



Public Notice is hereby given of a Regular Council Meeting for Public Hearings being held on:

**Public Hearing Agenda
Electronic Meeting**

Monday, December 19, 2022 – 7 p.m.

**Council Chambers, 1st Floor
Richmond City Hall
6911 No. 3 Road
Richmond, BC V6Y 2C1**

OPENING STATEMENT

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- 1. RICHMOND OFFICIAL COMMUNITY PLAN BYLAW 7100, AMENDMENT BYLAW 10390 AND RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10389 (RZ 18-836107)**
(File Ref. No. RZ 18-836107) (REDMS No. 6970290)

PH-8

See Page PH-8 for full report

ADDED

PH-284

See Page PH-284 for staff memorandum

Location: 3360, 3380, and a portion of 3440 Sexsmith Road (east of the proposed extension of Ketcheson Road)

Applicant: IBI Group

Purpose of OCP Designation Amendment: To amend the City Centre Area Plan, Specific Land Use Map: Capstan Village, by removing one of the two “Institution” designations on the subject site, for the purpose of accurately reflecting the development’s proposed consolidation of “Institution” uses (i.e. church and child care) in a single location at the northwest corner of Capstan Way and Garden City Road.

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**Purpose of
Zoning
Amendment:**

To rezone the subject property from “Assembly (ASY)”, “Single Detached (RS1/F)”, and “School & Institutional Use (SI)” to a site-specific zone created for the subject development, “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)”, to permit the extension of Ketcheson Road and construction of a two-lot, medium to high-density, mixed use development comprising 392 apartment units in four towers (including 49 affordable housing units and 20 market rental housing units), pedestrian-oriented retail along a portion of Capstan Way, and the relocation of the Richmond Capstan Alliance Church from 3360 Sexsmith Road to a new four-storey, 2,853 m² (30,709 ft²) church and child care facility at the corner of Capstan Way and Garden City Road.

First Reading: November 14, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.
3. Submissions from the floor.

Council Consideration:

1. Action on second and third readings of Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10390.

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2. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10389.

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2. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10418 (RZ 21 944801)

(File Ref. No. 12-8060-20-010418, RZ 21-944801) (REDMS No. 6971270, 6999090)

PH-98

See Page PH-98 for full report

Location: 20411 & 20451 Westminster Highway

Applicant: Choice School for Gifted Children Society

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Purpose: To rezone the subject property from “Agriculture (AG1)” and “Assembly (ASY)” to a new site-specific zone, “Agriculture and Education (ZA5) – Westminster Highway (East Richmond)”, to allow the existing education uses to continue and construct a new classroom building, and amend the “Assembly (ASY)” zone to remove the subject property’s site-specific exemption.

First Reading: November 14, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.
3. Submissions from the floor.

Council Consideration:

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10418.



3. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10423 (RZ 17-782750)**
(File Ref. No. RZ 17-782750) (REDMS No. 7011932)

PH-133

See Page PH-133 for full report

Location: 6851 and 6871 Elmbridge Way

Applicant: Landa Oval Development Ltd.

Purpose: To rezone the subject property from “Industrial Business Park (IB1)” to a new site-specific zone “High Density Mixed Use (ZMU52) – Oval Village (City Centre)”, to permit a high-density mixed use development comprising of 356 apartment units, a hotel and pedestrian-oriented retail along River Road, Elmbridge Way and a new road to be constructed along the subject site’s entire west frontage.

First Reading: November 14, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.

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3. Submissions from the floor.

Council Consideration:

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10423.



4. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10425 (RZ 22-009258)**

(File Ref. No. 12-8060-20-010425, RZ 22-009258) (REDMS No. 7017339, 1621383, 7022942, 2221494)

PH-188

See Page PH-188 for full report

Location: 10851/10871 Bird Road

Applicant: Rick Bowal

Purpose: To rezone the subject property from “Single Detached (RS1/E)” to “Single Detached (RS2/B)”, to permit the creation of two single-family lots.

First Reading: November 28, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.
3. Submissions from the floor.

Council Consideration:

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10425.



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5. **PROPOSED AMENDMENT TO SINGLE-FAMILY LOT SIZE POLICY 5442 (SECTIONS 19 AND 20 BLOCK 4 NORTH RANGE 6 WEST)**

AND

RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10428 (RZ 21 926304)

(File Ref. No. 12-8060-20-010428, RZ 21-926304) (REDMS No. 7020591, 7020947, 2501666, 6852297, 6908599)

PH-210

See Page PH-210 for full report

A. PROPOSED AMENDMENT TO SINGLE-FAMILY LOT SIZE POLICY 5442 (SECTIONS 19 AND 20 BLOCK 4 NORTH RANGE 6 WEST)

Purpose: To amend Single-Family Lot Size Policy 5442, Sections 19-4-6 and 20-4-6 (as adopted by Council on September 17, 1990, and as amended) to exclude 8220 Gilbert Road.

B. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10428 (RZ 21 926304)

Location/s: 8220 Gilbert Road

Applicant/s: Rick Bowal

Purpose: To rezone the subject property from the “Single Detached (RS1/E)” zone to the “Arterial Road Two-Unit Dwellings (RDA)” zone, to permit the property to be subdivided to create two lots, each to contain a front-to-back duplex, with shared vehicle access from Gilbert Road.

First Reading: November 28, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.
3. Submissions from the floor.

Council Consideration:

1. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaw 10428.



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6. **OFFICIAL COMMUNITY PLAN BYLAW 7100, AMENDMENT BYLAWS 10371 AND 10392 AND RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAWS 10372, 10394 AND 10393**

(File Ref. No. 08-4060-05-01; 12-8060-20-010371/10372/10394/10392/10393) (REDMS No. 6920288 v. 5, 6922793, 6860973, 6860974, 6923673, 6923675, 6923674)

PH-249

See Page PH-249 for full report

Location: 3540, 3800, 3866, 3880 and 3900 Bayview Street and 12551 No. 1 Road (Steveston Area Plan)

Applicant: City of Richmond

Purpose of OCP Amendment Bylaw 10371 and Zoning Amendment Bylaw 10372: To amend the land use policies in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan) to no longer permit residential uses and amend the “Steveston Commercial (CS2)”, “Light Industrial (IL)” and “Steveston Commercial and Pub (ZMU10)” zoning districts on a site specific basis to not permit residential and related land uses for lots located on the south side of Bayview Street between 3rd Avenue and No. 1 Road.

Purpose of Zoning Amendment Bylaw 10394: To amend the “Steveston Commercial (CS2)”, “Light Industrial (IL)” and “Steveston Commercial and Pub (ZMU10)” zoning districts on a site specific basis to not permit certain uses for lots located on the south side of Bayview Street between 3rd Avenue and No. 1 Road.

Purpose of OCP Amendment Bylaw 10392 and Zoning Amendment Bylaw 10393: To amend the land use policies in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan) to reduce the permitted heights of buildings to 9 m and amend the “Light Industrial (IL)” zoning district to implement a 9 m maximum building height on a site-specific basis at 3540 and 3880 Bayview Street and 12551 No. 1 Road.

First Reading: November 28, 2022

Order of Business:

1. Presentation from the applicant.
2. Acknowledgement of written submissions received by the City Clerk since first reading.
3. Submissions from the floor.

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Council Consideration:

1. Action on second and third readings of Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392.

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2. Action on second and third readings of Richmond Zoning Bylaw 8500, Amendment Bylaws 10372, 10394 and 10393.

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3. Adoption of Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392.

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4. Adoption of Richmond Zoning Bylaw 8500, Amendment Bylaws 10372, 10394 and 10393.

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ADJOURNMENT

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City of Richmond

Report to Committee

To: Planning Committee **Date:** October 24, 2022
From: Wayne Craig **File:** RZ 18-836107
Director, Development
Re: **Application by IBI Group for Rezoning at 3360, 3380 and a Portion of 3440 Sexsmith Road from “Assembly (ASY)”, “Single Detached (RS1/F)”, and “School & Institutional Use (SI)” to “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)”**

Staff Recommendation

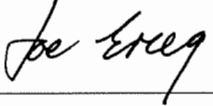
1. That Official Community Plan Bylaw 7100, Amendment Bylaw 10390, to amend Schedule 2.10 of Official Community Plan Bylaw 7100 (City Centre Area Plan), to repeal the existing “Institution” land use designation at 3360 Sexsmith Road, be introduced and given first reading.
2. That Bylaw 10390, having been considered in conjunction with:
 - the City’s Financial Plan and Capital Program;
 - the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the *Local Government Act*.

3. That Bylaw 10390, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation.
4. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10389 to create the “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)” zone, and to rezone 3360, 3380 and a portion of 3440 Sexsmith Road from “Assembly (ASY)”, “Single Detached (RS1/F)”, and “School & Institutional Use (SI)” to “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)”, be introduced and given first reading.

Wayne Craig
Director, Development

WC:sch
Att. 9

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Arts, Culture & Heritage	<input checked="" type="checkbox"/>	
Affordable Housing	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
Sustainability & District Energy	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	

Staff Report

Origin

IBI Group, on behalf of Dava Developments Inc., in cooperation with the Richmond Capstan Alliance Church (Christian and Missionary Alliance, Canadian Pacific District Inc. No. 15034S), has applied to the City of Richmond for permission to rezone lands at 3360, 3380 and a portion of 3440 Sexsmith Road from “Assembly (ASY)”, “Single Detached (RS1/F)”, and “School & Institutional Use (SI)” to “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)”, to construct a mixed use development in the northeast quadrant of the City Centre’s Capstan Village (Attachments 1, 2 and 3), including:

1. The creation of a two-lot development site, bisected by a dedicated extension of Ketcheson Road, with a mixed use lot on the east (Lot A) and a residential lot on the west side (Lot B);
2. Total floor area of 35,823 m² (385,599 ft²), including:
 - a) Church and child care: 2,853 m² (30,709 ft²) on Lot A;
 - b) Ground floor restaurant/retail fronting Capstan Way: 463 m² (4,988 ft²) on Lot A;
 - c) Residential: 32,507 m² (349,902 ft²) comprising a total of 392 apartment units, including:
 - i) An 8-storey mixed income rental housing building (proposed to be managed by S.U.C.C.E.S.S., a non-profit housing operator) containing 69 units on Lot A, secured in perpetuity with residential rental tenure zoning and housing agreements registered on title, including:
 - 3,097 m² (33,330 ft²) as 49 affordable Low End Market Rental (LEMR) units;
 - 1,542 m² (16,600 ft²) as 20 market rental units and circulation; and
 - Additional floor area for common space within the building;
 - ii) Three market (strata) residential buildings comprising 323 units, including:
 - An 11-storey tower containing 132 units on Lot A; and
 - Two towers (12 and 14 storeys) containing 191 units on Lot B;
3. A linear public open space along the site’s north side (secured with a statutory right-of-way), comprising a 6 m (20 ft.) wide multi-use path and expanded landscaped areas for seating and play (developer owned/maintained), will complement an existing 9 m (30 ft.) wide linear public open space (secured with a statutory right-of-way) on the abutting property;
4. Public art and heritage interpretation for the Herrling Residence (as discussed in the Findings of Fact section of the report); and
5. Off-site works, including utility upgrades, street widening, frontage improvements, and construction of Ketcheson Road, will be subject to a City Servicing Agreement, secured with a Letter of Credit. In addition, the linear public open space along the site’s north side will be subject to a Servicing Agreement to ensure the works optimize public safety.

A minor amendment is proposed to the City Centre Area Plan (CCAP) “Specific Land Use Map: Capstan Village (2031)” (Schedule 2.10 of Official Community Plan Bylaw 7100) for the purpose of accurately reflecting the development’s proposed consolidation of “Institution” uses in a single location at the northwest corner of Capstan Way and Garden City Road (Lot A).

The part of 3440 Sexsmith Road located west of Ketcheson Road is not subject to this rezoning application. Prior to rezoning adoption, that portion of 3440 Sexsmith Road will be subdivided from the development site and a legal agreement will be registered on title to restrict development of the area unless it is consolidated with adjacent properties at 3420 and 3426 Sexsmith Road. A future rezoning application will be required for the consolidated site.

Findings of Fact

A Development Application Data Sheet with details of the development is attached (Attachment 4).

Subject Site Existing Housing Profile

There are no existing residential dwellings on the subject site.

Subject Site Existing Uses

The subject development comprises three lots, two of which are vacant, including 3380 Sexsmith Road (single-family lot) and 3440 Sexsmith Road (former TransLink park-and-ride). The third lot, 3360 Sexsmith Road, is owned and occupied by the Christian and Missionary Alliance, Canadian Pacific District Inc. No. 15034S, which is participating in the subject rezoning for purpose of relocating its existing church and child care to the proposed new expanded facilities at the northwest corner of Capstan Way and Garden City Road (Lot A).

Herrling Residence

The Church-owned property at 3360 Sexsmith Road includes a small house used for church and child care purposes (i.e. no residential use). The house, known as the Herrling Residence, was built in 1932 and has heritage value through its association with interwar development in the City Centre. The house is not a protected heritage resource and is not included on the City's Heritage Inventory. Due to the complexity of the subject development (including the proposed church and child care expansion), the developer has concluded it is not feasible to retain or repurpose the house on-site as part of the redevelopment proposal. Prior to rezoning bylaw adoption, a legal agreement will be registered on title to restrict demolition of the house until, as determined to the City's satisfaction, the developer has:

1. Submitted a heritage interpretation plan, together with documentation of the house (e.g., photographs), prepared by a qualified heritage consultant and reviewed by the Richmond Heritage Commission;
2. Made efforts, to the City's satisfaction, to relocate the house off-site (e.g., by posting the house on the City's House Moving and Salvage List) and, if the building is unable to be relocated, the developer has salvaged artefacts on behalf of the City and transferred the artefacts to the City, all at the developer's cost; and
3. Based on the approved heritage interpretation plan, provided for the installation of heritage interpretation within and/or fronting the proposed linear public open space along the site's north side (i.e. signage, public art, and/or other features), at the developer's cost, in coordination with the Development Permit and Servicing Agreement.

Remnant Lot

The portion of 3440 Sexsmith Road located west of the proposed alignment of Ketcheson Road is not part of this rezoning application (Attachments 1 and 2). Despite best efforts, the developer was unable to acquire the existing single-family lot at 3420 Sexsmith Road and, rather than leave it as an orphan lot (i.e. based on the lot's 28 m/92.ft. width, which is narrower than the CCAP's recommended minimum 40 m/131 ft. width), the applicant agreed to omit the west part of 3440 Sexsmith Road so that the two properties, together with a small City-owned lot at 3426 Sexsmith Road (i.e. residual land from the establishment of Capstan Way), might be the subject of future consolidation and rezoning (by others). Prior to adoption of the subject rezoning bylaw, 3440 Sexsmith Road will be subdivided to create two lots and a legal agreement will be registered on the remnant (west) part to restrict its development unless it is consolidated with 3420 and 3426 Sexsmith Road and vehicle access to the consolidated site is provided via a shared driveway installed along the Ketcheson Road frontage of the subject development's proposed Lot B.

Surrounding Development

To the North: Concord Pacific's seven-tower "Concord Gardens" residential development (complete), including park and part of Ketcheson Road, both of which features are built over a parking structure and secured with statutory rights-of-ways (RZ 06-349722, DP 12-611486, DP 13-642725, DP 14-670686, DP 15-700800, and ZT 15-700276).

To the South: Capstan Way, beyond which is Polygon's "Talisman" development, comprising a mix of high- and mid-rise residential buildings, ground floor retail along a portion of Capstan Way, City-owned park, and a new south leg of Ketcheson Road. The development's rezoning bylaw received third reading of Council on January 17, 2022 and Development Permit applications have been submitted for two of the project's four phases (RZ 18-836123, DP 22-015851 and DP 22-017484).

To the East: Garden City Road, beyond which is a portion of the West Cambie planning area comprising townhouses and single-family homes, a small commercial plaza, and Talmey Elementary School.

To the West: Sexsmith Road, beyond which is a cluster of mixed use, high density, high-rise developments in various stages of construction or completion (including projects by Pinnacle International, Concord Pacific, Yuanheng Developments, and Minglian Holdings), centred around the Capstan Canada Line Station (opening fall 2023), Capstan Neighbourhood Park (partly complete), City-owned Sprouts Early Childhood Development Centre (complete), and Capstan Community Centre (under construction).

Related Policies & Studies

Development of the subject site is subject to the OCP, CCAP, and other policies (e.g., affordable housing) and studies. Relevant information is provided below and in the report's Analysis section.

1. OCP Aircraft Noise Sensitive Development (ANSD) Policy: The subject site is located within ANSD "Area 3", which permits all aircraft noise sensitive uses if the building design includes required noise mitigation measures and purchasers are made aware of potential noise conditions. Prior to rezoning adoption, a covenant will be registered on title requiring that the developer satisfies all City requirements.

2. Airport Zoning Regulations (AZR): Transport Canada regulates maximum permitted building heights in City Centre locations that may affect airport operations. The developer has submitted a letter, prepared by a registered surveyor, confirming that the proposed maximum building height of 47 m (154 ft.) GSC complies with AZR requirements.
3. Floodplain Management Implementation Strategy: City Centre buildings are required to comply with Richmond Flood Plain Protection Bylaw 8204. Prior to rezoning adoption, a flood indemnity covenant will be registered on title.

Public Consultation

Rezoning signs have been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning signs on the property.

Staff have reviewed the proposed Official Community Plan (OCP) and zoning bylaw amendments, with respect to the *Local Government Act* and the City's OCP Consultation Policy No. 5043 requirements, and recommend that this report does not require referral to external stakeholders. An OCP consultation summary clarifying this recommendation is attached (Attachment 5).

Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10390, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found to not require further consultation.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning and OCP bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Analysis

IBI Group has applied to rezone the subject site to permit the construction of a two-lot, medium to high-density, mixed use development comprising 392 apartment units in four towers (including 49 affordable LEMR housing units and 20 market rental housing units), pedestrian-oriented retail at grade along a portion of Capstan Way, and new church and child care facilities for the Richmond Capstan Alliance Church (currently located at 3360 Sexsmith Road), together with a public greenway, an extension of Ketcheson Road, and various road and utility upgrades.

This proposal is consistent with current OCP and CCAP policies applicable to the subject site, which encourage, among other things, the retention and enhancement of existing community-serving institution uses, together with medium to high density residential development (including affordable housing and market rental housing), public walkways and open space (including a mid-block "pedestrian linkage" along the site's entire north boundary), street and bike network improvements, and funding contributions towards Capstan Station-related mobility improvements.

Proposed CCAP Amendment

The CCAP currently designates two of the development's properties as "Institution", including the existing Richmond Capstan Alliance Church at 3360 Sexsmith Road and the former TransLink park-and-ride at 3440 Sexsmith Road. The CCAP "Institution" land use designation is applied to sites containing institution, community, government, and similar facilities with the aim of permitting site-specific bonus density (i.e. over and above the density generally permitted on adjacent lands) as a means to encourage the delivery of enhanced community-serving institutional uses through private development.

TransLink has relocated its park-and-ride to Bridgeport Village and sold its property to the subject developer. The rezoning proposes to replace the existing church and child care at 3360 Sexsmith Road with expanded facilities on the former park-and-ride lands. The proposal more than triples the existing combined floor area of the church and child care, from approximately 830 m² (8,900 ft²) to 2,853 m² (30,709 ft²), and the proposed location will make them a prominent Capstan Village feature. To facilitate the relocation and expansion of the church and child care, the developer proposes that:

1. A 0.185 floor area ratio (FAR) is granted to the development for exclusive church and child care uses (i.e. over and above the density that the CCAP would otherwise permit on the site); and
2. The CCAP "Specific Land Use Map: Capstan Village (2031)" is amended by removing the existing "Institution" designation at 3360 Sexsmith Road (i.e. the existing church/child care site) for the purpose of accurately reflecting the proposed consolidation of "Institution" uses (i.e. church and child care) in a single location at the northwest corner of Capstan Way and Garden City Road (Lot A).

Staff are supportive of the proposed CCAP amendment because it is consistent with the Plan's objectives for retaining and enhancing community-serving institution uses through private development and the minor density increase (0.185 FAR) will be used exclusively for the expanded church and licensed child care facility.

Proposed Site-Specific Zone (ZMU51)

A site-specific zone has been prepared to facilitate the subject development, "Residential/Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)" (Zoning Amendment Bylaw 10389). This site-specific zone is recommended on the basis that the proposed:

1. Density includes:
 - a) Base densities of 1.2 FAR on the subject site's east lot (Lot A) and 2.0 FAR on its west lot (Lot B), which are consistent with the CCAP for developments that comply with the City's affordable LEMR housing policy, as per the "Specific Land Use Map: Capstan Village (2031)" (Attachment 3);
 - b) The Capstan Station Bonus (i.e. 0.5 FAR residential density applied to both lots, over and above the base densities of 1.2 FAR and 2.0 FAR), which is applicable under CCAP policy where developers make voluntary contributions in the form of:
 - i) Cash contributions to the Capstan Station Reserve prior to Building Permit issuance (at standard City rates, as set out in the Zoning Bylaw) for station-related transportation improvements; and

- ii) Public open space contributions secured with a statutory rights-of-way (developer owned/maintained) based on 5 m² (54 ft²) per dwelling unit, which in the case of the subject development shall comprise at least 1,960 m² (0.5 acres) in the form of a public multi-use path and landscaped seating/play areas, as per CCAP policy for pedestrian linkages and related public open space features in Capstan Village;
 - c) A market rental housing bonus (0.1 FAR), which is consistent with OCP policy for mixed-tenure City Centre developments;
 - d) “Institution” density (0.185 FAR), which is consistent with CCAP policy (as described in the Proposed CCAP Amendment section of the report), and will generate 2,853 m² (30,709 ft²) for exclusive use for new expanded facilities for the Richmond Capstan Alliance Church, including new child care facilities; and
 - e) Provisions for calculating density on road dedications secured for Ketcheson Road and off-street bike paths along Sexsmith Road and Capstan Way (including the frontage of the remnant portion of 3440 Sexsmith Road), as per CCAP policy regarding the dedication of “minor streets” and other public realm features that are not eligible for Development Cost Charge credits;
2. Residential rental tenure provisions will secure 69 dwelling units on Lot A, including at least 49 LEMR units and 20 market rental units (which units will also be subject to a Housing Agreement, Market Rental Agreement, and related covenants, as applicable);
 3. Pedestrian-oriented commercial and church uses will be located at grade along the Capstan Way frontage of Lot A, where they will complement local commercial uses proposed as part of Polygon’s “Talisman” development (on the south side of Capstan Way) and contribute towards the creation of an animated neighbourhood node;
 4. Maximum building heights, ranging from 28 m (92 ft.) near Garden City Road to a maximum of 47 m (154 ft.) geodetic on the west part of the site, are consistent with the maximum heights permitted on the adjacent “Concord Gardens” site; and
 5. Site specific parking requirements include two car-share parking spaces on Lot A, a 50% increase in Class 1 (secured) bicycle parking spaces for residents (i.e. 1.875/unit instead of 1.25/unit), and a minimum of 10 Class 1 bicycle parking spaces for non-residential uses (which non-residential bike parking will be co-located with end-of-trip and bike maintenance facilities on Lot A, as per legal agreements registered on title prior to rezoning).

Proposed Church and Child Care

The Richmond Capstan Alliance Church owns and operates facilities at 3360 Sexsmith Road and a small satellite facility in Bridgeport Village. The Church currently leases a portion of its Sexsmith property to a commercial child care operator, Mustard Seed Children’s Centre. In anticipation of continued growth in Richmond and the City Centre, the Richmond Capstan Alliance Church has partnered with the subject developer with the aim of replacing its existing Sexsmith Road buildings with new expanded facilities designed to meet the needs of a growing and diverse population and provide a vibrant community hub.

Existing Facilities: The combined floor area of the Church's existing Sexsmith Road facilities is approximately 830 m² (8,900 ft²). This includes the church hall, 620 m² (6,700 ft²), and a secondary building housing the child care, 210 m² (2,200 ft²).

The church serves a community of approximately 350 people, most of whom live in Richmond. In addition to being a place of worship, the church runs a variety of social, recreational, and educational programs for its members.

Mustard Seed Children's Centre is licensed commercial child care with capacity for 37 children, including 25 full-day spaces for 3-5 year-olds and 12 full-day toddler/preschool spaces. The Centre currently has a wait list of 20 children.

Development Concept: The church and child care are envisioned as a community hub offering programs and services for all ages and abilities and contributing towards the development of a vibrant and inclusive urban community. The facility is proposed as a four-storey, "stand-alone" building comprising 2,853 m² (30,709 ft²) at the corner of Capstan Way and Garden City Road, at the southeast corner of the development's east lot (Lot A). The proposed location will make it a prominent feature along Garden City Road and the Capstan Way greenway/bike path, at a key gateway between Capstan Village and the Capstan Canada Line Station on the west and "The Oaks" residential neighbourhood and Talmey Elementary School on the east. Key features of the proposed development concept include:

1. On the ground floor, a 392-seat church sanctuary, main lobby, "community hang-out" space, and administration and support spaces (e.g., kitchen and washrooms), with access provided via a broad weather-protected porch for socializing along the building's Capstan Way frontage and direct indoor access to the Lot A shared parking structure;
2. On the second floor, an upper lobby with direct access to the Lot A central plaza (auto-court) and additional church/child care parking, various support spaces, and the proposed child care, which includes a full-day child care for 35 – 40 children, comprising 345 m² (3,715 ft²), a half-day toddler/preschool program space for 10 – 12 children, comprising 126 m² (1,358 ft²), and 262 m² (2,830 ft²) of outdoor play space including a covered area (the design of which will take into consideration the City's child care design guidelines and meet all applicable child care licensing requirements);
3. On the third floor, classrooms, meeting rooms, and support spaces;
4. On the fourth floor, a large gymnasium with support spaces (i.e. kitchen, change rooms and storage) suitable for a broad range of sports, recreation, and social activities and events;
5. 71 parking spaces for exclusive church and child care use (located at the building's two entry levels and connected with a parking ramp), together with a large landscaped plaza (auto-court) at the centre of Lot A designed to accommodate passenger drop-off/pick-up and minimize potential traffic congestion on surrounding streets during peak use periods; and
6. Subdivision in the form of an Air Space Parcel, together with easements and statutory rights-of-ways to secure necessary access to and use of parking, loading, and related exclusive and shared features within the Lot A mixed use development.

Relocation Strategy: The Richmond Capstan Alliance Church's existing Sexsmith Road property is not suitable to its needs. While the site is large, its shape is narrow and deep, which compromises its ability to expand to accommodate key program objectives (e.g., a large gymnasium and ground-

oriented child care and community spaces) and provide adequate parking. Relocation of the church and child care from their existing mid-block 3360 Sexsmith Road location to the corner of Capstan Way and Garden City Road will enhance the prominence of the new facility and provide necessary design flexibility. Moreover, as the CCAP encourages higher density high-rise buildings on the subject development's west side and lower density, lower-rise buildings on its east side, locating the proposed four-storey church and child care on the site's east side will make it a better fit with the CCAP's built form objectives and surrounding development.

It is anticipated that the existing Sexsmith Road church and child care facilities may need to be vacated before the new facilities on Lot A are complete. The Richmond Capstan Alliance Church has made the commercial child care tenant aware of its plans to redevelop and will be working with the developer to extend its use of 3360 Sexsmith Road for as long as possible in order to minimize disruptions to the delivery of church and child care services. In addition, prior to rezoning bylaw adoption, a legal agreement will be registered on title restricting demolition of the existing Sexsmith Road church and child care facilities until:

1. A Development Permit is issued for the comprehensive development of the entire subject site, including the new church and child care facilities on Lot A;
2. All Richmond Capstan Alliance Church operations have been satisfactorily relocated off-site (i.e. to the proposed Lot A facilities or a temporary location, as applicable);
3. The commercial child care tenant has been kept apprised of the progress of the proposed redevelopment and provided with at least six months notice (as per the terms of its existing lease agreement with the Church); and
4. The owner has provided the commercial child care tenant with the services of a professional realtor, at the owner's sole cost, to assist the child care tenant in finding similar appropriately zoned space to lease within Richmond.

The existing commercial child care operator has submitted a letter indicating that it supports the Church's proposed redevelopment and is satisfied with the measures provided with regard to its relocation (Attachment 6).

Housing

The proposed development includes 32,507 m² (349,902 ft²) of residential floor area and a total of 392 apartment units, comprising 323 market (strata) units, including an 11-storey tower containing 132 units on Lot A and two towers (12 and 14 storeys) containing 191 units on Lot B, and 69 rental units (including 49 affordable housing units and 20 market rental housing units) in a Mixed Income Rental Housing Building on Lot A.

1. Affordable Housing & Market Rental Housing Policy Compliance: Council approved amendments to the Low End Market Rental (LEMR) Program on November 15, 2021 and introduced a new Market Rental Housing Policy on June 20, 2022. Rezoning applications received prior to the adoption of these changes are to be processed in keeping with the LEMR and Market Rental Policies that pre-dated the changes, provided that such applications are brought forward to Council for consideration by November 15, 2022. (Note that earlier presentation of the subject application to Council was not possible due to delays incurred through the attempted acquisition of 3420 Sexsmith Road, which entailed several redesigns, and the complexity of coordinating the objectives of the Church and child care

with the overall development concept.) The proposed rezoning application was submitted to the City in 2018 and, as such, the development provides for:

- a) Affordable LEMR housing based on 10% of total residential floor area (excluding market rental housing floor area); and
- b) Market rental housing based on the OCP's density bonus provisions for the voluntary contribution of market rental housing.

In compliance with the City's policies, the subject development and proposed site-specific ZMU51 zone (which includes residential rental tenure zoning) provide for the following features:

- a) For affordable LEMR housing: 49 LEMR units, constructed on-site to a turnkey level of finish (at the developer's sole cost) and secured in perpetuity with a Housing Agreement registered on title, comprising at least 3,097 m² (33,330 ft²) of habitable space, based on 10% of the development's total maximum residential floor area (excluding market rental housing floor area); and
- b) For market rental housing: The developer's voluntary contribution of at least 20 market rental housing units, constructed on-site to a turnkey level of finish (at the developer's sole cost) and secured in perpetuity with a Market Rental Agreement registered on title, comprising at least 1,542 m² (16,600 ft²) in the form of habitable dwelling unit floor area and a proportional share of ancillary space (e.g., corridors), as per the OCP's market rental housing density bonus provisions (i.e. 0.1 floor area ratio for market rental housing and ancillary spaces in City Centre mixed tenure buildings).

To ensure rezoning applications proceeding in accordance with the LEMR policy in place prior to November 15, 2021, move forward to adoption in a timely manner, the proposed rezoning is to be adopted no later than November 15, 2023. If the subject rezoning is not ready for adoption by November 15, 2023, a staff report will be brought forward to Council providing an update on the status of the rezoning and recommending whether the rezoning should be revised to comply with current City policy.

2. Non-Profit Housing Operator: The developer proposes to cluster the development's affordable housing and market rental housing contributions in a stand-alone building. As required under the City's Affordable Housing Strategy, a developer has the flexibility to cluster LEMR units in a stand-alone building if a partnership with a non-profit housing operator has been established. As evidence of such a partnership, the developer has entered into a preliminary Memorandum of Understanding (MOU) with an experienced non-profit housing operator (S.U.C.C.E.S.S.) interested in operating the LEMR and market rental units. The developer has submitted a copy of the preliminary MOU, together with a letter of intent from the proposed operator (Attachment 7), for the City's consideration.

S.U.C.C.E.S.S. currently owns and operates two affordable housing buildings in Richmond (134 units) and is seeking additional opportunities in Richmond to deliver affordable housing. Based on experience, S.U.C.C.E.S.S. prefers a clustered arrangement of units within a building because it enhances operational control and strengthens relationships between tenants. S.U.C.C.E.S.S. has stated that it is interested in operating the proposed mix of affordable and market rental units because the combination of tenants contributes to a positive social outcome and the market units' higher rents will improve the financial sustainability of operating the LEMR units.

3. Lot A Mixed Income Rental Housing Building: The developer proposes to construct the entirety of the development's affordable LEMR housing and market rental housing contribution in a stand-alone, 8-storey Mixed Income Rental Housing Building located at the corner of Capstan Way and Ketcheson Road (Lot A). The rental building will be constructed to a turnkey level of finish (at the developer's sole cost) and completed, to the City's satisfaction, prior to occupancy of any market strata units on either lot (Lot A or Lot B).

The proposed Lot A Mixed Income Rental Housing Building will include at least:

- 49 LEMR units, comprising 3,097 m² (33,330 ft²) of habitable unit floor area;
- 20 market rental units and ancillary space, comprising 1,542 m² (16,600 ft²); and
- Additional floor area for common lobbies, hallways, elevators, stairs, mechanical, electrical, and other uses and spaces intended for the exclusive use of the Mixed Income Rental Housing Building occupants and/or necessary for the building's intended operation, to the satisfaction of the City, as determined through an approved Development Permit.

Legal agreements will be registered on title prior to rezoning bylaw adoption to secure parking, bike storage, electric vehicle (EV) charging infrastructure, indoor and outdoor amenity space, waste management and loading facilities, and related uses and spaces for the use and enjoyment of the Mixed Income Rental Housing Building occupants, in compliance with OCP and Zoning Bylaw requirements, to the City's satisfaction.

In addition, as per the City's Low End Market Rental (LEMR) Program, a Housing Agreement will be registered on title to secure full access of the applicable Lot A amenities (as described in the Amenity Space for Residents section of the Analysis) and restricting the Lot A owner(s), housing operator, or others from charging the affordable LEMR housing occupants any additional fees (i.e. over and above the Council-approved LEMR rental rates) for use of any indoor/outdoor amenity spaces, parking, bike storage, or similar features.

4. Overall Dwelling Unit Mix: The OCP and CCAP encourage the development of a variety of unit types and sizes supportive of the diverse needs of Richmond's population including, but not limited to, households with children. Staff support the developer's proposal, which provides for a combined total of 240 one-bedroom units (61%) and 152 family-friendly, two- and three-bedroom units (39%), as indicated in the table below.

Housing Tenure	Studio	1-BR	2-BR & 3-BR
• Market Strata (323)	Nil	60% (194)	40% (129)
• Affordable (49)	Nil	70% (34)	30% (15)
• Market Rental (20)	Nil	60% (12)	40% (8)
Total (392 units)	Nil	61% (240 units)	39% (152 units)

5. Affordable Housing Unit Mix: The developer proposes to deliver the development's 49 affordable LEMR housing units in a combination of 34 one-bedroom units (70%) and 15 two-bedroom units (30%), all of which shall comply with the Zoning Bylaw's Basic Universal Housing (BUH) standards (making them adaptable for occupants with disabilities). Through the Development Permit process, staff will work with the developer and housing operator to secure at least 5% three-bedroom units, as per the City policy.

Affordable Housing	Min LEMR Unit Area	Max Unit Rent per Month(1)	Max Household Income (1)	LEMUR Project Unit Targets Unit Mix(2)	BUH(3)
Studio	37 m ² (400 ft ²)	\$811	\$34,650	70% (34 units)	100%
1-Bedroom	50 m ² (535 ft ²)	\$975	\$38,250		100%
2-Bedroom	69 m ² (741 ft ²)	\$1,218	\$46,800	30% (15 units)	100%
3-Bedroom	91 m ² (980 ft ²)	\$1,480	\$58,050		100%
TOTAL	Varies	Varies	Varies	100% (49 units min)	100%

(1) Rates shall be adjusted periodically, as provided for under adopted City policy.

(2) The unit mix will be confirmed to the satisfaction of the City through the Development Permit* process. The recommended LEMR unit mix is indicated in the table; however, based on approved design, which may take into account non-profit housing operator input, the LEMR unit mix may be varied provided that at least 15% of units have 2 bedrooms and at least 5% have 3 bedrooms.

(3) BUH units mean those units that comply with the Zoning Bylaw's Basic Universal Housing standards.

6. Market Rental Housing Unit Mix: The developer proposes to deliver the development's 20 market rental housing units in a combination of 40% family-friendly two- and three-bedroom units and 60% one-bedroom units, all of which shall comply with the Zoning Bylaw's Basic Universal Housing (BUH) standards (making them adaptable for occupants with disabilities).
7. Rental of Strata Dwellings: The OCP encourages measures aimed at reducing barriers to accessing rental housing in multi-family residential developments. Prior to rezoning bylaw adoption, the developer will register a restrictive covenant on title prohibiting the imposition of strata bylaws prohibiting market (strata) dwelling units from being rented or imposing age-based restrictions on occupants.

Amenity Space for Residents

The CCAP and OCP require that large multi-family developments provide shared indoor and outdoor amenity space for socializing, recreation, and children's play. To satisfy these requirements, the development includes the following shared amenity spaces.

Shared Indoor Amenity Space: On Lot A, at least 402 m² (4,327 ft²) in the form of a "stand-alone" indoor amenity building fronting the lot's central plaza (auto-court) for the shared use of all Lot A residents (i.e. affordable housing, market rental, and market strata) and, on Lot B, at least 382 m² (4,112 ft²) within the lot's podium for the shared use of all Lot B residents (i.e. market strata).

Shared Outdoor Amenity Space: On Lot A, at least 1,206 m² (12,981 ft²) of rooftop space, distributed proportionally between the rooftops of the Mixed Income Rental Housing Building and market (strata) building for the exclusive use of each building's occupants, and on Lot B, at least 1,146 m² (12,335 ft²) of podium rooftop space for the shared use of all Lot B residents.

In addition, prior to rezoning adoption, legal agreements will be registered on title to the lots to:

1. Secure unrestricted shared use of the Lot A "stand-alone" indoor amenity building by the lot's affordable housing, market rental housing, and market (strata) occupants;
2. Restrict the ability of the Lot A owner(s), housing operator, or others from charging the affordable housing occupants for use of any indoor/outdoor amenity spaces or other necessary features of the building (e.g., parking and bike storage);

3. Require that the Lot A Mixed Income Rental Housing Building includes an additional 19 m² (200 ft²) of indoor amenity space for use by the building's non-profit housing operator for program and administration purposes; and
4. Ensure that prior to residential occupancy, the applicable amenity spaces are completed, on a building-by-building basis, to the City's satisfaction.

Accessibility

Richmond's OCP seeks to meet the needs of the city's aging population and people facing mobility challenges by encouraging the development of accessible housing that can be approached, entered, used, and occupied by persons with physical or sensory disabilities.

Staff support the developer's proposal, which is consistent with City policy and will include barrier-free lobbies, common areas, and amenity spaces, aging-in-place features in all units (e.g., blocking for grab bars and lever handles), and at least 30% Basic Universal Housing (BUH) units (i.e. 118 of 392 units), including 15% of market strata units (i.e. 49 of 323 units) and 100% of affordable housing and market rental housing units (i.e. 49 units and 20 units respectively).

Transportation

The CCAP requires various road, pedestrian, and cycling network improvements on and around the subject site and encourages the implementation of transportation demand management measures aimed at reducing automobile dependence and encouraging walking, cycling, and increased use of transit. Consistent with these objectives, the proposed development provides for a variety of transportation improvements and related features, all at the developer's sole cost, to be secured through the proposed site-specific ZMU51 zone, legal agreements registered on title prior to rezoning, and the City's standard Servicing Agreement processes (secured with Letters of Credit). Development Cost Charge (DCC) credits will be applicable to works identified on the City's DCC Program.

Staff support the developer's proposal, which is consistent with City policy and includes:

1. Off-site network enhancements including:
 - a) Dedication and construction of an extension of Ketcheson Road (to City standards), connecting the road's existing north leg (at "Concord Gardens") to Capstan Way and the road's recently approved south leg (at Polygon's "Talisman");
 - b) Extension of off-street bike paths and related landscape improvements along Capstan Way, Sexsmith Road, and Garden City Road; and
 - c) Construction of a landscaped 6 m (20 ft.) wide greenway along the site's entire north edge (secured with a statutory rights-of-way) for use as a multi-use path for pedestrians and cyclists (i.e. 5% maximum slope) and designed to facilitate a potential future crossing of Garden City Road (by others), if warranted, as determined to the City's satisfaction (i.e. to improve safety and convenience for people travelling between Capstan Station, the Capstan Community Centre, and other uses on the west and Talmey Elementary School and West Cambie's residential neighbourhoods on the east);

2. Road widening and frontage improvements including:

- a) Road, sidewalk, and related improvements along Capstan Way, Garden City Road, and Sexsmith Road, including dedication and full upgrades along the Capstan Way frontage of the remnant (west) portion of 3440 Sexsmith Road; and
- b) Minimizing potential pedestrian and cycling conflicts by limiting vehicle access to Ketcheson Road, including two driveways serving the development's east lot and one driveway serving the west lot (the latter of which will be secured with a legal agreement for shared use with future adjacent development);

3. Parking measures including:

- a) On Lot A, an auto-court in the form of a central landscaped plaza, screened by non-parking uses and designed to mitigate potential traffic impact on surrounding streets by providing for on-site drop-off/pick-up (for the church, child care and other uses) and direct on-site parkade connections;
- b) 71 parking spaces secured for the exclusive use of the development's church and child care facility, including approximately 50% adjacent to the auto-court, at the level of the child care and church's second floor entrance, and 50% in the parkade, at the church's main floor;
- c) Resident parking in compliance with the Zoning Bylaw, including on Lot A, 40 spaces secured for the 49 affordable LEMR units and 16 for the 20 market rental housing units; and
- d) Residential visitor parking including 39 spaces on Lot B (residential lot) and 23 spaces on Lot A (mixed use lot), together with shared use of Lot A's 18 commercial parking spaces;

4. Car-share measures, including two dedicated car-share parking spaces with electric vehicle charging infrastructure within Lot A's auto-court (secured with a legal agreement for 24/7 public access), together with two car-share vehicles and a 3-year contract with a car-share operator; and

5. On-site cycling measures including:

- a) End-of-trip cycling facilities (e.g., showers, change rooms, and related features) co-located with Class 1 (secure) bicycle storage spaces and bike maintenance/wash facilities for the shared use of commercial, church, and child care uses on Lot A;
- b) Bike maintenance/wash facilities for residents, including one for each of the two market (strata) buildings and one for the Mixed Income Rental Housing Building; and
- c) 50% increase in Class 1 bike storage for all residents (i.e. 1.875 bikes per unit instead of 1.25 bikes per unit).

Sustainability

The CCAP encourages the coordination of private and City development objectives with the aim of advancing opportunities to implement environmentally responsible buildings, services, and related features. Locations undergoing significant change, such as the subject site, are well suited to this endeavour. Staff support the developer's proposal, which is consistent with City policy and includes:

1. District Energy Utility (DEU): A City Centre DEU service area bylaw, including the subject site, will be presented for consideration by Council under a separate report. Prior to rezoning adoption, a standard DEU covenant will be registered on title requiring the developer to design and construct a low carbon energy plant, at the developer's sole cost, and transfer it to the City, together with compatible building and mechanical systems, to facilitate the development's connection to a City District Energy Utility.
2. BC Energy Step Code: City policy requires that new buildings are designed and constructed to satisfy BC Energy Step Code requirements. High-rise residential and mixed use buildings that include a low carbon energy plant (as discussed above) must comply with "Step 2" or better. Prior to rezoning adoption, through the Development Permit process, the developer will be required to conduct energy modelling and provide a statement to the City confirming that the proposed design can meet the applicable Step Code requirements.
3. Electric Vehicle (EV) Measures: In compliance with Zoning Bylaw requirements, the developer proposes to install EV charging equipment for all resident parking spaces (240V), which may include loading sharing provisions (i.e. at least 25% of spaces equipped with operational charging stations and the remainder equipped with capped energized wires), 5% of non-residential parking (240V), and 10% of Class 1 bike storage spaces (120V). In addition, the developer proposes to equip two dedicated car-share parking spaces with EV charging (240V) infrastructure.

Public Art

The CCAP encourages voluntary developer contributions towards public art and identifies Capstan Village as an "art district". The developer proposes to install public art generally within and/or fronting the proposed linear public open space along the site's north side (which artwork may be coordinated with the developer's heritage interpretation plan). Based on applicable City-approved developer contribution rates and the maximum buildable floor area permitted under the development's site-specific ZMU51 zone (excluding affordable housing, market rental housing, church, and child care uses), the value of the developer's voluntary public art contribution shall be at least \$281,418. Prior to rezoning bylaw adoption, a legal agreement will be registered on title securing the developer's commitment and requiring submission of a public art plan, including a terms of reference, for consideration by the Richmond Public Art Committee and approval by Council (i.e. as applicable to terms of reference for public art on private property with budgets over \$250,000).

Tree Retention and Replacement

The applicant has submitted a report, prepared by a certified arborist, identifying tree species and condition, and providing recommendations on retention and removal, taking into account the proposed form of development (e.g., underground parking), required road improvements (e.g., Ketcheson Road and off-street bike paths along Capstan Way and Sexsmith Road), and necessary grade changes (i.e. to match "Concord Gardens"). The arborist's report identifies 18 off-site (City) trees, including 17 in good condition (i.e. 11 Capstan Way street trees, five Garden City Road median trees, and one hedge in the Sexsmith Road dedication) and one dead tree, and 36 on-site bylaw-size trees, all of which are located at 3380 Sexsmith Road and, for the most part, are in declining health or hazard condition. The City's Tree Preservation Coordinator and Parks Arborist support the findings of the arborist's report and recommend:

1. Replacement of 36 on-site trees at the City bylaw rate of 2:1, at the developer's cost, through the Development Permit (i.e. 72 replacement trees must be planted on-site as part of the proposed development, including 12 large calliper trees);
2. Relocation of 11 Capstan Way (City) street trees to facilitate road, sidewalk, and off-street bike path improvements, at the developer's cost, through the Servicing Agreement;
3. Retention of five Garden City Road (City) median trees; and
4. Cash-in-lieu for the removal of one hedge (City) from the Sexsmith Road dedication to facilitate road, sidewalk, and off-street bike path improvements (i.e. \$1,500 for the City's planting of trees elsewhere in Richmond).

In compliance with City bylaw requirements, prior to the start of any construction activities (including demolition), the developer must install tree protection fencing, to the City's satisfaction, to protect the five Garden City Road median trees and ten bylaw-size trees on neighbouring lots (i.e. nine at 3420 Sexsmith Road and one at 3426 Sexsmith Road). In addition, prior to rezoning adoption, the developer must submit proof of a contract with an arborist for supervision of work conducted in proximity to the required tree protection zones.

Development Phasing

Details of the development's construction phasing will be determined, to the City's satisfaction, though the Development Permit and secured with a legal agreement registered on title. In general, the development will be completed in four sequential stages as follows:

1. Lot A Mixed Income Rental Housing Building, including all affordable LEMR housing and market rental housing units, required amenity spaces, ground floor commercial units along Capstan Way, and ancillary spaces (e.g., parking and bike storage), together with the completion of related Servicing Agreement requirements including all City utilities, Ketcheson Road, and upgrades to Capstan Way (e.g., off-street bike path);
2. Initial market (strata) housing construction, which shall include all the market (strata) units on one lot (i.e. either Lot A or Lot B, but not both), required amenity space and ancillary spaces (e.g., parking and bike storage), together with the completion of all Servicing Agreement requirements with respect to the lot;
3. Lot A church and child care building and all required ancillary spaces, together with any Lot A Servicing Agreement requirements not previously completed; and
4. Final market (strata) housing construction (i.e. either Lot A or Lot B, as applicable), required amenity space and ancillary spaces (e.g., parking and bike storage), together with the completion of any Servicing Agreement requirements not previously completed.

Built Form, Public Open Space and Architectural Character

The developer proposes to construct a medium to high density, mixed use development within a five-minute walk, 400 m (1,312 ft.) of the Capstan Canada Line Station (under construction) and existing/future park space and amenities. The proposed development accommodates all City requirements with respect to transportation and public open space improvements and the built form conforms to the CCAP's Development Permit Guidelines. More specifically, the development has successfully demonstrated:

1. A strong urban concept contributing towards a high-amenity, mixed-use, transit-oriented environment, comprising pedestrian-oriented commercial and church uses fronting the Capstan Way greenway and off-street bike path, a stand-alone mixed income rental housing building (managed by a non-profit housing operator), and a variety of dwelling types (including 39% family-friendly, 2- and 3-bedroom units and 30% Basic Universal Housing units);
2. Variations in massing, in combination with landscaped mid-block pedestrian connections, courtyards, and greenways, that contribute towards streetscape interest, solar access to public and private ground-level and rooftop spaces, and upper- and mid-level views across the site for residents and neighbours;
3. An articulated building typology with a distinct identity and features contributing to a sense of human scale and pedestrian interest;
4. A well-connected network of public realm features (e.g., walkways, bike paths, open spaces, and streets), provided for in part by sloping the site upwards (at a maximum grade of 5% to ensure universal accessibility) from south to north, to meet the existing grade of Ketcheson Road and the “Concord Gardens” development, and from west to east (along the length of the public linear open space proposed along the site’s north boundary), to facilitate a potential future aerial pedestrian/bike crossing of Garden City Road (by others), if the City determines one is warranted; and
5. Sensitivity to existing and future residential neighbours, including tower spacing of at least 24 m (79 ft.), measured to existing buildings to the site’s north and west and future towers to the south (e.g., to reduce overlook and increase sunlight), shared driveway access (via Ketcheson Road) serving future development south of Lot B (e.g., to avoid bike path crossings and minimize pedestrian conflicts), and an on-site auto-court on Lot A for church/child care drop-off/pick-up and parking access (e.g., to minimize traffic congestion on public streets).

Prior to rezoning adoption, the developer will register a legal agreement on title to the subject site requiring that the proposed development is designed and constructed in a manner that mitigates potential development impacts including, among other things, view obstruction, noise or nuisance associated with commercial and non-residential activities, shading, reduced privacy, and related issues that may arise as a result of development on the lands and/or future development on surrounding properties.

Development Permit (DP) approval for the entirety of the proposed development, to the satisfaction of the Director of Development, will be required prior to rezoning adoption. At DP stage, among other things, additional design development is encouraged with respect to the following items:

1. Stand-Alone Mixed Income Rental Housing Building: Design development is required to take into account input from the project’s non-profit housing operator.
2. Church and Child Care: Design development is required to ensure the proposed building provides for an attractive gateway feature at the prominent Capstan Way/Garden City Road intersection, contributes towards the establishment of an animated, pedestrian-oriented neighbourhood hub, and takes into account applicable child care licensing requirements and design guidelines. In addition, among other things, consideration should be given to the architectural expression of the building’s Garden City Road façade (to avoid competing with

the Capstan Way entrance) and the treatment of the plaza/auto-court area (to provide for attractive, universal, weather protected access and mitigate potential nuisance for fronting residents).

3. Common Amenity Spaces: All indoor and outdoor common amenity spaces must meet or exceed OCP and CCAP DP Guidelines rates. More information is required with respect to the programming, design, and landscaping of these spaces to ensure they satisfy City objectives.
4. Accessibility: Through the DP process, the design and distribution of accessible units and common spaces and uses must be refined.
5. Tower Form: Design development is encouraged to refine the form and character of the project's towers taking into account skyline interest, shadowing, and adjacencies.
6. Mid-Rise Interface: Design development is encouraged to ensure complementary relationships with existing residential neighbours and existing/proposed public open space amenities along the site's north side (e.g., to maximize sunlight and privacy) and future development south of Lot B (e.g., minimum 9 m/30 ft. setback from building face to lot line).
7. Capstan Station Bonus Greenway: In coordination with the development's Servicing Agreement processes, opportunities must be explored to ensure that the greenway's design contributes towards a distinctive, high amenity public realm, paying particular attention to the greenway's interface with fronting residential uses and community gardens, its role in Capstan Village's "arts district" (e.g. public art), and opportunities for satisfying City objectives for heritage interpretation, enhanced mobility, and public safety.
8. Sustainability: The developer must undertake energy modelling to confirm that the proposed design can meet applicable BC Energy Step Code requirements (i.e. Step 2 with an on-site low carbon energy plant) and undertake design development to ensure that enhanced building performance is coordinated with a high standard of architectural quality and expression.
9. Emergency Services: Preliminary Fire Department requirements identified at the rezoning stage must be addressed (e.g., Fire Department response points and addressing).
10. Crime Prevention through Environmental Design (CPTED): The City has adopted policies intended to minimize opportunities for crime and promote a sense of security. A CPTED checklist and plans demonstrating surveillance, defensible space, and related measures must be finalized through the DP process.
11. Parking, Loading & Waste Management: The development proposal is consistent with the Zoning Bylaw and related City requirements. The design of vehicle parking and circulation, truck manoeuvring, waste management activities, and related features and spaces must be finalized through the DP process.
12. Electric Vehicle (EV) Measures: Through the DP process, the design and distribution of EV infrastructure and related spaces and uses must be identified for car-share use, residential and non-residential parking, and Class 1 bicycle storage.

Community Planning

Prior to rezoning adoption, the developer proposes to voluntarily contribute \$94,537 towards future City community planning studies, as required for City Centre rezoning applications, based on the applicable City-approved developer contribution rate and the maximum buildable floor area permitted under the site-specific ZMU51 zone (excluding affordable housing, market rental housing, church, and child care uses).

Site Servicing and Frontage Improvements

City policy requires that the developer is responsible for the design and construction of road, water, storm sewer, and sanitary sewer upgrades, together with related public and private utility improvements, arising as a result of the proposed development, as determined to the satisfaction of the City. Prior to rezoning adoption, the developer will enter into a standard City Servicing Agreements, secured with a Letter of Credit, for the design and construction of required off-site works, as set out in the attached Rezoning Considerations (Attachment 9). Development Cost Charge (DCC) credits will be applicable to works identified on the City's DCC Program.

Existing Legal Encumbrances

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

Financial Impact or Economic Impact

Through the proposed development, the City will take ownership of developer-contributed assets including waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals. The anticipated operating budget impact for the ongoing maintenance of these assets is \$7,295.

Conclusion

IBI Group, on behalf of Dava Developments Inc., in cooperation with the Richmond Capstan Alliance Church, has applied to the City of Richmond for permission to rezone lands at 3360, 3380 and a portion of 3440 Sexsmith Road from "Assembly (ASY)", "Single Detached (RS1/F)", and "School & Institutional Use (SI)" to "Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)", to construct a mixed use development in the City Centre's Capstan Village comprising a 2,853 m² (30,709 ft²) church and child care facility, 392 apartment units (including 49 affordable housing units and 20 market rental housing units, subject to residential rental tenure zoning and secured in perpetuity with a Housing Agreement and Market Rental Agreement), and ground floor commercial space along Capstan Way, together with a publicly-accessible landscaped greenway along the site's north boundary incorporating heritage interpretation and public art.

An amendment is requested to the City Centre Area Plan "Specific Land Use Map: Capstan Village (2031)" for the purpose of reflecting the proposed consolidation of "Institution" uses (i.e. church and child care) at the northwest corner of Capstan Way and Garden City Road.

Off-site works, including utility upgrades, street widening and frontages improvements along three sides of the site, together with the proposed public greenway, will be the subject of the City's standard Servicing Agreement processes (secured with Letters of Credit).

The west part of 3440 Sexsmith Road (i.e. west of Ketcheson Road) is not subject to RZ 18-836107. Prior to rezoning, 3440 Sexsmith Road will be subdivided and a legal agreement will be registered on title to restrict development of the lot's remnant (west) portion unless it is consolidated with adjacent lands at 3420 and 3426 Sexsmith Road.

An analysis of the developer's proposal shows it to be consistent with the CCAP's development, livability, sustainability, and urban design objectives. On this basis, it is recommended that Official Community Plan Bylaw 7100, Amendment Bylaw 10390 and Richmond Zoning Bylaw 8500, Amendment Bylaw 10389 be introduced and given first reading



Suzanne Carter-Huffman
Senior Planner/Urban Design

SCH:cas

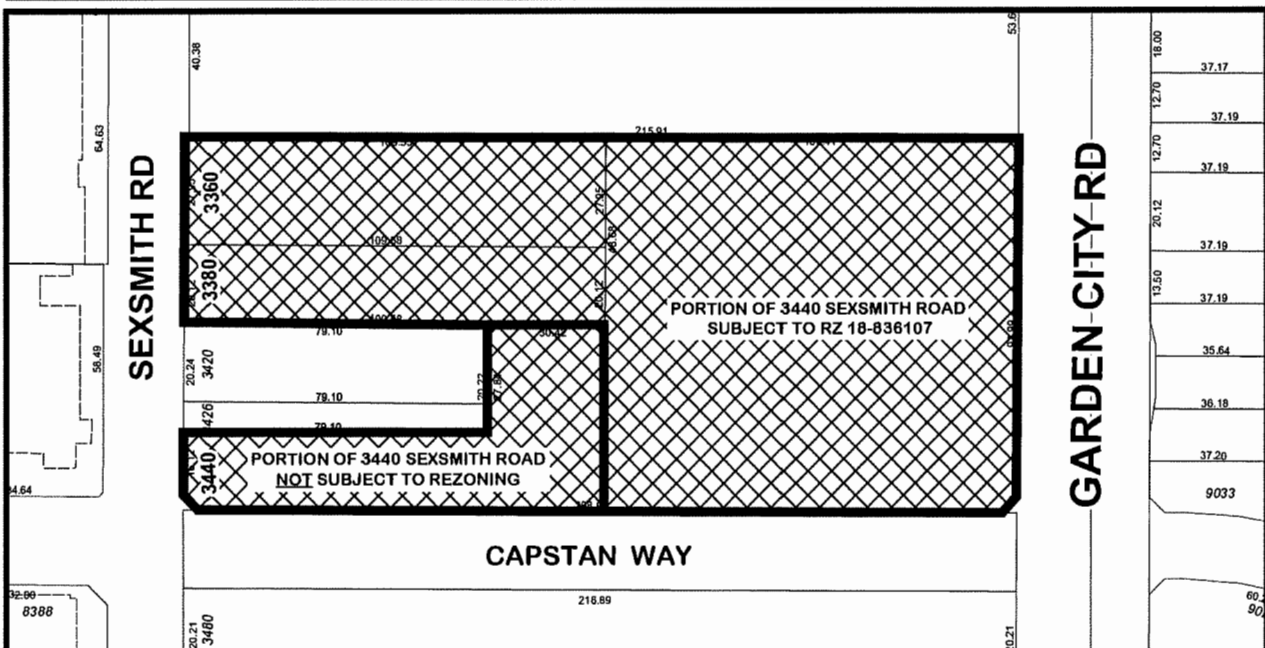
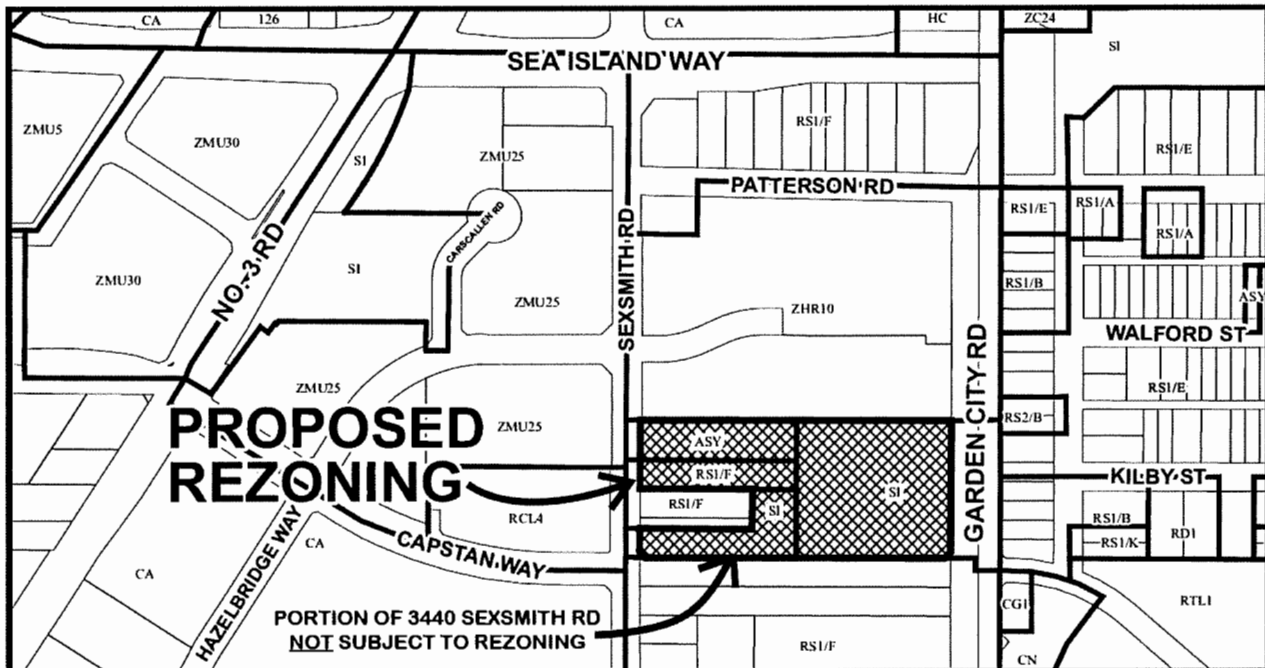
Attachments:

1. Location Map
2. Aerial Photograph
3. CCAP "Specific Land Use Map: Capstan Village (2031)"
4. Development Application Data Sheet
5. OCP Consultation Summary
6. Existing Commercial Child Care Operator (Letter)
7. Proposed Non-Profit Housing Operator (Letter)
8. Conceptual Development Plans
9. Rezoning Considerations

ATTACHMENT 1
Location Map



City of
Richmond



RZ 18-836107

Original Date: 10/18/18

Revision Date: 06/09/22

Note: Dimensions are in METRES



City of
Richmond



RZ 18-836107

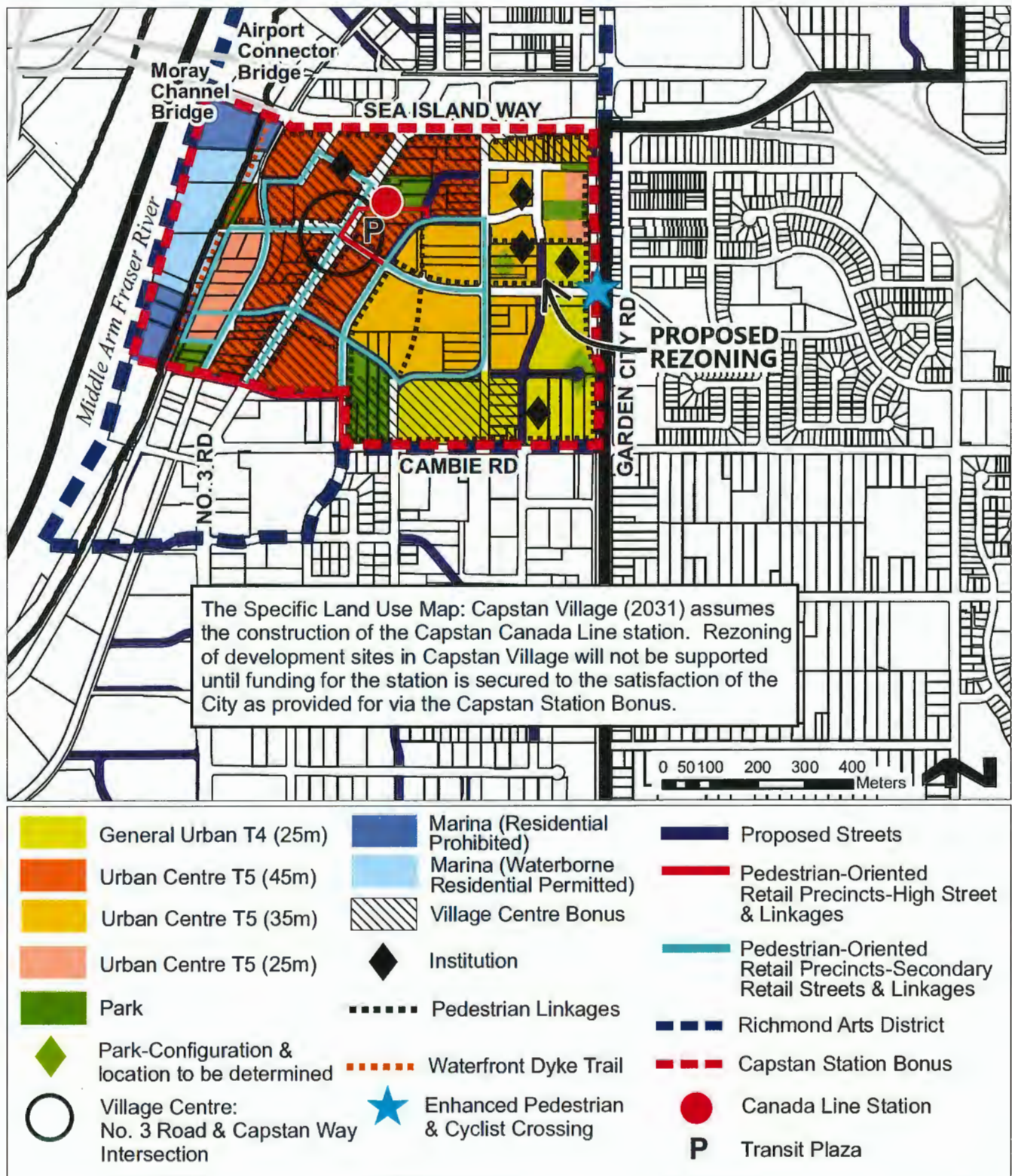
Original Date: 10/18/18

Revision Date: 09/27/22

Note: Dimensions are in METRES

Specific Land Use Map: Capstan Village (2031)

Bylaw 9593
2017/05/08



Maximum building height may be subject to established Airport Zoning Regulations in certain areas.



