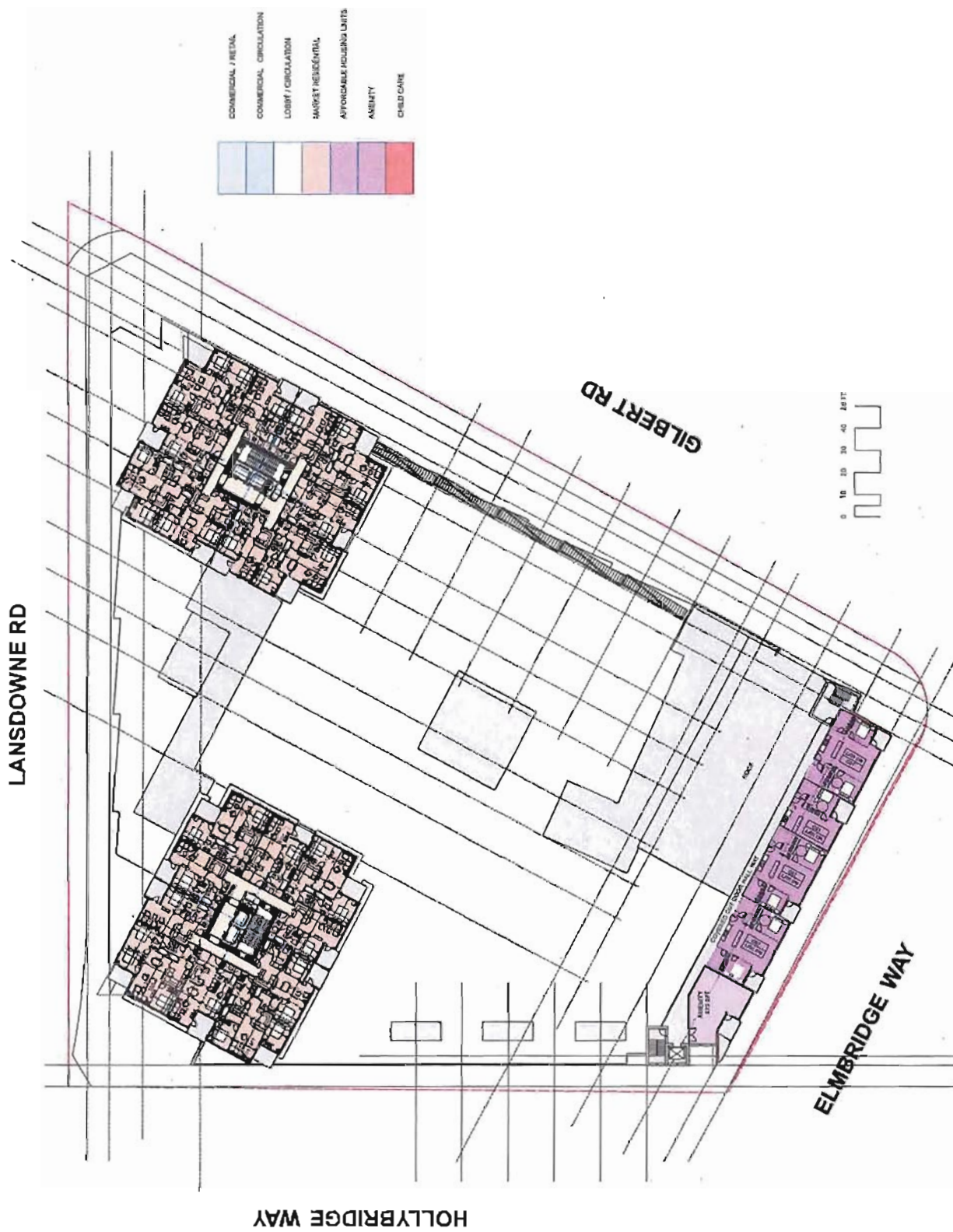
GILBERT RD

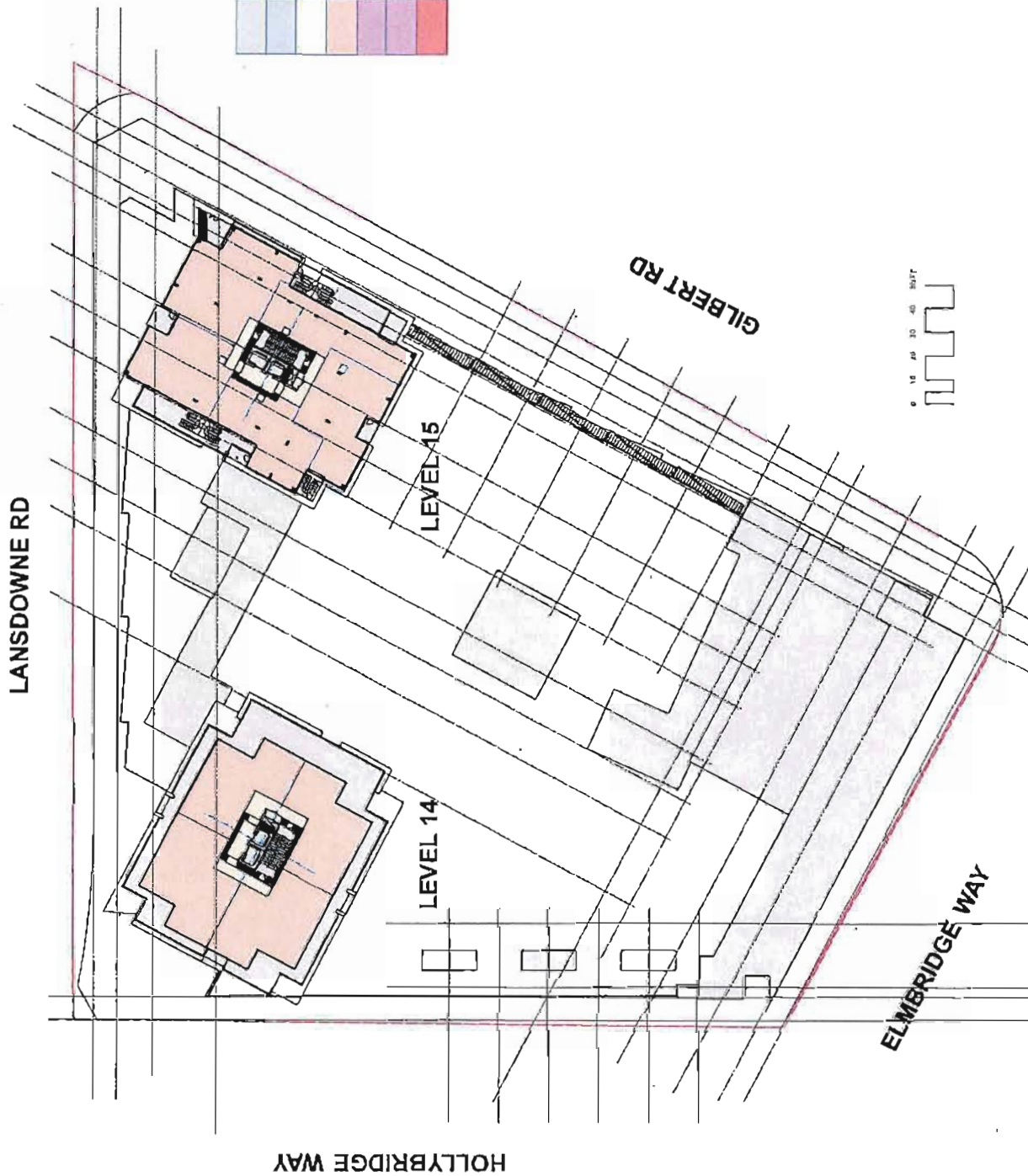
ELMBRIDGE WAY

- COMMERCIAL / RETAIL
- COMMERCIAL CIRCULATION
- LOBBY / CIRCULATION
- MARKET RESIDENTIAL
- AFFORDABLE HOUSING UNITS
- ADULTS
- CHILD CARE









CNCL - 250



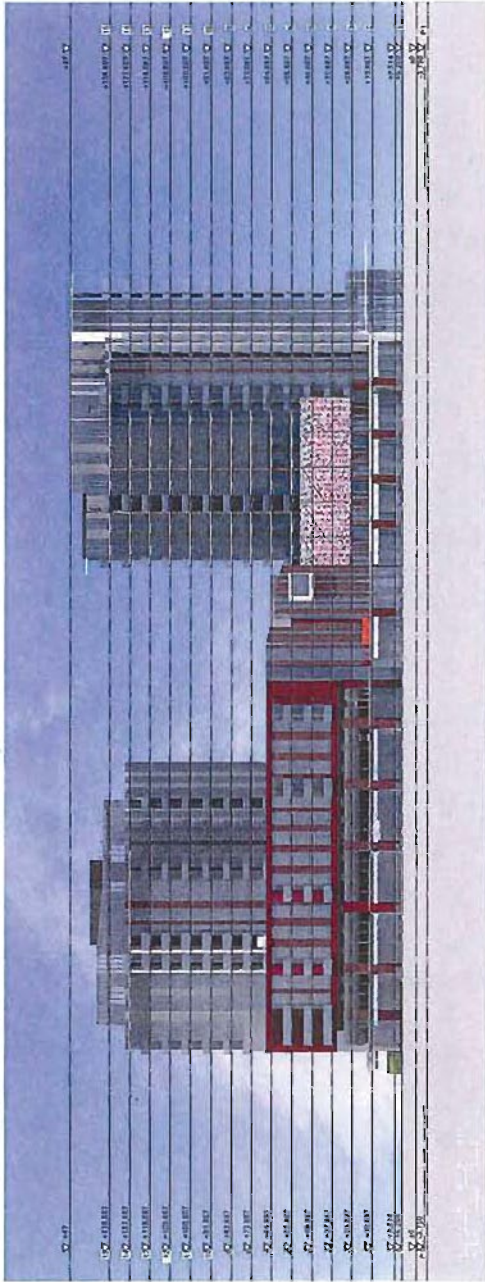
6640 HOLLYBRIDGE  
RZ-2012-602449  
Date OCT 18 2012

PENTHOUSE LEVELS

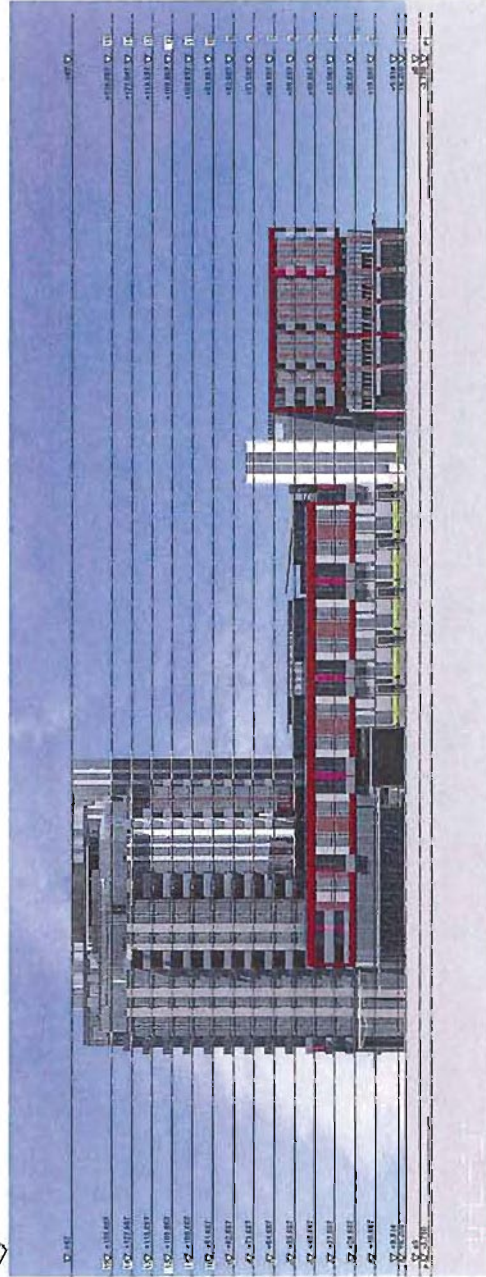


LIST OF MATERIALS - NOTES

- 1) BRICKWORK
- 2) CURTAINWALL
- 3) METAL PANELS
- 4) MASONRY / STONE CLADDING
- 5) FORMATION / WEL BROWN
- 6) ARCHITECTURAL CLADDING
- 7) ARCHITECTURAL PAINTED CONCRETE



SOUTH ELEVATION



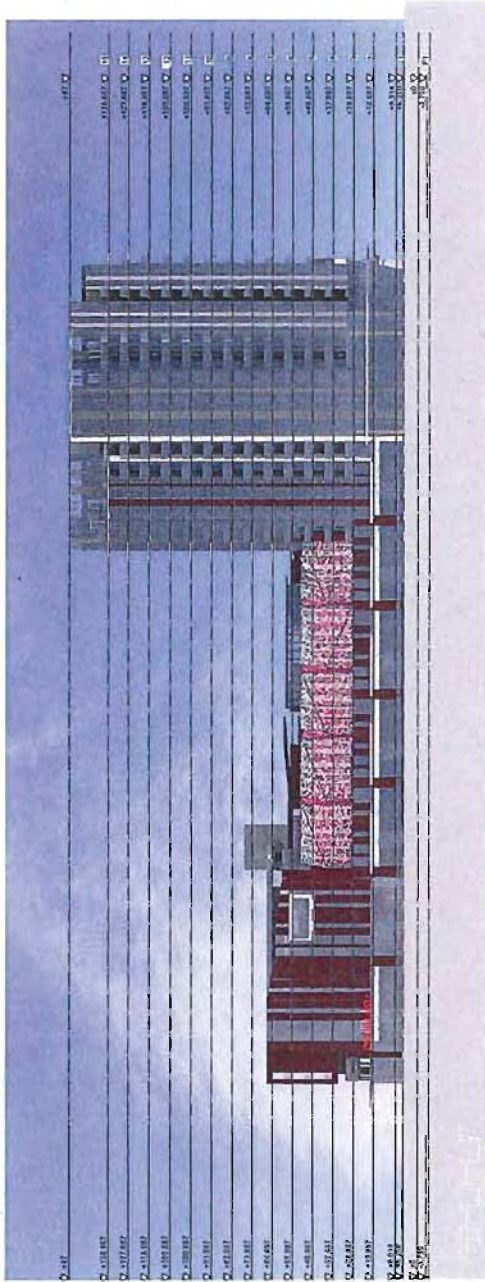
WEST ELEVATION

5840 HOLLYBRIDGE  
RZ-2012-602449  
Date OCT 18 2012

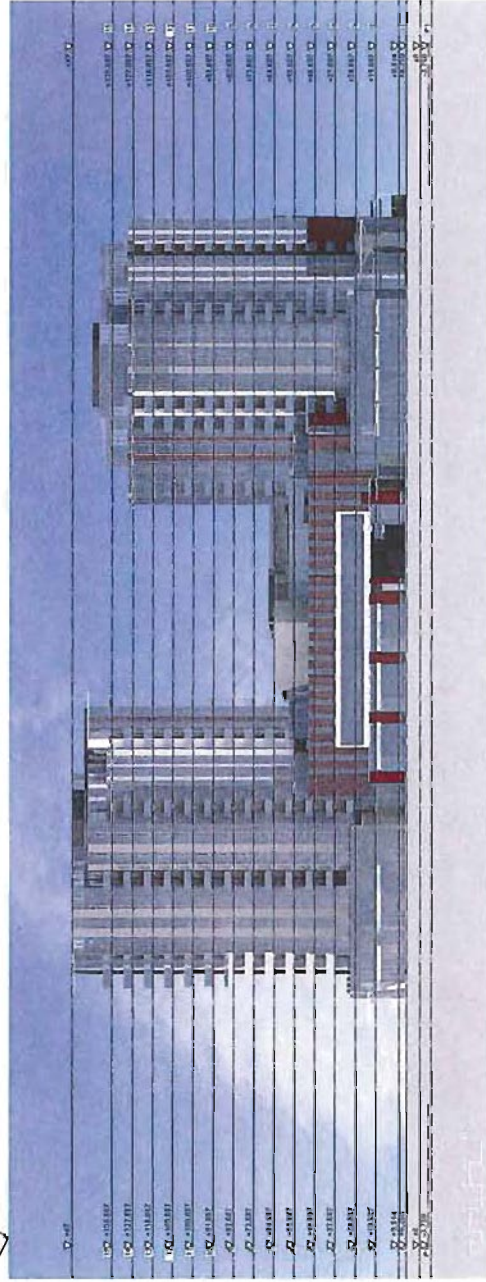
SOUTH AND WEST ELEVATIONS

LIST OF MATERIALS • NOTES

- 1) WINDOW/DOOR
- 2) CURTAINWALL
- 3) METAL PANELS
- 4) MASONRY / STONE CLADDING
- 5) PERFORATED METAL SCREEN
- 6) ARCHITECTURAL GLASS
- 7) ARCHITECTURAL PAINTED CONCRETE



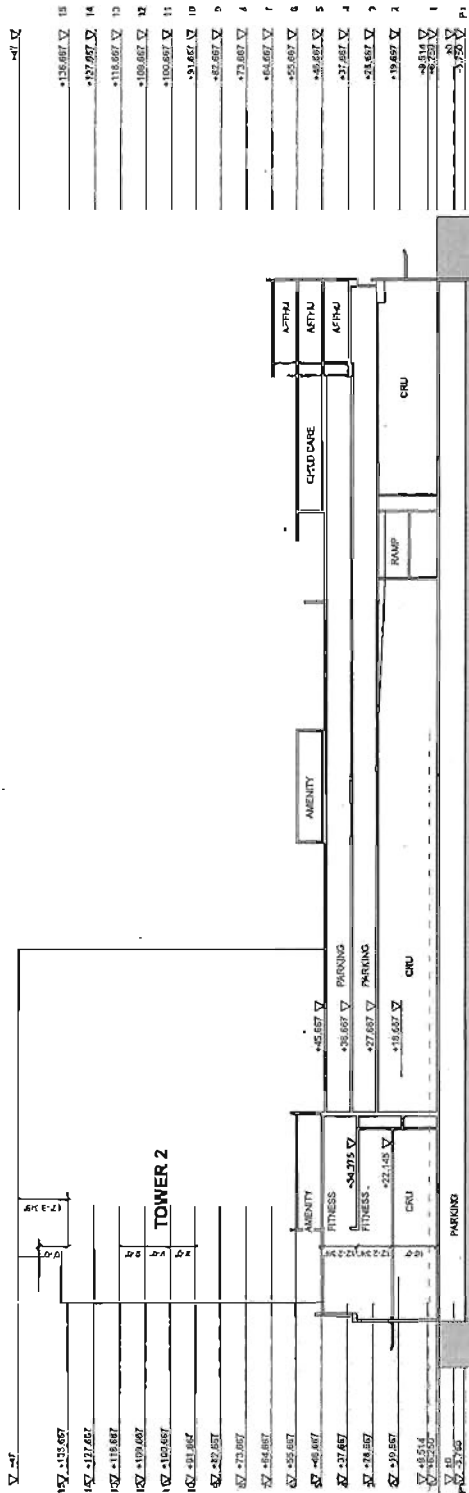
EAST ELEVATION



NORTH ELEVATION

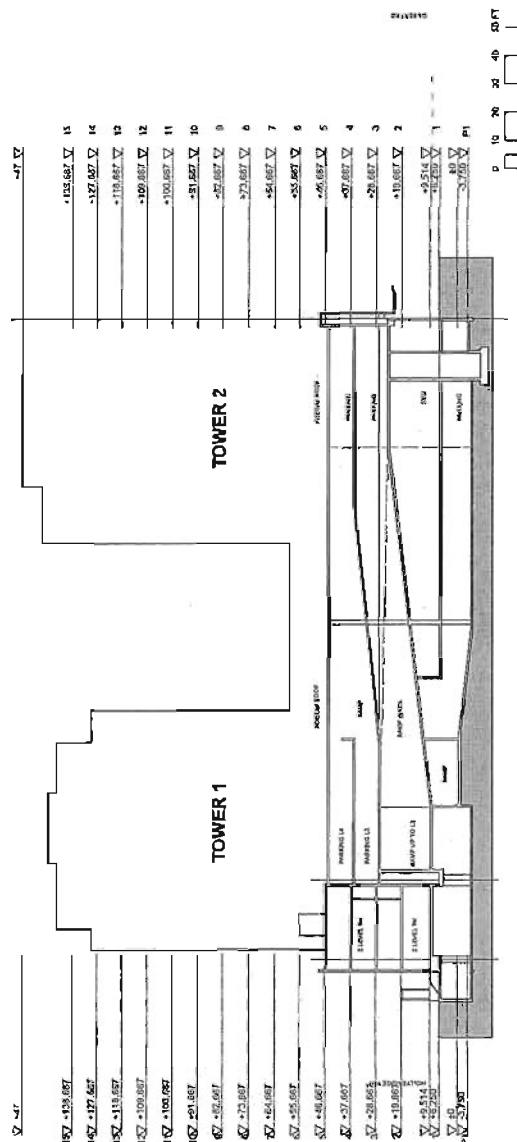
5640 HOLLYBRIDGE  
RZ-2012-002449  
Date OCT 18 2012

NORTH AND EAST ELEVATIONS



CNCL - 253

SECTION A-A



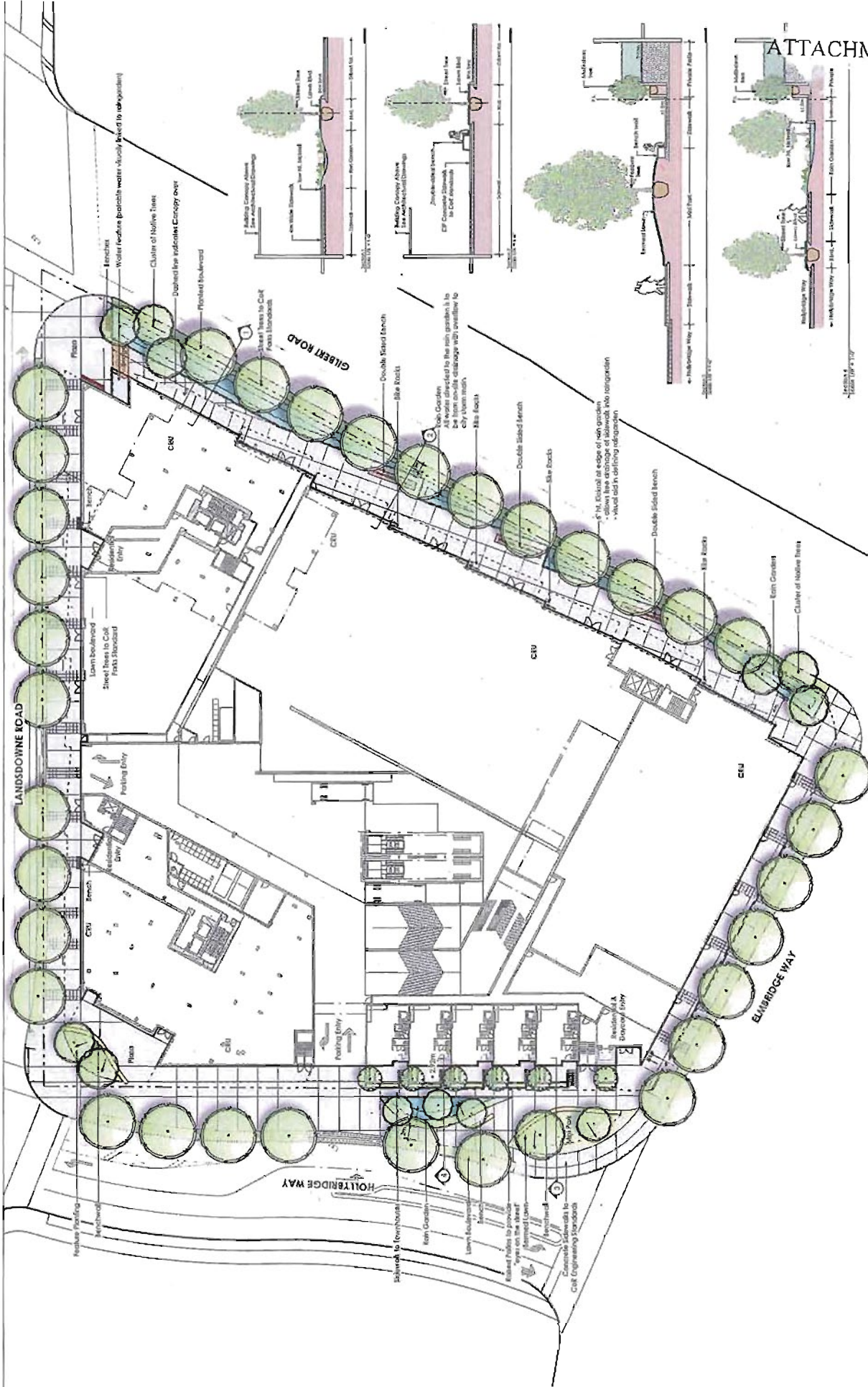
SECTION B-B



# 5640 HOLLYBRIDGE GROUND FLOOR LANDSCAPE PLAN

DATE 19 OCTOBER 2012  
SCALE 1" = 20'-0"

DRAWN DVI  
PROJECT NUMBER 12004





# 5640 HOLLYBRIDGE landscape concept - levels 4 + 5

L02

DATE OCTOBER 18, 2012  
SCALE 1"= 20'- 0"

DRAWN JES  
PROJECT NUMBER 12004

CNCL - 255



Podium Garden



Excerpt from the Minutes from  
**Advisory Design Panel Meeting**

Wednesday, July 18, 2012 – 4:00 p.m.  
Richmond City Hall

Time: 4:00 p.m.

Place: Rm. M.1.003  
City of Richmond

Present: Kush Panatch, Chair  
Simon Ho, Vice-Chair  
Joe Fry  
Cst. Greg Reimer  
Steve Jedreicich (*left the meeting at 6:00 p.m. and did not return*)  
Tom Parker  
Hal Owens (*left the meeting at 5:50 p.m. and did not return*)  
Matthew Thomson

Also Present: Sara Badyal, Planner  
Francisco Molina, Senior Planner, Urban Design  
Mark McMullen, Senior Coordinator, Major Projects  
Rustico Agawin, Committee Clerk

Absent: Thomas Leung  
Sherri Han

The meeting was called to order at 4:04 p.m.

1. MINUTES

It was moved and seconded

*That the minutes of the meeting of the Advisory Design Panel held on Wednesday, July 5, 2012 be adopted.*

CARRIED

2. RZ 12-602449 – TWO-TOWER MIXED-USE HIGH RISE DEVELOPMENT WITH 244 APARTMENTS & 5036 SM COMMERCIAL SPACE

APPLICANT: Cressey Gilbert Developments

PROPERTY LOCATION: 5640 Hollybridge Way

## **Applicant's Presentation**

Architect Jeffrey Mok, IBU/HB Group, and Landscape Architect Jennifer Stamp, Durante Kreuk Ltd., presented the project on behalf of the applicant.

## **Panel Discussion**

*Comments from the Panel were as follows:*

- strengthen the public space/corner plazas in terms of size and articulation and consider maximizing solar access;
- screen wall is an interesting treatment; look forward to seeing how its details will develop;
- presentation is well done;
- details for the designated drop off area for children at Level P1 and wayfinding to the child care facility need to be worked out carefully;
- applicant need to discuss with the City regarding public realm maintenance issues, e.g. maintenance of rain garden;
- look forward to seeing the amenity space lay-out, programming and materials board in the project's formal presentation to the Panel;
- overall building design is good; different program elements are well integrated while still retaining different visual identity;
- the resolution of most architectural details is lacking in this presentation and would look for further details in the next presentation showing proper construction resolution of what is shown, i.e. corners, elevations and material details;
- colours are somewhat subdued as the theme seems to be using various materials for their overall look, feel and texture; would like to see details and examples of fritted glass and metal screen and how they fit together;
- landscape concept is good but requires a higher level of detail, i.e. park, plaza, rain garden (e.g. how it works with the circulation) and seating; larger scale perspective renderings are required;
- would like to see how public art can be incorporated and where the applicant would propose to do this;
- like the open design response in terms of the placement of the towers and the way the podium works;



- presentation is unusual; some levels have details while missing in others; base needs resolution; a lot of things are happening at the base of the building; each facade appears to be treated differently in terms of massing and materiality; too much layering and too many different building forms in the base; bring the podium to a certain level of sameness while recognizing that each facade needs to be a little different; need to tie different expressions together;
- like the floating box of the affordable housing; townhouses needs refinement; maybe make them floating boxes?
- entry to the lobby (next to the floating box) looks stuck on and not integrated;
- towers are clean and successful; however, framework is too weak and tentative;
- some building elements could be bolder while others could be diluted; would be beneficial from a cost perspective;
- screen wall could be better integrated into tower;
- consider enclosure/weather protection over the outdoor area of the day care facility, if relocated to top of podium;
- hierarchy of pathways and programming is needed on the podium level;
- project is good and in the right direction but needs more push;
- sound decisions made in landscaping but need more details; design of streetscape and podium level are well resolved and thoughtful;
- design development is needed on Hollybridge Way interface; look at developments in the neighbourhood, e.g. ASPAC and ORA and how they interface with Hollybridge Way; look at unifying/underlying theme of the neighbourhood as a whole; integrate Hollybridge Way design standards on the design of the mini park;
- podium level is well resolved; however, there is a preponderance of garden plots in the overall proportion of open space; consider other elements to define the open space;
- segregation of market and non-market housing is unfortunate; consider gated connection across them;
- would like to see details on aging in place features and the accessibility of the affordable units;
- good level of detail in the presentation;

- building is well done; strong elements are repeated all the way around; what is missing is one element that makes the building iconic; consider opportunity to integrate public art at the corner of Elmbridge Way and Gilbert Road; need to differentiate the building from the rest of the busy neighbourhood;
- consider bringing some of the elements of how the neighbouring developments (i.e. ASPAC and ORA developments) interface with Hollybridge Way to the subject development; and
- consider opportunity to integrate the outdoor amenity space for market and non-market housing.



**City of  
Richmond**

## **Rezoning Considerations**

Development Applications Division  
6911 No. 3 Road, Richmond, BC V6Y 2C1

To: Cressey (Gilbert) Development LLP (The Developer)

Address: 5640 Hollybridge Way (The Development) File No.: RZ 12-602449

### **I) Rezoning**

Prior to final adoption of the Zoning Amendment Bylaw 8957 for this Development, the Developer is required to complete the following:

1. **Subdivision Plan for Development Lot:** A subdivision plan must be prepared to the satisfaction of the City and Approving Officer and registered on title that includes dedication of a strip of road along the full Lansdowne Road frontage between approximately 2.48 m and 2.65 m width including the pavement and curb at the southwest corner of Lansdowne and Gilbert Roads (including all of existing SRW BB1219899, Plan BCP42717) (approximately 319 m<sup>2</sup>) as generally shown on the Functional Road Plan and Sections in Attachment 1.
2. **Statutory Rights of Way for Public Rights of Passage (SRW):** The Developer granting the following SRWs as shown on Attachment 1 for public rights of passage and other city works such as street light conduits and standards is required as generally shown on Attachment 1:
  - a. A 0.26 m wide strip along the entire Elmbridge Way frontage for sidewalk with City maintenance; and
  - b. A strip between approximately 6.3 and 8.3 m wide along the entire Gilbert Road frontage from the Gilbert Road property line to the building face (to be confirmed by surveyor) for sidewalk and rain garden with clean stormwater sourced from the development site, all with owner maintenance; and street/sidewalk lighting with the maintenance responsibility (City or owner), location and style to the satisfaction of the City and Developer.
3. **Existing Buildings:** The existing buildings located on the Development site must be removed prior to adoption the Zoning Amendment Bylaw. Should these existing buildings not be able to be demolished and the land dedicated as road as identified in section 1 not be provided to the City prior to rezoning adoption, the following apply:
  - a. The Developer registers a subdivision plan that dedicates as road a sufficient area to include and construct the paved portion of the road and curb at the southwest intersection of Gilbert and Lansdowne Roads as shown on Attachment 1 to the satisfaction of the City (including all of existing SRW BB1219899, Plan BCP42717).
  - b. The Developer registers a No-Development Covenant on the development site which prohibits issuance of a building permit to construct any building until:
    - i. The Developer demolishes all of the existing buildings on the site;
    - ii. All of the proposed road dedication along Lansdowne Road as shown on Attachment 1 is dedicated under a subdivision plan registered at the Land Title Office and is transferred to the City by the Developer; and
    - iii. A Servicing Agreement has been entered into by the Developer for all road and engineering works and secured by the Developer to the satisfaction of the City.

4. **Noise Covenant(s):** Registration of legal agreement on title identifying that the proposed development must be designed and constructed in a manner that mitigates potential noise within the proposed dwelling units for:

- a. Aircraft Noise Sensitive Use Development (Residential) covenant based on the City's standard covenant;
- b. Industrial Noise covenant to require that the buildings be constructed to address the maximum noise levels set-out under the *Development Permit Conditions* below; and
- c. Commercial / Residential Interface covenant to require that the buildings be constructed to address the maximum noise levels set-out under the *Development Permit Conditions* below.

These covenants will ensure dwelling units must be designed and constructed to achieve:

- a. CMHC guidelines for interior noise levels as indicated in the chart below:

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.

5. **Flood Covenant:** Registration of the City's standard flood indemnity covenant on title ensuring that there is no construction of habitable area below the Flood Construction Level of 2.9 m (Area A).

6. **Public Art:** City acceptance of the Developer's offer to voluntarily provide \$181,105 to Richmond's public art program (this amount may be adjusted if such building area changes at time of rezoning adoption from 200,203ft<sup>2</sup> and commercial area changes from 70,612ft<sup>2</sup>). This amount is based on the City Public Art Policy which states that the Developer contribute (based on 2012 rates) at a minimum of \$.76/sq. ft. for residential and \$.41/sq. ft. for commercial floor area. The Developer may develop a Public Art Plan acceptable to the City, prior to zoning adoption, that includes public art to be provided by the Developer valued at a portion of the above amount provided that this art value is secured by a Letter of Credit also received before zoning adoption.

7. **Community Planning Program:** City acceptance of the Developer's offer to voluntarily contribute \$67,704 towards Richmond's community planning program fund on the basis of \$0.25/ft<sup>2</sup> of total building area, excluding affordable housing units (this amount may be adjusted if such building area changes at time of rezoning adoption from 270,815ft<sup>2</sup>).

8. **Housing Agreement:** Registration of the City's standard Housing Agreement to secure 14 affordable housing units (low-end market rental) to the satisfaction of the City located in the affordable housing airspace parcel (the "AHAP") see item 9(b) below). The Affordable Housing Units must meet the City's Affordable Housing Policy (AHP) and Zoning Bylaw 8500. The common areas, including the hallways and indoor amenity area, within the AHAP do not constitute part of the 5% (estimated at 10,555 sq. ft.) of the total Development's residential FAR (estimated at 211,092 sq. ft.) designated for the affordable housing units themselves.

The Housing Agreement shall be in perpetuity. The terms specify the types and sizes of units (or as adjusted to the satisfaction of the City and Developer) in Tables 1 and 2, and rent levels and tenant household incomes as set out in Table 2. Changes to Tables 1 and 2 may only be made with the approval of the Director of Development and Manager, Community Social Development.

Table 1: Affordable Housing Unit Locations

AFFORDABLE HOUSING UNIT MIX				
2 BD UNITS		@860SFT 1BD UNITS		@563SFT
#	SFT	#	SFT	
L6	3	2580	1	563
L5	3	2580	2	1126
L4	3	2580	2	1126
TOTAL	9	7740	5	2815
TOTAL AREA	10555	1BD		36%
TOTAL UNITS	14	2BD		64%
TARGET	10555			

Table 2: Affordable Housing Target Groups

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent*	Total Annual Household Income*
1-Bedroom / Den	5**	50 m2 (535 ft2)	\$925	\$37,000 or less
2-Bedroom	9**	80 m2 (860 ft2)	\$1,137	\$45,500 or less

\* May be increased periodically as provided for under adopted City policy.

\*\* All affordable housing units must satisfy Richmond Zoning Bylaw requirements for Basic Universal Housing.

#### 9. Affordable Housing Airspace Parcel:

##### a) Affordable Housing Components

The Developer will be required to construct a block within the Development that includes the 14 affordable housing units themselves with a combined estimated floor area of 10,555 sq. ft. (5% of the Development's total residential FAR), as well as the common halls, common indoor amenity area (with a minimum area of 753 sq. ft.), the elevator core and adjacent landing/lobby areas down to the basement P1 level, and indoor parking within the Development's parkade (with a minimum of 14 resident and 3 visitor spaces and meeting zoning requirements) in the closest reasonable location to the affordable housing units to the satisfaction of the City. All of the above spaces must be provided and have layouts and finishes acceptable to City Affordable Housing staff.

##### b) Legal Requirements

###### i. Construction Covenant

The *Affordable Housing Airspace Parcel* (AHAP) will include all of the areas amenities in section 9(a) above. The parking area may be located within the AHAP or be secured by an easement on the parkade parcel with the AHAP being the dominant tenement. This easement and the AHAP configuration described above may be adjusted to the satisfaction of the City.

###### ii. Access Easement

An easement in favour of the *Childcare Airspace Parcel* ("CAP") (see also section 10(b)(ii) below) will be required to provide for access and egress to the elevators and adjacent landing/lobby areas within the AHAP. The costs of maintaining the common areas covered by this easement used by both the CAP and AHAP, including but not limited to the common elevator, elevator core, stairway and lobby/landing areas, will be shared proportionately based on the respective floor areas of the CAP and AHAP.

iii. *Outdoor Amenity Easement*

An easement in favour of the AHAP will provide for access and egress over and use of the Development's common outdoor amenity at the same hours and terms as for the Development's market residential owners/occupiers. The affordable housing unit owners and occupiers will not be responsible for any of the costs for maintaining the Development's common outdoor amenity areas.

iv. *No Occupancy Covenant:*

A "No Occupancy" covenant will be registered against the Development preventing the issuance of final building inspection granting occupancy for any part of the Development until confirmation is provided that the above required components of the AHAP, including the required number of affordable housing units, have been constructed to the satisfaction of the Director of Development and Manager, Community Social Development and are given final building inspection granting occupancy. Changes to this covenant may only be made with the approval of the Director of Development and Manager, Community Social Development.

**10. Child Care Parcel:**

a) *Childcare Components*

The Developer will be required to construct an indoor child care with a floor area of 5000 sq. ft. to 5,500 sq. ft., an adjacent outdoor play area of 5000 sq. ft., stairway and adjacent lobby/landing areas down to the basement P1 level and indoor parking (with a minimum of 8 spaces and meeting zoning requirements) in the closest reasonable location to the childcare space to the satisfaction of the City, which components are collectively called the "CAP Elements". The *Childcare Airspace Parcel* (CAP) will include all of the CAP Elements. The design and construction of the indoor child care space and outdoor play area will comply with the City's *Terms of Reference for Child Care Facilities* (Attachment 2) and associated City, Provincial and VCH policies and regulations.

b) *Access Requirements*

- i. The parking area may be located within the CAP or be secured by an easement in favour of the CAP on the Development's parkade parcel. This easement and the CAP configuration described above may be adjusted to the satisfaction of the City.
- ii. An easement in favour of the AHAP will provide for access through the stairway and adjacent lobby/landing areas within the CAP. The easement and airspace parcel configuration described above may be adjusted to the satisfaction of the City. The costs of maintaining the common areas covered by this easement used by both the CAP and AHAP, including but not limited to the common elevator, elevator core, stairway and lobby/landing areas, will be shared proportionately based on the respective floor areas of the CAP and AHAP.

c) *Purchase & Sale, Option to Purchase and Lease:*

The Developer will enter into an agreement or agreements with the City that will provide for the following:

- i. The Developer will be responsible for designing and constructing 100% of the CAP Elements at its sole cost and expense.

ii. Subject to the terms and conditions below, the Developer will sell the CAP, including all of the CAP Elements, to the City and the City will purchase the same from the Developer.

- iii. The Purchase Price for the CAP, including any applicable HST/GST, will be the lesser of the following:

A. \$874,000; and



B. the Proportionate Actual Cost of Construction (PACC) of the CAP Elements based on the following formula:

PACC	=	The actual indoor floor area of the childcare as approved by the City (5000 ft <sup>2</sup> to 5500 ft <sup>2</sup> ).	Minus	The actual indoor childcare floor space for which the Developer is responsible under the RCL3 zone density bonus of 5% of up to 1.0 commercial FAR within the issued Development Permit (i.e. this amount is 3,520 ft <sup>2</sup> based on the current 70,612 ft <sup>2</sup> commercial floor area at time of Rezoning Considerations and may be changed at DP issuance.)	Divided by	The actual indoor floor area of the childcare as approved by the City (5000 ft <sup>2</sup> to 5500 ft <sup>2</sup> ).	Times	Actual Cost of Construction (ACC) of all of the CAP Elements as determined below.
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- iv. The Actual Cost of Construction (ACC) of the CAP Elements is to be determined by the Developer's engagement of independent professional and quantity surveyors, satisfactory to the City, at such time that "plans are issued for construction" to the satisfaction of the City as determined by the City's Director of Development and Director of Engineering. The ACC will not include any of the approval costs associated with the CAP Elements, including legal and surveying costs.
- v. The City will receive possession of the CAP, including all CAP Elements, within 30 days after the CAP Elements have been constructed to the satisfaction of the City's Manager, Community Social Development, Director of Development and Director Engineering and the CAP Elements receive a permit granting occupancy and (the "Possession Date").
- vi. No final Building inspection granting occupancy for any part of the Development will be granted until the City receives possession of the CAP, including the CAP Elements.
- vii. An option to purchase or similar instrument, for a term not exceeding 99 years, will be registered in the Land Title Office securing the City's right to purchase the CAP and that the City purchase the CAP as soon as the funds are available subject to the Council approval and Elector Approval requirements respectively within sections 10 (viii) and 10(x), so many days after both have occurred.
- viii. The Purchase Price will be paid by the City on the Completion Date. The Completion Date will be 60 days (or such other date mutually agreed upon by the City and the Developer) after both:
  - A. as soon as the full amount of the Purchase Price has accumulated within the City's Child Care Development Reserve Fund; and
  - B. the required City Council resolutions and bylaws are adopted, including without limitation:
    - i. City Council, in its sole discretion, approving proposed development(s) that will provide sufficient contributions to the City's capital Child Care Development Reserve Fund to pay the Purchase Price; and
    - ii. City Council, in its sole discretion, approving the purchase of the CAP using such contributions.
- ix. If, at or before the Possession Date, it appears to the City that the Completion Date will be more than 60 days after the Possession Date, the City and the Developer will enter into a lease that includes the following terms and conditions:
  - A. Term: period from Possession Date to Completion Date, but not exceeding 99 years
  - B. Basic Rent: none

- C. CAP Operating Costs: as defined to the satisfaction of the City, paid by the City
- D. Property Taxes: if applicable, paid by the City.
- E. Use: any community amenity use permitted under the CCAP and applicable zoning including a childcare
- F. Assignment/Subletting/Licensing : permitted without the Developer's consent
- G. Registration in the Land Title Office: permitted
- H. Other: terms and form of lease to the satisfaction of the City

x. The above agreements may be subject to Elector Approval in accordance with the *Community Charter*.

11. **Tandem Parking:** Registration of a legal agreement on title ensuring that where two parking spaces are provided in a tandem arrangement both parking spaces must be assigned to the same dwelling unit.

12. **Commercial/Visitor Parking:** Registration of a legal agreement on title ensuring that no commercial parking spaces may be provided in a tandem arrangement; and that not more than 50% of commercial parking spaces as per an approved Development Permit may be designated (i.e. sold, leased, reserved, signed, or otherwise assigned) by the owner or operator for the exclusive use of employees, specific businesses, and/or others with the remaining 50% of commercial parking spaces being made available to visitors to the residential units of this development.

13. **Access:** Registration of a restrictive covenant and/or alternative legal agreement on title is required that prohibits driveway crossings along the subject site's Gilbert Road and Elmbridge Way frontages.

14. **Transit Amenities:** The developer shall provide \$25,000 for a City Centre-style transit shelter with associated transit accessibility requirements. The exact location of this transit shelter shall be determined by the City in consultation with Coast Mountain Bus Company.

15. **Discharge of Existing City of Richmond SRWs:** Discharge of existing SRW BB1219899, Plan BCP42717 when this area is dedicated as road; and discharge of existing SRW K99411, Plan 46914 when the existing storm main in this area is removed and replaced with a main within Gilbert Road under the Servicing Agreement.

16. **Transportation Demand Management:** The Developer requests an overall parking reduction of 10% below the parking requirements for resident, affordable housing, commercial and visitor spaces set out in Bylaw 8500. In lieu of this reduction, the City accepts the Developer's offer to voluntarily:

a) Include within the Rezoning Servicing Agreement the requirement for:

i. Temporary Frontage Improvements (in the form of a 2.0 m wide asphalt walkway) along the north side of Lansdowne Road between Gilbert Road and Alderbridge Way (as required prior to rezoning adoption).

b) Enter into an agreement with the City to ensure that the following elements are provided as a condition of issuance of City building permits and confirmation that such elements have been provided as a condition of issuance of occupancy permits:

i. For non-residential uses, one end-of-trip facility for each gender are to be provided. The minimum requirements for each facility are: shower, change room, wash basin (with grooming station, counter, mirror and electrical outlets), handicapped accessible toilets and lockers. The end-of-trip facilities are to be accessible to all commercial tenants of each phase of the development; and

ii. Provision of electric vehicle and bicycle plug-in services including: (i) For residential uses - 240V service shall be provided for 20% of parking stalls; (ii) For commercial uses - 240V service shall be provided for 10% of parking stalls; and (iii) For bicycle users - 120V service shall be provided for 5% of the total Class 1 bicycle racks or one per bicycle storage compound, whichever is greater. The minimum electric vehicle

and bicycle parking service requirements are to include conduits, circuit breakers, and wiring in form acceptable to the City (actual outlets to be provided later by strata owners).

**17. District Energy Utility (DEU):** Registration of a restrictive covenant and/or alternative legal agreement(s), to the satisfaction of the City, securing that no building permit will be permitted to be issued on the subject site until the Developer enters into legal agreement(s) in respect to the Developer's commitment to connecting to the proposed City Centre DEU, including operation of and use of the DEU and all associated obligations and agreements as determined by the Director of Engineering, including, but not limited to:

- a. Design and construction of the development's buildings to facilitate hook-up to a DEU system (e.g., hydronic water-based heating system); and
- b. Entering into a Service Provision Agreement(s) and statutory right-of-way(s) and/or alternative legal agreements, to the satisfaction of the City, that establish DEU for the subject site.

**18. Enter into a Servicing Agreement (SA)\*:** for the design and construction, at the Developer's sole cost, of full upgrades across and adjacent to the Development for road works, transportation infrastructure, street frontages, water, sanitary and storm sewer system upgrades, parks works and related works as generally set out below. Prior to rezoning adoption, all works identified via the SA must be secured via a Letter(s) of Credit, to the satisfaction of the Director of Development, Director of Engineering, Director of Transportation and Manager, Parks – Planning and Design. All works shall be completed with regards to timing as set out in the SA and above-noted covenants and legal agreements in the Rezoning Requirements.

**A. Transportation Works:**

Transportation works are to be designed and constructed as shown on the Functional Road Plan in Attachment 1 and as described within Attachment 3.

**B. Engineering Works:**

**1.) Storm Sewer**

Storm sewer capacity analysis is not required, however, the existing 200mm diameter storm sewer at Gilbert Road frontage from existing manhole STMH 104644 (located at the intersection of Elmbridge Way and Gilbert Road) to existing manhole STMH 3868 (located at the intersection of Lansdowne Road and Gilbert Road) with an approximate length of 160 m must be relocated within Gilbert Road and upgraded to a min. 600 mm by the developer, as per City requirements; specific location and sizing requirements to be confirmed by the City in the Servicing Agreement.

Sizing calculation for storm sewer upgrade at Gilbert Road frontage is required at Servicing Agreement stage.

Preference for the site drainage is to use the existing storm sewer connection located on Hollybridge Way.

**2.) Sanitary Sewer**

Upgrade the existing 150mm diameter sanitary sewer (located within a Right of Way on this site) from proposed site's southeast corner to existing inspection chamber SIC 4920 (located approximately 55m northeast of the southeast corner) with a length of 55m, and 200 mm diameter to be installed within Gilbert Road or the Developer may hire a consultant to complete a sanitary analysis to the Minoru sanitary pump station.

Manholes are required at endpoints of upgrade.

Existing Sanitary service for upstream properties (i.e., 6951 Westminster Hwy, etc.) must be maintained. Details to be finalized in the Servicing Agreement stage.

### 3.) Water Works

Using the OCP Model, there is 600 L/s available at 20 psi residual at hydrant located at Lansdowne Road frontage, 621 L/s at 20 psi residual at hydrant located at corner of Hollybridge Way and Lansdowne and 554 L/s at 20 psi residual at hydrant located at corner of Hollybridge Way and Elmbridge Way. Based on the proposed rezoning, the site requires a minimum fire flow of 180 L/s. Water analysis is not required. However, once the Developer has confirmed the building design at the Building Permit stage, the Developer must submit fire flow calculations signed and sealed by a professional engineer based on the Fire Underwriter Survey to confirm that there is adequate available flow. Specific works include:

- a. Gilbert Road frontage has no existing watermain. A minimum of 200 mm diameter watermain must be provided along the Gilbert Road frontage by the developer.
- b. Replacement and relocation of existing 300mm AC watermain located 1.2m from the property line along the proposed site's Hollybridge Way frontage from the corner of Lansdowne Road and Hollybridge Way to approximately 100 meters south (subject to review of impact assessment of the proposed development to the existing utilities adjacent to the proposed site). The new watermain must be tied-in to the existing watermain at Lansdowne Road.
- c. Replacement and relocation of existing 300mm AC watermain located along the proposed site's Elmbridge Way frontage from the corner of Elmbridge Way and Hollybridge Way to approximately 75 meters south-east (subject to review of impact assessment of the proposed development to the existing utilities adjacent to the proposed site).

### 4.) Streetlighting

Street lighting will be provided as generally set out in Attachment 4 along with complementary pedestrian lighting which may be provided within the SRW located on the Gilbert Road frontage of the development site under the Development Permit and/or Servicing Agreement to be approved to the satisfaction of the City.

### 5.) General

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.

The Engineering design, via the Servicing Agreement and/or the Development Permit and/or the Building Permit design must incorporate the recommendations of the impact assessment.

### C. Parks Works:

The approximate 310 m<sup>2</sup> pocket park on the Hollybridge Road allowance shall include hard and soft landscape elements that will facilitate seating and circulation in addition to the boulevard landscaping and

street trees. The developer is required to prepare a design describing the elements included in the park to the satisfaction of the Senior Manager, Parks. Completion of landscape plans with the Hollybridge Way Pocket Park works and other boulevard landscaping / street trees to the satisfaction of the Manager, Parks – Planning and Design.

**19. Enter into a Development Permit\*:** The submission and processing of a Development Permit\* completed to a level deemed acceptable by the Director of Development.

## II) Development Permit

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

1. **Airport, Commercial / Residential Interface and Industrial Noise Report:** Submit a report and recommendations prepared by an appropriate registered professional, which demonstrates that the interior noise levels and thermal conditions comply with the City's Official Community Plan requirements for Aircraft Noise Sensitive Development as well as Commercial / Residential Interface and Industrial Noise. 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:

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

- the ASHRAE 55-2004 "Thermal Environmental Conditions for Human Occupancy" standard for interior living spaces or most recent applicable ASHRAE standard.
2. **LEED Silver:** Submission of letter from the Architect of Record as a requirement of issuance of building permit confirming that the building phase (building and landscape design) has a sufficient score to meet the Canadian Green Building Council LEED Silver 2009 criteria and submission of follow-up letter confirming that building has been constructed to meet such LEED criteria. The architect of record or LEED consultant is also to provide a letter of assurance confirming how each building meets LEED Silver equivalent criteria prior to issuance of an occupancy permit for each building. The LEED criteria to met must include:

- a. Heat Island Effect: Roof Credit
- b. Storm Water Management Credit

3. **Landscape Plan:** Submission of a Landscape Plan showing all on and off-site landscape, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development and the Senior Manager, Parks; and deposit of a Landscaping Security based on 100% of the cost on-site landscape estimate provided by the Landscape Architect, including installation costs. Off-site landscape, including the Hollybridge Way Pocket Park, will be included within and secured under the Servicing Agreement. The developer will need to submit an arborist report with a tree removal permit application for the on-site and off-site tree removal. Cash compensation in the amount of \$8,000 for the off-site trees removed from City property is to be provided. The 13 on-site trees

removed must be replaced with 26 replacement trees included within the Development Permit landscape plans covered by the landscape security.

4. Entering in Final Servicing Agreements for the Hollybridge park area, boulevard works, Transportation and Engineering Works as required under Rezoning Considerations, required by the City's bylaws and to the satisfaction of staff.

## II) Building Permit

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

1. Submission of a Construction Parking and Traffic Management Plan prepared to the satisfaction of the City. This plan is to identify (for each development phase): construction vehicle access and emergency vehicle access; parking facilities for workers, services, deliveries and loading; and staging area for construction vehicles and materials (facilities for staging activities are not available on any of the public roadways peripheral to the subject site). The plan will require the use of proper construction traffic control procedures and certified personnel as per Traffic Control Manual For Works on Roadways (Ministry of Transportation and Infrastructure) and MMCD Traffic Regulation Section 01570, and must demonstrate to the satisfaction of the City that access to the Richmond Oval will not be interrupted.
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 Division at 604-276-4285.
4. Entering into Final Servicing Agreement for the Hollybridge pocket park, boulevard works, Transportation and Engineering Works as required under Rezoning Considerations, required by the City's bylaws and to the satisfaction of staff.

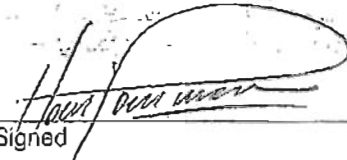
### Notes:

- This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn 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.

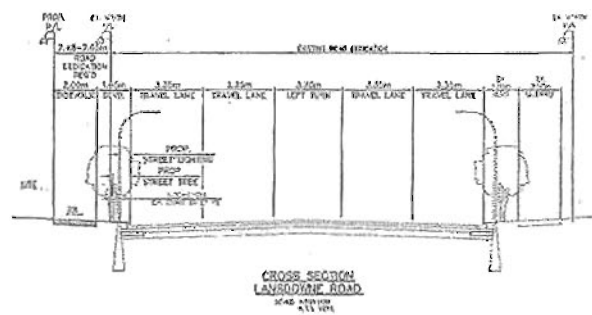
The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director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

Signed 

Date November 15/2012





Attachment 2  
*Child Care Facility Design-Build - Terms of Reference*  
*FOR 5640 Hollybridge Way – Cressey - Prepared by City of Richmond, August 24, 2012*

1. Intent

The child care facility must:

- a) Have a total indoor floor area of 5000 sq. ft. to 5,500 sq. ft., and a 5000 sq. ft. outdoor area, to the satisfaction of the City;
- b) Provide a program for children between the ages of birth and 6 years (Note that the age range may be adjusted as determined through consultation with the City and operator);
- c) Satisfy the Vancouver Coastal Health Office, *Design Resource for Child Care Facilities* and any applicable City policy in effect at the time the facility is to be developed;
- d) Be capable of being licensed by Community Care Facilities and/or other relevant licensing policies and/or bodies at the time of the facility's construction and in accordance with applicable Provincial *Child Care Regulations*;
- e) On an ongoing basis, be both functioning and fully operational, to the satisfaction of the City (see "Performance" under Development Processes/Considerations); and
- f) Be designed, developed and operated within the City's Child Care Development Policy #4017 which states that:
  - The City of Richmond acknowledges that quality and affordable child care is an essential service in the community for residents, employers, and employees.
  - To address child care needs, the City will plan, partner and, as resources and budgets become available, support a range of quality, affordable child care facilities, spaces, programming, equipment, and support resources.
  - To develop City child care policies and guidelines, and use Council's powers and negotiations in the development approval process, to achieve child care targets and objectives.

2. Development Processes/Considerations

- a) Operator involvement:
  - The indoor floor plan and the outside play area for the child care facility should be developed in collaboration with the operator or its representative, as determined by the City.
  - An operator should be secured prior to the detailed design process for the interior floor plan and outdoor play area.
  - To ensure the facility is satisfactory for child care programming and related purposes and will be a viable operation, the operator should have input into:
    - Space needs and design;
    - Operation and functioning of the facility;
    - Maintenance;
    - Fittings and finishes;
    - Equipment;
    - Lighting; and
    - Related considerations.
- b) Child Care Licensing Officer involvement – The application of the *Provincial Child Care Regulations* can vary based on the local Child Care Licensing Officer's interpretation of programs needs; It is therefore essential that the Licensing Officer be involved with the design and development of the facility from the outset.
- c) Performance – To ensure the facility will, on an ongoing basis, be both functioning and operational to the satisfaction of the City, the developer will be required, in consultation with the City, operator, and other affected parties, to define a standard of performance and the measures necessary to safeguard that those standards will be achievable (e.g., responsibility for maintenance). This assurance will be provided at each design stage, including rezoning, development permit, building permit issuance, contractor construction plan and specifications preparation, and occupancy by the written confirmation of the City's Development Applications Division, Capital Buildings and Project Management Division and Community Services Department. This assurance will be provided in part, by the City's engagement of independent professionals and quantity surveyors. The cost of these services will be paid from the Child Care Reserve Fund project budget for this Facility, consisting of contributions from developers of this and other projects.

### 3. Facility Description

- a) General Considerations - As noted above (see Intent), the facility must satisfy all City of Richmond, Licensing, and other applicable policies, guidelines, and bylaws as they apply at the time of development.

**For reference purposes** - The minimum space required for a child care facility allowing for a minimum of 50 children of various ages (e.g., infant to school age), exclusive of space peripheral to the primary function of the facility, such as parking, elevators and stairs, etc.:

- Indoor activity space - 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) to 511m<sup>2</sup> (5,500 ft<sup>2</sup>)
- Outdoor activity space - 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>)

It is important to note that the above sizes are subject to change based on a number of factors, including policy developments, changes in licensing requirements or the design guidelines, community needs, advice of the child care operator, and/or other considerations.

- b) Access - Safe, secure, and convenient access for children, staff, and parents is key to the viability of a child care facility. As the facility will be located above the ground floor, special attention will be required to how the facility is accessed (e.g., by foot, by car, in an emergency), the distance travelled, convenience, and related considerations. Where determined necessary, the City may require that the facility is equipped with special features designed to address the challenges of locating a child care facility in a high-density, mixed-use development including, but not limited to:
- Over-sized elevator and/or other handicapped access (e.g., ramps) capable of accommodating 3-child strollers and large groups of people;
  - Designated drop-off/pick-up parking spaces situated adjacent to the lobby for the elevator and stairway areas accessing the child care; and
  - Secured entry from the fronting public street.
- c) Outdoor Space - The outdoor play space must be:
- Fully equipped with play structures and other apparatus that meet the requirements of Licensing authorities and are to the satisfaction of the operator and City of Richmond;
  - Landscaped with a combination of hard and soft play surfaces, together with appropriate fencing and access (taking into account the challenges of locating a facility on a rooftop) to provide for a wide variety of activities including, but not limited to, the use of wheeled toys, ball play, and gardening;
  - Located where it is protected from noise pollution (e.g., from traffic, transit, construction) and ensures good air quality (e.g., protect from vehicle exhaust, restaurant and other ventilation exhausts, noxious fumes);
  - Situated where it is immediately adjacent to and directly accessible (visually and physically) to the indoor child care space;
  - Safe and secure from interference by strangers and others;
  - Situated to avoid conflict with nearby uses (e.g., residential);
  - If multiple age groups of children are to be accommodated within the space, demised with fencing and tailored to meet the various developmental needs of the ages of children being served.
- d) Noise Mitigation - Special measures should be incorporated to minimize ambient noise levels both indoors and outdoors (e.g., incorporating a roof over part of the outdoor play space to help create an area of reduced aircraft noise, etc.).
- e) Height Above Grade - The facility is not to be located above the fifth floor above grade of the project, except where this is determined to be to the satisfaction of the City.
- f) Parking (including bicycles) and loading - As per applicable zoning and related bylaws, unless determined otherwise by the City
- g) Natural light & ventilation - The facility's indoor spaces (with the exception of washrooms, storage, and service areas) must have operable, exterior windows offering attractive views (near or far) and reasonable privacy/overlook, as determined through Richmond's standard development review process. Shadow diagrams for the equinox and solstices must be provided for review.
- h) Environmental and Energy Efficiency - The space must be constructed to meet the greater of LEED Silver equivalent as set under the City Centre Area Plan and the City's High Performance Building Policy.

### 4. Level of Finish

- a) The child care must be turnkey and ready for immediate occupancy upon completion (with the exception of loose furnishings and related items). This includes, but is not limited to, the following requirements:
- Finished floors installed (vinyl and/or carpet);

- Walls and ceiling painted;
  - Window coverings installed (curtains or blinds);
  - Kitchen fully fitted out, including major appliances (e.g., stove/oven, refrigerator, microwave) and cabinets;
  - Washrooms fully fitted out, including sink, toilet, and cabinets;
  - Wired for cablevision, internet, phone, and security;
  - Light fixtures installed;
  - Non-movable indoor cabinets, including cubbies;
  - All outdoor landscaping, including all permanently mounted play equipment and furnishings;
  - Operable, exterior windows; and
  - Noise attenuation to the satisfaction of the City.
- b) The operator will provide all loose equipment and furnishings necessary to operate the facility (e.g., toys, kitchen wares)
- c) Outdoor play areas must be finished to permit the potential future installation of additional equipment and furnishings by the operator (i.e. in addition to that provided by the developer).
- d) The child care may be situated near the project's affordable housing component (but not if it is to be "subsidized housing" unless this is specifically approved in advance by the City).

#### 5. Tenure

Parcel: Air space parcel for indoor space, outdoor play area and parking  
Ownership: Developer transfers ownership of the above to the City

#### 6. Legal

As a condition of completing the pending rezoning, legal documents will be required to secure the child care facility construction, including a "no-development" covenant, an option to purchase, a Letter of Credit, and/or other measures as determined to the satisfaction of the City to be summarized in the Rezoning Considerations letter and following legal documents and requirements flowing from these considerations to be completed prior to adoption of rezoning for the subject development.

Attachment 3

5640 Hollybridge Way (Cressey) Rezoning Application

Transportation Servicing Agreement Requirements

Transportation Servicing Agreement Requirements : Prior to rezoning adoption, the developer must complete all design work required in respect to the Transportation Servicing Agreement Requirements described below, to the satisfaction of the Director of Transportation, Director of Development, Director of Engineering, and Senior Manager, Parks. More specifically, all transportation improvements identified in the Transportation Impact Assessment (TIA) are to be addressed via the Servicing Agreement process for this development. Complete and detailed road and traffic management design is subject to final functional road design and detailed design approval by the Director of Transportation. DCC credits are available for road and frontage works carried out within existing city right-of-way and dedicated road right-of-way as defined in the City DCC Program. The road and frontage works shall be completed to the satisfaction of the Director of Transportation and the Director of Development. The Transportation-related Servicing Agreement works shall include, but are not limited to the following.

1. Lansdowne Road

- a) The ultimate road cross-section of Lansdowne Road (between Gilbert Road and Hollybridge Way) is to consist of two 3.35 m wide eastbound traffic lanes, two 3.35 m wide westbound traffic lanes, and a 3.2 m wide "back-to-back" left turn lane (with a left turn lane at each of the two end intersections). This cross-section can be accommodated within the existing curb-to-curb pavement width with the exception of the eastbound curb lane at the west approach of the Gilbert/Lansdowne intersection (the eastbound curb lane is to be widened to achieve better lane continuity across the intersection per details shown on Attachment 1). The developer is required to prepare a functional design and pavement marking plan to show the provision of five traffic lanes within the existing pavement width and the ultimate lane configuration. The design is to demonstrate compatibility with the adjacent road network elements and that traffic safety and operational efficiency can be maintained. The frontage improvements (behind the south curb) shall include curb and gutter, a minimum 1.5 m wide landscaped boulevard (exclusive of the 0.15 m wide curb) and a minimum 2.0 m wide sidewalk. Additional frontage improvements beyond the 2.0 m wide sidewalk (including a wider sidewalk, wider boulevard and additional landscaping features) may be required by City Planning and Parks as part of the review process of the building design. The City has a 21.65 m right-of-way over this section of Lansdowne Road. To accommodate the required frontage improvements, a road dedication as generally shown on Attachment 1 is required. Corner cuts (minimum 4 m x 4 m, measured from new property lines, dedicated or via a public-right-of passage) are required at these intersections: Lansdowne Road/Gilbert Road (southwest corner); and Lansdowne Road/Hollybridge Way (southeast corner).
- b) As part of the TDM-related works (in respect to eligible parking reductions), the developer shall design and construct a 2.0 m wide interim asphalt sidewalk behind the curb on the north side of Lansdowne Road between Gilbert Road and Alderbridge Way. (Note: The budget and funding for these TDM measures shall be based on the developer's voluntary contribution, the value of which contribution shall be determined via the design process for the required works, to the satisfaction of the Director of Transportation.)

2. Lansdowne Road/Hollybridge Way Intersection

- a) As part of the City Centre Transportation Plan (CCTP) road network, the existing Lansdowne Road/Hollybridge Way "T-intersection" is to be reconstructed as a four-legged intersection with traffic signalization to provide a direct connection between these two roadways. This new intersection will consist of four approaches: Hollybridge Way North, Hollybridge Way South, Pearson Way, and Lansdowne Road. The lane configurations are: (i) Hollybridge Way north approach - two 3.35 m wide departure lanes, a 3.45 m wide left turn lane, a 3.20 m wide and a 3.25 m wide receiving lanes; (ii) Pearson Way approach - a 5.6 m wide receiving lane, a 3.2 m wide left turn lane and a 3.2 m wide right-turn/through lane; (iii) Hollybridge Way south approach - a 3.25 m wide and a

3.2 m wide receiving lanes, a 3.2 m wide left turn lane, and a 3.35 m wide departure lane; and (iv) Lansdowne Road approach - two 3.35 m wide departure lanes, a 3.2 m wide left turn lane, and two 3.35 m wide receiving lanes. The realignment of Hollybridge Way and Lansdowne Road, traffic signalization and the construction of the Pearson Way approach will be coordinated and undertaken as part of the rezoning process of an adjacent site (5440 Hollybridge Way). DCC credits are available for road and frontage works carried out within the existing Lansdowne city right-of-way and dedicated road right-of-way as defined in the City DCC Program.

- b) The subject development (5640 Hollybridge Way) is responsible for all works on Hollybridge Way south of Lansdowne Road that are required to connect Hollybridge Way to the new Lansdowne/Hollybridge Way intersection. The road widening work extends from the south end of the curb returns on both sides of Hollybridge Way, immediately south of the Lansdowne / Hollybridge Way intersection southwards to the points where the works transition into the existing pavement of Hollybridge Way as shown on Attachment 1. (Note: The developer's contribution shall be based on the budget and funding for the Hollybridge Way/Lansdowne Road intersection and road realignment works, the value of which contribution shall be determined via the City approved design and cost estimates for the required works, to the satisfaction of the Director of Transportation. These works on Hollybridge Way are not on the DCC Program and are not eligible for DCC Credits.)

### 3. Hollybridge Way

- a) The scope of work includes the widening of Hollybridge Way (between Lansdowne Road and Elmbridge Way). The lane configurations are: (i) at the Hollybridge Way/Elmbridge Way intersection - a 3.25 m wide southbound right turn lane, a 3.2 m wide southbound left turn lane, a raised 2.5 m wide raised median, and a 5.4 m wide northbound receiving lane; (ii) at the Hollybridge Way/Lansdowne Road intersection - a 3.25 m wide southbound curb lane, a 3.2 m wide southbound lane, a 3.2 m wide northbound left turn lane and a 3.35 m wide northbound departure lane separated by a 1.65 m wide painted median; and (iii) at midblock Hollybridge Way - a 3.25 m wide southbound curb lane, a 3.2 m wide southbound lane, a 3.2 m wide development access left turn lane and a 3.85 m wide northbound lane.
- b) The road widening works also include the realignment of Hollybridge Way from the south end of the curb returns on both sides of Hollybridge Way, immediately south of the Lansdowne / Hollybridge Way intersection southwards to the points where the works transition into the existing pavement of Hollybridge Way as shown on Attachment 1. (Note: The developer's contribution shall be based on the budget and funding for the Hollybridge Way/Lansdowne Road intersection and road realignment works, the value of which contribution shall be determined via the City approved design and cost estimates for the required works, to the satisfaction of the Director of Transportation.)
- c) The works on Hollybridge Way are not on the DCC Program and are not eligible for DCC Credits.
- d) The frontage improvements (behind the east curb) shall include curb and gutter, landscaped boulevard, sidewalk and other frontage improvements as determined by City Parks and Planning as part of the review of the building design and the design of the park space along the development's Hollybridge Way frontage.