City of Richmond

Development Application Data Sheet

Development Applications Department

RZ 18-836107

Address: 3360, 3380 and a portion of 3440 Sexsmith Road (i.e. east of the proposed Ketcheson Road alignment)

Applicant: IBI Group

Planning Area: City Centre (Capstan Village)

	Existing	Proposed															
Owner	<ul style="list-style-type: none"> Richmond Capstan Alliance Church 	<ul style="list-style-type: none"> Dava Developments Inc. (1092295 BC Ltd) (Christian & Missionary Alliance – Canadian Pacific District Inc. No. 15034S) 															
Site Size	<ul style="list-style-type: none"> Subject site (3360, 3380 & part of 3440 Sexsmith Road): 16,242.6 m² (4.01 ac) Remnant portion of 3440 Sexsmith Road (i.e. NOT to be rezoned through the subject rezoning application): 2,301.9 m² (0.57 ac) 	<p>Net site area (after road dedication): 12,382.8 m² (3.06 ac), comprising:</p> <ul style="list-style-type: none"> Lot A (east): 7,361.2 m² (1.82 ac) Lot B (west): 5,021.6 m² (1.24 ac) <p>ZMU51 site area for density purposes: 15,421.4 m² (3.81 ac), comprising:</p> <ul style="list-style-type: none"> Lot A: 8,906.6 m² (2.20 ac) Lot B: 6,514.8 m² (1.61 ac) 															
Land Uses	<ul style="list-style-type: none"> Church & child care Parking lot (former park & ride) 	<ul style="list-style-type: none"> Church & child care Apartment housing Limited pedestrian-oriented commercial 															
OCP Designation	<ul style="list-style-type: none"> Mixed Use 	<ul style="list-style-type: none"> No change 															
City Centre Area Plan (CCAP) Designation	<ul style="list-style-type: none"> General Urban T4 (25 m) Urban Centre T5 (35 m) Institution (2 locations) Park – Configuration & location to be determined Pedestrian linkage 	<ul style="list-style-type: none"> No change, EXCEPT that one of the subject site's two existing "Institution" designations (i.e. at 3360 Sexsmith Road) is removed because the development's proposed "Institution" use is consolidated in one location on Lot A 															
Zoning	<ul style="list-style-type: none"> Assembly (ASY) Single Detached (RS1/F) School & Institutional Use (SI) 	<ul style="list-style-type: none"> Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre) 															
# Units & Basic Universal Housing (BUH) (Targets)	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Lot A (east): 201 units, including: <ul style="list-style-type: none"> 132 Market Strata units (including Min. 15% BUH units) 49 Affordable Housing units (100% BUH units) 20 Market Rental units (100% BUH units) Lot B (west): 191 Market Strata units (including Min. 15% BUH units) Total: 392 (including Min. 30% BUH units, based on total units) 															
Unit Mix (Targets)	<ul style="list-style-type: none"> None 	<table> <tr> <th>Housing Tenure</th><th>Studio + 1-BR</th><th>2-BR + 3-BR</th></tr> <tr> <td>Market Strata (323)</td><td>Max 60% (194)</td><td>Min 40% (129)</td></tr> <tr> <td>Affordable (49)</td><td>Max 70% (34 @ 1-BR)</td><td>Min 30% (15 @ 2-BR)</td></tr> <tr> <td>Market Rental (20)</td><td>Max 60% (12)</td><td>Min 40% (8)</td></tr> <tr> <td>Total (392 units)</td><td>Max 61% (240 units)</td><td>Min 39% (152 units)</td></tr> </table>	Housing Tenure	Studio + 1-BR	2-BR + 3-BR	Market Strata (323)	Max 60% (194)	Min 40% (129)	Affordable (49)	Max 70% (34 @ 1-BR)	Min 30% (15 @ 2-BR)	Market Rental (20)	Max 60% (12)	Min 40% (8)	Total (392 units)	Max 61% (240 units)	Min 39% (152 units)
Housing Tenure	Studio + 1-BR	2-BR + 3-BR															
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Market Rental (20)	Max 60% (12)	Min 40% (8)															
Total (392 units)	Max 61% (240 units)	Min 39% (152 units)															
Other Designations	<ul style="list-style-type: none"> Aircraft Noise Sensitive Development: "Area 3" (i.e. all uses may be considered) 	<ul style="list-style-type: none"> No change (ANSO covenant will be registered on title) 															

	ZMU51 Bylaw Requirements	Proposed	Variance
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> Church/child care: Max 0.185 FAR Other density on: <ul style="list-style-type: none"> Lot A: Max. 1.8 FAR Lot B: Max. 2.6 FAR 	<ul style="list-style-type: none"> Church/child care: Max 0.185 FAR Other density on: <ul style="list-style-type: none"> Lot A: Max. 1.8 FAR Lot B: Max. 2.6 FAR 	None permitted

	ZMU51 Bylaw Requirements	Proposed	Variance
Buildable Floor Area*	<ul style="list-style-type: none"> Total: 35,823.4 m² (385,599 ft²) including: <ul style="list-style-type: none"> Lot A: 18,884.9 m² (203,275 ft²), including: <ul style="list-style-type: none"> i) Church/child care: Max 2,853.0 m² (30,709 ft²) ii) Other uses: Max. 16,031.9 m² (172,566 ft²); Lot B: Max. 16,938.5 m² (182,324 ft²) 	<ul style="list-style-type: none"> Lot A: 18,884.9 m² (203,275 ft²), including: <ul style="list-style-type: none"> Church/child care: 2,853.0 m² (30,709 ft²) Commercial: 463.4 m² (4,988 ft²) Residential: 15,568.5 m² (167,578 ft²), incl.: <ul style="list-style-type: none"> i) Mkt Strata: Max. 10,929.9 m² (117,648 ft²) ii) Affordable Housing (Habitable unit area): Min. 3,096.5 m² (33,330 ft²) iii) Market Rental (Habitable unit area & proportional share of common circulation: Min. 1,542.1 m² (16,600 ft²) Lot B: Mkt Strata only: 16,938.5 m² (182,324 ft²) 	None permitted
Lot Coverage	<ul style="list-style-type: none"> Max. 90% for buildings and landscaped roofs over parking spaces 	<ul style="list-style-type: none"> Max. 90% for buildings and landscaped roofs over parking spaces 	None
Lot Size	<ul style="list-style-type: none"> Lot A: Min. 7,200.0 m² (1.78 ac) Lot B: Min. 4,900.0 m² (1.21 ac) 	<ul style="list-style-type: none"> Lot A: 7,361.2 m² (1.82 ac) Lot B: 5,021.6 m² (1.24 ac) 	None
Setbacks	<ul style="list-style-type: none"> Road & park: <ul style="list-style-type: none"> First 2 residential storeys fronting Garden City Road: 1.5 m (5 ft.) Elsewhere: Min. 3.0 m (10 ft.) Interior side yards: Nil Portions of building below finished grade: Nil 	<ul style="list-style-type: none"> Road & park: <ul style="list-style-type: none"> First 2 residential storeys fronting Garden City Road: 1.5 m (5 ft.) Elsewhere: Min. 3.0 m (10 ft.) Interior side yards: Nil Portions of building below finished grade: Nil 	None
Building Height (Max)	<ul style="list-style-type: none"> Based on an approved Development Permit: <ul style="list-style-type: none"> 28.0 m (92 ft.) within 50.0 m (164 ft.) of Garden City Road; and 47.0 m (154 ft.) GSC elsewhere 	<ul style="list-style-type: none"> 28.0 m (92 ft.) within 50.0 m (164 ft.) of Garden City Road; and Varies to Max. 47.0 m (154 ft.) GSC elsewhere 	None
Parking	<ul style="list-style-type: none"> Min. 530 spaces, including: <ul style="list-style-type: none"> Church & related uses: 62 Child care: 9 Residential: 379, including: <ul style="list-style-type: none"> i) Market Strata @ 1.0/unit: 323 ii) Affordable Housing @ 0.8/unit: 40 iii) Market Rental @ 0.8/unit: 16 Visitors @ 0.2/unit: 62, including: <ul style="list-style-type: none"> i) Lot A: 23 (based on 41 spaces LESS 18 shared with Lot A Commercial) ii) Lot B: 39 Commercial @ 3.75/100 m² GLA: 18 Additional required parking: <ul style="list-style-type: none"> Car-Share (Lot A only): 2 	<ul style="list-style-type: none"> 532 spaces (including 2 car-share spaces) <u>Lot A</u>: 302 spaces, including: <ul style="list-style-type: none"> Church & related uses: 62 Child care: 9 Residential: 188, including: <ul style="list-style-type: none"> i) Market Strata: 132 ii) Affordable Housing: 40 iii) Market Rental: 16 Visitors: 23 Commercial: 18 Car-Share: 2 <u>Lot B</u>: 230 spaces, including: <ul style="list-style-type: none"> Residential (Market Strata only): 191 Visitors: 39 	None
Bike Parking	<ul style="list-style-type: none"> Class 1: Min. 751 bikes, including: <ul style="list-style-type: none"> Residential @ 1.875/unit: 741 Non-residential (Lot A only): 10 ("flat rate") Class 2: Min. 123 bikes 	<ul style="list-style-type: none"> Class 1: 751 bikes Class 2: 123 bikes 	None
Amenity Space - Indoor	<ul style="list-style-type: none"> Lot A (2 m²/unit): Min. 402.0 m² (4,327.1 ft²) Lot B (2 m²/unit): Min. 382.0 m² (4,111.8 ft²) 	<ul style="list-style-type: none"> Lot A: 402.0 m² (4,327 ft²) Lot B: 382.0 m² (4,112 ft²) 	None
Amenity Space – Outdoor:	<ul style="list-style-type: none"> Lot A (6 m²/unit): Min. 1,206.0 m² (12,981 ft²) Lot B (6 m²/unit): Min. 1,146.0 m² (12,335 ft²) Additional CCAP landscape @ 10% of net site: Min. 1,238.7 m² (13,334 ft²) 	<ul style="list-style-type: none"> Lot A: 1,206.0 m² (12,981 ft²) Lot B: 1,146.0 m² (12,335 ft²) Additional CCAP landscape: 1,238.7 m² (13,334 ft²) 	None

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

OCP Consultation Summary

Stakeholder	Referral Comment (No Referral necessary)
Agricultural Land Commission	No referral necessary because the Land Commission is not affected.
Richmond School Board	No referral necessary because the proposed amendment will not increase the permitted amount of residential floor area nor increase the projected number of school-age children. (See below)
Board of Metro Vancouver	No referral necessary because the Regional District is not affected.
Councils of adjacent Municipalities	No referral necessary because adjacent municipalities are not affected.
First Nations (e.g., Sto:lo, Tsawwassen & Musqueam)	No referral necessary because First Nations are not affected.
TransLink	No referral necessary because the proposed amendment will not result in road network changes.
Vancouver Port Authority & Steveston Harbour Authority	No referral necessary because the port is not affected.
Vancouver International Airport Authority (Federal Agency)	No referral necessary because the proposed amendment does not affect Transport Canada's maximum permitted building height or the OCP Aircraft Noise Sensitive Development (ANSI) policy.
Richmond Coastal Health Authority	No referral necessary because the Health Authority is not affected.
Community Groups & Neighbours	No referral necessary, but the public will have an opportunity to comment on the proposed amendment at the Public Hearing.
All relevant Federal & Provincial Government Agencies	No referral necessary because Federal and Provincial Government Agencies are not affected.

Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10390, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found to not require further consultation.

The public will have an opportunity to comment further on the proposed amendment at the Public Hearing. Public notification for the Public Hearing will be provided as per the Local Government Act.

School District

This application was not referred to School District No. 38 (Richmond) because it is concerned with CCAP "Institution" uses only (e.g., church and child care) and does provide for any increase in buildable residential floor area, number of dwelling units, or the number of households with school aged children. According to OCP Bylaw Preparation Consultation Policy 5043, which was adopted by Council and agreed to by the School District, residential developments that are subject to an OCP amendment bylaw generating less than 50 additional school aged children do not need to be referred to the School District.

Suzanne Carter- Huffman
Planning & Development
City of Richmond
6911 No. 3 Road
Richmond BC
V6Y 2C1

October 5th, 2022

Re: DAVA Development Re-zoning Application – Richmond Capstan Alliance Church (CAC)

Dear Ms. Carter-Huffman,

I am the owner and operator of Mustard Seed Children's Centre. Mustard Seed is fortunate to operate in the premises of Richmond Capstan Alliance Church (CAC) since 2014 and have enjoyed a very reasonable rental arrangement as well as great support from the church.

I am also an active registered member of CAC and have received regular updates on the progress of the joint re-zoning application with DAVA Development. More importantly, there is good working relationship between the children's centre and the church. In light of the Church's development plan, we have worked on a transition plan together that includes the following:

- Flexible lease agreement between the church and Mustard Seed to foster a win-win scenario including a minimum 6-month notice of relocation. The agreement is to provide mutual flexibility and benefit between the two parties.
- Keeping our daycare families informed about the progress of CAC's development. We will continue to maintain this effort appropriately.

In summary, Mustard Seed respect CAC's endeavour to explore its development opportunity and will work cooperatively with the church's future development plan. As an independent business, Mustard Seed will also develop its individual business plan to grow and increase our service in Richmond.

Sincerely,



Felix Li,
Owner and Manager
Mustard Seed Children's Centre Inc.
3360 Sexsmith Road, Richmond, BC. V6X2H8
(604) 285-5266



S.U.C.C.E.S.S. Affordable Housing Society

Oren Newson

City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Delivered via email

Sept 16, 2022

Dear Oren

I am writing in connection with Dava Developments' development at 3440 Sexsmith Road which includes Low End of Market Rental (LEMR) and Market Rental units. I understand from discussions with Dava that this project is proceeding to Planning Committee in the next few months.

S.U.C.C.E.S.S. and Dava Partnership

S.U.C.C.E.S.S. and Dava have had several discussions recently regarding S.U.C.C.E.S.S. operating/owning the LEMR units in the development, upon completion of construction. S.U.C.C.E.S.S. is also considering operating/owning the Market Rental units in the development. Both parties have expressed interest in working with each other on this project and have drafted an MOU to formalize this partnership.

S.U.C.C.E.S.S.'s Objective and interest in the development

S.U.C.C.E.S.S. recognizes that affordable, secure, and well-maintained housing is fundamental to the community and contributes to healthier residents and communities. Affordable housing is integrally linked to other community issues such as health, recreation, and social and economic development.

S.U.C.C.E.S.S. currently owns/operates two affordable housing buildings in Richmond with a total of 134 units. We also have MOU's with other developers to own/operate more than 200 additional units within Richmond. Adding more buildings / units within Richmond allows for a cluster of units to increase operational efficiencies and economies of scale.

Partnering with Dava to deliver these affordable housing units to S.U.C.C.E.S.S. is an example of the partnerships we need to help us deliver affordable housing to our communities. Dava is an experienced developer real estate development projects with many successful projects in Metro Vancouver. We are pleased to be working with Dava on this project and hope this translates into a long term working relationships for future opportunities.

S.U.C.C.E.S.S. intends to purchase or lease the LEMR units and is also considering purchasing or leasing the Market Rental units within the development. Our objective is to add affordable housing units to our portfolio

Clustering of units

S.U.C.C.E.S.S. prefers all affordable housing units to be located within a cluster. The clustering of units results in much more efficient operations.

S.U.C.C.E.S.S.'s experience with Storeys which has 53 units clustered within 3 floors, solidifies the preference for clustered units. This cluster allows S.U.C.C.E.S.S. far better control of operations and tenant relations than



S.U.C.C.E.S.S. Affordable Housing Society

would be the case if the units were dispersed with the building. Further, tenants of the entire complex share the parking structure and outdoor amenities with no conflict between tenants from the other uses in the building.

For these reasons, we fully support and endorse the clustering of the LEMR units within the building or in a stand-alone building for larger developments.

Opportunity to influence design

Through developing and operating affordable rental housing, S.U.C.C.E.S.S. amassed a wealth of knowledge, lessons learnt and design best practices to ensure operational efficiencies and reduction of maintenance costs. Being involved with Dava at this early stage will ensure the affordable housing units are built to Dava's highest standards while meeting S.U.C.C.E.S.S.'s operational needs.

Interest in Market Rental units

The mix between LEMR tenants and Market tenants has a positive effect both socially and financially. Having the mix promotes equality as the LEMR tenants see themselves on equal footing with the higher income tenants and vis versa.

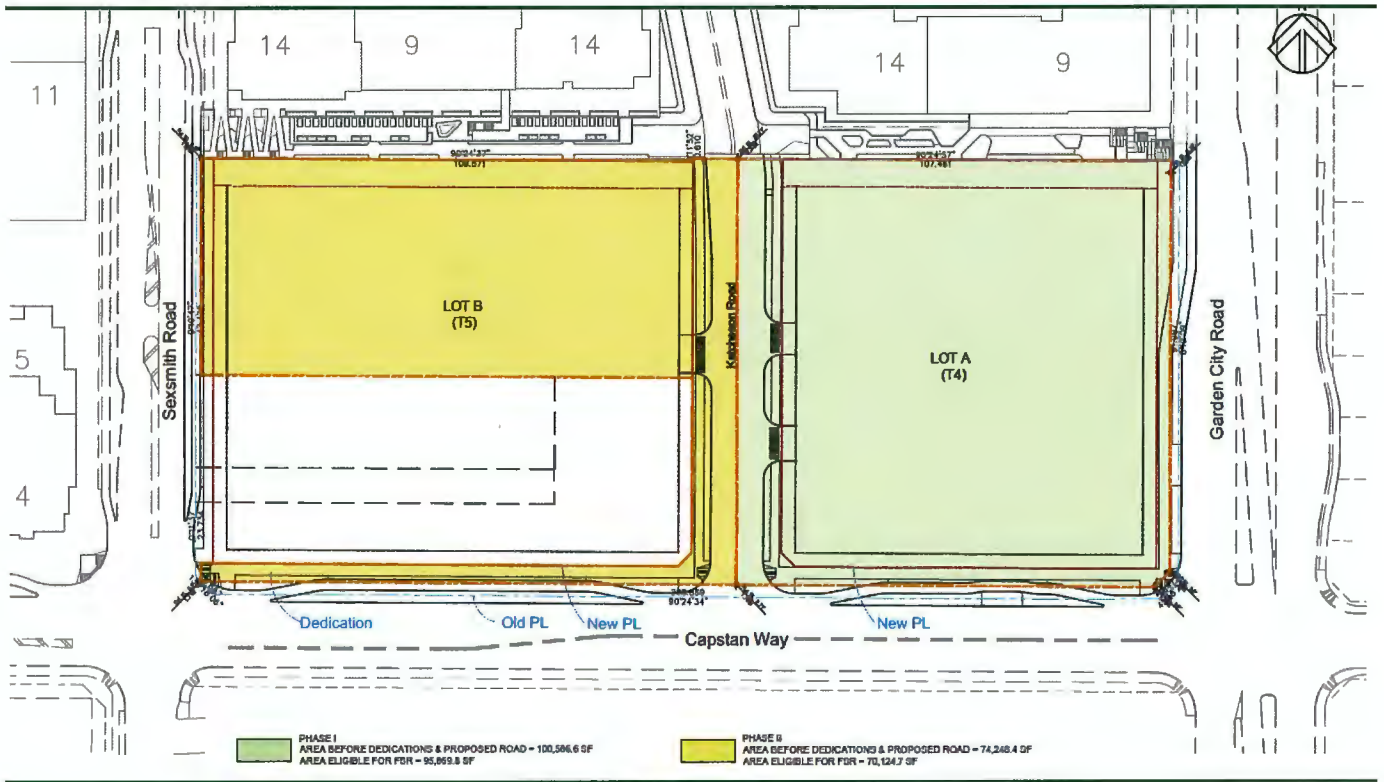
In terms of financials, operating costs have been increasing between 3-4% in the past few years with recent inflation driving the operating costs even higher. while LEMR rent increases remain lower than operating cost escalation, adjusting market rents with inflationary pressures would help with financial sustainability.

Please let me know if you require any further information

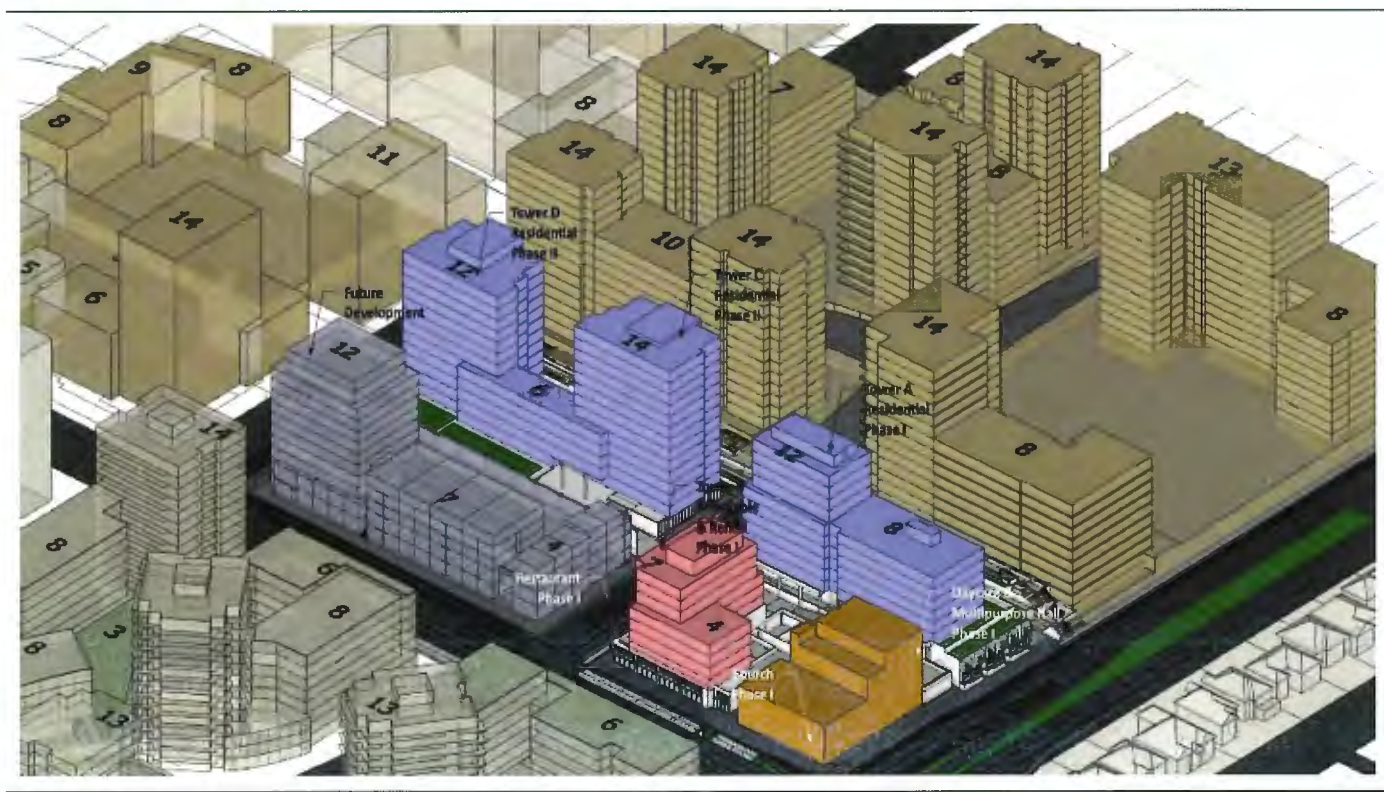
Regards

Ahmed Omran
Director, Community Real Estate and Asset Management

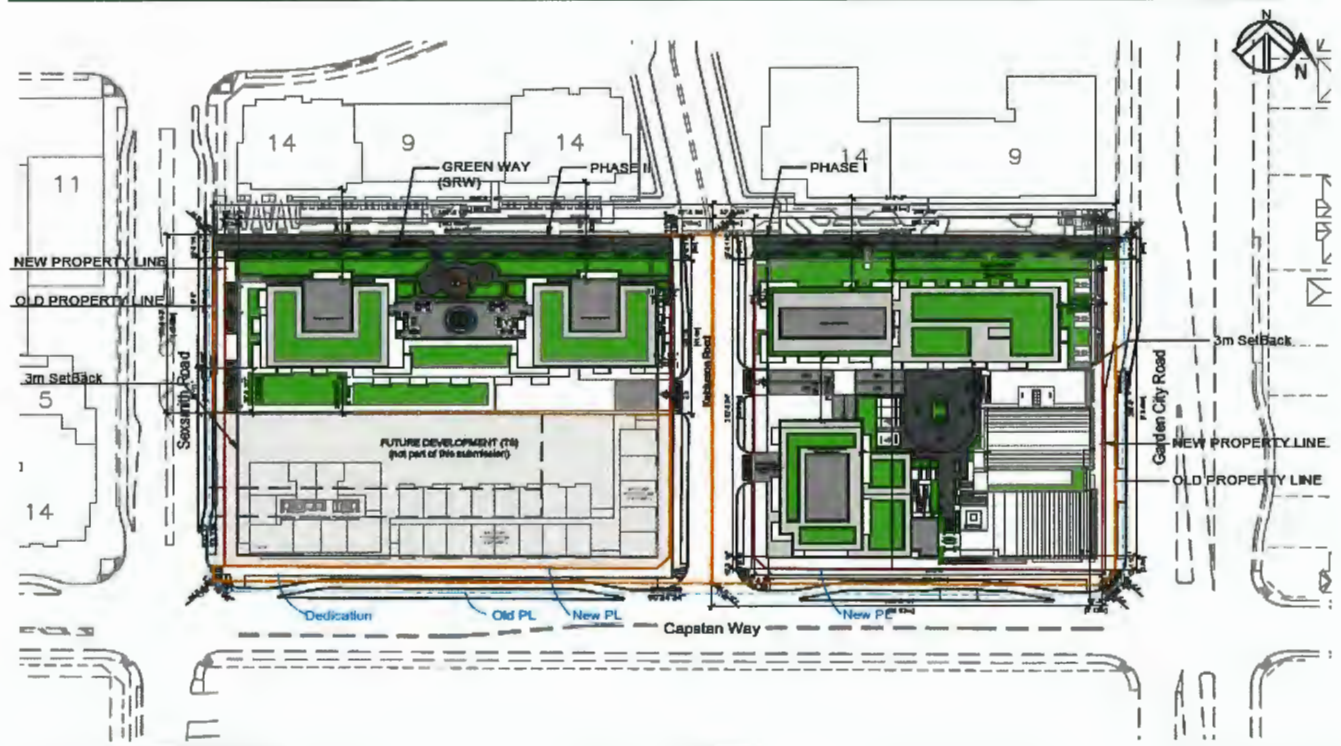
SITE CONTEXT PLAN



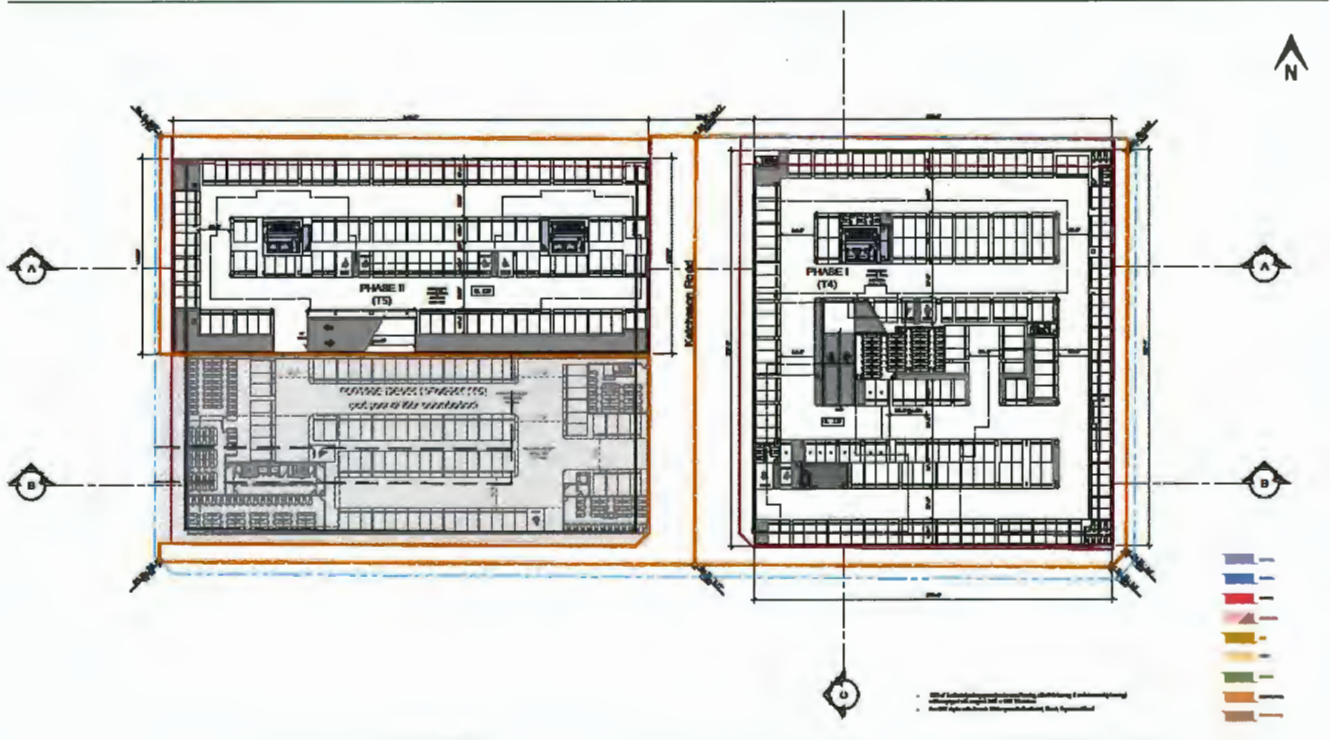
MASSING DIAGRAM



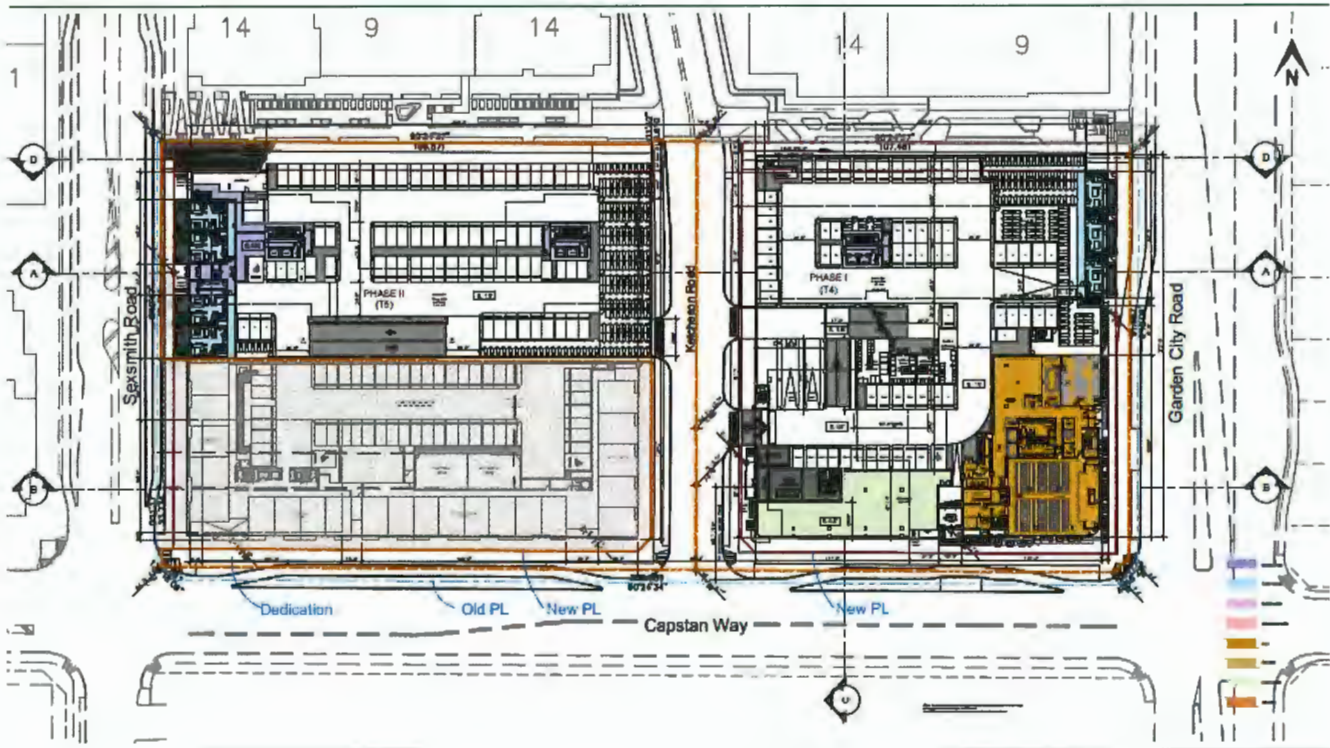
SITE PLAN



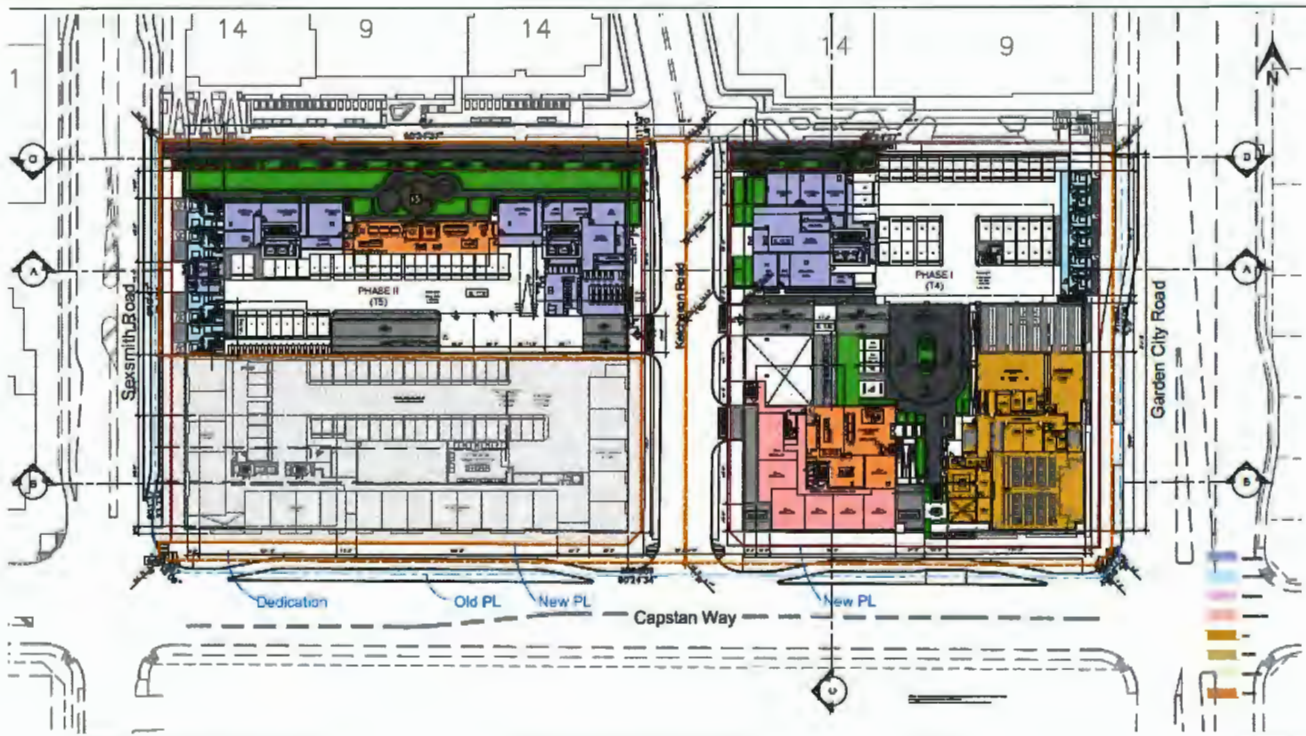
PARKING PLAN - P1



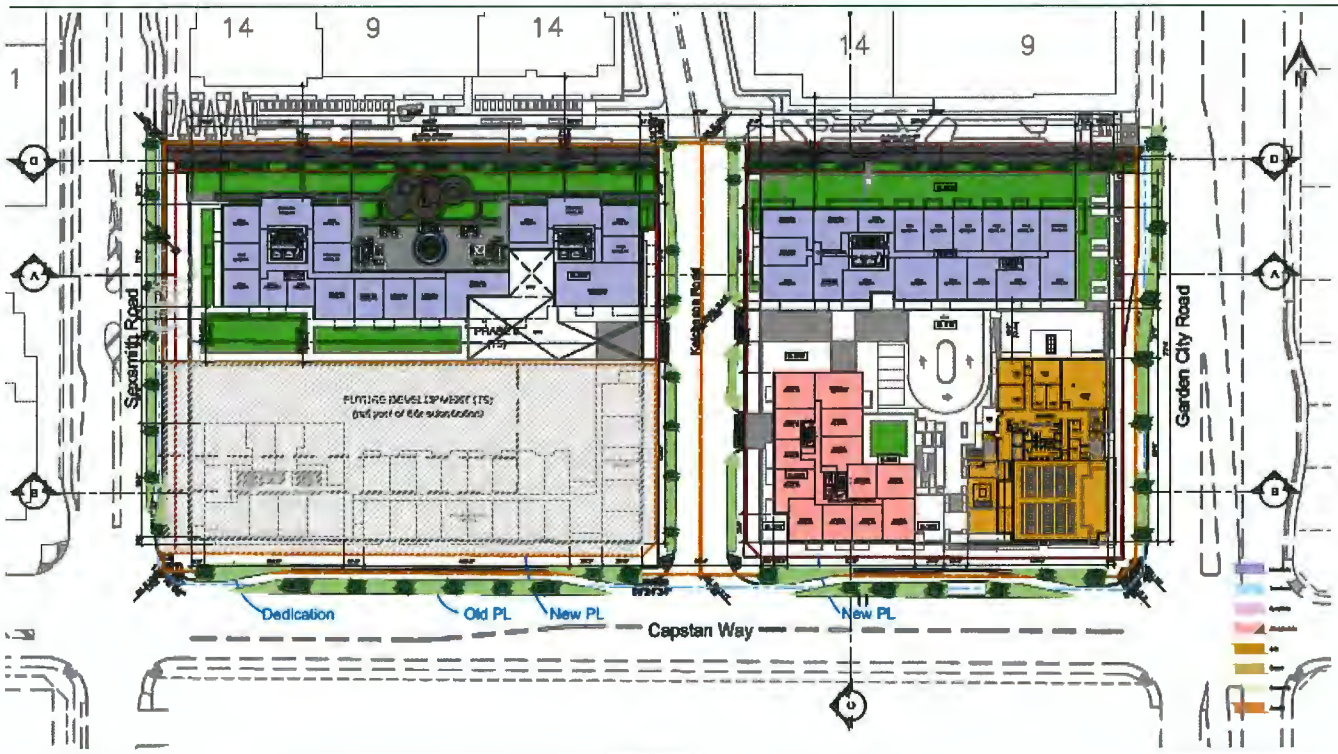
FLOOR PLAN - L1



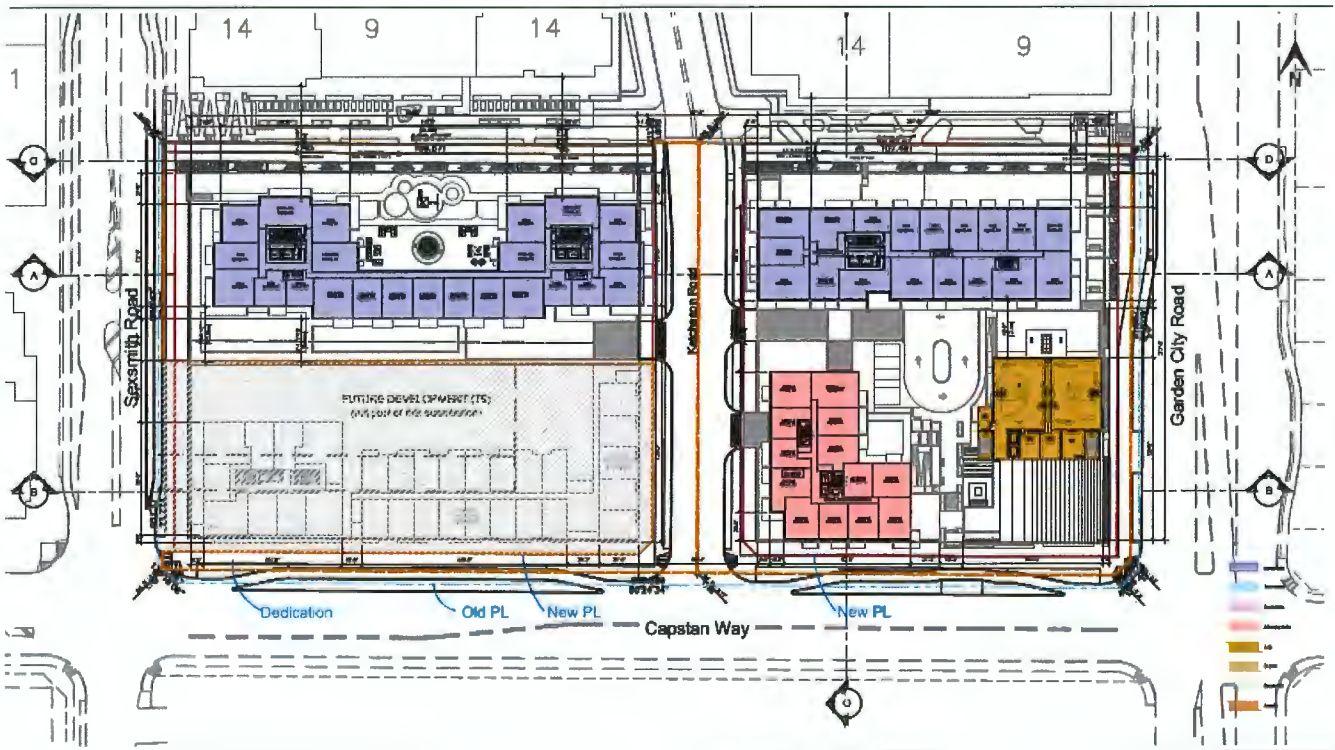
FLOOR PLAN - L2



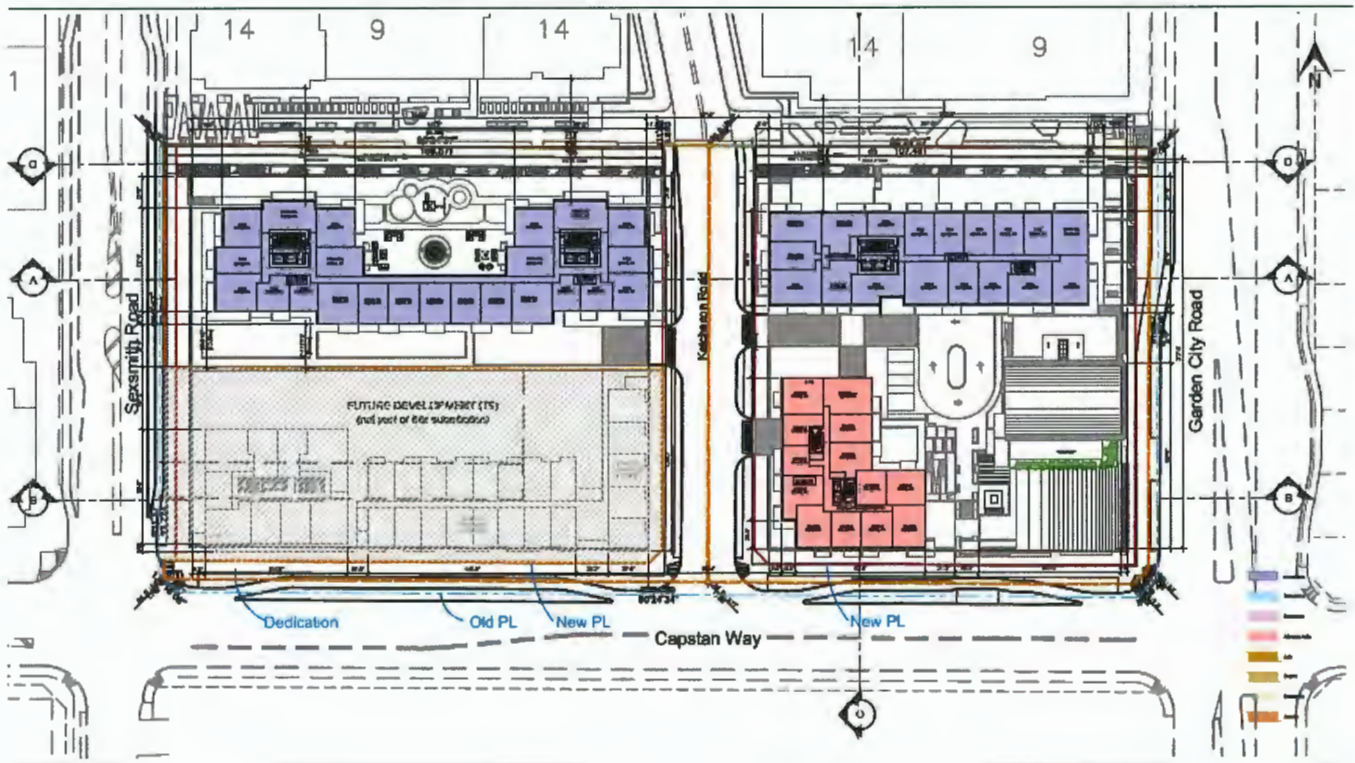
FLOOR PLAN - L3



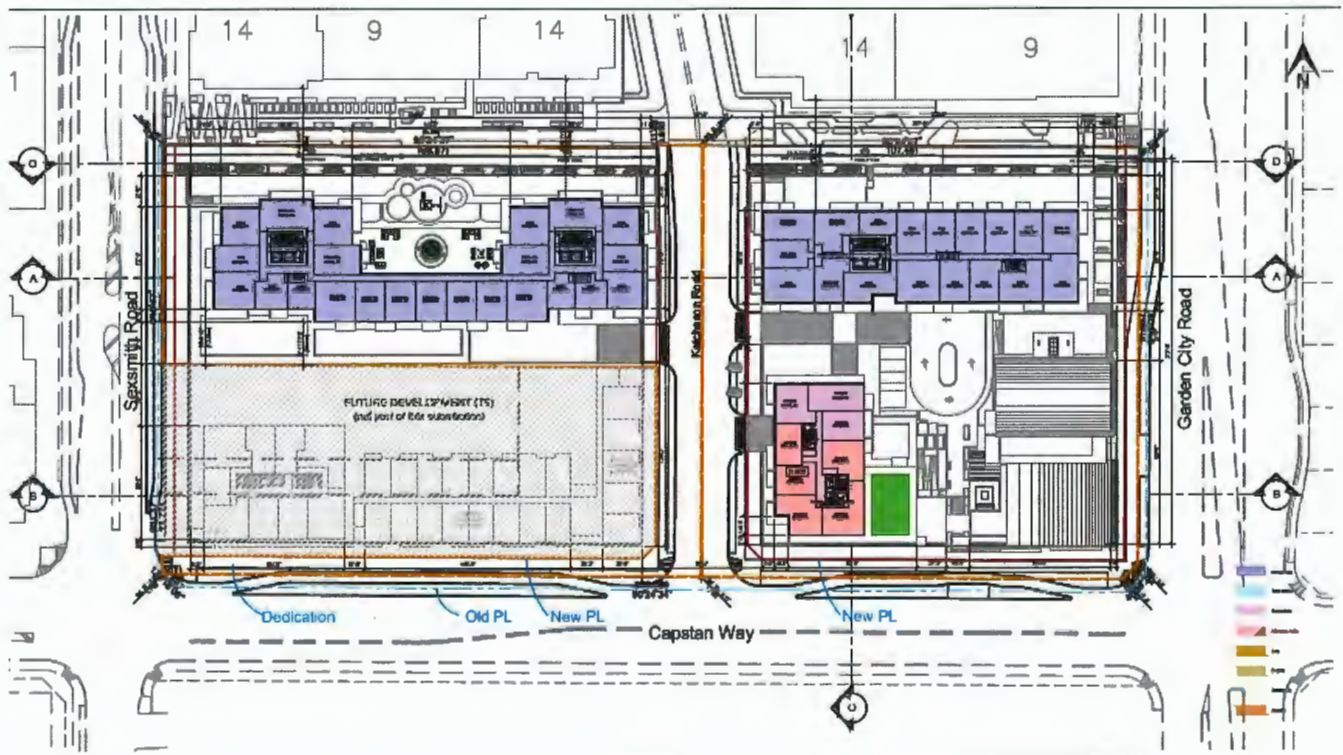
FLOOR PLAN - L4



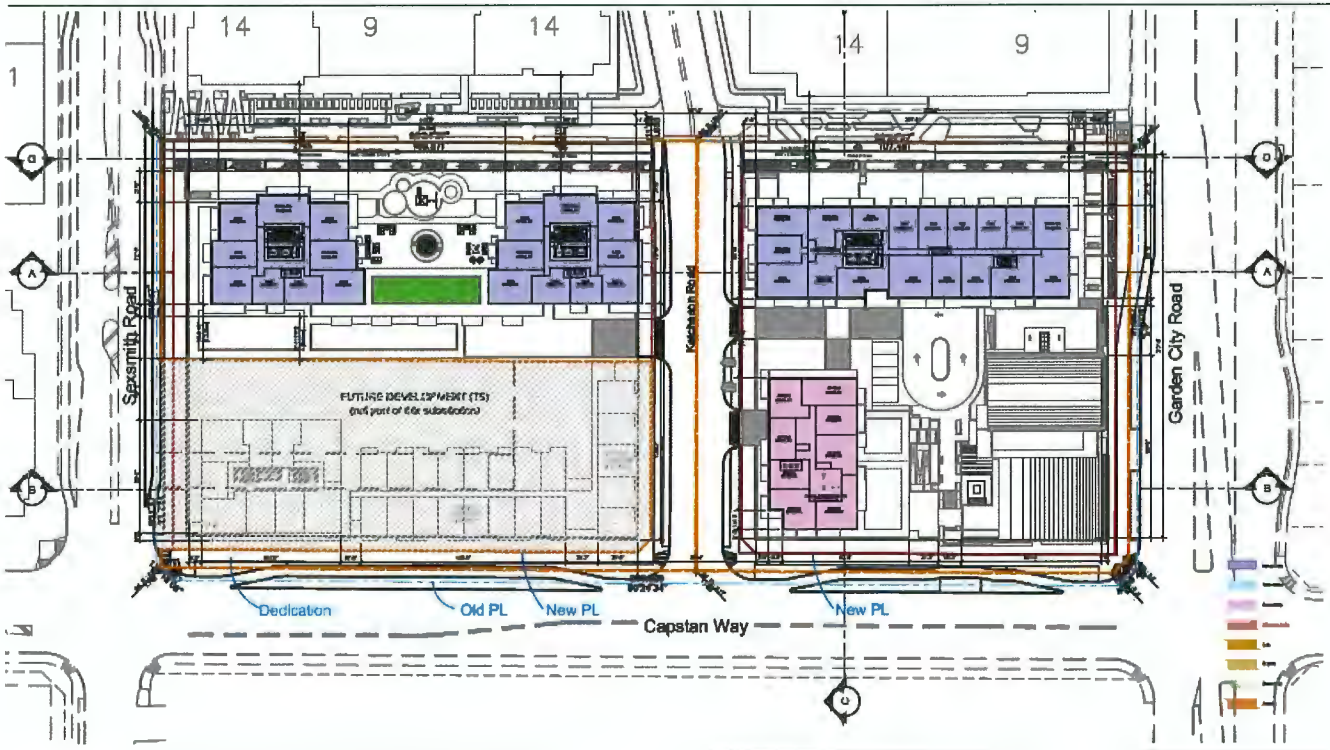
FLOOR PLAN - L5



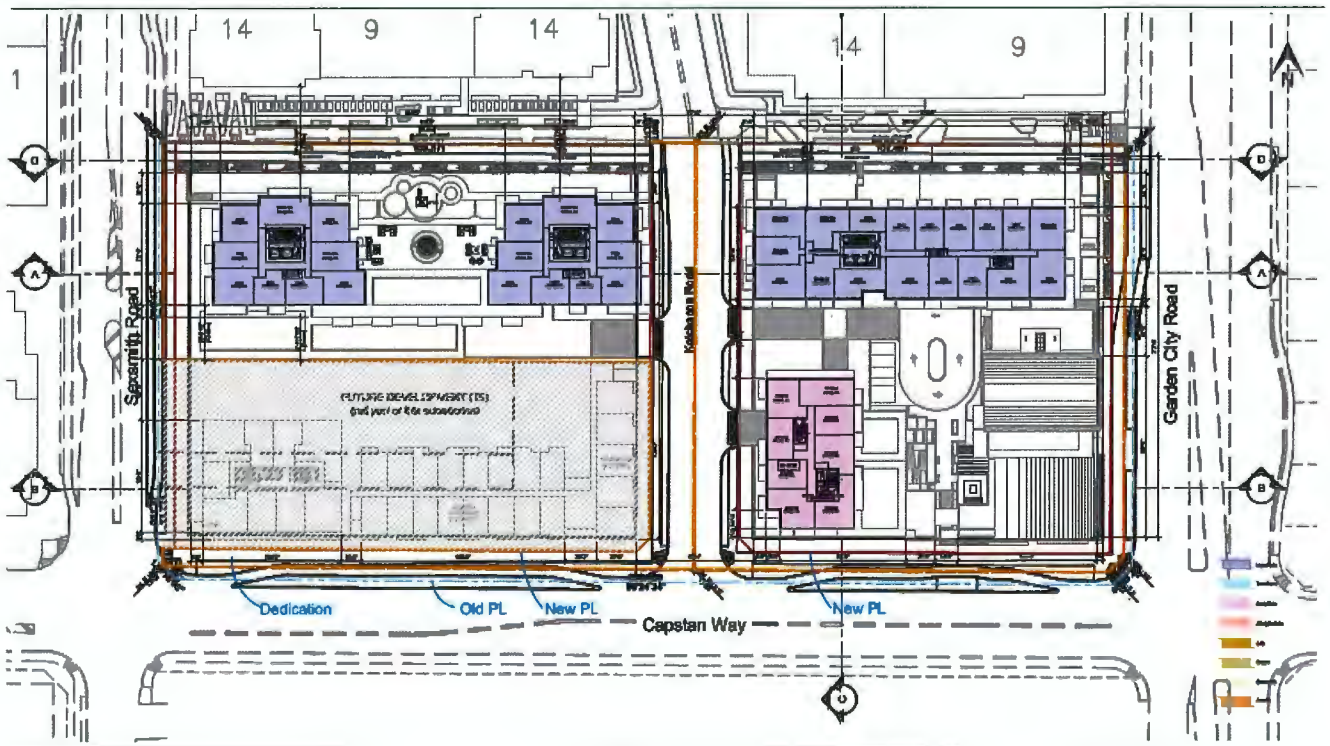
FLOOR PLAN - L6



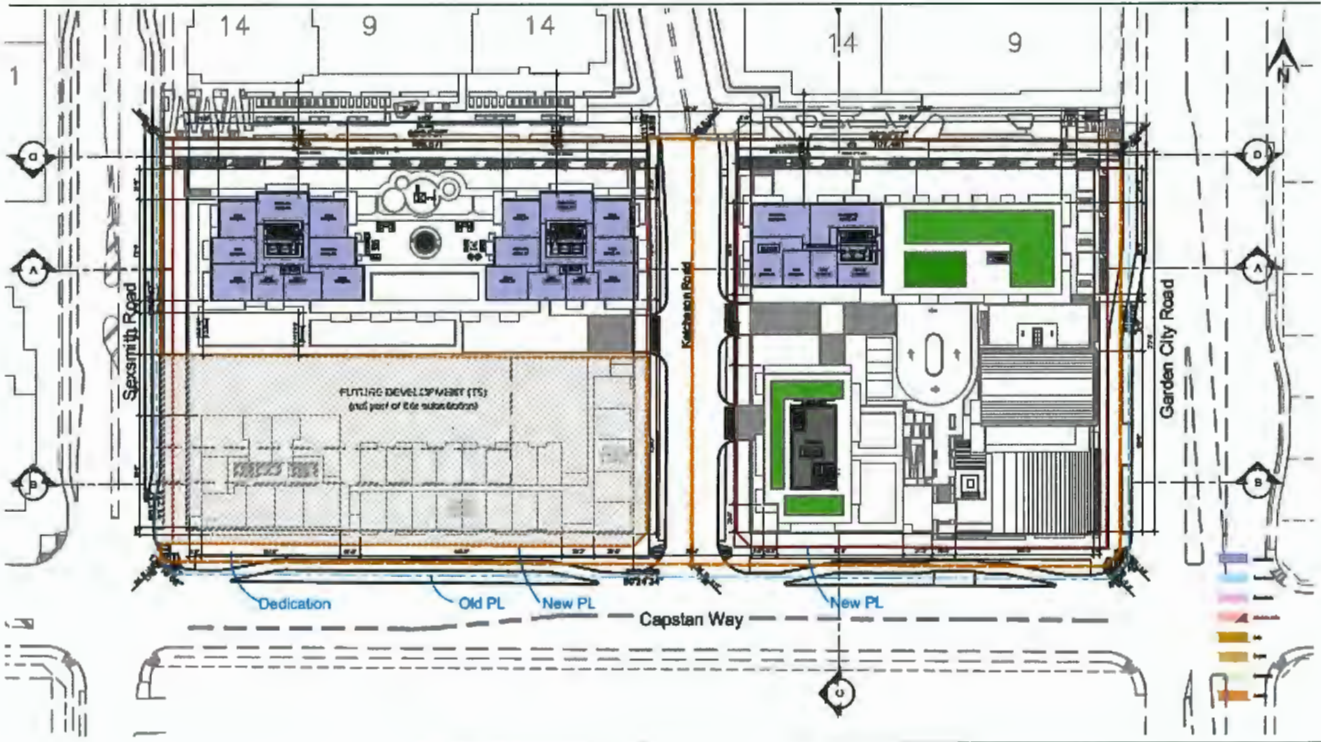
FLOOR PLAN - L7



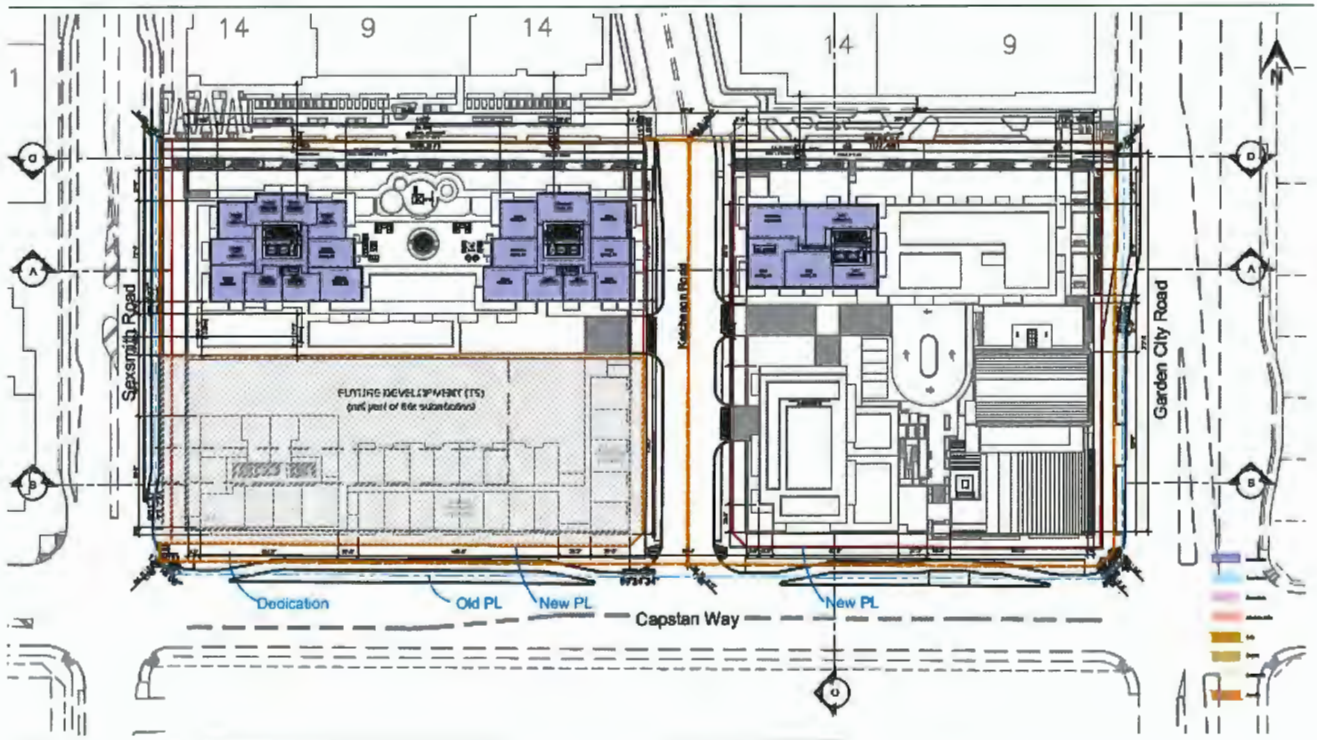
FLOOR PLAN - L8



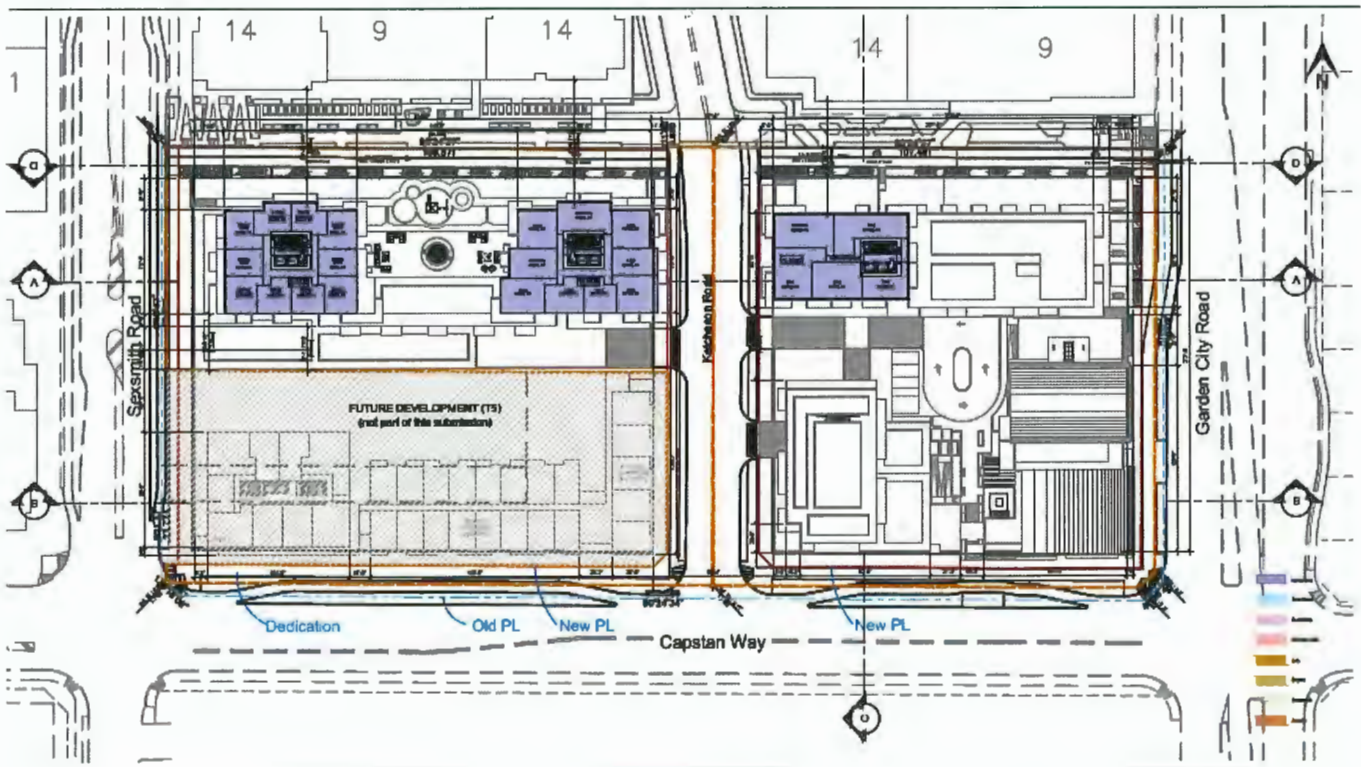
FLOOR PLAN - L9-10



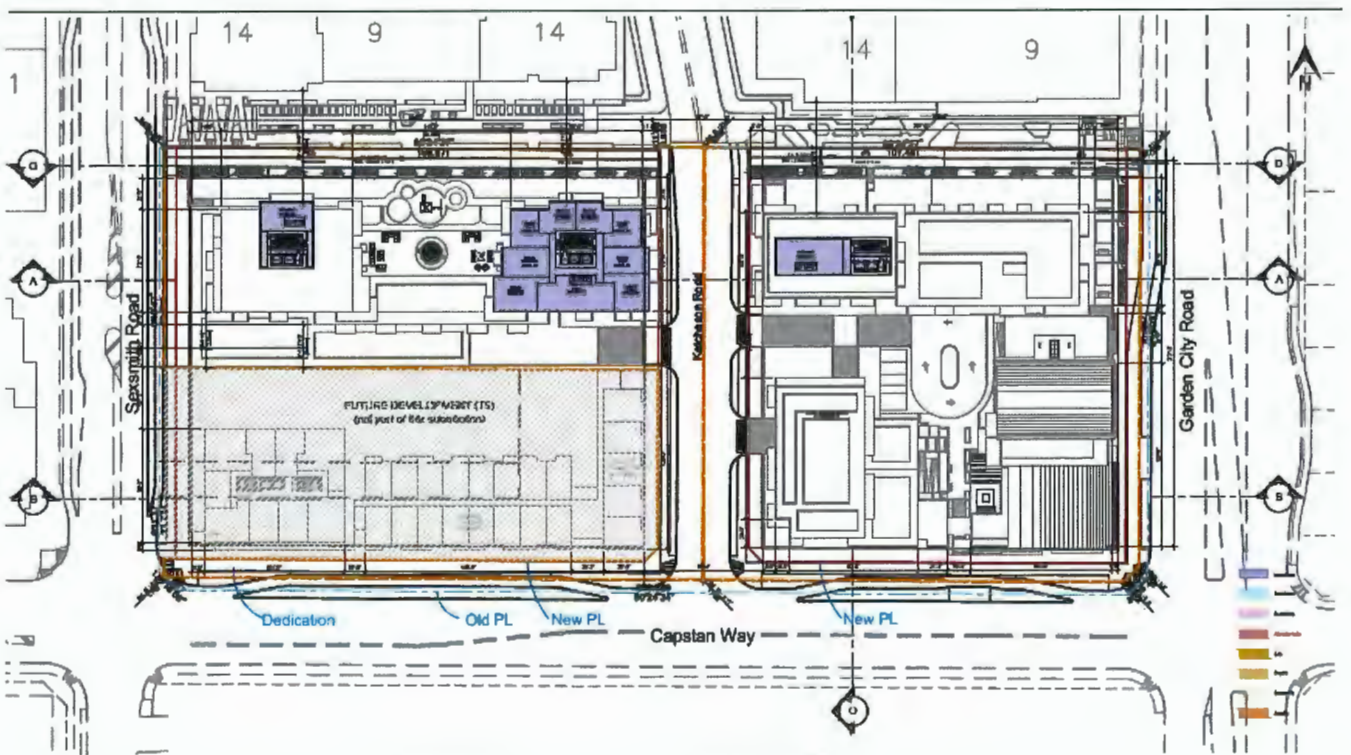
FLOOR PLAN - L11



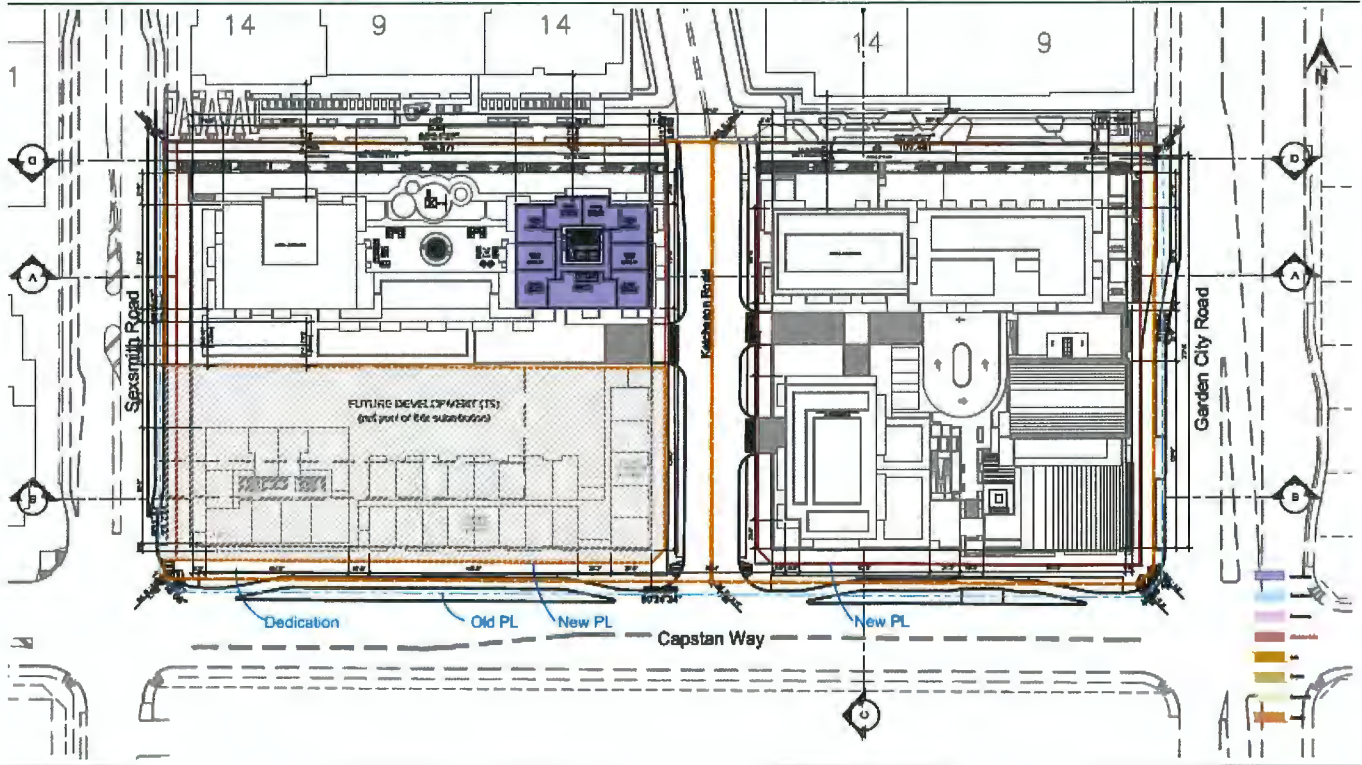
FLOOR PLAN - L12



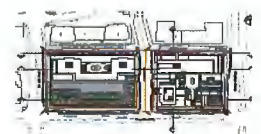
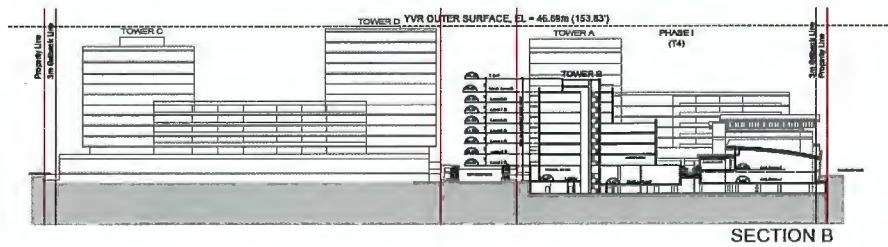
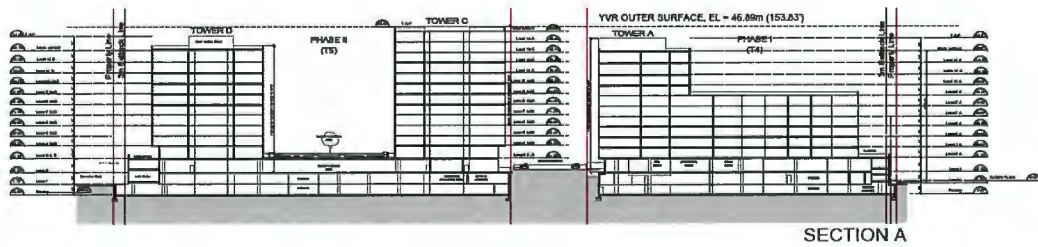
FLOOR PLAN - L13



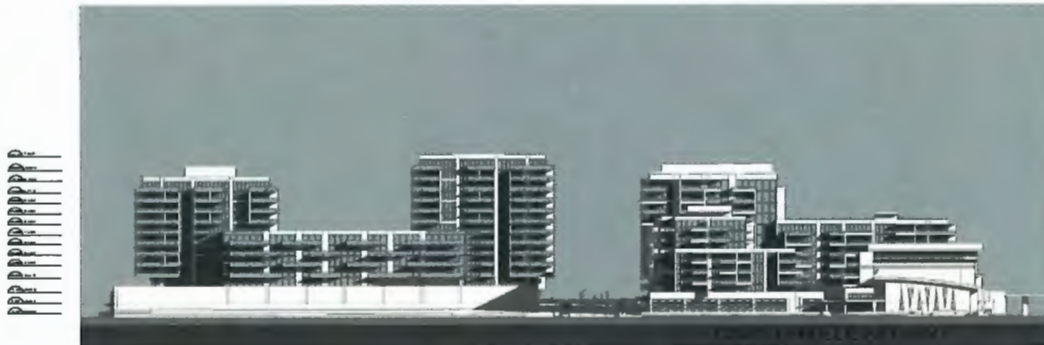
FLOOR / ROOF PLAN - L14



SITE SECTIONS



CAPSTAN WAY AND GREEN WAY ELEVATIONS

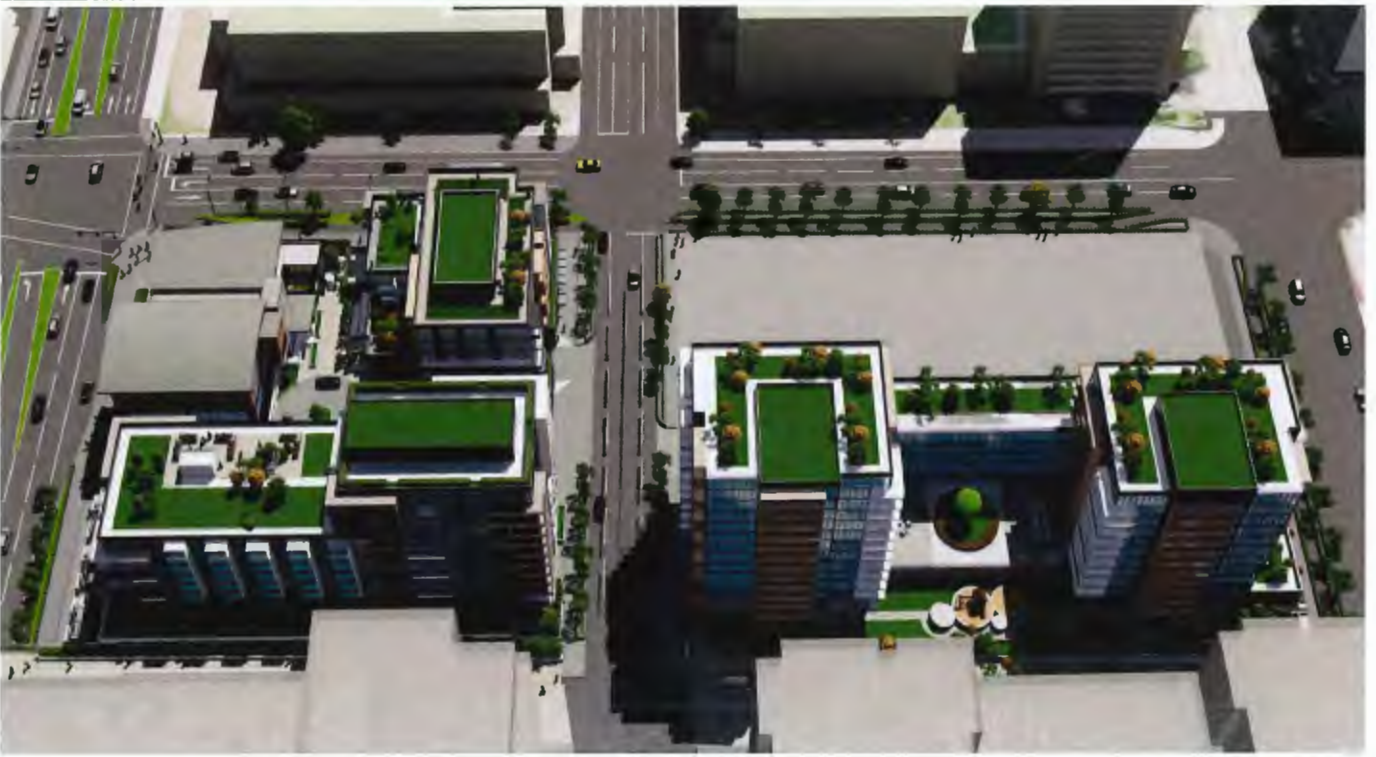


GARDEN CITY ROAD AND SEXSMITH ROAD ELEVATIONS





Looking north along Ketcheson Road (with Capstan Way in foreground)



Looking south along Ketcheson Road (with Capstan Way at the top of the image)



Looking eastward from Sexsmith Road along the Multi-Use Path



Lot A (east lot) landscaped central plaza/auto-court serving the church, child care & car-share



Looking northwest towards the church at the Capstan/Garden City intersection



Looking west from Garden City Road



Address: 3360, 3380, and a portion of 3440 Sexsmith Road

File No.: RZ 18-836107

Prior to final adoption of Richmond OCP Bylaw 7100, Amendment Bylaw 10390, and Zoning Bylaw 8500, Amendment Bylaw 10389, the developer is required to complete the following:

1. Ministry of Transportation & Infrastructure (MOTI): Approvals to proceed granted by MOTI, including:
 - 1.1. Preliminary Approval prior to presentation of the Development Permit* (DP) application to DP Panel; and
 - 1.2. Final Approval prior to adoption of the rezoning bylaw.