### 4. Elmbridge Way

- a) Road widening on Elmbridge Way between Gilbert Road and Hollybridge Way is not required. The existing curb-to-curb road elements are to be retained. The frontage improvements (behind the north curb) shall include curb and gutter, a minimum 1.5 m wide landscaped boulevard (exclusive of the 0.15 m wide curb) and a 2.0 m wide sidewalk. Additional frontage improvements (including a wider sidewalk, wider boulevard and additional landscaping features) may be required by City Planning and Parks as part of the review of the building design. A 0.26m wide public right-of- passage along the development's Elmbridge Way frontage as shown Attachment 1 is



required. Corner cuts (minimum 4 m x 4 m, measured from new property lines, dedicated or via a public-right-of passage) are required at these intersections: Elmbridge Way/Gilbert Road (northwest corner); and Hollybridge Way/Elmbridge Way (northeast corner).

- b) Other required works include the modifications of the existing traffic signals at the Elmbridge Way/Gilbert Road and Elmbridge Way/Hollybridge Way intersections. The two existing driveways along the development's Elmbridge Way frontage are to be closed to provide a continuous curb and gutter, landscaped boulevard and sidewalk on the north side of this section of Elmbridge Way.

#### 5. Gilbert Road

- a) The scope of work includes the widening of Gilbert Road (between Lansdowne Road and Elmbridge Way) to provide an additional 1.8 m wide southbound bike lane. The existing lane configuration between the median and the east curb inclusive is to be maintained, i.e. 1.8 m wide northbound bike lane, 3.65 m wide northbound curb lane, 3.35 m wide northbound lane, 3.3 m wide northbound left turn lane, and a 1.2 m wide raised median. In the southbound direction, upon completion of the road widening, the lane configuration shall consist of a 1.8 m wide bike lane, a 3.3 m wide curb lane, and a 3.35 m wide center traffic lane. The frontage improvements (behind the west curb) include greenway treatments, curb and gutter, street trees, furnishings, a 1.5 m wide landscaped boulevard (exclusive of the 0.15 m wide curb), a "rain garden" of variable width, and a minimum 3.0 m wide sidewalk. An approximate 6.3m to 8.3m wide property right-of-passage as generally shown on Attachment 1 is required to accommodate these frontage improvements which will include the relevant elements contained within the Gilbert Greenway Design Principles (Attachment 5). Additional frontage improvements (including a wider sidewalk, wider boulevard and additional landscaping features) may be required by City Planning and Parks as part of the review of the building design and greenway design. Corner cuts (minimum 4 m x 4 m, measured from new property lines, dedicated or via a public-right-of passage) are required at these intersections: Lansdowne Road/Gilbert Road (southwest corner); and Gilbert Road /Elmbridge Way (northwest corner).
- b) As part of the Gilbert Road/Lansdowne Road intersection works and to meet the ultimate Gilbert Road cross-section for traffic safety and operational efficiency reasons, the developer is required to widen Gilbert Road north of Lansdowne Road (curb-to-curb inclusive) for a distance of approximately 60.0 m. The finished road cross-section shall consist of curb and gutter (both sides of the road), two northbound and two southbound traffic lanes, southbound left turn lane (at the Lansdowne Road intersection), northbound and southbound bike lanes and a raised median (minimum 1.2 m wide). The lane widths are 3.25 m (all traffic lanes) and 1.8 m (bike lanes). As part of the frontage improvements constructed by an adjacent development, in the northbound direction approximately a 45.0 m long section of the full pavement width (without curb and gutter) and a 66.0 m long taper section are now in place. In the southbound direction, the width of the existing pavement and lane configuration is the same as that to the south of Lansdowne Road over a distance of 25.0 m with a 30:1 taper section. Consistent with frontage requirements that involve intersection works, road widening for a tangent section of 30 m and a 30:1 taper section is required beyond the intersection. The scope of work required on Gilbert Road north of Lansdowne Road of the subject development would be the net of the works previously carried out by an adjacent development and by the City as described above.
- c) DCC credits are available for road and frontage works carried out within the existing Gilbert Road city right-of-way and dedicated road right-of-way as defined in the City DCC Program.

#### 6. Traffic Signals

The following traffic signal works are to be carried out by the developer. Property dedication or PROP (exact dimensions to be confirmed through the Servicing Agreement process) for the placement of traffic controller cabinet and other traffic signal equipment is required.

- a) Modifications to the existing traffic signals at these intersections are required: Gilbert Road/Elmbridge Way, Gilbert Road/Lansdowne Road, and Elmbridge Way/Hollybridge Way. The traffic signal modifications may include but are not limited to the following: repair, modification and/or installation of vehicle detection; relocation and/or replacement of traffic signal poles, bases, junction boxes, signal heads and conduit; relocation of traffic signal controller cabinet and base; modification and/or installation of City standard accessible pedestrian signals and illuminated street name signs; repair, modification and/or installation of communications cable (both fibre optics and copper); and property acquisition (or utility ROW) to house traffic signal equipment.
- b) The existing Hollybridge Way/Lansdowne Road T-intersection will be reconstructed as a 4-legged signalized intersection by an adjacent development. The subject development is required to make modifications to the traffic signals at this future new intersection. The traffic signal modifications will include some or all of the items described in part (a) immediately above.

#### 7. Transit Amenities

The developer shall provide \$25,000 for a City Centre-style transit shelter with associated transit accessibility requirements. The exact location of this transit shelter shall be determined by the City in consultation with Coast Mountain Bus Company.

#### 8. Parking Strategy and TDM Measures to Support Parking Relaxations

Prior to a Development Permit for any portion of the 5640 Hollybridge Way development being forwarded to the Development Permit Panel for consideration, the developer is required to submit a parking strategy demonstrating the subject development's compliance, on a building phase by building phase basis, with the Zoning Bylaw in respect to Transportation Demand Management (TDM) measures and related parking relaxations (i.e. up to a 10% reduction in the minimum number required parking spaces for both residential and non-residential uses), as determined to the satisfaction of the City. In addition to the Temporary Frontage Improvements (in the form of a 2.0 m asphalt walkway) along the north side of Lansdowne Road between Gilbert Road and Alderbridge Way (required to be included within the Servicing Agreement prior to rezoning adoption), TDM measures shall include, but may not be limited to the following:

- a) For non-residential uses, one end-of-trip facility for each gender. The minimum requirements for each facility are: shower, change room, wash basin (with grooming station, counter, mirror and electrical outlets), handicapped accessible toilets and lockers. The end-of-trip facilities are to be accessible to all commercial tenants of each phase of the development.
- b) Provision of electric vehicle and bicycle plug-in services including: (i) For residential uses - 240V service shall be provided for 20% of parking stalls; (ii) For commercial uses - 240V service shall be provided for 10% of parking stalls; and (iii) for bicycle users - 120V service shall be provided for 5% of the total Class 1 bicycle racks or one per bicycle storage compound, whichever is greater. The minimum electric vehicle and bicycle parking service requirements are to include conduits, circuit breakers, and wiring in form acceptable to the City (actual outlets to be provided later by strata owners).
- c) Construction of an interim 2.0 m wide asphalt walkway on the north side of Lansdowne Road between Gilbert Road and Alderbridge Way.

#### 9. Development Vehicle Access

- a) Vehicle access to this development shall be provided at: (i) Lansdowne Road - right-in/right-out (left turn restrictions indicated by signage); and (ii) Hollybridge Way - all directional movements permitted except for the left-out turning movements (left-out turn restrictions to be controlled by the construction of a raised median on Hollybridge Way). The two existing driveways to the site on Elmbridge Way are to be closed.

- b) Registration of a restrictive covenant and/or alternative legal agreement on title, to the satisfaction of the City, prohibiting driveway crossings along the subject site's Gilbert Road and Elmbridge Way frontages.

10. Commercial Parking

Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title restricting parking provided on-site in respect to commercial uses (as per the Rezoning Bylaw) such that:

- a) No commercial parking spaces may be provided in a tandem arrangement.
- b) Not more than 50% of commercial parking spaces as per an approved Development Permit may be designated (i.e. sold, leased, reserved, signed, or otherwise assign) by the owner or operator for the exclusive use of employees, specific businesses, and/or others. The remaining 50% of commercial parking spaces must be made available to visitors to the residential units of this development.
- c) Commercial parking spaces not designated by the owner and/or operator for the exclusive use of employees, specific businesses, and/or others must include a proportional number of handicapped and small car parking spaces, as per Zoning Bylaw (e.g. maximum 50% small car parking spaces).

11. Construction Parking and Traffic Management Plan

Prior to Building Permit approval, the developer is to submit a detailed Construction Parking and Traffic Management Plan prepared to the satisfaction of the City. This plan is to identify (for each development phase): construction vehicle access and emergency vehicle access; parking facilities for workers, services, deliveries and loading; and staging area for construction vehicles and materials (facilities for staging activities are not available on any of the public roadways peripheral to the subject site). The plan will require the use of proper construction traffic control procedures and certified personnel as per Traffic Control Manual for Works on Roadways (Ministry of Transportation and Infrastructure) and MMCD Traffic Regulation Section 01570, and must demonstrate to the satisfaction of the City that access to the Richmond Oval will not be interrupted.

## Attachment 4 Street and Park Lighting

<b>CRESSEY @ 5640 Hollybridge Way</b>	
<b>A. City Streets</b>	
1. Gilbert Road (Both sides of street)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Roadway lighting @ back of curb: <u>Type 7</u> (LED) INCLUDING 1 street luminaire, 1 pedestrian luminaire, banner arms, and duplex receptacles, but EXCLUDING any flower basket holders or irrigation.</li> <li>• Pedestrian lighting @ back of curb: <u>Type 8</u> (LED) INCLUDING 1 pedestrian luminaire set perpendicular to the roadway and duplex receptacles, but EXCLUDING any banner arms, flower basket holders, or irrigation.</li> </ul> <p><i>NOTE #1: Existing traffic signal @ Lansdowne Road must be modified so that pole colour &amp; luminaires/arms match Type 7 lights (i.e. grey poles, LED).</i></p> <p><i>NOTE #2: Existing Type 3 (HPS) streetlights along east side of Gilbert Road require modification to match new Type 7 lights @ the subject site (i.e. grey poles, LED).</i></p>
2. Gilbert Road @ Richmond Winter Club frontage (Both sides of street)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Roadway lighting @ back of curb: <u>Type 7</u> (LED) INCLUDING 1 street luminaire, 1 pedestrian luminaire, and banner arms, but EXCLUDING any flower basket holders, irrigation, or duplex receptacles.</li> <li>• Pedestrian lighting @ back of curb: <u>Type 8</u> (LED) INCLUDING 1 pedestrian luminaire set perpendicular to the roadway, but EXCLUDING any banner arms, flower basket holders, irrigation, or duplex receptacles.</li> </ul> <p><i>NOTE #1: Existing traffic signal @ Lansdowne Road must be modified so that pole colour &amp; luminaires/arms match Type 7 lights (i.e. grey poles, LED).</i></p> <p><i>NOTE #2: Existing Type 3 (HPS) streetlights along east side of Gilbert Road require modification to match new Type 7 lights @ the subject site (i.e. grey poles, LED).</i></p>
3. Elmbridge Way (North side of street)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Roadway lighting @ back of curb: <u>Type 7</u> (LED) INCLUDING 1 street luminaire, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, irrigation, or duplex receptacles.</li> </ul>
4. Hollybridge Way (Both sides of street)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Roadway lighting @ back of curb (alternating with pedestrian lighting): <u>Type 7</u> (LED) INCLUDING 1 street luminaire, 1 pedestrian luminaire, banner arms, 2 flower basket holders, irrigation, and 1 duplex receptacle.</li> <li>• Pedestrian lighting @ back of curb (alternating with roadway lighting): <u>Type 8</u> (LED) INCLUDING 1 pedestrian luminaire, 2 flower basket holders, irrigation, and 1 duplex receptacle, but EXCLUDING any banner arms.</li> </ul>
5. Lansdowne Road (South side of street) (TO BE CONFIRMED VIA SERVICING AGREEMENT & DP PROCESSES)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Roadway lighting @ back of curb (alternating with pedestrian lighting): <u>Type 7</u> (LED) INCLUDING 1 street luminaire, 1 pedestrian luminaire, banner arms, 2 flower basket holders, irrigation, and 1 duplex receptacle.</li> <li>• Pedestrian lighting @ back of curb (alternating with roadway lighting): <u>Type 8</u> (LED) INCLUDING 1 pedestrian luminaire, 2 flower basket holders, irrigation, and 1 duplex receptacle, but EXCLUDING any banner arms.</li> </ul> <p><i>NOTE: Existing traffic signal @ Lansdowne Road must be modified so that pole colour &amp; luminaires/arms match Type 7 lights (i.e. grey poles, LED).</i></p>
<b>B. Off-Street Publicly-Accessible Walkways &amp; Open Spaces</b>	
1. Hollybridge Way ("Pocket park" @ east side of street) (TO BE CONFIRMED VIA SERVICING AGREEMENT & DP PROCESSES)	<ul style="list-style-type: none"> <li>• Pole colour: Grey</li> <li>• Pedestrian lighting: <u>Type 8</u> (LED) INCLUDING 1 pedestrian luminaire, but EXCLUDING any banner arms, flower basket holders, irrigation, or duplex receptacles.</li> </ul>

Attachment 5  
Gilbert Greenway Design Principles

(With Applicable Gilbert Road Section for this Project)

*Gilbert Road: The Downtown Gateway*

Gilbert Road is one of the most prominent gateways into Richmond's downtown. At the north end, it forms an important gateway for traffic entering the city from the Dinsmore Bridge. Gilbert Road is also a key pedestrian and cycling greenway and presents the opportunity to create a strong link between Minoru Park and the waterfront.

The City's heritage lot at 6900 River Road and the future waterfront park frame the south end of the Dinsmore Bridge. From the end of the bridge moving south, the road right of way is very generous but narrows toward the intersection with Lansdowne Road where it is more typical in width. The gateway features and landscape elements should therefore be grand in scale with a general character of a bold, green corridor with references (natural, cultural and industrial) to the City's relationship to the Fraser River and estuary.

1. Lansdowne Rd. to Westminster Hwy.

East Side

*Greenway elements:*

- one north-bound, on-street cycling lane
- 2.5 metre boulevard
- a minimum 3.0 metre wide pedestrian walkway

*Landscape:*

- large street trees centred in the boulevard at approximately 8 metres, or less, on centre (species to be determined)
- planted areas between walkway and building frontage consisting of ornamental and native species at key nodes and street intersections to add seasonal interest and define gateways/entry points

West Side

*Greenway elements:*

- one south-bound, on-street cycling lane
- 2.5 m tree'd boulevard
- 3 m pedestrian walkway

*Landscape:*

- large street trees centred in the boulevard at approximately 8 metres, or less, on centre (species to be determined)
- groves of trees (each comprised of 10 or more trees, mixed deciduous and coniferous species) between the pedestrian walkway and the building frontages.
- "river-like" landscape elements (incl. water features) of varied width on the west side of the pedestrian walkway within PROP SRW



Richmond Zoning Bylaw 8500  
Amendment Bylaw 8957 (RZ 12-602449)  
5640 Hollybridge Way

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

1. 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 **RESIDENTIAL / LIMITED COMMERCIAL (RCL3)**.

P.I.D. 006-096-115

Lot 109 Section 5 Block 4 North Range 6 West New Westminster District Plan 46385

2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 8957**”.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED

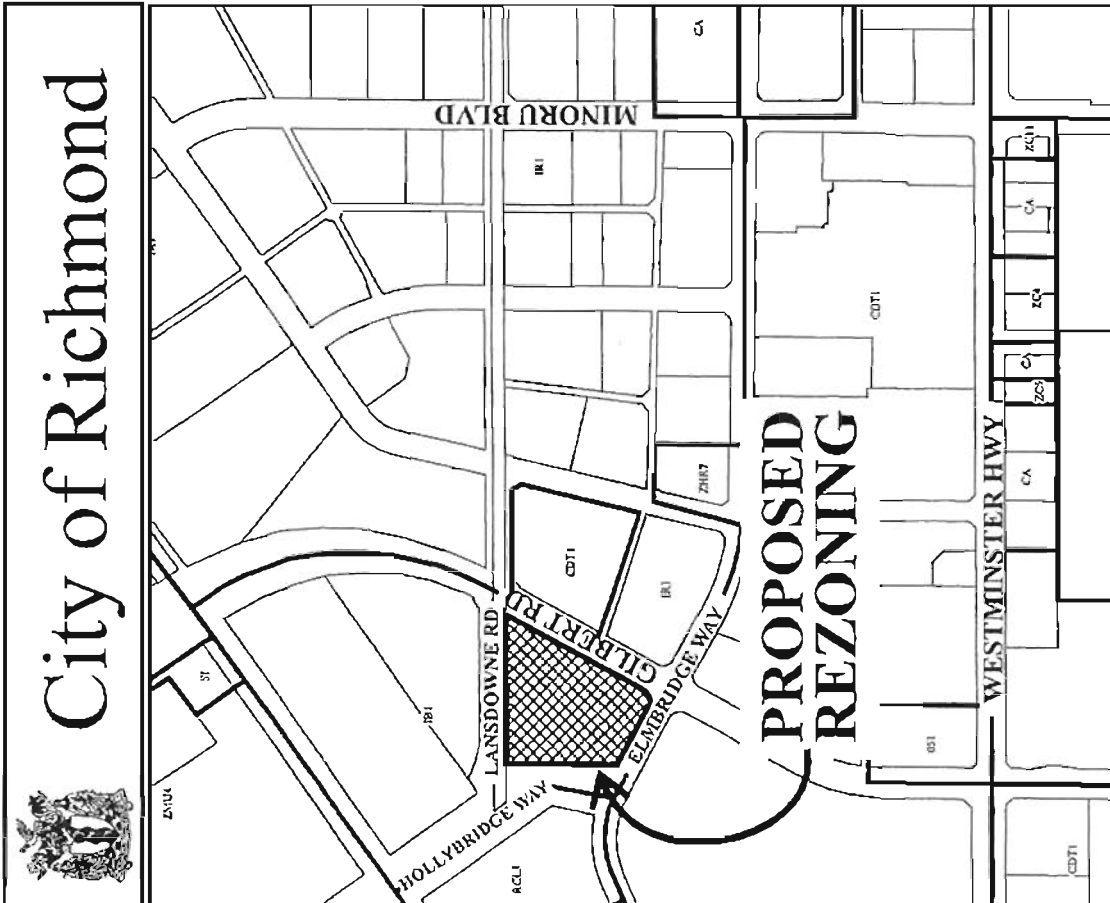
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CITY OF RICHMOND
APPROVED by <i>MB</i>
APPROVED by Director or Solicitor <i>al</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER





RZ 12-602449





# City of Richmond

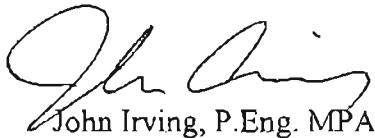
## Report to Committee

To PWT - JAN. 23, 2013

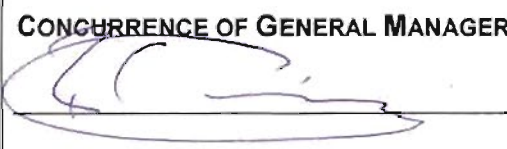

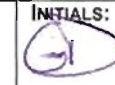
**To:** Public Works and Transportation Committee **Date:** January 3, 2013  
**From:** John Irving, P.Eng. MPA **File:** 10-6060-00/Vol 01  
Director, Engineering  
**Re:** **Waterworks and Water Rates Bylaw Amendment**

### Staff Recommendation

That Waterworks and Water Rates Bylaw No. 5637, Amendment Bylaw No. 8909 be introduced and given first, second and third readings.



John Irving, P.Eng. MPA  
Director, Engineering  
(604-276-4140)  
Att. 3

REPORT CONCURRENCE			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Water Services	<input checked="" type="checkbox"/>		
Law	<input checked="" type="checkbox"/>		
Building Approvals	<input checked="" type="checkbox"/>		
<b>REVIEWED BY SMT SUBCOMMITTEE</b>	<b>INITIALS:</b> 	<b>REVIEWED BY CAO</b>	<b>INITIALS:</b> 

## **Staff Report**

### **Origin**

The Waterworks and Water Rates Bylaw No. 5637 (the "Existing Bylaw") governs use of and access to the City's water distribution system. Updates to the bylaw are required from time to time that adapt the bylaw to new or emerging issues.

### **Analysis**

The following is a description of the recommended changes to the Existing Bylaw as proposed with the Amendment Bylaw 8909 (Attachment 3).

### **Farm Definition**

The current definition of Farm is based on livestock and does not include crop based farms like cranberry farms and blueberry farms. The updated definition includes any property that has farm classification as determined by the Assessment Act.

### **Water Meters for Ornamental Water Features**

Ornamental water features have potential to use considerable amounts of water. This amendment to the bylaw requires properties with ornamental water features to be metered and pay for water on a per unit basis.

### **Extended Design Services**

The Engineering Department offers design services for small water connections for a fee. This service provides an appropriately priced alternative to hiring an engineering consultant to those developing single family lots. As this initiative has been well received by the development community, the amendment extends the design services offered to include all water services.

### **Exemption From Requiring a New Water Service Connection**

The City currently requires anyone performing over \$75,000 of improvements on a single family or two family dwelling where the existing water connection is smaller than 25 mm and the improvements increase the number of plumbing fixtures in the dwelling to have new service connection installed. In a small number of cases this clause requires replacement of relatively new services that are adequate despite being smaller than 25 mm in diameter. Generally, these exceptions are smaller homes with one bathroom. Proposed Bylaw 8909 allows an exemption from the requirement to install a new water connection in those cases where it can be demonstrated to the satisfaction of the General Manager, Engineering and Public Works that the existing service is adequately sized and that low flow water fixtures are utilized in the dwelling.

### **Backflow Preventers**

The current bylaw requires all single and two-family dwellings that are served by a metered connection to have a backflow preventer. In practice, older homes that were built before backflow preventers were required often have plumbing that cannot accommodate the thermal

expansion of water caused by hot water heaters. Proposed Bylaw 8909 allows older dwellings to maintain a water service connection that does not include a backflow preventer at the discretion of the General Manager, Engineering and Public Works.

### **Toilet Size for Toilet Rebate Program**

The proposed Bylaw 8909 updates the replacement toilet size that will be considered by the Toilet Rebate Program from “6 litre or less” to “4.8 litre or less or 4.1 litre/6 litre dual flush” to match current plumbing code requirements.

### **Proposed Water Meter Base Rate Structure**

Beyond the unit rate for water paid by metered customers, they are also required to pay a fixed rate for the rental of the water meter and a minimum water usage charge. The existing water utility rate structure has a large number of meter classes that can be simplified with marginal financial impact to the customer and the City while greatly improving clarity and administration. The following addresses the structure of the meter rental charge and the minimum water usage charge.

The metered industrial, commercial and institutional (ICI) rate structure includes 18 different meter rental classes. Several of these classes apply to very small numbers of customers and have very little impact on the overall equity of the rate system. Staff proposes collapsing the current 18 meter rental categories into the 6 base rate classes represented Table 1 (Attachment 1). Farms will be charged based on the ICI base rate system.

The proposed residential metered rate structure is collapsed in a manner similar to the ICI structure and most of the base rates will be similar to the ICI structure. The proposed residential base rate structure is presented in Table 2 (Attachment 2).

The ICI rate structure will continue to include a minimum charge due to the high level of variability in ICI water use and the larger infrastructure required to support the higher fire flows required by ICI zone properties. The minimum charges for all residential and farm uses will be removed from the rate structure.

### **Financial Impact**

None.

### **Conclusion**

Proposed Bylaw 8909 is an amendment bylaw for the Waterworks and Water Rates Bylaw No. 5637. Adopting Bylaw 8909 will allow staff flexibility with respect to requirements for new single family service connections and back flow prevention for existing dwellings. Adoption would also promote water conservation by requiring water metering for properties that have ornamental water features. It also updates the size of replacement toilets that will be considered in the toilet rebate program to match the current plumbing code. Lastly, the amendments extend the design services offered by the City.

The water rate structure for metered water customers has a large number of categories, some of which have very few customers and very little impact to the water utility bottom line. The large number of categories can be confusing to the customer and generates additional work for staff. Bylaw 8909 updates the base rate structure as per Tables 1 and 2 (Attachments 1 and 2), simplifying the base rate charges for meters with marginal impact to customers. The Bylaw also eliminates the minimum water use charges for both farms and residential customers.



Lloyd Bie  
Manager, Engineering Planning  
(604-276-4075)

LB:lb

## Attachment I

Table 1 – Existing and Proposed Quarterly ICI Meter Base Rates

Meter Size	Existing Meter Rent	Number of Customers	Proposed Base Rate
16 mm Positive Displacement	\$11.50	356	\$15
20 mm Positive Displacement	\$14.65	716	
25 mm Positive Displacement	\$16.20	831	
32 mm Positive Displacement	\$28.25	0	\$30
40 mm Positive Displacement	\$28.25	529	
50 mm Positive Displacement	\$32.00	765	
50 mm Turbine	\$63.50	0	
75 mm Compound	\$108.00	195	\$110
75 mm Turbine	\$81.50	40	
100 mm Compound	\$165.00	50	\$150
100 mm Turbine	\$118.00	34	
100 mm Fire Line	\$283.75	0	
150 mm Compound	\$275.00	11	\$300
150 mm Turbine	\$225.50	10	
150 mm Fire Line	\$383.00	2	
200 mm Turbine	\$293.00	2	\$500
200 mm Fire Line	\$497.25	13	
250 mm Fire Line	\$662.00	5	



## Attachment 2

Table 2 – Existing and Proposed Quarterly Residential Meter Base Rates

Meter Size	Existing Meter Rent	Number of Customers	Proposed Base Rate
16 mm Single Family	\$10	6	\$12
16 mm Positive Displacement MF	\$11.50	0	
20 mm Single Family	\$10	15,385	
20 mm Positive Displacement MF	\$14.65	1	
25 mm Single Family	\$10	3,802	
25 mm Positive Displacement MF	\$16.20	21	\$14
32 mm Positive Displacement MF	\$28.25	0	
40 mm Single Family	\$10	14	
40 mm Positive Displacement MF	\$28.25	23	
50 mm Single Family	\$10	13	
50 mm Positive Displacement MF	\$32.00	50	\$110
50 mm Turbine MF	\$63.50	0	
75 mm Compound MF	\$108.00	49	
75 mm Turbine MF	\$81.50	0	\$150
100 mm Compound MF	\$165.00	37	
100 mm Turbine MF	\$118.00	0	
100 mm Fire Line MF	\$283.75	0	\$300
150 mm Compound MF	\$275.00	8	
150 mm Turbine MF	\$225.50	0	
150 mm Fire Line MF	\$383.00	15	\$500
200 mm Turbine MF	\$293.00	0	
200 mm Fire Line MF	\$497.25	19	
250 mm Fire Line MF	\$662.00	0	



City of  
Richmond

Bylaw 8909

**Waterworks and Water Rates Bylaw No. 5637  
Amendment Bylaw No. 8909**

The Council of the City of Richmond enacts as follows:

1. The **Waterworks and Water Rates Bylaw No. 5637**, as amended, is further amended:

- (a) by deleting the definition of **FARM** in Section 1 and substituting the following:

*"FARM means any property classified as a farm under the Assessment Act."*

- (b) by deleting subsection 2(d) and substituting the following:

*"(d) At the request of the property owner, a design plan or drawing referred to in subsection 2(a)(iii) may be prepared by the City for the fee specified in Section 2 of Schedule D."*

- (c) by adding the following after subsection 4(b):

*"(c) Notwithstanding clause (b) of Section 4, the property owner may not be required to install a new water connection if the General Manager, Engineering & Public Works is satisfied that the number of fixtures in the dwelling are below the average number required for similar sized dwellings and that low flow fixtures have been utilized throughout the dwelling."*

- (d) by amending each of Sections 7, 13(c)(i), 22(b)(iii), 25B(a), 25B(c), 37(c) and 37.1(c) with the following:

- a. deleting phrase "Schedule B"

- and replacing with phrase: "Schedule B or C, as applicable"

- (e) by adding the following after Section 20:

*"20A. Services to Ornamental Fountains*

*Where any customer has installed an ornamental water fountain, the property owner must have a water meter installed, if one does not exist, for the purpose of determining the quantity of water delivered to such fountain, and pay the water meter installation fee set-out in Schedule "D".*

- (f) by amending subsection 22B(a) with the following:

- a. deleting phrase: *"six litre or less"*  
and replacing with phrase: *"4.8 litre or less or 4.1 litre/6 litre dual flush"*
- b. deleting subsection (iii) and substituting the following:  
*"(iii) the replacement toilet is approved by the Canadian Standards Association (CSA), the Warnock Hersey (WH) Mark or the Canadian Uniform Plumbing Code; and"*

(g) by deleting subsection 25B(b) and substituting the following:

*"(b) If the amount recorded by the water meter for the billing period in which the leak was discovered is greater than the average amount, or if the amount recorded by the water meter for the previous billing period is greater than the average amount, the customer will pay, for both the billing period in which the leak was discovered and the previous billing period:*

- (i) the regular rate per cubic metre (in Schedule B or C, as applicable) for all amounts recorded up to the average amount; and*
- (ii) the undetected/underground leak rate per cubic metre (in Schedule B or C, as applicable) for all amounts recorded above the average amount."*

(h) by deleting subsection 29(b) and substituting the following:

*"(b) All metered water service connections must be equipped with a backflow preventer. Notwithstanding the foregoing, in the case of an existing one-family dwelling or two-family dwelling, the General Manager, Engineering & Public Works may, if satisfied that existing plumbing infrastructure for such dwelling may not permit the installation of a backflow preventer or that adequate provision is made to prevent backflow into the City's water system, permit the water service connection without a backflow preventer."*

(i) by deleting subsection 29(d)(ii) and substituting the following:

*"(ii) give notice to the customer to correct the fault within 96 hours, or a specified lesser period, and if the customer fails to comply with such notice, the General Manager, Engineering & Public Works shall proceed in accordance with Subsection (i) of this Section. Without prejudicing the aforesaid, the General Manager, Engineering & Public Works may allow cross-connection control devices to be installed on the service pipe on City property. The device and installation is to be approved by the General Manager, Engineering & Public Works and installed "at cost", in accordance with Section 38 hereof."*

(j) by amending section 33(a) with the following:

- a. deleting phrase: *"that no such a service shall be turned off"*  
and replacing with phrase: *"that no such service shall be turned off"*
- b. deleting phrase: *"shall be sent by certified mail to such person or persons in accordance with Section 466 of the Municipal Act."*  
and replacing with phrase: *"shall be sent by registered mail to such person or persons, or by a method of delivery that provides proof of delivery, to the person's actual or last known address."*

(k) by amending section 36 with the following:

- a. deleting the semi-colon punctuation at the end of subsection (iv) and replacing with a period.
- b. deleting subsection (v) including the punctuation.

(l) by adding the following at the end of subsection 37(a):

- a. *"The unauthorized use of a City fire hydrant is prohibited."*

(m) by adding the following at the end of subsection 37.1(a):

- a. *"The unauthorized use of a private fire hydrant is prohibited."*

(n) by amending section A of Schedule "A" with the following:

- a. deleting the phrase *"See Metered Rates - Schedule B"*  
and replacing with phrase: *"See Metered Rates - Schedule B or C, as applicable"*

(o) by deleting Schedule "B", Page 1 of 2 (Metered Rates - Metered Commercial, Industrial and Institutional Properties and Multiple-Family and Strata Titled Properties) and Page 2 of 2 (Metered Rates - Metered Residential Properties) and substituting Schedule "B" attached hereto;

(p) by deleting Schedule "C" (Metered Rates - Farms) and substituting Schedule "C" attached hereto:

(q) by deleting section 2 of Schedule "D" and substituting the following:

***"DESIGN PLAN PREPARED BY CITY"***

*Design plan prepared by City for one-family dwelling or two-family dwelling each*      *\$1000*

*Design plan for all other buildings*      *\$2,000"*

2. This Bylaw is cited as "Waterworks and Water Rates Bylaw No. 5637, Amendment Bylaw No. 8909".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept JS
APPROVED for legality by Solicitor R

**SCHEDULE "B" TO BYLAW NO. 5637  
BYLAW YEAR 2012  
METERED RATES**

**METERED COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTIES  
METERED MULTIPLE-FAMILY AND STRATA TITLED PROPERTIES  
METERED FARMS**

**1. RATES**

All consumption per cubic metre:	\$1.1976
Minimum charge in any 3 month period (not applicable to Farms)	\$110.00
Undetected leak rate per cubic meter (per section 25B of this bylaw)	\$0.6727

**2. RATES FOR EACH METER**

Rent per **water meter** for each 3-month period:

Meter Size	Base Rate
16 mm to 25 mm (inclusive)	\$15
32 mm to 50 mm (inclusive)	\$30
75 mm	\$110
100 mm	\$150
150 mm	\$300
200 mm and larger	\$500



**SCHEDULE "C" TO BYLAW NO. 5637  
BYLAW YEAR 2012  
METERED RATES**

**METERED RESIDENTIAL PROPERTIES**

**1. RATES**

All consumption per cubic metre:	\$1.1976
Undetected leak rate per cubic meter (per section 25B of this bylaw)	\$0.6727

**2. RATES FOR EACH METER**

Rent per ~~water meter~~ for each 3-month period:

<u>Meter Size</u>	<u>Base Rate</u>
16 mm to 25 mm (inclusive)	\$12
32 mm to 50 mm (inclusive)	\$14
75 mm	\$110
100 mm	\$150
150 mm	\$300
200 mm and larger	\$500



# City of Richmond

## Report to Committee

TO PWT - JAN. 23, 2013

**To:** Public Works and Transportation Committee

**Date:** January 7, 2013

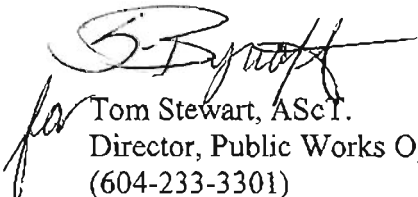
**From:** Tom Stewart, ASCT.  
Director, Public Works Operations

**File:** 10-6125-04-14/2013-  
Vol 01

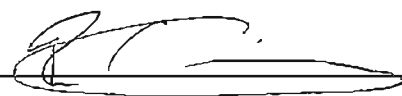


**Re:** **Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control  
Administration and Coordination Service (Bylaw No. 1179, 2012)**

### Staff Recommendation

The City of Richmond consents to the repeal of the Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005 and consents to the adoption of the Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012).

  
for Tom Stewart, ASCT.  
Director, Public Works Operations  
(604-233-3301)

Att. 2

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS: 
REVIEWED BY CAO	INITIALS: 

## Staff Report

### Origin

Correspondence dated December 21, 2012 was received from Metro Vancouver requesting the City of Richmond's consent to discontinue the region's role in mosquito control administration and coordination through repeal of Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, **Attachment 1**.