NOTE: MOTI approval may require the developer to make changes to the City-approved form of development (e.g., access) and/or Servicing Agreement* scope of off-site works (e.g., intersection upgrades), which changes shall be undertaken by the developer, at the developer's sole cost, as determined to the satisfaction of the City.

2. Subdivision: Registration of a subdivision plan to the satisfaction of the City.

Prior to the registration of the Subdivision Plan, the following conditions shall be satisfied:

- 2.1. City Road: Dedication of land for road and related purposes, generally as described in the Preliminary Subdivision Plan (**Schedule A**) and the following table, including approximately:
 - 2.1.1. Ketcheson Road (i.e. designated as a City Centre Area Plan "minor street"): 20.0 m (65.6 ft.) wide right-of-way bisecting the site;
 - 2.1.2. Garden City Road: 4.8 m (15.7 ft.) strip of land along the site's entire east side (i.e. frontage of proposed Lot A), generally comprising a 1.8 m (5.9 ft.) widening and 3.0 m (9.8 ft.) streetscape enhancement area;
 - 2.1.3. Capstan Way: 6.8 m (22.3 ft.) strip of land along the site's entire south side (i.e. frontage of proposed "Lot A" and the remnant portion of 3440 Sexsmith Road), generally comprising a 2.8 m (9.2 ft.) widening and 4.0 m (13.1 ft.) streetscape enhancement area; and
 - 2.1.4. Sexsmith Road: 3.7 m (12.1 ft.) strip of land along the frontage of proposed "Lot B", generally comprising a 1.1 m (3.6 ft.) widening and 2.6 m (8.5 ft.) streetscape enhancement area.

#	Road Feature	Total Dedication (m ²)	Eligible Portions (m ²)				Non-Eligible Portions (m ²)
			For Density (ZMU51)		For DCC Credits		
			Lot A	Lot B	Lot A	Lot B	
A.	Garden City Road (i.e. widening @ Lot A)	161.7	None	None	None	None	161.7
B.	Sexsmith Road (i.e. widening @ Lot B)	52.2	None	None	None	52.2	None
C.	Capstan Way (i.e. widening including Sexsmith Road corner cut)	607.4	None	None	276.5	330.9	None
D.	Ketcheson Road (i.e. new CCAP "minor street")	1,863.8	931.9	931.9	None	None	None
E.	Sexsmith Road (i.e. streetscape enhancement)	123.4	None	123.4	None	None	None
F.	Capstan Way & Garden City Road (i.e. streetscape enhancement including Ketcheson Road corner cuts)	1,051.3	613.4	437.9	None	None	None
TOTAL (m ²)		3,859.8	1,545.3	1,493.2	276.5	383.1	161.7
			3,038.5		659.6		

- 2.2. Lot Consolidation: The creation of two lots for development purposes (i.e. Lot A and Lot B) and a third lot comprising the remnant portion of 3440 Sexsmith Road, generally as shown in the Preliminary Subdivision Plan (**Schedule A**), including:
- 2.2.1. Lot A (i.e. proposed development site east of Ketcheson Road): 7,361.2 m² (79,235.3 ft²);
 - 2.2.2. Lot B (i.e. proposed development site west of Ketcheson Road): 5,021.6 m² (54,052.1 ft²); and
 - 2.2.3. Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road, which is not subject to rezoning through RZ 18-836107): 2,301.9 m² (24,777.4 ft²).
- 2.3. No Separate Sale (Lots A & B): Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title, to the satisfaction of the City, requiring that Lot A and Lot B may not be sold or otherwise transferred separately without prior approval of the City, to ensure that legal agreement and business terms related to financial, legal, development, and other obligations assigned to each of the lots as a result of the subject rezoning are transferred and secured to the satisfaction of the Director of Development and City Solicitor.
- 2.4. No Development (Remnant Lot C): Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title, to the satisfaction of the City, securing that “no development” will be permitted on Remnant Lot C, restricting Development Permit* issuance for any building on the lot, in whole or in part, unless the developer has submitted rezoning* and Development Permit* applications, approved by the City, that provide for the comprehensive development of Remnant Lot C with 3420 and 3426 Sexsmith Road including, but not limited to, the following, as determined to the satisfaction of the Director of Transportation, Director of Development, and Director of Engineering:
- 2.4.1. Vehicle access restrictions, limiting vehicle access to the future comprehensive development to the area secured via the Lot B Cross Access and Lots A and B Driveway Crossings agreements; and
 - 2.4.2. Road dedication and design/construction of frontage and utility upgrades (via a standard Servicing Agreement*), at the developer’s sole cost, along the entire Sexsmith Road frontage of the future comprehensive development site.

NOTE: The above development restrictions shall not limit use of Remnant Lot C for residential sales centre use or construction staging purposes related to the developer’s proposed development of Lot A and Lot B (subject to Building Permit* and other City approvals, as applicable), to the City’s satisfaction.

3. Capstan Station Bonus (CSB) (Lots A & B): Registration of a restrictive covenant(s) and/or alternative legal agreement(s), to the satisfaction of the City, securing that “no building” will be permitted on the subject site and restricting Building Permit* issuance for the subject site, in whole or in part, until the developer, on a stage-by-stage basis, satisfies the terms of the Capstan Station Bonus (CSB) as provided for via the Zoning Bylaw and City Centre Area Plan. More specifically, the developer shall provide for cash and public open space contributions as follows:

- 3.1. Capstan Station Reserve Contribution (Lots A & B): Preliminary estimated voluntary developer cash contributions are indicated in the table below.

Lot	No. of Dwellings <i>Preliminary estimate</i>	CSB Voluntary Contribution (1)
		<i>Estimate, based on the City-Approved 2021/2022 Rate (\$9,346.36/unit)</i>
A	201	\$1,878,622.38
B	191	\$1,785,158.58
TOTAL	392 units	\$3,663,780.96

(1) The actual Capstan Station Reserve contribution shall be adjusted as required, on a Building Permit-by- Building Permit basis, to reflect accurately the number of dwelling units on Lot A and Lot B (including all market strata, affordable housing and market rental units) and the City-approved contribution rate(s) in effect at the time of Building Permit (BP) approval.

- 3.2. Publicly-Accessible Open Space Contribution (Lots A & B): The developer shall provide public open space in compliance with the Capstan Station Bonus and ZMU51 zone, based on 5.0 m² (53.82 ft²) per dwelling unit (including all market strata, affordable housing, and market rental units). More specifically, prior to rezoning adoption the developer shall:
- 3.2.1. Maximum Number of Permitted Dwellings (Lots A & B): Register a covenant and/or alternative legal agreement on title, to the City’s satisfaction, to restrict the maximum permitted combined number of

dwellings on Lot A and Lot B to 392 units (including all market strata, affordable housing, and market rental units) or as otherwise determined to the City's satisfaction through the Development Permit* process and specified in this agreement.

3.2.2. Capstan Station Bonus Greenway SRW (Lots A & B): Grant a statutory right-of-way (SRW) on Lot A and Lot B for the purpose of securing the Capstan Station Greenway SRW, comprising a Multi-Use Path (MUP) and Pocket Park(s). Prior to adoption of the OCP Amendment and Rezoning Bylaws, the agreement shall be registered as a blanket SRW (accompanied by a sketch plan) and shall include provisions for a replacement agreement at Development Permit*, Building Permit*, and/or occupancy, as determined to the satisfaction of the City, at the developer/owner's cost, for the purpose of reflecting accurately the City-approved permits and replacing the sketch plan with a survey plan (which may be volumetric). The specific location, configuration, and design of the SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit*, Servicing Agreement*, and/or other City approval processes, to the satisfaction of the City, taking into account the following items.

- a) The combined total Greenway SRW area on Lots A and B shall be at least 1,960.0 m² (21,097.3 ft²) or the product of 5.0 m² (53.82 ft²) per dwelling unit and the maximum permitted number of market strata, affordable housing, and market rental units on Lots A and B (based on the Maximum Number of Permitted Dwellings covenant as described above), whichever is greater.

CSB Publicly-Accessible Open Space Contribution Rate	Lots A & B Max. Permitted # of Dwellings <i>Preliminary estimate</i>	CSB Voluntary SRW Contribution <i>Minimum Combined SRW Area on Lot A & Lot B</i>
5.0 m ² (53.82 ft ²) per dwelling unit	392	1,960.0 m ² (21,097.3 ft ²)
TOTAL	392 units	1,960.0 m² (21,097.3 ft²)

- b) The Greenway SRW area shall comprise a suitably landscaped, universally accessible portion of the subject site, designed and constructed by the developer/owner, at the sole cost of the developer/owner, as publicly-accessible open space including:
 - i. Approximately 1,131.0 m² (12,174.0 ft²) in the form of a 6.0 m (19.7 ft.) wide Multi-Use Path (MUP) for pedestrians, bicycles, and compatible modes of travel (together with seating, lighting, and other complementary landscape features), as generally shown on the Preliminary (Partial) Statutory Right-of-Way Plan (**Schedule B**):
 - On Lot A: 495.8 m² (5,336.8 ft²); and
 - On Lot B: 635.2 m² (6,837.2 ft²); and
 - ii. At least 829.0 m² (8,923.3 ft²) contiguous with the MUP in the form of one or more Pocket Parks for public seating, relaxing, and play (which Pocket Park areas shall be provided in addition to the SRW area shown in **Schedule B**, as determined to the City's satisfaction through the DP process).
- c) The right-of-way shall provide for:
 - i. 24 hour-a-day, year-round, universally accessible, public access in the form of paved walkway(s) and related landscape features, which may include, but may not be limited to, lighting, furnishings, street trees and planting, decorative paving, and storm water management measures, to the satisfaction of the City;
 - ii. Public art;
 - iii. Emergency and service vehicle access, City bylaw enforcement, and any related or similar City-authorized activities;
 - iv. City utilities including, but not limited to, streetlights, traffic control infrastructure (e.g., signals, detector loops, and equipment kiosks), and related or similar features; and
 - v. Public access (e.g., walkways) to/from:
 - Fronting on-site uses/spaces; and
 - The contiguous linear publicly-accessible open space area (e.g., garden plots, walkways, and related landscape features) secured via statutory right-of-way 8800 Hazelbridge Way and 3300/3311 Ketcheson Road ("Concord Gardens"); and

- vi. Permanent building encroachments in the form of portions of the building located below finished grade (e.g., parking), provided that any such encroachments do not comprise the quality, functionality, safety, or amenity of the SRW area or associated landscape features (e.g., tree planting), as determined to the satisfaction of the City and specified in the approved Development Permit*.
- d) In addition, the agreement shall provide for the following:
- i. Emergency Turn-Around: A vehicle turn-around (3-point turn arrangement), adjacent to the subject site's required Ketcheson Road dedication, for the purpose of facilitating uninterrupted public use of the dedicated portion of Ketcheson Road in the event that the Private (SRW) Road portion of Ketcheson Road (i.e. north of the subject site) is temporarily unavailable to the public, in part or in whole, due to emergencies or City-authorized closures. The turn-around must be designed and constructed to the satisfaction of the Director of Transportation and Director of Engineering, which may include, but may not be limited to, provisions for passenger vehicles, fire trucks, emergency service vehicles, and garbage/recycling trucks, as required to support the subject development.
 - ii. Future Elevated Road Crossing Connection: A future connection between the MUP and a Future Elevated Road Crossing over Garden City Road for the purpose of providing a continuous grade-separated public route, for pedestrians, bicycles, and compatible modes of travel, between Capstan Village and lands east of Garden City Road. The Future Elevated Road Crossing, including its connection to the MUP, shall be constructed by or on behalf of the City, at no cost to the owner of the MUP. Terms of the agreement may include, but may not be limited to, the following:
 - The design and construction of the MUP and associated portions of the Lot A building must accommodate a safe and functional connection with the Future Elevated Road Crossing, as determined to the satisfaction of the City, including, but not limited to, compatible elevations (e.g., to ensure the elevated crossing will have adequate roadway clearance), pathway design (e.g., width, grade, materials, lighting, and furnishings), connection point considerations (e.g., structural and related measures), and temporary safety barrier(s) at the connection point (to be removed upon construction of the Future Elevated Road Crossing);
 - Additional SRW area, as applicable, (which additional area would not comprise part of the developer/owner's CSB public open space contribution) for the purpose of potentially locating aerial portions of the Future Elevated Road Crossing, related structure and/or other features on, over, or under a portion of Lot A (which features shall not compromise the City-approved development of Lot A);
 - The ability for the City and its designate(s) to enter Lot A for purposes related to the design, construction, repair, replacement, demolition, operation, and maintenance of the Future Elevated Road Crossing; and
 - Related requirements (e.g., responsibilities, liabilities, and cost sharing), which may include a construction agreement, option to purchase, or other measures.
 - iii. Heritage Interpretation: Interpretation of the Herrling Residence (3360 Sexsmith Road), as required with respect to the Heritage Protection and Interpretation (Lot A and B) agreement, as determined to the satisfaction of the Director, Development, Director, Arts, Culture, and Heritage Services, and Director, Parks Services and in compliance with an approved Development Permit* and Servicing Agreement*.
- e) The right-of-way shall not provide for:
- i. Driveway crossings or vehicle access (except as described above);
 - ii. Building encroachments above the finished grade of the right-of-way; or
 - iii. Gates or similar barriers to public access (e.g., chains), except in association emergency, maintenance, repair, or other City-authorized closures. (For clarity, the SRW area cannot be chained or gated nightly.)

- f) Design and construction of the SRW area shall be the subject of a Servicing Agreement* and Development Permit*, which shall be undertaken at the sole cost and responsibility of the developer/owner, as determined to the satisfaction of the City. Among other things, works essential for public access within the required SRW area are to be included in the Servicing Agreement* and the design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety. After completion of the SRW works, the owner is required to provide a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, as determined to the City's satisfaction, in a form and content acceptable to the City, certifying that the works have been constructed and completed in accordance with the accepted design.
- g) Maintenance of and liability with respect to the SRW area shall be at the sole cost and responsibility of the owner/developer, except for City utilities and/or other features that are identified through the Servicing Agreement*, at the sole discretion of the City, for maintenance by the City following the expiry of the Servicing Agreement* maintenance period.
- h) The owner/developer shall be permitted to close a portion of the right-of-way to public access to facilitate maintenance or repairs to the right-of-way and/or the fronting uses, provided that adequate public access is maintained and the duration of the closure is limited, as specified in the agreement and/or approved by the City in writing in advance of any such closure.
- i) "No development" shall be permitted on the site, restricting Development Permit* issuance for any building on the site, in whole or in part, unless the permit includes the SRW area, to the City's satisfaction.
- j) On a lot-by-lot basis, no Building Permit* shall be issued for a building on a lot, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit includes the portion of the SRW area located on the lot, as determined to the City's satisfaction.
- k) On a lot-by-lot basis, "no occupancy" shall be permitted of a building on a lot, restricting Building Permit* inspection granting occupancy for a building on the lot, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the SRW area located on the lot is completed to the satisfaction of the City and the developer has submitted a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, to the City's satisfaction, and received a Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot until the required SRW area is completed to the City's satisfaction.

4. Mid-Block Pedestrian Link SRW (Lot A): Grant a statutory right-of-way (SRW) on Lot A for the purpose of securing unrestricted public pedestrian access between Ketcheson Road, Capstan Way, and Garden City Road via Lot A's central (auto court) plaza and associated walkways and stairs, as determined to the satisfaction of the City through an approved Development Permit*. Prior to adoption of the OCP Amendment and Rezoning Bylaws, the agreement shall be registered as a blanket SRW (accompanied by a sketch plan) and shall include provisions for a replacement agreement at Development Permit*, Building Permit*, and/or occupancy, as determined to the satisfaction of the City, at the developer/owner's cost, for the purpose of reflecting accurately the City-approved permits and replacing the sketch plan with a survey plan (which may be volumetric). The specific location, configuration, and design of the SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit* and/or other City approval processes, to the satisfaction of the City, taking into account the following items.

4.1. The right-of-way shall provide for:

- 4.1.1. 24 hour-a-day, year-round public pedestrian access in the form of paved walkway(s) and related landscape features, which may include, but may not be limited to, lighting, furnishings, street trees and planting, decorative paving, and storm water management measures, to the City's satisfaction;

- 4.1.2. Universal public pedestrian access between Ketcheson Road and on-site uses/spaces (e.g., church, child care, car-share parking spaces, and bicycle racks); and
- 4.1.3. Vehicle use of driveways and driveway crossings (e.g., by owners, operators, tenants, visitors, and car-share operator and users), provided that this activity does not compromise the safe and convenient public pedestrian use of the SRW area;
- 4.1.4. Emergency and service vehicle access, City bylaw enforcement, and any related or similar City-authorized activities; and
- 4.1.5. Permanent building encroachments, provided that any such encroachments do not comprise the quality, functionality, safety, or amenity of the SRW area or associated landscape features, as determined to the satisfaction of the City and specified in the approved Development Permit*, including:
 - a) Portions of the building located below finished grade (e.g., parking); and
 - b) Weather protection, habitable portions of the building, and similar structures and building projections, provided that such features are a minimum clear distance of 2.5 m (8.2 ft.) above the finished grade of the SRW area or as otherwise specified in an approved Development Permit*.
- 4.2. The right-of-way shall not provide for gates or similar barriers to public access (e.g., chains), except in association emergency, maintenance, repair, or other City-authorized closures. (For clarity, the SRW area cannot be chained or gated nightly.)
- 4.3. Design and construction of the SRW area shall be the subject of a Development Permit*, which shall be undertaken at the sole cost and responsibility of the developer/owner, as determined to the satisfaction of the City. The design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety. After completion of the SRW works, the owner is required to provide a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, as determined to the City's satisfaction, in a form and content acceptable to the City, certifying that the works have been constructed and completed in accordance with the accepted design.
- 4.4. Maintenance of and liability with respect to the SRW area shall be at the sole cost and responsibility of the owner/developer.
- 4.5. The owner/developer shall be permitted to close a portion of the right-of-way to public access to facilitate maintenance or repairs to the right-of-way and/or the fronting uses, provided that adequate public access is maintained and the duration of the closure is limited, as specified in the agreement and/or approved by the City in writing in advance of any such closure.
- 4.6. "No development" shall be permitted on the site, restricting Development Permit* issuance for any building on the site, in whole or in part, unless the permit includes the SRW area, to the City's satisfaction.
- 4.7. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit includes the SRW area, as determined to the City's satisfaction.
- 4.8. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the SRW area is completed to the satisfaction of the City and the developer has submitted a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, to the City's satisfaction, and received a Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot or the Lot A Religious Assembly and Child Care Building (excluding parking intended as an ancillary use to non-parking uses) until the required SRW area is completed to the City's satisfaction.

5. Driveway Crossings (Lots A & B): Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title requiring that vehicle access to the subject site shall be limited to the following:
 - 5.1. For Lot A: A maximum of two (2) driveways shall be permitted along the lot's Ketcheson Road frontage. No driveways shall be permitted along the lot's Capstan Way or Garden City Road frontages.
 - 5.2. For Lot B: A maximum of one (1) driveway shall be permitted along the lot's Ketcheson Road frontage, which driveway shall provide for shared access with future development at 3420, 3426, and Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road), as per the required Lot B Cross Access agreement. No driveways shall be permitted along the lot's Sexsmith Road frontage.
6. Cross Access (Lot B): Registration of a cross-access easement, statutory right-of-way (SRW), and/or other legal agreement(s) or measure(s), as determined to the satisfaction of the Director of Development, over the internal drive-aisle in favour of future development at 3420, 3426, and Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road), including the installation of way-finding and other appropriate signage on the subject property, and requiring a covenant that the owner provide written notification of this through the disclosure statement to all initial purchasers, provide an acknowledgement of the same in all purchase and sale agreements, and erect signage in the initial sales centre advising purchasers of the potential for these impacts. The specific location, configuration, and design of the easement area or SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit*, Servicing Agreement*, and/or other City approval processes, to the satisfaction of the City.
 - 6.1. "No development" shall be permitted on Lot B, restricting Development Permit* issuance for any building on Lot B, in whole or in part, unless the developer provides for the required Lot B Cross Access, which may include, but may not be limited to knock-out wall/fence panels, way-finding signage, and submission of a Letter of Credit or cash for the future repair of the affected portion of the Lot B building when cross-access is implemented, as determined to the satisfaction of the City.
 - 6.2. No Building Permit* shall be issued for a building on Lot B, in whole or in part, unless the developer provides for the required Lot B Cross Access in the Building Permit*, to the City's satisfaction, and the architect submits a letter confirming that the design of the spaces and uses satisfies all City's requirements.
 - 6.3. "No occupancy" shall be permitted on Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot B, in whole or in part, until the Lot B Cross Access requirements are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot until the Lot B Cross Access requirements are completed to the satisfaction of the City.
7. Tandem Parking Restriction (Lots A & B): Registration of a legal agreement on title prohibiting tandem parking (i.e. where one parking space is located behind another such that only one has direct access to a drive aisle).
8. Car-Share Measures (Lot A): Registration on title of a restrictive covenant and/or alternative legal agreement, to the satisfaction of the City, for the purpose of securing the developer/owner's commitment towards implementing, at the developer/owner's sole cost, a car-share strategy comprised of designated car-share parking spaces, car-share vehicles, and contractual arrangements with a car-share operator, all to the satisfaction of the City.
 - 8.1. The car-share parking facility shall provide for the following:
 - 8.1.1. Two (2) car-share parking spaces located together on Lot A where they will be secure, universally-accessible, and provide for safe and convenient 24/7 public pedestrian and vehicle access, as determined to the City's satisfaction;
 - 8.1.2. Operating electric vehicle (EV) quick-charge (240V) charging stations for the exclusive use of and simultaneous charging of the car-share vehicles parked in the required car-share spaces; and
 - 8.1.3. Pedestrian and vehicle access, signage, lighting, and other features necessary to the operation of the car-share facility and vehicles as determined to the satisfaction of the City.

- 8.2. The required car-share spaces shall be provided by the developer/owner in addition to that parking provided to satisfy Zoning Bylaw parking requirements with respect to residential and non-residential uses on the lot.
- 8.3. Users of the car-share spaces shall not be subject to parking fees or EV charging fees, except as otherwise determined at the sole discretion of the City.
- 8.4. The developer/owner shall, to the City's satisfaction, enter into a contract with a car-share operator for the operation of the car-share parking facility for a minimum term of three (3) years, which contract shall require, among other things, that:
 - 8.4.1. The developer/owner provides two (2) car-share cars at no cost to the operator;
 - 8.4.2. The car-share cars shall be electric vehicles, unless otherwise determined to the satisfaction of the car-share operator and the City; and
 - 8.4.3. The required car-share parking facility and vehicles will be 100% available for use upon the required occupancy of the car-share parking facility, as determined to the satisfaction of the City.
- 8.5. "No development" shall be permitted on the subject site, restricting Development Permit* issuance for a building on the subject site, in whole or in part, unless the developer, to the City's satisfaction:
 - 8.5.1. Designs the subject site to provide for the required car-share parking facility to the City's satisfaction;
 - 8.5.2. Secures the car-share parking facility via a statutory right-of-way(s) and easement(s) registered on title and/or other legal agreements, as determined to the City's satisfaction;
 - 8.5.3. Provides a Letter of Credit (LOC) to the City to secure the developer's commitment to the provision of two (2) car-share vehicles, the value of which shall be the estimated retail value of the two (2) car-share cars at the time of purchase or as otherwise determined to the satisfaction of the Director of Transportation and Director of Development; and
 - 8.5.4. Registers legal agreement(s) on title requiring that, unless otherwise agreed to in advance by the City, in the event that the car-share parking facility is not operated for car-share purposes as intended via the subject rezoning application (e.g., the operator's contract is terminated or expires), control of the car-share facility shall be transferred to the City, at no cost to the City, and the City at its sole discretion, without penalty or cost, shall determine how the facility shall be used going forward.
- 8.6. No Building Permit* shall be issued for a building on the subject site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit provides for the required car-share parking facility to the City's satisfaction and a letter of confirmation is submitted by the architect assuring that the design of the facility satisfies all applicable City's requirements.
- 8.7. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Car-Share Measures are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement:

- 8.7.1. If occupancy of the building on Lot A is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on Lot A until the required Lot A Car-Share Measures are completed to the City's satisfaction; and
- 8.7.2. If the City determines, to its sole satisfaction, that operation of the Car-Share Measures shall be delayed following granting of occupancy (e.g., to accommodate the operator's requirements), prior to granting of occupancy, the developer may be required to submit an additional Letter of Credit and/or additional occupancy restrictions may apply to secure the developer's commitment with respect to the operator contract and/or related considerations.

9. Cycling Facilities (Lot A & Lot B): Registration of a restrictive covenant and/or alternative legal agreement on Lot A and Lot B for the purpose of requiring that the developer/owner provides, installs, and maintains cycling facilities on Lot A and Lot B, on a lot-by-lot basis, for the use of each lot's tenants/occupants, to the satisfaction of the City as determined via the Development Permit* review and approval processes. More specifically:
- 9.1. Residential Cycling Facilities (Lot A & Lot B): For residential tenants/occupants on Lot A and Lot B, on a lot-by-lot basis, the developer/owner shall, at the developer's sole cost, design, install, and maintain on the lots:
- 9.1.1. Three (3) bike maintenance facilities, each in the form of a bike repair and maintenance station comprising a foot-activated pump, repair stand with integrated tools, and a bike wash, including:
- a) Two (2) on Lot A, including one (1) for the exclusive shared use of the tenants/occupants of the Mixed Income Rental Housing Building (including the housing operator) and one (1) for the exclusive shared use of the tenants/occupants of the Lot A market strata units; and
 - b) One (1) on Lot B for the exclusive shared use of Lot B residential tenants/occupants; and
- 9.1.2. EV-equipped storage facilities in the form of "Class 1" bike storage spaces for the residential tenants/occupants of the building, as per the Zoning Bylaw and ZMU51 zone, which storage must include 120V energized (duplex) outlets for the shared use of cyclists at a rate of 1 energized (duplex) outlet for each 10 bike storage spaces or portion thereof in each bike storage room or as per Zoning Bylaw or Official Community Plan rates in effect at the time of Development Permit* approval, whichever is greater (which energized outlets shall be located to facilitate shared use by bikes in the storage room), including:
- a) Two (2) EV-equipped storage facilities on Lot A (each of which shall comprise multiple storage rooms), including one (1) for the exclusive shared use of the tenants/occupants of the Mixed Income Rental Housing Building (including the housing operator) and one (1) for the exclusive shared use of the tenants/occupants of the Lot A market strata units; and
 - b) One (1) EV-equipped storage facility on Lot B (comprising multiple storage rooms) for the exclusive shared use of Lot B residential tenants/occupants.
- NOTE:** For ease of use and security, the components of each of the development's three (3) Residential Cycling Facilities (i.e. bike maintenance facility and residential "Class 1" bike storage) shall be grouped together and situated at the building's ground floor. If the City determines in its sole discretion, as set out in an approved Development Permit*, that one or more of the Residential Cycling Facilities may be on another floor of the building, in whole or in part, they must be adjacent to an elevator/stair core and use of that elevator/stair must be secured (by legal agreement) for unrestricted use by persons using the Residential Cycling Facilities (e.g., strata restrictions shall not restrict access).
- 9.2. Non-Residential Cycling Facilities (Lot A): For non-residential tenants/occupants (i.e. commercial, church, child care, and similar or related uses) on Lot A, the developer/owner shall, at the developer's sole cost, design, install, and maintain on the lot:
- 9.2.1. End-of-trip cycling facilities for the shared use of the development's non-residential tenants comprising a handicapped-accessible suite of rooms designed to accommodate use by four or more people (of the same or different genders) at one time, as determined to the City's satisfaction through the Development Permit* review and approval process, including at least two (2) shower/change cubicles with doors, two (2) change cubicles with doors, two (2) toilet cubicles with doors, two (2) wash basins, and a common change room with a bench(s), grooming station (i.e. mirror, counter, and electrical outlets), and lockers;
- 9.2.2. A bike maintenance facility in the form of a bike repair and maintenance station comprising a foot-activated pump, repair stand with integrated tools, and a bike wash; and
- 9.2.3. EV-equipped storage facilities in the form of "Class 1" bike storage spaces for the non-residential tenants/occupants of the building, as per the Zoning Bylaw, which storage must include 120V energized (duplex) outlets for the shared use of cyclists at a rate of 1 energized (duplex) outlet for each 10 bike storage spaces or portion thereof in each bike storage room or as per Zoning Bylaw or

Official Community Plan rates in effect at the time of Development Permit* approval, whichever is greater (which energized outlets shall be located to facilitate shared use by bikes in the storage room).

NOTE: For ease of use and security, the components of the Lot A Non-Residential Cycling Facilities (i.e. end-of-trip cycling facilities, bike maintenance facility, and non-residential “Class 1” bike storage) shall be grouped together and situated at the building’s ground floor. If the City determines in its sole discretion, as set out in an approved Development Permit*, that the Lot A Non-Residential Cycling Facilities may be on another floor of the building, the required components must be grouped together adjacent to an elevator/stair core and use of that elevator/stair must be secured (by legal agreement) for unrestricted use by persons using the Lot A Non-Residential Cycling Facilities (e.g., strata restrictions shall not restrict access).

- 9.3. “No development” shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A or Lot B, in whole or in part, unless the developer provides for the required Cycling Facilities to the satisfaction of the City.
- 9.4. On a lot-by-lot basis, no Building Permit* shall be issued for a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Cycling Facilities and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City’s requirements.
- 9.5. On a lot-by-lot basis, “no occupancy” shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Cycling Facilities are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City’s requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), “no occupancy” shall be permitted of:

- 9.5.1. Any non-residential uses on Lot A, in whole or in part, until 100% of the Lot A Non-Residential Cycling Facilities and related uses and spaces are completed to the satisfaction of the City;
- 9.5.2. Any residential uses on Lot A until 100% of the Lot A Residential Cycling Facilities required with respect to the Mixed Income Rental Housing Building and a proportional share of the Residential Cycling Facilities required with respect to the Lot A market (strata) residential units proposed for occupancy, together with all related uses and spaces, are completed to the satisfaction of the City; and
- 9.5.3. Any residential uses on Lot B, in whole or in part, until a proportional share of the Residential Cycling Facilities required with respect to the Lot B market (strata) residential units proposed for occupancy, as applicable, and all related uses and spaces, are completed to the satisfaction of the City.

10. Electric Vehicle (EV) Charging Equipment for Vehicles (Lots A & B): Registration on title of a restrictive covenant and/or alternative legal agreement(s), to the satisfaction of the City, to clarify Zoning Bylaw and related requirements regarding EV charging facilities for vehicles, the details of which shall be specified, to the satisfaction of the Director of Transportation and Director of Sustainability in an approved Development Permit*. More specifically, the agreement shall require that:

- 10.1. 100% of resident parking on Lot A and Lot B (i.e. designated for the use of tenants/occupants of market strata, affordable housing, and market rental housing units) shall be equipped with energized 240V Charging Stations (i.e. energized outlets capable of providing Level 2 charging or higher); and
- 10.2. 5% of non-residential parking on Lot A, based on the total number of non-residential parking spaces approved through the Development Permit* (excluding the two required car-share spaces) shall be equipped with energized 240V Charging Stations (i.e. energized outlets capable of providing Level 2 charging or higher); and
- 10.3. Two (2) car-share spaces on Lot A shall be equipped with 240V Chargers (i.e. 240V Charging Stations plus equipment for delivering electricity from the energized outlets to the vehicles).

- 10.4. The electrical circuits serving the designated parking spaces for:
 - 10.4.1. Market strata uses on Lot A and B must, on a lot-by-lot basis, serve only those parking spaces;
 - 10.4.2. Affordable housing uses on Lot A must serve only those parking spaces;
 - 10.4.3. Market rental housing uses on Lot A must serve only those parking spaces;
 - 10.4.4. Church/child care/related uses on Lot A must serve only those parking spaces;
 - 10.4.5. Commercial uses (including use by residential visitors) on Lot A must serve only those parking spaces; and
 - 10.4.6. Car-share use on Lot A must serve only those parking spaces.
- 10.5. For the car-share parking spaces, as determined at the developer/owner's discretion, the required service shall be provided by either:
 - 10.5.1. dedicating one 40A 208V circuit to each individual parking space such that upon completion of the Car-Share Measures, to the satisfaction of the City, both of the required EV-equipped parking spaces are equipped with an energized outlet box with a receptacle capable of charging electric vehicles and a 240V Charger (i.e. one for each 40A 208-240V circuit); or
 - 10.5.2. servicing the 2 car-share parking spaces with a single 40A 208-240V circuit such that upon completion of the Car-Share Measures, to the satisfaction of the City, each parking space is equipped with an energized outlet with a smart EV Charger connected to a load-sharing system capable of delivering at least 24 kWh of charging to each vehicle within an 8 hour period when both parking spaces are occupied by charging vehicles (e.g. 2-way load share of a 40A 208-240V circuit).
- 10.6. For resident parking (for the tenants/occupants of market strata, market rental, and affordable housing units) and non-residential parking (for commercial tenants/occupants, church/child care, and related uses) as determined at the developer's discretion, the required service may be provided by either:
 - 10.6.1. Dedicating one 208V circuit to each individual parking space, such that upon first occupancy of the building, in whole or in part, all of the required EV-equipped parking spaces are equipped with an outlet box with a receptacle capable of charging electric vehicles (i.e. one for each 40A 208-240V circuit); or
 - 10.6.2. Servicing multiple parking spaces with each 40A 208-240V circuit, such that upon first occupancy of the building, in whole or in part:
 - a) The building design supports the future installation by others (e.g., residential and/or non-residential owners) of a load sharing system(s) capable of delivering at least 12 kWh of charging to every car within an 8 hour period when every parking space is occupied by a charging car (e.g. 4-way load share of a 40A 208-240V circuit); and
 - b) Prior to the installation of a load sharing system(s):
 - i. At least 25% of resident parking spaces (including a proportional share of required market strata, market rental, and affordable housing resident parking) and at least 25% of non-residential parking spaces are equipped with an outlet box with a receptacle capable of charging electric vehicles (i.e. one for each 40A 208-240V circuit); and
 - ii. The remaining required EV-equipped resident and non-residential parking spaces each have an outlet box containing capped energized wires covered with a cover plate.
- 10.7. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A or Lot B, in whole or in part, unless the developer provides for the required Electric Vehicle (EV) Charging Equipment for Vehicles, to the satisfaction of the City.
- 10.8. On a lot-by-lot basis, no Building Permit* shall be issued for a building on Lot A or Lot B, in whole or in part, until the developer provides for the required Electric Vehicle (EV) Charging Equipment for Vehicles and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.

- 10.9. On a lot-by-lot basis, “no occupancy” shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot A or Lot B, in whole or in part, until the required Electric Vehicle (EV) Charging Equipment for Vehicles required with respect to the lot are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City’s requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), “no occupancy” shall be permitted of any use on the lot unless, on a stage-by-stage basis, the parking required to be completed with respect to each stage is equipped with Electric Vehicle (EV) Charging Equipment for Vehicles in compliance with this agreement, as determined to the satisfaction of the City.

11. Residential Visitor & Non-Residential Parking (Lot A): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A, to the satisfaction of the City, specifying the amount, distribution, operation (e.g., duration of stay), and use (i.e. exclusive or shared) of parking facilities required to be provided on Lot A to satisfy Zoning Bylaw and related requirements with respect to the Lot A Religious Assembly and Child Care Building, Lot A commercial uses, and visitors to the Lot A Mixed Income Rental Housing Building and Lot A market (strata) dwelling units, to the City’s satisfaction.

- 11.1. Provisions in the agreement may include, but may not be limited to, the following, as determined to the City’s satisfaction through an approved Development Permit*:

- 11.1.1. Residential visitor parking (for the purpose of satisfying Zoning Bylaw requirements) shall be provided in a combination of spaces secured for the exclusive use of residential visitors (i.e. approximately 23 spaces, which may be managed as a pool or assigned to specific buildings, as determined to the City’s satisfaction) and shared use of Lot A’s commercial spaces (i.e. approximately 18 spaces, which may include spaces allocated for long-term use, hourly use and/or shorter durations) on the same terms as members of the general public, to the satisfaction of the City;
- 11.1.2. Parking spaces shall be provided for the exclusive use of the Lot A Religious Assembly and Child Care Building, to the City’s satisfaction;
- 11.1.3. Parking spaces within the Lot A auto-court shall be secured for short-term use (e.g., 5-minute) to facilitate passenger drop-off/pick-up and related activities by all uses on Lot A and the general public;
- 11.1.4. Lot A Residential Visitor & Non-Residential Parking shall not include tandem parking spaces; and
- 11.1.5. Lot A Residential Visitor & Non-Residential Parking must include a proportional number of handicapped parking spaces and small car parking spaces in compliance with the Zoning Bylaw or as otherwise determined to the satisfaction of the Director, Transportation.

- 11.2. “No development” shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Residential Visitor & Non-Residential Parking requirements to the satisfaction of the City.

- 11.3. No Building Permit* shall be issued for a building on Lot A, in whole or in part, until the developer provides for the required Lot A Residential Visitor & Non-Residential Parking and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City’s requirements.

- 11.4. “No occupancy” shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Residential Visitor & Non-Residential Parking and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City’s requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on Lot A is permitted to proceed in stages (e.g., tower-by-tower), “no occupancy” shall be permitted of any use on the lot unless, on a stage-by-stage basis, the parking required with respect to each stage is completed to the satisfaction of the City.

12. Shared Loading Facilities (Lot A): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A, to the satisfaction of the City, specifying the amount, distribution, operation, and shared use of loading facilities, including those required for waste pick-up, as set out in an approved Development Permit*, to the satisfaction of the Director, Development, Director, Transportation, Director, Community Social Development, and Director, Environmental Programs. This shall include, but will not be limited to, shared use of the development's loading and waste management facilities by the tenants/occupants and operator of the Lot A Mixed Income Rental Housing Building, as determined to the satisfaction of the Director, Community Social Development. (All on-street waste management operations shall be prohibited.)
 - 12.1. "No development" shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Shared Loading Facilities requirements to the satisfaction of the City.
 - 12.2. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Lot A Shared Loading Facilities and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
 - 12.3. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Shared Loading Facilities and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.
13. Shared Indoor Amenity Space (Lot A): Registration of a restrictive covenant and/or alternative legal agreement on title to Lot A, to the satisfaction of the City, to secure the indoor amenity space building fronting the Lot A plaza/auto-court (co-located with the Mixed Income Rental Housing Building,) for unrestricted shared use by the occupants/tenants of all Lot A dwelling units (i.e. market strata, affordable housing, and market rental), as determined to the satisfaction of the Director, Development and Director, Community Social Development through an approved Development Permit*.
 - 13.1. "No development" shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Shared Indoor Amenity Space requirements to the satisfaction of the City.
 - 13.2. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Lot A Shared Indoor Amenity Space requirements and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
 - 13.3. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Shared Indoor Amenity Space and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the Lot A building is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any residential units on the lot until the Lot A Shared Indoor Amenity Space and related uses and spaces are completed to the satisfaction of the City.
14. Mixed Income Rental Housing Building (Lot A): The City's acceptance of the developer/owner's offer to voluntarily contribute affordable Low-End-Market-Rental (LEMR) housing units and market rental housing (MRH) units, constructed to a turnkey level of finish on the subject site at the sole cost of the developer, the terms of which voluntary contribution shall include, but will not be limited to, the registration of the City's standard Housing Agreement (regarding the LEMR units), Market Rental Agreement (regarding the MRH units) and related covenants (one for each housing type) on title to secure the dwelling units. The form of the Housing Agreement, Market Rental

Agreement and related covenants shall be agreed to by the developer and the City prior to final adoption of the subject rezoning application; after which time, only the covenants may be amended or replaced and any such changes will only be permitted for the purpose of accurately reflecting the specifics of the Development Permit* for the subject site and other non-material changes resulting thereof and made necessary by the Development Permit* approval requirements, as determined to the satisfaction of the Director, Development and Director, Community Social Development. The terms of the Housing Agreement, Market Rental Agreement and related covenants shall indicate that they apply in perpetuity and provide for, but will not be limited to, the requirements set out in the Lot A Mixed Income Rental Housing Building Terms of Reference (**Schedule C**).

15. Religious Assembly & Child Care Building (Lots A & B): Registration of a restrictive covenant and/or alternative legal agreement on title to Lot A and Lot B generally as follows:

15.1. With respect to the proposed Religious Assembly and Child Care Building on Lot A, the developer shall:

- 15.1.1. Designate a portion of the lot for the exclusive use of the Lot A Religious Assembly and Child Care Building, which area shall generally be located within 33.5 m (110 ft.) of the lot's proposed Garden City Road property line and 53.0 m (174 ft.) of the lot's proposed Capstan Way property line or as otherwise determined to the City's satisfaction through an approved Development Permit*;
- 15.1.2. Limit the use of the Lot A Religious Assembly and Child Care Building to religious assembly and child care, together with customary secondary or ancillary uses as permitted under the Zoning Bylaw and ZMU51 zone (e.g., indoor recreation, but excluding residential uses), to the City's satisfaction;
- 15.1.3. Provide for the Lot A Religious Assembly and Child Care Building to be located within an Air Space Parcel, approved by the City, together with the registration of legal agreements on title, to the satisfaction of the City (i.e. to ensure that the owners, operators, and users of the Lot A Religious Assembly and Child Care Building have adequate access to and enjoyment of facilities intended for their exclusive use and shared use to the City's satisfaction as generally determined through an approved Development Permit*); and
- 15.1.4. Register additional agreement(s) and/or satisfy additional requirements, as determined to the sole satisfaction of the City via the Servicing Agreement*, Development Permit*, development approval, and/or Building Permit* processes.

15.2. "No demolition" shall be permitted of the existing buildings and facilities on 3360 Sexsmith Road (including, but not limited to, the Herrling Residence), restricting Demolition Permit* issuance for any building on 3360 Sexsmith Road, in whole or in part, unless, unless, as determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services:

- 15.2.1. The subject rezoning bylaw has been adopted (which shall require, among other things, the transfer of 3360 Sexsmith Road to the developer to facilitate the creation of proposed Lot B);
- 15.2.2. A Development Permit* has been issued for the comprehensive development of Lot A and Lot B, including the Lot A Religious Assembly and Child Care Building and all related spaces and uses, as determined to the City's satisfaction;
- 15.2.3. With respect to the church, submission of written confirmation from the Richmond Capstan Alliance Church, to the City's satisfaction, confirming that the organization's operations have been satisfactorily relocated off-site (e.g., to temporary accommodation);
- 15.2.4. With respect to the existing child care tenant at 3360 Sexsmith Road, submission of written confirmation from the owner, to the City's satisfaction, that the following assistance measures have been undertaken:
 - a) The child care tenant has been provided with reasonable notice (e.g., a minimum of 6 months) regarding the need to relocate from the property; and
 - b) The owner has provided the child care tenant with access to a professional realtor, at the owner's sole cost, in an effort to assist the child care tenant in finding similar, appropriately zoned space to lease within Richmond; and

15.2.5. The developer, at the developer's sole cost, has satisfied the "no demolition" conditions specified in the Heritage Conservation and Interpretation agreement with respect to Herrling Residence.

16. Heritage Conservation & Interpretation (Lots A & B): City acceptance of the developer's offer to voluntarily contribute towards heritage conservation, interpretation and/or documentation with respect to the Herrling Residence (3360 Sexsmith Road), the terms of which voluntary developer contribution shall include the registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lots A and B, generally as follows or as otherwise determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services and an approved Development Permit*:

16.1. "No demolition" shall be permitted on Lot B, restricting Demolition Permit* issuance for any building on Lot B, in whole or in part, unless the developer, at the developer's sole cost, as determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services:

16.1.1. Submits photo documentation of the existing Herrling Residence and related heritage features, prepared by a qualified heritage professional, to the City's satisfaction;

16.1.2. Demonstrates that reasonable steps have been taken to relocate the Herrling Residence off-site, which steps shall include, but may not be limited to, posting the house on the City's House Moving and Salvage List for 60 days (i.e. for the purpose of offering to move or salvage the house) prior to applying for a Demolition Permit*;

16.1.3. Under the direction of the City, salvages artefact(s) of heritage value from the Herrling Residence and delivers them to Richmond's artefact storage facility; and

16.1.4. Satisfies the "no demolition" conditions specified in the Religious Assembly and Child Care Building agreement with respect to the existing church, child care, and related facilities on 3360 Sexsmith Road (i.e. including, but not limited to, the Herrling Residence).

16.2. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A and Lot B, in whole or in part, unless the developer, at the developer's sole cost, prepares and implements a Heritage Interpretation Plan for Lot A and Lot B, as determined to the satisfaction of the Director, Development, Director, Arts, Culture, and Heritage Services, and Director, Parks Services. More specifically, requirements of the Plan may include, but may not be limited to the following:

16.2.1. Plan preparation by a qualified heritage professional (together with an architect, landscape architect, and/or other qualified professionals, as applicable), based on existing City Statements of Significance (SOS) for the Herrling Residence, Capstan Village, and other relevant heritage resources, subject to review(s) by the Richmond Heritage Commission or as otherwise determined to the satisfaction of the Director, Arts, Culture, and Heritage Services;

16.2.2. A comprehensive approach to heritage interpretation, which shall include, but may not be limited to a heritage vision statement for the site and clear set of goals, taking into account opportunities to enhance place-making and Capstan Village's role as a designated "arts district", coordination with architectural/landscape design and public art, and the establishment of the Capstan Station Bonus Greenway SRW area on Lot A and Lot B as a key public gateway to the history and stories of Capstan Village;

16.2.3. Interpretative signage, together with other heritage interpretation features (e.g., murals, models, artefacts, landscape structures, special paving or furnishings, or artworks) located within the Capstan Station Bonus Greenway SRW area and/or integrated into the design of buildings and/or landscapes fronting the Greenway SRW;

16.2.4. Design and installation of the interpretation features in coordination with the Development Permit* and/or Servicing Agreement*, the implementation of which shall be secured through the Development Permit* security (Landscape Letter of Credit), Servicing Agreement* Letter of Credit, or other Letter(s) of Credit, as determined to the City's satisfaction; and

16.2.5. Maintenance of and liability with respect to the heritage interpretation features at the sole cost and responsibility of the owner/developer, except for any features that the City (in its sole discretion

through an approved Servicing Agreement*) determines shall be transferred to the City (at no cost to the City) and, following the expiry of the Servicing Agreement* maintenance period, shall be maintained by the City.

- 16.3. On a lot-by-lot basis, “no occupancy” shall be permitted of a building on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until implementation of the Heritage Interpretation Plan for Lot A and Lot B is completed to the satisfaction of the City (as provided for through the Servicing Agreement*, Development Permit*, and/or other City requirements or legal agreements, as applicable), a letter of confirmation is submitted by the architect assuring that the features satisfy all applicable City’s requirements, and the developer has submitted a certificate of inspection for the features or equivalent, prepared and sealed by the owner’s engineer, architect, and/or landscape architect, to the City’s satisfaction, and received a Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of a lot is permitted to proceed in stages (e.g., tower-by-tower), “no occupancy” shall be permitted of any market (strata) residential units on the lot unless the required heritage interpretation features and related requirements are complete to the City’s satisfaction.

17. **Public Art (Lots A & B):** City acceptance of the developer’s offer to voluntarily contribute towards Public Art, the terms of which voluntary developer contribution shall include:

- 17.1. Prior to rezoning adoption, registration of legal agreement(s) on title to facilitate the implementation of an approved Public Art Plan for the subject site (Lot A and Lot B), together with the ongoing management and maintenance of the artwork(s) and related considerations, which Plan shall be prepared by an appropriate professional based on:
- 17.1.1. The Richmond Public Art Program, City Centre Public Art Plan, and applicable supplementary public art and heritage planning resources (e.g., Richmond’s existing Statements of Significance for Capstan Village and the Herrling Residence), together with review(s) by the Public Art Advisory Committee and presentation for endorsement by Council, as determined to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services; and
- 17.1.2. A value of at least \$281,418 or the product of the applicable Council-approved contribution rate in effect at the time of Development Permit approval and the maximum buildable floor area permitted under the subject site’s proposed ZMU51 zone (excluding permitted floor area exemptions), whichever is greater, as generally indicated in the table below

Use	Max. Floor Area (ZMU51)	Exemptions	Applicable Floor Area	Min. Rate (1)	Min. Contribution (2)
Residential	32,507.0 m ² (349,902 ft ²)	Affordable Housing 3,096.5 m ² (33,330 ft ²) Market Rental Housing 1,542.1 m ² (16,600 ft ²)	27,868.4 m ² (299,972 ft ²)	0.93/ft ²	\$278,974
Commercial	463.4 m ² (4,988 ft ²)	N/A	463.4 m ² (4,988 ft ²)	0.49/ft ²	\$2,444
Church & Child Care	2,853.0 m ² (30,709 ft ²)	2,853.0 m ² (30,709 ft ²)	N/A	N/A	N/A
TOTAL	35,823.4 m² (385,599 ft²)	Varies	28,331.8 m² (304,960 ft²)	Varies	\$281,418

- (1) Rates (applicable to maximum permitted buildable floor area) in effect at the time of writing these Rezoning Considerations.
- (2) The actual value of the developer contribution shall be confirmed and updated, as necessary, based on the floor areas approved through the Development Permit*. In addition, in the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution Rate shall be revised to comply with the Council-approved contribution rates in effect at the time of rezoning bylaw adoption, where the change is positive.

- 17.2. “No development” shall be permitted on Lot A or Lot B, restricting Development Permit* with respect to Lot A and Lot B, until the developer:

- 17.2.1. Enters into any additional legal agreement(s) required to facilitate the implementation of the City-approved Public Art Plan (e.g., statutory rights-of-way for public access), which may require that, prior to entering into any such additional agreement, a Detailed Public Art Plan is prepared/submitted

by the developer and/or an artist(s) is engaged (as generally set out in the Public Art Plan submitted prior to rezoning adoption), to the City's satisfaction; and

- 17.2.2. Submits a Letter of Credit or cash (as determined at the sole discretion of the City) to secure the developer's implementation of the Public Art Plan or Detailed Public Art Plan, as applicable, the value of which shall be at least \$281,418.
- 17.3. On a lot-by-lot basis, "no occupancy" shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy of a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until:
 - 17.3.1. The developer, at the developer's sole expense, commissions an artist(s) to conceive, create, manufacture, design, and oversee or provide input about the manufacturing of the public artwork(s), and causes the public artwork(s) to be installed on City property, if expressly permitted by the City, or within a statutory right-of-way on the developer's lands (which right-of-way shall be to the satisfaction of the City for rights of public passage, public art, and related purposes, in accordance with the City-approved Public Art Plan or Detailed Public Art Plan, as applicable);
 - 17.3.2. The developer, at the developer's sole expense and within thirty (30) days of the date on which the public art is installed, executes and delivers to the City a transfer of all of the developer's rights, title, and interest in the public artwork to the City if on City property or to the subsequent Strata or property owner if on private property (including transfer of joint world-wide copyright) or as otherwise determined to be satisfactory by the City Solicitor and Director, Arts, Culture, and Heritage Services; and

NOTE: It is the understanding of the City that the artist's rights, title, and interest in the public artwork will be transferred to the developer upon acceptance of the artwork based on an agreement solely between the developer and the artist. These rights will in turn be transferred to the City if on City property, subject to approval by Council to accept the transfer of ownership of the artwork.
 - 17.3.3. The developer, at the developer's sole expense, submits a final report to the City promptly after completion of the installation of the public art in respect to the City-approved Public Art Plan or Detailed Public Art Plan, as applicable, which report shall, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services, include, but may not be limited to:
 - a) Information regarding the siting of the public art, a brief biography of the artist(s), a statement from the artist(s) on the public art, and other such details as the Director of Development and Director, Arts, Culture, and Heritage Services may require;
 - b) A statutory declaration, satisfactory to the City Solicitor, confirming that the developer's financial obligation(s) to the artist(s) have been fully satisfied;
 - c) The maintenance plan for the public art prepared by the artist(s); and
 - d) Digital records (e.g., photographic images) of the public art, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of a lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot unless the required public art features and related requirements are complete to the City's satisfaction.

18. District Energy Utility (DEU) (Lots A & B): Registration of a restrictive covenant and/or alternative legal agreement(s) on title, to the satisfaction of the City, securing the owner's commitment to connect to District Energy Utility (DEU), which covenant and/or legal agreement(s) will include, at minimum, the following terms and conditions:

- 18.1. No Building Permit* will be issued for a building on the subject site unless the building is designed with the capability to connect to and be serviced by a DEU and the owner has provided an energy modelling report satisfactory to the Director of Engineering;

- 18.2. If a low carbon energy plant district energy utility (LCDEU) service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no Building Permit* will be issued for a building on the subject site unless:
 - 18.2.1. The owner designs, to the satisfaction of the City and the City's DEU service provider, Lulu Island Energy Company Ltd. (LIEC), a low carbon energy plant to provide any combination of heating, cooling, and/or domestic hot water heating to the building(s), as directed by the City's service provider (LIEC), to be constructed and installed on the site, with the capability to connect to and be serviced by a DEU; and
 - 18.2.2. The owner enters into an asset transfer agreement with the City and/or the City's DEU service provider on terms and conditions satisfactory to the City to transfer ownership of the low carbon energy plant to the City or as directed by the City, including to the City's DEU service provider, at no cost to the City or City's DEU service provider, LIEC, on a date prior to final building inspection permitting occupancy of the first building on the site. Such restrictive covenant and/or asset transfer agreement shall include a warranty from the owner with respect to the on-site DEU works (including the low carbon energy plant) and the provision by the owner of both warranty and deficiency security, all on terms and conditions satisfactory to the City;
- 18.3. The owner agrees that the building(s) will connect to a DEU when a DEU is in operation, unless otherwise directed by the City and the City's DEU service provider, LIEC.
- 18.4. If a DEU is available for connection and the City has directed the owner to connect, no final building inspection permitting occupancy of a building will be granted unless, and until:
 - 18.4.1. The building is connected to the DEU;
 - 18.4.2. The owner enters into a Service Provider Agreement for that building with the City and/or the City's DEU service provider, LIEC, executed prior to depositing any Strata Plan with LTO and on terms and conditions satisfactory to the City; and
 - 18.4.3. Prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all Statutory Right-of-Way(s) and/or easements necessary for supplying the DEU services to the building.
- 18.5. If a DEU is not available for connection, but a LCDEU service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted unless and until:
 - 18.5.1. The City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU;
 - 18.5.2. The building is connected to a low carbon energy plant supplied and installed by the owner, at the owner's sole cost, to provide any combination of heating, cooling, and/or domestic hot water heating to the building(s), as directed by the City's service provide (LIEC), which energy plant will be designed, constructed and installed on the subject site to the satisfaction of the City and the City's service provider, LIEC;
 - 18.5.3. The owner transfers ownership of the low carbon energy plant on the subject site, to the City or as directed by the City, including to the City's DEU service provider, LIEC, at no cost to the City or City's DEU service provider, on terms and conditions satisfactory to the City;
 - 18.5.4. Prior to depositing a Strata Plan, the owner enters into a Service Provider Agreement for the building with the City and/or the City's DEU service provider, LIEC, on terms and conditions satisfactory to the City; and
 - 18.5.5. Prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all additional Covenants, Statutory Right-of-Way(s) and/or easements necessary for supplying the services to the building and the operation of the low carbon energy plant by the City and/or the City's DEU service provider, LIEC.

18.6. If a DEU is not available for connection, and a LCDEU service area bylaw which applies to the site has not been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted until:

18.6.1. The City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU; and

18.6.2. The owner grants or acquires any additional Statutory Right-of-Way(s) and/or easements necessary for supplying DEU services to the building, registered prior to subdivision (including Air Space parcel subdivision and strata plan filing).

19. Tree Protection, Compensation & Relocation:

19.1. Off-Site (City) Trees: The City's acceptance of the developer's voluntary contribution to the City's Tree Compensation Fund (for the removal of 2 trees) and submission of tree survival security (for 16 trees). The removal of one dead tree (Tag # C05) shall not require compensation or replacement.

Recommended Action	# City Trees	Applicable Rate	Min. Developer Contribution
Removal	1 tree (Tag # 898)	Cash-in-lieu compensation @ \$1,500/tree for the planting of replacement trees	\$1,500 (Cash) (1) Tree Compensation Fund (Account # 2336-10-000-00000-0000)
Relocation	11 Capstan Way street trees (Tag # C01-C04 & C06-C12)	Survival security @ \$6,250/tree	\$100,000 (Letter of Credit) Survival Security
Retention	5 trees (Tag # C13-C17)		
TOTAL	19	Varies	Varies

(1) In the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution shall be revised to comply with the City contribution rate in effect at the time of rezoning bylaw adoption, where the change is positive.

19.2. On-Site Trees: Submission of tree replacement security (Letter of Credit) as indicated in the table below.

NOTE: This tree replacement security shall be returned to the developer upon issuance of a Development Permit* that includes the required replacement trees and the developer's submission of the Development Permit* Landscape Security for the installation of on-site landscaping including the replacement trees.

Recommended Action	# On-Site Trees	# Replacement Trees	Min. Size of Replacement Trees	Replacement Tree Security		Cash-in-Lieu
				Rate/Tree	Total	
Removal	6	12 conifers	Min. 5.0 m height Larger calliper trees required	\$3,000	\$36,000	Not permitted
Removal	30	60	As per Tree Protection Bylaw (1)	\$750	\$45,000	Permitted (2)
TOTAL	36	72	Varies	Varies	\$81,000 (2) (Letter of Credit)	Varies

(1) Minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A – 3.0 Replacement Trees (i.e. minimum 6.0 cm deciduous caliper or 3.5 m high conifers).

(2) If through the Development Permit*, the City determines in its sole discretion that all of the required replacement trees cannot be accommodated on-site, the developer shall submit a cash-in-lieu contribution in the amount of \$750 per outstanding replacement tree to the City's Tree Compensation Fund (for the City's planting of trees elsewhere in Richmond).

19.3. Tree Protection: Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.

19.4. Arborist Contract: Submission of a contract entered into between the applicant and a certified arborist for supervision of any works conducted within the tree protection zone of the trees to be retained. The contract should include the scope of work to be undertaken, including the proposed number of site monitoring inspections and the arborist's submission of a post-construction assessment report to the City for review.

20. Phasing Agreement (Lots A & B): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A and Lot B, to the satisfaction of the City, securing that "no development" will be permitted on the subject site and restricting Development Permit* issuance, together with various Building Permit* and occupancy restrictions, as required to ensure that all development and other obligations assigned to each of the lots as a result of the subject rezoning are completed to the City's satisfaction. Details of the development's phasing will be determined through the

Development Permit* and Servicing Agreement* review and approval processes, to the satisfaction of the Director, Development, Director, Transportation, Director, Community Social Services, Director, Arts, Culture and Heritage Services, Director, Parks Services, and Director, Engineering. Provisions in the agreement may include, but may not be limited to, the following, as determined to the City's satisfaction.

20.1. In general, the development will comprise a maximum of four sequential stages as follows:

20.1.1. Stage #1 ("Rental Building Stage"), which shall include, to the City's satisfaction:

- a) Development Works:
 - i. Entirety of the Lot A Mixed Income Rental Housing Building;
 - ii. Commercial units fronting Capstan Way at the base of the Lot A Mixed Income Rental Housing Building;
 - iii. Lot A Shared Indoor Amenity Space;
 - iv. Lot A Shared Loading Facilities;
 - v. Lot A Non-Residential Cycling Facilities; and
 - vi. Entirety of related spaces and uses (e.g., all parking for the rental building occupants, all commercial parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works:
 - i. All underground City and private utilities;
 - ii. All above-grade City and private utilities, where feasible;
 - iii. All Ketcheson Road works;
 - iv. All Capstan Way upgrades; and
 - v. All traffic signal modifications, upgrades, and new installations, where feasible.

20.1.2. Stage #2 ("Initial Market Strata Stage"), which shall include, to the City's satisfaction:

- a) Development Works:
 - i. The first of two stages of market (strata) housing construction, which shall include all the market (strata) units on one lot (i.e. either Lot A or Lot B, but not both), to the City's satisfaction; and
 - ii. All related spaces and uses (e.g., parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to the lot including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on the lot and all above-grade City and private utilities on the lot.

20.1.3. Stage #3 ("Church/Child Care Building Stage"):

- a) Development Works:
 - i. Entirety of the Lot A Religious Assembly and Child Care Building;
 - ii. Lot A Mid-Block Pedestrian Link SRW area and Lot A auto-court/plaza; and
 - iii. Entirety of related spaces and uses (e.g., parking, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to Lot A including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on Lot A and all above-grade City and private utilities on Lot A.

20.1.4. Stage #4 (“Final Market Strata Stage”), which shall include, to the City’s satisfaction:

- a) Development Works:
 - i. The second of two stages of market (strata) housing construction, which shall include all the market (strata) units not constructed in Stage #2 (“Initial Market Strata Stage”), to the City’s satisfaction; and
 - ii. All related spaces and uses (e.g., parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City’s satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to the lot including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on the lot and all above-grade City and private utilities on the lot.

- 20.2. “No development” shall be permitted on Lot A or Lot B, restricting Development Permit* issuance with respect to Lot A and Lot B, in whole or in part, unless the entirety of the proposed development on Lot A and Lot B is subject to one comprehensive Development Permit*, as determined to the satisfaction of the Director, Development.
- 20.3. Building Permit* issuance for the development’s four stages may proceed sequentially or concurrently, but a later stage may not advance, in whole or in part, ahead of an earlier stage (e.g., Stage #2 shall not receive Building Permit* issuance ahead of Stage #1).
- 20.4. Building Permit* inspection granting occupancy for the development’s four stages may proceed sequentially or concurrently, but a later stage may not advance, in whole or in part, ahead of an earlier stage (e.g., occupancy of Stage #2 shall not be permitted, in whole or in part, ahead of Stage #1).

Notwithstanding the afore mentioned statement, consideration may given to permitting occupancy of Stage #4 ahead of Stage #3 if, prior to any Stage #4 occupancy, in whole or in part, all Stage #3 Development Works and Servicing Agreement* Works shall be completed to the City’s satisfaction EXCEPT the interior fit-out (tenant improvements) of the Lot A Religious Assembly and Child Care Building.

- 20.5. “No demolition” shall be permitted at 3360 Sexsmith Road (i.e. existing Richmond Capstan Alliance Church property), restricting Demolition Permit* issuance with respect the existing church and child care buildings on 3360 Sexsmith Road, in whole or in part, until the developer satisfies the “no demolition” conditions specified in the Religious Assembly and Child Care Building (Lots A and B) agreement and the Heritage Conservation and Interpretation (Lots A and B) agreement, to the City’s satisfaction.

21. View and Other Development Impacts (Lots A & B): Registration on title of a restrictive covenant(s) and/or alternative legal agreement(s), to the satisfaction of the City, requiring that the proposed development must be designed and constructed in a manner that mitigates potential development impacts including without limitation view obstruction, increased shading, increased overlook, reduced privacy, increased ambient noise, increased ambient night-time light, and increased public use of fronting streets, sidewalks, public open space areas, and similar spaces (e.g., plaza/auto court on Lot A and various public paths on Lots A and B) caused by or experienced as a result of, in whole or in part, development on the lands and future development on or the use of surrounding properties. The covenant shall include, but not be limited to the following:

- 21.1. For the eastern portion of the proposed development (i.e. proposed Lot A), as it is mixed use, the covenant shall notify residential tenants of potential noise and/or nuisance that may arise due to proximity to retail, restaurant, other commercial uses, church, child care, and related activities;
- 21.2. The owner shall provide written notification of potential view and development impacts to all initial purchasers through the disclosure statement, and erect signage in the initial sales centre advising purchasers of the potential for such impacts;
- 21.3. The legal agreement shall include a Report (which may include the acoustic report prepared with respect to the development’s required Aircraft Noise covenant) prepared by an appropriate registered professional(s), which demonstrates that adequate development impact mitigation measures will be incorporated into the building’s

design and construction (e.g., building/unit/amenity space orientation; screening from neighbours; window coverings; no building-controlled lighting on balconies); and

- 21.4. Prior to Development Permit* and Building Permit* approvals, the owner shall submit letters of assurance prepared by an appropriate registered professional confirming that the building has been designed in conformance with the Report.
22. Aircraft Noise (Lots A & B): Registration on title of a standard City of Richmond (mixed use) aircraft noise sensitive use covenant.
23. Flood Construction (Lots A & B): Registration on title of a standard City of Richmond ("Area A") flood indemnity covenant.
24. Rental of Strata Dwellings (Lots A & B): Registration of a restrictive covenant prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.
25. Other Rights-of-Ways, Indemnifications, Releases & Agreements: As determined to the sole satisfaction of the City via the Servicing Agreement*, Development Permit*, development approval, and/or Building Permit* processes.
26. Existing Charges on Title: Changes to the following, together with any additional agreements requiring modification or discharge as determined to the City's satisfaction through the Development Permit*, Building Permit*, and/Servicing Agreement* processes:
- Utility SRW (AB247194; Plan 79913): Modification of the existing utility statutory rights-of-way (storm drainage) along the entire south side of 3440 Sexsmith Road (to facilitate City maintenance and related requirements), as determined to the City's sole satisfaction, in coordination with the approved Servicing Agreement* for utility upgrades, road widening and frontage improvements along Capstan Way.
27. Community Planning: The City's acceptance of the developer's voluntary contribution towards future City community planning initiatives (CC-Community Planning and Engineering Account # 3132-10-520-00000-0000), as set out in the City Centre Area Plan, as indicated in the table below.

Max. Floor Area (ZMU51)	Floor Area Exemptions	Applicable Floor Area	Min. Contribution Rate (1)	Min. Developer Contribution (2)
35,823.4 m ² (385,599 ft ²)	(Lot A) Affordable Housing: 3,096.5 m ² (33,330 ft ²)	28,331.8 m ² (304,960 ft ²)	\$0.31/ft ²	\$94,537.60
	(Lot A) Market Rental Housing: 1,542.1 m ² (16,600 ft ²)			
	(Lot A) Church/Child Care: 2,853.0 m ² (30,709 ft ²)			

(1) The Council-approved contribution rates in effect at the time of writing these Rezoning Considerations.

(2) In the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution shall be revised to comply with the Council-approved contribution rate in effect at the time of rezoning bylaw adoption, where the change is positive.

28. Development Permit (DP): The submission and processing of a Development Permit* for the entirety of Lot A and Lot B, completed to a level deemed acceptable by the Director of Development.
29. Servicing Agreement* (SA): Enter into a Servicing Agreement(s)* for the design and construction, at the developer's sole cost, of full upgrades across the subject site's frontages, together with various engineering, transportation, and parks works, to the satisfaction of the City. Prior to rezoning adoption, all Servicing Agreement* works must be secured via a Letter(s) of Credit, as determined by the City. All works shall be completed prior to first occupancy of the building on the site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses on the site), unless otherwise permitted by the City and set out in a City-approved Phasing Agreement registered on title, to the satisfaction of the Director, Engineering, Director, Transportation, Director, Parks Services and Director, Development.

Servicing Agreement* works shall include, but may not be limited to, the following:

- 29.1. Engineering Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of water, storm sewer, sanitary sewer, frontage improvements, and general engineering works to the satisfaction of the Director, Engineering, which works shall include, but may not be limited to, those set out in **Schedule D**. (Development Cost Charge (DCC) credits may apply.)

- 29.2. Transportation Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of road and related improvements, together with the Capstan Station Bonus Greenway SRW area (i.e. multi-use path and related improvements), to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in **Schedule E**. (Development Cost Charge (DCC) credits may apply.)
- 29.3. Parks Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of the Capstan Station Bonus Greenway SRW area (i.e. multi-use path and related improvements), to the satisfaction of the Director, Parks Services, Director, Development, Director, Transportation, Director, Engineering, and Director, Arts, Culture, and Heritage Services. The conceptual design of the Parks Servicing Agreement* Requirements will be completed, to the City's satisfaction, through the Development Permit* review and approval processes. (Development Cost Charge (DCC) credits shall not apply.)

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

1. Rezoning Requirements: Submit a signed/sealed letter (with an itemized list) from the project architect confirming that the Development Permit* building/landscape design complies with the terms of the development's Rezoning Considerations (RZ 18-836107) and related required legal and Servicing Agreement* requirements.
2. BC Energy Step Code & District Energy Utility (DEU): Incorporate measures in the Development Permit* plans and, as applicable, register additional legal agreement(s), to the City's satisfaction, with respect to measures facilitating the development's compliance with applicable BC Energy Step Code requirements and the future connection of the lands to a City DEU system. This may include, but shall not be limited to, providing for the developer's construction and future transfer of an on-site low carbon energy plant to the City, at no cost to the City (on the basis of which, the development's Step Code level may be relaxed as permitted under City bylaw).

NOTE: The developer has submitted a written statement from a registered professional confirming that the rezoning-stage design takes into consideration the applicable BC Energy Step Code performance targets (REDMS #6997590).
3. NAV Canada Building Height: Submit a letter of confirmation from a registered surveyor assuring that the proposed building heights are in compliance with Transport Canada regulations.
4. Aircraft Noise: Complete an acoustical and thermal/mechanical report and recommendations, prepared by an appropriate registered professional, which demonstrate that the interior noise levels and noise mitigation standards comply with the City's Official Community Plan and Noise Bylaw requirements.
5. Richmond Fire Department (RFD): Satisfy design review requirements, which may include, but may not be limited to, addressing (e.g., visible from the street, contrasting colours); fire hydrant measurements (e.g., principle entrance, RFD connection); fire panel (e.g., operation sequence, stages, elevator operation); RFD connection (e.g., inter-connected, connections at amenities, podium roof, other accessible rooftops and open spaces); fire ratings (e.g., podium); RFD access route measurements (e.g., widths, lengths, dead ends); smoke control measures (e.g., vestibules, stairwells, kitchens); tank permits (e.g., emergency generator); emergency generator (e.g., power) and the spaces serviced (e.g., firefighter elevator, annunciator panel, emergency lights); designated firefighter elevator; firefighter voice communication; fire extinguisher installation areas (e.g., measurements); and alarm-activated front door release.
6. Additional Requirements: Register additional legal agreements, as determined to the satisfaction of the Director, Development, Director, Transportation, Director, Engineering, Director, Real Estate Services, Director, Community Social Services, Director, Parks Services, and Director, Arts, Culture and Heritage Services.
7. Landscape Security: Register a legal agreement on title and submit a Letter(s) of Credit for landscaping, based on a cost estimate provided by a CSLA registered landscape architect (including 10% contingency), excluding landscape works that are subject to a Servicing Agreement* Letter of Credit.

Prior to Building Permit* Issuance, the developer is required to:

1. Existing Legal Agreements: On a lot-by-lot basis, complete, to the City's satisfaction, the terms of all applicable legal agreements registered on title to Lot A and Lot B prior to rezoning, Development Permit issuance, and/or other permits as applicable. This may include the discharge of existing agreements and the registration of modifications,

replacements, and/or new legal agreement, as determined to the City's satisfaction, and may require the developer's submission of security (Letters of Credit), cash payments, reports or letters of assurance, and/or other items, and shall include, but shall not be limited to:

- 1.1. Capstan Station Bonus: Payment of the Capstan Station Reserve contribution for each of Lot A and Lot B.
2. Construction Parking & Traffic Management Plan: Submit a Management Plan to the Transportation Department. The Plan shall include locations 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.
3. Accessibility: Incorporate accessibility measures in the Building Permit* plans as determined via the Rezoning and/or Development Permit* processes.
4. Construction Hoarding: Obtain a Building Permit* (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit*. For additional information, contact the Building Approvals Department at 604-276-4285.

NOTE:

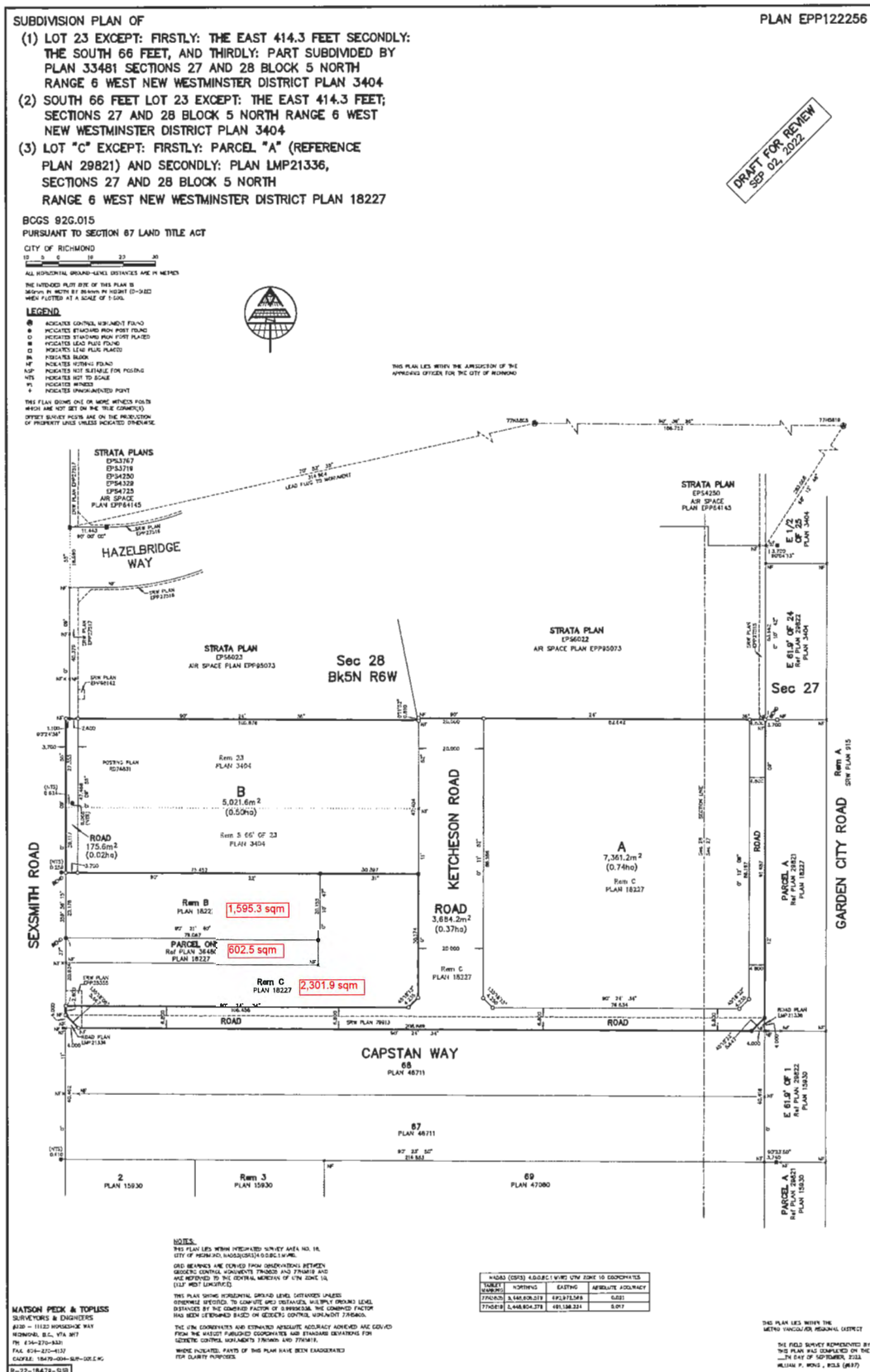
- Items marked with an asterisk (*) require a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.
All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.
The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial Wildlife Act and Federal Migratory Birds Convention Act, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

SIGNED COPY ON FILE

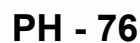
Signed _____

Date _____

Preliminary Subdivision Plan



Preliminary (Partial) Statutory Right of Way Plan



RZ 18-836107

Lot A Mixed Income Rental Housing Building*Terms of Reference*

Prior to final adoption of Richmond OCP Amendment Bylaw No. 10390 and Zoning Amendment Bylaw No. 10389, the developer/owner is required to complete the following:

Mixed Income Rental Housing Building (Lot A): The City's acceptance of the developer/owner's offer to voluntarily contribute affordable Low-End-Market-Rental (LEMR) housing units and market rental housing (MRH) units, constructed to a turnkey level of finish on the subject site at the sole cost of the developer, the terms of which voluntary contribution shall include, but will not be limited to, the registration of the City's standard Housing Agreement (regarding the LEMR units), Market Rental Agreement (regarding the MRH units) and related covenants (one for each housing type) on title to secure the dwelling units. The form of the Housing Agreement, Market Rental Agreement and related covenants shall be agreed to by the developer and the City prior to final adoption of the subject rezoning application; after which time, only the covenants may be amended or replaced and any such changes will only be permitted for the purpose of accurately reflecting the specifics of the Development Permit for the subject site and other non-material changes resulting thereof and made necessary by the Development Permit* approval requirements, as determined to the satisfaction of the Director of Development and Director of Community Social Development. The terms of the Housing Agreement, Market Rental Agreement and related covenants shall indicate that they apply in perpetuity and provide for, but will not be limited to, the requirements set out in the Lot A Mixed Income Rental Housing Building Terms of Reference (Schedule C).*

1. **Stand-Alone Building & Not-for-Profit Operator:** The developer/owner has submitted a preliminary Memorandum of Understanding (MOU) with an experienced non-profit housing operator to demonstrate the developer/owner's intent to engage the non-profit organization as the:
 - Operator of the subject development's LEMR units, all of which units shall be located in the proposed Mixed Income Rental Housing Building; and
 - Possible operator of the MRH units located in the proposed Mixed Income Rental Housing Building.

In light of this arrangement, the City is willing to accept clustering of the required LEMR units and MRH units in the form of a stand-alone building, together with the clustering of other building features intended for the exclusive use of the LEMR and MRH unit occupants (e.g., parking), provided that the Mixed Income Rental Housing Building shall:

- a) Be located on Lot A (with direct and convenient access from Ketcheson Road to the main building entrance);
- b) Be integrated with the development's underground parking structure, roof deck, and related features, but function as an independent building that does not share common circulation (e.g., lobbies, hallways, elevators, or stairs) with Lot A market strata or Lot A non-residential uses; and
- c) Be located within an Air Space Parcel approved by the City. Legal agreements shall be registered on title, to the satisfaction of the City, to ensure that the occupants of the Mixed Income Rental Housing Building, operator(s), guests, and designates have adequate access to and enjoyment of facilities intended for their:
 - i. exclusive use (e.g., resident parking, "Class 1" resident bike storage, and outdoor amenity space);
 - ii. shared use with the Lot A market strata occupants (e.g., indoor amenity space and loading); and
 - iii. shared use with the Lot A market strata and Lot A non-residential occupants (e.g., driveways), as determined to the City's satisfaction through the Development Permit*.

NOTE: In the event that any exclusive or shared facilities are not part of the Air Space Parcel (e.g., parking) and the operator is subject to additional charges for the use of such facilities, any such charges may not exceed the rates charges to other users on Lot A for access to/use of similar uses and spaces, as determined to the City's satisfaction.

2. **Minimum Required Floor Area:** The required minimum floor area of the Mixed Income Rental Housing Building, exclusive of parking, bike storage, indoor amenity space, and uses not intended for the exclusive use of the occupants of the Mixed Income Rental Housing Building, shall be determined to the satisfaction of the Director of Development

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and Director of Community Social Development, as set out in an approved Development Permit*, which floor area shall include, but may not be limited to:

- a) For affordable housing, at least 3,096.5 m² (33,330 ft²) or 10% of the maximum combined residential floor area permitted on Lot A and Lot B (exclusive of market rental density bonus floor area permitted under the ZMU51 zone), whichever is greater, in the form of habitable dwelling unit floor area only;
 - b) For market rental housing, at least 1,542.1 m² (16,600 ft²) in the form of habitable dwelling unit floor area and a proportional share of the floor area of common space in the building (e.g., circulation and lobbies, but excluding indoor amenity space), as per the market rental density bonus provision under the ZMU51 zone;
 - c) Additional floor area, including:
 - i. Circulation (e.g., lobbies, hallways, elevators, and stairs) intended for the exclusive use of the Mixed Income Rental Housing Building occupants; and
 - ii. All walls, mechanical, electrical, and similar spaces required to facilitate the developer/owner's provision of the proposed Mixed Income Rental Housing Building on the lot.
3. **Residential Amenity Space:** In addition to the minimum floor area of the Mixed Income Rental Housing Building described above, the developer/owner shall construct residential amenity space (i.e. for recreation and socializing) for the unrestricted use and enjoyment of the occupants of the Mixed Income Rental Housing Building, to the satisfaction of the Director of Development and Director of Community Social Development, as set out in an approved Development Permit*, including:
- a) Indoor amenity space on Lot A (i.e. outside, but convenient to, the Mixed Income Rental Housing Building) for the shared use of the Mixed Income Rental Housing Building occupants and the Lot A market strata occupants, the size of which shall include:
 - i. At least 2.0 m² (21.5 ft²) per dwelling unit, based on the combined total number of LEMR, MRH, and market strata units permitted on Lot A; plus
 - ii. At least 18.6 m² (200.0 ft²) as administrative space for the use of the non-profit housing operator; and
 - b) Outdoor amenity space integrated with the Mixed Income Rental Housing Building (e.g., landscaped rooftops) for the exclusive use of the building's occupants, the size of which shall include at least 6.0 m² (64.6 ft²) per dwelling unit, based on the total number of dwellings permitted in the Mixed Income Rental Housing Building.
4. **Housing Requirements:** As required under the ZMU51 zone, the Mixed Income Rental Housing Building shall contain at least 69 Residential Rental Tenure dwelling units, comprising a mix of LEMR and MRH units, as determined to the satisfaction of the City through an approved Development Permit*.
- a) Affordable Housing: The developer/owner shall provide for:
 - i. At least 49 LEMR units (comprising at least 30% family-friendly 2- and 3-bedroom units), all of which shall comply with the Zoning Bylaw's Basic Universal Housing standards, unless otherwise determined to the satisfaction of the Director, Community Social Development through an approved Development Permit*.

	Minimum Unit Area	Maximum Monthly LEMR Unit Rent***	Total Maximum Household Income**	Project Unit Targets	
				Unit Mix**	BUH Units*
Studio	37 m ² (400 ft ²)	\$811	\$34,650	70% (34 units)	100%
1-Bedroom	50 m ² (535 ft ²)	\$975	\$38,250		100%
2-Bedroom	69 m ² (741 ft ²)	\$1,218	\$46,800	30% (15 units)	100%
3-Bedroom	91 m ² (980 ft ²)	\$1,480	\$58,050		100%
TOTAL	Varies	Varies	Varies	100% (49 units min)	100%

* BUH units mean those units that comply with the Zoning Bylaw's Basic Universal Housing standards.

** The unit mix will be confirmed to the satisfaction of the City through the Development Permit* process. The recommended LEMR unit mix is indicated in the table; however, based on approved design, which may take into account non-profit housing operator input, the LEMR unit mix may be varied provided that at least 15% of units have 2 bedrooms and at least 5% have 3 bedrooms.

*** Rate may be adjusted in accordance with the Housing Agreement.

- ii. Full and unlimited use by the LEMR unit occupants of features provided for the use of the LEMR unit occupants in compliance with an approved Development Permit* (together with necessary access and related or similar requirements) at no charge to the LEMR unit occupants (i.e. no monthly rents or other fees shall apply for the casual, shared, or exclusive use of the features), which features may include, but may not be limited to:
 - Indoor and outdoor amenity spaces intended for the exclusive or shared use of the LEMR unit occupants;
 - Waste management and loading facilities intended for the exclusive or shared use of the LEMR unit occupants; and
 - On-site parking, "Class 1" bike storage, and related electric vehicle (EV) charging stations intended for the exclusive or shared use of the LEMR unit occupants.

NOTE: For clarity, those occupants of the LEMR units who utilize the vehicle EV charging stations may be required to pay for the cost of their utility usage, but not for their use of the EV charging equipment or associated parking.

- b) Market Rental Housing: The developer/owner shall provide for at least 20 MRH units (comprising at least 40% family-friendly 2- and 3-bedroom units), all of which shall comply with the Zoning Bylaw's Basic Universal Housing standards, unless otherwise determined to the satisfaction of the Director, Community Social Development through an approved Development Permit*.

- 5. **Transportation Requirements:** On-site parking, "Class 1" bike storage (including electric bicycles and similar modes), bike repair/maintenance facility (i.e. comprising a foot-activated pump, repair stand with integrated tools, and bike wash), and related electric vehicle (EV) charging stations for passenger vehicles and bicycles shall be provided for the use of Mixed Income Rental Housing Building occupants as per the OCP, ZMU51 zone, and an approved Development Permit*, as determined to the satisfaction of the City.

6. **Level of Finish:**

- a) The Mixed Income Rental Housing Building, related uses (e.g., parking, garbage/recycling, indoor and outdoor amenities), and associated spaces and uses shall be completed, to a turnkey level of finish, at the sole cost of the developer, to the satisfaction of the Director of Development and Director, Community Social Development.
- b) The Mixed Income Rental Housing Building (e.g., all dwelling units, common indoor and outdoor areas, and related uses and spaces), together with those portions of Lot A that are intended for shared use by the occupants of the Mixed Income Rental Housing Building and Lot A market strata unit occupants (e.g., indoor amenity spaces) shall be accessible to people with disabilities, in compliance with the BC Building Code or as otherwise determined to the satisfaction of the Director of Community Social Development and Manager of Building Approvals.
- c) The Mixed Income Rental Housing Building, including its common areas and dwelling units, shall be equipped with an audio/visual alarm system.

7. **Prior-to Requirements:**

- a) "No development" shall be permitted on the subject site, restricting Development Permit* issuance for a building on the site, in whole or in part, until the developer, to the City's satisfaction:
 - i. Submits, for consideration by the City, a current memorandum of understanding with a non-profit operator demonstrating, among other things, support for the developer's proposed Mixed Income Rental Housing Building design and related features;
 - ii. Designs the lot to provide for the Mixed Income Rental Housing Building and required ancillary spaces and uses (e.g., Basic Universal Housing units, parking, bicycle facilities, and related electric vehicle (EV) charging infrastructure, indoor and outdoor amenity spaces, and waste management facilities);

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- iii. Amends or replaces the covenant registered on title with respect to the LEMR units and MRH units to reflect accurately the specifics of the Mixed Income Rental Housing Building and ancillary spaces and uses as set out in the approved Development Permit*; and
 - iv. As required, registers additional legal agreements on title to the site to facilitate the detailed design, construction, operation, and/or management of the Mixed Income Rental Housing Building and/or ancillary spaces and uses (e.g., parking) as determined by the City via the Development Permit* review and approval processes.
- b) No Building Permit* shall be issued for a building on the subject site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless:
- i. The developer provides for the required Mixed Income Rental Housing Building and ancillary spaces and uses (e.g., Basic Universal Housing units, parking, bicycle facilities, and related electric vehicle (EV) charging infrastructure, indoor and outdoor amenity spaces, and waste management facilities) in the permit;
 - ii. The detailed design of the Mixed Income Rental Housing Building and all related spaces and features are satisfactory to the Director of Development and Director, Community and Social Development in their sole discretion; and
 - iii. A letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City requirements.
- c) “No occupancy” shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Mixed Income Rental Housing Building and all relate spaces and uses are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City’s requirements, and the facilities have received Building Permit* inspection granting occupancy.

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Engineering Servicing Agreement* Requirements

Scope: IBI GROUP has applied to the City of Richmond for permission to rezone 3426, 3440, 3360 and 3380 Sexsmith Road from Single Detached (RS1/F), Assembly (ASY), School & Institutional (S1) to a Site Specific Mixed Use Development with 4 residential towers 8 to 14 storeys, Limited Retail and Religious Assembly developed on two sites with a proposed road (Ketcheson Road) in the middle

A servicing agreement is required to design and construct the following works.

1) Water Works:

- a) Using the OCP Model with the proposed upgrades, there is 416 L/s of water available at a 20 psi residual at the Capstan Way frontage, and 197 L/s of water available at a 20 psi residual at the Sexsmith Road frontage. Based on your proposed development, your site requires a minimum fire flow of 220 L/s.
- b) At Developer's cost, the Developer is required to:
 - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage building designs.
 - ii) Review hydrant spacing on all road frontages and install new fire hydrants as required to meet City spacing requirements for the proposed land use.
 - iii) Install approximately 100 m of new 200 mm water main along the extension of Ketcheson Road, from Capstan Way existing water main. The proposed main shall have a dead end with an automatic flushing system complete with its kiosk to be located in a utility ROW. The details of automatic flushing system and its required ROW shall be determined through the servicing agreement. A hydrant at the dead end water main shall be required. The following works relating to the automatic flushing system shall be at the developer's cost:
 - (1) Supply and installation cost of the automatic flushing system (complete with a dechlorination system designed specifically for the automatic flushing device) and registration of the required utility right of way. No encroachment under the required utility right of way is allowed.
 - (2) Supply and Installation of a water meter to monitor water consumption of the automatic flushing system. The City shall charge the developer of the water consumed by the automatic flushing system.
 - (3) Operations of the system (e.g., setting controls, etc.) shall be done by City crews (at developer's cost).
 - (4) Maintenance of the proposed automatic flushing system shall be done by City crews (at developer's cost).
 - (5) Future removal of the automatic flushing system and future discharge of the required utility right of way.
 - iv) Install approximately 266 m of new 200 mm water main along Garden City Road from the existing water main at Capstan Way to tie in to the existing water main at Patterson Rd.
 - v) Install one new water connection for each proposed lot, complete with meter. Meters to be located onsite (i.e. in a mechanical room).
- c) At Developer's cost, the City will:
 - i) Complete all tie-ins for the proposed works to existing City infrastructure.

2) Storm Sewer Works:

- a) At Developer's cost, the Developer is required to:
 - i) Perform a capacity analysis to size the proposed storm sewers on Ketcheson Way and Capstan Way, and confirm the capacity of the existing storm sewer on Garden City Road.
 - ii) Install approximately 260 m of new storm sewer along Capstan Way from manhole STMH5984 at Garden City Road to manhole STMH131085 at Sexsmith Road, due to conflict between the proposed frontage improvements (street trees) and the existing storm sewer. The new storm sewer shall be located within the roadway.
 - iii) Remove the existing storm sewer in the right-of-way along Capstan Way, from the manhole STMH5984 at Garden City Road to manhole STMH131085 at Sexsmith Road.

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- iv) Install approximately 100 m of new storm sewer along the Ketcheson Road extension, and tie in to the storm sewer on Capstan Way. The new storm sewer shall be located within the roadway and sized via a capacity analysis.
 - v) If the existing storm sewer on Garden City Road does not have adequate capacity:
 - (1) Install approximately 110 m of new storm sewer along Garden City Road from manhole STMH6631 to the proposed storm sewer along Capstan Way. The new storm sewer shall be located within the roadway.
 - (2) Fill and abandon the existing storm sewer along Garden City Road from manhole STMH6631 to manhole STMH5984.
 - vi) Reconnect all existing connections to the new storm sewers.
 - vii) Remove all existing connections to the development site.
 - viii) Install one new storm connection for each proposed lot, complete with inspection chamber.
 - ix) Provide an erosion and sediment control plan for all on-site and off-site works, to be reviewed as part of the servicing agreement design.
- b) At Developer's cost, the City will:
- i) Complete all tie-ins for the proposed works to existing City infrastructure.

3) Sanitary Sewer Works:

- a) At Developer's cost, the Developer is required to:
- i) Install approximately 125 m of new 300 mm sanitary sewer along Capstan Way, from Ketcheson Road to Sexsmith Road.
 - ii) Install one new sanitary connection for each proposed lot, complete with inspection chamber. Where feasible, the existing sanitary connection stubs provided along Sexsmith Road shall be utilized.
- b) At Developer's cost, the City will:
- i) Complete all tie-ins for the proposed works to existing City infrastructure.

4) Frontage Improvements:

- a) At Developer's cost, the Developer is required to:
- i) Coordinate with BC Hydro, Telus and other private communication service providers:
 - (1) To pre-duct for future hydro, telephone and cable utilities along all road frontages.
 - (2) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
 - (3) To underground overhead lines and poles along Sexsmith Road and Garden City Road.
 - ii) Prior to City accepting dedication on Sexsmith Rd, the existing BC Hydro Vista located Southwest corner of the lot shall be relocated out of the dedication. Developer to provide an updated site plan that shows the location of the existing Vista in relation to the old and new property lines.
 - iii) Locate/relocate all above ground utility cabinets and kiosks required to service the proposed development, and all above ground utility cabinets and kiosks located along the development's frontages, within the developments site (see list below for examples). A development plan showing conceptual locations for such infrastructure, coordinated with the development's civil and electrical consultants and the owners of the respective utilities, is required prior to the development permit report being written. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of statutory right-of-ways that shall be shown on the architectural plans, the servicing agreement drawings, and registered prior to SA design approval:
 - BC Hydro PMT – 4.0 x 5.0 m
 - BC Hydro LPT – 3.5 x 3.5 m
 - Street light kiosk – 1.5 x 1.5 m
 - Traffic signal kiosk – 2.0 x 1.5 m
 - Traffic signal UPS – 1.0 x 1.0 m
 - Shaw cable kiosk – 1.0 x 1.0 m
 - Telus FDH cabinet – 1.1 x 1.0 m

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- iv) Provide street lighting according to the following:
 - a) City Streets
 - a. Capstan Way (North side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire and 1 duplex receptacle, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, or irrigation.
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and 1 duplex receptacle, but EXCLUDING any flower basket holders, or irrigation.
 - b. Sexsmith Road (East side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire and duplex receptacles, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, or irrigation.
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and duplex receptacles, but EXCLUDING any banner arms, flower basket holders, or irrigation.
 - c. Garden City Road (West side of street)
 - i. Roadway lighting @ median – NO CHANGE (Existing lighting to remain)
 - ii. Pole colour: Grey
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and duplex receptacles, but EXCLUDING any banner arms, flower basket holders, or irrigation.
 - iv. Note: Staff must confirm if the Garden City Road cross-section will include an off-street bike path. Streetlight requirements may change if it is decided that there will be no bike path/lane or and an on-street bike lane.
 - d. Ketcheson Road Extension (Both sides of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, irrigation, or duplex receptacles.
 - b) Off-Street Publicly-Accessible Walkways & Opens Spaces
 - a. To be determined
 - i. *[TO BE CONFIRMED IN COORDINATION WITH THE LANDSCAPE & PARKS DESIGNS VIA RZ & SA]*
 - ii. Pole colour: Grey
 - iii. Pedestrian lighting: Type 8 (LED) INCLUDING 1 or 2 pedestrian luminaires, but EXCLUDING any banner arms, flower basket holders, irrigation, or duplex receptacles.
- v) Complete other frontage improvements as per Transportation requirements.

5) General Items:

- a) At Developer's cost, the Developer is required to:
 - i) Provide, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first, a preload plan and geotechnical assessment of preload, dewatering, and soil preparation impacts on the existing utilities fronting the development site and provide mitigation recommendations.
 - ii) Provide a video inspection report of the existing storm and sanitary sewers along the development frontages prior to start of site preparation works or within the first servicing agreement submission, whichever comes first. A follow-up video inspection, complete with a civil engineer's signed and sealed recommendation letter, is required after site preparation works are complete (i.e. pre-load removal, completion of dewatering, etc.) to assess the condition of the existing utilities and provide recommendations to retain, replace, or repair. Any utilities damaged by the pre-load, de-watering, or other ground preparation shall be replaced or repaired at the Developer's cost.
 - iii) Conduct pre- and post-preload elevation surveys of all surrounding roads, utilities, and structures. Any damage, nuisance, or other impact to be repaired at the developer's cost. The post-preload elevation survey shall be incorporated within the servicing agreement design.

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- iv) Monitor the settlement at the adjacent utilities and structures during pre-loading, dewatering, and soil preparation works per a geotechnical engineer's recommendations, and report the settlement amounts to the City for approval.
- i) Submit a proposed strategy at the building permit stage for managing excavation de-watering. Note that the City's preference is to manage construction water onsite or by removing and disposing at an appropriate facility. If this is not feasible due to volume of de-watering, the Developer will be required to apply to Metro Vancouver for a permit to discharge into the sanitary sewer system. If the sanitary sewer does not have adequate capacity to receive the volume of construction water, the Developer will be required to enter into a de-watering agreement with the City to discharge treated construction water to the storm sewer system.
- ii) Coordinate the servicing agreement design for this development with the servicing agreement(s) for the adjacent development(s), both existing and in-stream. The developer's civil engineer shall submit a signed and sealed letter with each servicing agreement submission confirming that they have coordinated with civil engineer(s) of the adjacent project(s) and that the servicing agreement designs are consistent. The City will not accept the 1st submission if it is not coordinated with the adjacent developments. The coordination letter should cover, but not be limited to, the following:
 - (a) Corridors for City utilities (existing and proposed water, storm sewer, sanitary and DEU) and private utilities.
 - (b) Pipe sizes, material and slopes.
 - (c) Location of manholes and fire hydrants.
 - (d) Road grades, high points and low points.
 - (e) Alignment of ultimate and interim curbs.
 - (f) Proposed street lights design.
- iii) Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

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Transportation

Servicing Agreement Requirements*

The developer shall be responsible for the design and construction of road and related improvements, to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in **Schedule E**. (Development Cost Charge (DCC) credits may apply.)

1. Ministry of Transportation & Infrastructure (MOTI) Approvals:

- a) Preliminary MOTI approval is required before Development Permit* (DP) presentation to DP Panel.
- b) Final MOTI approval is required prior to rezoning adoption.

NOTE: MOTI approval may require the developer to make changes to the City-approved form of development (e.g., access) and/or Servicing Agreement* scope of off-site works (e.g., intersection upgrades), which changes shall be undertaken by the developer, at the developer's sole cost, as determined to the satisfaction of the City.

2. Road Works:

The following cross-section descriptions are intended to describe "typical" conditions. The approved design may be required to vary from these "typical" conditions to address site-specific conditions and/or other requirements, as determined to the sole satisfaction of the City through the Servicing Agreement* design/approval processes. Likewise, the attached **Interim Functional Plan** is provided for reference purposes only. The actual details and scope of the frontage works required to be completed by the developer will be confirmed through the Servicing Agreement* review/approval process, to the satisfaction of the City. Prior to approval of the Servicing Agreement* design, the developer shall submit a **Final Functional Plan**, confirming all Transportation requirements, to the satisfaction of the Director, Transportation.

NOTE: In addition to the following, landscape features are required to the satisfaction of the City, as determined via the Servicing Agreement* and Development Permit* review and approval processes. Landscape improvements may include, but shall not be limited to, street trees, landscaped boulevards, hard- and soft-scape features, street furnishings, decorative paving, and stormwater management measures. Measures that enhance the viability of City street trees are encouraged (e.g., continuous soil trenches, silva cell system, etc.), taking into account necessary coordination with City/private utilities and other infrastructure, as determined to the City's satisfaction.

At a minimum, the developer will be responsible for the design and construction of the following works to the satisfaction of the Director, Transportation.

- a) Ketcheson Road: To align with the existing "private road" portion of Ketcheson Road to the north, and the approved extension of Ketcheson Road south of Capstan Way. Works include, listed in order from the road's West property line:
 - 4.05m (including 2m sidewalk, 1.5m boulevard)
 - 0.15m curb and gutter
 - 2.5m parking lane
 - 3.3m lane
 - 3.3m lane
 - 2.5 m parking lane
 - 0.15m curb and gutter
 - 4.05m (including 2m sidewalk, 1.5m boulevard)
- b) Capstan Way: Works include, listed in order from the road's North property line:
 - (NOTE: Cross section varies by section of Road – refer to Interim Functional Plan)
 - 2.5m sidewalk
 - 0.7m buffer
 - 2.5m bike lane
 - 2.5m boulevard
 - 0.15m curb and gutter
 - 3.3m parking lane
 - 3.3m travel lane
 - 3.1m left turn lane
 - 0.6m raised median
 - 3.9m travel lane
 - 0.15m curb and gutter
 - 4.208m (for sidewalk, boulevard)

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- c) Sexsmith Road: Works EXCLUDE the Sexsmith Road frontage of 3420, 3426, and 3440 Sexsmith Road (which lands are not subject to RZ 18-836107). Works include, listed in order from the road's West property line:
- 2.0m bike lane
 - 0.6m buffer
 - 1.5m boulevard
 - 0.15m curb and gutter
 - 2.5m parking lane
 - 3.3m travel lane
 - 3.3m left-turn lane/painted median
 - 3.3m travel lane
 - 2.5m parking lane
 - 0.15m curb and gutter
 - 1.5m boulevard
 - 2.0m bike lane
 - 0.6m buffer
 - 2.0m sidewalk
- d) Garden City Road: Works include, listed in order from the road's West property line to the Median:
- 3.0m sidewalk
 - 2.0m boulevard/bus pad
 - 0.15m curb and gutter
 - 3.1m bus bay
 - 1.8m bike lane (NOTE: Interim Function Plan must be revised to provide for a protected off-street bike path.)
 - 3.5m travel lane
 - 3.5m travel lane

3. Traffic Signal Requirements:

The traffic signal requirements will be finalized through the road functional design required as a condition of the Servicing Agreement* and the Servicing Agreement* traffic signal design review/approval processes. Works shall include, but may not be limited to, the following:

- a) Upgrade existing traffic signals: With the road and intersection improvements noted above, as well as the need to upgrade other existing traffic signals to accommodate enhanced traffic operations, applicant is to upgrade (as necessary) the following existing traffic signals:
- Sexsmith Road & Capstan Way; and
 - Garden City Road & Capstan Way.
- b) Install new Traffic Signal Device: With the road and intersection improvements noted in above, new traffic signal devices (i.e., intersection pre-ducting, special x-walk with downward lighting, pedestrian signals, or full traffic signals) will be necessary at the following location, with the exact upgrade to be determined with a traffic signal warrant to the satisfaction of the City.
- Capstan Way & Ketcheson Road

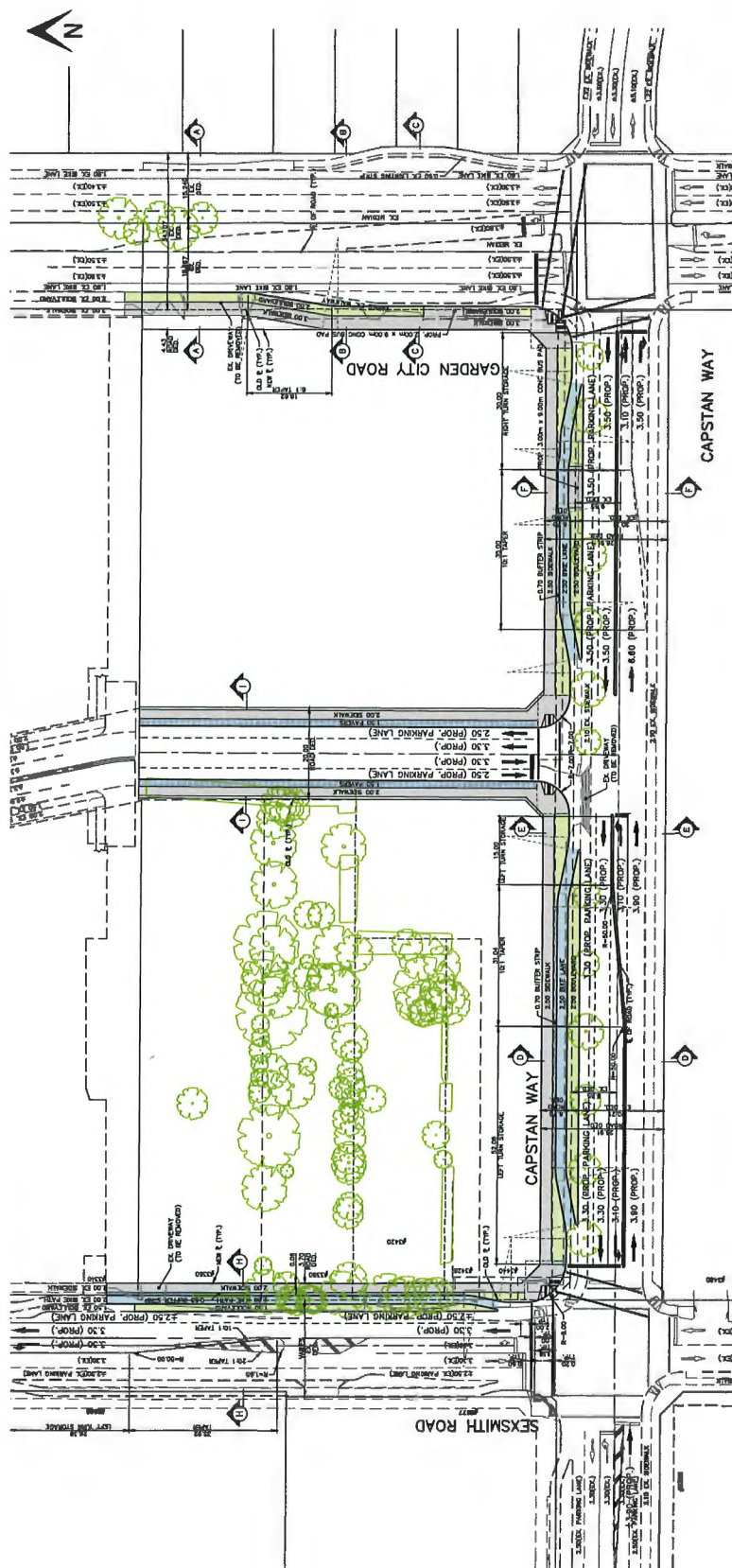
A Traffic Signal Modification detail design submission shall be prepared, to the satisfaction of the City, for each of the 3 intersections along on Capstan (i.e. Sexsmith, Ketcheson, and Garden City), which designs shall be coordinated with the signal requirements already established for the approved development on the south side of Capstan Way. Signal upgrades shall include, but may not be limited to: upgrade and/or replace signal pole, controller, base and hardware, pole base, detection, conduits (electrical & communications), signal indications, communications cable, electrical wiring, service conductors, APS (Accessible Pedestrian Signals), traffic cameras, and illuminated street name sign(s), etc.

NOTE: SA 22-009501 (RZ18-836123) provides for signal modifications on the south side of Capstan Way (Sexsmith Road to Garden City Road) and the construction of a traffic signal at the new intersection of Ketcheson Road/Capstan Way (at the E, W and S legs only).

4. Capstan Bonus Greenway Statutory Rights-of-Way (SRW) – Developer owned and maintained

Design and construction of the SRW area shall be the subject of a Servicing Agreement* and Development Permit*, as determined to the satisfaction of the City. Among other things, works essential for public access shall be included in the Servicing Agreement* (e.g., multi-use path; emergency turning area at Ketcheson Road; and, provisions to facilitate a future connection to an aerial crossing of Garden City Road). The design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety, as determined to the City's satisfaction.

INTERIM FUNCTIONAL PLAN





**Richmond Zoning Bylaw 8500
Amendment Bylaw 10389 (RZ 18-836107)
3360, 3380 and a Portion of 3440 Sexsmith Road**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by inserting the following as Section 20.51 thereof:

“20.51 Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)

20.51.1 Purpose

The **zone** accommodates **religious assembly, child care, and secondary uses** within the **City Centre**, plus high- and mid-rise apartments and a limited amount of pedestrian-oriented **commercial uses**. Additional **density** is provided to achieve, among other things, **City objectives** related to institution **uses** in the **City Centre, affordable housing units, market rental units**, and the Capstan Canada Line station.

20.51.2 Permitted Uses

- **religious assembly**
- **child care**
- **congregate housing**
- **housing, apartment**

20.51.3

Secondary Uses

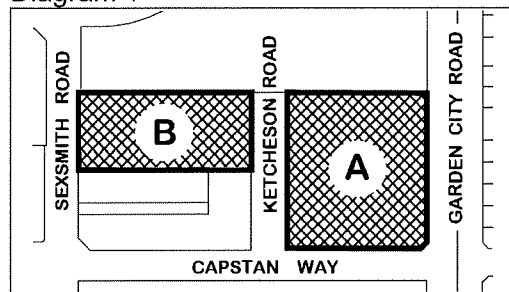
- **animal grooming**
- **boarding and lodging**
- **community care facility, minor**
- **education, commercial**
- **health service, minor**
- **home business**
- **home-based business**
- **library and exhibit**
- **manufacturing, custom indoor**
- **office**
- **park**
- **recreation, indoor**
- **restaurant**
- **retail, convenience**
- **retail, general**

- retail, second hand
- service, financial
- service, household repair
- service, personal
- studio
- veterinary service

20.51.4 Permitted Density

1. For the purposes of this **zone**, if the **owner** dedicates not less than 3,038.5 m² of the gross **site** as **road**, the calculation of **floor area ratio** shall be based on a combined total **site** area of 15,421.4 m², comprising those areas shown crosshatched and identified as “A” and “B” in Section 20.51.4.1, Diagram 1, as follows:
 - a) “A”: 8,906.6 m² ; and
 - b) “B”: 6,514.8 m².

Diagram 1



2. The maximum **floor area ratio** is 0.185 based on the combined total **site** area under Section 20.51.4.1, provided that:
 - a) the **site** is designated as Institution in the **City Centre** Area Plan; and
 - b) the **owner** uses the permitted **floor area ratio** only for **religious assembly, child care** and associated **secondary uses**.
3. Notwithstanding Section 20.51.4.2, if the **owner** has provided some combination of **religious assembly, child care** and associated **secondary uses** under Section 20.51.4.2, within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, as specified in a Development Permit approved by the **City**, additional **floor area ratio** is permitted for the areas shown crosshatched and identified in Section 20.51.4.1, Diagram 1, as follows:
 - a) for “A”: 1.7 **floor area ratio**, together with an additional 0.1 **floor area ratio** provided that it is entirely used to accommodate **amenity space**, based on the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1; and

- b) for “B”: 2.5 **floor area ratio**, together with an additional 0.1 **floor area ratio** provided that it is entirely used to accommodate **amenity space**, based on the area identified as “B” in Section 20.51.4.1, Diagram 1,

provided that:

- a) the **site** is located in the Capstan Station Bonus Map area designated by the **City Centre Area Plan** and;
 - i) the **owner** pays a sum into the **Capstan station reserve** as specified in Section 5.19; and
 - ii) the **owner** grants to the **City**, via a statutory **right-of-way**, **air space parcel**, or fee simple, as determined at the sole discretion of the **City**, rights of public use over a suitably landscaped area of the **site** for **park** and related purposes at a rate of 5.0 m² per **dwelling unit**; and
 - b) prior to first occupancy of the **building**, the **owner**:
 - i) within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, provides **affordable housing units** in the **building** and the combined **habitable space** of the total number of **affordable housing units** comprises at least 10% of the total residential **building area**, based on the total combined **site area** under Section 20.51.4.1 (excluding additional **floor area ratio** permitted under Section 20.51.4.4); and
 - ii) enters into a **housing agreement** with respect to the **affordable housing units** and registers the **housing agreement** against title to the **lot** and files a notice in the Land Title Office.
4. Notwithstanding Section 20.51.4.3, if the **owner** has provided some combination of **religious assembly**, **child care** and associated **secondary uses** under Section 20.51.4.2, within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, and contributed to the **Capstan station reserve** and provided a suitably landscaped area of the **site** and **affordable housing units** under Section 22.51.4.3, the references to “1.7” and “2.5” are increased to “1.8” and “2.6” respectively, provided that, prior to first occupancy of the **building**, the **owner**:
- a) within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, provides **market rental units** in the **building** and the combined **habitable space** of the total number of **market rental units**, together with a proportional share of the **floor area** of common space in the **building** (e.g., circulation and lobbies, but excluding indoor **amenity space**), comprises at least 0.1 **floor area ratio** based on the combined total **site area** under Section 20.51.4.1, as specified in a Development Permit approved by the **City**; and
 - b) enters into a **market rental agreement** with respect to the **market rental units** and registers the **market rental agreement** against title to the **lot** and files a notice in the Land Title Office.

20.51.5 Permitted Lot Coverage

1. The maximum **lot coverage** is 90% for **buildings** and **landscaped** roofs over **parking spaces**.

20.51.6 Yards & Setbacks

1. Minimum **setbacks** are:
 - a) for **road** and **park setbacks**: 3.0 m (measured to a **property line** or the boundary of an area secured by the **City**, via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**, for **road**, **park** or related purposes), but may be reduced to 1.5 m along Garden City Road for residential portions of the **building** not exceeding two **storeys** if a proper interface is provided as specified in a Development Permit approved by the **City**;
 - b) for **interior side yards**: 0.0 m; and
 - c) for portions of a **building** situated below finished **grade**: 0.0 m measured to a **property line**, if a proper interface is provided with fronting **roads** and landscaped areas secured by the **City** for **park** or related purposes as specified in a Development Permit approved by the **City**.
2. Notwithstanding Section 20.51.6.1, within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, **dwelling units** and **amenity space** located on the **first storey** of the **building** shall not be closer than 20.0 m to a **lot line** abutting Capstan Way.

20.51.7 Permitted Heights

1. Maximum **building height** for the areas shown crosshatched and identified as “A” and “B” in Section 20.51.4.1, Diagram 1, is 25.0 m and 35.0 m respectively.
2. Notwithstanding Section 20.51.7.1, the maximum **building height** may be increased if a proper interface is provided with **adjacent buildings** and areas secured by the **City** for **road**, **park** or related purposes (via a statutory **right-of-way**, **air space parcel**, or alternative means satisfactory to the **City**), 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.

20.51.8 Subdivision Provisions

1. The minimum **lot** area for the portions of the **site** shown crosshatched in Section 20.51.4.1, Diagram 1, and identified as:
 - a) “A”: 7,200.0 m²; and
 - b) “B”: 4,900.0 m².

20.51.9 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided according to the provisions set out in Section 6.0.

20.51.10 On-Site Parking and Loading

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0.
2. Notwithstanding Section 20.51.10.1, for the purposes of this **zone**:
 - a) within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, a minimum of 2 **parking spaces** shall be provided for car-share purposes, as specified in a Development Permit approved by the **City**;
 - b) for Class 1 bicycle parking, the minimum number of spaces shall be:
 - i) for **apartment housing**: 1.875 bicycle spaces per **dwelling unit**; and
 - ii) for non-residential **uses** within the area shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1: 10 bicycle spaces; and
 - c) large-size **loading spaces** shall not be required.

20.51.11 Residential Rental Tenure

1. **Residential rental tenure** may be located anywhere in this **zone**.
2. Notwithstanding Section 20.51.11.1, within that portion of the **site** shown crosshatched and identified as “A” in Section 20.51.4.1, Diagram 1, not less than 69 **dwelling units** shall be **used** for **residential rental tenure**.

20.51.12 Other Regulations

1. Within the area shown crosshatched and identified as “B” in Section 20.51.4.1, Diagram 1, non-residential **uses** shall not be permitted, exclusive of:
 - a) **religious assembly**, **child care**, and related **secondary uses**; and
 - b) **secondary use** of a **dwelling unit** by a resident of the **dwelling unit**.

2. **Religious assembly** shall not include subordinate housing for students, staff or faculty of the facility.
 3. **Telecommunication antenna** must be located a minimum 20.0 m above the ground (i.e., on a roof of a **building**).
 4. 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 by designating it **RESIDENTIAL / LIMITED COMMERCIAL AND RELIGIOUS ASSEMBLY (ZMU51) – CAPSTAN VILLAGE (CITY CENTRE)**:

That area shown cross-hatched on “Schedule ‘A’ attached to and forming part of Bylaw 10389”.

3. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10389**”.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL

ADOPTED

NOV 14 2022



MAYOR

CORPORATE OFFICER

CA 126 HC ZC24 SI

SEA ISLAND WAY

ZMU5 ZMU30 SI ZMU25 RS1/F

NO. 3 RD

SI ZMU25

CARRISALLEN RD

SEXSMITH RD

PATTERSON RD

ZHR10

RS1/E RS1/A RS1/A

RS1/B

WALFORD ST

ZMU25 ZMU25 RCL4 SI

PROPOSED REZONING

AS1 RS1/E RS1/F SI

GARDEN CITY RD

RS2/B

KILBY ST

RS1/B RD1

RS1/K

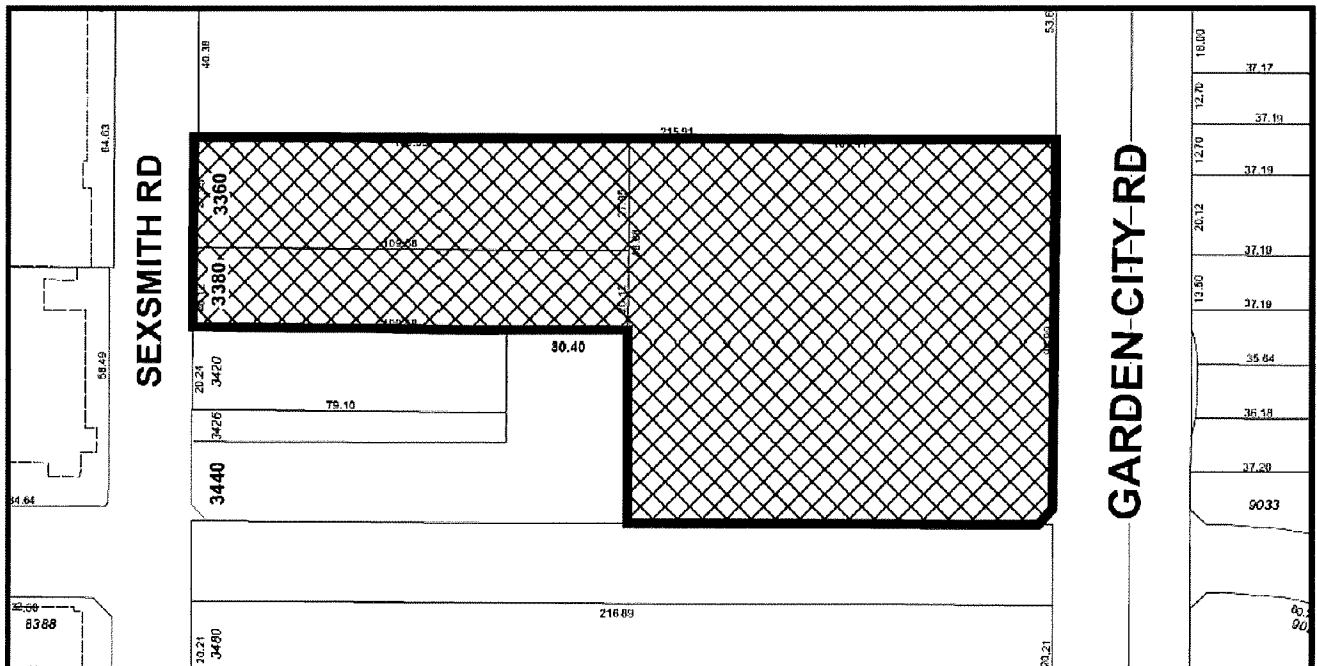
RTL1

CA

HAZELBRIDGE WAY

CAPSTAN WAY

CG1 CN



Note: Dimensions are in METRES



City of Richmond

Bylaw 10390

Richmond Official Community Plan Bylaw 7100 Amendment Bylaw 10390 (RZ 18-836107) 3360, 3380 and a Portion of 3440 Sexsmith Road

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

1. Richmond Official Community Plan Bylaw 7100 is amended by repealing the existing "Institution" land use designation in the "Generalized Land Use Map (2031)" and "Specific Land Use Map: Capstan Village (2031)" to Schedule 2.10 (City Centre Area Plan) thereof of the following land:

P.I.D. 003-469-247

Lot 23 Except: Firstly: The East 414.3 Feet Secondly: The South 66 Feet, And Thirdly: Part Subdivided By Plan 33481 Sections 27 And 28 Block 5 North Range 6 West New Westminster District Plan 3404

2. This Bylaw may be cited as **"Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10390"**.

FIRST READING

PUBLIC HEARING



SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

NOV 14 2022

CITY OF RICHMOND
APPROVED by 
APPROVED by Manager or Solicitor 

MAYOR

CORPORATE OFFICER



Regular Council
Monday, November 14, 2022

12. **APPLICATION BY IBI GROUP FOR REZONING AT 3360, 3380 AND A PORTION OF 3440 SEXSMITH ROAD FROM “ASSEMBLY (ASY)”, “SINGLE DETACHED (RS1/F)”, AND “SCHOOL & INSTITUTIONAL USE (SI)” TO “RESIDENTIAL / LIMITED COMMERCIAL AND RELIGIOUS ASSEMBLY (ZMU51) – CAPSTAN VILLAGE (CITY CENTRE)”**

(File Ref. No. RZ 18-836107) (REDMS No. 6970290)

R22/19-5

It was moved and seconded

- (1) *That Official Community Plan Bylaw 7100, Amendment Bylaw 10390, to amend Schedule 2.10 of Official Community Plan Bylaw 7100 (City Centre Area Plan), to repeal the existing “Institution” land use designation at 3360 Sexsmith Road, be introduced and given first reading;*
- (2) *That Bylaw 10390, having been considered in conjunction with:*
 - *the City’s Financial Plan and Capital Program; and*
 - *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans,**is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act;*
- (3) *That Bylaw 10390, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation; and*
- (4) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10389 to create the “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)” zone, and to rezone 3360, 3380 and a portion of 3440 Sexsmith Road from “Assembly (ASY)”, “Single Detached (RS1/F)”, and “School & Institutional Use (SI)” to “Residential / Limited Commercial and Religious Assembly (ZMU51) – Capstan Village (City Centre)”, be introduced and given first reading.*



Regular Council
Monday, November 14, 2022

The question on the motion was not called as discussion ensued with respect to (i) retention and relocation of the Herrling residence, and (ii) the requirements for establishing designated (protected) heritage status. Staff noted the Herrling residence is not on the heritage registry for protection, however the home and the location does have heritage value.

As a result of the discussion, the following amendment motion was introduced:

R22/19-5A

It was moved and seconded

That that the Herrling house not be demolished and that it be mandatory that the house must be moved, preferably to a location in Richmond.

The question on the amendment motion was not called as further discussion ensued with respect to the feasibility of relocating the Herrling house and location considerations within Richmond. Staff noted there was a preliminary assessment of the home, however a condition report has not been done therefore the structural integrity and any upgrades to standards, etc., is unknown.

The question on the amendment motion was then called, and it was DEFEATED with Mayor Brodie and Cllrs. Heed, Hobbs, Loo and McNulty opposed.

A further amendment motion was then introduced:

R22/19-6

It was moved and seconded

That, prior to Public Hearing, staff investigate with the applicant, the condition of the value of the Herrling residence and examine the potential for relocation in the city of Richmond.

CARRIED

The question on the motion, as amended, was then called and **CARRIED** with Cllrs. Day and Wolfe opposed.



City of Richmond

Report to Committee

To: Planning Committee
From: Wayne Craig
Director, Development

Date: October 24, 2022
File: RZ 21-944801

Re: Application by Choice School for Gifted Children Society for Rezoning at 20411 & 20451 Westminster Highway from the "Agriculture (AG1)" and "Assembly (ASY)" Zones to the "Agriculture and Education (ZA5) – Westminster Highway (East Richmond)" Zone

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10418, to create the "Agriculture and Education (ZA5) – Westminster Highway (East Richmond)" zone, and to rezone 20411 & 20451 Westminster Highway from "Agriculture (AG1)" and "Assembly (ASY)" to "Agriculture and Education (ZA5) – Westminster Highway (East Richmond)", be introduced and given first reading.

Wayne Craig
Director, Development

WC:sds
Att. 9

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Choice School for Gifted Children Society has applied to the City of Richmond for permission to rezone 20411 and 20451 Westminster Highway from the “Agriculture (AG1)” and “Assembly (ASY)” zones to a new site-specific zone, “Agriculture and Education (ZA5) – Westminster Highway (East Richmond)”, in order to allow the existing education uses, a proposed new classroom building and implementation of the farm plan, consistent with the approved Agricultural Land Reserve (ALR) non-farm use application (AG 19-881146) approved by Council and the Agricultural Land Commission (ALC). A location map and aerial photograph are provided in Attachment 1.

Background

In 2019, during the pre-application stage for the proposal to construct a new classroom building, staff advised the applicant to confirm with the Agricultural Land Commission (ALC) if ALC approval is required, as the property is located in the ALR. ALC staff confirmed the property at 20451 Westminster Highway is subject to the *Agricultural Land Commission Act* (ALCA) and that an ALR non-farm use application was required to allow the existing education uses to continue and to construct a new classroom building. Also during the pre-application stage, ALC staff confirmed the adjacent property at 20411 Westminster Highway is not subject to the ALCA, due to the exception section in the ALCA (less than 2 acres and on separate title prior to December 21, 1972).

The applicant subsequently submitted an ALR non-farm use application (AG 19-881146) to allow the existing education uses to continue and to construct a new classroom building at 20451 Westminster Highway. The applicant also provided a farm plan to incorporate into the school’s curriculum at 20411 Westminster Highway, as the two properties are owned by the applicant and function together. On January 11, 2021, Council forwarded the associated ALR non-farm use application to the ALC. As per the ALC’s decision letter dated April 16, 2021 (Attachment 2), the ALC approved the continued use of the school and a new 261 m² (2,809 ft²) classroom building. The subject rezoning application is consistent with the Council and ALC approval.

The purpose of the subject rezoning application is to allow the existing uses on the site, including the recreational fields, playgrounds and surface parking, and to secure the implementation of the proposed farm plan and consolidation of the two properties (20411 and 20451 Westminster Highway), as identified in the associated ALR non-farm use application. Staff have produced a map to illustrate the components of proposal in Attachment 3. More information is also provided in the “Analysis” section of this report.

Findings of Fact

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

Surrounding Development

To the North: A cranberry processing facility and associated surface parking and loading on a lot zoned “Agriculture (AG4)” and located in the ALR, fronting Dhillon Way.

To the South: Across Westminster Highway and Highway 91, active agricultural operations on large lots zoned "Agriculture (AG1)" located in the ALR.

To the East: Light industrial uses with associated surface parking and loading on a lot zoned "Industrial Business Park (IB1)", fronting Westminster Highway.

To the West: Single-family dwellings on properties zoned "Agriculture (AG1)", fronting Westminster Highway and located in the ALR.

Related Policies & Studies

Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is "Agriculture (AGR)", which comprises of those areas of the City where the principal use is agriculture and food production, but may include other land uses as permitted under the *Agricultural Land Commission Act* (ALCA), including non-farm uses approved by Council and the ALC. The proposal is consistent with the associated Council and ALC approval (AG 19-881146).

Food Security and Agricultural Advisory Committee

The Food Security and Agricultural Advisory Committee (FSAAC) reviewed and supported the associated ALR non-farm use application at its meeting held on September 17, 2020. An excerpt from the September 17, 2020 FSAAC meeting minutes is provided in Attachment 5.

Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw. The proposed new classroom building is required to be constructed at the required flood construction level of 3.5 m GSC as per the Bylaw. The proposed design includes a level below the flood construction level that will be used for farm equipment storage and bicycle parking, consistent with the Bylaw.