This report summarizes Metro Vancouver's request and recommends that the City consent to repeal of the applicable regional bylaw.

### Analysis

#### *Background*

In 2005, Metro Vancouver enacted Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034 to aid in:

1. The coordination of West Nile virus mitigation activities conducted by member municipalities, including risk communication and data management, and
2. Coordinate securing provincial funding earmarked for West Nile virus mitigation activities.

Last year, medical health officers in Vancouver Coastal and Fraser Health authorities recommended that West Nile Virus mitigation activities cease since the threat of the virus is better understood and no longer warrants these programs, **Attachment 2**. As a result, provincial funding for West Nile Virus control activities was discontinued. In light of this, Metro Vancouver is seeking consent of at least two thirds of participants in the service to repeal Bylaw 1034. Adoption of Regional Bylaw 1179, 2012 (Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service) will discontinue the mosquito control administration and coordination service. Repeal of this bylaw does not impact nuisance mosquito control activities administered by Metro Vancouver or the City of Richmond.

#### *Impact to Richmond*

The City of Richmond participated on the regional working group via our mosquito control service provider, Vancouver Coastal Health. Discontinuing the regional coordination role will eliminate the regional data management and risk communication coordination functions, but will otherwise result in no impact to Richmond. This is because the BC Government no longer funds West Nile virus mitigation activities, therefore, there would be no loss of grant funding. Any future mitigation strategies would be established through direct liaison with Vancouver Coastal Health.

The City undertook an annual program to minimize the human health risk associated with the potential spread of West Nile Virus from 2003 – 2008 and received provincial funding in each year to offset the costs of delivering the program. The program was discontinued in 2009 at the

recommendation of the Medical Health Officer due to minimal West Nile virus activity in British Columbia.

As a result of public complaints regarding nuisance mosquitoes during the summer, 2009 season, a new service item was added to Richmond's public health services agreement with Vancouver Coastal Health to undertake mosquito control in City ditches in 2010 for nuisance purposes. This service has been undertaken annually since that time. The City received provincial funding in 2010 and 2011 as the BC Government reinstated Richmond's funding for West Nile Virus risk reduction activities in those years as a result of one case of West Nile virus in a horse in late 2009 in Aldergrove. There has been no further West Nile Virus activity since that time and the BC Centre for Disease Control considers this region to be at the very edge of the reach of the virus. As such, there may be only sporadic low levels of activity in the future. Therefore, provincial funding was discontinued in 2012.

Under the City's current public health service agreement with Vancouver Coastal Health, the City will continue to provide mosquito nuisance control for Sturgeon Banks and in City ditches. Should future additional mitigation activities be warranted in light of new developments relating to West Nile Virus, the City will be alerted by the Medical Health Officer and staff would report to Council accordingly.

### **Financial Impact**

The region collected a municipal levy of approximately \$76,000 to fund this program annually. Richmond's portion of the levy was approximately \$8,000 in 2012. The funding is discontinued with the repeal of the regional role, therefore, the City of Richmond will not be assessed any regional fees in 2013 and onwards associated with this service. This will be reflected in the portion of the property tax levy that is collected by the City on behalf of Metro Vancouver.

### **Conclusion**


The BC Government discontinued provincial funding for local governments in 2012. In addition, the Fraser Health Authority and Vancouver Coastal Health have recommended that no West Nile virus surveillance or pre-emptive larviciding be carried out in 2012. This, coupled with the low risk assessment by the BC Center for Disease for future West Nile Virus activity, results in the recommendation by Metro Vancouver to discontinue their mosquito control administration and coordination service for 2013 and beyond. Staff consider this is administratively prudent and will result in no negative impact to Richmond. Therefore, staff recommend consent of Greater Vancouver Regional District Bylaw 1179 to repeal this regional coordination service.



Suzanne Bycraft  
Manager, Fleet & Environmental Programs  
(604-233-3338)

SJB:

Attachment 1

 **metrovanancouver**  
SERVICES AND SOLUTIONS FOR A LIVABLE REGION 4330 Kingsway, Burnaby, BC, Canada V5H 4G8 604-432-6200 www.metrovancouver.org  
Greater Vancouver Regional District • Greater Vancouver Water District • Greater Vancouver Sewerage and Drainage District • Metro Vancouver Housing Corporation  
Office of the Chair  
Tel. 604 432-6215 Fax 604 451-6614

DEC 21 2012

File: CR-04-00

Ref: 6877404

Mayor Malcolm Brodie  
City of Richmond  
6911 No 3 Rd  
Richmond, BC V6Y 2C1

Dear Mayor Brodie: *Malcom*

**Re: Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012)**

The Metro Vancouver Board of Directors introduced and gave three readings to the *Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012)* at its November 30, 2012 meeting. The Bylaw and its terms were approved unanimously by the Regional Administrators Advisory Committee. The purpose of the Bylaw is to repeal the *Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005*.

Please note that the repeal of the Mosquito Control Administration and Coordination Service Establishment Bylaw will impact West Nile virus-related services only. This will have no impact on *Greater Vancouver Regional District Mosquito Control Service Bylaw No. 1164, 2012* which continues to provide the Nuisance Mosquito control service administered by Metro Vancouver for Coquitlam, Maple Ridge, Pitt Meadows, Surrey and the Township of Langley. Metro Vancouver will also continue to control nuisance mosquitoes on its own lands.

The Board has directed staff to obtain the consent of at least two thirds of participants in the Mosquito Control Administration and Coordination Service to repeal *Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005* by adopting *Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Repealing Bylaw No. 1179, 2012* (for the West Nile Virus). We request that Council consent on behalf of the electors to the adoption of the Bylaw.

In 2005, *Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034* was adopted in order to secure funding from the Province for West Nile virus management initiatives. These initiatives were developed and implemented in part through the municipal levy set out in Bylaw No. 1034.

The Board decided to repeal Bylaw No. 1034 because provincial funding for local governments was discontinued in 2012. In addition, both the Fraser Health Authority and Vancouver Coastal Health recommended that no West Nile virus surveillance or pre-emptive larviciding be carried out in 2012 in the Metro Vancouver municipalities they oversee. These decisions are based on the minimal West Nile virus activity observed in the Pacific Northwest and British Columbia.

## Attachment 1 (Cont'd)

**Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012)**

Page 2 of 2

The Board considers that the geographic distribution of West Nile virus risks across the region is uneven and sub-regional responsibilities are divided among two health authorities. As such, directions issued to municipalities about West Nile virus should rest with health authorities rather than with Metro Vancouver. Funding for health issues should rest with the Province. The Board has resolved to request that the Fraser Health Authority and Vancouver Coastal Health communicate directly with municipalities within their jurisdictions about West Nile virus risks and actions as necessary.

A sample Council resolution is set out below for your convenience:

"That the Council of \_\_\_\_\_ consents to the repeal of the *Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005* and consents to the adoption of the *Greater Vancouver Regional District Bylaw to Repeal the Mosquito Control Administration and Coordination Service (Bylaw No. 1179, 2012)*."

We respectfully request that you include this item on the agenda of your next Council meeting. Following receipt of two-thirds of members' consents, the *Bylaw* must be forwarded to the Inspector of Municipalities for approval before it is sent back to the Metro Vancouver Board for final adoption at a meeting in early 2013. Your approval by January 30, 2013, would be greatly appreciated in order to meet these timelines.

All council consents should be forwarded to Paulette Vetleson, Corporate Secretary, at [Paulette.Vetleson@metrovancover.org](mailto:Paulette.Vetleson@metrovancover.org) or via facsimile to 604-451-6686.

Yours truly,



Greg Moore  
Chair, Metro Vancouver Board

GM/PV/g/hm/bb

cc: CAOs/City Managers, Metro Vancouver members  
Municipal Clerks, Metro Vancouver members

**Attachments:**

1. *"Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Repealing Bylaw No. 1179, 2012"*
2. *"Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005"*



**GREATER VANCOUVER REGIONAL DISTRICT**

**BYLAW NO. 1179, 2012**

**A Bylaw to Repeal the Mosquito Control Administration and Coordination Service**

**WHEREAS:**

- A. The Board of Directors of the Greater Vancouver Regional District (the Board) has adopted "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005" pursuant to the provisions of the *Local Government Act* for establishing a service;
- B. The Board considers that the "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005" was adopted in order to secure funding from the Province for West Nile virus management initiatives, to provide for the development and implementation of a regionally coordinated West Nile virus mosquito management program and a regionally coordinated risk communication and West Nile virus data management program. These programs were developed and implemented in part through the municipal levy set out in Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005.
- C. The Board considers that provincial funding for local governments in the Fraser Health and Vancouver Coastal Health authority jurisdictions to conduct mosquito management as part of the Provincial West Nile virus Strategy has been discontinued in 2012. In addition, both the Fraser Health Authority and Vancouver Coastal Health have recommended that no West Nile virus surveillance or pre-emptive larviciding be carried out in 2012 in the Metro Vancouver municipalities they oversee. These decisions are based on the minimal West Nile virus activity observed in the Pacific Northwest and British Columbia.
- D. The Board considers that the geographic distribution of West Nile virus risks across the region is uneven and sub-regional responsibilities are divided among two health authorities. As such, directions issued to municipalities about West Nile virus should rest with health authorities rather than with Metro Vancouver and funding for health issues should rest with the Province.
- E. The Board wishes to repeal "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005" pursuant to the provisions of the *Local Government Act* for repealing an establishing bylaw;

NOW THEREFORE the Board in open meeting assembled enacts as follows:

1. "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005" is hereby repealed.
2. This bylaw shall be cited as "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Repealing Bylaw No. 1179, 2012".

Attachment 1 (Cont'd)

3. This bylaw shall be effective January 1<sup>st</sup>, 2013.

READ A FIRST, SECOND AND THIRD TIME this 30<sup>th</sup> day of November, 2012.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, 2012.

RECONSIDERED, PASSED AND FINALLY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Greg Moore, Chair

\_\_\_\_\_  
Paulette A. Vetlesen, Secretary

**GREATER VANCOUVER REGIONAL DISTRICT**

**BYLAW NO. 1034, 2005**

**A Bylaw to Establish the Service of Mosquito Control Administration and Coordination**

**WHEREAS:**

A. A regional district may, under section 796(1) of the *Local Government Act*, operate any service that the board considers necessary or desirable for all or part of the regional district subject to certain limitations and conditions;

B. Under section 800(1) of the *Local Government Act*, in order to operate a service, the board of a regional district must first adopt an establishing bylaw for the service;

C. The board of the Greater Vancouver Regional District (the "Board") wishes to establish the service of administration and coordination of mosquito control activities;

D. The Board has obtained participating area approval pursuant to subsections 801(2)(b) and (c) of the *Local Government Act* to establish the service of mosquito control administration and coordination;

NOW THEREFORE the Board in open meeting assembled enacts as follows:

**Service**

1. The service of coordination and administration of mosquito control activities, including, without limiting the foregoing, the development of preparedness and communication plans for mosquito control, (the "Service"), is hereby established.

**Participating Areas**

2. The participating areas for the Service consist of Electoral Area 'A', Village of Anmore, Village of Belcarra, Bowen Island Municipality, City of Burnaby, City of Coquitlam, Corporation of Delta, City of Langley, Township of Langley, District of Maple Ridge, City of New Westminster, City of North Vancouver, District of North Vancouver, District of Pitt Meadows, City of Port Coquitlam, City of Port Moody, City of Richmond, City of Surrey, City of Vancouver, District of West Vancouver and City of White Rock (the "Participating Areas").

**Service Area**

3. The service area for the Service is the area within the boundaries of the Participating Areas (the "Service Area").

Attachment 1 (Cont'd)

**Cost Recovery**

4. The annual costs for the Service shall be recovered by:
- (a) the imposition of fees and other charges that may be fixed by a separate bylaw;
  - (b) property value taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
  - (c) revenues raised by other means authorized under the *Local Government Act* or another Act; or
  - (d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**Cost Apportionment**

5. The costs of the Service after deducting the revenues (if any) raised or received under subsections 4(a),(c) and (d) above, shall be apportioned among all of the Participating Areas on the basis of the converted value of land and improvements in the Service Area.

**Maximum Requisition**

6. The maximum amount that may be requisitioned for the Service is nine hundred and fifty thousand (\$950,000) dollars.

**Citation**

7. This Bylaw may be cited as the "Greater Vancouver Regional District Mosquito Control Administration and Coordination Service Establishment Bylaw No. 1034, 2005".


READ A FIRST TIME this 29 day of July, 2005.

READ A SECOND TIME this 29 day of July, 2005.

READ A THIRD TIME this 29 day of July, 2005.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 19 day of August, 2005.

RECONSIDERED, PASSED AND FINALLY ADOPTED by an affirmative vote this 24 day of March, 2005-2006.

  
\_\_\_\_\_  
SECRETARY

  
\_\_\_\_\_  
CHAIR

Attachment 2



Health Protection  
Environmental Health

#325 - 8100 Granville Avenue  
Richmond, BC V6Y 3T6  
Tel: (604) 233-3147 Fax: (604) 233-3176

April 24, 2012

Suzanne Bycraft, Manager  
Fleet and Environmental Programs  
City of Richmond  
5599 Lynas Lane  
Richmond, BC V7C 5B2

Dear Ms Bycraft:

Re: West Nile Virus Response for 2012

As the Medical Health Officer for Richmond, I recommend that the City of Richmond discontinue its West Nile virus (WNV) surveillance and pre-emptive mosquito larvaciding program for 2012.

Since 2003, the City has had a WNV program. This work was carried out under the recommendation of the Medical Health Officer. It was considered prudent to have the program to minimize human health risk, given the rapid spread of the WNV across North America and the experiences of affected communities.

We now have observed WNV activities in North America for close to 12 years. The spread of the virus has slowed down considerably in the Pacific Northwest. To date, surveillance and monitoring have identified minimal WNV activity in British Columbia. This activity has been limited to the Okanagan area with the exception of a positive horse case reported in Fraser Health in 2009.

British Columbia Center for Disease Control (BCCDC) and Health Authorities meet regularly to re-evaluate the WNV threat as new information becomes available. As we learn from other jurisdictions, we will continue to refine our approach to WNV in British Columbia.

Richmond Health Protection Staff will however still be conducting the City's nuisance mosquito control program this summer as it has historically done for the last approximately 30 years. This program will consist of pre-emptive mosquito larvaciding along the Sturgeon Bank salt marsh and throughout the City's surface water storm drainage ditch system. This program will be carried out under Richmond Public Health's approved Mosquito Pest Management Plan (RPH - Mos - PMP 2009/2014)

I thank the City for its leadership and proactive approach in coordinating a comprehensive WNV management plan over the past number of years. If you have any questions regarding this recommendation, please contact Mr. Dalton Cross at 604.233.3102.

E0112036.doc

January 7, 2013

- 11 -

Attachment 2 (Cont'd)

- 2 -

Yours truly,

  
James D. Lu, MD, MEdSc  
Medical Health Officer, Richmond  
Vancouver Coastal Health

cc: Dalton Cross, Senior Environmental Health Officer, VCH

JLU:rl





# City of Richmond

## Report to Committee

TO PWT - JAN. 23, 2013

**To:** Public Works & Transportation Committee **Date:** January 9, 2013  
**From:** Victor Wei, P. Eng.  
Director, Transportation **File:** 10-6455-01/2012-Vol  
01  
**Re:** **STEVESTON VILLAGE PARKING STRATEGY - REPORT BACK ON TRIAL  
IMPLEMENTATION (JUNE-SEPTEMBER 2012)**

### Staff Recommendation

That the following proposed measures to improve City management of free on- and off-street public parking in the Steveston Village area, as further described in the report, be endorsed:

- (1) Community Bylaws provide regular patrols of the Village area as part of city-wide activities;
- (2) the time limit for free public parking spaces be increased from two to three hours;
- (3) operation of the lanes revert back to the status quo that was in effect prior to the trial; and
- (4) parking-related signage and pavement markings be improved prior to the start of the peak summer period in 2013.

Victor Wei, P. Eng.  
Director, Transportation  
(604-276-4131)

Att. 4

REPORT CONCURRENCE			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Finance Division	<input checked="" type="checkbox"/>		
Recreation Services	<input checked="" type="checkbox"/>		
Community Bylaws	<input checked="" type="checkbox"/>		
Fire Rescue	<input checked="" type="checkbox"/>		
Development Applications	<input checked="" type="checkbox"/>		
Policy Planning	<input checked="" type="checkbox"/>		
<b>REVIEWED BY SMT SUBCOMMITTEE</b>	<b>INITIALS:</b> 	<b>REVIEWED BY CAO</b>	<b>INITIALS:</b> 

CNCL - 306

## Staff Report

### Origin

At its May 28, 2012 meeting, Council endorsed the trial implementation of a parking strategy to manage City-owned public parking spaces in the Steveston Village area during the upcoming peak summer period (June-September 2012) and directed staff to report back on the effectiveness of the strategy after the end of the trial period. This report summarizes the results of the trial and provides recommendations for the future management of City-owned public parking spaces in the Steveston Village area. At the same Council meeting, staff were also directed to develop short- and long-term streetscape visions for Bayview Street and Chatham Street that may identify potential options for additional public parking; this topic will be the subject of a separate report to be presented in early 2013.

### Analysis

#### 1. Results of Trial Parking Strategy

The trial parking strategy was implemented from June 11, 2012 through September 30, 2012. The outcomes for each major element of the strategy are summarized below.

##### 1.1 Increased Enforcement

A full-time Community Bylaws officer was dedicated daily to the Village to ensure adherence to the existing two-hour time limit (in effect between 9:00 am and 6:00 pm daily) and thus generate sufficient turnover. Approximately 2,500 violations were issued during the trial period with 570 tickets (23%) related to time limit violations in the Village area (see Table 1). Total revenue from enforcement is estimated at \$68,750 for an average recovery amount of \$27.50 per violation. Overall enforcement costs amounted to \$34,150 (i.e., labour, overhead and vehicle costs based on a full-time shift each day of the trial period).

**Table 1: Total Tickets Issued**

Category	# of Tickets	
Safety	870	35%
No Permit	700	28%
Time Limit	570	23%
Invalid Insurance/ Licence	230	9%
Miscellaneous	130	5%
<b>Total</b>	<b>2,500</b>	<b>100%</b>

##### 1.2 Permit Parking in Lanes

The entrances to each of the three north-south lanes were signed for monthly permit parking only with spaces available only to adjacent businesses on a first-come, first-serve basis at a market rate of \$50 per month per permit with the exception of owners who had contributed to the *Steveston Off-Street Parking Reserve*; these owners paid a one-time fee of \$50 for the entire period. A total of 60 permits were processed, which coincides with the maximum number of vehicles that can be accommodated within the lanes (i.e., 100% of applicants received the requested number of permits).

In response to feedback from motorists during the trial, in mid-July blue "Note New Parking Regulations" tabs were added back to the laneway signage to improve their visibility and two additional signs (one in each direction) were added at the mid-point of each lane (see Figure 1).

Notwithstanding, the relatively high number of violations issued for no permit (700 tickets or 28% of all tickets) indicates that visual communication of the parking regulation would need to be significantly improved should the permit system become permanent.

### 1.3 Mitigation of Potential Spill-Over Parking

Signage advising of the existing three-hour maximum parking time limit<sup>1</sup> was installed at entrances to the residential neighbourhood north of Chatham Street and west of No. 1 Road. Residents of the area bounded by Steveston Highway, No. 1 Road, Chatham Street, and 7<sup>th</sup> Avenue were mailed a notice advising that parking enforcement would be provided on a complaint basis only and public notices were published in two June 2012 editions of the *Richmond Review*. While only seven phone calls were received by Community Bylaws resulting in two violations being issued, feedback from residents in this area indicates that parking intrusion was notable (see Attachment 4).

With respect to the Steveston Community Centre (SCC), staff and the Steveston Community Society (SCS) jointly developed and implemented a plan to address the potential of intrusion into the parking lots that serve the community centre that comprised the following elements:

- installation of signage in the parking lots advising of a two-hour time limit between 10:00 am and 6:00 pm daily (except during special events);
- creation of temporary passes to permit parking for longer than two hours for distribution to SCC staff, SCS Board members and clients whose programs run longer than two hours;
- request that all SCC staff and SCS Board members use the parking lot accessed via Easthope Avenue in order to leave the main parking lot and that adjacent to the lacrosse box free for customers and patrons; and
- notice placed at the SCC front desk/reception area advising of the parking changes (i.e., indicating increased enforcement in the parking lots).

A total of 112 tickets were issued for violations in the SCC main lot and the lot adjacent to the lacrosse box with the majority (over 80%) for time limit violations. SCC staff and SCS Board members advise that the two-hour time limit was effective in deterring all day parking and managing turnover.

### 1.4 Provision of Designated Employee Parking

The Steveston Harbour Authority (SHA) offered monthly pay parking for employees at its lot on Chatham Street but SHA staff advise that only one merchant utilized the lot during the trial period. Conversely, Steveston Merchants Association (SMA) representatives advise that the underground parking lot on Bayview Street east of No. 1 Road was well-utilized by employees, which may reflect its lower monthly rate of \$25 vis-à-vis \$50 per month for the SHA lot.



**Figure 1:  
Laneway Signage**

<sup>1</sup> Section 12.4(1) of Traffic Bylaw No. 5870 states that a three-hour maximum parking time limit is in effect between 8:00 am and 6:00 pm on streets abutting any residential or commercial premise, unless the parked vehicle belongs to the owner of such premise.

## 2. Feedback from Residents and Merchants on the Trial Parking Strategy

During the trial period, Community Bylaws and Transportation staff received a number of comments regarding the parking strategy. Generally, members of the public and some merchants registered concern that enforcement was overly aggressive and, as a result, created an unwelcoming atmosphere in the Village. Insufficient and poor visibility of signage indicating permit only parking in the lanes was also cited. The feedback also indicated that a misunderstanding that the City implemented pay parking (rather than the SHA) continues to persist amongst the public. Some merchants cited concerns that loading/unloading activities were unduly impacted by the enforcement.

To obtain comprehensive feedback from those stakeholders who directly experienced the trial project, staff mailed surveys to all merchants (see Attachment 1) within the Village and those residents (see Attachment 2) living immediately north of the Village following the end of the trial period (see Attachment 3 for the boundaries of the survey areas). Staff also met directly with representatives of the SMA and attended a meeting of the Steveston 20/20, which is an umbrella group of various non-profit community organizations in the area. Attachment 4 provides details of the survey responses. These responses and the resulting recommended measure are summarized below in Sections 2.1 through 2.6.

**Table 2: Survey Response Rates**

Category	Residents	Merchants
# of Surveys Mailed	429	235
# of Surveys Returned	44	50
Response Rate	10%	21%

### 2.1 Effectiveness of Increased Enforcement of Parking Regulations

An equal number of residents believe that either the increased enforcement was ineffective at achieving greater turnover or they were unsure as to its effectiveness (39% each) whereas a slight majority of merchants (52%) believe that the increased enforcement was ineffective at achieving greater turnover.

Overall, however, the trial strategy can be considered as having achieved its primary goal of increasing turnover of parking spaces as the feedback did not indicate that there was a lack of free public parking (i.e., there was thus sufficient turnover of spaces). Based on respondent comments, the increased enforcement was perceived as ineffective possibly due to the negative experience for visitors created by the increased level of enforcement and the resulting potential impacts to the future attractiveness of the Village as a destination.

**Recommended Measure:** Continue to enforce parking time limits to ensure adequate turnover at a level comparable to other areas to address concerns of overly aggressive enforcement. A Community Bylaws officer would provide regular patrols of the Village area as part of city-wide activities and within the approved divisional operating budget, rather than being assigned full-time to only the Village. The patrols would focus on safety and liability violations and be more frequent during the peak summer period (June to September).

### 2.2 Free Public Parking Time Limit

Residents did not express a clear preference for a change to the existing two-hour time limit in effect on streets within the Village core with an equal number each expressing that the time limit should either increase to three hours or stay at two hours (27% each). Relatively more merchants



(42%) prefer a longer time limit of three hours on streets within the Village core, citing that typical visitor activities of dining, shopping and sightseeing take longer than two hours. The SMA also supports a three-hour time limit for free public parking within the Village.

While a longer time limit of three hours will slightly decrease turnover and may encourage employees in the Village to occupy the spaces (e.g., employees would only have to move their vehicles once or twice per day as opposed to more frequently with a two-hour limit), these potential disadvantages are likely to be more than off-set by the increased convenience for visitors to this regional destination.

*Recommended Measure:* Increase the time limit from two to three hours to provide sufficient time for visitors to have a more leisurely stay and to establish consistency across all on-street and off-street parking spaces managed by the City. As the SCS Board prefers that the time limit for the SCC lots be consistent with whatever time limit is effective for on- and off-street free public parking spaces, this three-hour limit would also apply to the parking lots that serve the SCC and Steveston Park with passes to permit parking for longer than three hours available for SCC staff, SCS Board members and program clients as needed.

## 2.3 Provision of Short-Term Public Parking Spaces

As the SMA indicated a desire for short-term (15-minute only) parking spaces located strategically throughout the Village, staff included a question on this topic for merchants. Of those who responded, only 16% thought such spaces could be beneficial and suggested locations near ATMs, the post office and coffee shops. There are currently two 15-minute on-street parking spaces located on the west side of 2<sup>nd</sup> Avenue adjacent to the Steveston Museum and Post Office.

*Recommended Measure:* Keep existing 15-minute short-term on-street parking spaces as status quo at this time due to a lack of demonstrated need or desire to expand these spaces. Staff would continue to monitor the need for short-term parking and address this concern as demand arises.

## 2.4 Permit Only Parking in Lanes

Overall, merchants did not indicate support for the permit parking system for the lanes. Nearly one-third (32%) think that the permit system was not helpful and roughly the same number (34%) believes the system should not be made permanent. The SMA does not support a permit system for the lanes and prefers that visitors be allowed to park in the lanes subject to a time limit of three hours.

*Recommended Measure:* Given the lack of support for continuing a permit parking system in the lanes from both individual merchants and the SMA, staff do not recommend that the trial system be made permanent. Thus, the use and operation of the lanes would revert back to the status quo that was in effect prior to the trial with enforcement provided for safety and liability violations as well as in response to complaints.

## 2.5 Long-Term Employee Parking

Few merchants indicate that they or their employees use monthly pay parking sites (12%) or the free all day parking on Chatham Street west of 2<sup>nd</sup> Avenue (4%). Based on comments provided,

it appears that a number of employees chose to park in the residential area north of Chatham Street, free private lots of other businesses, or on-street spaces and continually moved their vehicles throughout the day. The SMA suggests that the City subsidize additional free parking by leasing the SHA lot on Chatham Street and providing this parking for free year-round.

*Recommended Measure:* Staff do not recommend that the City subsidize additional employee parking by leasing the SHA lot on Chatham Street as the City does not provide similar financial subsidies for private employee parking anywhere else in the city. Staff will forward the survey results and comments (particularly on pay parking) to the SHA for its information and consideration and encourage the SMA to pursue this initiative directly with the SHA. Staff would continue to monitor opportunities and will report further to Council upon completion of the Bayview Street-Chatham Street Streetscape Study, which may identify potential additional public parking.

## 2.6 Other Comments on the Trial Strategy and Future Management of Free Public Parking

Community Bylaws staff identified the following potential minor enhancements that, if implemented, would provide better guidance to motorists and thus reduce violations as well as improve traffic and pedestrian safety:

- identify all on-street areas where parking is prohibited with yellow curbs and/or signage;
- identify on-street loading zones with improved signage where necessary; and
- establish a crosswalk on Bayview Street at 1<sup>st</sup> Avenue.

*Recommended Measure:* Staff would undertake the identified signage and pavement marking improvements prior to the start of the peak summer period in 2013.

## 3. Summary of Recommended Measures

The following proposed actions summarize the elements of a refined parking strategy for Steveston Village:

- *Level of Enforcement:* Community Bylaws officer to provide regular patrols of the Village area as part of city-wide activities with the patrols to focus on safety and liability violations;
- *Time Limit for Free Public Parking:* increase the time limit from two to three hours for both on- and off-street parking spaces;
- *Parking in Lanes:* revert back to status quo that was in effect prior to the trial with enforcement provided for safety and liability violations as well as in response to complaints;
- *Employee Parking:* forward the survey results and comments (particularly on pay parking) to the SHA for its information and consideration and encourage the SMA to pursue the provision of free public parking in the SHA lot on Chatham Street directly with the SHA; and
- *Improve Signage and Markings:* undertake improvements to signage and pavement markings prior to the start of the peak summer period in 2013.

**Financial Impact**

The provision of regular enforcement in the Steveston Village area would be accommodated within Community Bylaw's existing operational budget which would be similar to the pre-trial service levels.

The proposed improvements to existing signage and pavement markings have an estimated total cost of \$3,000 and would be funded from the 2013 Neighbourhood Traffic Safety Program, which is part of the 2013 Capital Budget previously approved by Council.

**Conclusion**

The proposed adjusted measures to continue to improve the management of free on- and off-street public parking in the Steveston Village area respond to and address the key concerns cited by both residents and merchants arising from the trial implementation of a parking strategy for the area from June to September 2012. While these measures may not meet the full expectations of all stakeholders, they are considered at this time to be the most effective approach to striking a balance between providing a reasonable amount of time for visitors who drive to the Steveston area to enjoy its amenities and an appropriate level of enforcement to ensure adequate turnover of free public parking spaces.



Joan Caravan  
Transportation Planner  
(604-276-4035)

JC:lce



**Steveston Village Summer Parking Trial (Ended September 2012):  
Request for Merchants' Feedback**

In June 2012, the City commenced a Summer parking trial in the Steveston Village area with the objective of improving the availability of free public parking through increased turnover. The trial was implemented from June 11 to September 30, 2012 and featured increased enforcement of existing 2-hour parking time limits and the designation of permit parking only in the lanes. **City staff are now seeking feedback from local merchants prior to reporting back to Council on the effectiveness of the parking trial.**

Name: \_\_\_\_\_ Phone/ E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_

### 1. Increased Enforcement of Parking Regulations

During the trial period, parking enforcement was increased in the Village. Of the citations issued, approximately 85% were due to safety violations (e.g., parking too close to a fire hydrant) and 15% were due to time limit violations.

Was the increased enforcement effective in achieving greater turnover of free public parking spaces? Yes ☐ No ☐ Don't know/Unsure ☐

Comments (please add more paper as required):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 2. Free Public Parking Time Limit

The current time limits for free on- and off-street parking are: 2 hours (9:00 am and 6:00 pm) in the Village core; 3 hours (9:00 am and 6:00 pm) on Chatham St east of 3<sup>rd</sup> Ave; and no time limit on Chatham St west of 3<sup>rd</sup> Ave.

For each street, please indicate if the time limit for free public parking should be changed.

Potential Change to Time Limit	Chatham St – West (No Limit)	Chatham St – East (3 hrs)	Moncton St (2 hrs)	Bayview St (2 hrs)	No. 1 Road (2 hrs)	1 <sup>st</sup> Ave (2 hrs)	2 <sup>nd</sup> Ave (2 hrs)	3 <sup>rd</sup> Ave (2 hrs)
Increase Time Limit to _____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs
Decrease Time Limit to _____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs
Stay the Same	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't Know / Unsure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (please add more paper as required):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 3. Short-Term (15-minute only) Public Parking Spaces

Selected on-street parking spaces could be converted to a 15-minute only time limit to serve quick stop-over visitors.

Is there a need for 15-minute only public parking spaces? Yes ☐ No ☐ Don't know/Unsure ☐

If so, where specifically? \_\_\_\_\_

Comments (please add more paper as required):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Steveston Village Summer Parking Trial (Ended September 2012):**  
**Request for Merchants' Feedback**

**4. Permit Only Parking in Lanes**

To minimize parking intrusion into the lanes during the trial period, parking in the lanes was allowed by monthly permits available only to adjacent businesses on a first-come, first-serve basis at a standard cost of \$50 per month.

Was "Permit Only" parking in the lanes helpful for merchants?

Yes	No	Don't know/ Unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Should "Permit Only" parking in the lanes be made permanent?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments (please add more paper as required):

**5. Long-Term Employee Parking**

All-day monthly pay parking is available for employees in the Village area (e.g., gravel lot on Chatham Street, underground parking on Bayview Street) and all-day free parking is available on Chatham Street west of 3<sup>rd</sup> Avenue.

Do you or your employees use any monthly pay parking sites?

Yes	No	Don't know/ Unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you or your employees use Chatham Street (west of 3<sup>rd</sup> Avenue) for long stay parking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments (please add more paper as required):

**6. Do you have other comments regarding the trial implementation of the parking strategy?**

Comments (please add more paper as required):

**7. Do you have other comments or suggestions regarding the future management of free public parking in Steveston Village?**

Comments (please add more paper as required):

Please return the completed survey to the City by **October 31, 2012** via:

- enclosed postage paid self-addressed envelope
- e-mail: [transportation@richmond.ca](mailto:transportation@richmond.ca)
- fax: 604-276-4132



Thank you for your participation in this survey.

**CNCL - 314**

Joan Caravan, Transportation Planner  
 Transportation Division / City of Richmond  
 tel: 604-276-4035 / e-mail: [jcaravan@richmond.ca](mailto:jcaravan@richmond.ca)

**Steveston Village Summer Parking Trial (Ended September 2012):**  
**Request for Residents' Feedback**

In June 2012, the City commenced a Summer parking trial in the Steveston Village area with the objective of improving the availability of free public parking through increased turnover. The trial was implemented from June 11 to September 30, 2012 and featured increased enforcement of existing 2-hour parking time limits and the designation of permit parking only in the lanes. **City staff are now seeking feedback from local residents prior to reporting back to Council on the effectiveness of the parking trial.**

Name: \_\_\_\_\_ Phone/ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

**1. Increased Enforcement of Parking Regulations**

During the trial period, parking enforcement was increased in the Village. Of the parking tickets issued, approximately 85% were related to safety violations (e.g., parking too close to a fire hydrant) and 15% were due to time limit violations (e.g., parking longer than 2 hours between 9:00 am and 6:00 pm).

During the trial period, did you experience any problems due to increased parking by visitors/workers from Steveston Village in your residential area?

Yes

No

Don't know/  
Unsure☐☐☐

If so, please tell us exactly what problems you experienced.

Comments:

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Do you think the increased enforcement was effective in achieving increased turnover of free public parking spaces in Steveston Village?

Yes

No

Don't know/  
Unsure☐☐☐

Comments:

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**Steveston Village Summer Parking Trial (Ended September 2012):**  
**Request for Residents' Feedback**

**2. Free Public Parking Time Limit**

The current time limits for free on- and off-street parking are: 2 hours (9:00 am and 6:00 pm) in the Village core; 3 hours (9:00 am and 6:00 pm) on Chatham St east of 3<sup>rd</sup> Ave; and no time limit on Chatham St west of 3<sup>rd</sup> Ave.

For each street, please indicate if the current time limit should be changed.

Potential Change to Time Limit	Chatham St – West (No Limit)	Chatham St – East (3 hrs)	Moncton St (2 hrs)	Bayview St (2 hrs)	No. 1 Road (2 hrs)	1 <sup>st</sup> Ave (2 hrs)	2 <sup>nd</sup> Ave (2 hrs)	3 <sup>rd</sup> Ave (2 hrs)
Increase Time Limit to _____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs
Decrease Time Limit to _____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs	_____ hrs
Stay the Same	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't Know / Unsure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**3. Do you have other comments regarding the trial implementation of the parking strategy?**

Comments:

**4. Do you have any other comments or suggestions regarding the future management of free public parking in Steveston Village?**

Comments:

Please return the completed survey to the City by **October 31, 2012** via:  
 enclosed postage-paid self-addressed envelope

- e-mail: [transportation@richmond.ca](mailto:transportation@richmond.ca)
- fax: 604-276-4132

Joan Caravan, Transportation Planner  
 Transportation Division / City of Richmond  
 tel: 604-276-4035 / e-mail: [jcaravan@richmond.ca](mailto:jcaravan@richmond.ca)

Thank you for your participation in this survey.



Merchant and Resident Survey Distribution Areas





## Merchant and Resident Survey Results

### 1. Effectiveness of Increased Enforcement of Parking Regulations

Forty-eight percent of residents responding indicated that they experienced problems due to increased parking in their residential area although almost an equal number (41%) reported that they did not. Of those who indicated problems, concerns commonly cited included:

- a lack of available parking in front of their residence for their own vehicles or for visitors;
- vehicles parked too close to driveways thereby impeding sightlines; and
- speeding vehicles.

An equal number of residents believe that either the increased enforcement was ineffective at achieving greater turnover or they were unsure as to its effectiveness (39% each) whereas a slight majority of merchants (52%) believe that the increased enforcement was ineffective at achieving greater turnover and 24% are unsure as to its effectiveness.

Increased Enforcement of Parking Regulations	Residents (44 responses)				Merchants (50 responses)			
	Yes	No	Don't Know	Did Not Answer	Yes	No	Don't Know	Did Not Answer
Did you experience any problems due to increased parking in your residential area?	21 (48%)	18 (41%)	3 (7%)	2 (5%)	Question Not Included in Survey			
Was the increased enforcement effective in achieving greater turnover of free public parking spaces?	6 (14%)	17 (39%)	17 (39%)	4 (9%)	10 (20%)	26 (52%)	12 (24%)	2 (4%)

With respect to the survey comments regarding speeding vehicles, staff will conduct traffic volume and speed studies on the identified roadways (i.e., Chatham Street and Broadway Street) to establish the extent of the concerns and, if required, develop and implement measures to address any identified issues in consultation with the local residents.

### 2. Free Public Parking Time Limit

A majority (61%) of residents prefer that the existing unrestricted time limit remain on Chatham Street west of 3<sup>rd</sup> Avenue while one-half (50%) prefer that the existing three-hour time limit on Chatham Street east of 3<sup>rd</sup> Avenue (which was implemented in June 2012 at the start of the trial) remain. Responses from merchants were similar with slightly more preferring that the existing no limit west of 3<sup>rd</sup> Avenue and the three-hour limit east of 3<sup>rd</sup> Avenue remain (72% and 54% respectively). Just under one-quarter (24%) of merchants preferred a longer time limit (typically four hours) for Chatham Street east of 3<sup>rd</sup> Avenue.

Potential Change to Time Limit	Residents (44 responses)	Merchants (47 responses)
Chatham Street west of 3 <sup>rd</sup> Ave	<ul style="list-style-type: none"> <li>• Stay at no time limit: 61%</li> <li>• Did not answer: 34%</li> </ul>	<ul style="list-style-type: none"> <li>• Stay at no time limit: 72%</li> <li>• Did not answer: 18%</li> </ul>
Chatham Street east of 3 <sup>rd</sup> Ave	<ul style="list-style-type: none"> <li>• Stay at 3 hours: 50%</li> <li>• Did not answer: 27%</li> </ul>	<ul style="list-style-type: none"> <li>• Stay at 3 hours: 54%</li> <li>• Increase to &gt;3 hours: 24%</li> </ul>
Moncton St-Bayview St-No. 1 Road 1 <sup>st</sup> Ave-2 <sup>nd</sup> Ave-3 <sup>rd</sup> Ave	<ul style="list-style-type: none"> <li>• Increase to 3 hours: 27%</li> <li>• Stay at 2 hours: 27%</li> <li>• Did not answer: 26%</li> </ul>	<ul style="list-style-type: none"> <li>• Increase to 3 hours: 42%</li> <li>• Stay at 2 hours: 21%</li> <li>• Increase to &gt;3 hours: 14%</li> </ul>

## Merchant and Resident Survey Results

Residents did not express a clear preference for a change to the existing two-hour time limit in effect on streets within the Village core with an equal number each expressing that the time limit should either increase to three hours or stay at two hours (27% each), with a further 26% not providing an answer. Relatively more merchants (42%) prefer a longer time limit of three hours on streets within the Village core, citing that typical visitor activities of dining, shopping and sightseeing take longer than two hours, while 21% prefer that the existing two-hour time limit remain.

### 3. Provision of Short-Term Public Parking Spaces

Just over one-half (52%) of merchants provided an answer regarding the need for short-term (15-minute only) parking spaces. Of those who responded, 26% indicated there was not a need for short-term parking while 16% thought such spaces could be beneficial and suggested locations near ATMs, the post office and coffee shops.

Short-Term Public Parking Spaces	Yes	No	Don't Know	Did Not Answer
Is there a need for 15-minute only public parking spaces?	8 (16%)	13 (26%)	5 (10%)	24 (48%)

There are currently two 15-minute on-street parking spaces located on the west side of 2<sup>nd</sup> Avenue adjacent to the Steveston Museum and Post Office.

### 4. Permit Only Parking in Lanes

Overall, merchants did not indicate support for the permit parking system for the lanes. Nearly one-third (32%) think that the permit system was not helpful and roughly the same number (34%) believes the system should not be made permanent.

Permit Only Parking in Lanes	Yes	No	Don't Know	Did Not Answer
Was "Permit Only" parking in the lanes helpful for merchants?	3 (6%)	16 (32%)	12 (24%)	19 (38%)
Should "Permit Only" parking in the lanes be made permanent?	6 (12%)	17 (34%)	6 (12%)	21 (42%)

Comments regarding the permit system include a desire to revert back to the previous conditions, maintain customer use of the lanes for quick pickups and concerns that the cost of \$50 per month was too high (would prefer \$25 per month). The SMA does not support a permit system for the lanes and prefers that visitors be allowed to park in the lanes subject to a time limit of three hours (i.e., consistent with the preferred time limit for on- and off-street free public parking spaces).

### 5. Long-Term Employee Parking

Few merchants indicate that they or their employees use monthly pay parking sites (12%) or the free all day parking on Chatham Street west of 3<sup>rd</sup> Avenue (4%). Some merchants cited that the relevant section of Chatham Street was too far away or that they were unaware of its availability.



**Merchant and Resident Survey Results**

<b>Long-Term Employee Parking</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Did Not Answer</b>
Do you or your employees use any monthly pay parking sites?	6 (12%)	21 (42%)	1 (2%)	22 (44%)
Do you or your employees use Chatham Street (west of 3 <sup>rd</sup> Avenue) for long stay parking?	2 (4%)	23 (46%)	2 (4%)	23 (46%)

Some merchants as well as residents cited the need for a free/subsidized parking lot designated for employees. In particular, the SMA suggests that the City subsidize additional free parking by leasing the SHIA lot on Chatham Street and providing this parking for free year-round.

#### **6. Other Comments on the Trial Strategy and Future Management of Free Public Parking**

Of those residents who provided additional comments, the most common observations were that free parking should be maintained and that the existing pay parking lots should revert back to free parking. Comments from merchants echoed that:

- continued free parking is necessary to ensure the economic health of the Village;
- enforcement was too aggressive and at times interfered with deliveries; and
- overall, the trial strategy created a negative experience for visitors who, as a result, may not return.



# City of Richmond

## Report to Committee

To PWT - JAN 23, 2013

**To:** Public Works and Transportation Committee

**Date:** December 4, 2012

**From:** Victor Wei, P. Eng.  
Director, Transportation

**File:** 01-0157-00/Vol 01

**Re:** METRO VANCOUVER BOARD REQUEST - PROJECTS ELIGIBLE FOR  
FEDERAL STRATEGIC PRIORITIES FUND

### Staff Recommendation

That a letter be sent to all Richmond Members of Parliament, with a copy to the Metro Vancouver Board, seeking the designation of cycling infrastructure as an eligible project under the federal Strategic Priorities Fund.

Victor Wei, P. Eng.  
Director, Transportation  
(604-276-4131)

Att. 1

REPORT CONCURRENCE			
<b>ROUTED TO:</b>		<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Intergovernmental Relations & Protocol Unit.....		<input checked="" type="checkbox"/>	
<b>REVIEWED BY SMT SUBCOMMITTEE</b>		<b>INITIALS:</b> 	<b>REVIEWED BY CAO</b>
			<b>INITIALS:</b> 

CNCL - 321

## Staff Report

### Origin

On November 2, 2012, the City received a letter (see **Attachment 1**) from the Chair of the Metro Vancouver Board advising of and requesting the City's action on its resolution that member municipalities be encouraged to write to their Members of Parliament (MP) to request that projects eligible for the Strategic Priorities Fund (the Fund) include cycling infrastructure. This report responds to that request and proposes that a letter be sent to local MPs seeking the designation of cycling infrastructure as an eligible project under the Fund.

### Analysis

#### 1. Federal Strategic Priorities Fund

The federal Gas Tax Fund is an initiative of the federal government started in the 2005/06 fiscal year to provide predictable, long-term funding via the transfer of federal gas tax revenues for Canadian municipalities to support new and revitalized public infrastructure that contributes to cleaner air and water, and reducing greenhouse gas emissions.

Within BC, the distribution of the funds was divided into two components, the Strategic Priorities Fund (SPF) and the Community Works Fund; additional funding was also provided for an Innovations Fund. In addition, BC communities were divided into three tiers based on differing characteristics including population density, degree of urbanization and adjacency to urbanized areas. The Metro Vancouver region is collectively classified as a Tier 3 community.

Per the transfer agreement between the federal and provincial governments and the Union of BC Municipalities (UBCM) signed in September 2005, Metro Vancouver chose to direct 100 per cent of its allocation to the Strategic Priorities Fund for transportation investments which, for Tier 3 communities, is limited primarily to the development or improvement of public transit. Under a three-part agreement between Metro Vancouver, TransLink and UBCM, the funds are administered by UBCM through the Gas Tax Fund Management Committee.

Over the past seven years of the Fund, TransLink has used the funds primarily to purchase new transit vehicles (bus, HandyDART, SkyTrain, and SeaBus) as well support infrastructure improvements as shown in Table 1 below.

**Table 1: TransLink Vehicles and Infrastructure Supported by the SPF**

Year	Conventional Bus	Community Shuttle	HandyDART	SkyTrain	SeaBus	Supporting Infrastructure
2006	119	-	-	-	-	-
2007	139	-	-	-	-	-
2008	199	-	-	-	-	-
2009	108	19	55	-	-	SkyTrain Maintenance Facility Expansion
2010	32	-	81	14	-	SkyTrain Yard Expansion Expo Line Propulsion Power System Upgrade
2011	41	13	-	114 (refurbish)	1	Compass Card Equipment for Buses
2012	91	69	-	-	-	Hamilton Transit Centre
<b>Total</b>	<b>729</b>	<b>101</b>	<b>136</b>	<b>128</b>	<b>1</b>	

## 2. Eligible Projects for Tier 3 Communities

As shown in Table 2 below, cycling infrastructure independent of the public transit system is not an eligible project for Tier 3 communities within the category of transportation projects.

**Table 2: Eligible Transportation Projects for Tier 3 Communities**

Eligible Sub-Categories within Transportation	Tier 1	Tier 2	Tier 3
Develop or improve public transit system (rapid transit, buses, bus ways, sea-buses, commuter rail, ferries, street cars, cycling and pedestrian infrastructure, etc)	✓	✓	✓
Road system improvements that encourage a reduction in car dependency (express bus lanes, HOV lanes, park and ride, bike paths, queue, etc)	✓	✓	
Implement innovative technologies that support environmental sustainability	✓	✓	✓
Rehabilitation of roads and bridges that enhance sustainability outcomes	✓	✓	
Paths and trails	✓	✓	

## 3. Staff Comments

Staff support the Metro Vancouver Board request as the inclusion of cycling infrastructure as an eligible project could enable TransLink to increase funding levels for its Bicycle Infrastructure Capital Cost-Share (BICCS) Program, which provides up to 50-50 cost-share funding with local municipalities towards cycling facilities. Funding levels for the BICCS program have ranged around \$2.55 million over the past several years but the program is typically over-subscribed and, for 2013, has been reduced to \$1.55 million. Staff recently confirmed with TransLink staff that TransLink is supportive in principle of Metro Vancouver Board's request to include cycling infrastructure improvements as eligible projects.


The City has consistently maximized its grant funding from TransLink towards the implementation of cycling facilities and increased opportunities for external cost-share grants would enable the City to not only undertake more cycling improvements than it could alone but also to expedite some of these projects. The provision of increased cycling infrastructure throughout the city would strongly support progress towards achieving the vision, goals and objectives of the recently approved Official Community Plan.

## Financial Impact

None.

## Conclusion

A letter from the City to all Richmond Members of Parliament requesting the designation of cycling infrastructure as an eligible transportation project for Tier 3 communities under the federal Strategic Priorities Fund would be a first step towards the ultimate goal of revising the terms of the agreement on the transfer of federal gas tax revenues that specifies the eligible projects. In turn, increased opportunities for external cost-share grants for cycling infrastructure would enable the City to make greater progress towards achieving the goals of the recently approved Official Community Plan.

  
For: Joan Caravan  
Transportation Planner  
(604-276-4035)



metrovancover

Greater Vancouver

Regional District

Greater Vancouver Water District

Greater Vancouver Sewerage and Drainage District

Metro Vancouver Housing Corporation

4330 Kingsway, Burnaby, BC, Canada V5H 4G8 604-432-6200 www.metrovancover.org

TO: MAYOR & EACH  
COUNCILLOR  
FROM: CITY CLERK'S OFFICE

PC: Director, Transportation  
for appropriate action  
PC: GM, Planning & Dev

OCT 24 2012

Mayor Malcolm Brodie and Council  
City of Richmond  
6911 No 3 Rd  
Richmond, BC V6Y 2C1

Malcolm

Dear Mayor Brodie and Council:

Office of the Chair  
Tel. 604 432-6215 Fax 604 451-6614

File: CP-15-03-015

		INT
DW	DW	
GJ		
KY		
DB		

**Re: Metro Vancouver Board Decisions Relating to the Strategic Priorities Fund**

I am pleased to share with you that at its meeting of October 12, 2012, the Board endorsed the 2012 list of projects that TransLink intends to forward to the Strategic Priorities Fund Management Committee for approval under the Strategic Priorities Fund agreement. Since 2005, Metro Vancouver's Board has endorsed that 100 percent of Federal gas tax funds allocated to the region through the Strategic Priorities Fund be directed to TransLink.

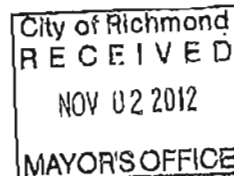
The Board also approved a resolution encouraging municipalities and other local government authorities to write to their local Members of Parliament to include cycling infrastructure as an eligible project under the Strategic Priorities Fund. Currently, funding for local roads, bridges, tunnels, bicycling lanes, walking paths, and sidewalks are not eligible transportation projects under the Strategic Priorities Fund. Cycling is a rapidly growing transportation mode in the region and new infrastructure is required to support it. Encouraging cycling is consistent with reducing greenhouse gas emissions, and therefore should be eligible for Federal gas tax funding.

The Board also directed staff to investigate the future use of Federal gas tax funding for transit operating expenditures, as opposed to capital expenditures only, and to identify the process to make the necessary amendments to the Strategic Priorities Fund agreement between the Union of British Columbia Municipalities, Metro Vancouver, and TransLink and the overarching tri-parity agreement between the Federal government, Province of British Columbia, and the Union of British Columbia Municipalities.

We encourage your municipality to write to your local Members of Parliament to include bike lane funding as an eligible project under the SPF. We look forward to your support.

Yours truly,

Greg Moore  
Chair, Metro Vancouver Board

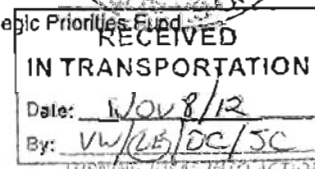


GM/GR/k

Encl: Report - dated October 5, 2012, "2012 Board Approval of TransLink Strategic Priorities Fund Application" (orbit # 6613646)

6620323

SUSTAINABLE REGION INITIATIVE





**Richmond Zoning Bylaw 8500  
Amendment Bylaw 8477 (RZ 08-414049)  
8511 AND 8531/8533 WILLIAMS ROAD**

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

1. 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 **LOW DENSITY TOWNHOUSES (RTL4)**.

P.I.D. 001-313-762

Lot 4 Section 28 Block 4 North Range 6 West New Westminster District Plan 18817

P.I.D. 010-430-334

Lot 5 Section 28 Block 4 North Range 6 West New Westminster District Plan 18817

2. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw 8477**".

FIRST READING

MAR 28 2011

A PUBLIC HEARING WAS HELD ON

APR 18 2011

SECOND READING

APR 18 2011

THIRD READING

APR 18 2011

OTHER REQUIREMENTS SATISFIED

JAN 16 2013

ADOPTED



\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER





**Richmond Official Community Plan Bylaw 7100  
Amendment Bylaw No. 8838 (RZ 06-349722)  
8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road  
and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road**

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

1. Richmond Official Community Plan Bylaw 7100, Schedule 1, is amended by repealing the existing land use designation in Attachment 1 (Generalized Land Use Map) thereof of the area indicated on "Schedule A attached to and forming part of Bylaw 8838" and by designating the portion of the area identified as "Park" on "Schedule B attached to and forming part of Bylaw No. 8838" as "Public and Open Space Use" and the remainder of the area as "Mixed Use".
2. Richmond Official Community Plan Bylaw 7100, in Schedule 2.10 (City Centre Area Plan), as amended by Official Community Plan Amendment Bylaw No. 8837, is amended by:
  - 2.1. On page 2-27, on the Street Network Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, inserting a "Minor Street" map designation on Patterson Road west of the designated "Park" indicated on "Schedule B attached to and forming part of Bylaw 8838".
  - 2.2. On page 2-36, on the Pedestrian Environment Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "Green Link (Future)" map designation on Patterson Road, and inserting a "Green Link (Future)" map designation in the location indicated as "Pedestrian Linkages" parallel to Capstan Way, between Capstan Way and Patterson Road, on "Schedule B attached to and forming part of Bylaw 8838".
  - 2.3. On page 2-65, on the Base Level Parks & Open Space Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "Green Link (Future)" map designation on Patterson Road and the "Neighbourhood Park (Future to 2031)" map designation, and inserting:
    - a) The following map designations in the locations indicated in "Schedule B attached to and forming part of Bylaw 8838":
      - i. "Green Link (Future)" in the location indicated as Pedestrian Linkages parallel to Capstan Way, between Capstan Way and Patterson Road;
      - ii. "Neighbourhood Park (Future to 2031)" in the location indicated as "Park"; and

- iii. "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" in the location indicated as "Park – Configuration & location to be determined"; and
  - b) "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" and the corresponding symbol in the map legend.
- 2.4. On page 2-68, on the Neighbourhood Parks Map, in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "Neighbourhood Park (Future to 2031)" map designation, and inserting:
- a) The following map designations in the locations indicated in "Schedule B attached to and forming part of Bylaw 8838":
    - i. "Neighbourhood Park (Future to 2031)" in the location indicated as "Park"; and
    - ii. "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" in the location indicated as "Park – Configuration & location to be determined"; and
  - b) "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" and the corresponding symbol in the map legend.
- 2.5. On page 2-71, on the Pedestrian Linkages Map, in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "Green Link (Future)" map designation on Patterson Road, and inserting a "Green Link (Future)" map designation in the location indicated as "Pedestrian Linkages" parallel to Capstan Way, between Capstan Way and Patterson Road, on "Schedule B attached to and forming part of Bylaw 8838".
- 2.6. On page 4-6, on the Proposed New Transportation Improvements Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, inserting an "Other Streets" map designation on Patterson Road west of the designated "Park" indicated on "Schedule B attached to and forming part of Bylaw 8838".
- 2.7. On page 4-10, on the Parks & Open Space Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "Neighbourhood Park (Future to 2031)" map designation, and inserting:
- a) The following map designations in the locations indicated in "Schedule B attached to and forming part of Bylaw 8838":
    - i. "Neighbourhood Park (Future to 2031)" map designation in the location indicated as "Park"; and
    - ii. "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" map designation in the location indicated as "Park – Configuration & location to be determined"; and

- b) "Neighbourhood Park (Future to 2031) – Configuration & location to be determined" and the corresponding symbol in the map legend.
- 2.8. On the Generalized Land Use Map (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, repealing the "General Urban T4", "Urban Centre T5", "Park", "Village Centre Bonus", "Institution", and "Proposed Streets" designations and inserting those map designations in the locations indicated on "Schedule B attached to and forming part of Bylaw No. 8841"..
- 2.9. On the Specific Land Use Map: Capstan Village (2031), in the area bounded by Capstan Way, Sexsmith Road, Patterson Road, and Garden City Road, replacing the land use designations as indicated on "Schedule B attached to and forming part of Bylaw No. 8838".
- 2.10. Updating document formatting and mapping as required to accommodate the identified bylaw amendments.
3. This Bylaw may be cited as "Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 8838".

FIRST READING

JAN 23 2012

PUBLIC HEARING

FEB 20 2012

SECOND READING

FEB 20 2012



THIRD READING

FEB 20 2012

OTHER REQUIREMENTS SATISFIED

JAN 23 2013

ADOPTED

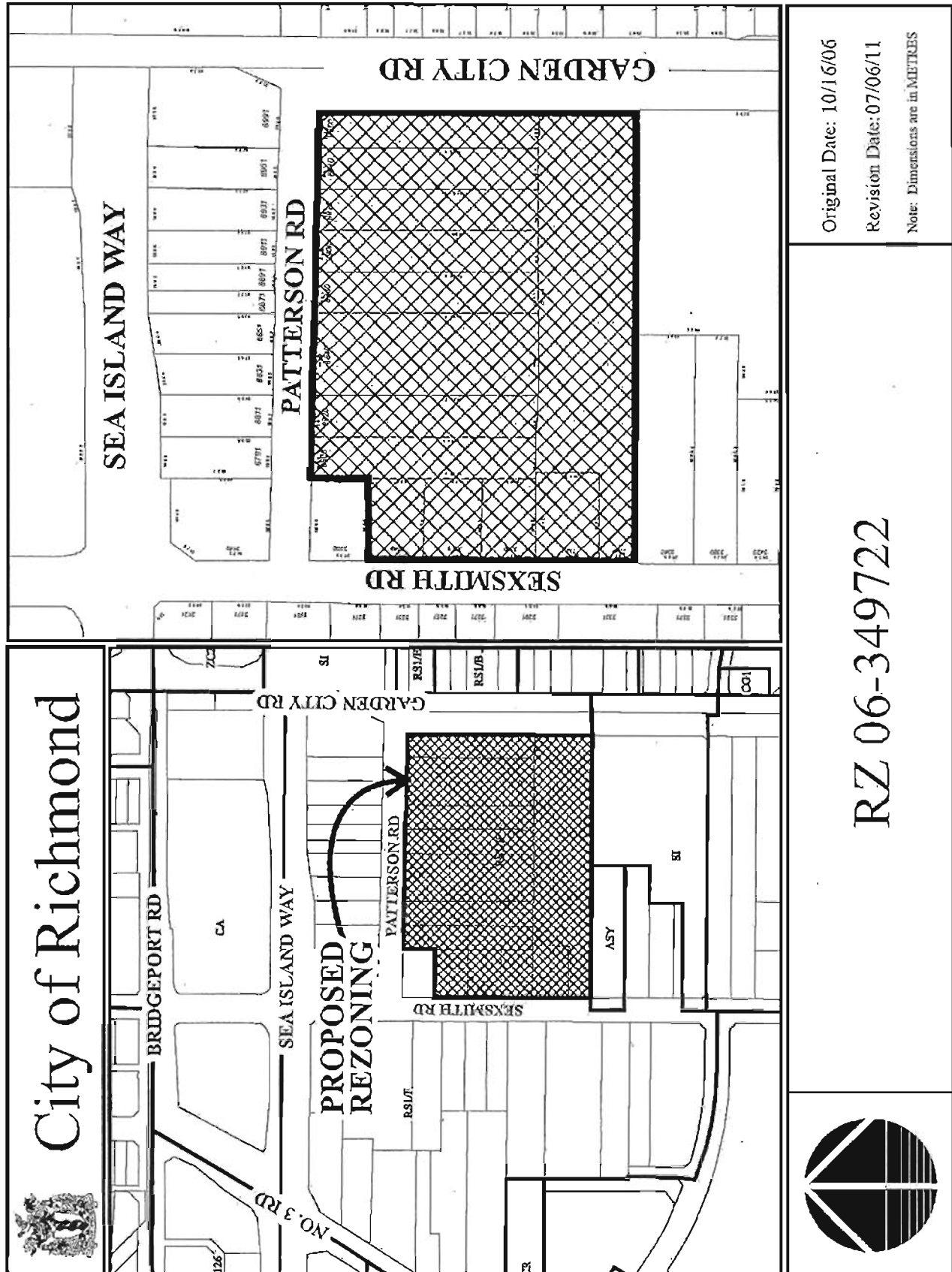
CITY OF RICHMOND
APPROVED by

APPROVED by Manager or Solicitor


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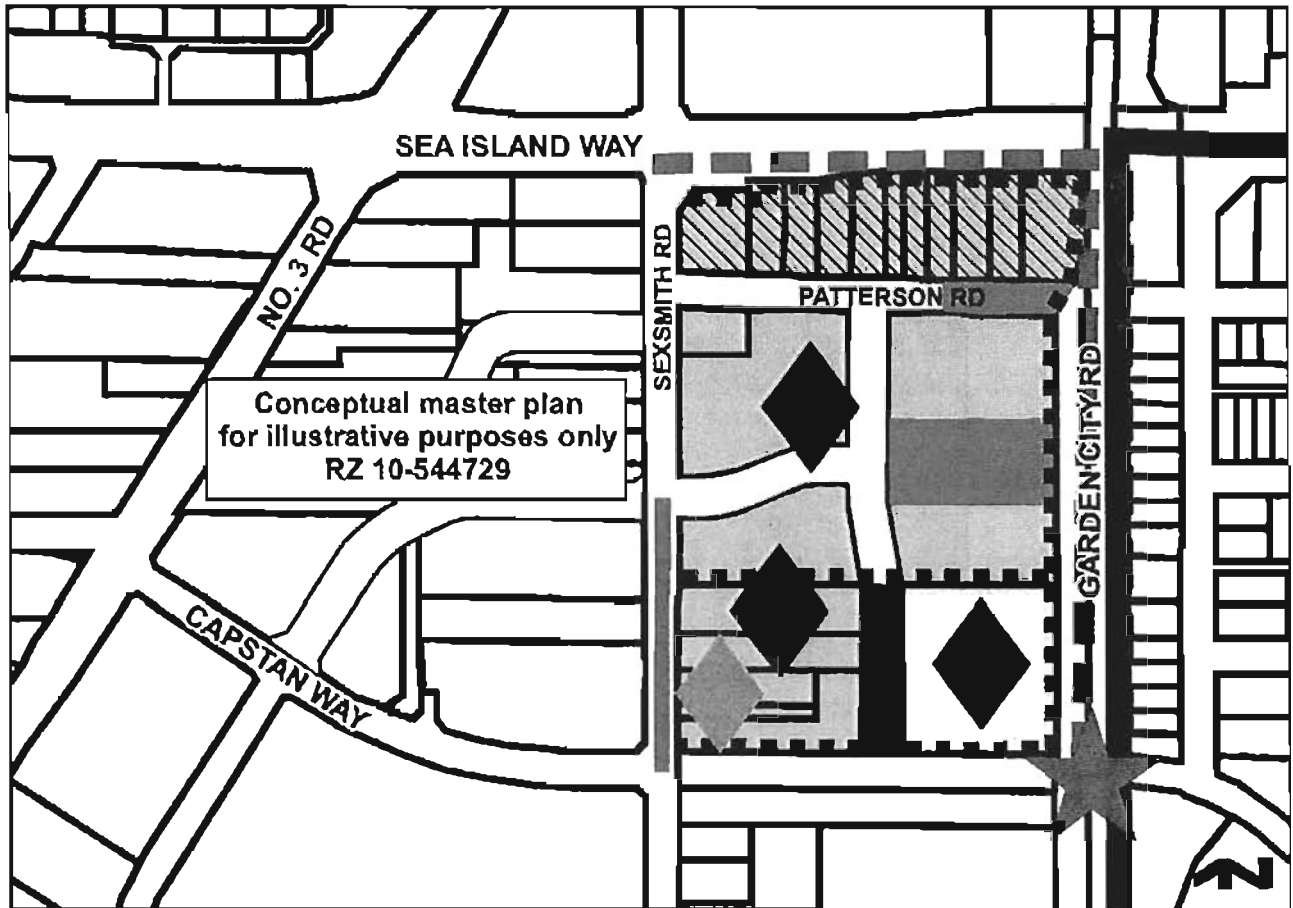
MAYOR

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CORPORATE OFFICER



## CCAP Amendment Concord RZ 06-349722



- |   |   |  |
|---|---|--|
| General Urban T4 (25m)                                | Marina (Residential Prohibited)           | Proposed Streets   |
| Urban Centre T6 (45m)                                 | Marina (Waterborne Residential Permitted) | Pedestrian-Oriented Retail Precincts-High Street & Linkages              |
| Urban Centre T5 (35m)                                 | Village Centre Bonus                      | Pedestrian-Oriented Retail Precincts-Secondary Retail Streets & Linkages |
| Urban Centre T5 (25m)                                 | Institution                               | Richmond Arts District   |
| Park  | Pedestrian Linkages                       | Capstan Station Bonus  |
| Park-Configuration & location to be determined        | Waterfront Dyke Trail                     | Canada Line Station  |
| Village Centre: No. 3 Road & Capstan Way Intersection | Enhanced Pedestrian & Cyclist Crossing    | Transit Plaza  |



**Richmond Zoning Bylaw 8500  
Amendment Bylaw No. 8840 (RZ 06-349722)  
8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and  
3240, 3260, 3280, 3320 and 3340 Sexsmith Road**

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

1. Richmond Zoning Plan Bylaw 8500 is amended by inserting Section 19.10 as follows:

**“19.10 High Rise Apartment and Artist Residential Tenancy Studio Units (ZHR10) –  
Capstan Village (City Centre)**

**19.10.1 Purpose**

The zone accommodates artist residential tenancy studio (ARTS) units and park, together with adjunct uses including high-rise apartments, town housing, and a limited amount of commercial use. Additional density is provided to achieve, among other things, City objectives in respect to the City Centre arts district, park, affordable housing dwelling units, and the Capstan Canada Line station

**19.10.2 Permitted Uses**

- artist residential tenancy studio (ARTS) units
- child care
- congregate housing
- housing, apartment
- housing, town
- park

**19.10.3 Secondary Uses**

- boarding and lodging
- community care facility, minor
- health service, minor
- home-based business
- home business
- library and exhibit
- retail, convenience
- retail, general
- restaurant
- studio

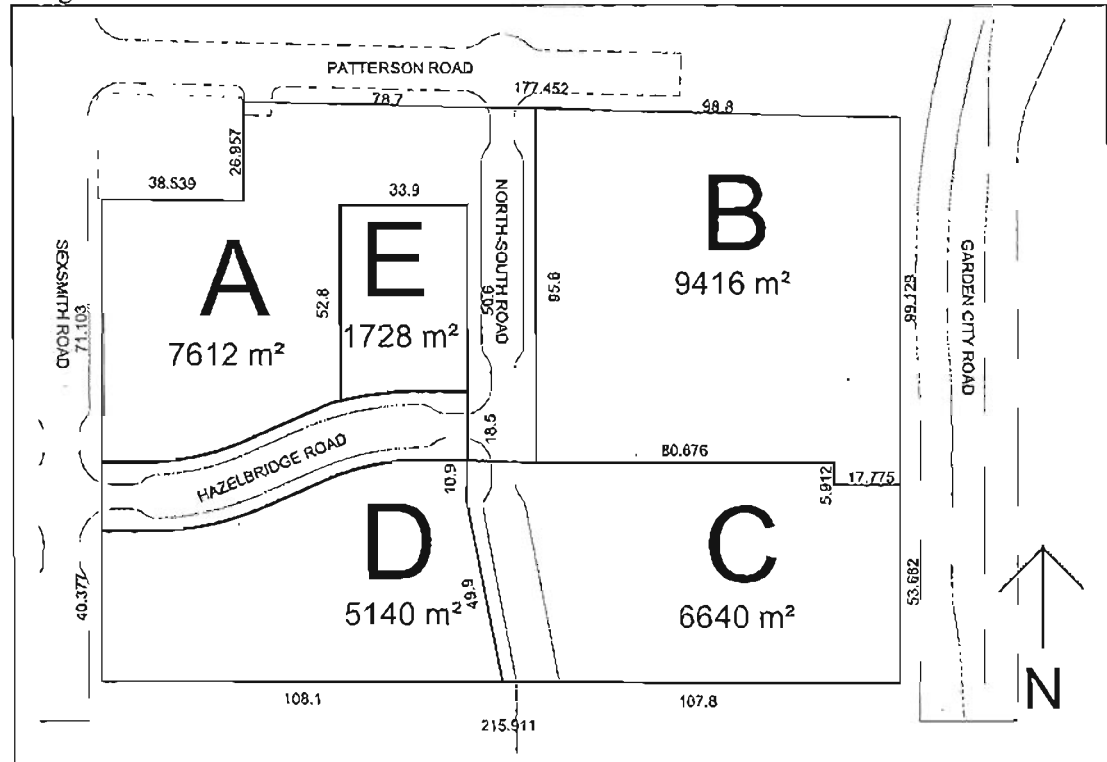
**19.10.4 Permitted Density**

1. The maximum floor area ratio (FAR) shall be 0.55, together with an additional 0.1 floor area ratio provided that it is entirely used to accommodate amenity space.
2. Notwithstanding Section 19.10.4.1, the reference to “0.55” is increased to a higher floor area ratio of “3.2” if:
  - a) the site is located in the Capstan Station Bonus Map 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 alternative means satisfactory to the **City**, rights of public use over a suitably landscaped area of the **site** for **park** and related purposes at a rate of  $7.4 \text{ m}^2$  per **dwelling unit** or  $9,220.0 \text{ m}^2$ , whichever is greater;
  - d) prior to first occupancy of the **building**, the **owner**:
    - i) provides in the **building** not less than four **affordable housing units** and the combined **habitable space** of the total number of **affordable housing units** would comprise at least 5% of the total **building area**; and
    - ii) enters into a **housing agreement** with respect to the **affordable housing units** and registers the **housing agreement** against the title to the **lot**, and files a notice in the Land Title Office; and
  - e) prior to first occupancy of the **building**, the **owner**:
    - i) provides in the **building** not less than 20 ARTS units and the combined **habitable space** of the total number of ARTS units would comprise at least  $1,628.0 \text{ m}^2$ ; and
    - ii) enters into a **housing agreement** with respect to the ARTS units and registers the **housing agreement** against the title to the **lot**, and files a notice in the Land Title Office;
3. Notwithstanding Section 19.10.4.2, in the area identified as "A", "B", "C", "D", and "E" in Section 19.10.4 Diagram 1:
- a) the maximum total combined **floor area** shall not exceed  $97,704.0 \text{ m}^2$ ; and
  - b) the maximum **floor area** within each individual area shall not exceed:
    - i) for "A":  $23,400.0 \text{ m}^2$ ;
    - ii) for "B":  $20,900.0 \text{ m}^2$ ;
    - iii) for "C":  $19,400.0 \text{ m}^2$ ;
    - iv) for "D":  $23,700.0 \text{ m}^2$ ; and
    - v) for "E":  $11,000.0 \text{ m}^2$ .