Richmond School District No. 38

As per Council Policy "Referrals to the Board of Education of School District No. 38 (Richmond) for Development Applications Involving Independent Schools", the proposal was referred to School District staff for information purposes during the associated ALR non-farm use application process and again during the subject rezoning application process. As per the Policy, School District staff may provide comments if desired. No comments were provided by School District staff regarding the proposal.

Public Consultation

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

Should the Planning Committee endorse this application and Council grant 1st reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Analysis

Historical Uses

The existing school building at 20451 Westminster Highway was originally constructed as a church, which received Building Permit approval in 1981. The subject site was previously zoned “Agriculture (AG1)” and religious assembly was a permitted use in the AG1 zone at the time. Religious assembly was removed as a permitted use in the AG1 zone in 1983 and the property was rezoned to “Assembly (ASY)” in order to accommodate the existing use. Choice School for Gifted Children Society purchased the property in 1992 and subsequently received Building Permit approval to convert the church building into an education use, which was consistent with the ASY zone at the time. The existing gymnasium building on the subject site received approval in 1996, along with a Development Variance Permit (DV 96-000137) to vary the side yard setback.

In 2019, the applicant submitted an ALR non-farm use application to allow the existing education uses to continue and to construct a new classroom building, which was approved by Council on January 11, 2021 and the ALC on April 16, 2021. On September 7, 2021, Council also approved a Zoning Bylaw amendment (Bylaw 10279) to the “Assembly (ASY)” zone to prohibit education as a permitted use for any site located in the Agricultural Land Reserve (ALR). The amendments included an exemption for 20451 Westminster Highway (existing school site), subject to the applicable approval granted by the Agricultural Land Commission (ALC). The proposed Bylaw 10418 includes removing this site-specific exemption from the “Assembly (ASY)” zone, as the site is proposed to be rezoned.

Existing and Proposed Uses

Choice School for Gifted Children Society own both 20411 & 20451 Westminster Highway and the two properties function together. A summary of the two properties is provided below:

Property	Existing Zoning	Existing Uses	Proposed Uses	Subject to ALCA
20411 Westminster Hwy	Agriculture (AG1)	Recreational fields, playgrounds, and surface parking associated with the education use	Agriculture as per submitted farm plan (Attachment 7), playgrounds, and surface parking associated with the education use	No
20451 Westminster Hwy	Assembly (ASY)	Education use (school and gymnasium)	New classroom building (existing school and gymnasium to remain)	Yes (Council and ALC approval granted)

The existing school building at 20451 Westminster Highway is approximately 1,069.1 m² (11,508 ft²) in floor area and the existing gymnasium is approximately 346.9 m² (3,734 ft²) in

floor area. The proposed new classroom building is approximately 261.0 m² (2,809 ft²) in floor area and includes two classrooms, washroom facilities, bicycle room for staff, and farm storage area. The proposed new classroom building is expected to increase the school's capacity by 30 students, for a total of 110 students. A site plan and proposed floor plans are provided in Attachment 6.

The existing uses at 20411 Westminster Highway (recreational fields, playgrounds, and surface parking associated with the education use) are not consistent with the "Agriculture (AG1)" zone. In addition, the parking and septic system associated with the school are currently shared between the two properties. In order to address this, the following is proposed through the subject rezoning application:

- Consolidate the two properties (20411 & 20451 Westminster Highway) into one parcel; and
- Rezone the consolidated site to a new site specific zone that will allow the continued use of the existing school and associated uses and construction of the proposed new classroom building.

In addition, through the associated non-farm use application, the applicant submitted a farm plan at 20411 Westminster Highway to implement agricultural activities as part of the curriculum of the existing education use. The farm plan includes vegetable planting boxes, fruit trees and shrubs, soil-based greenhouse and an agricultural education component. In addition, the proposed classroom building will also provide storage for farm tools, equipment and materials in support of the farm. The farm plan submitted by the applicant is provided in Attachment 7. In order to secure the implementation of the farm plan, a security based on 100% of the cost estimate is required prior to final adoption of the rezoning bylaw.

The new site-specific zone is based on a combination of the existing site conditions and "Agriculture (AG1)" and "Assembly (ASY)" zones, including permitted uses, density, lot coverage, setbacks and height, except it allows for ancillary uses to education (limited to the existing playground equipment area) at 20411 Westminster Highway.

Existing Legal Encumbrances

None.

Transportation and Site Access

The subject site is currently accessed by two driveways along Westminster Highway. No change to site access is proposed. Required off-street vehicle parking and bicycle parking is accommodated on-site consistent with Zoning Bylaw 8500, which includes the proposed increase in enrollment.

Site Servicing and Frontage Improvements

Due to the relatively small scale of the proposed classroom building and limited building area, site servicing requirements are minor and will be addressed at the time of the Building Permit application. No frontage improvements are required.

Tree Retention and Replacement

The applicant has submitted a Certified Arborist's Report; which identifies on-site and off-site tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses eight bylaw-sized trees on the subject property (tag# 816-818, 820-824), 16 trees on neighbouring properties (tag# 825-840), and one hedge located on the subject property (tag# 819).

The City's Tree Preservation Coordinator has reviewed the Arborist's Report and Tree Management Plan (Attachment 8), conducted an on-site visual tree assessment and supports the Arborist's findings, with the following comments:

- Six trees (tag# 818, 820-824) located on-site to be protected as per Arborist recommendations.
- 16 trees (tag# 825-840) located on adjacent neighbouring properties are identified to be retained and protected. Provide tree protection as per City of Richmond Tree Protection Information Bulletin Tree-03.
- One hedge (tag# 819) to be protected as per Arborist recommendations.
- Two trees (tag# 816 & 817) in fair condition to be removed and replaced due to conflict with the proposed development.
- Replacement trees should be specified at 2:1 ratio as per the OCP.

Tree Replacement

The applicant wishes to remove two on-site trees (tag# 816 & 817). The 2:1 replacement ratio would require a total of four replacement trees to be planted and maintained on-site. The applicant has agreed to plant four trees. The required replacement trees are to be of the following minimum sizes, based on the size of the trees being removed as per Tree Protection Bylaw No. 8057.

No. of Replacement Trees	Minimum Caliper of Deciduous Replacement Tree	Minimum Height of Coniferous Replacement Tree
4	8 cm	4 m

To ensure the replacement trees are planted and maintained on-site, the applicant has submitted a Landscape Plan (Attachment 5). A Landscape Security based on the cost estimate provided by the Landscape Architect, is required prior to final adoption of the rezoning bylaw. Securities will not be released until a landscaping inspection has been passed by City staff after construction and landscaping has been completed. The City may retain a portion of the security for a one year maintenance period from the date of the landscape inspection.

Tree Protection

Six trees (tag# 818, 820-824) on-site and 16 trees (tag# 825-840) on neighbouring properties are to be retained and protected. The applicant has submitted a tree protection plan showing the trees to be retained and the measures taken to protect them during development stage (Attachment 8). To ensure that the trees identified for retention are protected at development stage, the applicant is required to complete the following items:

- Submission of a Tree Survival Security in the amount of \$40,000 based on the size of the trees to be retained.
- Prior to final adoption of the rezoning bylaw, submission to the City of a contract with a Certified Arborist for the supervision of all works conducted within or in close proximity to tree protection zones. The contract must include the scope of work required, the number of proposed monitoring inspections at specified stages of construction, any special measures required to ensure tree protection, and a provision for the arborist to submit a post-construction impact assessment to the City for review.
- Installation of tree protection fencing around all trees to be retained. Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin Tree-03 prior to any works being conducted on-site, and remain in place until construction and landscaping on-site is completed.

Financial Impact

None.

Conclusion

The purpose of this rezoning application is to rezone 20411 and 20451 Westminster Highway from the "Agriculture (AG1)" and "Assembly (ASY)" zones to a new site-specific zone, "Agriculture and Education (ZA5) – Westminster Highway (East Richmond)", in order to allow the existing education and associated uses, and the proposed new classroom building.

The rezoning application is consistent with the Agricultural Land Reserve (ALR) non-farm use application (AG 19-881146) approved by Council and the Agricultural Land Commission (ALC).

The list of rezoning considerations is included in Attachment 9, which has been agreed to by the applicant (signed concurrence on file).

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10418 be introduced and given first reading.



Steven De Sousa
Planner 2

SDS:cas

Attachment 1: Location Map & Aerial Photo

Attachment 2: ALC's Decision Letter Dated April 16, 2021

Attachment 3: Map of the Proposal

Attachment 4: Development Application Data Sheet

Attachment 5: Excerpt from the FSAAC September 17, 2020 Meeting Minutes

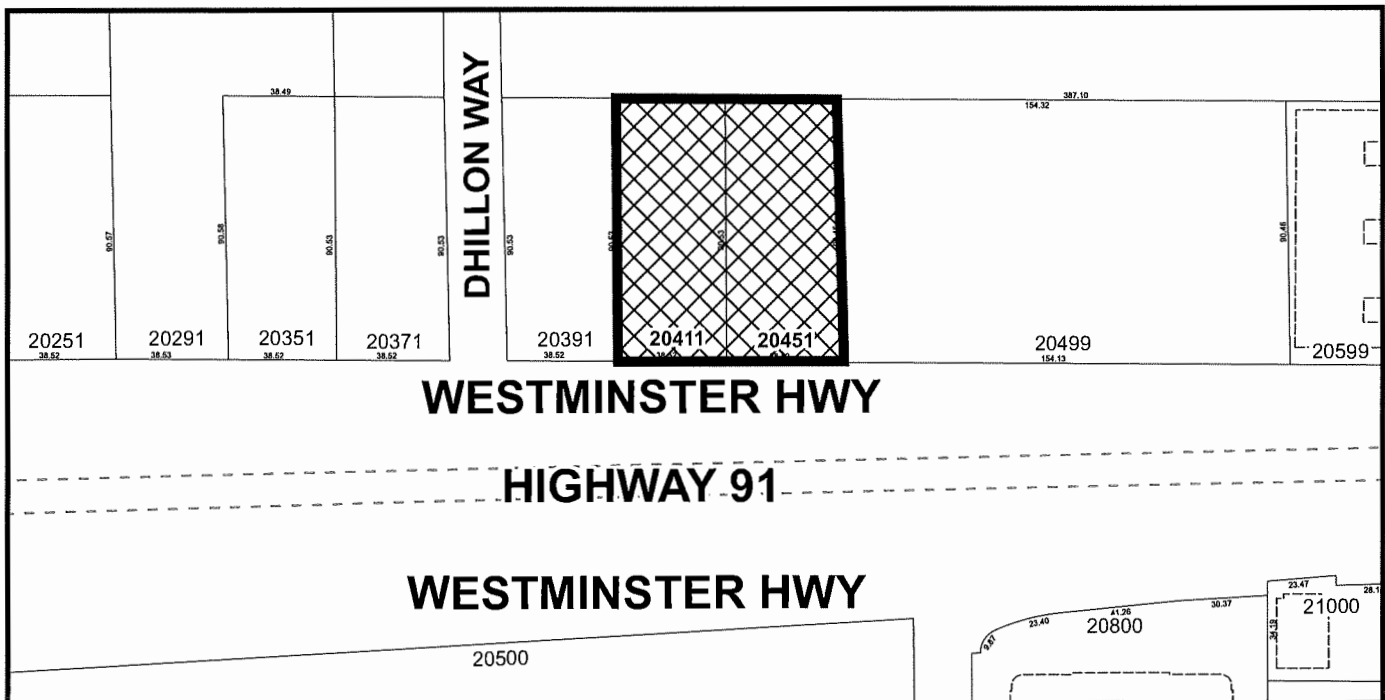
Attachment 6: Conceptual Development Plans

Attachment 7: Farm Plan

Attachment 8: Tree Management Plan

Attachment 9: Rezoning Considerations

PROPOSED REZONING



Note: Dimensions are in METRES



City of
Richmond



RZ 21-944801

Original Date: 12/09/21

Revision Date:

Note: Dimensions are in METRES



Agricultural Land Commission
 201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
www.alc.gov.bc.ca

April 16, 2021

ALC File: 59968

Philip Gray
Choice School for Gifted Children Society
DELIVERED ELECTRONICALLY

Dear Philip Gray,

Re: Reasons for Decision - ALC Application 59968

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution ##166/2021). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the ALCA, the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act ([Bill 15 – 2019](#)) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

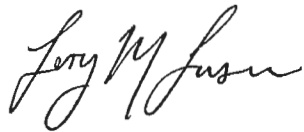
- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per [ALC Policy P-08: Request for Reconsideration](#) to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.SouthCoast@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read 'Tory M. Lawson'.

Tory Lawson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #166/2021)
 Schedule A: Decision Map

cc: City of Richmond (File: AG 19-881146). Attention: Steven De Sousa

59968d1



AGRICULTURAL LAND COMMISSION FILE 59968
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Non-Farm Use Application Submitted Under s.20(2) of the Agricultural Land Commission Act

Applicant: Choice School for Gifted Children Society, INC.NO.
20178S

Agent: Philip Gray, Choice School for Gifted Children
Society

Property Parcel Identifier: 003-934-268
Legal Description: Lot 78, Section 4, Block 4 North,
Range 4 West, New Westminster District, Plan 1593
Civic: 20451 Westminster Highway, Richmond, BC
Area: 0.4 ha (entirely within the ALR)

Panel: Ione Smith, South Coast Panel Chair
Susan Gimse

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* ("ALCA").
- [2] Choice School for Gifted Children Society ("Choice School") has occupied the Property, as well as the adjacent parcel (PID: 003-937-160, "Adjacent School Parcel") since 1992; however, the Applicant did not obtain the necessary approval from the Agricultural Land Commission (the "Commission" or "ALC") to operate a school on the Property. The Property contains a 1,069.1 m² main school structure (formerly a church which was converted to school use in 1992), a 346.9 m² school gymnasium, and a portion of a gravel parking lot. The Adjacent School Parcel currently contains a grass play field, playground, septic field, and the remainder of the gravel parking lot associated with Choice School.
- [3] In 2019, the Applicant submitted an inquiry to determine whether the 0.4 ha Property and the 0.83 ha Adjacent School parcel were consistent with s. 23(1) of the ALCA which stipulates that the restrictions on the use of ALR land do not apply to parcels surveyed at under 2 acres, which were on a separate certificate of title on December 21, 1972. ALC staff reviewed documentation provided by the Applicant and determined that the Property was not consistent with s. 23(1) of the ALCA and was therefore subject to the restrictions under the ALCA and ALR regulations. However, ALC staff determined that the Adjacent School Parcel was consistent with s. 23(1) of the ALCA and is, therefore, an exception to the restrictions of use under the ALCA and ALR regulations. This exception allows Choice School to continue to operate and expand on the Adjacent School Parcel without the Commission's approval.
- [4] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Commission to continue to use the 0.4 ha Property for school use and add a 261 m² modular building for additional classroom space (the "Proposal").
- [5] The issue the Panel considered is whether the Proposal would impact the integrity of the ALR.

- [6] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [7] The Proposal, along with related documentation from the Applicant, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [8] The Application submits that Choice School is one of 15 schools within British Columbia designated by the Ministry of Education as an independent Special Education School, and offers classes for gifted children, as well as children living with physical or mental disabilities, from Kindergarten to Grade 9.



- [9] The City of Richmond Staff Report submits that the Property was rezoned from "Agriculture (AG1)" to its current "Assembly (ASY)" zoning designation in 1983 to accommodate the previous church use, as religious assembly was no longer a permitted use identified in the "Agriculture (AG1)" zone. The City of Richmond Staff Report further submits that the Applicant received all necessary building permits related to the construction of school infrastructure on the Property, including the original conversion of the church to the main school structure. However, in 2019, when the Applicant applied for the required building permits to place the Proposed 261 m² modular building on the Property, the City of Richmond concluded that the Property was subject to the ALCA and ALR Regulations, which was later confirmed by ALC Staff, and that the modular building required Commission approval.

EVIDENCE AND FINDINGS

- [10] The Application was submitted on December 11, 2019 and was forwarded to the Commission by the City of Richmond on January 28, 2021. On March 12, 2020, the ALCA was amended and changes were made to its regulations. The Applicant was given an opportunity to make written submissions relating to the amendment of the ALCA and changes to its regulations as it relates to this application. While the Application was submitted in the context of the former s. 6 of the ALCA, the Panel has considered it under s. 6(1) and s. 6(2) of the ALCA as amended by Bill 15.

Issue: Whether the Proposal would impact the integrity of the ALR.

- [11] The Property is located at the edge of the ALR boundary. The parcels to the north and west of the Property are located within the ALR; however the parcel to the north contains a large commercial cranberry processing facility, and the parcel to the west is the Adjacent School Parcel which is exempt from the ALC Act and regulations. The parcel to the east of the Property is located outside the ALR and contains a commercial/industrial business. Finally, the Property is bordered by Highway 91 to the south.

- [12] The Application submits that Choice School has had increased enrolment in recent years and existing infrastructure is at capacity, and that the Proposed 261 m² modular building would provide the necessary classroom space for 30 new students.
- [13] The Panel considered the historic and current use of the Property, and that the Applicant obtained all necessary permits from the City of Richmond to construct the school. The Panel then considered that the Property is only 0.4 ha in size, its location on the edge of the ALR, and the fact that the Property is separated from active farming operations by exempt ALR land and a large commercial cranberry processing facility. Based on these factors, the Panel finds that Proposal would have little to no impact to the integrity of the ALR, any adjacent and nearby farm activity, or the continuity of the surrounding ALR land.

DECISION

- [14] For the reasons given above, the Panel approves the Proposal to continue to use the 0.4 ha Property for school use and place a 261 m² modular building subject to the following conditions:
- (a) Siting of the non-farm use in accordance with Schedule A of this decision; and
 - (b) Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.
- [15] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [16] These are the unanimous reasons of the Panel.
- [17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.



[18] Resolution #166/2021

Released on April 16, 2021

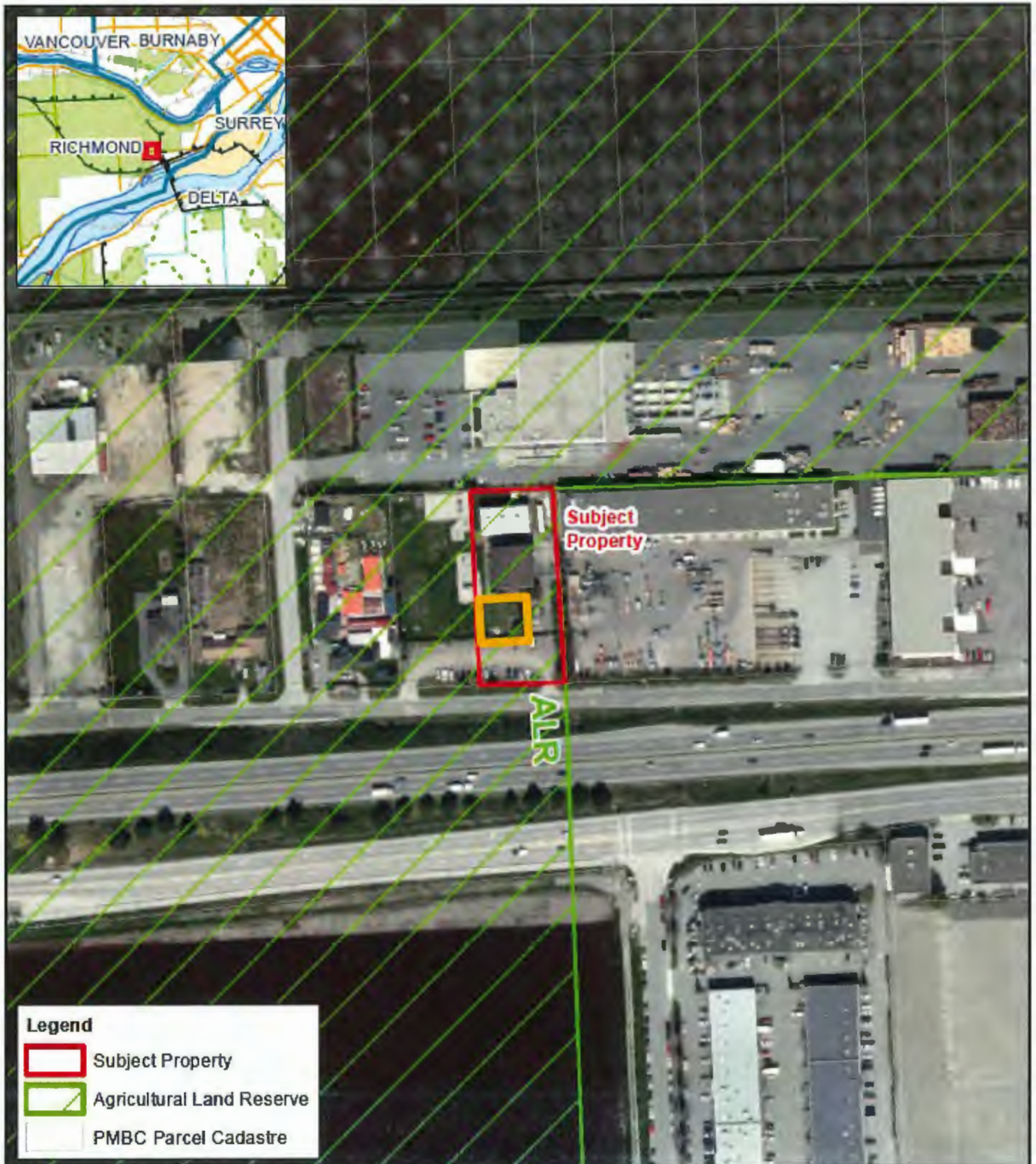
A handwritten signature in black ink, appearing to read "Ione Smith", is positioned above the printed name.

Ione Smith, Panel Chair

On behalf of the South Coast Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan
ALC File 59968 (Choice School for Gifted Children Society)
Conditionally Approved Non-Farm Use
ALC Resolution #166/2021



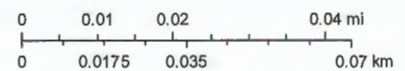
Location of Conditionally Approved 261 m²
Modular Building

PH - 115

**Notes:**

- Associated Agricultural Land Reserve (ALR) non-farm use application (AG 19-881146) approved by Council and the ALC in 2021
- Properties proposed to be consolidated and rezoned to a new-site specific zone

1:1,036





RZ 21-944801

Attachment 4

Address: 20411 & 20451 Westminster Highway

Applicant: Choice School for Gifted Children Society

Planning Area(s): East Richmond

	Existing	Proposed
Owner:	Choice School for Gifted Children Society	No change
Site Size:	20411 Westminster Highway: 3,486.0 m ² (0.86 ac / 0.35 ha) 20451 Westminster Highway: 3,486.2 m ² (0.86 ac / 0.35 ha)	6,972.2 m ² (1.72 ac / 0.70 ha)
Land Uses:	Education	Education and agriculture
OCP Designation:	Agriculture (AGR)	No change
Zoning:	"Assembly (ASY)"	Agriculture and Education (ZA5) – Westminster Highway (East Richmond)
Other Designations:	Agricultural Land Reserve (ALR)	No change

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.5	Existing: 0.4 Proposed building: 0.08 Total: 0.48	None permitted
Lot Coverage – Buildings:	Max. 35%	Existing: 19% Proposed building: 4% Total: 23%	None
Lot Size:	N/A	Area A: 3,486.0 m ² Area B: 3,486.2 m ² Total: 6,972.2 m ²	None
Setbacks:	Front: Min. 6.0 m Rear: Min. 7.5 m Side: Min. 7.5 m	Front: 16.8 m Rear: 7.5 m Side: 7.5 m	None
Height:	12.0 m	6.0 m	None
Off-street Parking Spaces – Total):	Min. 31	36	None
Off-street Parking Spaces – Accessible:	Min. 1	2	None
Loading:	Min. 1 medium	1	None
Bicycle Parking – Class 1:	Min. 9	9	None
Bicycle Parking – Class 2:	Min. 24	24	None

**Excerpt from the Meeting Minutes of the
Food Security and Agricultural Advisory Committee (FSAAC)**

**Thursday, September 17, 2020 – 7:00 p.m.
Rm. M.2.002 (Webex)
Richmond City Hall**

ALR Non-Farm Use Application – 20451 Westminster Highway

Steven De Sousa, Planner 1, introduced the non-farm use application, and provided the following comments:

- The subject property is zoned “Assembly (ASY)”, designated Agriculture in the OCP and located in the ALR. The ALC has confirmed the property is subject to the Provincial ALR Regulations;
- The associated adjacent property is zoned “Agriculture (AG1)”, designated Agriculture in the OCP and located in the ALR. The ALC has confirmed the property is not subject to the Provincial ALR Regulations because it was less than 2 acres prior to December 21, 1972 and on separate title;
- The proposed non-farm use application is required for the proposed expansion of the school;
- The proposal is consistent with the City’s ASY Zone; and
- Should the application be approved by Council and the ALC, a subsequent development application will be required for the adjacent property to legitimize the existing uses.

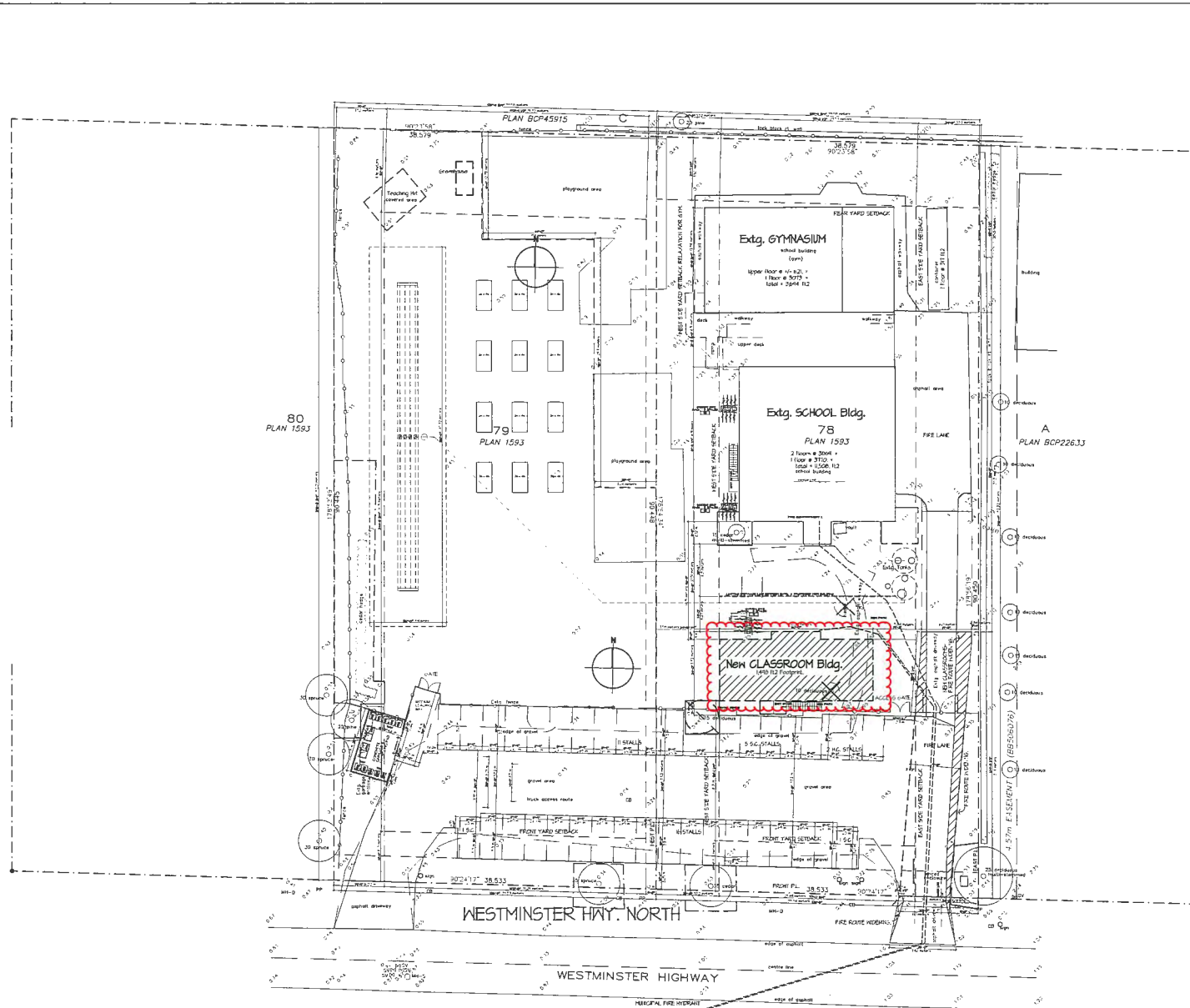
The applicant provided additional details regarding the school operation, proposed new classroom building and impacts of the ongoing COVID-19 pandemic.

Discussion ensued regarding the proposed building type, implementation of agriculture in the curriculum and finding a balance between the farm plan and recreational facilities.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee support the ALR Non-Farm Use Application at 20451 Westminster Highway (AG 19-881146).

Carried Unanimously



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No. / Date / Revision

8	APR. 21 2020	ISSUED FOR GOR FIRE DEPT. COMMENTS.
12	APR. 22 2020	ISSUED FOR ARCHITECT FEE PROPOSAL.
13	MAY 19 2020	ISSUED FOR CLIENT REVIEW.
14	MAY 14 2020	ISSUED FOR CONTRACTOR COMMENTS & REVISE.
15	MAY 19 2020	REVISED FOR CLIENT REVIEW.

20	JUNE 30 2020	ISSUED FOR CLIENT APPROVAL.
21	JULY 17 2020	ISSUED FOR C. of R. NON-FARM USE APPLICATION.
22	OCT. 20 2020	REVISED FOR C. of R. PARCELS / FIRE RISK CALCULATIONS.
23	OCT. 21 2021	ISSUED FOR GOR PLANNING DEPARTMENT.
24	JAN. 15 2022	ISSUED FOR FIRE LANE GEOTECHNICAL COMMENT.
25	MAY 21 2022	ISSUED FOR FIRE LANE PARCELS/WASTE MANAGEMENT.
26	MAY 2 2022	ISSUED FOR FIRE LANE PARCELS/WASTE MANAGEMENT.
27	JUNE 6 2022	REVISED FOR FIRE LANE PARCELS/WASTE MANAGEMENT.
28	JULY 5 2022	ISSUED FOR LANDSCAPE STREET FRONT DESIGN.
29	AUG. 10 2022	ISSUED FOR C. of R. NON-FARM ZONING RESPONSE.

No. / Date / Revision

FARPOINT
Architectural Inc.

1000 West 7th Avenue
Vancouver, Canada
V6C 3G7
Tel: 604-734-3025

Scale

Consultant

Project Title
**20451 WESTMINSTER,
20411 WESTMINSTER,
RICHMOND, BC
PROPOSED NEW
PORTABLES.**

Drawing Title
**PRELIMINARY
SITE PLAN,
LIMITING DISTANCE
CALCULATIONS.**

Date: JULY 10/21

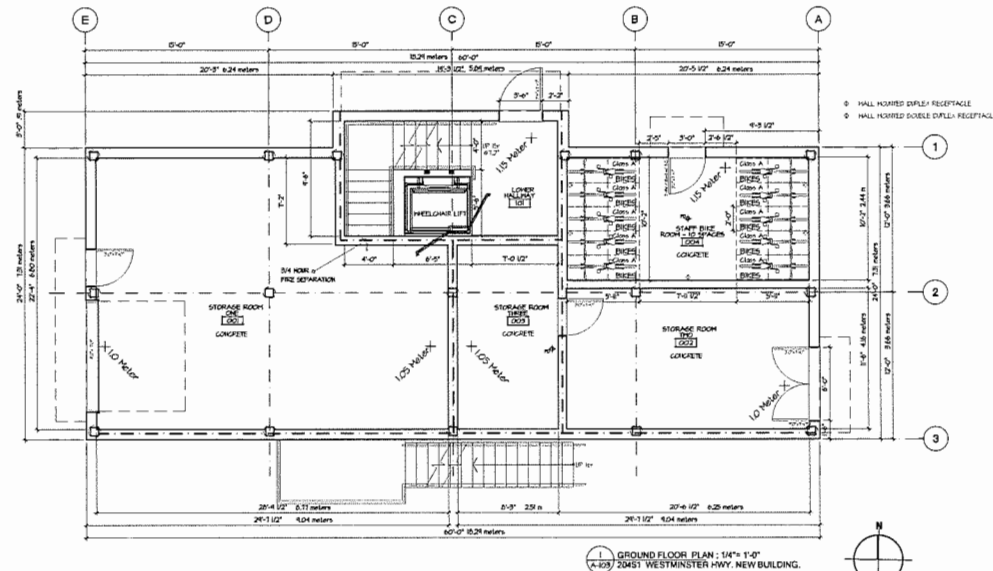
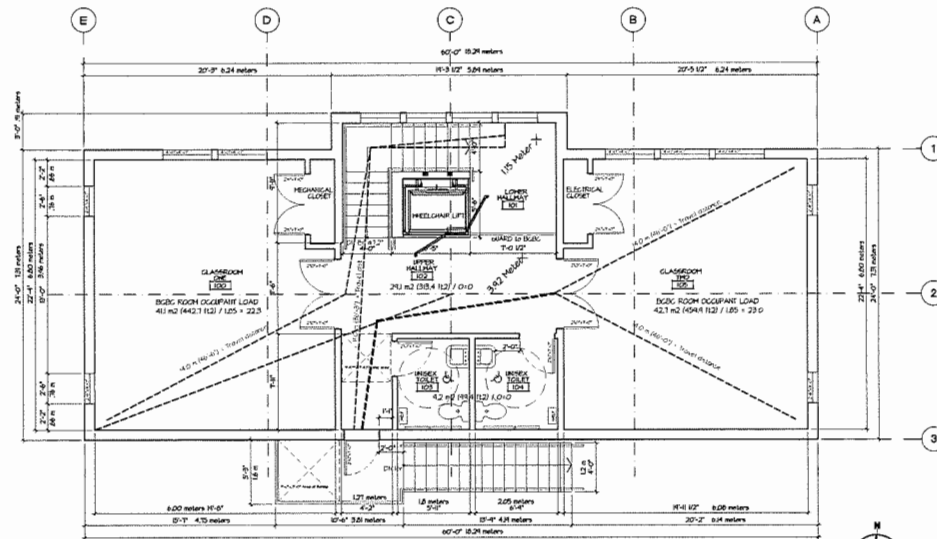
Scale: 1/8" = 1'-0"

Drawn: JAC

Approved: JAC

Project Number: R1473-CS

Drawing Number: A-100



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Revisions/Comments

1	DEC. 20 2021	REVISED FOR C. of R. NON-FARM USE APPLICATION.
2	MAR. 11 2022	REVISED FOR BUILDING CODE LIGHTING DISTANCE.

20	JUNE 30 2020	ISSUED FOR CLIENT APPROVAL.
21	JULY 11 2020	REVISED FOR C. of R. NON-FARM USE APPLICATION.
22	OCT. 20 2020	REVISED FOR C. of R. FARM / BUREAU CALS.
23	OCT. 21 2021	ISSUED FOR CAR PLANNING DEPARTMENT.

24	AUG. 8 2022	RE-MADE FOR LANDSCAPE STREET FRONT DESIGN.
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Revisions/Comments

FARPOINT
Architectural Inc.

145 West 7th Avenue
Vancouver, Canada
V6P 1G2
Tel: 604 784 3025

Scale

Consultant

Project Title
**20451 WESTMINSTER,
20411 WESTMINSTER,
RICHMOND, BC
PROPOSED NEW
CLASSROOMS.**

Drawing Title
**PROPOSED
NEW BUILDING.**

**MAIN FLOOR PLAN,
GROUND FLOOR PLAN.**

Date: JUNE 30/2020
Scale: 1/4" = 1'-0"
Drawn: JC
Approved: JC
Project Number: 19147-C5
Drawing Number: A-103

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Notice dimensions shall have precedence over verbal dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the architect shall be relieved of all obligations from the drawings and calculations shown on the drawings. These drawings shall be submitted to the authority for review before proceeding with fabrication.

No./Date/Revision

20 JUNE 30 2020 ISSUED FOR CLIENT APPROVAL
21 JULY 17 2020 ISSUED FOR C. of R. NON-FARM USE APPLICATION
22 OCT. 20 2020 REVISED FOR C. of R. FARM / FIRE ROOMS CALC.
23 OCT. 21 2021 ISSUED FOR C. of R. PLANNING DEPARTMENT.

No./Date/Revision

FARPOINT
Architectural Inc.

102 West 10th Avenue
Vancouver, British Columbia
V6P 4C2
Tel: 604 254 3023

Scale



Consultant

Project Title
**20451 WESTMINSTER,
20411 WESTMINSTER,
RICHMOND, BC
PROPOSED NEW
CLASSROOMS.**

Drawing Title
**PROPOSED
NEW BUILDING.**

**NORTH ELEVATION.
WEST ELEVATION.**

Date JUNE 30/20

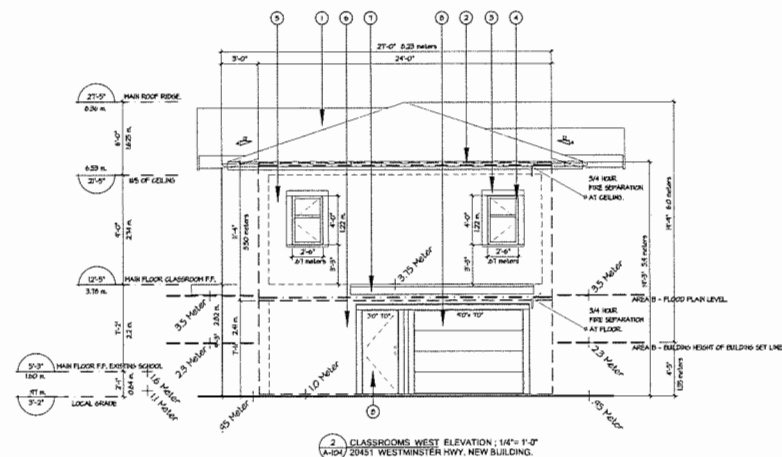
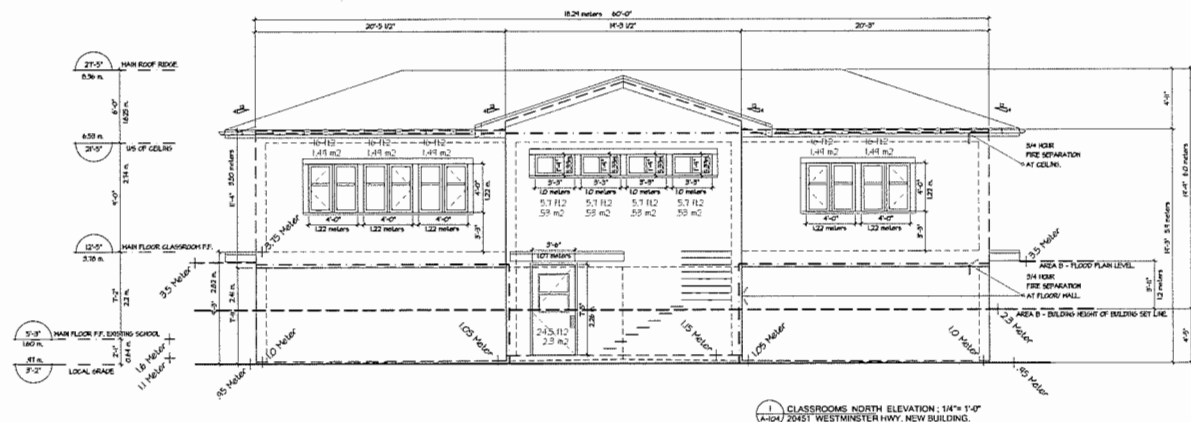
Scale 1/4" = 1'-0"

Drawn JC

Approved JC

Project Number P0417-C5

Drawing Number **A-104**



- PROPOSED EXTERIOR ELEVATION FINISHES
- ① DARK GREY ASPHALT SHINGLE ROOF.
 - ② PREFINISHED ALUMINUM ENTRERS.
 - ③ HOOD TRIM CLADDING AT WINDOWS.
 - ④ VINYL FRAMED DOUBLE GLAZED WINDOWS.
 - ⑤ 1" EXPOSURE HARD BOARD SIDING.
 - ⑥ 5 1/2" EXPOSURE HARD BOARD SIDING.
 - ⑦ HOOD TRIM CLADDING / TRIM LINE.
 - ⑧ PREFINISHED METAL DOOR.

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Notations: Dimensions shall have preference over verbal dimensions. Dimensions shall vary, and be responsible for all dimensions and conditions on the job and the necessary shall be aligned of any variance from the drawings and conditions shown on the drawings. These drawings shall be submitted to the Authority for review before proceeding with fabrication.

No./Date/Revised

20 JUNE 30 2020 ISSUED FOR CLIENT APPROVAL
21 JULY 17 2020 ISSUED FOR C. of R. NON-FARM USE APPLICATION
22 OCT. 20 2020 REVISED FOR C. of R. PARK / FIRE ROOFING CAUSES
23 OCT. 21 2021 ISSUED FOR CUR PLANNING DEPARTMENT.

No./Date/Revised

FARPOINT
Architectural Inc.

1002 West 75th Avenue
Vancouver, Canada
V6P 6G2
Tel: 604 734 3025

Scale



Consultant

Project Title
**20451 WESTMINSTER,
20411 WESTMINSTER,
RICHMOND, BC
PROPOSED NEW
CLASSROOMS.**

Drawing Title
**PROPOSED
NEW BUILDING.**

**SOUTH ELEVATION.
EAST ELEVATION.**

Date JUNE 30/20

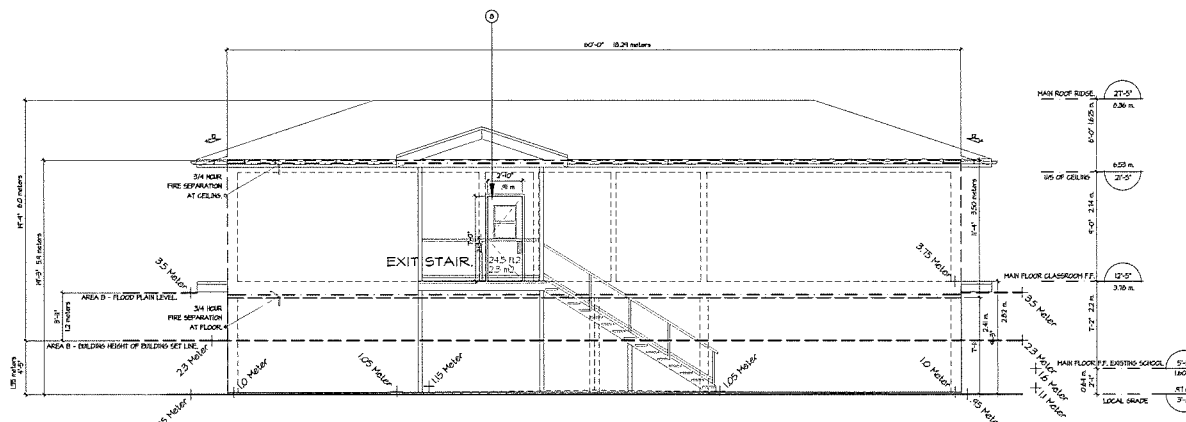
Scale 1/4" = 1'-0"

Drawn JC

Approved JC

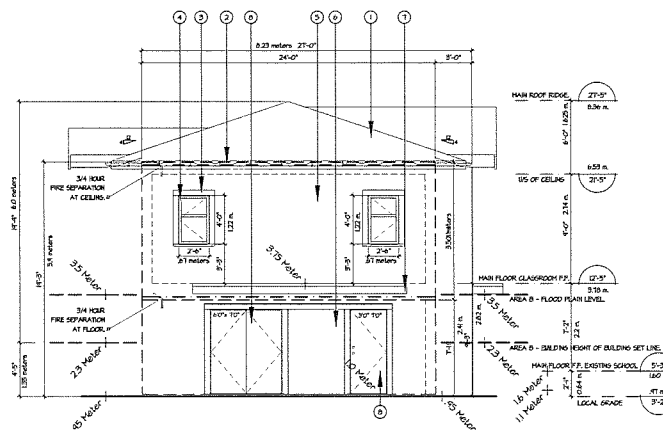
Project Number 1047-C5

Drawing Number **A-105**

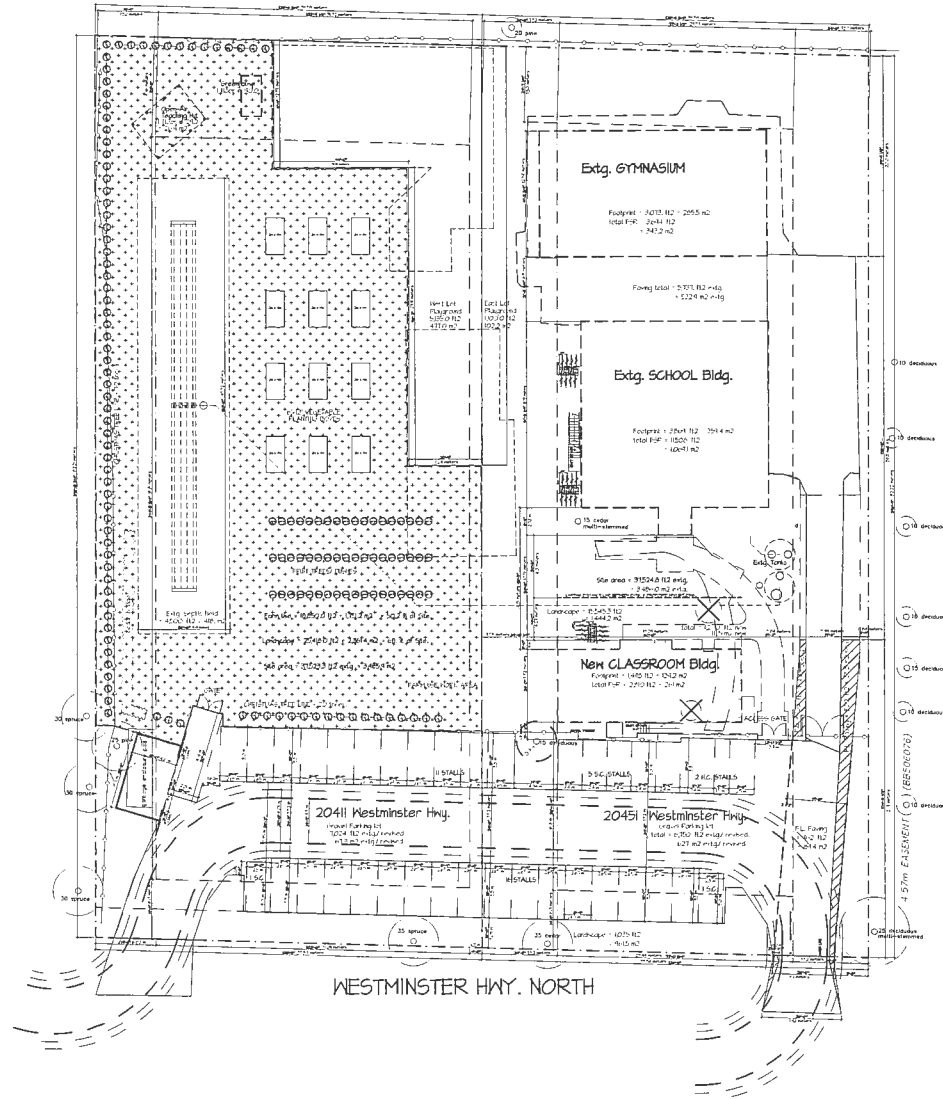


1 CLASSROOMS SOUTH ELEVATION : 1/4" = 1'-0"
A-105 / 20451 WESTMINSTER HWY. NEW BUILDING.

- PROPOSED EXTERIOR ELEVATION FINISHES**
- ① DARK GREY ASPHALT SHINGLE ROOF.
 - ② FINISHED ALUMINUM OUTTERS.
 - ③ HOOD TRIM GLAZING AT PERIMETER.
 - ④ VINYL FINISHES DOUBLE GLAZED WINDOWS.
 - ⑤ 7" EXPOSURE WOOD-BOARDED SIDING.
 - ⑥ 5 1/2" EXPOSURE WOOD-BOARDED SIDING.
 - ⑦ HOOD BELT GROUND TRIM LINE.
 - ⑧ FINISHED METAL ROOF.



2 CLASSROOMS EAST ELEVATION : 1/4" = 1'-0"
A-105 / 20451 WESTMINSTER HWY. NEW BUILDING.



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Rev/Date/Description

- 20 JUNE 30 2020 ISSUED FOR CLIENT APPROVAL
- 21 JULY 17 2020 ISSUED FOR C. of R. NON-FARM USE APPLICATION
- 22 OCT. 20 2020 REVISED FOR C. of R. PARK (BIRD ROOMS CALC.)
- 23 OCT. 21 2020 ISSUED FOR CAR PLANNING DEPARTMENT
- 24 JAN. 18 2022 ISSUED FOR FIRE LANE, GEOTECHNICAL COMMENT
- 25 MAR. 21 2022 ISSUED FOR FIRE LANE, PARKING/WASTE MANAGEMENT
- 26 MAY. 2 2022 ISSUED FOR FIRE LANE, PARKING/WASTE MANAGEMENT
- 27 JUNE 9 2022 RE-ISSUED FOR FIRE LANE, PARKING/WASTE MANAGEMENT
- 28 JULY 5 2022 ISSUED FOR LANDSCAPE, STREET FRONT DESIGN
- 29 AUG. 15 2022 ISSUED FOR C. of R. NON-RE-ZONING RESPONSE

Rev/Date/Description

FARPOINT
Architectural Inc.

1000 West 7th Avenue
Vancouver, BC
V6H 2G2
Tel: 604 734 3025

Scale

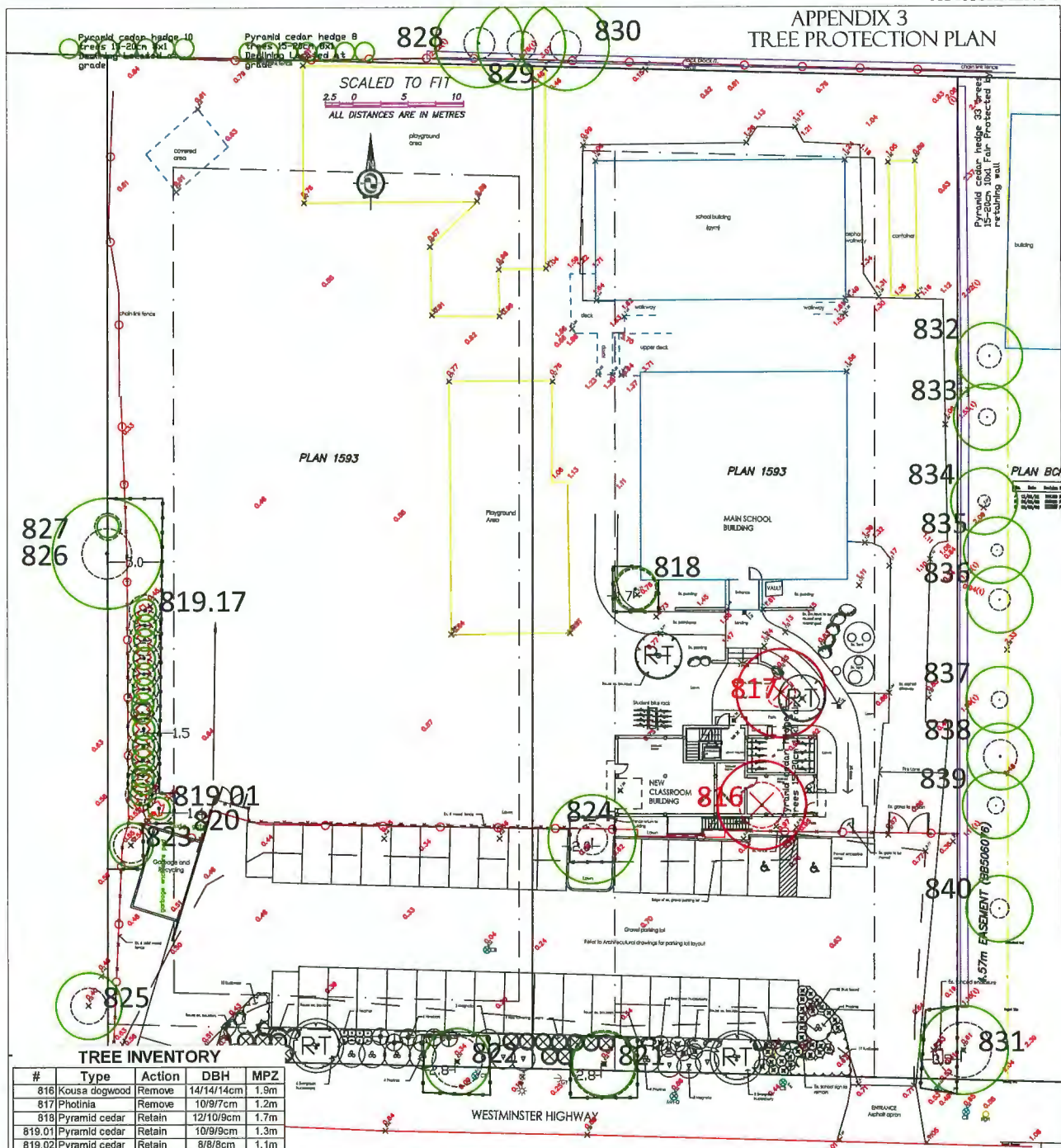
Consultant

Project Title
**20451 WESTMINSTER,
20411 WESTMINSTER,
RICHMOND, BC
PROPOSED NEW
PORTABLES.**

Drawing Title
**PROPOSED
FARM PLAN.**

**PARKING PLAN
CALCULATIONS.**

Date: JUNE 30/20
Scale: 1/8" = 1'-0"
Drawn: JC
Approved: JK
Project Number: 1947-05
Drawing Number: A-110

APPENDIX 3
TREE PROTECTION PLAN

TREE INVENTORY

#	Type	Action	DBH	MPZ
816	Kousa dogwood	Remove	14/14/14cm	1.9m
817	Photinia	Remove	10/9/7cm	1.2m
818	Pyramid cedar	Retain	12/10/9cm	1.7m
819.01	Pyramid cedar	Retain	10/9/9cm	1.3m
819.02	Pyramid cedar	Retain	8/8/8cm	1.1m
819.03	Pyramid cedar	Retain	8/8/8cm	1.1m
819.04	Pyramid cedar	Retain	10/9/8cm	1.2m
819.05	Pyramid cedar	Retain	9/6cm	0.7m
819.06	Pyramid cedar	Retain	10/9/9cm	1.3m
819.07	Pyramid cedar	Retain	9/9/9cm	1.2m
819.08	Pyramid cedar	Retain	10/9/8cm	1.2m
819.09	Pyramid cedar	Retain	10/9/9cm	1.3m
819.1	Pyramid cedar	Retain	8/8cm	0.7m
819.11	Pyramid cedar	Retain	10/9/9cm	1.3m
819.12	Pyramid cedar	Retain	10/9/9cm	1.3m
819.13	Pyramid cedar	Retain	10/9/9cm	1.3m
819.14	Pyramid cedar	Retain	10/9/9cm	1.3m
819.15	Pyramid cedar	Retain	10/9/9cm	1.3m
819.16	Pyramid cedar	Retain	10/9/9cm	1.3m
819.17	Pyramid cedar	Retain	9/9/9cm	1.2m
820	Pyramid cedar	Retain	15/15/14cm	2.0m
821	Western Redcedar	Retain	42/20cm	2.8m
822	Norway Spruce	Retain	35cm	2.1m
823	Scots Pine	Retain	25cm	1.5m
824	Crab Apple	Retain	21cm	1.3m
825	Douglas fir	Retain	25cm	1.5m
826	Western Redcedar	Retain	28/18cm	2.1m
827	Pyramid cedar	Retain	12/10cm	1.2m
828	Austrain pine	Retain	22cm	1.3m
829	Austrain pine	Retain	20cm	1.2m
830	Austrain pine	Retain	22cm	1.3m
831	Cottonwood	Retain	27/25cm	2.3m
832	Red maple	Retain	16cm	1.0m
833	Red maple	Retain	12cm	0.7m
834	Red maple	Retain	8cm	0.5m
835	Red maple	Retain	8cm	0.5m
836	Red maple	Retain	15cm	0.9m
837	Red maple	Retain	12cm	0.7m
838	Elm	Retain	15/15cm	1.4m
839	Red maple	Retain	12cm	0.7m
840	Red maple	Retain	13cm	0.8m

DBH=diameter, MPZ: protection zone

LEGEND

TREE PROPOSED FOR RETENTION



TREE PROPOSED FOR REMOVAL



REPLACEMENT TREE

TREE PROTECTION FENCING
Minimum Radial Distance from trunk

#	Type	DBH	Metres	Feet
818	Pyramid cedar	12/10/9cm	1.7m	5.6ft
819.01-819.17	Pyramid cedar	10/9/9cm	1.3m	4.1ft
820	Pyramid cedar	15/15/14cm	2.0m	6.5ft
821	Western Redcedar	42/20cm	2.8m	9.2ft
822	Norway Spruce	35cm	2.8m	9.2ft
823	Scots Pine	25cm	1.5m	4.9ft
824	Crab Apple	21cm	2.0m	6.5ft
825	Douglas fir	25cm	1.5m	4.9ft
826	Western Redcedar	28/18cm	5.0m	16.4ft
827	Pyramid cedar	12/10cm	1.2m	3.9ft
831	Cottonwood	27/25cm	3.5m	11.5ft

NOTES:
1. SITE LAYOUT INFORMATION AND TREE SURVEY DATA PER SUPPLIED DRAWING

2. REFER TO ATTACHED TREE PROTECTION REPORT FOR INFORMATION CONCERNING TREE SPECIES, STEM DIAMETER, HEIGHT, CANOPY SPREAD AND CONDITION.

3. ALL MEASUREMENTS ARE METRIC

Froggers Creek
Tree Consultants Ltd7763 McGregor Avenue Burnaby BC V5J 4H4
Telephone: 604-721-8002 Fax: 604-437-0970

20451 Westminster Hwy, Richmond, BC

TREE PROTECTION DRAWING
THE DRAWING PLOTS ALL TREES, PROPOSED FOR RETENTION, REMOVAL, THEIR CANOPIES, PROTECTION ZONES AND PROTECTION FENCING IN RELATION TO PROPOSED LAYOUT

August 22, 2022



Address: 20411 & 20451 Westminster Highway

File No.: RZ 21-944801

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10418, the applicant is required to complete the following:

1. Consolidation of all the lots into one development parcel.
2. Submission of a Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, and deposit of a Landscaping Security based on 100% of the cost estimate provided by the Landscape Architect, including installation costs. The Landscape Plan includes the four required replacement trees with the following minimum sizes:

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

3. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of the trees to be retained. The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
4. Submission of a Tree Survival Security to the City in the amount of \$40,000 for the six trees (tag# 818, 820-824) on-site to be retained.
5. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.
6. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.5 m GSC.
7. Submission of a Farm Plan Security to the City based on 100% of the cost estimate provided to ensure the implementation of the farm plan.

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

1. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
2. Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.

Note:

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

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

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

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading,

ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10418 (RZ 21-944801)
20411 & 20451 Westminster Highway**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by inserting the following into Section 25 (Site Specific Agriculture Zones), in numerical order:

“25.5 Agriculture and Education (ZA5) – Westminster Highway (East Richmond)

25.5.1 Purpose

The **zone** provides for agriculture and **education uses** as approved by the Agricultural Land Commission in accordance with the *Agricultural Land Commission Act* (as may be amended or replaced).

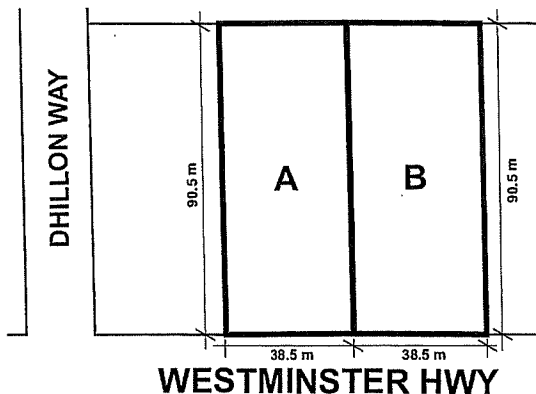
25.5.2 Permitted Uses

- education
- farm business

25.5.3 Secondary Uses

- roadside stand

Diagram 1



25.5.4 Permitted Density

1. For the area identified as “A” in Diagram 1, Section 25.5.2:
 - a) The maximum **floor area ratio** for all **buildings** and **structures** is 0.60, except where greenhouses are located on the **lot**, in which case the maximum **floor area ratio** is 0.75, of which at least 0.70 **floor area ratio** must be used for greenhouses.

- b) **Agricultural buildings and structures** and greenhouses solely for supporting a **farm business** or for growing, producing, raising or keeping animals and plants are not permitted to have concrete construction, **hardsurfacing** or other impermeable **structure** or construction sunk into, at or below the natural grade of the site except:
 - i) where **Agricultural buildings and structures**, excluding greenhouses, are supported by a system of columns or posts, where each supporting column or post has a minimum radius of 3 m to the next adjacent column or post and that the maximum footprint area for each concrete footing associated with each column or post is 0.5 m² ; and
 - ii) concrete grade beams connecting concrete pad foundations are not permitted.
 - c) **Agricultural buildings and structures**, excluding greenhouses, are permitted a maximum of 10% coverage of the **gross floor area** at the ground level of the **building** to be covered by impermeable surfaces.
 - d) The provisions of Section 25.5.4.1 b) and 25.5.4.1 c) do not apply for:
 - i) **Agricultural buildings and structures** on a **lot**, excluding greenhouses, with a cumulative **lot coverage** equal to or less than 750 m² in total area for all existing and proposed **agricultural buildings and structures**.
2. For the area identified as “B” in Diagram 1, Section 25.5.2:
- a) The maximum **floor area ratio** is 0.50.
 - b) For **farm business**, the provisions of Section 25.5.4.1 a), 25.5.4.1 b), 25.5.4.1 c) and 25.5.4.1 d) apply.

25.5.5 Permitted Lot Coverage

- 1. For the area identified as “A” in Diagram 1, Section 25.5.2:
 - a) The maximum **lot coverage** for **agricultural buildings and structures** is:
 - i) 75% for greenhouses;
 - ii) 35% for all other **agricultural buildings and structures**.
- 2. For the area identified as “B” in Diagram 1, Section 25.5.2:
 - a) The maximum **lot coverage** is 35% for **buildings**.
 - b) For **farm business**, the provisions of Section 25.5.5.1 a) apply.

25.5.6 Yards & Setbacks

1. For the area identified as “A” in Diagram 1, Section 25.5.2:
 - a) The minimum **front yard** and **exterior side yard** for all **agricultural buildings and structures** is:
 - i) 15.0 m for mushroom barns, livestock barns, poultry brooder houses, confined livestock areas, fur farming sheds, livestock shelters, milking facilities, stables and hatcheries; and
 - ii) 7.5 m for all other **agricultural buildings and structures**.
 - b) The minimum **interior side yard** and **rear yard** is:
 - i) 15.0 m for livestock barns, poultry brooder houses, confined livestock areas, fur farming shelters, livestock sheds, milking facilities, stables and hatcheries;
 - ii) 7.5 m for mushroom barns, apiculture hives, honey houses and shelters; and
 - iii) 4.5 m for all other **agricultural buildings and structures**.
2. For the area identified as “B” in Diagram 1, Section 25.5.2:
 - a) The minimum **front yard** and **exterior side yard** is 6.0 m.
 - b) The minimum **interior side yard** is 7.5 m.
 - c) The minimum **rear yard** is 7.5 m.
 - d) For **farm business**, the provisions of Section 25.5.6.1 a) and 25.5.6.1 b) apply.
3. Notwithstanding the **lot** being one **development site**, the minimum **setback** for **buildings and structures** from the boundary between the areas identified as “A” and “B” in Diagram 1, Section 25.5.2, is 4.5 m.

25.5.7 Permitted Heights

1. The maximum **height** for **buildings and accessory structures** is 12.0 m.

25.5.8 Subdivision Provisions/Minimum Lot Size

1. There are no minimum **lot width**, **lot depth** or **lot area** requirements.

25.5.9 Landscaping & Screening

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

2. The location of landscape elements shall provide sight lines from windows and doors to **walkways** and parking areas on the property.
3. **Screening** for loading, storage, refuse and recycling shall avoid creating areas on the **site** with no natural surveillance.

25.5.10 On-Site Parking and Loading

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0.

25.5.11 Other Regulations

1. Within the area identified as “A” in Diagram 1, Section 25.5.2:
 - a) **farm business** shall be the only permitted **principal use**;
 - b) **ancillary uses to education** are permitted as a **secondary use**, limited to playground equipment up to a maximum 480.0 m² in area; and
2. Within the area identified as “B” in Diagram 1, Section 25.5.2:
 - a) any change in the **principal use** or **secondary use** on the **site**; or
 - b) increase in the scale, extent or degree of a permitted **principal use** or **secondary use** of land on the **site**;

must be approved by the Agricultural Land Commission in accordance with the *Agricultural Land Commission Act* (as may be amended or replaced).
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 by designating it “**AGRICULTURE AND EDUCATION (ZA5) – WESTMINSTER HIGHWAY (EAST RICHMOND)**”.

PID 003-937-160
 LOT 79 SECTION 4 BLOCK 4 NORTH RANGE 4 WEST NEW WESTMINSTER
 DISTRICT PLAN 1593

PID 003-934-268
 LOT 78 SECTION 4 BLOCK 4 NORTH RANGE 4 WEST NEW WESTMINSTER
 DISTRICT PLAN 1593
3. Richmond Zoning Bylaw 8500, as amended, is further amended by removing Section 13.3.11.7 (site-specific exemption for 20451 Westminster Highway in the “Assembly (ASY)” zone) in its entirety.

4. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 10418”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

NOV 14 2022



MAYOR

CORPORATE OFFICER



Regular Council
Monday, November 14, 2022

11. **APPLICATION BY CHOICE SCHOOL FOR GIFTED CHILDREN SOCIETY FOR REZONING AT 20411 & 20451 WESTMINSTER HIGHWAY FROM THE “AGRICULTURE (AG1)” AND “ASSEMBLY (ASY)” ZONES TO THE “AGRICULTURE AND EDUCATION (ZA5) – WESTMINSTER HIGHWAY (EAST RICHMOND)” ZONE**

(File Ref. No. 12-8060-20-010418, RZ 21-944801) (REDMS No. 6971270, 6999090)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10418, to create the “Agriculture and Education (ZA5) – Westminster Highway (East Richmond)” zone, and to rezone 20411 & 20451 Westminster Highway from “Agriculture (AG1)” and “Assembly (ASY)” to “Agriculture and Education (ZA5) – Westminster Highway (East Richmond)”, be introduced and given first reading.

ADOPTED ON CONSENT



City of Richmond

Report to Committee

To: Planning Committee

Date: October 24, 2022

From: Wayne Craig
Director, Development

File: RZ 17-782750

Re: Application by Landa Oval Development Ltd. for Rezoning at 6851 and 6871 Elmbridge Way from Industrial Business Park (IB1) to High Density Mixed Use (ZMU52) - Oval Village (City Centre)

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10423 to create the “High Density Mixed Use (ZMU52) – Oval Village (City Centre)” zone, and to rezone 6851 and 6871 Elmbridge Way from “Industrial Business Park (IB1)” to “High Density Mixed Use (ZMU52) - Oval Village (City Centre)”, be introduced and given first reading.