Diagram 1



#### 19.10.5 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.

#### 19.10.6 Yards & Setbacks

1. Minimum setbacks shall be:
  - a) for road and park: 6.0 m measured to a lot line or the boundary of an area granted to the City, via a statutory right-of-way, air space parcel, or alternative means satisfactory to the City, for road or park purposes, 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 interior side yard or rear yard: 3.0 m, but may be reduced to 0 m if a proper interface is provided as specified in a Development Permit approved by the City.
2. Notwithstanding Sections 19.10.6.1, structures located entirely below the finished grade may project into the road, park, interior side yard, or rear yard setbacks, provided that such encroachments do not result in a finished grade inconsistent with that of abutting lots and the structures are screened by a combination of trees, shrubs, native and ornamental plants, or other landscape material specified in a Development Permit approved by the City.

**19.10.7 Permitted Heights**

1. Maximum **building height** shall be:
  - a) 25.0 m for portions of the **building** located less than 50.0 m from a **lot line** abutting Garden City Road; and
  - b) 35.0 m elsewhere.
2. Notwithstanding Section 19.10.7.1, the maximum **building height** may be increased if a proper interface is provided with adjacent **buildings** and areas secured by the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, for **park** purposes, as specified in a Development Permit approved by the **City**, as follows:
  - a) 28.0 m for portions of the **building** located less than 50.0 m from a **lot line** abutting Garden City Road; and
  - b) 47.0 m geodetic elsewhere.
3. The maximum height for **accessory buildings** is 5.0 m.
4. The maximum height for **accessory structures** is 12.0 m.

**19.10.8 Subdivision Provisions**

1. The minimum **lot area** is 5,000.0 m<sup>2</sup>.

**19.10.9 Landscaping & Screening**

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

**19.10.10 On-Site Parking & Loading**

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0 of this bylaw, except that for ARTS units, the minimum number of **parking spaces** shall be:
  - a) for residents: 0.9 per **dwelling unit**; and
  - b) for visitors: 0.2 per **dwelling unit**.

**19.10.11 Other Regulations**

1. For the purposes of this bylaw, artist residential tenancy studio unit or **ARTS unit**:
  - a) means a **dwelling unit** providing space for sleeping, living, washrooms, and **kitchen**, together with space designed to facilitate the use of the **dwelling** for arts-related **home-based business** purposes including painting, pottery, dance, choreography, non-amplified music, composing, conducting, arranging, recording, writing, media arts, photography, print making, or carving;

- b) shall be **town housing**, but may be **apartment housing** if located in a purpose-built **building** intended for the exclusive use of the occupants of ARTS units and **ancillary uses**; and
    - c) have a minimum **habitable space** of 74.0 m<sup>2</sup>, of which at least 25.0 m<sup>2</sup>, provided as one contiguous space, shall have a minimum clear height of 4.5 m measured from the surface of the finished floor to the surface of the finished ceiling.
  - 2. **Convenience retail, general retail, library and exhibit, minor health service, restaurant, and studio** must be located on the **first storey** of the **building**.
  - 3. **Convenience retail, general retail, library and exhibit, minor health service, restaurant, and studio** are limited to the area identified as "A", in Section 19.10.4 Diagram 1 and a maximum **gross leasable floor area** of 200.0 m<sup>2</sup>.
  - 4. **Telecommunication antenna** must be located a minimum of 20.0 m above the ground (i.e. on the roof of a **building**).
  - 5. 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."
2. 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 designating it **HIGH RISE APARTMENT (ZHR10) – CAPSTAN VILLAGE (CITY CENTRE)**:
- That area shown as cross-hatched on "Schedule A attached to and forming part of Bylaw No. 8840".
3. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw No. 8840**".

FIRST READING

JAN 23 2012

PUBLIC HEARING

FEB 20 2012

SECOND READING

FEB 20 2012

THIRD READING

FEB 20 2012

MINISTRY OF TRANSPORTATION &  
INFRASTRUCTURE APPROVAL


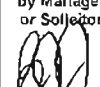
FEB 24 2012

OTHER REQUIREMENTS SATISFIED

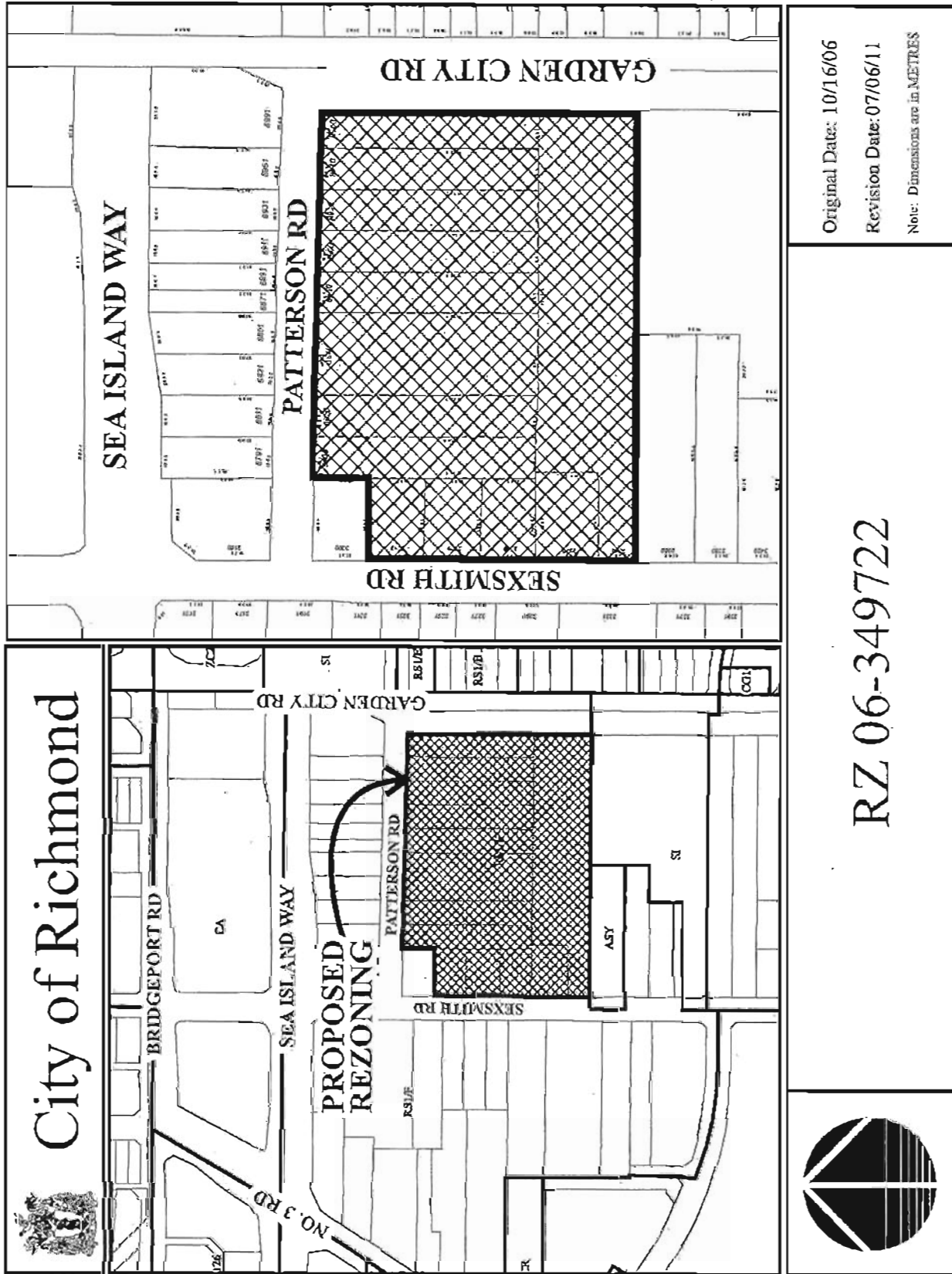
JAN 23 2013

ADOPTED

\_\_\_\_\_  
MAYOR\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED by

APPROVED by Manager or Solicitor


"Schedule A attached and forming part of bylaw No. 8840"



Original Date: 10/16/06  
Revision Date: 07/06/11  
Note: Dimensions are in METRES

RZ 06-349722



City of Richmond

CNCL - 336



**Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and  
8960 Patterson Road and 3240, 3260, 3280, 3320  
and 3340 Sexsmith Road) Bylaw No. 8984**

The Council of the City of Richmond enacts as follows:

1. The Mayor and City Clerk for the City of Richmond are authorized to execute and deliver a housing agreement, substantially in the form set out as Schedule A to this Bylaw, with the owner of the lands legally described as:

PID: 010-900-942	Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 001-976-290	Easterly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-124-138	Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 003-640-540	West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-092-261	East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 000-586-188	Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-502-779	Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 010-900-926	West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-206-533	Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021
PID: 003-843-718	North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404



PID: 001-203-886 South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577)  
Section 28 Block 5 North Range 6 West New Westminster  
District Plan 3404

PID: 005-145-627 Lot 49 Section 28 Block 5 North Range 6 West New  
Westminster District Plan 33481

PID: 003-604-357 Lot 50 Sections 27 and 28 Block 5 North Range 6 West New  
Westminster District Plan 33481

2. This Bylaw is cited as "**Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road) Bylaw No. 8984**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

JAN 14 2013

JAN 14 2013

JAN 14 2013

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

Schedule A

To Housing Agreement (0754999 B.C. Ltd.) Bylaw No. 8984

HOUSING AGREEMENT BETWEEN 0754999 B.C. Ltd.- CONCORD PACIFIC  
DEVELOPMENTS INC. AND THE CITY OF RICHMOND

**HOUSING AGREEMENT – HOUSING UNITS**  
**(Section 905 *Local Government Act*)**

THIS AGREEMENT is dated for reference \_\_\_\_\_, 2012.

**BETWEEN:**

0754999 B.C. Ltd. (Inc. No. 0939550), a corporation pursuant to the  
*Business Corporations Act* and having an address at 900-1095 West  
Pender Street, Vancouver, British Columbia, V6E 2M6

(the "Owner")

**AND:**

CITY OF RICHMOND, a municipal corporation pursuant to the  
*Local Government Act* and having its offices at 6911 No. 3 Road,  
Richmond, British Columbia, V6Y 2C1

(the "City")

**WHEREAS:**

- A. Section 905 of the *Local Government Act* permits the City to enter into and, by legal notation on title, note on title to lands, housing agreements which may include, without limitation, conditions in respect to the form of tenure of housing units, availability of housing units to classes of persons, administration of housing units and rent which may be charged for housing units;
- B. The Owner is the owner of the Lands (as hereinafter defined);
- C. The Owner and the City wish to enter into this Agreement (as herein defined) to provide for affordable housing on the terms and conditions set out in this Agreement; and
- D. In the event that the Lands are Subdivided (as hereinafter defined), the Owner and the City wish for the affordable housing to be provided on a parcel-by-parcel basis in accordance with this Agreement, the Housing Covenant (as hereinafter defined) and any development or building permit (as the case may be) authorizing development or construction (as the case may be) on the Lands, or any portion(s) thereof.

V.6

337685 v3

Document #\_\_ - Housing Agreement (Housing Units)  
Section 905 *Local Government Act*  
Concord Gateway  
Application No. RZ05-349722  
Rezoning Condition No. 10.2

NOW THEREFORE in consideration of the matters referred to in the foregoing recitals, the covenants and agreements herein contained and the sum of Ten Dollars (\$10.00) now paid by the City to the Owner and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the parties), the parties hereto hereby covenant and agree as follows:

## ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following words have the following meanings:

- (a) "Agreement" or "this Agreement" means this agreement and includes all recitals and schedules to this agreement and all instruments comprising this agreement;
- (b) "ARTS Units" means those Dwelling Units owned by the Owner and designated as artist residential tenancy studios in accordance with a building permit and/or development permit issued by the City and/or, if applicable, in accordance with any rezoning considerations applicable to the development on the Lands;
- (c) "Business Day" means a day which is not a Saturday, Sunday or statutory holiday (as defined in the *Employment Standards Act* (British Columbia)) in British Columbia;
- (d) "City" or "City of Richmond" means the City of Richmond and is called the "City" when referring to the corporate entity and "City of Richmond" when referring to the geographic location;
- (e) "City Personnel" means the City's officials, officers, employees, agents, contractors, licensees, permittees, nominees and delegates;
- (f) "City Solicitor" means the individual appointed from time to time to be the City Solicitor of the Law Division of the City, or his or her designate;
- (g) "CPI" means the All-Items Consumer Price Index for Vancouver, B.C. published from time to time by Statistics Canada, or its successor in function;
- (h) "Daily Amount" means \$100.00 per day as of January 1, 2009 adjusted annually thereafter by adding thereto an amount calculated by multiplying \$100.00 by the percentage change in the CPI since January 1, 2009, to January 1 of the year that a written notice is delivered to the Owner by the City pursuant to section 6.1 of this Agreement. In the absence of obvious error or mistake, any calculation by the City of the Daily Amount in any particular year shall be final and conclusive;
- (i) "Director of Development" means the individual appointed to be the chief administrator from time to time of the Development Applications Division of the City and his or her designate;

V.6

337683 v3

Document #\_\_\_ - Housing Agreement (Housing Units)  
Section 906 *Local Government Act*  
Concord Gateway  
Application No. RZ06-349722  
Rezoning Condition No. 10.2

- (j) "Dwelling Unit" means a residential dwelling unit or units located or to be located on the Lands whether those dwelling units are lots, strata lots or parcels, or parts or portions thereof, and includes single family detached dwellings, duplexes, townhouses, auxiliary residential dwelling units, rental apartments and strata lots in a building strata plan and includes, where the context permits, a Housing Unit;
- (k) "Eligible Tenant" means a Family having a cumulative annual income of:
  - (i) in respect to a bachelor unit, \$33,500 or less;
  - (ii) In respect to a one bedroom unit, \$37,000 or less;
  - (iii) In respect to a two bedroom unit, \$45,500 or less; or
  - (iv) In respect to a three or more bedroom unit, \$55,000 or less

provided that, commencing July 1, 2013, the annual incomes set-out above shall, in each year thereafter, be adjusted, plus or minus, by adding or subtracting therefrom, as the case may be, an amount calculated that is equal to the Core Need Income Threshold data and/or other applicable data produced by Canada Mortgage Housing Corporation in the years when such data is released. In the event that, in applying the values set-out above, the rental increase is at any time greater than the rental increase permitted by the *Residential Tenancy Act*, then the increase will be reduced to the maximum amount permitted by the *Residential Tenancy Act*. In the absence of obvious error or mistake, any calculation by the City of an Eligible Tenant's permitted income in any particular year shall be final and conclusive;

- (l) "Family" means:
  - (i) a person;
  - (ii) two or more persons related by blood, marriage or adoption; or
  - (iii) a group of not more than 6 persons who are not related by blood, marriage or adoption
- (m) "Guidelines" means the City's guidelines for Low End Market Rental housing in effect from time to time;
- (n) "Housing Covenant" means the agreements, covenants and charges granted by the Owner to the City (which includes covenants pursuant to section 219 of the *Land Title Act*) charging the Lands registered on \_\_\_\_ day of \_\_\_\_\_, 2013, under number \_\_\_\_\_;
- (o) "Housing Strategy" means the Richmond Affordable Housing Strategy approved by the City on May 28, 2007, and containing a number of

recommendations, policies, directions, priorities, definitions and annual targets for affordable housing, as may be amended or replaced from time to time;

- (p) **"Housing Unit"** means a Dwelling Unit or Dwelling Units designated for the purposes of the Housing Agreement in accordance with a building permit and/or development permit issued by the City and/or, if applicable, in accordance with any rezoning consideration applicable to the development on the Lands and includes, without limiting the generality of the foregoing, the Dwelling Unit charged by this Agreement, but excludes an ARTS Unit;
- (q) **"Interpretation Act"** means the *Interpretation Act*, R.S.B.C. 1996, Chapter 238, together with all amendments thereto and replacements thereof;
- (r) **"Land Title Act"** means the *Land Title Act*, RSBC 1996, c. 250, and amendments thereto and re-enactments thereof;
- (s) **"Lands"** means, collectively, those lands and premises described in Schedule "A" hereto;
- (t) **"Local Government Act"** means the *Local Government Act*, R.S.B.C. 1996, Chapter 323, together with all amendments thereto and replacements thereof;
- (u) **"LTO"** means the Lower Mainland Land Title Office or its successor;
- (v) **"Manager, Community Social Development"** means the individual appointed to be the Manager, Community Social Development from time to time of the Community Services Department of the City and his or her designate;
- (w) **"Owner"** means the party described on page 1 of this Agreement as the Owner and any subsequent owner of the Lands or of any part into which the Lands are subdivided, and includes any person who is a registered owner in fee simple of a Housing Unit from time to time;
- (x) **"Permitted Rent"** means no greater than:
  - (i) \$837.00 a month for a bachelor unit;
  - (ii) \$925.00 a month for a one bedroom unit;
  - (iii) \$1,137.00 a month for a two bedroom unit; and
  - (iv) \$1,375.00 a month for a three (or more) bedroom unit,

provided that, commencing July 1, 2013, the rents set-out above shall, in each year thereafter, be adjusted, plus or minus, by adding or subtracting therefrom, as the case may be, an amount calculated that is equal to the Core Need Income Threshold data and/or other applicable data produced by Canada Mortgage Housing Corporation in the years when such data is released. In the event that,

in applying the values set-out above, the rental increase is at any time greater than the rental increase permitted by the *Residential Tenancy Act*, then the increase will be reduced to the maximum amount permitted by the *Residential Tenancy Act*. In the absence of obvious error or mistake, any calculation by the City of the Permitted Rent in any particular year shall be final and conclusive;

- (y) **"Real Estate Development Marketing Act"** means the *Real Estate Development Marketing Act*, S.B.C. 2004, Chapter 41, together with all amendments thereto and replacements thereof;
- (z) **"Residential Tenancy Act"** means the *Residential Tenancy Act*, S.B.C. 2002, Chapter 78, together with all amendments thereto and replacements thereof;
- (aa) **"Strata Property Act"** means the *Strata Property Act* S.B.C. 1998, Chapter 43, together with all amendments thereto and replacements thereof;
- (bb) **"Subdivide"** means to divide, apportion, consolidate or subdivide the Lands, or the ownership or right to possession or occupation of the Lands into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of "cooperative interests" or "shared interest in land" as defined in the *Real Estate Development Marketing Act*;
- (cc) **"Tenancy Agreement"** means a tenancy agreement, lease, license or other agreement granting rights to occupy a Housing Unit;
- (dd) **"Tenant"** means an occupant of a Housing Unit by way of a Tenancy Agreement; and
- (ee) **"Zoning Bylaw"** means the City of Richmond Zoning Bylaw No. 8500, as may be amended or replaced from time to time.

## 1.2 In this Agreement:

- (a) words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations, and vice versa;
- (b) the division of this Agreement into Articles and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement. The terms "this Agreement", "hereof", "hereunder" and similar expressions refer to this Agreement and not to any particular Article or other portion hereof and include any agreement or instrument supplemental or ancillary hereto. Unless something in the subject matter or



context is inconsistent therewith, references herein to Articles are to Articles of this Agreement;

- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) the provisions of section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) all provisions are to be interpreted as always speaking;
- (h) reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a "party" also includes an Eligible Tenant, agent, officer and invitee of the party;
- (i) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (j) the word "including", when following any general statement, term or matter, will not be construed to limit such general statement, term or matter to the specific items or matters set forth immediately following such word or to similar items or matters, but will be construed to refer to all other items or matters that could reasonably fall within the scope of such general statement, term or matter, whether or not non-limiting language (such as "without limitation", "but not limited to" or words of similar import) is used with reference thereto; and
- (k) any interest in land created hereby, as being found in certain Articles, sections, paragraphs or parts of this Agreement, will be construed, interpreted and given force in the context of those portions of this Agreement:
  - (i) which define the terms used herein;
  - (ii) which deal with the interpretation of this Agreement; and
  - (iii) which are otherwise of general application.

1.3 The following Schedule is attached hereto and forms part of this Agreement:

Schedule A – Lands

V.6

337685 v3

Document #\_\_\_ - Housing Agreement (Housing Units)  
Section 905 *Local Government Act*  
Concord Gateway  
Application No. R206-349722  
Rezoning Condition No. 10.2

**ARTICLE 2  
USE AND OCCUPANCY OF HOUSING UNITS**

- 2.1 The Owner agrees that each Housing Unit may only be used as a permanent residence occupied by one Eligible Tenant. A Housing Unit must not be occupied by the Owner, the Owner's family members (unless the Owner's family members qualify as Eligible Tenants), or any tenant or guest of the Owner, other than an Eligible Tenant. For the purposes of this Article, "permanent residence" means that the Housing Unit is used as the usual, main, regular, habitual, principal residence, abode or home of the Eligible Tenant.
- 2.2 Within 30 days after receiving notice from the City, the Owner must, in respect of each Housing Unit, provide to the City a statutory declaration, substantially in the form (with, in the City Solicitor's discretion, such further amendments or additions as deemed necessary) attached as Appendix A, sworn by the Owner, containing all of the information required to complete the statutory declaration. The City may request such statutory declaration in respect of each Housing Unit no more than once in any calendar year; provided, however, notwithstanding that the Owner may have already provided such statutory declaration in the particular calendar year, the City may request and the Owner shall provide to the City such further statutory declarations as requested by the City in respect to a Housing Unit if, in the City's absolute determination, the City believes that the Owner is in breach of any of its obligations under this Agreement.
- 2.3 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

**ARTICLE 3  
MANAGEMENT, DISPOSITION AND ACQUISITION OF HOUSING UNITS**

- 3.1 The Owner will operate and manage each Housing Unit in accordance with the Housing Strategy and Guidelines, unless otherwise agreed to by the Owner, the Director of Development and the Manager, Community Social Development.
- 3.2 The Owner may sub-contract the operation and management of the Housing Units to a qualified and reputable provider of affordable housing, provided that any such sub-contract and affordable housing provider is pre-approved by the Manager, Community Social Development or other authorized City Personnel, in their sole discretion.
- 3.3 The Owner will, or will include a clause in each Tenancy Agreement requiring the Tenant to, repair and maintain the Housing Units in good order and condition, excepting reasonable wear and tear.
- 3.4 The Owner will not permit a Housing Unit Tenancy Agreement to be subleased or assigned.
- 3.5 If this Housing Agreement encumbers more than one Housing Unit, then the Owner may not, without the prior written consent of the City Solicitor, sell or transfer less than five (5) Housing Units in a single or related series of transactions with the result that when the

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purchaser or transferee of the Housing Units becomes the owner, the purchaser or transferee will be the legal and beneficial owner of not less than five (5) Housing Units.

- 3.6 The Owner must not rent, lease, license or otherwise permit occupancy of any Housing Unit except to an Eligible Tenant and except in accordance with the following additional conditions:
- (a) the Housing Unit will be used or occupied only pursuant to a Tenancy Agreement;
  - (b) the monthly rent payable for the Housing Unit will not exceed the Permitted Rent applicable to that class of Housing Unit;
  - (c) the Owner will allow the Tenant and any permitted occupant and visitor to have full access to and use and enjoy all on-site common indoor and outdoor common property, limited common property, or other common areas, facilities or amenities, including parking facilities, and all common amenities and facilities located on the Lands or any subdivided portion thereof, all in accordance with the Zoning Bylaw, the City's Official Community Plan and City Centre Area Plan policy, as may be amended or replaced from time to time and the Bylaws and rules and regulations of the applicable strata corporation, provided that such Bylaws and rules and regulations of the applicable strata corporation do not unreasonably restrict the Tenant or any permitted occupant's access to and use of such properties, areas, facilities and amenities;
  - (d) the Owner will not require the Tenant or any permitted occupant to pay any strata fees, strata property contingency reserve fees or any extra charges or fees for use of any common property, limited common property, or other common areas, facilities or amenities, or for sanitary sewer, storm sewer, water, other utilities, property or similar tax; provided, however, if the Housing Unit is a strata unit and the following costs are not part of strata or similar fees, an Owner may charge the Tenant the Owner's cost, if any, of providing cablevision, telephone, other telecommunications, gas, or electricity fees, charges or rates;
  - (e) the Owner will attach a copy of this Agreement to every Tenancy Agreement;
  - (f) the Owner will include in the Tenancy Agreement a clause requiring the Tenant and each permitted occupant of the Housing Unit to comply with this Agreement;
  - (g) the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if:
    - (i) a Housing Unit is occupied by a person or persons other than an Eligible Tenant;
    - (ii) the annual income of an Eligible Tenant rises above the applicable maximum amount specified in section 1.1(k) of this Agreement;

- (iii) the Housing Unit is occupied by more than the number of people the City's building inspector determines can reside in the Housing Unit given the number and size of bedrooms in the Housing Unit and in light of any relevant standards set by the City in any bylaws of the City;
- (iv) the Housing Unit remains vacant for three consecutive months or longer, notwithstanding the timely payment of rent; and/or
- (v) the Tenant subleases the Housing Unit or assigns the Tenancy Agreement in whole or in part,

and in the case of each breach, the Owner hereby agrees with the City to forthwith provide to the Tenant a notice of termination. Except for section 3.6(g)(ii) of this Agreement [*Termination of Tenancy Agreement if Annual Income of Tenant rises above amount prescribed in section 1.1(k) of this Agreement*], the notice of termination shall provide that the termination of the tenancy shall be effective 30 days following the date of the notice of termination. In respect to section 3.6(g)(ii) of this Agreement, termination shall be effective (1) on the day that is six (6) months following the date that the Owner provided the notice of termination to the Tenant and (2) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the Tenancy Agreement, or as otherwise stipulated in the *Residential Tenancy Act*. The Owner acknowledges and agrees that no compensation is payable, and the Owner is not entitled to and will not claim any compensation from the City, for any payments that the Owner may be required to pay to the Tenant under the *Residential Tenancy Act*, whether or not such payments relate directly or indirectly to the operation of this Agreement;

- (h) the Tenancy Agreement will identify all occupants of the Housing Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing at the Housing Unit for more than 30 consecutive days or more than 45 days total in any calendar year; and
- (i) the Owner will forthwith deliver a certified true copy of the Tenancy Agreement to the City upon demand.

3.7 If the Owner has terminated the Tenancy Agreement, then the Owner shall use commercially reasonable efforts to cause the Tenant and all other persons that may be in occupation of the Housing Unit to vacate the Housing Unit on or before the effective date of termination.

#### ARTICLE 4 DEMOLITION OF HOUSING UNIT

4.1 The Owner will not demolish a Housing Unit unless:

- (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or

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practical to repair or replace any structural component of the Housing Unit, and the Owner has delivered to the City a copy of the engineer's or architect's report; or

- (b) the Housing Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the City in its sole discretion,

and, in each case, a demolition permit for the Housing Unit has been issued by the City and the Housing Unit has been demolished under that permit.

Following demolition, the Owner will use and occupy any replacement Dwelling Unit in compliance with this Agreement and the Housing Covenant both of which will apply to any replacement Dwelling Unit to the same extent and in the same manner as those agreements apply to the original Dwelling Unit, and the Dwelling Unit must be approved by the City as a Housing Unit in accordance with this Agreement.

#### ARTICLE 5 STRATA CORPORATION BYLAWS

- 5.1 This Agreement will be binding upon all strata corporations created upon the strata title Subdivision of the Lands or any Subdivided parcel of the Lands.
- 5.2 Any strata corporation bylaw which prevents, restricts or abridges the right to use the Housing Units as rental accommodation will have no force and effect.
- 5.3 No strata corporation shall pass any bylaws preventing, restricting or abridging the use of the Housing Units as rental accommodation.
- 5.4 No strata corporation shall pass any bylaw or approve any levies which would result in only the Owner or the Tenant or any other permitted occupant of a Housing Unit (and not all the owners, tenants, or any other permitted occupants of all the strata lots on the Lands or subdivided portions of the Lands which are not Housing Units) paying any extra charges or fees for the use of any common property, limited common property or other common areas, facilities, or amenities of the strata corporation, whether or not such common property, limited common property or other common areas, facilities or amenities are located on the applicable parcel or elsewhere on the Lands.
- 5.5 The strata corporation shall not pass any bylaw or make any rule which would restrict the Owner or the Tenant or any other permitted occupant of a Housing Unit from using and enjoying any common property, limited common property or other common areas, facilities or amenities of the strata corporation except on the same basis that governs the use and enjoyment of any common property, limited common property or other common areas, facilities or amenities of the strata corporation by all the owners, tenants, or any other permitted occupants of all the strata lots on the Lands or any subdivided portion thereof which are not Housing Units, whether or not such common property, limited common property or other common areas, facilities or amenities are located on the applicable parcel or elsewhere on the Lands.

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**ARTICLE 6  
DEFAULT AND REMEDIES**

- 6.1 The Owner agrees that, in addition to any other remedies available to the City under this Agreement or the Housing Covenant or at law or in equity, if a Housing Unit is used or occupied in breach of this Agreement or rented at a rate in excess of the Permitted Rent or the Owner is otherwise in breach of any of its obligations under this Agreement or the Housing Covenant, the Owner will pay the Daily Amount to the City for every day that the breach continues after ten (10) days written notice from the City to the Owner stating the particulars of the breach. For greater certainty, the City is not entitled to give written notice with respect to any breach of the Agreement until any applicable cure period, if any, has expired. The Daily Amount is due and payable five (5) Business Days following receipt by the Owner of an invoice from the City for the same, and such invoice will be given and deemed received in accordance with section 7.10 [Notice] of this Agreement.
- 6.2 The Owner acknowledges and agrees that a default by the Owner of any of its promises, covenants, representations or warranties set-out in the Housing Covenant shall also constitute a default under this Agreement.

**ARTICLE 7  
MISCELLANEOUS**

**7.1 Housing Agreement**

The Owner acknowledges and agrees that:

- (a) this Agreement includes a housing agreement entered into under section 905 of the *Local Government Act*;
- (b) where a Housing Unit is a separate legal parcel the City may file notice of this Agreement in the LTO against the title to the Housing Unit and, in the case of a strata corporation, may note this Agreement on the common property sheet; and
- (c) where the Lands have not yet been subdivided to create the separate parcels to be charged by this Agreement, the City may file a notice of this Agreement in the LTO against the title to the Lands. If this Agreement is filed in the LTO as a notice under section 905 of the *Local Government Act* prior to the Lands having been subdivided, and it is the intention that this Agreement is, once separate legal parcels are created and/or the Lands are subdivided, to charge and secure only the legal parcels or subdivided Lands which contain the Housing Units, then the City Solicitor shall be entitled, without further City Council approval, authorization or bylaw, to partially discharge this Agreement accordingly. The Owner acknowledges and agrees that notwithstanding a partial discharge of this Agreement, this Agreement shall be and remain in full force and effect and, but for the partial discharge, otherwise unamended. Further, the Owner acknowledges and agrees that in the event that the Housing Unit is in a strata corporation, this Agreement shall remain noted on the strata corporation's common property sheet in perpetuity.

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## 7.2 Modification

Subject to section 7.1 of this Agreement, this Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

## 7.3 Management

The Owner covenants and agrees that it will furnish good and efficient management of the Housing Units and will permit representatives of the City to inspect the Housing Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Housing Units in a good state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Housing Units, such person or company to be selected by the Owner based on criteria suggested by the City.