Wayne Craig
Director, Development

WC:ke
Att. 8

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Community Social Development	<input checked="" type="checkbox"/>	
Sustainability & District Energy	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	
Community Services Division	<input checked="" type="checkbox"/>	
Richmond Olympic Oval	<input checked="" type="checkbox"/>	

Staff Report

Origin

Landa Oval Development Ltd. has applied to the City of Richmond to rezone 6851 and 6871 Elmbridge Way from “Light Industrial Business Park (IB1)” to “High Density Mixed Use (ZMU52) – Oval Village (City Centre)” to construct a mixed use development in the Oval Village area (Attachment 1 and 2) that includes:

- 13,832 m² (148,887 ft²) of commercial floor area consisting of a 189 room hotel and supporting uses in a tower located in the north east quadrant of the development site along with portions of the development podium and at-grade commercial space along River Road, the new road (to the west) and Elmbridge Way road frontages.
- 27,655 m² (297,778 ft²) of residential floor area consisting of 321 market residential units and 35 affordable Low End Market Rental (LEMR) housing units arranged as follows:
 - Market residential units located in the development podium and two towers generally located at the northwest and south west quadrants of the development site.
 - Affordable LEMR units dispersed throughout the podium.
- Dedication and construction of a new road along the subject site’s west frontage (herein called the “new west road”) and widening and completion of the existing lane along the subject site’s east frontage.
- Related off-site works that generally includes road, lane, frontage upgrades and transportation related works to the current applicable City standards, are to be completed through a City Servicing Agreement.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 3.

Subject Site Existing Housing Profile

There are no residential dwelling units on the subject site.

Subject Site Existing Uses

The subject site consists of two lots at 6851 and 6871 Elmbridge Way that each contain multi-tenant single storey light industrial buildings. Through the rezoning, both lots will be consolidated into a single development parcel. To support the existing business tenants that may be impacted as a result of this redevelopment, the developer has confirmed that sufficient notice will be provided to all businesses in the event of the need to relocate and that the developer has also offered to provide all business tenants with access to real estate services to assist these tenants in finding similar, appropriately zoned space within the City.

Surrounding Development

To the North: The Richmond Olympic Oval is located across River Road on a site zoned “High Rise Apartment and Olympic Oval (ZMU4) – Oval Village (City Centre)”.

To the South: Across Elmbridge Way is an existing building containing Worksafe BC offices on a site zoned “Downtown Commercial (CDT1)”.

To the East: Across an existing lane is the Onni ‘Ora’ high density mixed use development on a site zoned “Residential/Limited Commercial (RCL3)” (RZ 07-380222; DP 10-520511).

To the West: A site zoned “Light Industrial Business Park (IB1)” containing existing light industrial buildings.

Related Policies & Studies

City Centre Area Plan

The subject site is located in the City Centre and subject to the land use policies and provisions of the City Centre Area Plan (CCAP) and “Specific Land Use Map – Oval Village (2031)” (Attachment 4). The “Oval Village (2031)” land use map designates the site as Urban Centre T5, which allows for high-density mixed residential/commercial development. The subject site is also contained within the “Village Centre Bonus Area”. Additional details on how the subject development proposal complies with the CCAP and development policies specific to the “Oval Village (2031)” land use map is contained in the Analysis section of this report.

Official Community Plan Aircraft Noise Sensitive Development (ANSD) Policy:

The subject site is located with ANSD “Area 2”, which permits all aircraft noise sensitive uses (except new single-family) if the building design includes required noise mitigation measures and purchasers are made aware of potential noise conditions. Prior to rezoning adoption, a legal agreement will be registered on title requiring that the developer satisfies all City requirements.

Airport Zoning Regulations (AZR):

Transport Canada regulates maximum permitted building heights in City Centre locations that may affect airport operations. A letter, prepared by a registered surveyor, confirming that the proposed maximum building height of 47 m (154 ft.) GSC complies with AZR requirements is a rezoning consideration to be completed for this project.

Floodplain Management Implementation Strategy

City Centre buildings are required to comply with Richmond Flood Protection Bylaw 8204. Prior to rezoning adoption, a flood indemnity covenant will be registered on title.

Public Consultation

Rezoning signs have been installed on the subject property. Staff have received email correspondence from a resident in the adjacent Ora development (5511 Hollybridge Way/6951 Elmbridge Way). The resident identifies concerns about the proposed development’s traffic impact to the existing lane to the east of the subject site (Attachment 5). A response is provided below to the resident comments. City staff have also met with the property owner of the site to the immediate east (6791 Elmbridge Way) and provided general information about the development proposal during these discussions.

Should the Planning Committee endorse this application and Council grant 1st reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Correspondence from 5511 Hollybridge Way/6951 Elmbridge Way (Ora Development)

The correspondence makes observations about the current lane servicing the Ora development and provides comments on existing lane operations, lane width and vehicle movements within the lane, questions about hotel functions in the lane and pedestrian infrastructure in the lane.

In response to the comments and concerns noted in the correspondence, the following information is provided:

- This development will undertake improvements to the lane to provide for additional widening for the drive-aisle portions of the lane and a sidewalk along the west edge of the lane to provide for safe pedestrian movements.
- The above referenced widening and improvements to the lane will comply with applicable City standards for lanes located in the City Centre and will be able to accommodate all applicable traffic and vehicle movements through the lane.
- Vehicle access to the proposed development will be from the lane and a driveway access provided on the new west road. These vehicle access provisions were reviewed and supported by a Traffic Impact Assessment (TIA) prepared by a professional consultant for this project.
- Further design development and work will be undertaken through the Development Permit application process to review pick-up and drop-off functions related to the hotel use can accommodate the necessary activities and results in no negative impacts to the surrounding road/lane network.

Analysis

Landa Oval Development Ltd. is proposing a high-density mixed use project containing approximately 356 apartment units in the development podium and 2 towers, a hotel containing 189 rooms and supporting commercial functions and pedestrian oriented at grade commercial retail units along the River Road, new west road and Elmbridge Way frontage.

The proposed development is consistent with current Official Community Plan (OCP) and CCAP policies applicable to the subject site, which encourage high-density mixed use development with vibrant commercial frontages and pedestrian friendly streetscapes and supporting infrastructure. This project also provides for infrastructure improvements through the dedication and construction of a new west road that would provide a connection between Elmbridge Way and River Road, widening of the existing lane along the east of the subject site and frontage upgrades along the Elmbridge Way and River Road frontages consistent with the works in the surrounding area.

CCAP – Oval Village (2031)

The subject site is designated “Urban Centre T5” and the proposed high-density development containing residential uses (market residential and affordable housing), a hotel and commercial uses is consistent with the CCAP. The CCAP also provides direction on base residential

densities (1.2 Floor Area Ratio FAR) and additional affordable housing bonus densities (up to 0.8 FAR). The subject site is also contained in the Village Centre Bonus area where additional density of up to 1.0 FAR can be considered for non-residential uses, which support the development and space for services and commercial activities that are pedestrian friendly and contribute to the viability of the area.

The development on the subject site proposes a maximum overall density of 3.0 FAR (2.0 FAR for residential uses including market residential and affordable housing and 1.0 FAR for non-residential uses), which is consistent with the CCAP and Village Centre Bonus provisions applicable to the site.

The CCAP requires rezoning applications that make use of the Village Centre Bonus density to provide voluntary developer contributions towards City-owned community amenity space, which can be in the form of City owned amenity facilities incorporated into the development or a cash-in-lieu contribution. City staff have reviewed the subject proposal and confirm that no City amenity facility is required to be incorporated into the subject development and that a cash-in-lieu contribution should be accepted. In compliance with the CCAP, prior to rezoning adoption, the developer proposes to make a voluntary cash contribution of \$6,022,453 in lieu of constructing community amenity space on-site. The proposed voluntary contribution amount shall be based on the equivalent construction value rate of \$8,708/m² and calculated at the amenity space area (i.e., 5% of the site's Village Centre Bonus floor area, which would equate to an approximate amenity space area of 692 m² or 7,449 ft²).

The CCAP also identifies a proposed road between Elmbridge Way and River Road that would bisect the subject site into two lots. In accordance with CCAP policy, this new west road is considered a minor street and can be realigned as it maintains the network continuity and road functionality in the surrounding area. The realignment of this new road from the middle to the west side of the subject site complies with the CCAP policy that allows alignment changes for minor streets as outlined above. The proposed development will also be required to dedicate and construct this new west road in its entirety. Transportation staff have reviewed the realignment of this new road to the west portion of the site and confirmed the new alignment complies with the objectives of the CCAP.

Proposed Site Specific Zone (ZMU52)

A site-specific zone has been prepared to facilitate the subject development, "High Density Mixed Use (ZMU52) – Oval Village (City Centre)" (Zoning Amendment Bylaw 10423). An overview of included provisions into this new zone is summarized as follows:

1. Permitted and secondary uses consistent with the provisions of the CCAP and takes into account the surrounding context and existing development and services in the area.
2. A maximum density of 2.0 FAR, which includes additional density for developments that comply the City's applicable affordable LEMR housing policy providing for 35 LEMR units (which will be subject to a Housing Agreement and other legal agreements, as applicable).
3. Additional VCB density of up to 1.0 and conditions. Village Centre Bonus provisions that allow for up to 1.0 FAR for non-residential uses, provided that voluntary developer cash contributions (at the current applicable equivalent construction value rate) are made in lieu of

providing and constructing an on-site community amenity space into the development consistent with the CCAP policy.

- This voluntary contribution amount to be provided and secured through the rezoning considerations for this development will be \$6,022,453.
4. Additional density for indoor amenity space for use of residents consistent with other high-density mixed use zones.
 5. Provisions for calculating density on the road dedication secured for the new west road on the west side of the subject site between Elmbridge Way and River Road, as per CCAP policy regarding the dedication of “minor streets” that are not eligible for Development Cost Charge credits.
 6. A maximum building height of 47 m (154 ft.) geodetic across the subject site that is consistent with CCAP policy and of similar height to other surrounding high density developments in the area.
 7. Setback provisions for the road and lane frontages around the subject site that facilitates providing for a pedestrian friendly streetscape and interface of the development to the public realm and takes into account the various road and lane frontage works and upgrades to be completed as part of this development.

Housing

Total residential floor area for this project is 27,655 m² (297,778 ft²) that contains a total of 356 apartment units of which 321 apartment units are market (strata) units and 35 apartment units are affordable housing LEMR units. The market (strata) apartment units are contained in the project podium and two residential towers (15 levels each) are generally situated in the northwest and southwest portions of the subject site. The affordable housing LEMR units are dispersed in the project podium.

1. Affordable Housing & Market Rental Housing Policy Compliance: Council approved amendments to the Low End Market Rental (LEMR) Program on November 15, 2021 and introduced a new Market Rental Housing Policy on June 20, 2022. Rezoning applications received prior to the adoption of these changes are to be processed in keeping with the LEMR and Market Rental Policies that pre-dated the changes, provided that such applications are brought forward to Council for consideration by November 15, 2022. The proposal as outlined complies with the City’s Affordable Housing Strategy. The proposed development is an in-stream application as it was submitted in 2017 and since then has gone through an ownership change and project redesign. This development is proposing to provide 10% of total residential floor area as affordable housing LEMR units (35 units total) and is consistent with the in-stream provisions granted by Council when the affordable housing LEMR and Market Rental Housing policies were revised and updated.

To ensure rezoning applications proceeding in accordance with the LEMR policy in place prior to November 15, 2021, move forward to adoption in a timely manner, the proposed rezoning is to be adopted no later than November 15, 2023. If the subject rezoning is not ready for adoption by November 15, 2023, a staff report will be brought forward to Council providing an update on the status of the rezoning and recommending whether the rezoning should be revised to comply with current City policy. The above deadline to achieve final

adoption by November 15, 2023 has been included as a rezoning consideration item for this project.

2. Affordable Housing Project Response: In compliance with the City's affordable housing LEMR policy, the subject development and proposed site-specific ZMU52 zone provide for 35 affordable housing LEMR units, constructed to a turnkey level of finish (at the developer's sole cost) and secured with a Housing Agreement registered on title, comprising at least 2,767 m² (29,781 ft²) of habitable space, based on 10% of the development's total maximum residential floor area.
3. Non-Profit Housing Operator: The developer proposes to cluster the affordable housing LEMR units into the project podium (on Levels 3 to 6) and have the units generally dispersed equally along the 4 frontages of the project site. In accordance with the City's Affordable Housing Strategy, clustering of units can be considered if a partnership with a non-profit housing operator has been established and the non-profit identifies a preference for unit clustering where applicable. As evidence of such a partnership, the developer has entered into a preliminary Memorandum of Understanding (MOU) with an experienced non-profit housing operator (Az Zahraa Housing Society) who is interested in operating the LEMR apartment units. The developer has submitted a copy of the preliminary MOU, together with a letter of intent from the proposed operator (Attachment 6), for the City's consideration.

Az Zahraa Housing Society currently owns and operates 24 LEMR units in three separate multi-family developments in Richmond. Az Zahraa Housing Society has indicated they prefer clustering of units and limiting their placement over multiple levels. In response, the affordable housing LEMR units are clustered in the project podium but equally dispersed around the four frontages of the site that balances the needs of the non-profit for operational efficiencies and also complies with the City's Affordable Housing Strategy.

4. Affordable Housing LEMR Units – Legal Agreements: As per the City's Low End Market Rental (LEMR) Program, a Housing Agreement will be registered on title to secure full access to on-site amenities and restricting the owner(s), housing operator, or others from charging the affordable housing LEMR units any additional fees for use of any indoor/outdoor amenity spaces, parking, bike storage, or similar features.
5. Overall Dwelling Unit Mix: The OCP and CCAP encourage the development of a variety of unit types and sizes supportive of the diverse needs of Richmond's population including, but not limited to, family friendly housing. Staff support the proposed mix of residential dwelling unit types (LEMR and market residential units) which provides 175 one-bedroom units (includes studio) and 181 family-friendly, two- and three-bedroom units, as indicated in the table below. The unit mix for the development complies with the 40% family friendly unit target identified in the OCP.

Housing Tenure	Studio	1-BR	2-BR & 3-BR
• Market Strata (321)	Nil	162	159
• Affordable (35)	3	10	22
Total (356 units)	3	172	181

6. Affordable Housing Unit Mix: The developer proposes the affordable housing LEMR unit mix as indicated in the table below, which complies with the targets identified in the City's Affordable Housing Strategy (10% studio; 30% 1 BR; 30% 2-BR and 30% 3-BR) and also exceeds the OCP family friendly unit target outlined in the section above. In compliance with the City's Affordable Housing Strategy, a minimum of 85% of the affordable housing units will be required to be constructed with Basic Universal Housing (BUH) features through the Development Permit process. The Development Permit process will also ensure that the finishing of the affordable housing LEMR units is equivalent to those of the market residential units.

Housing Tenure	Studio	1-BR	2-BR	3-BR
Affordable (35)	9%(3)	29% (10)	31% (11)	31% (11)

7. Rental of Strata Dwellings: The OCP encourages measures aimed at reducing barriers to accessing rental housing in multi-family residential developments. Prior to rezoning bylaw adoption, the developer will register a restrictive covenant on title prohibiting the imposition of strata bylaws prohibiting market (strata) dwelling units from being rented or imposing age-based restrictions on occupants.

Amenity Space Requirements

The OCP and CCAP requires large residential projects to provide for shared indoor amenity space for socializing, recreation, and children's play. To satisfy these requirements, the development includes the following shared amenity spaces.

The shared indoor space amenity provided for the residents of all the residential units (market strata and affordable housing units) in this project is situated on the podium (Level 6), sized at 858m² (9,235 ft²) and complies with CCAP indoor amenity space requirements.

The shared outdoor amenity space areas for residents is also located on the podium (Level 6) in the form of an outdoor courtyard area, sized at 2,716 m² (29,235 ft²) and complies with OCP outdoor amenity space requirements.

Prior to rezoning adoption, legal agreements will be registered on title to ensure full access of the indoor and outdoor amenity areas for shared use by all residents (i.e., market strata and affordable housing).

Transportation

The CCAP requires various road, pedestrian, and cycling network improvements on and around the subject site and encourages the implementation of transportation demand management (TDM) measures aimed at reducing automobile dependence and encouraging walking, cycling, and increased use of transit. Consistent with these objectives, the proposed development provides for a variety of transportation improvements and related features, all at the developer's sole cost, to be secured through the various rezoning considerations and accompanying legal agreements and Servicing Agreement works associated with this redevelopment.

A supporting Traffic Impact Assessment (TIA), prepared by a professional traffic consultant, has also been submitted in support of this development. The TIA has been reviewed by City staff who support the key findings and recommendations of the report, including but not limited to traffic analysis, site access provisions for the development, parking/loading requirements and the application of specific TDM measures to this project.

1. Transportation Works: Off-site network enhancements include:
 - a) Dedication and construction of the new west road (based on the ultimate finished cross-section) along the west edge of the subject site to the applicable City standards that would provide an additional connection complete with road and pedestrian related works between Elmbridge Way and River Road. Enhanced connectivity is also provided by a pedestrian crossing across River Road aligned with the new west road.
 - b) Works along the site's River Road and Elmbridge Way frontages to provide for applicable upgrades to sidewalks, boulevards and multi-use pathways consistent with off-site improvements in the surrounding area. Appropriate road dedications and/or dedications in combination with statutory right-of-ways will be secured for these works.
 - c) Widening of the existing lane along the east edge of the site, secured through a statutory right-of-way, to widen the lane pavement drive-aisle and implement a sidewalk along the west portion of the lane to the applicable City standard.
2. Vehicle Access Provisions: Vehicle access to the on-site parking areas in the development is to be provided from the lane and a single drive-way access generally situated mid-block along the new west road. In relation to the new west road and vehicle access provided from this road, temporary road closure of the new west road during certain special events and reliance on vehicle access to the development from the lane can be accommodated if and when needed as verified through the TIA for this project. Prior to rezoning adoption, a legal agreement will be registered on title to provide for the temporary closure of the vehicle access along the new west road during special events.
3. Transportation Demand Management Measures: A comprehensive TDM measures package for this development is being secured in support of the proposed off-street parking to be provided in this development in accordance with Zoning Bylaw 8500 provisions and to achieve objectives of reducing automobile dependence and encouraging walking, cycling, and increased use of transit. These TDM measures will be secured through appropriate legal agreements to be registered on title prior to rezoning adoption, Servicing Agreement process and/or confirmed through the forthcoming Development Permit application process.
 - a) Transit pass program available for the residential (market and affordable housing) and non-residential uses to provide monthly transit passes (2 zone) for a specified period (one year).
 - b) Bicycle Amenities – provide for additional (25% above Zoning Bylaw 8500 requirements) Class 1 bicycle storage facilities and additional (5% above Zoning Bylaw 8500 requirements) for Class 2 short-term bicycle parking for the residential and non-residential uses in the project, including supporting bicycle

- repair/maintenance facilities, end-of-trip facilities and battery charging provisions for all class 1 bicycle parking spaces.
- c) Carpool parking spaces – 5 carpool parking spaces are to be provided and solely allocated for this purpose for the non-residential uses.
 - d) Car-share program to provide for two car-share dedicated vehicle parking stalls (equipped with Level 2 EV charging stations) and provision for two car share vehicles through a contract between the owner/developer and car-share service provider.
 - e) EV charging infrastructure (outlets to support Level 2 EV charging infrastructure) will be provided for a minimum of 10% of the non-residential parking spaces.
 - f) Interim sidewalk connection (River Road) – A 2 m (6.6 ft.) wide interim asphalt walkway that extends westward from the subject site's north frontage along River Road (south side) at the new west road intersection to the signalized intersection at River Road/Oval Way.
4. Secured Parking for Richmond Olympic Oval: The proposed development also provides for an additional 52 parking stalls that are provided for use by the Richmond Olympic Oval during special events. When not being used or reserved for the purposes of a special event, these parking stalls would be available for use by the public. These 52 parking stalls will be secured through a legal agreement to be registered on title prior to final adoption of the rezoning.

Sustainability

The CCAP encourages the coordination of private and City development objectives with the aim of advancing opportunities to implement environmentally responsible buildings, services, and related features. Locations undergoing significant change, such as the subject site, are well suited to this endeavour. Staff support the developer's proposal, which is consistent with City policy and includes:

1. District Energy Utility (DEU): A City Centre DEU service area bylaw, including the subject site, will be presented for consideration by Council under a separate report. Prior to rezoning adoption, a standard DEU covenant will be registered on title requiring the developer to:
 - design and construct a low carbon energy plant, at the developer's sole cost, and transfer it to the City, together with compatible building and mechanical systems, to facilitate the development's connection to a City District Energy Utility; or
 - if connection to the City Centre District Energy Utility is available, connect to the City Centre District Energy Utility for space and domestic hot water heating services, and to design and construct a low carbon energy plant for cooling services only, at the developer's sole cost, and transfer it to the City.
2. BC Energy Step Code: City policy requires that new buildings are designed and constructed to satisfy BC Energy Step Code requirements. High-rise residential and mixed use buildings that include a low carbon energy plant (as discussed above) must comply with "Step 2" or better. The developer, through their Coordinating Registered Professional, has confirmed that the applicable "Step 2" performance targets have been considered in the design and the

project is expected to be compliant with these performance targets. Prior to rezoning adoption, through the Development Permit process, the developer will be required to conduct energy modelling and provide a statement to the City confirming that the proposed design can meet the applicable Step Code requirements.

3. Electric Vehicle (EV) Measures: In compliance with Zoning Bylaw requirements, the developer proposes to comply with EV infrastructure requirements for all resident parking spaces. Additional EV measures to provide infrastructure for 10% of non-residential parking (Level 2) and all class 1 (long-term secured bicycle storage) is also being proposed as part of the transportation demand management provisions being secured through this development.

Public Art

The CCAP encourages voluntary developer contributions towards public art. For this project, the developer proposes to integrate and install public art with this development and have engaged an independent public art consultant to prepare a public art plan. Based on applicable City-approved developer contribution rates and the maximum buildable floor area permitted under the development's site-specific ZMU52 zone (excluding affordable housing LEMR units), the value of the developer's voluntary public art contribution shall be at least \$330,781. Prior to rezoning bylaw adoption, a legal agreement will be registered on title securing the developer's commitment and requiring submission of a public art plan, including a terms of reference, for consideration by the Richmond Public Art Committee and approval by Council (i.e. as applicable to terms of reference for public art on private property with budgets over \$250,000).

Tree Retention and Replacement

The subject site contains two off-site trees (located within Elmbridge Way) and six on-site trees. The applicant has submitted a Certified Arborist's Report; which identifies on-site and off-site tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development (i.e., road/frontage improvements, grade changes). The City's Tree Preservation Coordinator has reviewed the Arborist's Report and supports the Arborist's findings for on-site trees for their removal. Replacement trees will be required to be planted on-site as part of this development in accordance with a 2:1 replacement ratio and minimum sizing requirements. Parks Arborist staff have reviewed and assessed the 2 off-site trees and recommended their removal and a cash in lieu compensation for future planting due to the future new west road construction that would conflict with the trees located on Elmbridge Way. A summary of the recommendations related to on-site and off-site trees is provided in the table below.

Existing Trees	Recommended Action	# Existing	# Replace @ 2:1	Minimum Size of Replacement Trees	Financial Requirement
On-Site (Private)	Removal	6 trees	12 (Planting to be confirmed at DP)	8 cm caliper or 4 m in height in accordance with Tree Protection Bylaw 8057 (\$750/replacement security to be provided)	Replacement security of \$9,000 letter of credit Landscape plan and security required at DP
Off-Site (City)	Removal	2 trees	N/A	Cash-in-lieu for planting trees at/or near the subject site	\$5,250 cash-in-lieu contribution

Built Form and Architectural Character

The proposed high-density mixed use project is located within close proximity to the centre of the Village Centre (intersection of Hollybridge Way and River Road) in the CCAP Oval Village (2031) Specific Land Use Map. The proposed development accommodates all City requirements with respect to transportation improvements and public space enhancements and generally complies with the CCAP Development Permit Guidelines. In summary, the proposed development achieves the following (Attachment 7 – Preliminary and Conceptual Development Plans):

1. Active and vibrant commercial frontages along each of the subject site's road frontages, including River Road as it is designated as a "Pedestrian-Oriented Retail Precincts-High Street & Linkages" in the CCAP, providing for pedestrian friendly and oriented uses that will complement existing at-grade commercial uses incorporated into other high-density mixed use projects in the surrounding area.
2. Provides for a distinct urban form of development in the design and orientation of the at-grade commercial spaces that provide for plazas and additional open spaces, mid-level podium with strong horizontal expression that is carried through in the tower design. Furthermore, tower form and orientation has enabled sculpting of the towers to allow for a high-density distinctive form of development that is unique and different from other developments and consistent with objectives in the CCAP that support varied and sculpted tower forms.
3. General tower spacing and placement has been development referencing applicable CCAP guidelines and the towers in existing developments and future potential high-density development on neighbouring sites. The overall form and orientation of towers has been developed to minimize tower-to-tower view blockages or overlook on-site and to neighbouring developments. In addition, the project design maximizes sunlight exposure to the residential units and the podium courtyard areas containing the residential amenity areas.

Prior to rezoning adoption, the developer will register a legal agreement on title to the subject site requiring that the proposed development is designed and constructed in a manner that mitigates potential development impacts including, among other things, view obstruction, noise or nuisance associated with commercial and non-residential activities, shading, reduced privacy, and related issues that may arise as a result of development on the lands and/or future development on surrounding properties.

Development Permit (DP) approval for the entirety of the proposed development, to the satisfaction of the Director of Development, will be required prior to rezoning adoption. At DP stage, among other things, additional design development is encouraged with respect to the following items:

1. Tower and Podium Form: Additional design development is encouraged to refine the form and character of the project taking into account adjacencies to surrounding development, shadowing and skyline interest.

2. **Common Amenity Spaces:** Confirmation of the design details, programming and landscaping for all indoor and outdoor amenity spaces including compliance with OCP and CCAP minimum sizing requirements. Any provisions for the sharing outdoor hotel amenity areas (i.e., pool) being made available for resident access will also need to be confirmed if applicable.
3. **Accessibility:** Through the Development Permit process, the design and distribution of accessible units and common spaces and uses must be provided and comply with applicable city guidelines.
4. **Plaza and Landscape Plan at Grade:** Additional design development for the plaza and landscape areas situated at grade to ensure the space design, plantings and transitions achieve a pedestrian friendly streetscape and help to provide an animated commercial presence along the development's road frontages.
5. **Sustainability:** The developer must undertake energy modelling to confirm that the proposed design can meet applicable BC Energy Step Code requirements (i.e. Step 2 with an on-site low carbon energy plant) and undertake design development to ensure that enhanced building performance is coordinated with a high standard of architectural quality and expression.
6. **Transportation:** Additional design development for the project's provisions for hotel pick-up and drop-off and on-site loading and garbage and recycling areas will need to be addressed to the satisfaction of Transportation. Confirmation of the inclusion of the applicable transportation demand management measures this development will be implementing will also be undertaken through the DP application.

Community Planning

Prior to rezoning adoption, the developer proposes to voluntarily contribute \$129,233 towards future City community planning studies, as required for City Centre rezoning applications, based on the applicable City-approved developer contribution rate and the maximum buildable floor area permitted under the site-specific ZMU52 zone (excluding affordable housing uses).

Site Servicing and Frontage Improvements

City policy requires that the developer is responsible for the design and construction of road, water, storm sewer, and sanitary sewer upgrades, together with related public and private utility improvements, arising as a result of the proposed development, as determined to the satisfaction of the City. Prior to rezoning adoption, the developer will enter into a standard City Servicing Agreements, secured with a Letter of Credit, for the design and construction of required off-site works, as set out in the attached Rezoning Considerations (Attachment 8).

Existing Legal Encumbrances

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

Financial Impact or Economic Impact

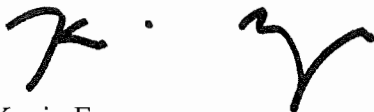
Through the proposed development, the City will take ownership of developer-contributed assets including waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals. The anticipated operating budget impact for the ongoing maintenance of these assets is \$25,079.09. This will be considered as part of the 2022 Operating Budget.

Conclusion

Landa Oval Development Ltd. has applied to the City of Richmond to rezone 6851 and 6871 Elmbridge Way from “Light Industrial Business Park (IB1)” to “High Density Mixed Use (ZMU52) – Oval Village (City Centre)” to construct a mixed use development in the Oval Village area that comprises of 356 residential units (including 35 affordable housing LEMR units), a 189 room/suite hotel with accompanying services and at-grade commercial along the subject site’s River Road, new west road and Elmbridge Way frontages.

The proposed redevelopment on the subject site complies with the CCAP and supporting land use policies related to density and bonus density provisions available to the subject site through the CCAP Village Centre Bonus designation. City objectives of a development that complies with the principles of a pedestrian friendly, transit oriented and sustainable development are achieved through the proposed project.

On this basis, it is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10423 be introduced and given first reading.



Kevin Eng
Planner 3

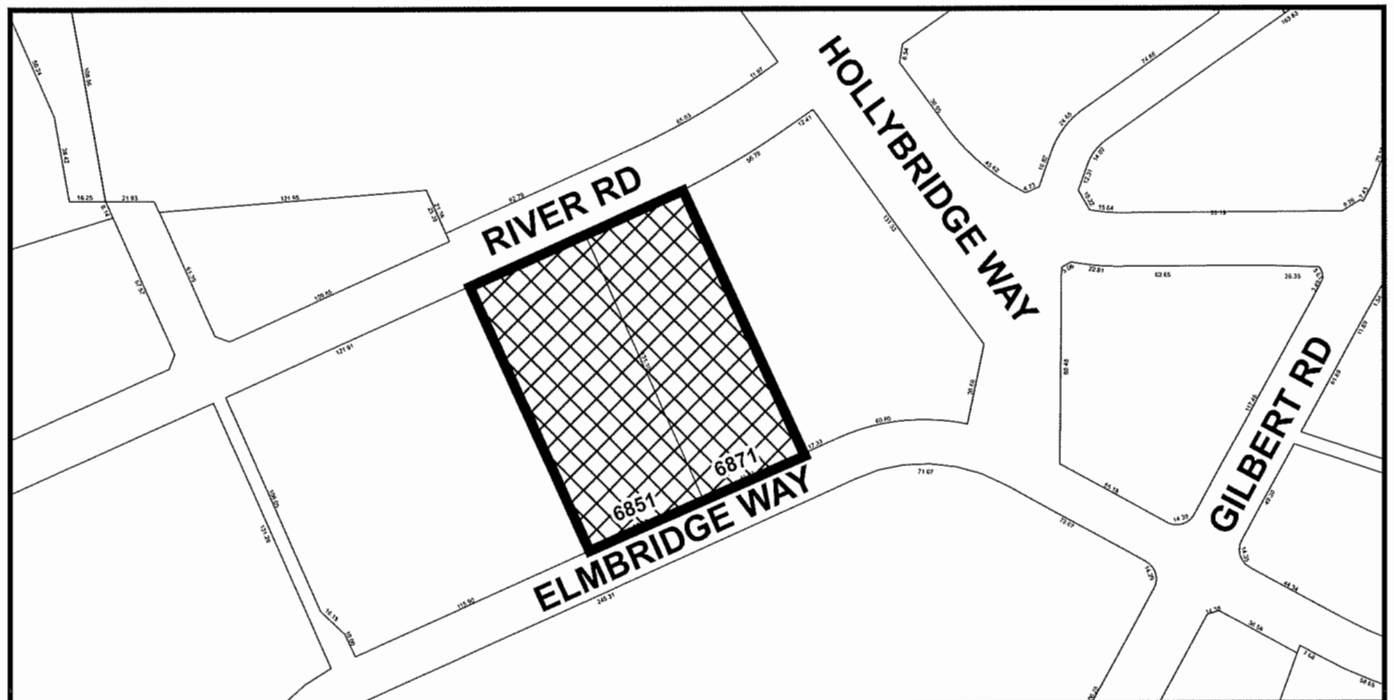
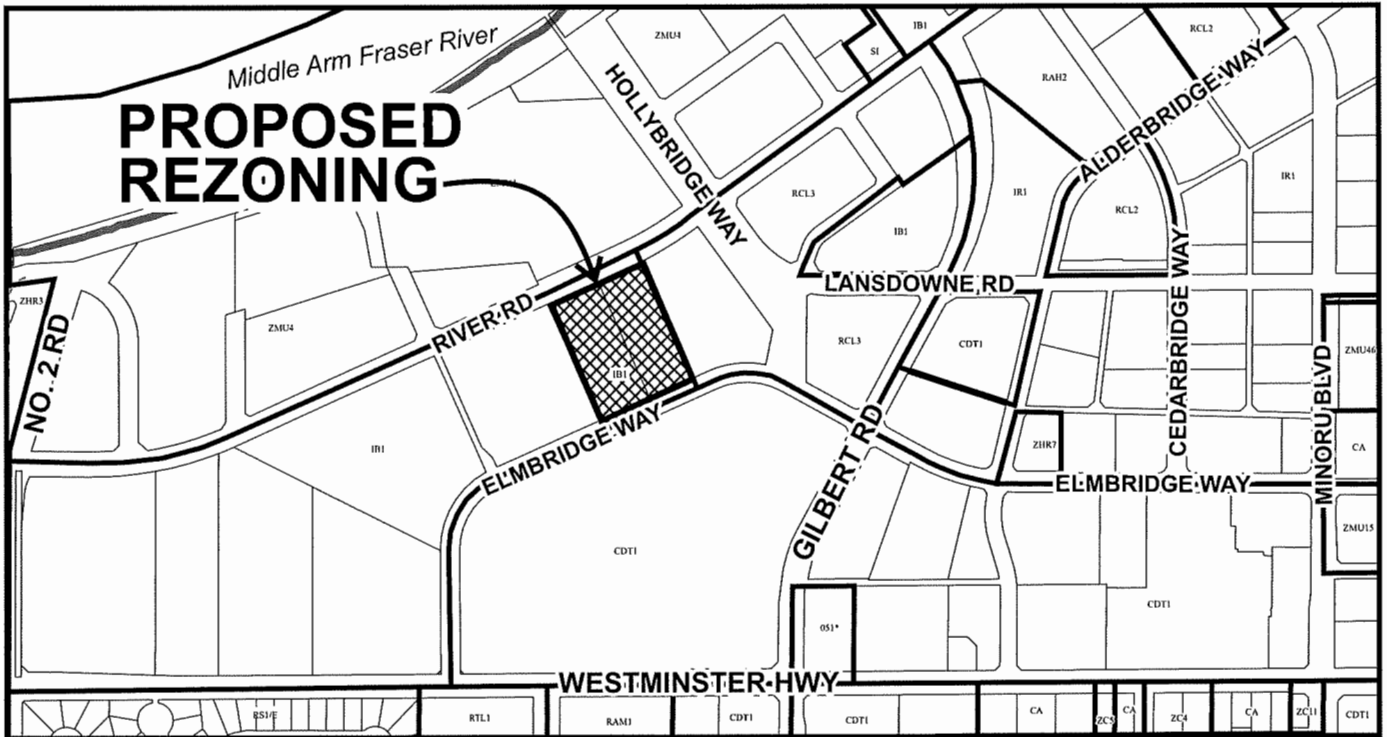
KE:cas

- Attachment 1: Location Map
- Attachment 2: Aerial Photograph
- Attachment 3: Development Application Data Sheet
- Attachment 4: City Centre Area Plan – Specific Land Use Map: Oval Village (2031)
- Attachment 5: Public Correspondence
- Attachment 6: Proposed Non-Profit Housing Operator (Letter)
- Attachment 7: Preliminary and Conceptual Development Plans
- Attachment 8: Rezoning Considerations



City of Richmond

ATTACHMENT 1



RZ 17-782750

Original Date: 08/28/17

Revision Date: 10/13/22

Note: Dimensions are in METRES



City of
Richmond

ATTACHMENT 2



RZ 17-782750

Original Date: 08/30/17

Revision Date: 10/13/22

Note: Dimensions are in METRES



RZ 17-782750

Attachment 3

Address: 6851 and 6871 Elmbridge Way

Applicant: Landa Oval Development Ltd.

Planning Area(s): Oval Village

	Existing	Proposed
Owner:	Landa Oval Development Ltd.	Landa Oval Development Ltd.
Site Size (m²):	6851 Elmbridge Way – 7,483.5 m ² (1.85 ac) 6871 Elmbridge Way – 6,429.2 m ² (1.59 ac) Total – 13,912.7 m ² (3.44 ac)	Net site area (after road dedication): 11,472.06 m ² (2.83 ac) ZMU52 site area for density purposes: 13,832.06 m ² (3.42 ac)
Land Uses:	Light industrial business park uses	Residential (Apartment housing) Hotel and supporting commercial services At grade oriented commercial
OCP Designation:	Mixed-Use	Mixed-Use – No change
City Centre Area Plan (CCAP) Designation:	Urban Centre T5	No change – complies with CCAP
Zoning:	Industrial Business Park (IB1)	High Density Mixed Use (ZMU52) - Oval Village (City Centre)
Number of Units:	None	356 residential dwelling units <ul style="list-style-type: none"> 35 LEMR units 321 market residential units
Other Designations:	Aircraft Noise Sensitive Development: "Area 2" (i.e. all uses may be considered except single-family)	No change – Complies with ANSD <ul style="list-style-type: none"> ANSD covenant to be registered on title

	ZMU 52 Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 3.1 FAR including: <ul style="list-style-type: none"> Base (including AH): 2.0 FAR Village Centre Bonus: 1.0 FAR (non-residential use only) 0.1 FAR – indoor amenity space only 	Max 3.1 FAR including: <ul style="list-style-type: none"> Base (including AH): 2.0 FAR Village Centre Bonus: 1.0 FAR (non-residential use only) 0.06 FAR – indoor amenity space only 	none permitted
Buildable Floor Area (m²):*	Total: 42,879.4 m ² (461,550 ft ²) including: <ul style="list-style-type: none"> Residential – 27,664.12 m² (297,774 ft²) Commercial – 13,832.06 m² (148,887 ft²) Indoor amenity – 1,383.2 m² (14,877 ft²) 	Total: 42,355 m ² (455,905 ft ²) <ul style="list-style-type: none"> Residential (AH) – 2,767 m² (29,784 ft²) Residential (Mkt) - 24,898 m² (268,000 ft²) Commercial – 13,832 m² (148,887 ft²) Indoor amenity – 898 m² (9,666 ft²) 	none permitted

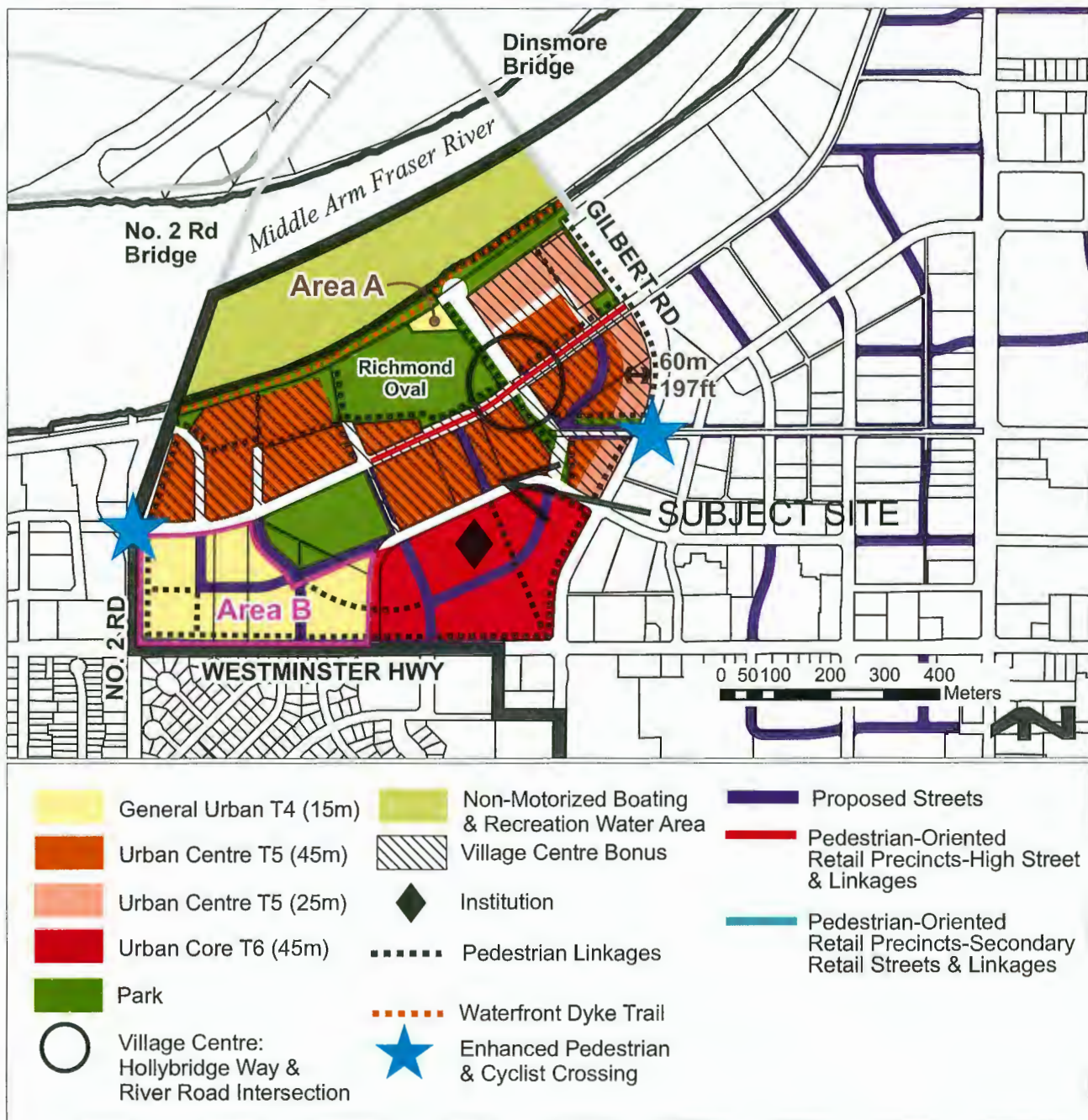
	ZMU 52 Bylaw Requirement	Proposed	Variance
Lot Coverage (% of lot area):	Max. 90% for buildings and landscaped roofs over parking spaces	Max. 90% for buildings and landscaped roofs over parking spaces	none
Lot Size:	10,000 m ² (2.47 ac)	11,472.06 m ² (2.83 ac)	none
Setbacks (m):	Road: 3.0 m (9.84 ft.) Lane: 0.0 m (0.0 ft.)	Road - River Road: 3.0 m (9.84 ft.) - New West Road: 3.0 m (9.84 ft.) - Elmbridge Way: 3.0 m (9.84 ft.) Lane: 3.0 m (9.84 ft.)	Requested variances to podium for minor balcony frame encroachments and architectural elements
Height (m):	47 m (154 ft.) GSC	47 m (154 ft.) GSC	none
Parking	Min. 637 stalls - Residential (AH and Mkt): 331 stalls - Shared pool (commercial/hotel, residential visitor): 252 stalls - Oval: 52 stalls	Min. 641 stalls - Residential (AH and Mkt): 337 stalls - Shared pool (commercial/hotel, residential visitor): 252 stalls - Oval: 52 stalls	none
Bicycle Parking	Class 1 – 483 spaces Class 2 – 112 spaces	Class 1 – 604 spaces Class 2 – 118 spaces Note: Additional bicycle parking provisions based on TDM measures	none
Amenity Space – Indoor:	712m ² (7,664 ft ²)	858m ² (9,235 ft ²)	none
Amenity Space – Outdoor:	2,136 m ² (22,992 ft ²)	2,716 m ² (29,235 ft ²)	none

Other: _____

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

Specific Land Use Map: Oval Village (2031)

Bylaws 8685, 8701
2011/10/24



Bylaw 10020
2019/05/21

Maximum building height may be subject to established Airport Zoning Regulations in certain areas.

Eng, Kevin

From: Eng, Kevin
Sent: July 17, 2021 10:55 AM
Cc: Lin, Fred
Subject: RE: Traffic impact caused by 6851-6871 Elmbridge Way in the Oval Village of Richmond

Hi Lam,

Thanks for your email regarding the rezoning application that is being processed at 6851 and 6871 Elmbridge Way (RZ 17-782750).

I am the development planner for this rezoning application. The purpose of this email is to provide information about ways to provide comments on the proposal through the rezoning application process.

Through the rezoning application, public comments can be made and consultation is provided for throughout the process, including:

- Through the staff processing and review of the application (this is the current status of the application).
- Once the staff processing of the rezoning application is complete, it will be forwarded to Council for consideration of the application. Public comments and correspondence can be made through Council's consideration of the application, which will include a Public Hearing.
- Any written correspondence received through the staff processing of the rezoning application or during Council's consideration of the application will be provided to Council.

One item to note is that through the review and processing of this rezoning application, there may be a number of changes and revisions to the proposal.

In relation to the specific concerns and comments provided in your original email below – I will be reviewing these with Transportation staff so that a response can be provided to you where applicable.

My recommendation to you about receiving information and updates on this project is for you to contact myself on a periodic basis.

Thanks and please feel free to contact me should you have any questions.

Kevin Eng
Senior Planner, Policy Planning Department, City of Richmond
604-247-4626; keng@richmond.ca; www.richmond.ca

Sent: June 25, 2021 3:40 PM
To: Lin, Fred <FLin@richmond.ca>
Cc: DevApps <DevApps@richmond.ca>
Subject: Re: Traffic impact caused by 6851-6871 Elmbridge Way in the Oval Village of Richmond

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Hello Fred,

Thank you for your email! Please keep me updated.

Can public get involved in the development process? I mean is there any public consultation available?

Thank you!

Regards,
Lam

On Fri, Jun 25, 2021 at 3:25 PM Lin,Fred <FLin@richmond.ca> wrote:

Hi Lam,

As part of the development review process, there will be a traffic impact study to assess the potential traffic impacts associated with the proposed development, as well as transportation improvements necessary to mitigate such impacts. Access location for the development will be confirmed through that process. Your concerns are noted and will be considered as part of the development review process.

Regards,

Fred Lin, P.Eng., PTOE

Senior Transportation Engineer

604-247-4627 | flin@richmond.ca

City of Richmond

6911 No. 3 Road

Richmond, BC V6Y 2C1

www.richmond.ca

Sent: June 18, 2021 11:29 AM

To: DevApps <DevApps@richmond.ca>

Subject: Traffic impact caused by 6851-6871 Elmbridge Way in the Oval Village of Richmond

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To Whom It May Concern,

I saw an article at dailyhive.com, saying that there will be 369 homes and 200-room hotel proposed next to Richmond Olympic Oval. This subject development is located at 6851-6871 Elmbridge Way in the Oval Village of Richmond.

Below is the article link:

<https://dailyhive.com/vancouver/6851-6871-elmbridge-way-richmond-landa-global-properties>

According to the article, there are two entrances going to the parking area and one of them is located at East Lane. Along East Lane, there will have a residential lobby, a loading and unloading area, hotel lobby and hotel drop off area. Two featured plazas will be located at the two ends too. I am writing this email to express my concern on the traffic impact caused to the nearby neighborhood.

1. East Lane is currently a back lane for Ora residence. It is where public parking entrance, residence parking entrance and commercial loading and unloading area are located. It is actually a very busy lane.
2. East Lane is narrow that only allows two sedan size cars closely passing by each other at a very low speed limit. Whenever there is a supermarket truck going to the commercial loading and unloading area or garbage truck park at East Lane for garbage collection, no other vehicle can pass by them unless the trucks have drove onto / parked on the pedestrian sidewalk.
3. From the article's provided plans and photos, I don't see that there is a set back at East Lane while the other sides of the subject development have. I mean that the subject development is built very close to the boundary. As there will be residential and hotel lobbies located along East Lane and there will be two plazas located at the two ends of East Lane, I expect that there will be a high amount of pedestrian flow along East Lane too. The subject development should set back to allow adequate space for pedestrian flow.
4. Again, the hotel lobby is located at East Lane. I am not sure where the taxi / hotel shuttle waiting area will be located. They cannot just stop along East Lane to load and unload the luggages or wait for the passengers. If they just stop along East Lane, that will cause a serious traffic jam.
5. Ora has only one residential parking entrance and it is located at East Lane. It seems to me that vehicles going in and out of the subject development will rely on East Lane entrance too. In this case, I believe that East Lane needs to be widened to allow at least three vehicles passing by one another. For security reason, vehicles going in and out of the residential parking, drivers need to wait for the gate to open and close. If there are two vehicles waiting to enter the residential parking. The first driver needs to wait for the gate to close and can't just let the second car go in. Therefore, East Lane must be wide enough to have one lane that allows vehicles to stop and wait for the gate open and close.

6. For your information:

- Ora residential parking entrance is located opposite to the loading area of the subject development.
- Public parking at Ora has only one entrance and it is opposite to the parking entrance of the subject development.
- Ora's commercial loading and unloading area is located opposite to the hotel lobby of the subject development.

Again, I am not writing to oppose this subject development but I have a great concern on the East Lane traffic! I am living in Ora. It seems to me that the subject development has not taken the existing traffic condition into consideration. And the subject development will cause a serious traffic impact to nearby neighborhood. Therefore, I would like to know if the subject development has addressed the traffic issue or not. Hope you understand my concern! Thank you!

Should you have any queries, please do not hesitate to contact me

Thank you!

Regards,

Lam

Az Zahraa Housing Society
3103—667 Howe Street
Vancouver, British Columbia, Canada V6C 0B5
Phone: 604-657-1898

25 August 2022

City of Richmond
6911 No. 3 Rd
Richmond, BC V6Y 2C1

Dear City of Richmond

RE: Letter of Intent for Purchase / Management of Affordable Housing Units at 6851 & 6871 Elmbridge Way, Richmond.

Az Zahraa Housing Society is a non-profit organization who has considerable experience as the owners and operators of affordable housing residential units within the City of Richmond. Az Zahraa purchased affordable housing units in developments titled 'Calla' and 'Dahlia', both located at The Gardens project on Number 5 Road and Steveston Highway in Richmond. Az Zahraa Housing Society has also purchased 14 units at the recently completed LANDA project titled 'Cascade City'.

Az Zahraa Housing Society has developed a list of design requirements to assist in the management of affordable housing units. Please see below bullet point items:

- Minimizing the number of levels where units are located.
 - It is difficult to locate affordable units when they are distributed over many floor levels.
- Stacking the location of the units on repeated floor levels provides ease for navigating the development.
- Locate affordable housing units in good proximity to visitor parking stalls and loading bays.
 - Efficient access from parking assists in the maintenance and management of the units.
- A mix of 1 bed, 2 bed and 3 bed units.
 - Az Zahraa support the mix of approximately 30% 1 bed, 30% 2 bed, 30% 3 bed and 10% studio suites.

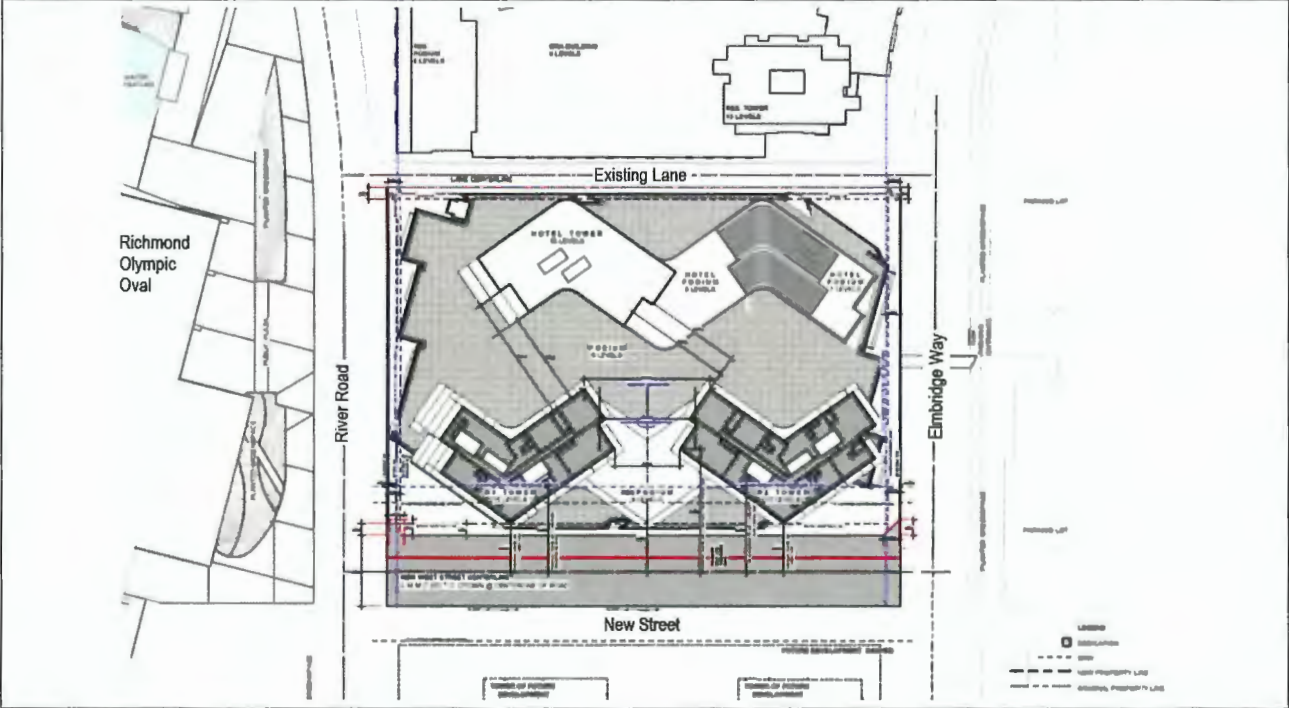
Az Zahraa confirm that they have been contacted by LANDA Oval Development Ltd for the purchase of 35 affordable housing units within the proposed development at 6851 & 6871 Elmbridge Way, Richmond. The proposed development has been reviewed and Az Zhraa support the proposed location of the development and the programme of the development as it will benefit the Richmond demographic for affordable housing. This letter is to express that Az Zahraa has the ability to operate the proposed affordable housing units and are interested in the purchase and management of these units.

Regards



Riyaz R. Devji
Az Zahraa Housing Society

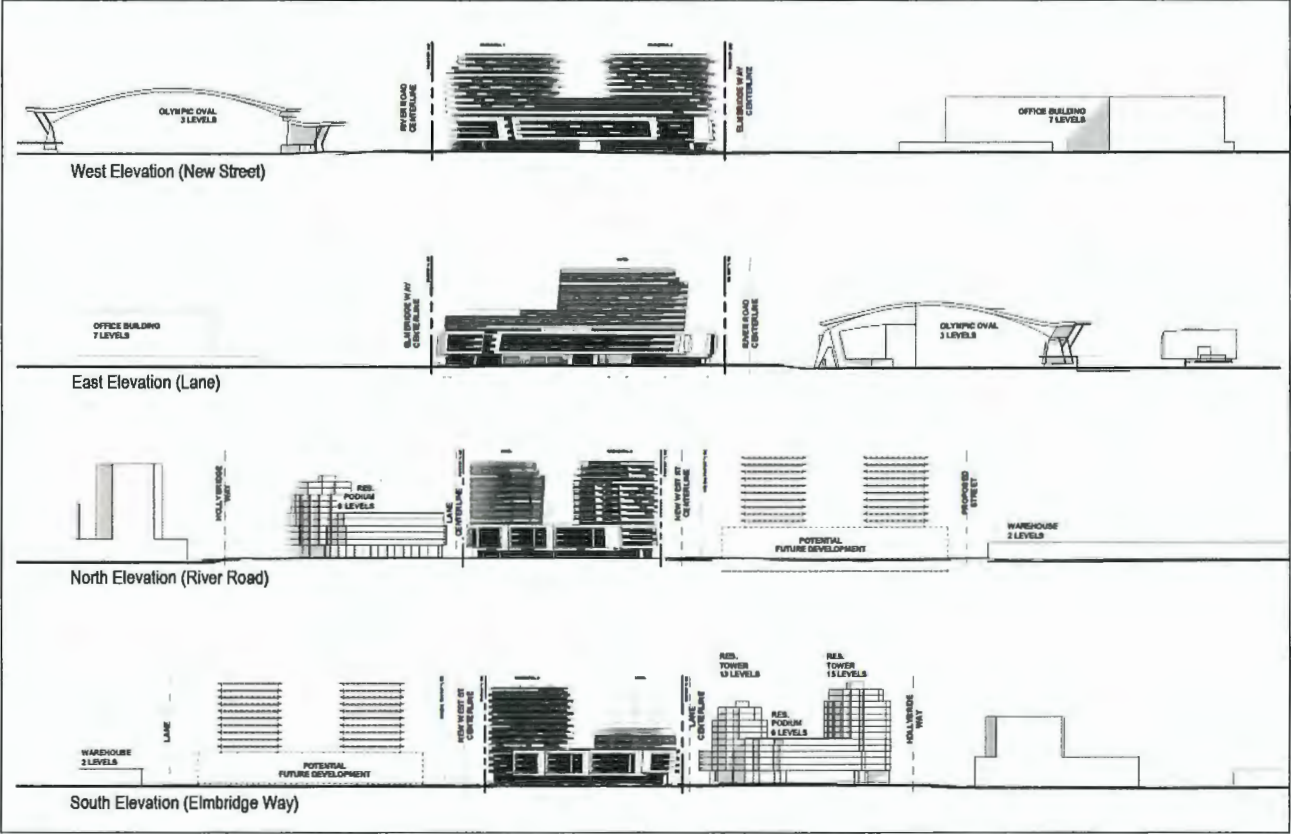
Site Plan



Aerial View Looking Southwest



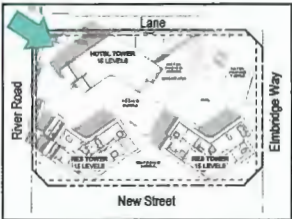
Street Elevations



Aerial View Looking Southeast



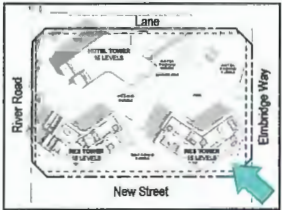
Hotel Entry @ River Road & Lane



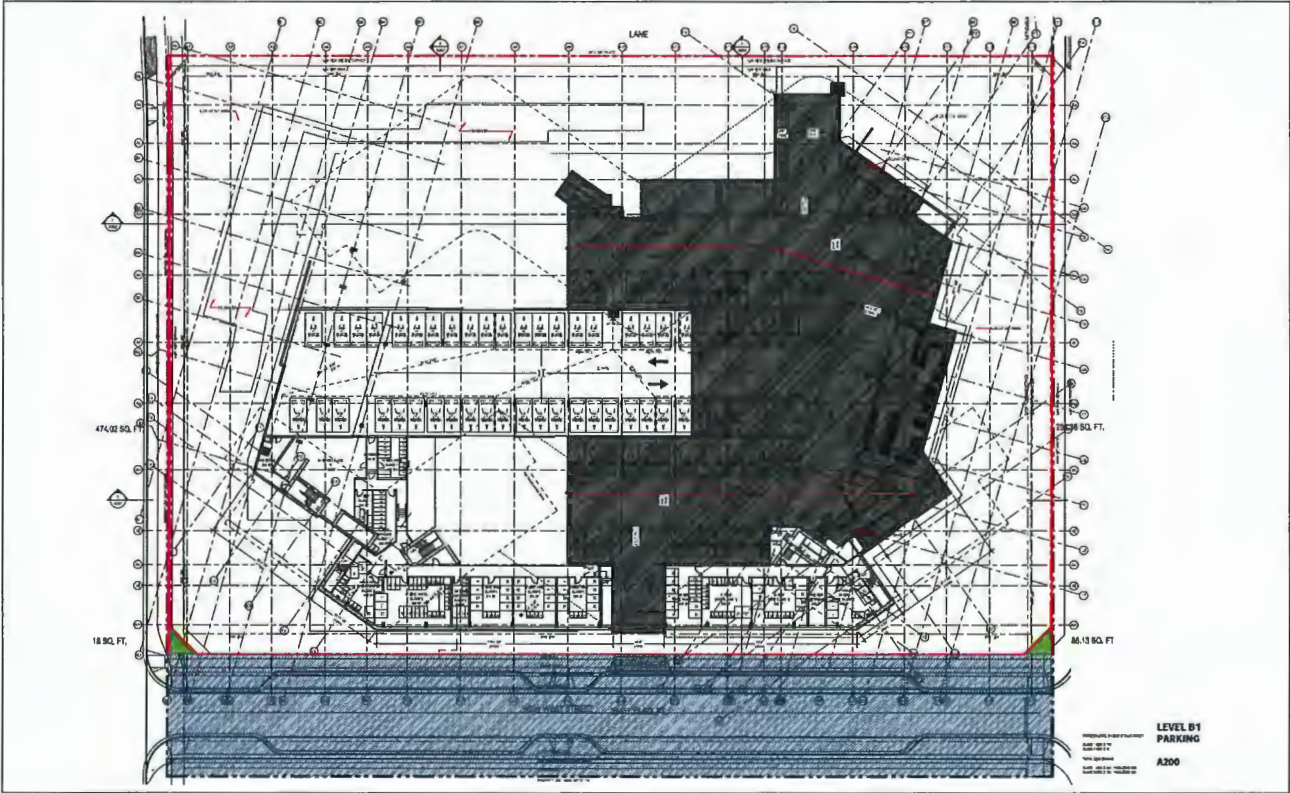
Northwest Corner @ River Road & New Street



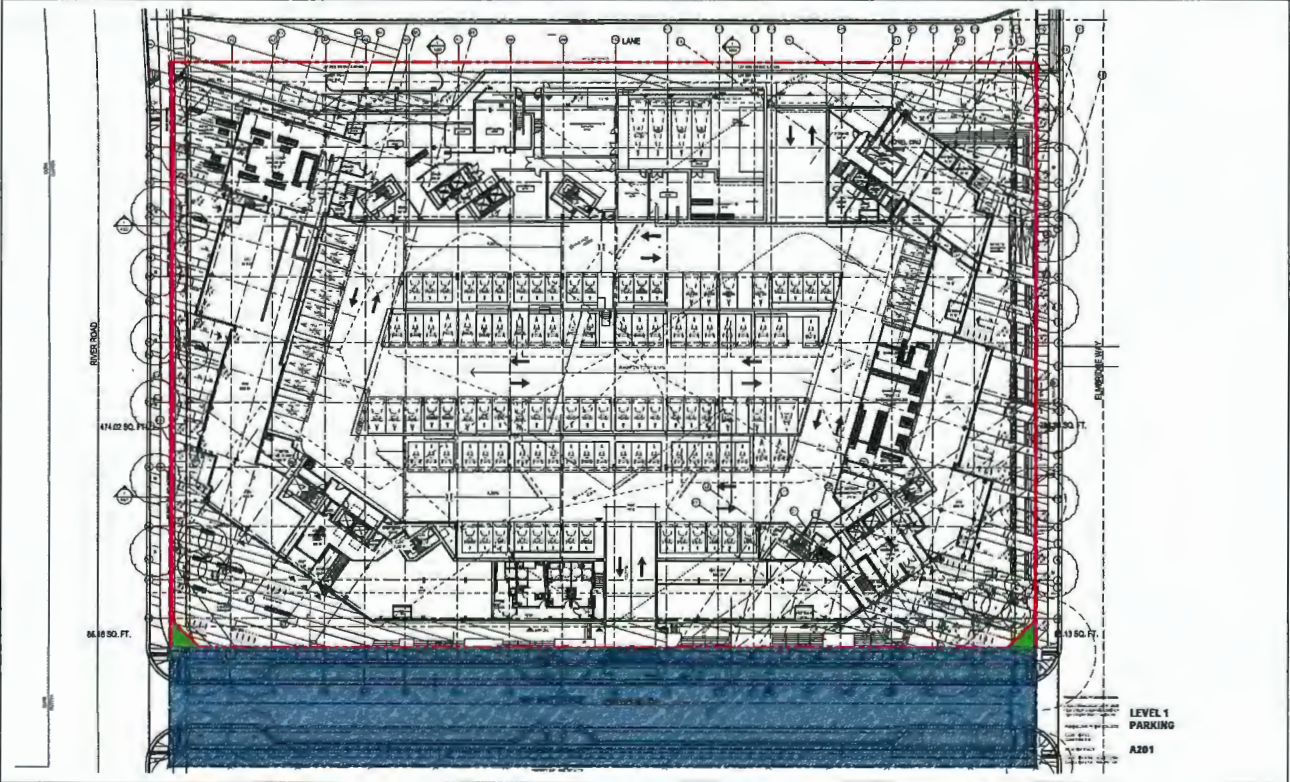
Southwest Corner @ Elmbridge Way & New Street



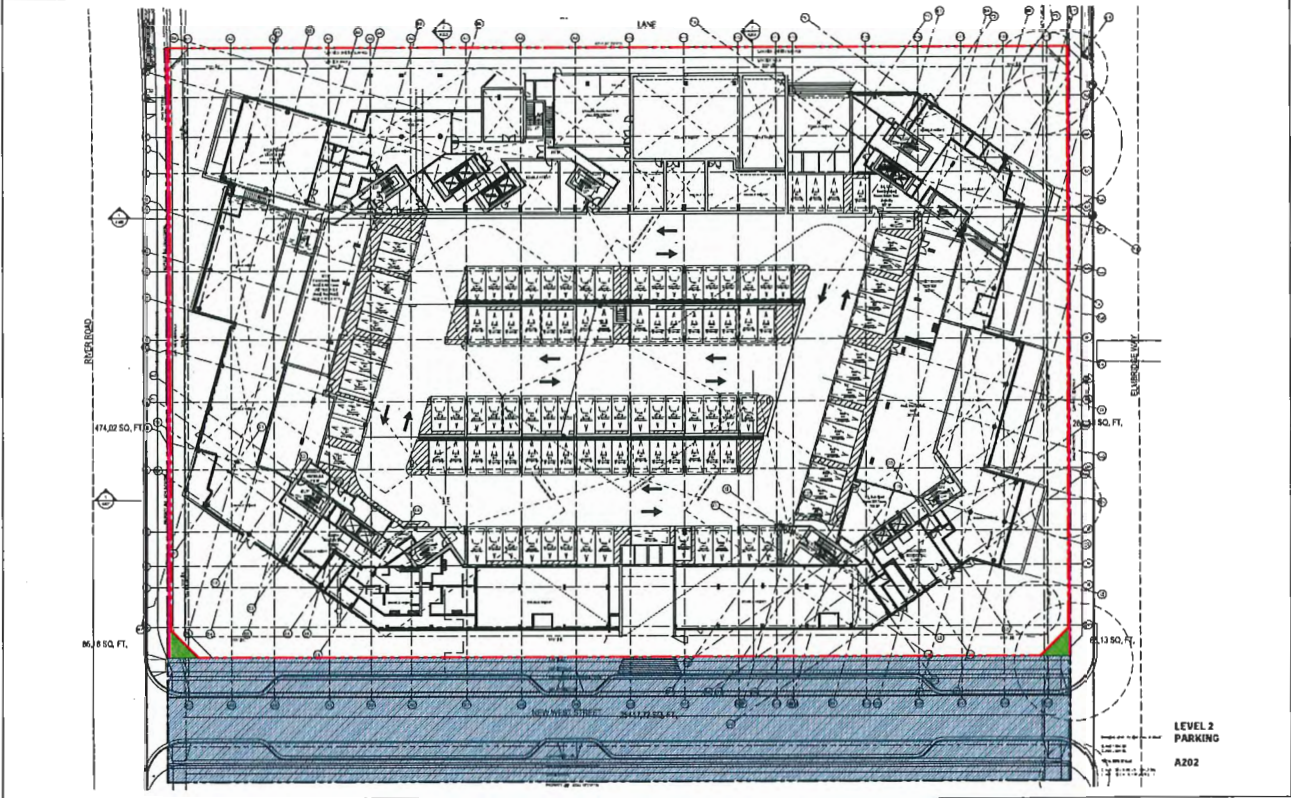
Level B1



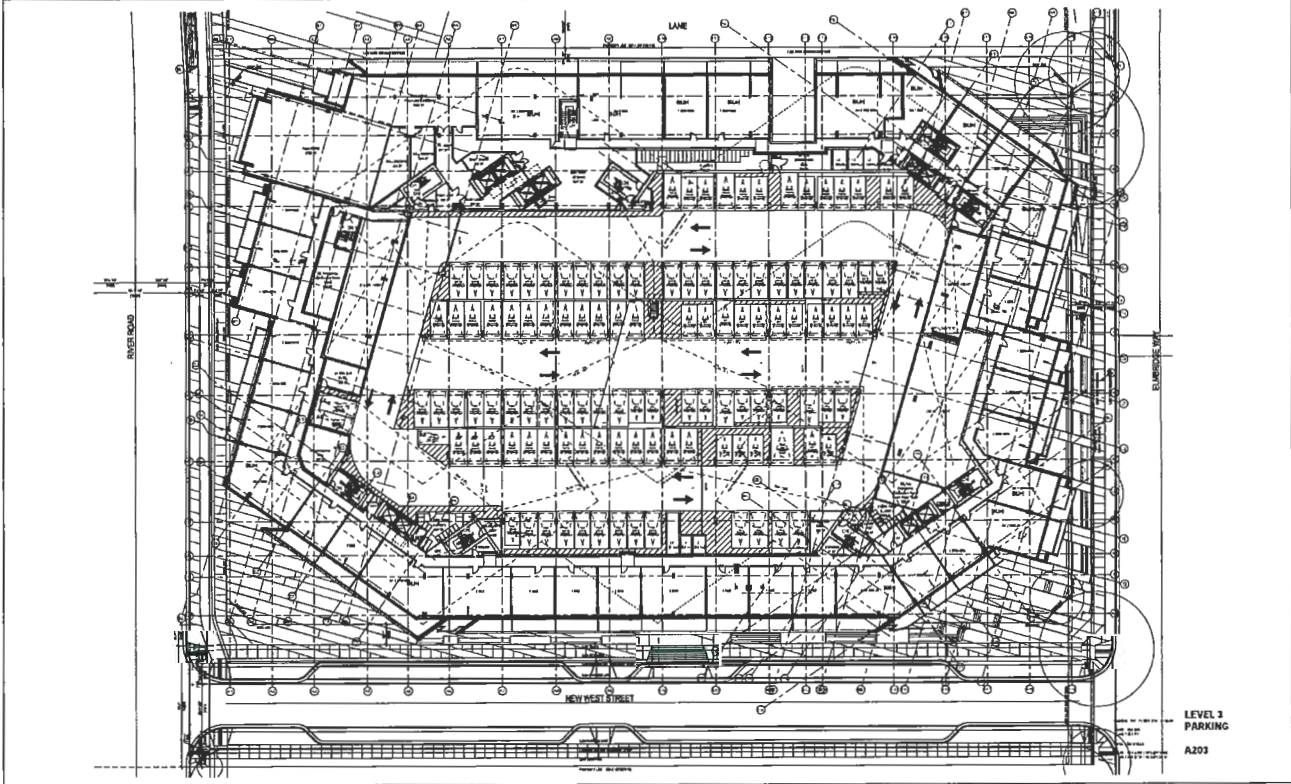
Level 1



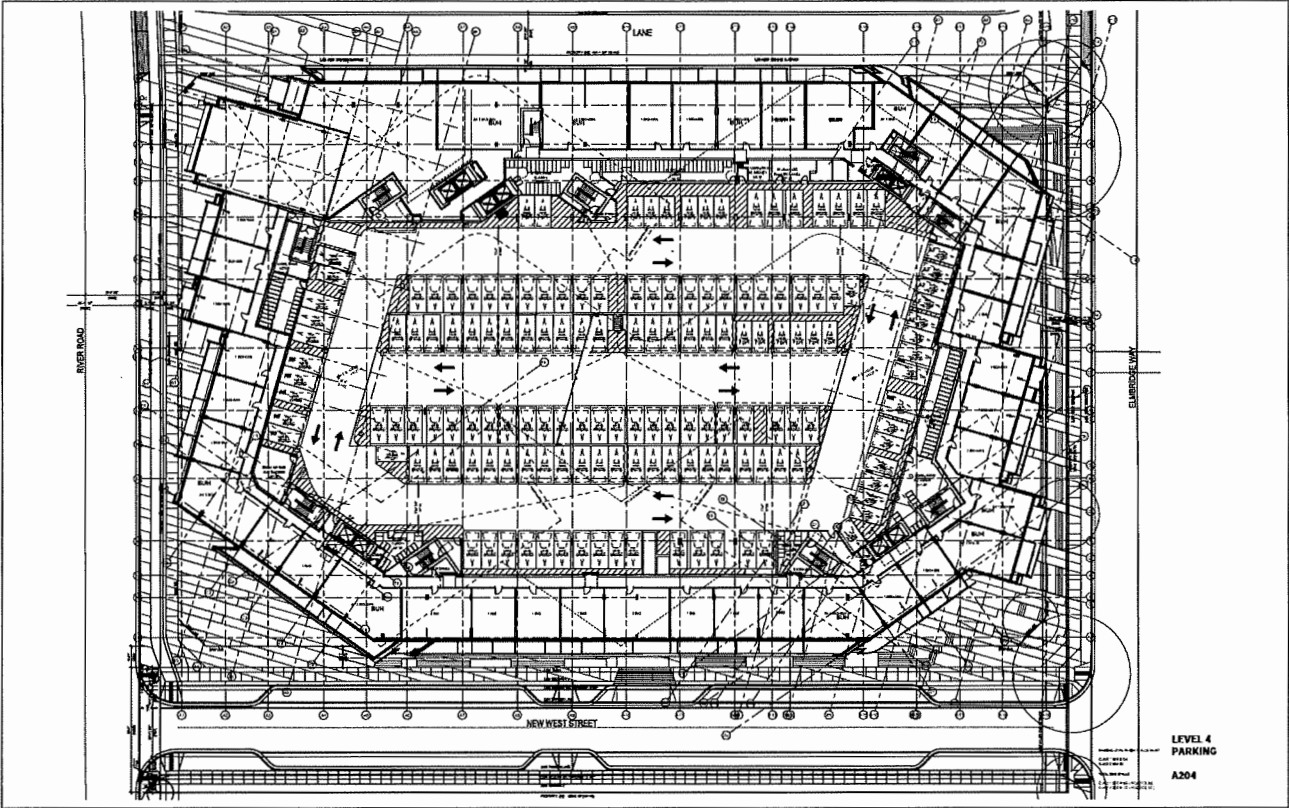
Level 2



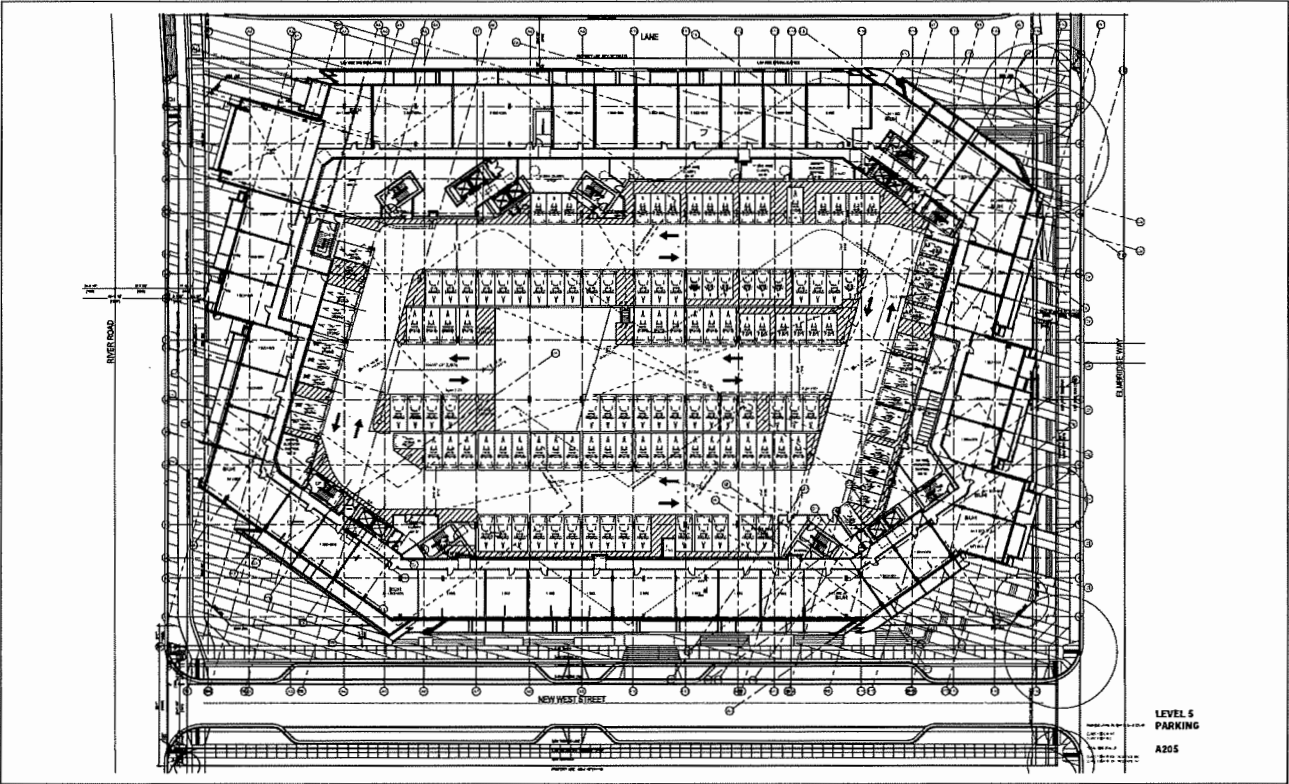
Level 3



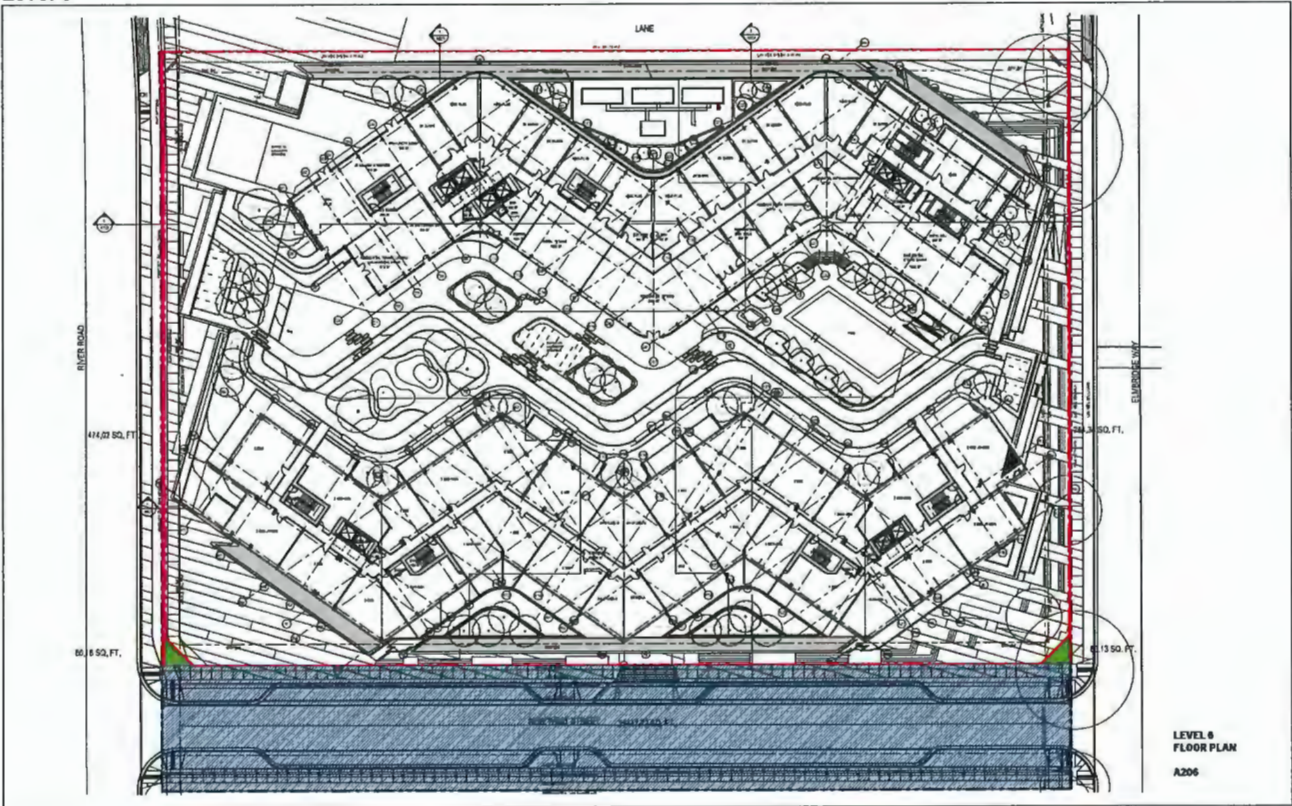
Level 4



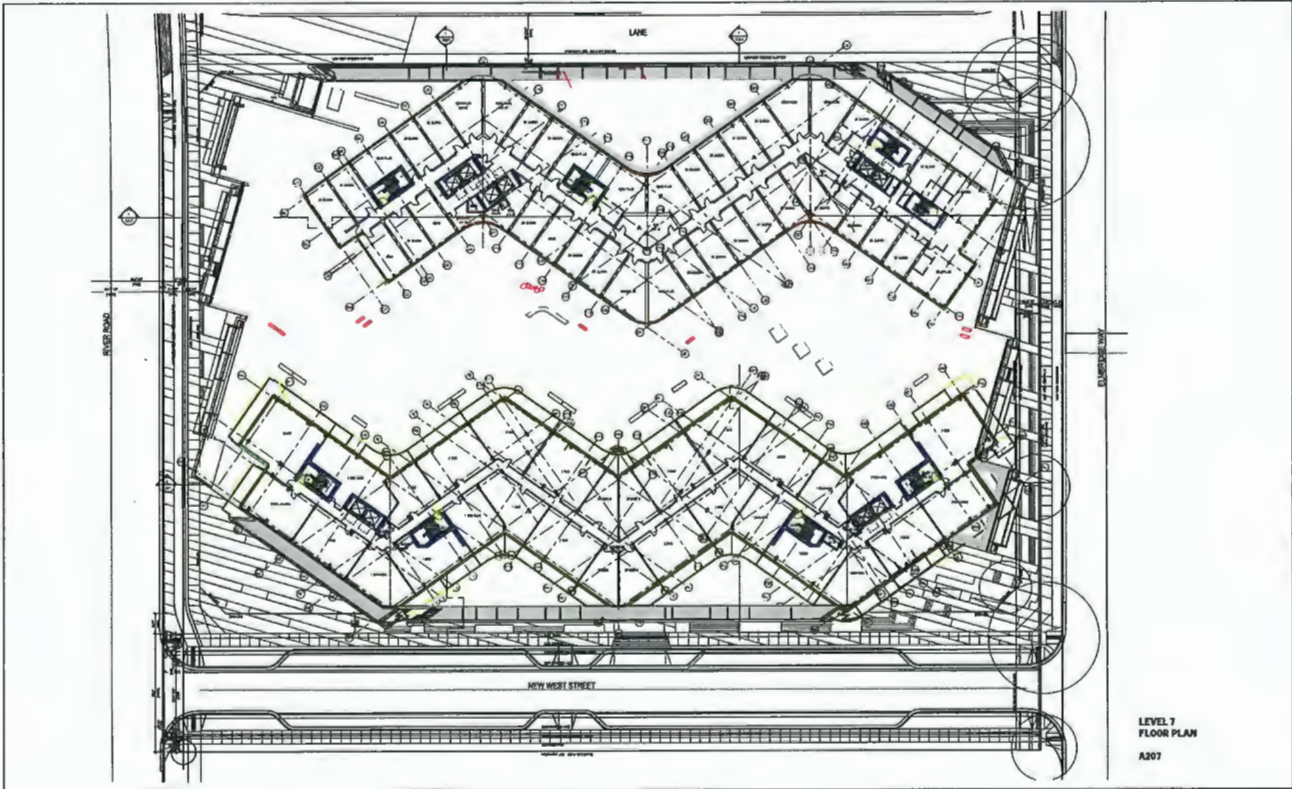
Level 5



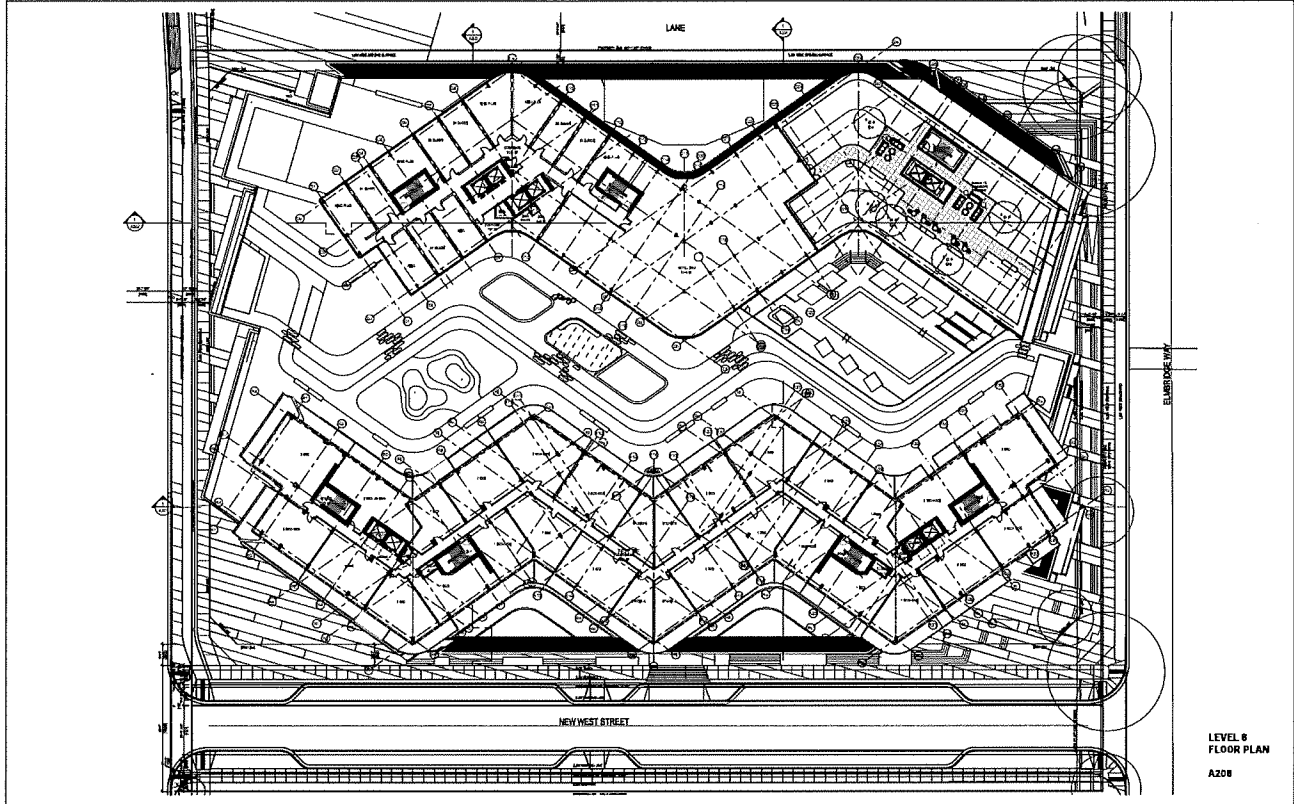
Level 6



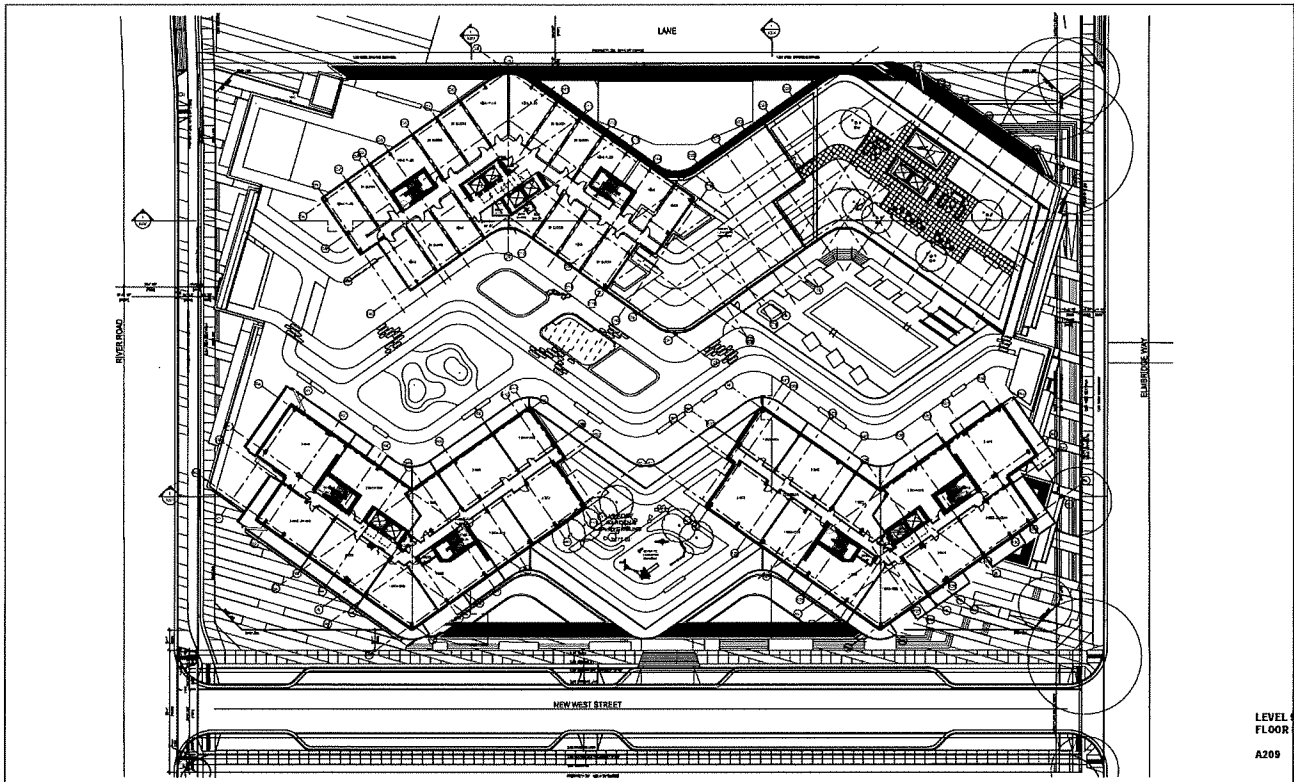
Level 7



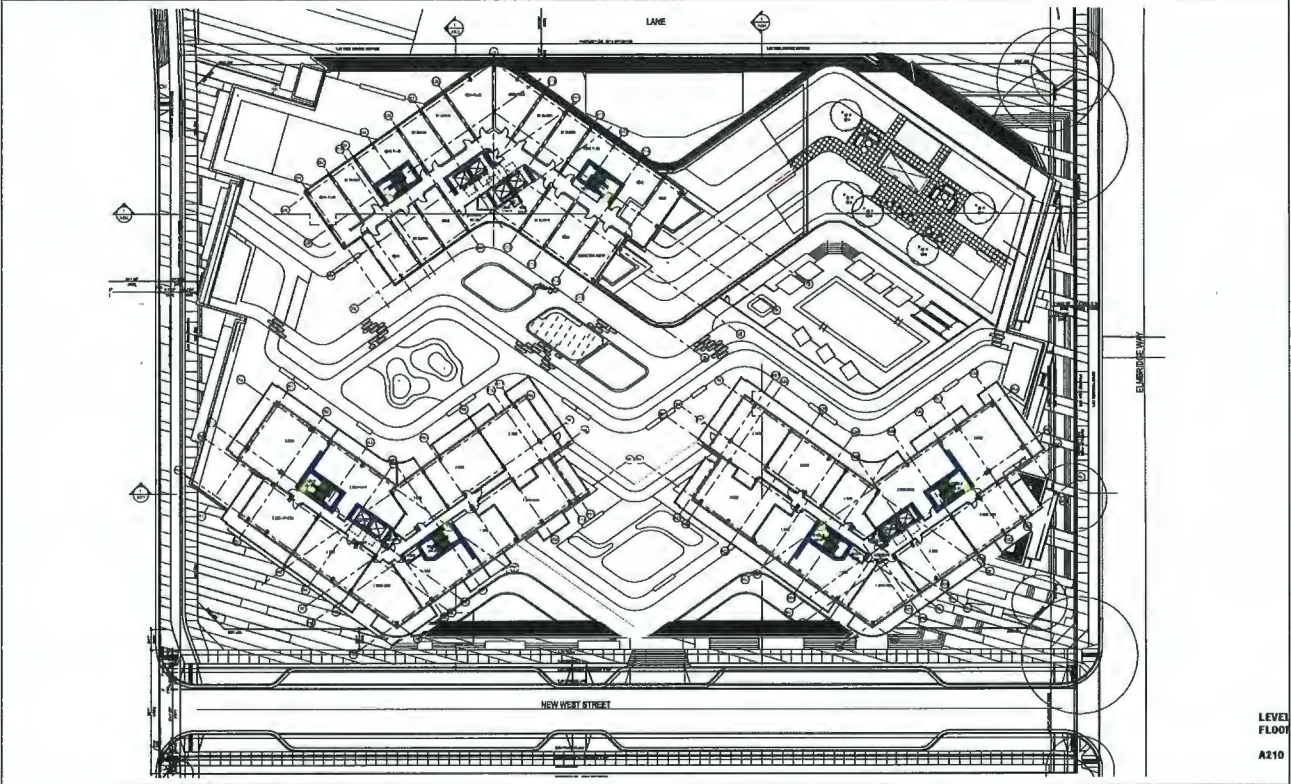
Level 8



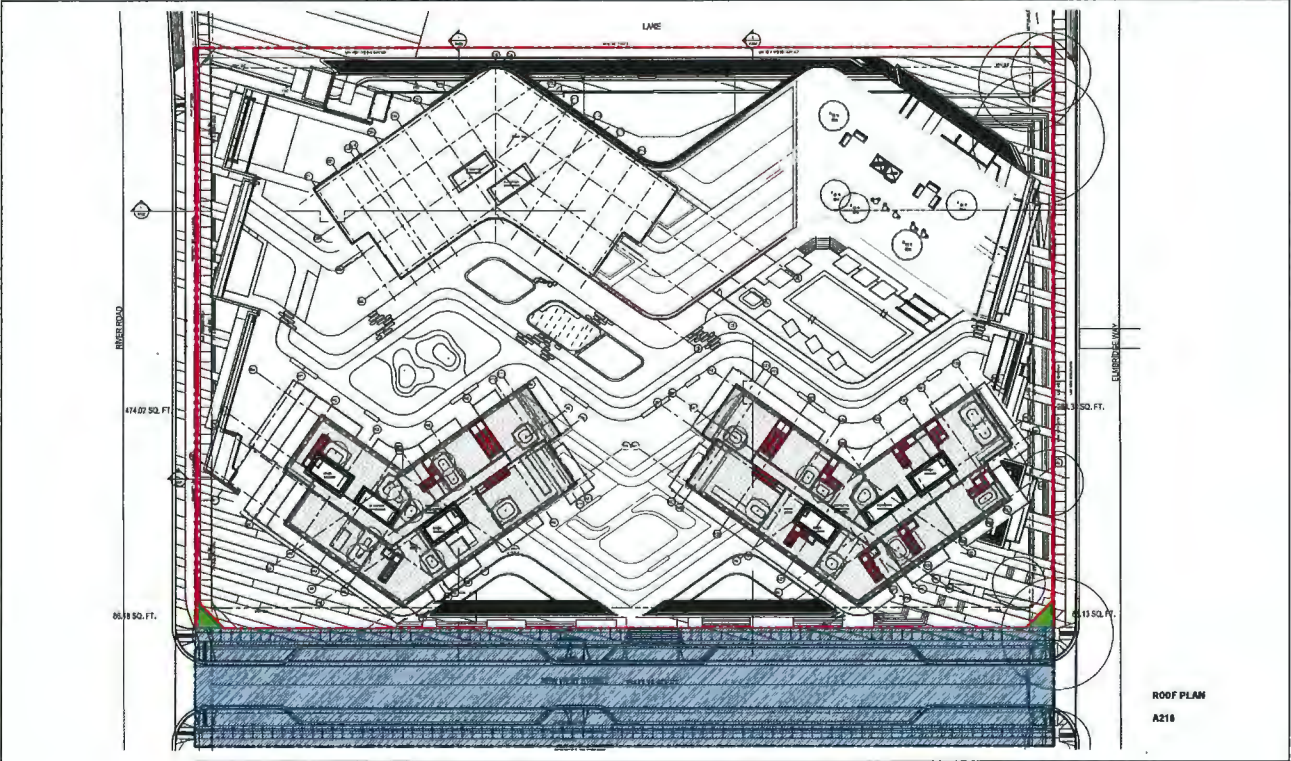
Level 9



Level 10 - 15



Roof





Address: 6851 and 6871 Elmbridge Way

File No.: RZ 17-782750

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10423, the developer is required to complete the following:

1. (Lot Consolidation) Consolidation of all the lots (6851 and 6871 Elmbridge Way) into one development parcel.
2. (Dedications/SRW/Road Functional Plan) Securing of the following road dedications and Statutory Right-of-Ways (SRW):
 - 2.1. River Road – Road dedication and SRW for applicable frontage works and improvements. Along the subject site's entire River Road frontage, provide for a minimum 0.5 m wide road dedication and 2.0 m wide SRW.
 - 2.2. New West Road – Road dedication for the construction of a new City road. Along the subject site's entire west frontage between Elmbridge Way and River Road, provide for a minimum 18 m wide road dedication.
 - 2.3. Elmbridge Way – Road dedication for applicable frontage works and improvements and other road upgrades. Along the subject site's entire Elmbridge Way frontage, provide for a minimum 0.3 m wide road dedication.
 - 2.4. Lane – SRW for applicable lane works and improvements. Along the subject site's entire east frontage along the existing lane, provide for a minimum 3.0 m wide SRW.
 - 2.5. Corner cut provisions:
 - 2.5.1. At the subject site's north west corner (River Road and New West Road intersection) and south west corner (Elmbridge Way and New West Road intersection), provide for a minimum 4 m x 4 m corner cut road dedication.
 - 2.5.2. At the subject site's north east corner (River Road and lane intersection) and south east corner (Elmbridge Way and lane intersection), provide for a minimum 3 m x 3 m SRW.
 - 2.6. All road dedication and SRW dimensions are preliminary and subject to change. Confirmation of the road dedication and SRW dimensions will be through the submission and approval of the road functional plan for the project. The road dedication and SRW dimensions provided for in Section 2. will be required to be amended to be compliant with the approved road functional plan.
 - 2.7. The SRW's referenced in Section 2. shall provide for:
 - 2.7.1. 24 hour-a-day, year-round public pedestrian access in the form of paved walkway(s) and related landscape features, which may include, but may not be limited to, lighting, furnishings, street trees and planting, decorative paving, storm water management measures and universal accessibility provisions, to the City's satisfaction;
 - 2.7.2. Vehicle use of driveways and driveway crossings (e.g., by owners, operators, tenants, visitors, and car-share operator and users), provided that this activity does not compromise the safe and convenient public pedestrian use of the SRW area;
 - 2.7.3. Emergency and service vehicle access, City bylaw enforcement, and any related or similar City-authorized activities; and
 - 2.7.4. Permanent building encroachments, provided that any such encroachments do not compromise the quality, functionality, safety, or amenity of the SRW area or associated landscape features, as

determined to the satisfaction of the City and specified in the approved Development Permit*, including weather protection, habitable portions of the building, and similar structures and building projections, provided that such features are a minimum clear distance of 2.5 m (8.2 ft.) above the finished grade of the SRW area or as otherwise specified in an approved Development Permit*.

- 2.7.5. Any works essential for public access within the required statutory right-of-way (SRW) are to be included in the Servicing Agreement (SA) and the maintenance & liability responsibility is to be at the sole cost and responsibility of the owner/developer, unless otherwise determined and approved by City staff. The design must be prepared in accordance with City specifications & standards and the construction of the works will be inspected by the City concurrently with all other SA related works. After completion of the works, the Owner is required to provide a certificate of inspection for the works, prepared and sealed by the Owner's Engineer in a form and content acceptable to the City, certifying that the works have been constructed and completed in accordance with the accepted design.
 - 2.7.6. The SRW shall not provide for gates or similar barriers to public access (e.g., chains), except in association emergency, maintenance, repair, or other City-authorized closures.
3. (Road Functional Plan) Submission and approval of the road functional plan, addressing all City requirements, to the satisfaction of the Director of Transportation.
 4. (Driveway – New West Road) Registration of a legal agreement on title ensuring that the only means of vehicle access is through one driveway crossing to the new west road and one driveway crossing to the lane and that there be no access provided along River Road or Elmbridge Way.
 5. (Aircraft Noise) Registration on title of a standard City of Richmond (mixed use) aircraft noise sensitive use covenant.
 6. (Flood Protection) Registration on title of a standard City of Richmond ("Area A") flood indemnity covenant.
 7. (Mixed Use) Registration of a covenant on title that identifies the building as a mixed use building and includes the following provisions:
 - 7.1. That the design is required to mitigate unwanted noise and avoid noise generated from the internal use from penetrating into residential areas.
 - 7.2. Notify residential tenants of potential noise and/or nuisance that may arise due to proximity to retail, restaurant and other commercial uses and activities.
 8. (No Rental/Age Restrictions) Registration of a restrictive covenant prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.
 9. (Adjacencies) Registration of a legal agreement on title stipulating that the development is subject to potential impacts due to other development that may be approved within the City Centre including without limitation, loss of views in any direction, increased shading, increased overlook and reduced privacy, increased ambient noise and increased levels of night-time ambient light, and requiring that the owner provide written notification of this through the disclosure statement to all initial purchasers, and erect signage in the initial sales centre advising purchasers of the potential for these impacts.
 10. (Hotel Suite/Room – No dwelling or stratification) Registration of a legal agreement on title identifying that the hotel suites/rooms associated with the hotel component of this project are:

- 10.1 Not permitted to be used as dwelling units and cannot include kitchens and/or other facilities typical of a dwelling unit; and
 - 10.2 Hotel rooms and suites cannot be subdivided into individual strata lots.
11. (Shared parking) Registration of a legal agreement on title related to the sharing of residential visitor parking stalls with non-residential parking stalls (commercial uses) to the satisfaction of the City and specified in the approved Development Permit where applicable and includes the following provisions:
- 11.1. Non-residential (commercial) and residential visitor parking stalls can be shared.
 - 11.2. Shared parking stalls are not permitted to be assigned and/or reserved to a particular use or user.
 - 11.3. Shared parking stalls are not permitted to be arranged in a tandem configuration.
 - 11.4. Implement the applicable signage to clearly identify shared parking stalls.
12. (Transportation Demand Management Measures) Registration of the following legal agreement(s) on title related to this projects transportation demand management measures to the satisfaction of the City and specified in the approved Development Permit where applicable:
- 12.1 Registration of a legal agreement for a transit pass program (residential) that includes the following provisions:
 - 12.1.1 Monthly two zone transit passes are to be provided for 1 year for 40% of the market residential units.
 - 12.1.2 Market residential dwelling units that do not have an assigned parking stall are to be granted first right of refusal pertaining to access to the monthly two zone transit passes. Otherwise, market residential dwelling units shall be distributed transit passes on a first come/first serve basis.
 - 12.1.3 Monthly two zone transit passes are to be provided for 1 year for 100% of the affordable housing Low End Market Rental (LEMR) units.
 - 12.1.4 Monthly two zone transit passes are to be provided for 1 year for 40% of the non-residential parking stalls (1 transit pass for each stall) and are to be provided to the non-residential uses on a first come/first serve basis.
 - 12.1.5 Program duration shall be when all applicable transit passes have been distributed or after a period of not less than 3 years from the date of full occupancy being provided by the City on the applicable building permit application.
 - 12.1.6 Require the submission of letters of credit for each of the residential and non-residential transit pass programs, the amount to be based on the value of the total number of transit passes (at the time of the registration of the legal agreement) plus a 5% contingency.
 - 12.1.7 The owner/developer shall be responsible for keeping all records that documents the distribution of the transit passes in accordance with the provisions of this legal agreement for submission and approval to the City as part of the process to release the submitted letters of credit.
 - 12.2. Registration of a legal agreement for the purpose of requiring that the developer/owner provides, installs, and maintains cycling facilities to the satisfaction of the City as specified in the approved Development Permit and includes the following provisions:
 - 12.2.1. Residential
 - Provides for an additional 25% of Class 1 bicycle parking above Zoning Bylaw requirements.
 - Bicycle maintenance/repair facilities (one for each residential tower) that shall include a minimum of a bike repair stand with tools and manual operated pump with pressure gauge.
 - Battery charging provisions are to be provided for all Class 1 bicycle parking
 - Provides for an additional 5% of Class 2 bicycle parking above Zoning Bylaw requirements to support locations for public shared e-bike/e-scooter parking.
 - 12.2.2. Non-Residential
 - Provides for an additional 25% of Class 1 bicycle parking above Zoning Bylaw requirements.

- Provide for end of trip facilities to service non-residential uses that be required to provide for secured rooms with water closets, wash basins, showers and change rooms.
- Battery charging provisions are to be provided for all Class 1 bicycle parking
- Provides for an additional 5% of Class 2 bicycle parking above Zoning Bylaw requirements to support locations for public shared e-bike/e-scooter parking .

12.2.3. General - Prohibits the conversion of any end-of-trip facilities or bicycle maintenance/repair facility to any other use.

12.3. Registration of a legal agreement for the purpose of requiring that the developer/owner provides, installs, and maintains not less than 5 parking stalls dedicated for carpooling use to the satisfaction of the City as specified in the approved Development Permit.

12.4. Registration on title of a legal agreement, to the satisfaction of the City, for the purpose of securing the developer/owner's commitment towards implementing, at the developer/owner's sole cost, a car-share strategy comprised of designated car-share parking spaces, car-share vehicles, and contractual arrangements with a car-share operator, to the satisfaction of the City as specified in the approved Development Permit and includes the following provisions:

12.4.1. Two (2) car-share parking spaces located together on the subject site where they will be secure, universally-accessible, and provide for safe and convenient 24/7 public pedestrian and vehicle access, as determined to the City's satisfaction;

12.4.2. Operating electric vehicle (EV) quick-charge (240V) charging stations for the exclusive use of and simultaneous charging of the car-share vehicles parked in the required car-share spaces; and

12.4.3. Pedestrian and vehicle access, signage, lighting, and other features necessary to the operation of the car-share facility and vehicles as determined to the satisfaction of the City.

12.4.4. The required car-share spaces shall be provided by the developer/owner in addition to that parking provided to satisfy Zoning Bylaw parking requirements with respect to residential and non-residential uses on the lot.

12.4.5. Users of the car-share spaces shall not be subject to parking fees or EV charging fees, except as otherwise determined at the sole discretion of the City.

12.4.6. The developer/owner shall, to the City's satisfaction, enter into a contract with a car-share operator for the operation of the car-share parking facility for a minimum term of three (3) years, which contract shall require, among other things, that:

12.4.6.1 The developer/owner provides two (2) car-share cars at no cost to the operator;

12.4.6.2 The car-share cars shall be electric vehicles, unless otherwise determined to the satisfaction of the car-share operator and the City; and

12.4.6.3 The required car-share parking facility and vehicles will be 100% available for use upon the required occupancy of the car-share parking facility, as determined to the satisfaction of the City

12.5. Registration on title of a legal agreement that would provide for a minimum of 10% of the total parking spaces for non-residential use with EV charging infrastructure (outlets to support Level 2 EV charging infrastructure) to the satisfaction of the City, in an approved Development Permit as specified in the approved Development Permit.

13. (Parking – Richmond Olympic Oval) Registration on title of a legal agreement or SRW that would provide provisions for special event parking for the Richmond Olympic Oval facility on the subject development site to the satisfaction of the City as specified in the approved Development Permit and includes the following provisions:

13.1. Provides not less than 52 parking stalls that can be reserved by the Richmond Olympic Oval during special events where high parking demands are anticipated. There shall be no fee charged to the Richmond Olympic Oval for reserving the stalls upon advanced notice. Developer/owner retains the ability to charge users of the parking stalls at the applicable rate subject to the limitations specified in 13.3.

- 13.2. The 52 parking stalls are required to be generally located in one consolidated area of the subject development on-site parking structure for ease of use/wayfinding and management.
 - 13.3. Pay parking provisions applicable to the 52 parking stalls cannot exceed the pay parking rates at the Richmond Olympic Oval.
 - 13.4. No barriers or other physical measures blocking or restricting access to these 52 parking stalls is permitted, unless approved by the City, with the exception of signage during special event periods.
 - 13.5. A specified advanced notice period will be provided to allow the Richmond Olympic Oval to reserve these 52 parking spaces during special events.
 - 13.6. Include other terms and conditions to the satisfaction of the City and developer/owner.
14. (Driveway – New West Road) Registration on title of a legal agreement that provides for the temporary closure of the driveway/vehicle access along the subject site's new west road frontage during special events when operational adjustments to all or a portion of the new west road or other roads in the surrounding area are required to accommodate special events.
 15. (Affordable Housing – LEMR) Registration of the City's standard Housing Agreement to secure 35 affordable housing Low End Market Rental (LEMR) units, the combined habitable floor area of which shall comprise at least 10% of the subject development's total residential building area. Occupants of the affordable housing units subject to the Housing Agreement shall enjoy full and unlimited access to and use of all on-site indoor and outdoor amenity spaces. The terms of the Housing Agreements shall indicate that they apply in perpetuity and provide for the following:

Unit Type	Number of Units	Minimum Unit Area	Maximum Monthly Unit Rent**	Total Maximum Household Income**
Studio	3 units	37 m ² (400 ft ²)	\$811	\$34,650
1-Bedroom	10 units	50 m ² (535 ft ²)	\$975	\$38,250
2-Bedroom	11 units	69 m ² (741 ft ²)	\$1,218	\$46,800
3-Bedroom	11 units	91 m ² (980 ft ²)	\$1,480	\$58,050

* Unit mix in the above table may be adjusted through the Development Permit Process provided that the total area comprises at least 10% of the subject development's total residential building area.

** May be adjusted periodically as provided for under adopted City policy and/or in accordance with the Housing Agreement..

- 15.1. Full and unlimited use by the LEMR unit occupants of the following on-site features (at no charge or additional fee), which may include, but may not be limited to:
 - 15.1.1. Indoor and outdoor amenity spaces intended for the exclusive or shared use of the LEMR unit occupants;
 - 15.1.2. Waste management and loading facilities intended for the exclusive or shared use of the LEMR unit occupants; and
 - 15.1.3. On-site parking, "Class 1" bike storage and supporting bicycle repair/maintenance facilities, and related electric vehicle (EV) charging stations intended for the exclusive or shared use of the LEMR unit occupants.
16. (Indoor and Outdoor Amenity) Registration of a legal agreement on title that would apply to the on-site residential indoor and outdoor amenity areas to ensure they are made fully accessible for shared use by all residents (market strata unit occupants and affordable housing LEMR unit occupants) to the satisfaction of the City as specified in the approved Development Permit.
17. (District Energy Utility) Registration of a restrictive covenant and statutory right of way and/or alternative legal agreement(s), to the satisfaction of the City, securing the owner's commitment to connect to District Energy Utility (DEU) and granting the statutory right of way(s) necessary for supplying the DEU services to the

building(s), which covenant and statutory right of way and/or legal agreement(s) will include, at minimum, the following terms and conditions:

- 17.1. No building permit will be issued for a building on the subject site unless the building is designed with the capability to connect to and be serviced by a DEU and the owner has provided an energy modelling report satisfactory to the Director of Engineering.
- 17.2. If a low carbon energy plant district energy utility (LCDEU) service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no building permit will be issued for a building on the subject site unless:
 - 17.2.1. the owner designs, to the satisfaction of the City and the City's DEU service provider, Lulu Island Energy Company Ltd. (LIEC), a low carbon energy plant to provide any combination of heating, cooling, and/or domestic hot water heating to the building(s), as directed by the City's service provider (LIEC), to be constructed and installed on the site, with the capability to connect to and be serviced by a DEU; and
 - 17.2.2. the owner enters into an asset transfer agreement with the City and/or the City's DEU service provider on terms and conditions satisfactory to the City to transfer ownership of the low carbon energy plant to the City or as directed by the City, including to the City's DEU service provider, at no cost to the City or City's DEU service provider, LIEC, on a date prior to final building inspection permitting occupancy of the first building on the site. Such restrictive covenant and/or asset transfer agreement shall include a warranty from the owner with respect to the on-site DEU works (including the low carbon energy plant) and the provision by the owner of both warranty and deficiency security, all on terms and conditions satisfactory to the City;
- 17.3. The owner agrees that the building(s) will connect to a DEU when a DEU is in operation, unless otherwise directed by the City and the City's DEU service provider, LIEC.
- 17.4. If a DEU is available for connection and the City has directed the owner to connect, no final building inspection permitting occupancy of a building will be granted unless, and until:
 - 17.4.1. the building is connected to the DEU;
 - 17.4.2. the owner enters into a Service Provider Agreement for that building with the City and/or the City's DEU service provider, LIEC, executed prior to depositing any Strata Plan with LTO and on terms and conditions satisfactory to the City; and
 - 17.4.3. prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all Statutory Right-of-Way(s) and/or easements necessary for supplying the DEU services to the building.
- 17.5. If a DEU is not available for connection, but a LCDEU service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted unless and until:
 - 17.5.1. the City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU;
 - 17.5.2. the building is connected to a low carbon energy plant supplied and installed by the owner, at the owner's sole cost, to provide any combination of heating, cooling and/or domestic hot water heating to the building(s), as directed by the City's service provider, which energy plant will be designed, constructed and installed on the subject site to the satisfaction of the City and the City's service provider, LIEC;
 - 17.5.3. the owner transfers ownership of the low carbon energy plant on the subject site, to the City or as directed by the City, including to the City's DEU service provider, LIEC, at no cost to the City or City's DEU service provider, on terms and conditions satisfactory to the City;
 - 17.5.4. prior to depositing a Strata Plan, the owner enters into a Service Provider Agreement for the building with the City and/or the City's DEU service provider, LIEC, on terms and conditions satisfactory to the City; and
 - 17.5.5. prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all additional Covenants, Statutory Right-of-Way(s) and/or

easements necessary for supplying the services to the building and the operation of the low carbon energy plant by the City and/or the City's DEU service provider, LIEC.

- 17.6. If a DEU is not available for connection, and a LCDEU service area bylaw which applies to the site has not been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted until:
- 17.6.1. the City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU; and
- 17.6.2. the owner grants or acquires any additional Statutory Right-of-Way(s) and/or easements necessary for supplying DEU services to the building, registered prior to subdivision (including Air Space parcel subdivision and strata plan filing).

18. (Cash-in-lieu of Community Amenity Facility) City's acceptance of the developer's voluntary contribution of \$6,022,453, to be deposited into either the (1) Richmond's Leisure Facilities Reserve Fund – City Centre Facility Development Sub-Fund and/or (2) Richmond's Child Care Reserve, at the sole discretion of the City, in lieu of constructing community amenity space on-site, as determined based on a Construction-Value Amenity Transfer Contribution Rate of \$809/ft² and an amount of amenity transferred off-site based on 5% of the maximum VCB buildable floor area permitted on the subject site under the proposed High Density Mixed Use (ZMU52) – Oval Village (City Centre) zone, as indicated in the table below.

Use	Maximum Permitted VCB Bonus Floor Area Under the ZMU52 Zone	VCB Community Amenity Space Area (5% of Bonus Area)	Construction-Value Amenity Transfer Contribution Rate	Minimum Voluntary Developer Cash Contribution
TOTAL	13,832 m ² (148,887 ft ²)	691.6 m ² (7,444 ft ²)	8,708/m ² (\$809/ft ²)	\$6,022,453 (*)

* In the event that the contribution is not provided within one-year of the application receiving third reading of Council (Public Hearing), the Construction-Value Amenity Transfer Contribution Rate shall be increased annually thereafter based on the Statistics Canada "non-Residential Building Construction Price Index" yearly quarter-to-quarter change for Vancouver, where the change is positive.

19. (Public Art) City acceptance of the developer's offer to voluntarily contribute towards Public Art, the terms of which voluntary developer contribution shall include:
- 19.1. Prior to rezoning adoption, registration of legal agreement(s) on title to facilitate the implementation of an approved Public Art Plan for the subject site, together with the ongoing management and maintenance of the artwork(s) and related considerations, which Plan shall be prepared by an appropriate professional based on:
- 19.1.1. The Richmond Public Art Program, City Centre Public Art Plan, and applicable supplementary public art and heritage planning resources (e.g., Richmond's existing Statements of Significance for Capstan Village and the Herrling Residence), together with review(s) by the Public Art Advisory Committee and presentation for endorsement by Council, as determined to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services; and
- 19.1.2. A value of at least \$330,781 or the product of the applicable Council-approved contribution rate in effect at the time of Development Permit approval and the maximum buildable floor area permitted under the subject site's proposed ZMU52 zone (excluding permitted floor area exemptions), whichever is greater, as generally indicated in the table below

Use	Exemptions	Applicable Floor Area	Min. Rate (1)	Min. Contribution (2)
Residential	Affordable Housing 2,767 m ² (29,781 ft ²)	25,755 m ² (277,232 ft ²)	0.93/ft ²	\$257,826
Commercial	N/A	13,832 m ² (148,887 ft ²)	0.49/ft ²	\$72,955
			TOTAL	\$330,781

(1) Rates (applicable to maximum permitted buildable floor area) in effect at the time of writing these Rezoning Considerations.

(2) The actual value of the developer contribution shall be confirmed and updated, as necessary, based on the floor areas approved through the Development Permit*. In addition, in the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution Rate shall be revised to comply with the Council-approved contribution rates in effect at the time of rezoning bylaw adoption, where the change is positive.

19.2. “No development” shall be permitted on the subject site, restricting Development Permit*, until the developer:

19.2.1. Enters into any additional legal agreement(s) required to facilitate the implementation of the City-approved Public Art Plan (e.g., statutory rights-of-way for public access), which may require that, prior to entering into any such additional agreement, a Detailed Public Art Plan is prepared/submitted by the developer and/or an artist(s) is engaged (as generally set out in the Public Art Plan submitted prior to rezoning adoption), to the City’s satisfaction; and

19.2.2. Submits a Letter of Credit or cash (as determined at the sole discretion of the City) to secure the developer’s implementation of the Public Art Plan or Detailed Public Art Plan, as applicable, the value of which shall be at least \$330,781.

19.3. “No occupancy” shall be permitted on the subject site, restricting Building Permit* inspection granting occupancy of a building on the subject site, in whole or in part, until:

19.3.1. The developer, at the developer’s sole expense, commissions an artist(s) to conceive, create, manufacture, design, and oversee or provide input about the manufacturing of the public artwork(s), and causes the public artwork(s) to be installed on City property, if expressly permitted by the City, or within a statutory right-of-way on the developer’s lands (which right-of-way shall be to the satisfaction of the City for rights of public passage, public art, and related purposes, in accordance with the City-approved Public Art Plan or Detailed Public Art Plan, as applicable);

19.3.2. The developer, at the developer’s sole expense and within thirty (30) days of the date on which the public art is installed, executes and delivers to the City a transfer of all of the developer’s rights, title, and interest in the public artwork to the City if on City property or to the subsequent Strata or property owner if on private property (including transfer of joint world-wide copyright) or as otherwise determined to be satisfactory by the City Solicitor and Director, Arts, Culture, and Heritage Services; and

NOTE: It is the understanding of the City that the artist’s rights, title, and interest in the public artwork will be transferred to the developer upon acceptance of the artwork based on an agreement solely between the developer and the artist. These rights will in turn be transferred to the City if on City property, subject to approval by Council to accept the transfer of ownership of the artwork.

19.3.3. The developer, at the developer’s sole expense, submits a final report to the City promptly after completion of the installation of the public art in respect to the City-approved Public Art Plan or Detailed Public Art Plan, as applicable, which report shall, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services, include, but may not be limited to:

19.3.3.1. Information regarding the siting of the public art, a brief biography of the artist(s), a statement from the artist(s) on the public art, and other such details as the Director of Development and Director, Arts, Culture, and Heritage Services may require;

- 19.3.3.2. A statutory declaration, satisfactory to the City Solicitor, confirming that the developer's financial obligation(s) to the artist(s) have been fully satisfied;
- 19.3.3.3. The maintenance plan for the public art prepared by the artist(s); and
- 19.3.3.4. Digital records (e.g., photographic images) of the public art, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services.

Notwithstanding the afore mentioned statement, if occupancy of the subject site is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot unless the required public art features and related requirements are complete to the City's satisfaction.

- 20. (City Trees – Off-site) The City's acceptance of the developer's voluntary contribution to the City's Tree Compensation Fund (for the removal of 2 City trees) in the amount of \$5,250.
- 21. (Trees – On-site) The submission of a tree replacement security (Letter of Credit) in the amount of \$9,000
NOTE: This tree replacement security shall be returned to the developer upon issuance of a Development Permit* that includes the required replacement trees and the developer's submission of the Development Permit* Landscape Security for the installation of on-site landscaping including the replacement trees.
- 22. (Community Planning) City acceptance of the developer's voluntary contribution in the amount of \$129,233 (i.e. \$0.31/ft² of buildable area, excluding affordable housing) to future City community planning studies, as set out in the City Centre Area Plan.
- 23. (AZR Building Height Confirmation) Submission of a letter, prepared by a registered surveyor, confirming that the proposed maximum building height of 47 m (154 ft.) GSC complies with AZR requirements
- 24. (Development Permit) The submission and processing of a Development Permit*, completed to a level deemed acceptable by the Director of Development.
- 25. (Final Adoption Deadline) Subject to Council consideration of Zoning Amendment Bylaw 10423 and to ensure this application, proceeding in accordance with the LEMR policy in place prior to November 15, 2021, moves forward to adoption in a timely manner, the rezoning is to be adopted no later than November 15, 2023. If the rezoning application is not ready for adoption by November 15, 2023, a staff report will be brought forward to Council providing an update on the status of the application and recommendation(s) on whether the rezoning application should be revised to comply with the current City policy.
- 26. (Servicing Agreement) Enter into a Servicing Agreement(s)* for the design and construction, at the developer's sole cost, of full upgrades across the subject site's frontages, together with various engineering and transportation works, to the satisfaction of the City. Prior to rezoning adoption, all Servicing Agreement* works must be secured via a Letter(s) of Credit, as determined by the City. All works shall be completed prior to first occupancy of the building on the site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses on the site), unless otherwise permitted by the City and set out in a City-approved Phasing Agreement registered on title, to the satisfaction of the Director, Engineering, Director, Transportation, and Director, Development.
 - 26.1. Engineering Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of water, storm sewer, sanitary sewer, frontage improvements, and general engineering works to the satisfaction of the Director, Engineering, which works shall include, but may not be limited to, those set out in **Schedule A**.
 - 26.2. Transportation Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of road, lane, frontage and related improvements, to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in **Schedule B**.

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

1. Rezoning Requirements: Submit a signed/sealed letter (with an itemized list) from the project architect confirming that the Development Permit* building/landscape design complies with the terms of the development's Rezoning Considerations (RZ 17-782750) and related required legal and Servicing Agreement* requirements.
2. BC Energy Step Code & District Energy Utility (DEU): Incorporate measures in the Development Permit* plans and, as applicable, register additional legal agreement(s), to the City's satisfaction, with respect to measures facilitating the development's compliance with applicable BC Energy Step Code requirements and the future connection of the lands to a City DEU system. This may include, but shall not be limited to, providing for the developer's construction and future transfer of an on-site low carbon energy plant to the City, at no cost to the City (on the basis of which, the development's Step Code level may be relaxed as permitted under City bylaw).
3. Aircraft Noise: Complete an acoustical and thermal/mechanical report and recommendations, prepared by an appropriate registered professional, which demonstrate that the interior noise levels and noise mitigation standards comply with the City's Official Community Plan and Noise Bylaw requirements.
4. Richmond Fire Department (RFD): Satisfy design review requirements, which may include, but may not be limited to, addressing (e.g., visible from the street, contrasting colours); fire hydrant measurements (e.g., principle entrance, RFD connection); fire panel (e.g., operation sequence, stages, elevator operation); RFD connection (e.g., inter-connected, connections at amenities, podium roof, other accessible rooftops and open spaces); fire ratings (e.g., podium); RFD access route measurements (e.g., widths, lengths, dead ends); smoke control measures (e.g., vestibules, stairwells, kitchens); tank permits (e.g., emergency generator); emergency generator (e.g., power) and the spaces serviced (e.g., firefighter elevator, annunciator panel, emergency lights); designated firefighter elevator; firefighter voice communication; fire extinguisher installation areas (e.g., measurements); and alarm-activated front door release.
5. Transportation Item Approvals: Additional design development, supporting information and site plan revisions to address the following matters to the satisfaction of the Director of Transportation:
 - Additional design development of on-site loading and garbage/recycling pick-up service areas, including any requested variances to on-site loading requirements.
 - Additional design development and revisions to the hotel pick-up/drop-off provisions for this project.
 - Submission and approval of the Final road functional plan, addressing all City requirements, to the satisfaction of the Director of Transportation.
6. Additional requirements and legal agreements: As determined to the satisfaction of the City through the processing of the Development Permit Application.
7. Landscape Security: Register a legal agreement on title and submit a Letter(s) of Credit for landscaping, based on a cost estimate provided by a CSLA registered landscape architect (including 10% contingency), excluding landscape works that are subject to a Servicing Agreement* Letter of Credit.

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

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

Note:

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

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

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

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

SIGNED COPY ON FILE

Signed

Date

RZ 17-782750
Engineering
Servicing Agreement Requirements*

A servicing agreement is required to design and construct the following works.

1) Water Works:

- a) Using the OCP Model with the water main upgrades proposed below, there will be 493.0 L/s of water available at a 20 psi residual at the River Road frontage, and 425.0 L/s of water available at a 20 psi residual at the Elmbridge Way frontage. Based on your proposed development, your site requires a minimum fire flow of 220 L/s.
- b) The Developer is required to:
 - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on building permit designs.
 - ii) Install approximately 155 m of new 200 mm water main along the new north-south road and tie in to the existing water mains on River Road and Elmbridge Way, complete with fire hydrants per City spacing requirements.
 - iii) Review hydrant spacing on all road frontages and install new fire hydrants as required to meet City spacing requirements for commercial land use.
 - iv) Provide a right-of-way for the proposed water meter. Exact right-of-way dimensions to be finalized during the servicing agreement process.
 - v) Obtain approval from Richmond Fire Rescue for all fire hydrant locations, relocations, and removals, as required.
- c) At Developer's cost, the City is to:
 - i) Install one new water service connection complete with meter and meter box. Meter to be located onsite in a right of way.
 - ii) Cut and cap all existing water service connections to the development site, and remove meters.
 - i) Complete all tie-ins for the proposed works to existing City infrastructure.

2) Storm Sewer Works:

- a) The Developer is required to:
 - i) Upgrade approximately 95 m of storm sewer along the Elmbridge Way frontage from manhole STMH127527 to the west property line of the development site, complete with new manholes, and remove existing storm sewer.
 - ii) Perform a storm capacity analysis based on the 2041 OCP condition to size the proposed storm sewer within Elmbridge Way, the proposed storm sewer in the new north-south road, and the potential upgrades along River Road. Minimum diameter shall be 600 mm. The capacity analysis shall be included within the servicing agreement drawings for the City's review/approval.
 - iii) Install approximately 155 m of new minimum 600 mm storm sewer within the proposed north-south road.
 - iv) Confirm, via the required capacity analysis, whether upgrade of the existing storm sewers along the River Road frontage from the west property line of the development site to the main conveyance on Hollybridge Way is required. If required per the capacity analysis and City of Richmond engineering design specifications, the upgrade of these storm sewers shall be added to the servicing agreement scope.
 - v) Remove the temporary drainage works along the River Road frontage and infill the existing ditch.
 - vi) Install a new headwall and storm sewer at the western edge of the proposed road improvements on River Road to direct drainage from the existing ditch to the west to the proposed storm sewer in the north-south road. A sump manhole will be required at the tie-in point to the proposed storm sewer.
 - vii) Provide a sediment and erosion control plan within the servicing agreement design.
- b) At Developer's cost, the City is to:
 - i) Install one new storm service connection, complete with inspection chamber.
 - ii) Cut and cap all existing storm service connections to the development site and remove inspection chambers.

- iii) Reconnect all existing catch basins and lawn basins to the proposed storm sewers.
- i) Complete all tie-ins for the proposed works to existing City infrastructure.

3) Sanitary Sewer Works:

- a) The Developer is required to:
 - i) Relocate into the roadway approximately 130 m of existing asbestos cement sanitary sewers along Elmbridge Way from manhole SMH56401 to manhole SMH4575. Reconnect all existing connections to the new main.
 - ii) Upgrade and relocate into the roadway approximately 130 m of existing asbestos cement forcemain along the Elmbridge Way frontage. The actual length of replacement required shall be determined by the predicted settlement amounts from the geotechnical report.
 - iii) Install one new sanitary service connection, complete with inspection chamber, off of the proposed sanitary sewer.
 - iv) After the existing sanitary sewers between manholes SMH56401 and SMH4575 are removed, discharge the existing statutory right-of-way along the south property line of the development site (plan number 47072). Prior to right of way discharge, the developer's consultant is required to submit a signed and sealed letter to the City stating that the AC sanitary main and related appurtenances have been removed and properly and legally disposed offsite. It is the developer's responsibility to coordinate with BC Hydro, Telus, Shaw, Fortis BC, and other private utility companies to confirm that there are no existing private utilities within the right of way prior to right of way discharge. Additional rights of ways may be required by those companies if private utilities exist within the City right of way.
- b) At Developer's cost, the City is to:
 - i) Cut, cap, and remove all existing sanitary connections and inspection chambers to the development site.
 - ii) Complete all tie-ins for the proposed works to existing City infrastructure.

4) Frontage Improvements:

- a) The Developer is required to:
 - i) Coordinate with BC Hydro, Telus and other private communication service providers:
 - (1) To pre-duct for future hydro, telephone and cable utilities along all road frontages.
 - (2) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
 - (3) To underground the overhead poles and lines along the development's River Road frontage. Any aboveground utility cabinets and kiosks required to underground the overhead lines and poles shall be located within the development site as described below.
 - (4) Locate/relocate all above ground utility cabinets and kiosks required to service the proposed development, and all above ground utility cabinets and kiosks located along the development's frontages, within the developments site (see list below for examples). A functional plan showing conceptual locations for such infrastructure shall be included in the development design review process. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of statutory right-of-ways that shall be shown on the architectural plans/functional plan, the servicing agreement drawings, and registered prior to SA design approval:
 - BC Hydro PMT – 4.0 x 5.0 m
 - BC Hydro LPT – 3.5 x 3.5 m
 - Street light kiosk – 1.5 x 1.5 m
 - Traffic signal kiosk – 2.0 x 1.5 m
 - Traffic signal UPS – 1.0 x 1.0 m
 - Shaw cable kiosk – 1.0 x 1.0 m
 - Telus FDH cabinet – 1.1 x 1.0 m
 - ii) Provide street lighting along all road frontages according to the following:

- a. River Road (South side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire, 1 pedestrian luminaire, banner arms, and 1 duplex receptacle, but EXCLUDING any flower basket holders or irrigation.
- b. Elmbridge Way (North side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, irrigation, or duplex receptacles.
- c. New North-South "Pedestrian" Street @ west side of site (Both sides of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 8/Custom 5.9 m Height (LED) INCLUDING 1 street luminaire, flower basket holders, and 1 duplex receptacle, but EXCLUDING any banner arms or irrigation.
 - iii. For reference: Onni "Riva" (Drawing #615759-12-09)
- d. Lane @ east side of site (West side of lane)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 8/Custom 5.9 m Height (LED) INCLUDING 1 street luminaire, but EXCLUDING any banner arms, flower basket holders, irrigation, or duplex receptacles.
 - iii. For reference: Onni "Riva" (Drawing #615759-12-09)

5) General Items:

- a) The Developer is required to:
 - i) Provide, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first, a pre-load plan and geotechnical assessment of preload, dewatering, and soil preparation impacts on the existing utilities fronting the development site (i.e. AC sanitary sewer, FRP forcemain, AC water mains, etc.) and provide mitigation recommendations.
 - ii) Provide a video inspection report of the existing storm sewers and sanitary sewers along the River Road and Elmbridge Way frontages, and the storm sewer along the public-right-of-passage lane along the east property line, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first. A follow-up video inspection after site preparation works are complete (i.e. pre-load removal, completion of dewatering, etc.) to assess the condition of the existing utilities is required. Any utilities damaged by the pre-load, de-watering, or other ground preparation shall be replaced at the Developer's cost.
 - iii) Monitor the settlement at the adjacent utilities and structures during pre-loading, dewatering, and soil preparation works per a geotechnical engineer's recommendations, and report the settlement amounts to the City for approval.
 - iv) Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
 - v) Enter into, SRW legal agreement that sets out Engineering's conditions associated with permitting the specific structures into the SRW, including but not limited to:
 - (1) Indemnification of City for any necessary maintenance/works the City has to undertake in the SRW.
 - (2) Cost of repair and any modifications would be the responsibility of the owner.
 - (3) Not liable for any damages or impacts to the encroaching structures as a result required maintenance/works.
 - (4) Owner should be responsible (at their cost) for any required modifications (including removal) made at the request of the City.

RZ 17-782750

Transportation
Servicing Agreement Requirements*

The developer shall be responsible for the design and construction of road, lane, frontage and related improvements, to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in Schedule B

1. Road Works:

The following cross-section descriptions are intended to describe "typical" conditions. The approved design may be required to vary from these "typical" conditions to address site-specific conditions and/or other requirements, as determined to the sole satisfaction of the City through the Servicing Agreement* design/approval processes. The actual details and scope of the frontage works required to be completed by the developer will be confirmed through the Servicing Agreement* review/approval process, to the satisfaction of the City. Prior to approval of the Servicing Agreement* design, the developer shall submit a **Final Road Functional Plan**, confirming all Transportation requirements, to the satisfaction of the Director, Transportation.

NOTE: In addition to the following, landscape features are required to the satisfaction of the City, as determined via the Servicing Agreement* and Development Permit* review and approval processes. Landscape improvements may include, but shall not be limited to, street trees, landscaped boulevards, hard- and soft-scape features, street furnishings, decorative paving, and stormwater management measures. Measures that enhance the viability of City street trees are encouraged (e.g., continuous soil trenches, silva cell system, etc.), taking into account necessary coordination with City/private utilities and other infrastructure, as determined to the City's satisfaction.

At a minimum, the developer will be responsible for the design and construction of the following works to the satisfaction of the Director, Transportation.

a) River Road

Frontage Improvements (North Frontage: River Road)

1. Frontage improvements (measured from south to north):

- Site's new north property line
- 1.75 m wide concrete sidewalk.
- 0.43 m wide decorative bike path edge.
- 1.75 m wide asphalt off-road bike path.
- 1.5 m wide landscaped boulevard with street trees.
- Existing 0.15 m wide curb.

(Note: The above frontage elements require a total width of 5.43 m measured from behind the curb. The necessary road dedications and right-of-ways is to be determined and approved through the final road functional plan to be submitted and approved by Transportation staff.