## 7.4 Indemnity

The Owner hereby releases and indemnifies and saves harmless the City and the City Personnel from all loss, damage, costs (including without limitation, legal costs), expenses, actions, suits, debts, accounts, claims and demands, including without limitation, any and all claims of third parties, which the City or the City Personnel may suffer, incur or be put to arising out of or in connection, directly or indirectly or that would not or could not have occurred "but for":

- (a) this Agreement;
- (b) any breach by the Owner of any covenant or agreement contained in this Agreement;
- (c) any personal injury, death or damage occurring in or on the Lands, including the Housing Units;
- (d) the exercise of discretion by any City Personnel for any matter relating to this Agreement;
- (e) the construction, maintenance, repair, ownership, lease, license, operation, management or financing of the Lands or any Housing Unit or the enforcement of any Tenancy Agreement; and/or
- (f) the exercise by the City of any of its rights under this Agreement or an enactment.



**7.5 Survival**

The obligations of the Owner set out in this Agreement will survive termination or discharge of this Agreement.

**7.6 Priority**

The Owner agrees, if required by the City Solicitor, to cause the registrable interests in land granted pursuant to this Agreement to be registered as first registered charges against the Lands, at the Owner's expense, save only for any reservations, liens, charges or encumbrances:

- (a) contained in any grant from Her Majesty the Queen in Right of the Province of British Columbia respecting the Lands;
- (b) registered in favour of the City; or
- (c) which the City has determined may rank in priority to the registrable interests in land granted pursuant to this Agreement,

and that a notice under section 905(5) of the *Local Government Act* will be filed on the title to the Lands.

**7.7 No Fettering and No Derogation**

Nothing contained or implied in this Agreement shall fetter in any way the discretion of the City or the Council of the City. Further, nothing contained or implied in this Agreement shall derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the City's discretion, and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands and the Owner as if this Agreement had not been executed and delivered by the Owner and the City.

**7.8 Agreement for Benefit of City Only**

The Owner and the City agree that:

- (a) this Agreement is entered into only for the benefit of the City;
- (b) this Agreement is not intended to protect the interests of the Owner, any Tenant, or any future owner, lessee, occupier or user of the Lands or the building or any portion thereof, including any Housing Unit; and

- (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.

#### 7.9 No Public Law Duty

Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.

#### 7.10 Notice

Any notice or communication required or permitted to be given pursuant to this Agreement will be in writing and delivered by hand or sent by prepaid mail or facsimile to the party to which it is to be given as follows:

- (a) to the City:

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

Attention: City Clerk  
Fax: 604 276-5139

with a copy to the Director of Development, the Manager, Community and Social Development and the City Solicitor

- (b) to the Owner, to the address as set out on the title for the Lands,

or to such other address or fax number as any party may in writing advise. Any notice or communication will be deemed to have been given when delivered if delivered by hand, two Business Days following mailing if sent by prepaid mail, and on the following Business Day after transmission if sent by facsimile.

#### 7.11 Enurement

This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective successors, administrators and assigns.

#### 7.12 Severability

If any Article, section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a Court of competent jurisdiction, the remainder of this Agreement will continue in full force and effect and, in such case, the parties hereto will agree upon an amendment to be made to the Article, section,

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subsection, sentence, clause or phrase previously found to be invalid and will do or cause to be done all acts reasonably necessary in order to amend this Agreement so as to reflect its original spirit and intent.

**7.13 No Waiver and Remedies**

The Owner and the City acknowledge and agree that no failure on the part of either party hereto to exercise and no delay in exercising any right under this Agreement will operate as a waiver thereof nor will any single or partial exercise by either party of any right under this Agreement preclude any other or future exercise thereof or the exercise of any other right. The remedies provided in this Agreement will be cumulative and not exclusive of any other remedies provided by law and all remedies stipulated for either party in this Agreement will be deemed to be in addition to and not, except as expressly stated in this Agreement, restrictive of the remedies of either party hereto at law or in equity.

**7.14 Sole Agreement**

This Agreement, and any documents signed by the Owners contemplated by this Agreement (including, without limitation, the Housing Covenant), represent the whole agreement between the City and the Owner respecting the use and occupation of the Housing Units, and there are no warranties, representations, conditions or collateral agreements made by the City except as set forth in this Agreement. In the event of any conflict between this Agreement and the Housing Covenant, this Agreement shall, to the extent necessary to resolve such conflict, prevail.

**7.15 Further Acts**

The parties to this Agreement will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

**7.16 Equitable Relief**

The Owner covenants and agrees that in addition to any remedies which are available under this Agreement or at law, the City will be entitled to all equitable remedies, including, without limitation, specific performance, injunction and declaratory relief, or any combination thereof, to enforce its rights under this Agreement. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement. The Owner acknowledges and agrees that no failure or delay on the part of the City to exercise any right under this Agreement will operate as a waiver by the City of such right.

**7.17 No Joint Venture**

Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

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**7.18 Governing Law**

This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable therein.

**7.19 Deed and Contract**

By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

**7.20 Joint and Several**

If the Owner is comprised of more than one person, firm or body corporate, then the covenants, agreements and obligations of the Owner shall be joint and several.

**7.21 No Liability**

The parties agree that neither the Owner, nor any successor in title to the Lands, or portions thereof, will be liable for breaches of or non-observance or non-performance of covenants contained in this Agreement occurring after the date that the Owner or its successor in title, as the case may be, ceases to be the registered or beneficial owner of the Lands; provided, however, the Owner or its successors in title, as the case may be, shall remain liable after ceasing to be the registered or beneficial owner of the Lands for all breaches of and non-observance and non-performance of covenants in this Agreement if the breach, non-observance or non-performance occurred prior to the Owner or any successor in title, as the case may be, ceasing to be the registered or beneficial owner the Lands.

**7.22 City Approval and Exercise of Discretion**

Any City approval or consent to be given pursuant to or in connection with this Agreement is not effective or valid unless provided by the City in writing. Any City approval or consent to be granted by the City in this Agreement may, unless stated expressly otherwise, be granted or withheld in the absolute discretion of the City.

**7.23 No Compensation**

The Owner acknowledges and agrees that no compensation is payable, and the Owner is not entitled to and will not claim any compensation from the City, for any decrease in the market value of the Lands, or any subdivided portion thereof, and for any obligations on the part of the Owner and its successors in title which at any time may result directly or indirectly from the operation of this Agreement.

**7.24 Runs with the Lands**

The interest in lands including all covenants, rights of way and easements as the case may be, contained in this Agreement will, unless discharged in accordance with this Agreement, run with and bind the Lands in perpetuity.

**7.25 Time of Essence**

Time, where mentioned herein, will be of the essence of this Agreement.

**7.26 Assignment of Rights**

The City, upon prior written notice to the Owner, may assign or license all or any part of this Agreement or any or all of the City's rights under this Agreement to any governmental agency or to any corporation or entity charged with the responsibility for providing or administering the Housing Strategy or other related public facilities, services or utilities. The Owner may not assign all or any part of this Agreement without the City's prior written consent.

**7.27 Counterparts**

This Agreement may be signed by the parties hereto in counterparts and by facsimile or pdf email transmission, each such counterpart, facsimile or pdf email transmission copy shall constitute an original document and such counterparts, taken together, shall constitute one and the same instrument and may be compiled for registration, if registration is required, as a single document.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

0754999 B.C. Ltd.  
by its authorized signatory(ies):

Per:   
Name: MATT MEENAN

Per: \_\_\_\_\_  
Name: \_\_\_\_\_

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor
DATE OF COUNCIL APPROVAL

**CITY OF RICHMOND**  
by its authorized signatory(ies):

Per: \_\_\_\_\_  
Malcolm D. Brodie, Mayor

Per: \_\_\_\_\_  
David Weber, Corporate Officer

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Rezoning Condition No. 10.2

Appendix A to Housing Agreement

STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE CITY OF
PROVINCE OF BRITISH COLUMBIA	)	RICHMOND
	)	("Housing Agreement")

TO WIT:

I, \_\_\_\_\_ of \_\_\_\_\_, British Columbia, do solemnly declare that:

1. I am the owner or authorized signatory of the owner of \_\_\_\_\_ (the "Housing Unit"), and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the Housing Unit.
3. For the period from \_\_\_\_\_ to \_\_\_\_\_ the Housing Unit was occupied only by the Eligible Tenants (as defined in the Housing Agreement) whose names and current addresses and whose employer's names and current addresses appear below:  
  
*[Names, addresses and phone numbers of Eligible Tenants and their employer(s)]*
4. The rent charged each month for the Housing Unit is as follows:
  - (a) the monthly rent on the date 365 days before this date of this statutory declaration: \$\_\_\_\_\_ per month;
  - (b) the rent on the date of this statutory declaration: \$\_\_\_\_\_; and
  - (c) the proposed or actual rent that will be payable on the date that is 90 days after the date of this statutory declaration: \$\_\_\_\_\_.
5. I acknowledge and agree to comply with the Owner's obligations under the Housing Agreement, and other charges in favour of the City noted or registered in the Land Title Office against the land on which the Housing Unit is situated and confirm that the Owner has complied with the Owner's obligations under the Housing Agreement.



6. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at the City of \_\_\_\_\_,  
\_\_\_\_\_, in the Province of British  
Columbia, this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
A Commissioner for Taking Affidavits in the  
Province of British Columbia

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\_\_\_\_\_

DECLARANT

**SCHEDULE "A"**

**LANDS**

1. PID: 004-206-533, Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021;
2. PID: 003-843-718, North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
3. PID: 001-203-886, South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577), Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
4. PID: 005-145-627, Lot 49 Section 28 Block 5 North Range 6 West New Westminster District Plan 33481;
5. PID: 003-604-357, Lot 50 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 33481;
6. PID: 010-900-942, Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
7. PID: 001-976-290, Easterly Half Lot 29, Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
8. PID: 004-124-138, Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
9. PID: 003-640-540, West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404;
10. PID: 004-092-261, East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
11. PID: 000-586-188, Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
12. PID: 004-502-779, Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404; and
13. PID: 010-900-926, West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404.

## PRIORITY AGREEMENT

In respect to a Housing Agreement (the "Housing Agreement") made pursuant to section 905 of the *Local Government Act* between the City of Richmond and 0754999 B.C. Ltd. (the "Owner") in respect to the lands and premises legally known and described as:

PID: 004-206-533, Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021;

PID: 003-843-718, North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 001-203-886, South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577), Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 005-145-627, Lot 49 Section 28 Block 5 North Range 6 West New Westminster District Plan 33481;

PID: 003-604-357, Lot 50 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 33481;

PID: 010-900-942, Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 001-976-290, Easterly Half Lot 29, Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-124-138, Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 003-640-540, West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-092-261, East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 000-586-188, Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-502-779, Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404; and

PID: 010-900-926, West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404.

(collectively, the "Lands")

HSBC Bank Canada (the "Chargeholder") is the holder of a Mortgage and Assignment of Rents encumbering the Lands which Mortgage and Assignment of Rents were registered in the Lower Mainland Land Title Office under numbers CA777641 and CA777642, respectively (together, the "Bank Charges").

The Chargeholder, being the holder of the Bank Charges in consideration of the payment of Ten Dollars (\$10.00) and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Chargeholder) hereby consents to the granting of the covenants in this Housing Agreement by the Owner and hereby covenants that this Housing Agreement shall bind the Bank Charges in the Lands and shall rank in priority upon the Lands over the Bank Charges as if the Housing Agreement had been registered prior to the Bank Charges and prior to the advance of any monies pursuant to the Bank Charges. The grant of priority is irrevocable, unqualified and without reservation or limitation.

HSBC Bank Canada  
by its authorized signatory(ies):

RICHARD NAILEN  
ASSISTANT VICE PRESIDENT  
COMMERCIAL REAL ESTATE

Per: \_\_\_\_\_

Name: \_\_\_\_\_

Per: \_\_\_\_\_

Name: \_\_\_\_\_

JESSICA BRUMMELL  
Account Manager  
Commercial Real Estate



**Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and  
8960 Patterson Road and 3240, 3260, 3280, 3320 and  
3340 Sexsmith Road) ARTS Units Bylaw No. 8985**

The Council of the City of Richmond enacts as follows:

1. The Mayor and City Clerk for the City of Richmond are authorized to execute and deliver a housing agreement, substantially in the form set out as Schedule A to this Bylaw, with the owner of the lands legally described as:

PID: 010-900-942	Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 001-976-290	Easterly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-124-138	Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 003-640-540	West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-092-261	East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 000-586-188	Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-502-779	Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 010-900-926	West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404
PID: 004-206-533	Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021
PID: 003-843-718	North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404

PID: 001-203-886      South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577)  
 Section 28 Block 5 North Range 6 West New Westminster  
 District Plan 3404

PID: 005-145-627      Lot 49 Section 28 Block 5 North Range 6 West New  
 Westminster District Plan 33481

PID: 003-604-357      Lot 50 Sections 27 and 28 Block 5 North Range 6 West New  
 Westminster District Plan 33481

2. This Bylaw is cited as "Housing Agreement (8800, 8820, 8840, 8880, 8900, 8920, 8940 and 8960 Patterson Road and 3240, 3260, 3280, 3320 and 3340 Sexsmith Road) ARTS Units Bylaw No. 8985".

FIRST READING

JAN 14 2013

SECOND READING

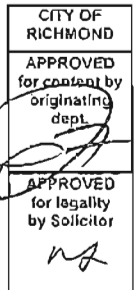
JAN 14 2013

THIRD READING

JAN 14 2013

LEGAL REQUIREMENTS SATISFIED

ADOPTED



\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CORPORATE OFFICER

Schedule A

To Housing Agreement (0754999 B.C. Ltd.) Bylaw No. 8985

HOUSING AGREEMENT BETWEEN 0754999 B.C. Ltd.- CONCORD PACIFIC  
DEVELOPMENTS INC. AND THE CITY OF RICHMOND



**HOUSING AGREEMENT – ARTS UNITS**  
**(Section 905 *Local Government Act*)**

THIS AGREEMENT is dated for reference \_\_\_\_\_, 2012.

**BETWEEN:**

**0754999 B.C. Ltd. (Inc. No. 0939550)**, a corporation pursuant to the *Business Corporations Act* and having an address at 900-1095 West Pender Street, Vancouver, British Columbia, V6E 2M6

(the "Owner")

**AND:**

**CITY OF RICHMOND**, a municipal corporation pursuant to the *Local Government Act* and having its offices at 6911 No. 3 Road, Richmond, British Columbia, V6Y 2C1

(the "City")

**WHEREAS:**

- A. Section 905 of the *Local Government Act* permits the City to enter into and, by legal notation on title, note on title to lands, housing agreements which may include, without limitation, conditions in respect to the form of tenure of housing units, availability of housing units to classes of persons, administration of housing units and rent which may be charged for housing units;
- B. The Owner is the owner of the Lands (as hereinafter defined);
- C. The Owner and the City wish to enter into this Agreement (as hereinafter defined) to provide for affordable artist housing to encourage artists in the community to greater self-sufficiency and increased contributions to local cultural and economic activities, on the terms and conditions set out in this Agreement; and
- D. The Owner and the City wish to locate the affordable artist housing on that portion of the Lands comprising Area A (as hereinafter defined).

**NOW THEREFORE** in consideration of the matters referred to in the foregoing recitals, the covenants and agreements herein contained and the sum of Ten Dollars (\$10.00) now paid by the City to the Owner and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the parties), the parties hereto hereby covenant and agree as follows:

**ARTICLE 1  
DEFINITIONS AND INTERPRETATION**

1.1 In this Agreement the following words have the following meanings:

- (a) "Agreement" or "this Agreement" means this agreement and includes all recitals and schedules to this agreement and all instruments comprising this agreement;
- (b) "Area A" means that portion of the Lands identified as Area A on the sketch plan attached hereto as Schedule "A";
- (c) "ARTS Unit" means a Dwelling Unit or Dwelling Units owned by the Owner and designated as an artist residential tenancy studio in accordance with a building permit and/or development permit issued by the City and/or, if applicable, in accordance with any rezoning considerations applicable to the development on the Lands and includes, without limiting the generality of the foregoing, the Dwelling Unit charged by this Agreement;
- (d) "Business Day" means a day which is not a Saturday, Sunday or statutory holiday (as defined in the *Employment Standards Act* (British Columbia)) in British Columbia;
- (e) "City" or "City of Richmond" means the City of Richmond and is called the "City" when referring to the corporate entity and "City of Richmond" when referring to the geographic location;
- (f) "City Personnel" means the City's officials, officers, employees, agents, contractors, licensees, permittees, nominees and delegates;
- (g) "City Solicitor" means the individual appointed from time to time to be the City Solicitor of the Law Division of the City, or his or her designate;
- (h) "CPI" means the All-Items Consumer Price Index for Vancouver, B.C. published from time to time by Statistics Canada, or its successor in function;
- (i) "Daily Amount" means \$100.00 per day as of January 1, 2009 adjusted annually thereafter by adding thereto an amount calculated by multiplying \$100.00 by the percentage change in the CPI since January 1, 2009, to January 1 of the year that a written notice is delivered to the Owner by the City pursuant to section 6.1 of this Agreement. In the absence of obvious error or mistake, any calculation by the City of the Daily Amount in any particular year shall be final and conclusive;

- (j) **"Director of Arts, Culture and Heritage"** means the individual appointed to be the Director of Arts, Culture and Heritage from time to time within the Community Services Department of the City and his or her designate;
- (k) **"Director of Development"** means the individual appointed to be the chief administrator from time to time of the Development Applications Division of the City and his or her designate;
- (l) **"Dwelling Unit"** means a residential dwelling unit or units located or to be located on the Lands whether those dwelling units are lots, strata lots or parcels, or parts or portions thereof, and includes single family detached dwellings, duplexes, townhouses, auxiliary residential dwelling units, rental apartments and strata lots in a building strata plan and includes, where the context permits, an ARTS Unit;
- (m) **"Eligible Tenant"** means a Professional Artist and his or her Family, having a cumulative annual income of \$33,500 or less during each year of a Tenancy Agreement, provided that, commencing July 1, 2013, the annual income set-out in this definition shall, in each year thereafter, be adjusted, plus or minus, by adding or subtracting therefrom, as the case may be, an amount calculated that is equal to the Core Need Income Threshold data and/or other applicable data produced by Canada Mortgage Housing Corporation in the years when such data is released. In the absence of obvious error or mistake, any calculation by the City of an Eligible Tenant's permitted income in any particular year shall be final and conclusive;
- (n) **"Family"** means:
  - (i) one or more persons related to a Professional Artist by blood, marriage or adoption; or
  - (ii) a group of not more than 6 persons who are not related to a Professional Artist by blood, marriage or adoption;
- (o) **"Guidelines"** means the City's guidelines for Low End Market Rental housing in effect from time to time;
- (p) **"Housing Covenant"** means the agreements, covenants and charges granted by the Owner to the City (which includes covenants pursuant to section 219 of the *Land Title Act*) charging the Lands registered on \_\_\_\_ day of \_\_\_\_\_, 2013, under number \_\_\_\_\_;
- (q) **"Housing Strategy"** means the Richmond Affordable Housing Strategy approved by the City on May 28, 2007, and containing a number of recommendations, policies, directions, priorities, definitions and annual targets for affordable housing, as may be amended or replaced from time to time;
- (r) **"Interpretation Act"** means the *Interpretation Act*, R.S.B.C. 1996, Chapter 238, together with all amendments thereto and replacements thereof;

- (s) "*Land Title Act*" means the *Land Title Act*, RSBC 1996, c. 250, and amendments thereto and re-enactments thereof;
- (t) "*Lands*" means, collectively, those lands and premises described in Schedule "B" hereto;
- (u) "*Local Government Act*" means the *Local Government Act*, R.S.B.C. 1996, Chapter 323, together with all amendments thereto and replacements thereof;
- (v) "*LTO*" means the Lower Mainland Land Title Office or its successor;
- (w) "*Manager, Community Social Development*" means the individual appointed to be the Manager, Community Social Development from time to time of the Community Services Department of the City and his or her designate;
- (x) "*Owner*" means the party described on page 1 of this Agreement as the Owner and any subsequent owner of the Lands or of any part into which the Lands are Subdivided, and includes any person who is a registered owner in fee simple of an ARTS Unit from time to time;
- (y) "*Permitted Rent*" means no greater than \$837.00 a month for an ARTS Unit, regardless of whether such ARTS Unit is a bachelor unit, a one bedroom unit, a one bedroom plus den, or a two bedroom unit, provided that, commencing July 1, 2013, the rent set out in this definition shall, in each year thereafter, be adjusted, plus or minus, by adding or subtracting therefrom, as the case may be, an amount calculated that is equal to the Core Need Income Threshold data and/or other applicable data produced by Canada Mortgage Housing Corporation in the years when such data is released. In the event that, in applying the values set-out above, the rental increase is at any time greater than the rental increase permitted by the *Residential Tenancy Act*, then the increase will be reduced to the maximum amount permitted by the *Residential Tenancy Act*. In the absence of obvious error or mistake, any calculation by the City of the Permitted Rent in any particular year shall be final and conclusive;
- (z) "*Professional Artist*" means an artist who, in the determination of the Director of Arts, Culture and Heritage, at his or her discretion:
  - (i) has specialized training in, and makes their primary living from, one or more of the fields of integrated arts, contemporary circus arts, dance, film, video, new media and audio arts, music, theatre, architecture, crafts, photography and the visual arts, and creative writers (not necessarily in academic institutions);
  - (ii) is recognized as such by his or her peers (artists working in the same artistic tradition);
  - (iii) is committed to devoting more time to artistic activity, if financially feasible; and,

- (iv) has a history of public presentation; and
- (v) has a practice that falls within Category A Professional Artist, as specified in the Housing Covenant,

or such other definition of Professional Artist as promulgated from time to time by the Canada Council for the Arts and approved by the Director of Arts, Culture and Heritage, and includes a Professional Visual Artist;

(aa) **"Professional Visual Artist"** means an artist who, in the determination of the Director of Arts, Culture and Heritage, at his or her discretion:

- (i) has specialized training in, and makes their primary living from the visual arts (not necessarily in academic institutions);
- (ii) is recognized as such by his or her peers (artists working in the same artistic tradition);
- (iii) is committed to devoting more time to artistic activity, if financially feasible;
- (iv) has a history of public presentation, with at least 3 public presentations of work in a professional context over a 3-year period;
- (v) has produced an independent body of work;
- (vi) has maintained an independent professional practice for at least 3 years; and
- (vii) has a practice that falls within Category A Professional Artist, as specified in the Housing Covenant,

or such other definition of Professional Visual Artist as promulgated from time to time by the Canada Council for the Arts and approved by the Director of Arts, Culture and Heritage;

- (bb) **"Real Estate Development Marketing Act"** means the *Real Estate Development Marketing Act*, S.B.C. 2004, Chapter 41, together with all amendments thereto and replacements thereof;
- (cc) **"Residential Tenancy Act"** means the *Residential Tenancy Act*, S.B.C. 2002, Chapter 78, together with all amendments thereto and replacements thereof;
- (dd) **"Strata Corporation"** has the meaning given in the *Strata Property Act*;
- (ee) **"Strata Property Act"** means the *Strata Property Act* S.B.C. 1998, Chapter 43, together with all amendments thereto and replacements thereof;
- (ff) **"Subdivide"** means to divide, apportion, consolidate or subdivide the Lands, or the ownership or right to possession or occupation of the Lands into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of "cooperative interests" or "shared interest in land" as defined in the *Real Estate Development Marketing Act*;

- (gg) **"Tenancy Agreement"** means a tenancy agreement, lease, license or other agreement granting rights to occupy an ARTS Unit;
- (hh) **"Tenant"** means an occupant of an ARTS Unit by way of a Tenancy Agreement; and
- (ii) **"Zoning Bylaw"** means the City of Richmond Zoning Bylaw No. 8500, as may be amended or replaced from time to time.

1.2 In this Agreement:

- (a) words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations, and vice versa;
- (b) the division of this Agreement into Articles and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement. The terms "this Agreement", "hereof", "hereunder" and similar expressions refer to this Agreement and not to any particular Article or other portion hereof and include any agreement or instrument supplemental or ancillary hereto. Unless something in the subject matter or context is inconsistent therewith, references herein to Articles are to Articles of this Agreement;
- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) the provisions of section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) all provisions are to be interpreted as always speaking;
- (h) reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a "party" also includes an Eligible Tenant, agent, officer and invitee of the party;
- (i) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;

- (j) the word "including", when following any general statement, term or matter, will not be construed to limit such general statement, term or matter to the specific items or matters set forth immediately following such word or to similar items or matters, but will be construed to refer to all other items or matters that could reasonably fall within the scope of such general statement, term or matter, whether or not non-limiting language (such as "without limitation", "but not limited to" or words of similar import) is used with reference thereto;
- (k) Schedules "A" and "B" attached hereto form part of this Agreement; and
- (l) any interest in land created hereby, as being found in certain Articles, sections, paragraphs or parts of this Agreement, will be construed, interpreted and given force in the context of those portions of this Agreement:
  - (i) which define the terms used herein;
  - (ii) which deal with the interpretation of this Agreement; and
  - (iii) which are otherwise of general application

## ARTICLE 2 USE AND OCCUPANCY OF ARTS UNITS

- 2.1 The Owner agrees that each ARTS Unit may only be used as a permanent residence occupied by one Eligible Tenant. An ARTS Unit must not be occupied by the Owner, the Owner's family members (unless the Owner's family members qualify as Eligible Tenants), or any tenant or guest of the Owner, other than an Eligible Tenant. For the purposes of this Article, "permanent residence" means that the ARTS Unit is used as the usual, main, regular, habitual, principal residence, abode or home of the Eligible Tenant.
- 2.2 Within 30 days after receiving notice from the City, the Owner must, in respect of each ARTS Unit, provide to the City a statutory declaration, substantially in the form (with, in the City Solicitor's discretion, such further amendments or additions as deemed necessary) attached as Appendix A, sworn by the Owner, containing all of the information required to complete the statutory declaration, including without limitation information satisfactory to the Director of Arts, Culture and Heritage verifying the Tenant's income level and confirming that the Tenant meets the criteria for an Eligible Tenant, as set out in section 1.1(m) of this Agreement, and for a Professional Artist or Professional Visual Artist, as set out in sections 1.1(z) and 1.1(aa), respectively, of this Agreement. The City may request such statutory declaration in respect of each ARTS Unit no more than once in any calendar year; provided, however, notwithstanding that the Owner may have already provided such statutory declaration in the particular calendar year, the City may request and the Owner shall provide to the City such further statutory declarations as requested by the City in respect to an ARTS Unit if, in the City's absolute determination, the City believes that the Owner is in breach of any of its obligations under this Agreement.
- 2.3 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

V.6

Document #4 - Housing Agreement (Arts Units)  
Section 905 Local Government Act  
Concord Gateway  
Application No. RZ06-349722  
Rezoning Condition No. 9

337687 v3



**ARTICLE 3  
MANAGEMENT, DISPOSITION AND ACQUISITION OF ARTS UNITS**

- 3.1 The Owner will operate and manage each ARTS Unit in accordance with the Housing Strategy and Guidelines, unless otherwise agreed to by the Owner, the Director of Development and the Manager, Community Social Development.
- 3.2 The Owner may sub-contract the operation and management of the ARTS Units to a qualified and reputable provider of affordable housing, provided that any such sub-contract and affordable housing provider is pre-approved by the Manager, Community Social Development and the Director of Arts, Culture and Heritage or other authorized City Personnel, in their sole discretion.
- 3.3 The Owner will, or will include a clause in each Tenancy Agreement requiring the Tenant to, repair and maintain the ARTS Units in good order and condition, excepting reasonable wear and tear.
- 3.4 The Owner will not permit an ARTS Unit to be subleased, or a Tenancy Agreement to be assigned.
- 3.5 If this Housing Agreement encumbers more than one ARTS Unit, then the Owner may not, without the prior written consent of the City Solicitor, sell or transfer less than five (5) ARTS Units in a single or related series of transactions with the result that when the purchaser or transferee of the ARTS Units becomes the owner, the purchaser or transferee will be the legal and beneficial owner of not less than five (5) ARTS Units.
- 3.6 The Owner must not rent, lease, license or otherwise permit occupancy of any ARTS Unit except to an Eligible Tenant in accordance with the following additional conditions:
- (a) the ARTS Unit will be used or occupied only pursuant to a Tenancy Agreement;
  - (b) the monthly rent payable for the ARTS Unit will not exceed the Permitted Rent;
  - (c) the Owner will allow the Tenant and any permitted occupant to have full access to and use and enjoy all on-site common indoor and outdoor common property, limited common property, or other common areas, facilities or amenities, including all common amenities and facilities shared by the Lands, all in accordance with the Bylaws and rules and regulations of the applicable strata corporation, provided that such Bylaws and rules and regulations do not unreasonably restrict the Tenant or any permitted occupant's access to and use of such properties, areas, facilities and amenities;
  - (d) the Owner will not require the Tenant or any permitted occupant to pay any strata fees, strata property contingency reserve fees or any extra charges or fees for use of any common property, limited common property, or other common areas, facilities or amenities, or for sanitary sewer, storm sewer, water, other utilities, property or similar tax; provided, however, if the ARTS Unit is a strata unit and the following costs are not part of strata or similar fees, an Owner may charge

the Tenant the Owner's cost, if any, of providing cablevision, telephone, other telecommunications, gas, or electricity fees, charges or rates;

- (e) the Owner will attach a copy of this Agreement to every Tenancy Agreement;
- (f) the Owner will include in the Tenancy Agreement a clause requiring the Tenant and each permitted occupant of the ARTS Unit to comply with this Agreement;
- (g) the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if:
  - (i) an ARTS Unit is occupied by a person or persons other than an Eligible Tenant, except as otherwise authorized by this Agreement;
  - (ii) the annual income of an Eligible Tenant rises above the applicable maximum amount specified in section 1.1(m) of this Agreement;
  - (iii) the ARTS Unit is occupied by more than the number of people the City's building inspector determines can reside in the ARTS Unit given the number and size of bedrooms in the ARTS Unit and in light of any relevant standards set by the City in any bylaws of the City;
  - (iv) the ARTS Unit remains vacant for three consecutive months or longer, notwithstanding the timely payment of rent; and/or
  - (v) the Tenant subleases the ARTS Unit or assigns the Tenancy Agreement in whole or in part,

and in the case of each breach, the Owner hereby agrees with the City to forthwith provide to the Tenant a notice of termination. Except for section 3.6(g)(ii) of this Agreement [*Termination of Tenancy Agreement if Annual Income of Tenant rises above amount prescribed in section 1.1(m) of this Agreement*], the notice of termination shall provide that the termination of the tenancy shall be effective (1) not earlier than one month after the date the notice is received, and (2) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the Tenancy Agreement, or as otherwise stipulated in the *Residential Tenancy Act*. In respect to section 3.6(g)(ii) of this Agreement, termination shall be effective (1) on the day that is six (6) months following the date that the Owner provided the notice of termination to the Tenant and (2) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the Tenancy Agreement, or as otherwise stipulated in the *Residential Tenancy Act*. The Owner acknowledges and agrees that no compensation is payable, and the Owner is not entitled to and will not claim any compensation from the City, for any payments that the Owner may be required to pay to the Tenant under the *Residential Tenancy Act*, whether or not such payments relate directly or indirectly to the operation of this Agreement;

- (h) the Tenancy Agreement will identify all occupants of the ARTS Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing at the ARTS Unit for more than 30 consecutive days or more than 45 days total in any calendar year; and
  - (i) the Owner will forthwith deliver a certified true copy of the Tenancy Agreement to the City upon demand.
- 3.7 If the Owner has terminated the Tenancy Agreement, then the Owner shall use commercially reasonable efforts to cause the Tenant and all other persons that may be in occupation of the ARTS Unit to vacate the ARTS Unit on or before the effective date of termination.

#### **ARTICLE 4 DEMOLITION OF ARTS UNIT**

- 4.1 The Owner will not demolish an ARTS Unit unless:
- (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or practical to repair or replace any structural component of the ARTS Unit, and the Owner has delivered to the City a copy of the engineer's or architect's report; or
  - (b) the ARTS Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the City in its sole discretion,

and, in each case, a demolition permit for the ARTS Unit has been issued by the City and the ARTS Unit has been demolished under that permit.

Following demolition, the Owner will use and occupy any replacement Dwelling Unit in compliance with this Agreement and the Housing Covenant both of which will apply to any replacement Dwelling Unit to the same extent and in the same manner as those agreements apply to the original Dwelling Unit, and the Dwelling Unit must be approved by the City as an ARTS Unit in accordance with this Agreement.

#### **ARTICLE 5 STRATA CORPORATION BYLAWS**

- 5.1 This Agreement will be binding upon all strata corporations created upon the strata title Subdivision of the Lands or any Subdivided parcel of the Lands.
- 5.2 Any strata corporation bylaw which prevents, restricts or abridges the right to use the ARTS Units as rental accommodation will have no force and effect.
- 5.3 No strata corporation shall pass any bylaws preventing, restricting or abridging the use of the ARTS Units as rental accommodation.

V.6

337687 v3

Document #4 - Housing Agreement (Arts Units)  
Section 905 *Local Government Act*  
Concord Gateway  
Application No. RZ06-349722  
Rezoning Condition No. 9

- 5.4 No strata corporation shall pass any bylaw or approve any levies which would result in only the Owner or the Tenant or any other permitted occupant of an ARTS Unit (and not the other owners, tenants, or any other permitted occupants of all other strata lots on the Lands that are not ARTS Units) paying any extra charges or fees for the use of any common property, limited common property or other common areas, facilities, or amenities of the strata corporation, whether or not such common property, limited common property or other common areas, facilities or amenities are located in Area A or elsewhere on the Lands.
- 5.5 The strata corporation shall not pass any bylaw or make any rule which would restrict the Owner or the Tenant or any other permitted occupant of an ARTS Unit from using and enjoying any common property, limited common property or other common areas, facilities or amenities of the strata corporation except on the same basis that governs the use and enjoyment of any common property, limited common property or other common areas, facilities or amenities of the strata corporation by all the owners, tenants, or any other permitted occupants of all the strata lots on the Lands which are not ARTS Units, whether or not such common property, limited common property or other common areas, facilities or amenities are located in Area A or elsewhere on the Lands.

#### ARTICLE 6 DEFAULT AND REMEDIES

- 6.1 The Owner agrees that, in addition to any other remedies available to the City under this Agreement or the Housing Covenant or at law or in equity, if an ARTS Unit is used or occupied in breach of this Agreement or rented at a rate in excess of the Permitted Rent or the Owner is otherwise in breach of any of its obligations under this Agreement or the Housing Covenant, the Owner will pay the Daily Amount to the City for every day that the breach continues after ten (10) days written notice from the City to the Owner stating the particulars of the breach. For greater certainty, the City is not entitled to give written notice with respect to any breach of the Agreement until any applicable cure period, if any, has expired. The Daily Amount is due and payable five (5) Business Days following receipt by the Owner of an invoice from the City for the same, and such invoice will be given and deemed received in accordance with section 7.10 [Notice] of this Agreement.
- 6.2 The Owner acknowledges and agrees that a default by the Owner of any of its promises, covenants, representations or warranties set-out in the Housing Covenant shall also constitute a default under this Agreement.

#### ARTICLE 7 MISCELLANEOUS

##### 7.1 Housing Agreement

The Owner acknowledges and agrees that:

- (a) this Agreement includes a housing agreement entered into under section 905 of the *Local Government Act*;

- (b) where an ARTS Unit is a separate legal parcel the City may file notice of this Agreement in the LTO against the title to the ARTS Unit and, in the case of a strata corporation, may note this Agreement on the common property sheet; and
- (c) where the Lands have not yet been Subdivided to create the separate parcels to be charged by this Agreement, the City may file a notice of this Agreement in the LTO against the title to the Lands. If this Agreement is filed in the LTO as a notice under section 905 of the *Local Government Act* prior to the Lands having been Subdivided, and it is the intention that this Agreement is, once separate legal parcels are created and/or the Lands are subdivided, to charge and secure only the legal parcels or Subdivided Lands which contain the ARTS Units, then the City Solicitor shall be entitled, without further City Council approval, authorization or bylaw, to partially discharge this Agreement accordingly. The Owner acknowledges and agrees that notwithstanding a partial discharge of this Agreement, this Agreement shall be and remain in full force and effect in perpetuity and, but for the partial discharge, otherwise unamended. Further, the Owner acknowledges and agrees that in the event that the ARTS Unit is in a strata corporation, this Agreement shall remain noted on the strata corporation's common property sheet in perpetuity.

#### 7.2 Modification

Subject to section 7.1 of this Agreement, this Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

#### 7.3 Management

The Owner covenants and agrees that it will furnish good and efficient management of the ARTS Units and will permit representatives of the City to inspect the ARTS Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the ARTS Units in a good state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the ARTS Units, such person or company to be selected by the Owner based on criteria suggested by the City.

#### 7.4 Indemnity

The Owner hereby releases and indemnifies and saves harmless the City and the City Personnel from all loss, damage, costs (including without limitation, legal costs), expenses, actions, suits, debts, accounts, claims and demands, including without limitation, any and all claims of third parties, which the City or the City Personnel may suffer, incur or be put to arising out of or in connection, directly or indirectly or that would not or could not have occurred "but for":

- (a) this Agreement;

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Document #4 - Housing Agreement (Arts Units)  
Section 905 *Local Government Act*  
Concord Gateway  
Application No. RZ08-349722  
Rezoning Condition No. 8

- (b) any breach by the Owner of any covenant or agreement contained in this Agreement;
- (c) the construction, maintenance, repair, ownership, lease, license, operation, management or financing of the Lands or any ARTS Unit or the enforcement of any Tenancy Agreement;
- (d) any personal injury, death or damage occurring in or on the Lands, including an ARTS Unit;
- (e) the exercise of discretion by any City Personnel for any matter relating to this Agreement;
- (f) the City withholding any permission or permit to occupy any building on the Lands or any ARTS Unit; or
- (g) the exercise by the City of any of its rights under this Agreement or an enactment.

**7.5 Survival**

The obligations of the Owner set out in this Agreement will survive termination or discharge of this Agreement.

**7.6 Priority**

The Owner agrees, if required by the City Solicitor, to cause the registrable interests in land granted pursuant to this Agreement to be registered as first registered charges against the Lands, at the Owner's expense, save only for any reservations, liens, charges or encumbrances:

- (a) contained in any grant from Her Majesty the Queen in Right of the Province of British Columbia respecting the Lands;
- (b) registered in favour of the City; or
- (c) which the City has determined may rank in priority to the registrable interests in land granted pursuant to this Agreement,

and that a notice under section 905(5) of the *Local Government Act* will be filed on the title to the Lands.

**7.7 No Fettering and No Derogation**

Nothing contained or implied in this Agreement shall fetter in any way the discretion of the City or the Council of the City. Further, nothing contained or implied in this Agreement shall derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Community Charter* or the

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Document #4 - Housing Agreement (Arts Units)  
Section 905 *Local Government Act*  
Concord Gateway  
Application No. RZ06-349722  
Rezoning Condition No. 9

*Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the City's discretion, and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands and the Owner as if this Agreement had not been executed and delivered by the Owner and the City.

**7.8 Agreement for Benefit of City Only**

The Owner and the City agree that:

- (a) this Agreement is entered into only for the benefit of the City;
- (b) this Agreement is not intended to protect the interests of the Owner, any Tenant, or any future owner, lessee, occupier or user of the Lands or the building or any portion thereof, including any ARTS Unit; and
- (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.

**7.9 No Public Law Duty**

Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.

**7.10 Notice**

Any notice or communication required or permitted to be given pursuant to this Agreement will be in writing and delivered by hand or sent by prepaid mail or facsimile to the party to which it is to be given as follows:

- (a) to the City:

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

Attention: City Clerk  
Fax: 604 276-5139

with a copy to the Director of Development, the Manager, Community Social Development and the City Solicitor

- (b) to the Owner, to the address as set out on the title for the Lands,



or to such other address or fax number as any party may in writing advise. Any notice or communication will be deemed to have been given when delivered if delivered by hand, two Business Days following mailing if sent by prepaid mail, and on the following Business Day after transmission if sent by facsimile.

**7.11 Enurement**

This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective successors, administrators and assigns.

**7.12 Severability**

If any Article, section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a Court of competent jurisdiction, the remainder of this Agreement will continue in full force and effect and, in such case, the parties hereto will agree upon an amendment to be made to the Article, section, subsection, sentence, clause or phrase previously found to be invalid and will do or cause to be done all acts reasonably necessary in order to amend this Agreement so as to reflect its original spirit and intent.

**7.13 No Waiver and Remedies**

The Owner and the City acknowledge and agree that no failure on the part of either party hereto to exercise and no delay in exercising any right under this Agreement will operate as a waiver thereof nor will any single or partial exercise by either party of any right under this Agreement preclude any other or future exercise thereof or the exercise of any other right. The remedies provided in this Agreement will be cumulative and not exclusive of any other remedies provided by law and all remedies stipulated for either party in this Agreement will be deemed to be in addition to and not, except as expressly stated in this Agreement, restrictive of the remedies of either party hereto at law or in equity.

**7.14 Sole Agreement**

This Agreement, and any documents signed by the Owners contemplated by this Agreement (including, without limitation, the Housing Covenant), represent the whole agreement between the City and the Owner respecting the use and occupation of the ARTS Units, and there are no warranties, representations, conditions or collateral agreements made by the City except as set forth in this Agreement. In the event of any conflict between this Agreement and the Housing Covenant, this Agreement shall, to the extent necessary to resolve such conflict, prevail.

**7.15 Further Acts**

The parties to this Agreement will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

**7.16 Equitable Relief**

The Owner covenants and agrees that in addition to any remedies which are available under this Agreement or at law, the City will be entitled to all equitable remedies, including, without limitation, specific performance, Injunction and declaratory relief, or any combination thereof, to enforce its rights under this Agreement. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement. The Owner acknowledges and agrees that no failure or delay on the part of the City to exercise any right under this Agreement will operate as a waiver by the City of such right.

**7.17 No Joint Venture**

Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

**7.18 Governing Law**

This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable therein.

**7.19 Deed and Contract**

By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

**7.20 Joint and Several**

If the Owner is comprised of more than one person, firm or body corporate, then the covenants, agreements and obligations of the Owner shall be joint and several.

**7.21 No Liability**

The parties agree that neither the Owner, nor any successor in title to the Lands, or portions thereof, will be liable for breaches of or non-observance or non-performance of covenants contained in this Agreement occurring after the date that the Owner or its successor in title, as the case may be, ceases to be the registered or beneficial owner of the Lands; provided, however, the Owner or its successors in title, as the case may be, shall remain liable after ceasing to be the registered or beneficial owner of the Lands for all breaches of and non-observance and non-performance of covenants in this Agreement if the breach, non-observance or non-performance occurred prior to the Owner or any successor in title, as the case may be, ceasing to be the registered or beneficial owner of the Lands.

**7.22 City Approval and Exercise of Discretion**

Any City approval or consent to be given pursuant to or in connection with this Agreement is not effective or valid unless provided by the City in writing. Any City

approval or consent to be granted by the City in this Agreement may, unless stated expressly otherwise, be granted or withheld in the absolute discretion of the City.

**7.23 No Compensation**

The Owner acknowledges and agrees that no compensation is payable, and the Owner is not entitled to and will not claim any compensation from the City, for any decrease in the market value of the Lands, or Area A as applicable, and for any obligations on the part of the Owner and its successors in title which at any time may result directly or indirectly from the operation of this Agreement.

**7.24 Runs with the Lands**

The interest in lands including all covenants, rights of way and easements as the case may be, contained in this Agreement will, unless discharged in accordance with this Agreement, run with and bind the Lands in perpetuity.

**7.25 Time of Essence**

Time, where mentioned herein, will be of the essence of this Agreement.

**7.26 Assignment of Rights**

The City, upon prior written notice to the Owner, may assign or license all or any part of this Agreement or any or all of the City's rights under this Agreement to any governmental agency or to any corporation or entity charged with the responsibility for providing or administering the Housing Strategy or other related public facilities, services or utilities. The Owner may not assign all or any part of this Agreement without the City's prior written consent.

**7.27 Counterparts**

This Agreement may be signed by the parties hereto in counterparts and by facsimile or pdf email transmission, each such counterpart, facsimile or pdf email transmission copy shall constitute an original document and such counterparts, taken together, shall constitute one and the same instrument and may be compiled for registration, if registration is required, as a single document.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

0754999 B.C. Ltd.

by its authorized signatory(ies):

Per:   
Name: MATT MEENAN

Per: \_\_\_\_\_  
Name: \_\_\_\_\_

CITY OF RICHMOND

by its authorized signatory(ies):

Per: \_\_\_\_\_  
Malcolm D. Brodle, Mayor

Per: \_\_\_\_\_  
David Weber, Corporate Officer

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor
DATE OF COUNCIL APPROVAL

Appendix A to Housing Agreement

STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE CITY OF
PROVINCE OF BRITISH COLUMBIA	)	RICHMOND
	)	("Housing Agreement")

TO WIT:

I, \_\_\_\_\_ of \_\_\_\_\_, British Columbia, do solemnly declare that:

1. I am the owner or authorized signatory of the owner of \_\_\_\_\_ (the "ARTS Unit"), and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the ARTS Unit.
3. For the period from \_\_\_\_\_ to \_\_\_\_\_ the ARTS Unit was occupied only by the Eligible Tenants (as defined in the Housing Agreement) whose names and current addresses and whose employer's names and current addresses appear below:

*[Names, addresses and phone numbers of Eligible Tenants and their employer(s)]*

4. The rent charged each month for the ARTS Unit is as follows:
  - (a) the monthly rent on the date 365 days before this date of this statutory declaration: \$\_\_\_\_\_ per month;
  - (b) the rent on the date of this statutory declaration: \$\_\_\_\_\_; and
  - (c) the proposed or actual rent that will be payable on the date that is 90 days after the date of this statutory declaration: \$\_\_\_\_\_.

5. For the period from \_\_\_\_\_ to \_\_\_\_\_ the ARTS Unit was occupied by a Professional Artist (as defined in the Housing Agreement) whose name and current address appear below:

*[Names, addresses and phone numbers of Professional Artist]*

6. The Professional Artist has completed specialized training in \_\_\_\_\_  
and makes their primary living from \_\_\_\_\_.

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Document #4 - Housing Agreement (Arts Units)  
Section 905 Local Government Act  
Concord Gateway  
Application No. RZ06-349722  
Rezoning Condition No. 9

7. The Professional Artist is recognized as a professional artist by the following persons, who are also artists working in the same artistic tradition as the Professional Artist:

*[Names, addresses and phone numbers of peer references]*

8. The Professional Artist estimates devoting approximately \_\_\_\_\_ hours to artistic activity in the following year;

9. The Professional Artist has publically presented their work as follows:

[Insert date and description of public presentations over the past 5 years and those anticipated in the following year]

10. The Professional Artist has produced the following independent body of work: – *Applies only to Professional Visual Artists (as defined in the Housing Agreement)*

*[Insert description of independent body of work]*

11. The Professional Artist has maintained an independent professional practice from \_\_\_\_\_ to \_\_\_\_\_; – ***Applies only to Professional Visual Artists***

12. I acknowledge and agree to comply with the Owner's obligations under the Housing Agreement, and other charges in favour of the City noted or registered in the Land Title Office against the land on which the ARTS Unit is situated and confirm that the Owner has complied with the Owner's obligations under the Housing Agreement.

13. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

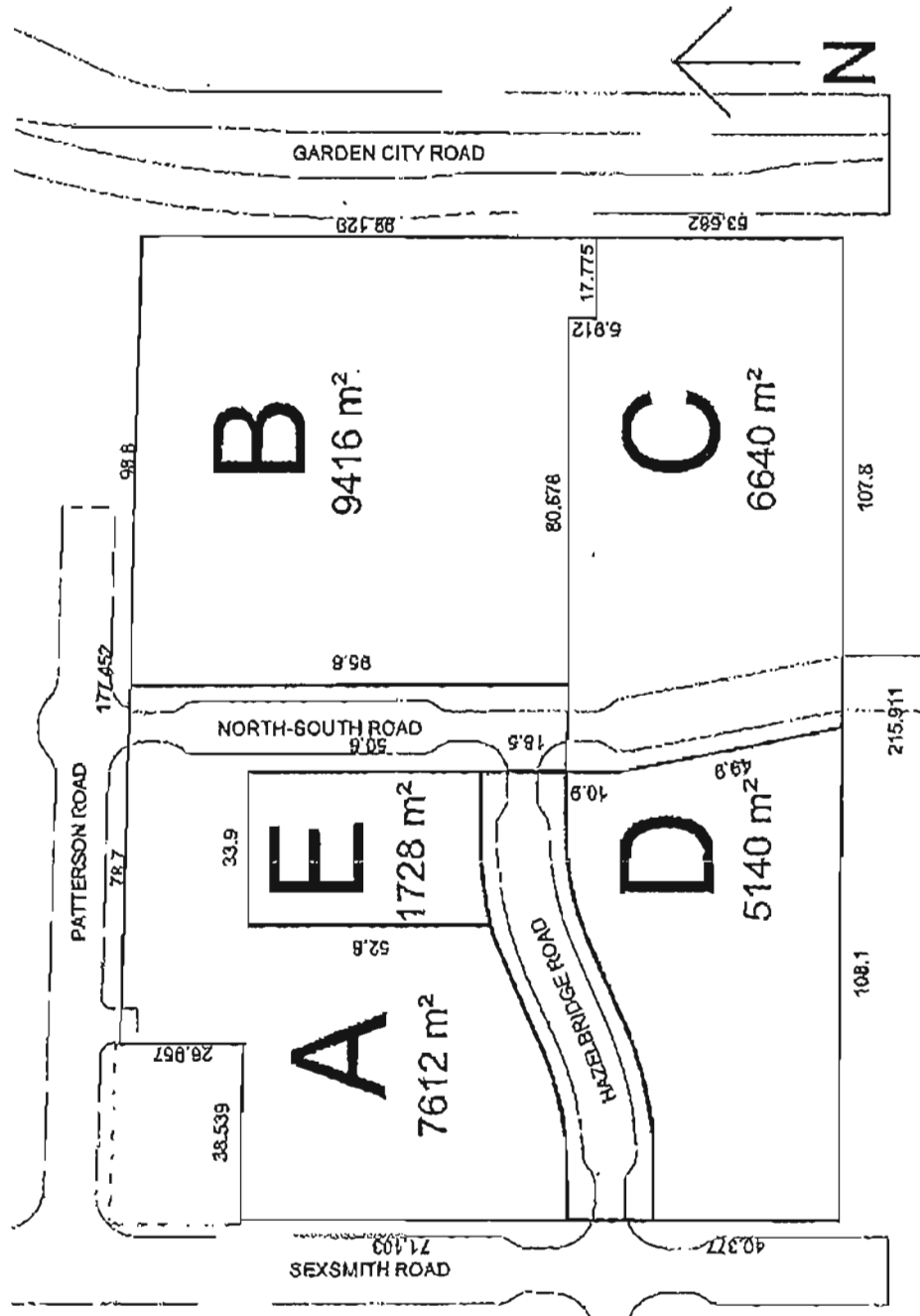
DECLARED BEFORE ME at the City of \_\_\_\_\_, in the Province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## A Commissioner for Taking Affidavits In the Province of British Columbia

\_\_\_\_\_  
DECLARANT

SCHEDULE "A"

Sketch Plan of Area A



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Document #4 - Housing Agreement (Arts Units)  
 Section 905 Local Government Act  
 Concord Gateway  
 Application No. RZ06-349722  
 Rezoning Condition No.9



## SCHEDULE "B"

### LANDS

1. PID: 004-206-533, Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021;
2. PID: 003-843-718, North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
3. PID: 001-203-886, South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577), Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
4. PID: 005-145-627, Lot 49 Section 28 Block 5 North Range 6 West New Westminster District Plan 33481;
5. PID: 003-604-357, Lot 50 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 33481;
6. PID: 010-900-942, Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
7. PID: 001-976-290, Easterly Half Lot 29, Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
8. PID: 004-124-138, Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
9. PID: 003-640-540, West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404;
10. PID: 004-092-261, East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
11. PID: 000-586-188, Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;
12. PID: 004-502-779, Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404; and
13. PID: 010-900-926, West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404.

## PRIORITY AGREEMENT

In respect to a Housing Agreement (the "Housing Agreement") made pursuant to section 905 of the *Local Government Act* between the City of Richmond and 0754999 B.C. Ltd. (the "Owner") in respect to the lands and premises legally known and described as:

PID: 004-206-533, Parcel "A" (Explanatory Plan 10383) Lots 1 and 2 Section 28 Block 5 North Range 6 West New Westminster District Plan 6021;

PID: 003-843-718, North 92 Feet (Explanatory Plan 11577) South Half Lot 30 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 001-203-886, South Half Lot 30 Except: Parcel "A" (Explanatory Plan 11577), Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 005-145-627, Lot 49 Section 28 Block 5 North Range 6 West New Westminster District Plan 33481;

PID: 003-604-357, Lot 50 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 33481;

PID: 010-900-942, Westerly Half Lot 29 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 001-976-290, Easterly Half Lot 29, Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-124-138, Lot 28 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 003-640-540, West Half Lot 27 Section 27 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-092-261, East Half Lot 27 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 000-586-188, Parcel "A" (J157109E) Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404;

PID: 004-502-779, Easterly Half Lot 26 Section 28 Block 5 North Range 6 West New Westminster District Plan 3404; and

PID: 010-900-926, West Half Lot 25 Sections 27 and 28 Block 5 North Range 6 West New Westminster District Plan 3404.

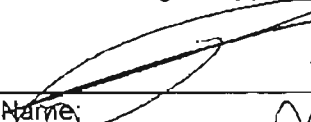
(collectively, the "Lands")

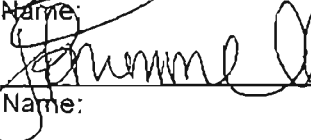
**HSBC Bank Canada** (the "Chargeholder") is the holder of a Mortgage and Assignment of Rents encumbering the Lands which Mortgage and Assignment of Rents were registered in the Lower Mainland Land Title Office under numbers CA777641 and CA777642, respectively (together, the "Bank Charges").

The Chargeholder, being the holder of the Bank Charges in consideration of the payment of Ten Dollars (\$10.00) and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Chargeholder) hereby consents to the granting of the covenants in this Housing Agreement by the Owner and hereby covenants that this Housing Agreement shall bind the Bank Charges in the Lands and shall rank in priority upon the Lands over the Bank Charges as if the Housing Agreement had been registered prior to the Bank Charges and prior to the advance of any monies pursuant to the Bank Charges. The grant of priority is irrevocable, unqualified and without reservation or limitation.

**HSBC Bank Canada**

by its authorized signatory(ies):

Per:  **RICHARD NAILEN**  
ASSISTANT VICE PRESIDENT  
COMMERCIAL REAL ESTATE

Per:  **JESSICA BRUMMELL**  
Account Manager  
Commercial Real Estate



**Development Permit Panel  
Wednesday, January 16, 2013**

Time: 3:30 p.m.  
Place: Council Chambers  
Richmond City Hall  
Present: Dave Semple, Chair  
Robert Gonzalez, General Manager, Engineering and Public Works  
Victor Wei, Director, Transportation

The meeting was called to order at 3:30 p.m.

**1. Minutes**

It was moved and seconded

*That the minutes of the meeting of the Development Permit Panel held on Wednesday, November 14, 2012, be adopted.*

**CARRIED**

**2. Development Permit DP 12-626299**

(File Ref. No.: DP 12-626299) (REDMS No. 3722367)

APPLICANT: Christopher Bozyk Architects Ltd.  
PROPERTY LOCATION: 10780 Cambie Road  
INTENT OF PERMIT: Permit the construction of a 212.28 m<sup>2</sup> showroom addition to the BMW automobile dealership at 10780 Cambie Road on a site zoned Auto-Oriented Commercial (CA)

**Applicant's Comments**

Christopher Bozyk, Architect, Christopher Bozyk Architects Ltd., provided the following information regarding the proposed showroom addition:

- Autowest BMW have been strong proponents of integrating sustainability into their buildings and business practices. The building is designed to house the first electric vehicles that BMW is bringing on to the market. The project is a custom showroom

## Development Permit Panel

### Wednesday, January 16, 2013

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for this purpose;

- in essence they have designed a glass box that is simple, elegant and complements both the existing building and the vehicles on display;
- the showroom is 2200 ft<sup>2</sup> and located at the north end of the existing site in an area that was formerly an outdoor vehicle display space; and
- the proposed building will not impact the existing parking or landscaping on the site.

#### Panel Discussion

Mr. Bozyk, in response to a query from the Panel, confirmed:

- that the proposal is a conversion of an outdoor hard surface area into an indoor showcase; and
- a sign permit is required and the design is intended to be subtle and understated.

#### Staff Comments

Wayne Craig, Director of Development, stated that there is no need for frontage improvements as a result of the proposed expansion. All the frontages were upgraded through the rezoning process for the existing building. Mr. Craig also advised that staff are pleased with the design of the showroom; the design is in keeping with the existing form and character of the development.

#### Correspondence

None.

#### Gallery Comments

None.

#### Panel Decision

It was moved and seconded

*That a Development Permit be issued which would permit the construction of a 212.28 m<sup>2</sup> showroom addition to the BMW automobile dealership at 10780 Cambie Road on a site zoned Auto-Oriented Commercial (CA).*

CARRIED

#### 3. Development Permit DV 11-565153 (File Ref. No.: DV 11-565153) (REDMS No. 3722229)

APPLICANT: Standard Land Company Inc.

## Development Permit Panel

### Wednesday, January 16, 2013

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PROPERTY LOCATION: 16300 River Road

INTENT OF PERMIT: To vary the provisions of the Richmond Zoning Bylaw 8500 to increase the maximum accessory structure height of "Light Industrial (IL)" zoning from 20 m (66 ft.) to 45 m (148 ft.), in order to permit the construction of a telecommunication antenna tower at 16300 River Road.

#### Staff Comment

In response to an inquiry, Mr. Craig advised that the cell tower development variance application was presented to the Development Permit Panel in October 2011. It was referred back to staff with specific direction, which the applicant has now addressed.

#### Applicant's Comments

Chad Marlatt, Manager, Land Project Manager, Standard Land Company, advised

- that the property is long and narrow with the length of more than 250 metres. The tower site was originally located approximately 30 metres from the south property line. The site has been relocated with a 60 m setback from the south property line to accommodate any future road along the rear of the property;
- at the prior meeting there were four issues that were of concern to the Panel. The first was that the City had not adopted their telecommunications policy and therefore Standard Land Company was premature in bringing the application forward. The Policy has since been adopted and the City of Richmond's Zoning Bylaw has been revised to allow Telecommunication Towers;
- the tower is a basic lattice design type. The design is largely driven by the amount of equipment that is proposed for the site. The tower will accommodate three separate telecommunication carriers, promoting the co-location of TELUS, Rogers, and Mobilicity. The three carriers have equipment ranging from approximately 25 to 45 metres on this tower. The tower was designed to provide the necessary structural support for the proposed equipment and to allow for easier upgrading should additional equipment be required;
- the compound layout is fairly simple with the tower in the middle and a few outdoor passages and shelters at the base to hold radio equipment;
- the fencing around the perimeter will be chain link. As well, on three sides of the site, cedar fencing will be constructed to provide a solid visual screen; and
- an analysis of a 20m tower installation as opposed to the proposed 45 m tower was completed noting that a tower installation complying with zoning at a height of 20 m (66 ft.) would provide significantly decreased amounts of coverage than the tower proposed at 45 m (148 ft.). It is estimated that as many as 12 total individual 20 m (66 ft.) towers in the surrounding areas would need to be installed to provide similar

## Development Permit Panel

### Wednesday, January 16, 2013

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service coverage that one 45 m (148 ft.) tower is able to accommodate.

#### Panel Discussion

In reply to queries from the Panel, Mr. Marlatt provided the following information:

- the tower can be painted green if the Panel desires. Typically they would not paint a tower in an open area as, in their view, the tower is less noticeable if left galvanized; and
- although it is technically possible to mount the antennas laterally, which would potentially reduce the tower height, practically it would require multiple and larger support structures which would be more expensive and require further technical assessment.

#### Staff Comments

Mr. Craig advised that staff's primary review was for conformity to Council's newly adopted Telecommunication Antenna Consultation and Siting Protocol. The application does conform to the protocol and the applicant has responded to the four areas of the previous referral.

Staff considered the Siting Protocol which identified industrial sites as preferred locations and also provides a processing option for increased height through a Development Variance Permit.

Mr. Craig stated that there would be a number of issues that would come into play with a lower structure mainly more towers would be required. One of the guiding principles in Council's policy is to limit the proliferation of towers and ensure co-location among service providers which this proposal does. By looking at this higher structure in one location we are able to avoid, potentially, twelve structures in multiple locations within the same vicinity.

#### Correspondence

None.

#### Gallery Comments

None.

#### Panel Discussion

The Panel commented that, though the structure itself is not attractive, the elimination of multiple towers by permitting the proposed variance was considered a positive move.



**Development Permit Panel**  
**Wednesday, January 16, 2013**

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**Panel Decision**

It was moved and seconded

*That*

1. *Richmond City Council grant concurrence to the proposed telecommunication antenna tower installation at 16300 River Road; and*
2. *A Development Variance Permit be issued which would vary the provisions of the Richmond Zoning Bylaw 8500 to increase the maximum accessory structure height of "Light Industrial (IL)" zoning from 20 m (66 ft.) to 45 m (148 ft.), in order to permit the construction of a telecommunication antenna tower at 16300 River Road.*

**CARRIED**

**4. New Business**

**5. Date Of Next Meeting: Wednesday, January 30, 2013**

**6. Adjournment**

It was moved and seconded

*That the meeting be adjourned at 3:53 p.m.*

**CARRIED**

Certified a true and correct copy of the  
Minutes of the meeting of the  
Development Permit Panel of the Council  
of the City of Richmond held on  
Wednesday, January 16, 2013.

---

Dave Semple  
Chair

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Heather Howey  
Acting Committee Clerk



# City of Richmond

## Report to Council

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**To:** Richmond City Council  
**From:** Robert Gonzalez, P. Eng.  
Chair Development Permit Panel

**Date:** January 21, 2013  
**File:** 01-0100-20-DPER1-  
01/2013-Vol 01

**Re:** Development Permit Panel Meeting Held on April 25, 2012

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### Staff Recommendation

That the recommendations of the Panel to authorize the issuance of:

- i. a Development Permit (DP 09-466065) for the property at 8531 Williams Road (formerly 8511 and 8531/8533 Williams Road);

be endorsed, and the Permit so issued.

Robert Gonzalez, P. Eng.  
Chair, Development Permit Panel

SB:blg

### Panel Report

The Development Permit Panel considered the following item at its meeting held on April 25, 2012.

DP 09-466065 – THOMAS CHALISSERY – 8531 WILLIAMS ROAD  
(FORMERLY 8511 AND 8531/8533 WILLIAMS ROAD)  
(April 25, 2012)

The Panel considered a Development Permit application to permit the construction of 10 townhouse units on a site zoned Low Density Townhouses (RTL4). Variances are included in the proposal for tandem parking spaces in three (3) townhouse garages and five (5) small-car parking spaces in five (5) townhouse garages.

Architect, Taizo Yamamoto, of Yamamoto Architect Inc., and landscape architect, Masa Ito, of Ito and Associates Landscape Architects, provided a brief presentation, including:

- Three-storey units are proposed at the centre of the project, stepping down to two-storey;
- The central outdoor amenity area includes seating and a sculptural children's play structure;
- Proposed building material is Hardie-Plank siding, and proposed color palette includes tans and grays, with darker colored trims;
- Sustainable measures include, low e-glass windows, and energy efficient appliances;
- There is one (1) convertible unit and all units have washroom wall blocking for future grab bars;
- The lush streetscape will have an assortment of shrubs, ground covers, perennials and grasses associated with different seasons of the year in front yards with picket fencing; and
- At the back, each unit will have a private yard with a paver patio area, flowering trees, and other elements to provide a visual buffer between neighbouring properties to the north.

Staff supported the Development Permit application and requested variances. Staff noted that tandem parking is a common feature of townhouse development, and the requested small car parking variance allows an increase of space in the outdoor amenity area.

In response to Panel queries, staff advised that:

- End units step down to two-storey to be consistent in height with existing homes in the area;
- It is envisioned that both neighbouring lots to the west and east could be developed in the future with potential cross-access through the subject site; and
- The development will provide a garbage and recycling facility with cross-access to share with future development to the east, but not the future development to the west.

There was general agreement that the proposed development was a good one, and that the sculptured feature of the children's play equipment was an asset.

No correspondence was submitted to the Panel regarding the Development Permit application. The Panel recommends that the Permit be issued.



# City of Richmond

## Report to Council

**To:** Richmond City Council

**Date:** January 22, 2013

**From:** Dave Semple  
Chair, Development Permit Panel

**File:** 01-0100-20-DPER1-  
01/2013-Vol 01

**Re:** Development Permit Panel Meeting Held on January 16, 2013

### Staff Recommendation

That the recommendations of the Panel to authorize the issuance of:

- i. a Development Permit (DP 12-626299) for the property at 10780 Cambie Road;
- ii. a Development Variance Permit (DV 11-565153) for the property at 16300 River Road;

be endorsed, and the Permits so issued.

Dave Semple  
Chair, Development Permit Panel

SB:blg

### **Panel Report**

The Development Permit Panel considered the following items at its meeting held on January 16, 2013.

DP 12-626299 – CHRISTOPHER BOYZK ARCHITECTS LTD. – 10780 CAMBIE ROAD  
(January 16, 2013)

The Panel considered a Development Permit application to permit the construction of a showroom addition to the automobile dealership on a site zoned Auto-Oriented Commercial (CA). There are no variances included in the proposal.

Architect, Christopher Bozyk, of Christopher Bozyk Architects Ltd., provided a brief presentation, including:

- Autowest BMW are strong proponents of integrating sustainability into their buildings and business practices. The building addition is designed to house the first electric vehicles that BMW is bringing on to the market. The project is a custom showroom for this purpose;
- The design is essentially a glass box that is simple, elegant and compliments both the existing building and the vehicles on display;
- The showroom is 2200 ft<sup>2</sup> and is located at the north end of the existing site in an area that was formerly an outdoor vehicle display space; and
- The proposed building will not impact the existing parking or landscaping on the site.

In response to a Panel query, Mr. Bozyk confirmed:

- That the proposal is a conversion of an outdoor hard surface area into a showroom; and
- A separate Sign Permit will be required for proposed signage, in the locations shown on the Development Permit drawings, which are intended to be subtle and understated.

Staff supported the Development Permit application. Staff advised that all the frontages were upgraded with the existing building and the design of the showroom was in keeping with the existing form and character of the development.

No correspondence was submitted to the Panel regarding the Development Permit application.

The Panel recommends that the Permit be issued.

DV 11-565153 – STANDARD LAND COMPANY INC. – 16300 RIVER ROAD  
(January 16, 2013)

The Panel considered a Development Variance Permit application to vary the provisions of the Richmond Zoning Bylaw 8500 to increase the maximum accessory structure height from 20 m to 45 m in order to permit the construction of a telecommunication antenna tower on a site zoned Light Industrial (IL).

In response to a Panel query, staff advised that the cell tower development variance application was presented to the Development Permit Panel in October, 2011. It was referred back to staff with specific direction, which the applicant has addressed.

Applicant, Chad Marlatt, Land Project Manager, of Standard Land Company, provided a brief presentation, including:

- The tower site was relocated with a 60 m setback from the south property line to accommodate any future road along the rear of the property;
- The tower is a basic lattice design type. The tower will accommodate three (3) separate telecommunication carriers, promoting the co-location of Telus, Rogers, and Mobilicity. The three (3) carriers have equipment ranging from approximately 25 m to 45 m on this tower. The tower was designed to provide the necessary structural support for the proposed equipment and to allow for easier upgrading should additional equipment be required;
- The compound is fairly simple with the tower in the middle, a few equipment shelters, chain link perimeter fencing, and Cedar fencing on three (3) sides to provide a solid visual screen; and
- A lower height of 20 m to comply with zoning would provide significantly decreased service coverage. It is estimated that as many as 12 individual 20 m towers in the surrounding area would be needed to provide similar coverage to one (1) 45 m tower.

In reply to Panel queries, Mr. Marlatt provided the following information:

- The tower could be painted green, but typically they would not paint a tower in an open area as in their view the tower is less noticeable if left galvanized; and
- Although it is technically possible to mount the antennas laterally, it would require multiple and larger support structures, would be more expensive, and increase the bulk of the tower.

Staff supported the Development Variance Permit application. Staff advised that:

- The application conforms to Council's newly adopted Telecommunication Antenna consultation and Siting Protocol, and the applicant has responded to the previous referral;
- The siting protocol identifies industrial sites as preferred locations and provides a processing option for increased height through a Development Variance Permit; and

- A lower structure would result in more towers being required and one (1) of the guiding principles in Council's Policy is to limit the proliferation of towers and promote co-location among service providers. By looking at this higher structure in one (1) location we are able to avoid, potentially, 12 structures in multiple locations within the same vicinity.

No correspondence was submitted to the Panel regarding the Development Variance Permit application.

The Panel commented that, the elimination of multiple towers by permitting the proposed variance was considered a positive move.

The Panel recommends that the Permit be issued.