2. Multi-Use Path

The sidewalk, bike path edging strip and the off-road bike path (total width of 3.93 m measured from the curb) noted above is intended to provide a Multi-Use Path (MUP). Further notes:

- This MUP will be extended to future developments to the west over the whole block.
- The design (although on a smaller scale due to narrower frontage depth) is to follow that used in the building of the MUP on River Road and Hollybridge Way as part of the River Green development in the area. (Note: Refer to SA 11-564833 for design details).
- Further details of the MUP design, including bicycle ramp access from traffic lane, pavement marking, etc. will be defined through the Servicing Agreement detailed design process.

3. Pedestrian amenities

The required frontage improvements are to include the installation of a special crosswalk to accommodate pedestrian passage across River Road or cash equivalent, approx. \$110, 000.

4. Existing driveway closures

All existing driveways along the development River Road frontages are to be closed permanently. The Developer is responsible for the removal of the existing driveway let-downs and the replacement with barrier curb/gutter, landscaped boulevard, concrete sidewalk, and off-road bike path per standards described above.

b) Elmbridge Way

Frontage Improvements (South Frontage: Elmbridge Way)

1. Frontage improvements (measured from north to south):

- Site's new south property line
- 2.0 m wide concrete sidewalk.
- 1.5 m wide landscaped boulevard with street trees.
- Existing 0.15 m wide curb.
- Additional cross sectional elements as required to accommodate left-turn lanes at West Road and special crosswalk, and other infrastructure modification works as determined in Final Road Functional Plan.

(Note: The above frontage elements require a total width of 3.5 m measured from behind the curb. The necessary road dedications and right-of-ways is to be determined and approved through the final road functional plan to be submitted and approved by Transportation staff.

2. Existing driveway closures

All existing driveways along the development River Road frontages are to be closed permanently. The Developer is responsible for the removal of the existing driveway let-downs and the replacement with barrier curb/gutter, landscaped boulevard and concrete sidewalk per standards described above.

c) New West Road

Frontage Improvements (West Frontage: New West Street)

1. Frontage improvements (measured from east to west):

- Subject site's new west property line.
- 2.0 m wide sidewalk.
- 0.5 m wide decorative concrete surface strip.
- 0.15 m wide curb and gutter at the back of each parking lane and around the curb extensions.
- 2.5 m parking lane with landscaped curb extensions. (Note: Parking lane to be replaced by curb extensions at mid-block).
- 7.0 m wide driving lane pavement surface.
- 2.5 m parking lane with landscaped curb extensions. (Note: Parking lane to be replaced by curb extensions at mid-block).
- 0.15 m wide curb and gutter at the back of each parking lane and around the curb extensions.
- 2.0 m wide concrete sidewalk.
- Appropriate grade transition as determined through the Servicing Agreement detailed design process.
- West property line of road dedication.

(Note 1: The above frontage improvements require a 18.0 m wide dedication across the subject site's entire west frontage. The necessary road dedications and right-of-ways is to be determined and approved through the final road functional plan to be submitted and approved by Transportation staff.).

(Note 2: The grade transition along the west property line of the road dedication is to be confirmed through the SA detailed design process. The 2.0 m wide sidewalk may have to be reduced in width if more space is required for ground support).

(Note 3: The behind-the-curb frontage improvements along the west side of the road noted above are to be considered interim measures. As part of future redevelopment of the site immediately to the west, permanent frontage improvements that echo those built by the subject site, will be installed with additional dedication if necessary).

d) Lane

Frontage Improvements (East Frontage: Lane)

1. Frontage improvements

The existing lane is to be widened by 3.0 m across the subject site's east frontage. The cross-section of the lane widening is as follows (west to east):

- 1.5 m wide concrete sidewalk (with rollover curb) at the site's SRW line.
- 1.5 m wide widened pavement. (Total 7.5 m wide pavement).

(Note: a 3.0 m wide SRW/PROP is required to accommodate the above frontage improvements. The necessary road dedications and right-of-ways is to be determined and approved through the final road functional plan to be submitted and approved by Transportation staff.).

2. Sidewalk connections

- The new sidewalk along the lane is to be connected to the new sidewalks along the Elmbridge Way and River Road development frontages.
- The new sidewalk is to be maintained across the openings to loading bays and mechanical room with rollover curb to delineate the edge of pavement.

1. Existing driveway let-downs

The existing driveway let-downs at both ends of the lane are to be widened to meet the 7.5 m widened pavement. The let-downs are to be reconstructed per Engineering Design Specifications (R-9-DS).

2. Site access via lane

The vehicular access to the site via the lane and the connecting drive aisle is to be designed with a 90 degree orientation to the lane.

e) River Road – Special Crosswalk

Special Crosswalk

1. Special crosswalk requirements

As part of the Servicing Agreement for the subject site, the developer is required to install a special crosswalk at the site's River Road frontage (southeast corner of the new River Road/West Street intersection). The cost of this special crosswalk (including design and construction) is to be borne by the Developer. This crosswalk is intended to provide access to transit services (existing bus stop across the road from site frontage) and to accommodate pedestrian traffic between the subject site and destinations to the north. The following are features that will be included in this special crosswalk: illuminated crosswalk signs with downward lighting, flashing amber lights, push buttons, raised button lane delineation; accessible pedestrian signal features, and advance warning beacons and signage.

f) River Road – Interim Sidewalk Connection

Interim Sidewalk Connection – River Road (south side)

As part of the Transportation Demand Management measures for the subject redevelopment, an interim sidewalk connection is required to be provided. As part of the Servicing Agreement for the subject site, the developer is required to provide an interim 2.0 m wide asphalt sidewalk that extends westward from the subject site's north frontage (south side of River Road) to the signalized intersection at River Road/Oval Way.



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10423 (RZ 17-782750)
6851 and 6871 Elmbridge Way**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by inserting the following as Section 20.52 thereof:

“20.52 High Density Mixed Use – Oval Village (City Centre)

20.52.1 Purpose

The **zone** provides for high-density residential and limited commercial **development**, including **hotel** uses typical of the **City Centre**. Additional **density** is provided to achieve the **City** objectives related to the **development** of **affordable housing units** and other **City** amenities consistent with the Village Centre Bonus Area designated by the **City Centre Area Plan**.

20.52.2 Permitted Uses

- **child care**
- **congregate housing**
- **housing, apartment**
- **live-work dwelling**

20.52.3 Secondary Uses

- **animal grooming**
- **boarding and lodging**
- **broadcast studio**
- **community care facility, minor**
- **education, commercial**
- **government service**
- **health service, minor**
- **home-based business**
- **hotel**
- **housing, town**
- **library and exhibit**
- **liquor primary establishment**

- manufacturing, custom indoor
- microbrewery, winery and distillery
- neighbourhood public house
- office
- park
- parking, non-accessory
- restaurant
- retail, convenience
- retail, general
- retail, second-hand
- service, business support
- service, financial
- service, household repair
- service, personal
- studio
- veterinary service

20.52.4 Permitted Density

1. For the purposes of this **zone**, if the **owner** dedicates not less than 2,360 m² of the gross **site** as **road**, the calculation of the **floor area ratio** shall be based on a net **development site** area of 13,832.06 m².
2. The maximum **floor area ratio** is 1.2 together with an additional:
 - a) 0.1 **floor area ratio** for **indoor amenity** space only.
3. Notwithstanding Section 20.52.4.2, the reference to “1.2” is increased to a higher **density** of “2.0” if prior to first occupancy of the **building**, the **owner**:
 - a) provides in the **building** not less than 35 **affordable housing units** with the combined **habitable space** of the total number of **affordable housing units** comprising at least 10% of the total **building** area; and
 - b) enters into a **housing agreement** with respect to the **affordable housing units** and registers the **housing agreement** against the title of the **lot**, and files a notice in the Land Title Office.
4. Notwithstanding Section 20.52.4.2, if the **owner** has provided **affordable housing units** under Section 20.52.4.3, an additional 1.0 **density bonus floor area ratio** shall be permitted, provided that:
 - a) the **lot** is located in the Village Centre Bonus Area designated by the **City Centre Area Plan**;

- b) the **owner** uses the additional 1.0 **density bonus floor area ratio** only for non-residential uses; and
- c) the **owner** pays a sum to the **City** based on 5% of the additional 1.0 **density bonus floor area ratio** multiplied by (i) the “equivalent to construction value” rate of \$8,708 per square metre of **density bonus floor area ratio**, if the payment is made within one year of third reading of the zoning amendment bylaw, or (ii) thereafter, the “equivalent to construction value” rate of \$8,708 per square metre of **density bonus floor area ratio** adjusted by the cumulative applicable annual changes to the Statistics Canada “Non-Residential Building Construction Price Index”, where such change is positive.

20.52.5 Permitted Lot Coverage

- 1. The maximum **lot coverage** is 90% for **buildings**.

20.52.6 Yards & Setbacks

- 1. Minimum **setbacks** shall be:
 - a) for **road setbacks**, measured to a **lot line**: 3.0 m
 - b) for **lane setbacks**, measured to a **lot line** or the boundary of a an area granted to the City, via statutory **right-of-way**, for **lane** purposes: 0.0 m.

20.52.7 Permitted Heights

- 1. The maximum **height** for **buildings** is 47.0 m geodetic.
- 2. The maximum **height** for **accessory buildings** is 5.0 m.
- 3. The maximum **height** for **accessory structures** is 12.0 m.

20.52.8 Subdivision Provisions/Minimum Lot Size

- 1. The minimum **lot area** is 10,000.0 m².

20.52.9 Landscaping & Screening

- 1. **Landscaping** and **screening** shall be provided in accordance to the provisions of Section 6.0.

20.52.10 On-site Parking & Loading

1. On-site **vehicle** parking and bicycle parking and loading shall be provided according to the standards set out in Section 7.0.

20.52.11 Other Regulations

1. **Telecommunication antenna** must be located a minimum 20.0 m above the ground (i.e., on the roof of a **building**).
 2. **Congregate housing** and **apartment housing** must not be located on the **first storey** of the **building**, exclusive of interior entries, common stairwells and common elevator shafts.
 3. 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 by designating it "**HIGH DENSITY MIXED USE (ZMU52) – OVAL VILLAGE (CITY CENTRE)**":

P.I.D. 003-527-964

Lot 126 Section 6 Block 4 North Range 6 West New Westminster District Plan 65093

P.I.D. 003-527-948

Lot 125 Section 6 Block 4 North Range 6 West New Westminster District Plan 65093

3. This Bylaw may be cited as "**Richmond Zoning Bylaw 8500, Amendment Bylaw 10423**".

FIRST READING

A PUBLIC HEARING WAS HELD ON

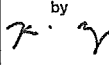

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

NOV 14 2022

CITY OF RICHMOND
APPROVED by

APPROVED by Director or Solicitor


MAYOR

CORPORATE OFFICER



Regular Council
Monday, November 14, 2022

13. **APPLICATION BY LANDA OVAL DEVELOPMENT LTD. FOR REZONING AT 6851 AND 6871 ELMBRIDGE WAY FROM INDUSTRIAL BUSINESS PARK (IB1) TO HIGH DENSITY MIXED USE (ZMU52) - OVAL VILLAGE (CITY CENTRE)**

(File Ref. No. RZ 17-782750) (REDMS No. 7011932)

R22/19-7

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10423 to create the “High Density Mixed Use (ZMU52) – Oval Village (City Centre)” zone, and to rezone 6851 and 6871 Elmbridge Way from “Industrial Business Park (IB1)” to “High Density Mixed Use (ZMU52) - Oval Village (City Centre)”, be introduced and given first reading.

The question on the motion was not called as discussion ensued with respect to i) ratio of LEMR units percentage/size, (ii) egress and ingress off River Road and related improvements to the road network, and iii) community parking needs and the availability for additional parking at the Richmond Oval for events. Staff noted the parking stalls would be retained by the development with a legal requirement that the pay for parking does not exceed the pay for parking at the Richmond Oval.

The question on the motion was then called and **CARRIED** with Cllrs. Day and Wolfe opposed.



City of Richmond

Report to Committee

To: Planning Committee
From: Wayne Craig
Director, Development

Date: November 7, 2022

File: RZ 22-009258

Re: Application by Rick Bowal for Rezoning at 10851/10871 Bird Road from "Single Detached (RS1/E)" Zone to "Single Detached (RS2/B)" Zone

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10425, for the rezoning of 10851/10871 Bird Road from "Single Detached (RS1/E)" zone to "Single Detached (RS2/B)" zone, be introduced and given first reading.

Wayne Craig
Director, Development
(604-247-4625)

WC:ac
Att. 8

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	<input checked="" type="checkbox"/>	

Staff Report

Origin

Rick Bowal has applied to the City of Richmond for permission to rezone 10851/10871 Bird Road “Single Detached (RS2/E)” zone to the “Single Detached (RS2/B)” zone in order to permit the property to be subdivided into two lots with access from Bird Road. A location map and aerial photo are provided in Attachment 1. A survey showing the proposed subdivision plan is provided in Attachment 2.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 3.

Subject Site Existing Housing Profile

There is an existing non-conforming duplex (two-unit dwelling) on the subject site. The existing duplex is not strata titled. Both units are currently renter occupied and each unit contains an unauthorized secondary suite that is also tenanted.

Surrounding Development

Development immediately surrounding the subject site is as follows:

To the North: A BC hydro line corridor on a provincially-owned parcel zoned “School & Institutional Use (SI)”.

To the South: Across Bird Road, single a single family home on a lot zoned “Single Detached (RS1/B)” and a two-unit dwelling on a lot zoned “Single Detached (RS1/E)”.

To the East: A two-unit dwelling on a lot zoned “Single Detached (RS1/E)” at 10891/10911 Bird Road with vehicle access from Bird Road, and a single family home at 3191 Shell Road on a lot zoned RS1/E with access from Shell Road.

To the West: A single family home on a lot zoned “Single Detached (RS1/B)” fronting Bird Road.

Related Policies & Studies

Official Community Plan/East Cambie Area Plan

The subject property is designated as “Neighbourhood Residential” in the Official Community Plan (OCP) and is located in the East Cambie Planning Area. The East Cambie Area Plan’s Land Use Map designation for this property is “Residential (Single-Family Only)” (Attachment 4). This redevelopment proposal is consistent with these designations.

Single Family Lot Size Policy 5424/Zoning Bylaw 8500

The subject property is located within the area covered by Lot Size Policy 5424, adopted by City Council in 1989 (Attachment 5). The Policy permits properties along Bird Road to be rezoned and subdivided in accordance with the provisions of the “Single Detached (RS1/B)” zone. Each proposed lot at the subject site will be approximately 12.1 m (40 ft.) wide and approximately 600 m² (6,458.35 ft²) in area which conforms to the RS1/B zone. The proposed rezoning complies with the Lot Size Policy.

Aircraft Noise Sensitive Development (ANSD) Policy

The ANSD Policy applied to the subject site, which is located within the “Aircraft Noise Notification Area (Area 4)”. In accordance with this Policy, all aircraft noise sensitive land uses may be considered. Prior to rezoning adoption, the applicants are required to register an aircraft noise sensitive use covenant on Title to address public awareness and to ensure aircraft noise mitigation is incorporated into dwelling design and construction.

Ministry of Transportation & Infrastructure Approval

As the subject site is located within 800 m of an intersection of a Provincial Limited Access Highway and a City road, this redevelopment proposal was referred to the Ministry of Transportation and Infrastructure (MOTI) for review and comment. Preliminary confirmation has been received from MOTI indicating that they have no objections to the proposed redevelopment and that preliminary approval has been granted for a period of one year. Final approval from MOTI is required prior to final adoption of the rezoning bylaw.

Floodplain Management Implementation Strategy

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

Public Consultation

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

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

Analysis

This redevelopment proposes to rezone and subdivide the subject site into two new single-family lots with vehicle access from Bird Road.

Existing Legal Encumbrances

There is an existing 6 m wide Statutory Right-Of-Way (SRW) for City sanitary service services that runs east-west through the rear portion of the subject site. The applicant has been advised that no building encroachment into the SRW is permitted.

There is also an existing BC Hydro Statutory SRW for overhead transmission lines at the rear of the property. The SRW that no building encroachment into the SRW is permitted and that any trees or growth that interfere with the transmission lines may be cleared or topped by BC Hydro.

Transportation and Site Access

Vehicle access to the proposed lots is from Bird Road via separate driveway crossings and driveways. The conceptual plan (Attachment 6) demonstrates that the existing location of the driveways will be maintained. A new sidewalk and landscaped boulevard is to be installed along Bird Road frontage as part of a Servicing Agreement outlined in the Site Servicing and Frontage Improvements section.

Tree Retention and Replacement

The applicant has submitted a Certified Arborist's Report; which identifies on-site and off-site tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses six (6) bylaw-sized trees on the subject property two (2) trees on neighbouring properties, and one (1) street tree on City property.

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

- Six trees on site tag#29 (Threadleaf False cypress, 37 cm caliper), tag#30 (cherry, 65 cm caliper), tag#31 (plum, 24 cm caliper), tag#32 (pear, 37 cm caliper), tag#33 (pear, 27 cm caliper) and tag#34 (plum, 64 cm caliper) exhibit either sparse canopy, have been previously topped or are damaged. Two trees (Trees #29 and #30) are in poor condition exhibiting mechanical damage at their base and roots. Four trees (Trees #31, 32, 33 and 34) are located within a Statutory Right-Of-Way (SRW) for City sanitary services and were historically topped due to the proximity of overhead BC Hydro transmission lines that run the width of the site. These trees are recommended for removal with replacement at a 2:1 ratio.
- Two trees tag#os1 (Western Red cedar, 56 cm caliper) and tag#os2 (Western Red cedar, 50 cm caliper) located on the adjacent neighbouring property to the east are identified and in good condition and are to be retained and protected. An additional side yard setback (increasing from 1.2m to 4.27m) will be required for a portion of the side yard to allow for retention of these trees. Provide tree protection as per City of Richmond Tree Protection Information Bulletin Tree-03.
- One tree tag#ci28 (cherry, 55 cm caliper) located on city property is in poor condition with signs of root rot and a long vertical crack in the stem. As such, the tree is recommended for removal with compensation provided.

Tree Replacement

The applicant wishes to remove six on-site trees (Trees # 29, 30, 31, 32, 33 and 34). The 2:1 replacement ratio would require a total of 12 replacement trees. The applicant has agreed to plant four (4) trees on each lot proposed; for a total of eight (8) trees. The applicant communicated that they were unable to find suitable locations of additional trees to be planted on site. This is reasonable given the presence of a City and BC Hydro SRWs on the site. No planting of trees is permitted in the SRW for City sanitary services. Trees planted in the BC Hydro SRW for overhead transmission lines may be topped by BC Hydro if they pose a threat to safety and operation.

The required replacement trees are to be of the following minimum sizes, based on the size of the trees being removed as per Tree Protection Bylaw No. 8057.

No. of Replacement Trees	Minimum Caliper of Deciduous Replacement Tree	Minimum Height of Coniferous Replacement Tree
8	8 cm	4 m

The applicant will submit a Landscape Security of \$6,000.00 (\$750/tree) to ensure that a total of eight (8) trees (four on each lot) are planted and maintained on each lot.

To satisfy the 2:1 replacement ratio established in the OCP, the applicant will contribute \$3,000.00 to the City's Tree Compensation Fund in lieu of the remaining four trees that cannot be accommodated on the subject property after redevelopment.

In addition, prior to rezoning adoption the applicant shall provide \$1,500.00 to be allocated to the City's Tree Compensation fund in compensation for the removal of the City tree (Tag #ci28).

Tree Protection

Two Western Red cedar trees on the neighbouring property (#os1 and os2) are to be retained and protected. The applicant has submitted a tree protection plan showing the trees to be retained and the measures taken to protect them during development stage (Attachment 7). Staff worked with the applicant team to ensure that the proposed Lot 2 building envelope has been purposely modified to facilitate the retention of the two cedar trees.

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

- A legal agreement will be registered on Title as a condition of rezoning to ensure that upon Building Permit issuance the Tree Protection Zones and additional minimum side yard setback requirement for a portion of the east side yard of proposed Lot 2 building envelope from 1.2 m to 4.27 m is maintained consistent with the Tree Management Plan (Attachment 7).
- Prior to final adoption of the rezoning bylaw, submission to the City of a contract with a Certified Arborist for the supervision of all works conducted within or in close proximity to tree protection zones.

The contract must include the scope of work required, the number of proposed monitoring inspections at specified stages of construction, any special measures required to ensure tree protection, and a provision for the arborist to submit a post-construction impact assessment to the City for review.

- Prior to demolition of the existing dwelling on the subject site, installation of tree protection fencing around all trees to be retained. Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin Tree-03 prior to any works being conducted on-site, and remain in place until construction and landscaping on-site is completed.

Affordable Housing Strategy

The City's Affordable Housing Strategy for single-family rezoning applications requires a secondary suite or coach house on 100 per cent of new lots created through single-family rezoning and subdivision applications; a secondary suite or coach house on 50 per cent of new lots created and a cash-in-lieu contribution to the City's Affordable Housing Reserve Fund of the total buildable area of the remaining lots; or a cash-in-lieu contribution of the total buildable area of all lots where a secondary suite cannot be accommodated in the development.

Consistent with the Affordable Housing Strategy, the applicant has proposed to provide a two-bedroom secondary suite in each of the dwellings to be constructed on the new lots, for a total of two suites. The secondary suite on Lot 1 will be a minimum of 71.71m² (772 ft²) while the secondary suite on proposed Lot 2 will be a minimum of 80.73m² (869 ft²). Prior to the adoption of the rezoning bylaw, the applicant must register a legal agreement on Title to ensure that no Building Permit inspection is granted until a minimum two-bedroom secondary suite of 71.71m² (772 ft²) is constructed on proposed Lot 1 and a minimum two-bedroom secondary suite of 80.73m² (869 ft²) is constructed on proposed Lot 2 to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.

Site Servicing and Frontage Improvements

At the subsequent subdivision stage, the applicant must enter into a Servicing Agreement for the design and construction of the required site servicing works and improvements outlined in Attachment 8, including the installation of a new sidewalk along the Bird Road frontage and the installation of a new sanitary connection to service both lots.

In addition, at the subdivision stage the applicant is required to pay the current year's taxes, Development Cost Charges (City, Metro Vancouver and TransLink), School Site Acquisition Charges, and Address Assignment Fees.

Financial Impact or Economic Impact

The rezoning application results in an insignificant Operational Budget Impact (OBI) for off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals).

Conclusion

The purpose of this rezoning application is to rezone the property 10851/10871 Bird Road from the “Single Detached (RS1/E)” zone to the “Single Detached (RSB/2)” zone, to permit the property to be subdivided to create two lots.

The rezoning application complies with the land use designation and applicable policies contained within the OCP, East Cambie Area Plan and Lot Size Policy 5424 for the subject site.

The list of rezoning considerations is included in Attachment 8; which has been agreed to by the applicant (signed concurrence on file).

On this basis, it is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10425 be introduced and given first reading.



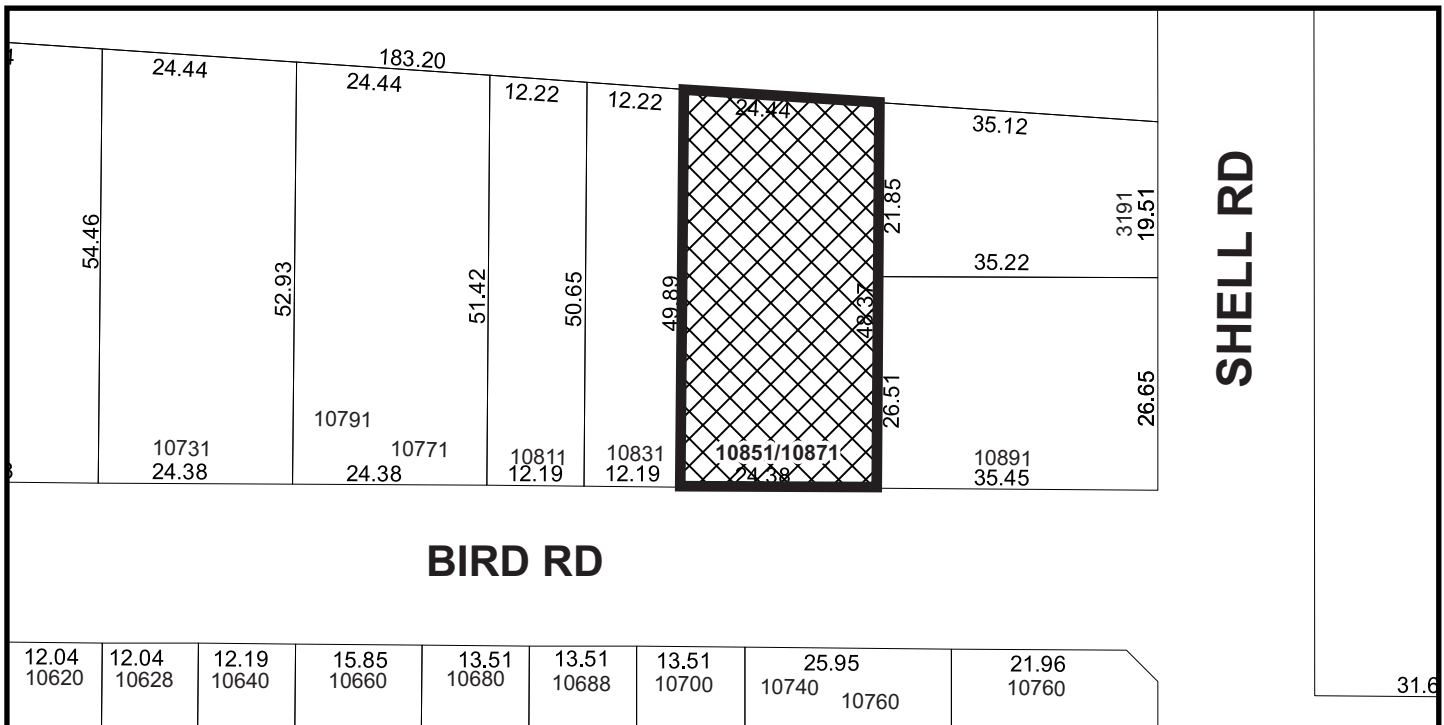
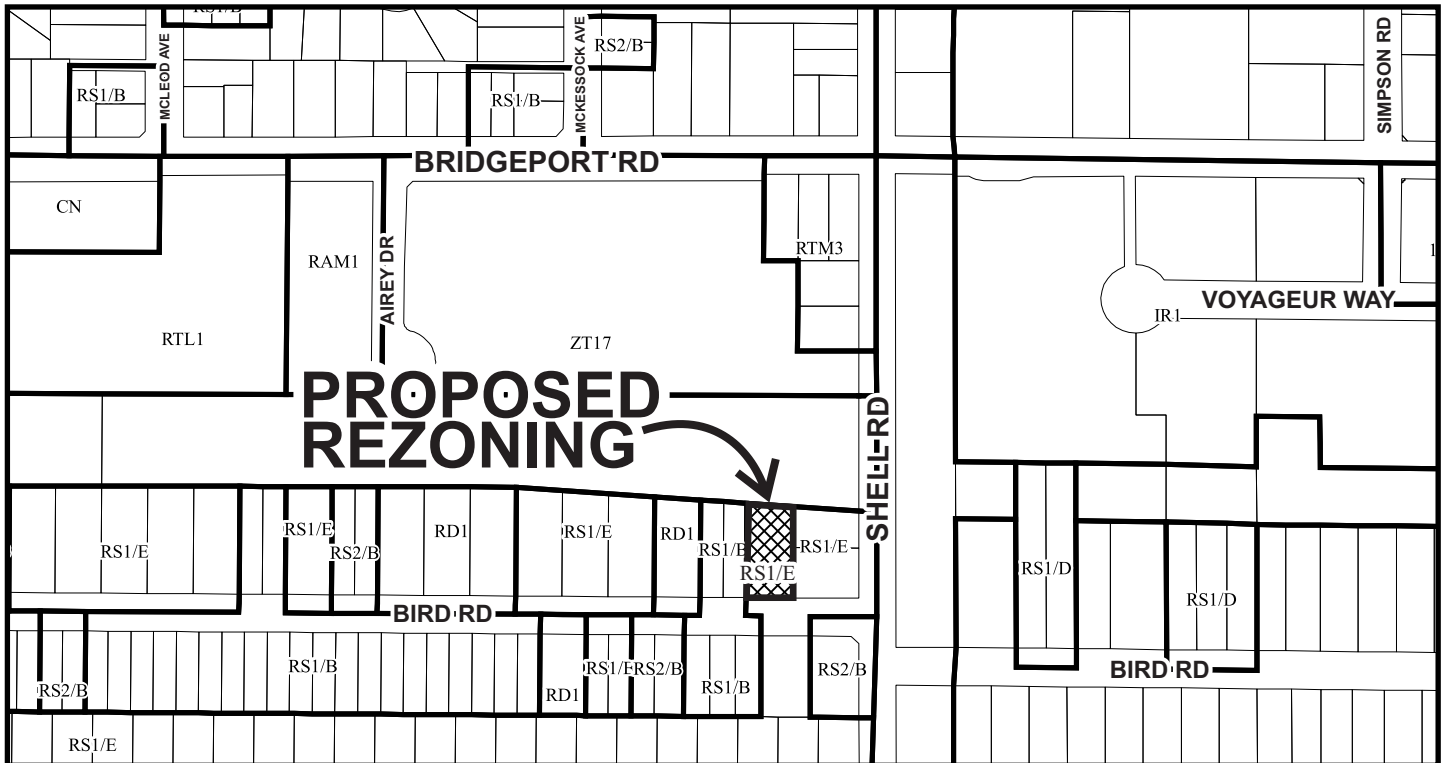
Alexander Costin
Planning Technician – Design
(604-276-4200)

AC:js

- Att. 1: Location Map/Aerial Photo
 2: Site Survey and Proposed Subdivision Plan
 3: Development Application Data Sheet
 4: East Cambie Area Plan
 5: Single Family Lot Size Policy 5424
 6: Conceptual Development Plan
 7: Tree Retention Plan
 8: Rezoning Considerations



City of Richmond



RZ 22-009258

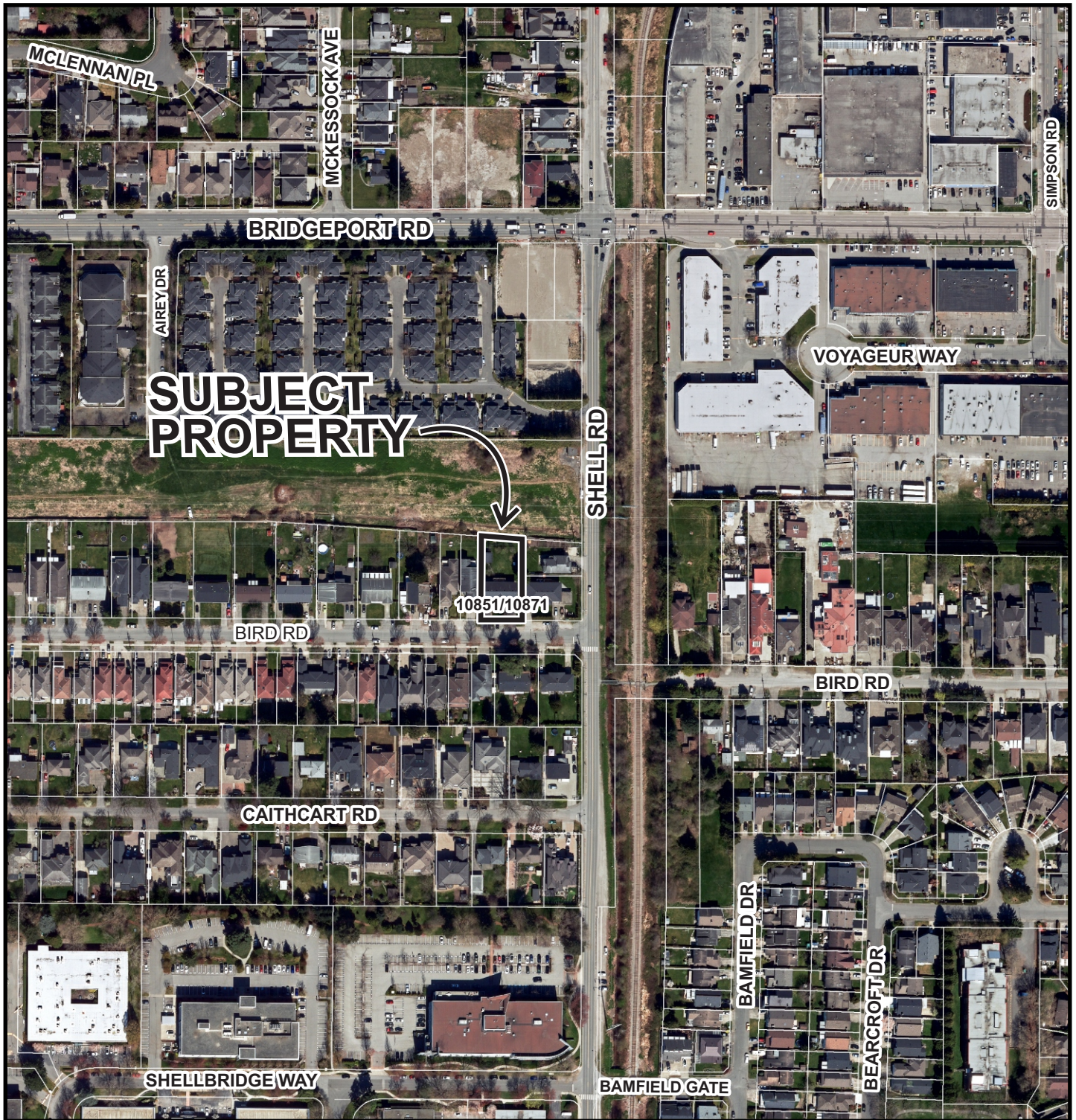
Original Date: 04/07/22

Revision Date:

Note: Dimensions are in METRES



City of Richmond



RZ 22-009258

Original Date: 04/07/22

Revision Date:

Note: Dimensions are in METRES

TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION OF LOT 55
BLOCK "B" SECTION 26 BLOCK 5 NORTH RANGE 6 WEST
NEW WESTMINSTER DISTRICT PLAN 14105

#10851-10871 BIRD ROAD,
 RICHMOND, B.C.
 P.I.D. 003-579-778
 ZONING RS1/E

NOTE:

Elevations shown are based on
 City of Richmond HPN
 Benchmark network.
 Benchmark: HPN #190
 Control Monument 336099
 Elevation: 3.741m
 Benchmark: HPN #196
 Control Monument 77H4983
 Elevation: 1.001m

NOTE:

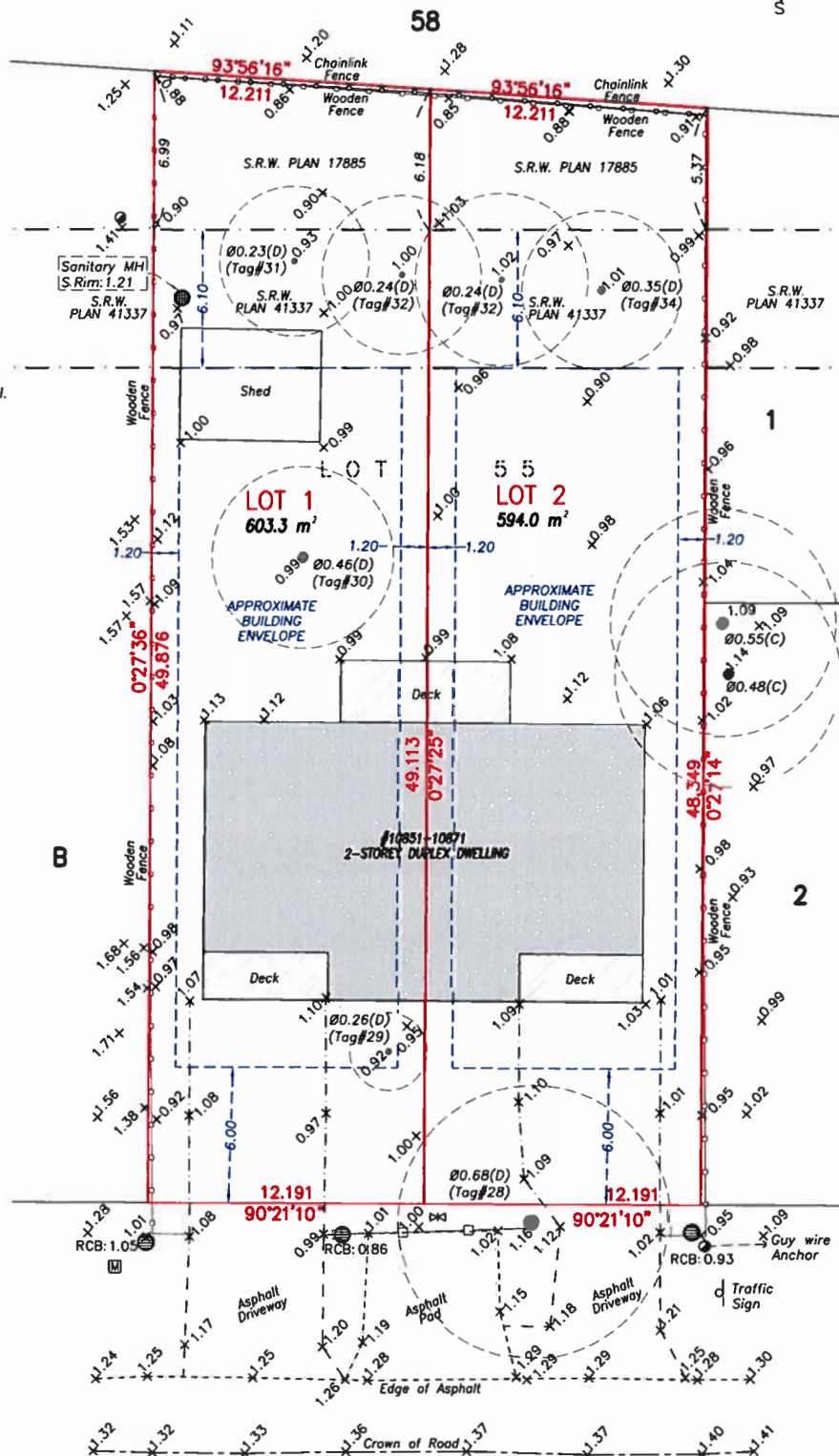
Use site Benchmark Tag #6472
 for construction elevation control.

LEGEND:

- (C) denotes conifer
- (D) denotes deciduous
- ⊙ denotes round catch basin
- ⊕ denotes water valve
- ⊗ denotes water meter
- ⊙ denotes manhole
- ⌵ denotes guywire anchor
- ⊙ denotes power post

ALL DISTANCES ARE IN METRES AND DECIMALS
 THEREOF UNLESS OTHERWISE INDICATED

SCALE: 1:200



© copyright
 J. C. Tam and Associates
 Canada and B.C. Land Surveyor
 115 - 8833 Odlin Crescent
 Richmond, B.C. V6X 3Z7
 Telephone: (604) 214-8928
 Fax: (604) 214-8929
 E-mail: office@jctam.com
 Website: www.jctam.com
 Job No. 7866
 FB-406 P94-95
 Drawn By: TH

DWG No. 7866-TOPO

BIRD ROAD

CERTIFIED CORRECT:

LOT DIMENSION ACCORDING TO
 FIELD SURVEY.

Johnson
 Tam U81489
 Digitally signed by
 Johnson Tam U81489
 Date: 2022.02.23
 12:06:55 -08'00'

JOHNSON C. TAM, B.C.L.S., C.L.S.

FEBRUARY 15th, 2022.



RZ 22-009258

Attachment 3

Address: 10851/10871 Bird Road

Applicant: Rick Bowal

Planning Area(s): East Cambie

	Existing	Proposed
Owner:	Raghibir Sing Bowal & Meena Bowal	To be determined
Site Size (m²):	1197 m ²	Lot 1: 603.3 m ² Lot 2: 594 m ²
Land Uses:	One duplex dwelling	Two single-family dwellings
OCP Designation:	Neighbourhood Residential	No change
Area Plan Designation:	Single-Family	No change
702 Policy Designation:	Duplex lots can be subdivided	No change
Zoning:	Single Detached (RS1/E)	Single Detached (RS2/B)

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5 m ²	Max. 0.55 for lot area up to 464.5 m ² plus 0.3 for area in excess of 464.5 m ²	none permitted
Buildable Floor Area (m ²):*	Lot 1: Max. 297.1 m ² (3198 ft ²) Lot 2: Max. 294.3 m ² (3168 ft ²)	Lot 1: Max. 297.1 m ² (3198 ft ²) Lot 2: Max. 294.3 m ² (3168 ft ²)	none permitted
Lot Coverage (% of lot area):	Building: Max. 45% Non-porous Surfaces: Max. 70% Landscaping Min. 25%	Building: Max. 45% Non-porous Surfaces: Max. 70% Landscaping Min. 25%	none
Lot Size:	360 m ²	Lot 1: 603.3 m ² Lot 2: 594 m ²	none
Lot Dimensions (m):	Width: 12.0 m Depth: 24.0 m	Lot 1: Width: 12.2 m Depth: 49.51 m Lot 2: Width: 12.19 m Depth: 48.73 m	none

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Setbacks (m):	<p>Front: Min. 6.0 m</p> <p>Rear: Min. Greater of 6.0 m or 20% of the total lot depth, for a maximum of 60% of the rear wall of the first storey; and 25% of the total lot depth for the remaining 40% of the rear wall of the first storey and any second storey, or half (½) storey above, up to a maximum required setback of 10.7 m</p> <p>Side: Min. 1.2 m</p>	<p>Front: Min. 6.1 m</p> <p>Rear: Min. 9.9 m (9.8 m for Lot 2) for a maximum width of 60% of the rear wall of the first storey; and Min. 10.7 m for the remaining 40% of the rear wall of the first storey and any second storey, or half (½) storey above.</p> <p>Side: Min. 1.22 m (Note for Lot 2 – portion eastern interior side setback to be maintained at 4.27 m for tree protection)</p>	none
Height (m):	Max. 2 ½ storeys	Max. 2 ½ storeys	none

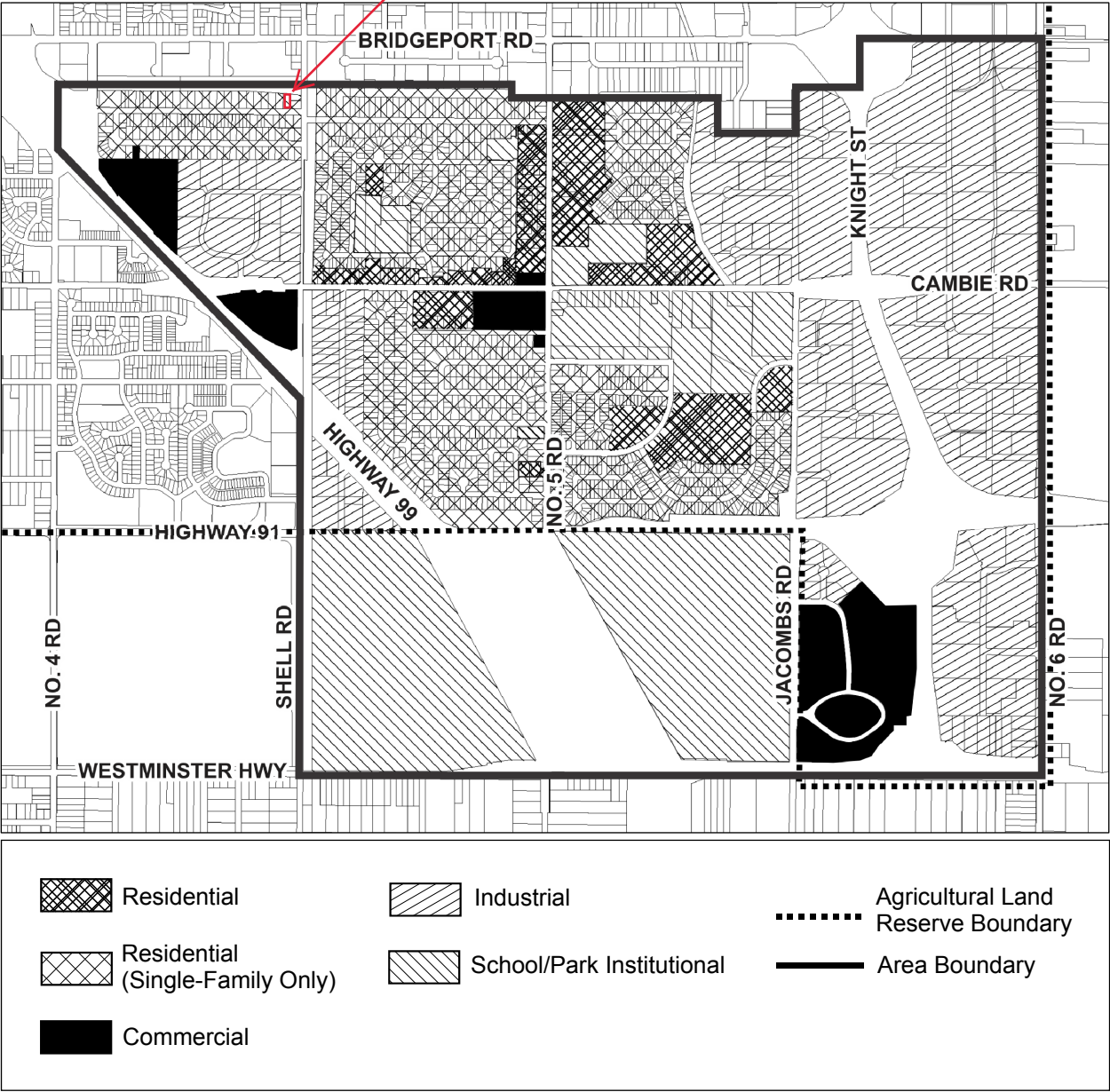
Other: _____

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

Land Use Map

Bylaw 8948
2016/10/24

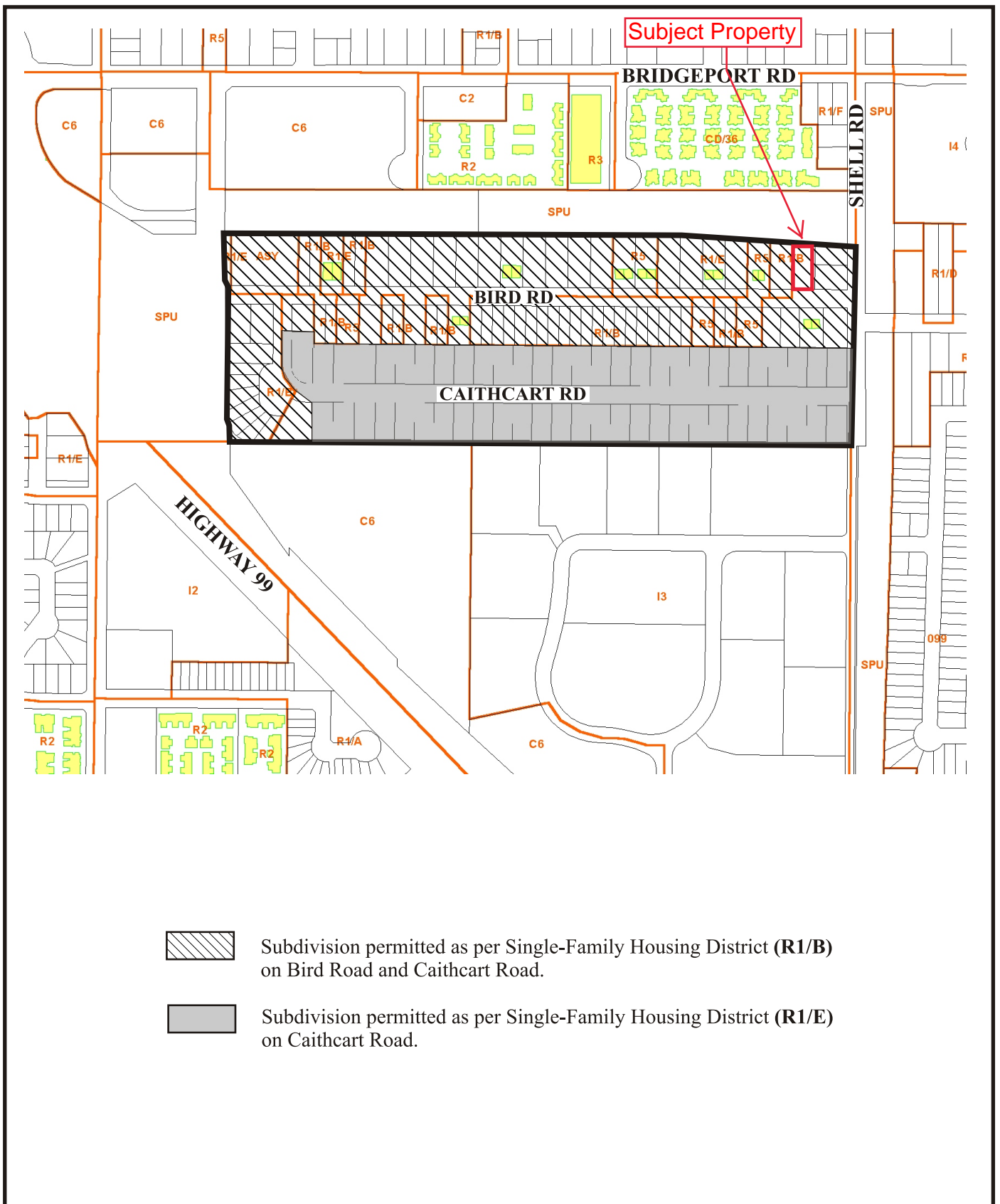
Subject Property



**Policy 5424:**

The following policy establishes lot sizes in Section 26-5-6, located on **Bird Road and Caithcart Avenue**:

That properties located in a portion of Section 26-5-6, be permitted to subdivide on Bird Road and at the westerly end of Caithcart Road in accordance with the provisions of Single-Family Housing District (R1/B) and be permitted to subdivide on the remainder of Caithcart Road in accordance with the provisions of Single-Family Housing District (R1/E) in Zoning and Development Bylaw 5300, and that this policy, as shown on the accompanying plan, be used to determine the disposition of future rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw.



POLICY 5424 **SECTION 26, 5-6**

Adopted Date: 11/20/89

Amended Date:

AWANA GROUP

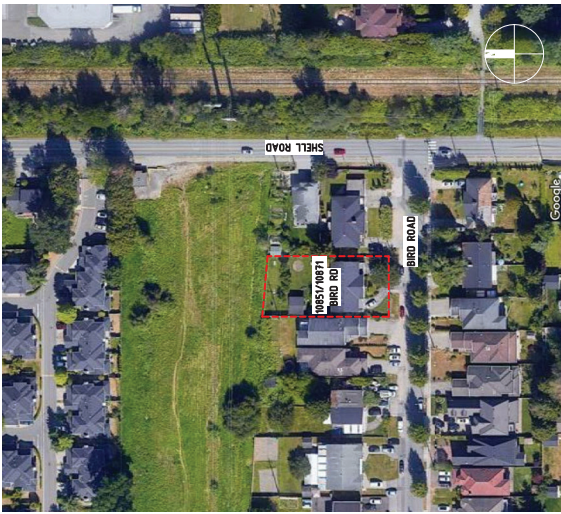
Trans: 703.464.9199 ext. 200
Phone: (770) 862-5643

GENERAL NOTES:

1. THE DOCUMENTS AND DESIGN ARE AT ALL TIMES THE EXCLUSIVE PROPERTY OF AWANA GROUP AND MAY NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. AWANA GROUP SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCEMENT OF WORK ON SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPORTING TO AWANA GROUP BEFORE COMMENCEMENT OF WORK ON SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPORTING TO AWANA GROUP BEFORE COMMENCEMENT OF WORK ON SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPORTING TO AWANA GROUP BEFORE COMMENCEMENT OF WORK ON SITE.

GENERAL NOTES:

1. THE CONTRACTOR SHALL COMPLY WITH THE STANDARDS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) AND THE STANDARDS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA).
2. THE CONTRACTOR SHALL COMPLY WITH THE STANDARDS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) AND THE STANDARDS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA).
3. THE CONTRACTOR SHALL COMPLY WITH THE STANDARDS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) AND THE STANDARDS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA).
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5. THE CONTRACTOR SHALL COMPLY WITH THE STANDARDS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) AND THE STANDARDS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA).



CONTEXT PLAN
N.T.S.

PROJECT SUMMARY - LOT 1

ITEM	DESCRIPTION	QUANTITY	UNIT
1.0	PROPOSED BUILDING FOOTPRINT	4,000	SF
1.1	PROPOSED DRIVEWAY	2,000	SF
1.2	PROPOSED SIDEWALK	1,000	LF
1.3	PROPOSED LANDSCAPING	1,000	SF
1.4	PROPOSED FENCE	1,000	LF
1.5	PROPOSED UTILITY	1,000	LF

PROJECT SUMMARY - LOT 2

ITEM	DESCRIPTION	QUANTITY	UNIT
2.0	PROPOSED BUILDING FOOTPRINT	4,000	SF
2.1	PROPOSED DRIVEWAY	2,000	SF
2.2	PROPOSED SIDEWALK	1,000	LF
2.3	PROPOSED LANDSCAPING	1,000	SF
2.4	PROPOSED FENCE	1,000	LF
2.5	PROPOSED UTILITY	1,000	LF

OVERALL SITE PLAN
1" = 10'-0"

BIRD ROAD

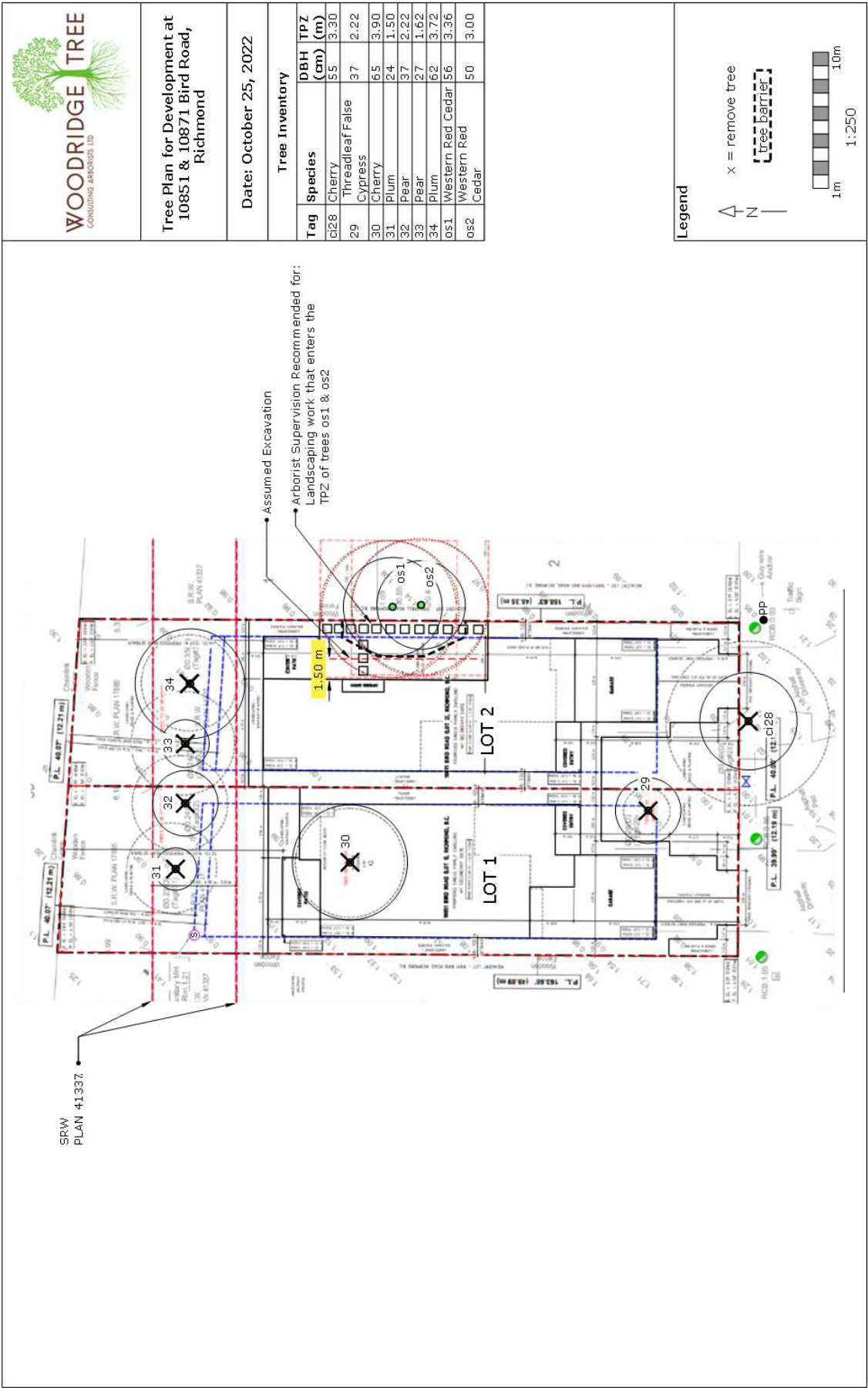


Additional setback requirement of 4.27 m

BOWAL RESIDENCE
10851 & 10871 BIRD RD, RICHMOND, B.C.

COVER SHEET

PROJECT NUMBER	2204/2205
DRAWN	
DATE	OCTOBER 18TH, 2022
SCALE	As indicated
DRAWING NO.	A0.00





Address: 10851/10871 Bird Road

File No.: RZ 22-009258

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10425, the developer is required to complete the following:

1. Provincial Ministry of Transportation & Infrastructure Approval.
2. Submission of a Landscape Security in the amount of \$6000 (\$750/tree) to ensure that a total of four (4) replacement trees are planted and maintained on each lot proposed (for a total of eight (8) trees); minimum 8 cm deciduous caliper or 4 m high conifers). **NOTE: minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A – 3.0 Replacement Trees.**
3. City acceptance of the developer's offer to voluntarily contribute \$4,500 (\$3,000.00 for on-site tree replacement and \$1,500 for City tree replacement) to the City's Tree Compensation Fund for the planting of replacement trees within the City.
4. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of the trees to be retained. The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
5. Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.
6. Registration of an aircraft noise sensitive use covenant on title.
7. Registration of a flood indemnity covenant on title (2.9m GSC – Area A).
8. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a two-bedroom secondary suite is constructed on each of the future lots to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw. The secondary suite on Lot 1 will be minimum 71.71m² (772 ft²) while the secondary suite on proposed Lot 2 will be minimum 80.73m² (869 ft²).
9. Registration of a legal agreement on Title to ensure that the future building permit application for the dwelling on proposed Lot 2 contains a modified side yard building setback from minimum 1.2 m to minimum 4.27 m for a portion of the side yard to ensure retention of two Western red cedar trees (tag# os1 & os2) identified on the Conceptual Development Plan (Attachment 6) and Tree Retention Plan (Attachment 7).

Prior to Demolition*, the developer must complete the following requirements:

1. Installation of appropriate tree protection fencing around all trees to be retained as part of the development in accordance with the City's Tree Protection Information Bulletin TREE-03, prior to any construction activities including building demolition, occurring on-site, and must remain in place until construction and landscaping on-site is completed.

At Subdivision* stage, the developer must complete the following requirements:

1. Modification of the building setbacks covenant (Rezoning Consideration #9) such that the covenant is registered against Lot 2 only.
2. Payment of the current year's taxes, Development Cost Charges (City, Metro Vancouver and TransLink), School Site Acquisition Charges, and Address Assignment Fees.
3. Enter into a Servicing Agreement* for the design and construction of engineering infrastructure improvements. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. Works include, but may not be limited to:

Water Works: Using the OCP Model, there is 192.0 L/s of water available at a 20 psi residual at the Bird Rd frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.

- b) At Developer's cost, the Developer is required to:
 - (i) Install a new 25mm diameter water service connection complete with water meter and water meter box to service the west lot, as per standard City specifications.
 - (ii) Cut and cap the existing water service connection along Bird Rd frontage and install a new 25mm diameter water service connection complete with water meter and water meter box to service the east lot, as per standard City specifications.
 - (iii) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage building designs.
 - (iv) Provide a right-of-way for the water meter. Minimum right-of-way dimensions to be the size of the meter box (from the City of Richmond supplementary specifications) + any appurtenances (for example, the bypass on W2o-SD) + 0.5 m on all sides. Exact right-of-way dimensions to be finalized during the building permit process (or via the servicing agreement process, if one is required).
- c) At Developer's cost, the City will:
 - (i) Complete all tie-ins for the proposed works to existing City infrastructure.

Storm Sewer Works:

- a) At Developer's cost, the Developer is required to:
 - (i) Confirm the condition and capacity of the existing east storm sewer service connection. If condition of existing storm sewer connection is serviceable and at 100mm diameter, retain to service the east lot.
 - (ii) Confirm the condition and capacity of the existing west storm sewer service connection. If condition of existing storm sewer connection is serviceable and at 100mm diameter, retain to service the west lot.
 - (iii) Cut and cap the existing storm sewer connection located at the south west corner of the lot.
- b) At Developer's cost, the City will:
 - (i) Complete all tie-ins for the proposed works to existing City infrastructure.

Sanitary Sewer Works:

- a) At Developer's cost, the Developer is required to:
 - (i) Not start onsite excavation or foundation construction until completion of rear-yard sanitary works by City crews.
 - (ii) Install a new sanitary service connection complete with inspection chamber to service the east lot.
 - (iii) Confirm the condition and capacity of the existing North West sanitary service connection. If condition of existing sanitary connection is serviceable and at 100mm diameter, retain to service the west lot.
- b) At Developer's cost, the City will:
 - (i) Complete all tie-ins for the proposed works to existing City infrastructure.

General Items:

- a) At Developer's cost, the Developer is required to:
 - (i) Complete other frontage improvements as per Transportation requirements.
 - Applicant to confirm compliance with Bylaw 8751 and 7222
 - Across the subject site's entire Bird Rd frontage, construct a new 1.5 m wide concrete sidewalk at the property line and a landscaped boulevard over the remaining width between the new sidewalk and the new north curb of Bird Rd. The road works are to include pavement widening between the new curb and existing edge of pavement. The cross-section of the frontage improvements (north to south) is to include:
 - o 1.5m wide concrete sidewalk
 - o 1.5m wide landscaped boulevard

- 0.15m wide curb
 - Road widening between the new north curb along the subject site's Bird Rd frontage and existing edge of pavement.
 - Provide functional design to confirm the frontage improvement listed above.
- (ii) Not encroach into City rights-of-ways with any proposed trees, retaining walls, or other non-removable structures. Retaining walls proposed to encroach into rights-of-ways must be reviewed by the City's Engineering Department.
- (iii) Lot is in proximity to jet fuel line. Contact BC One Call (+1 800-474-6886) at least 3 days before any intended ground disturbance.

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

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

Note:

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

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

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

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

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10425 (RZ 22-009258)
10851/10871 Bird 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 **"SINGLE DETACHED (RS2/B)"**.

P.I.D 003-579-778

Lot 55 Section 26 Block 5 North Range 6 West New Westminster Plan 14105

2. This Bylaw may be cited as **"Richmond Zoning Bylaw 8500, Amendment Bylaw 10425"**.

FIRST READING

PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

MINISTRY OF TRANSPORTATION
AND INFRASTRUCTURE APPROVAL

ADOPTED

NOV 28 2022

CITY OF RICHMOND
APPROVED by <i>Ac</i>
APPROVED by Director or Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER



**Regular Council
Monday, November 28, 2022**

**CONSIDERATION OF MATTERS REMOVED FROM THE
CONSENT AGENDA**

9. **APPLICATION BY RICK BOWAL FOR REZONING AT 10851/10871
BIRD ROAD FROM “SINGLE DETACHED (RS1/E)” ZONE TO
“SINGLE DETACHED (RS2/B)” ZONE**

(File Ref. No. 12-8060-20-010425, RZ 22-009258) (REDMS No. 7017339, 1621383, 7022942, 2221494)

R22/20-5

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10425, for the rezoning of 10851/10871 Bird Road from “Single Detached (RS1/E)” zone to “Single Detached (RS2/B)” zone, be introduced and given first reading.

CARRIED

Opposed: Cllrs. Gillanders
Wolfe



City of Richmond

Report to Committee

To: Planning Committee
From: Wayne Craig
Director, Development

Date: November 7, 2022

File: RZ 21-926304

Re: Application by Rick Bowal for Rezoning at 8220 Gilbert Road from
"Single Detached (RS1/E)" Zone to "Arterial Road Two-Unit Dwellings
(RDA)" Zone

Staff Recommendation

1. That the following recommendation be forwarded to a Public Hearing:
 - a) That Single-Family Lot Size Policy 5442 for the area generally bounded by Mirabel Court, Blundell Road, Gilbert Road and Lucas Road, in a portion of Sections 19 and 20 Block 4 North Range 6 West, be amended to exclude 8220 Gilbert Road from the Policy, as shown in the proposed draft Single-Family Lot Size Policy 5442 (Attachment 5).
2. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10428, for the rezoning of 8220 Gilbert Road from the "Single Detached (RS1/E)" zone to the "Arterial Road Two-Unit Dwellings (RDA)" zone, be introduced and given first reading.

Wayne Craig
Director, Development
(604) 247-4625

WC:cl
Att. 10

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	

Staff Report

Origin

Rick Bowal has applied to the City of Richmond (on behalf of the property owners, i.e., himself and Meena Bowal) for permission to rezone 8220 Gilbert Road from the “Single Detached (RS1/E)” zone to the “Arterial Road Two-Unit Dwellings (RDA)” zone, to permit the property to be developed into 2 duplex lots with shared vehicle access to Gilbert Road. This rezoning application includes a proposed amendment to Single-Family Lot Size Policy 5442 to remove 8220 Gilbert Road from the Policy. A location map and aerial photo of the subject site are provided in Attachment 1.

Findings of Facts

A Development Application Data Sheet providing details about the proposal is provided in Attachment 2.

In order to consider this rezoning application, an amendment to Single-Family Lot Size Policy 5442 is required to remove the subject site from the Lot Size Policy. Further discussion on the proposed amendment to Lot Size Policy 5442 is provided later in this report.

Existing Site Condition and Context

A survey of the subject site is included in Attachment 3. The subject site is located on the east side of Gilbert Road, between Blundell Road and Lucas Road. The subject site is the widest residential lot on the east side of this block of Gilbert Road (approximately 28 m/91 ft. wide).

Subject Site Existing Housing Profile

The subject site consists of a large lot containing a single-family dwelling that is occupied by a rental tenant. There are no secondary suites in the dwelling. The existing dwelling is proposed to be demolished at future development stage.

Surrounding Development

Existing development immediately surrounding the subject site is as follows:

- | | |
|-------------------------|--|
| To the North and South: | are lots zoned “Single Detached (RS1/E)”, each containing a single-family dwelling. |
| To the East: | fronting Sunnywood Drive, are lots zoned “Single Detached (RS1/E)”, each containing a single-family dwelling. |
| To the West: | immediately across Gilbert Road, are lots zoned “Single Detached (RS1/E)”, each containing a single-family dwelling. |

Existing Legal Encumbrances

There is an existing Statutory Right-of-Way (SRW) registered on Title of the property for the sanitary sewer along the rear (east) property line. The applicant has been advised that encroachment into the SRW is not permitted.

Related Policies & Studies

Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is “Neighbourhood Residential”. This redevelopment proposal is consistent with this designation.

Arterial Road Land Use Policy

The Arterial Road Land Use Policy identifies the future development potential of properties along arterial roads in certain areas of the City. The Arterial Road Housing Development Map identifies the subject site as “Single Family Lot Size Policy (No Townhouse)”. Properties with this designation are excluded from the Arterial Road Land Use Policy because they are located within a Lot Size Policy area that does not permit small lot subdivision or townhouse development. Further discussion of this redevelopment proposal in the context of the Arterial Road Land Use Policy is provided in the “Analysis” section of this report.

Single-Family Lot Size Policy 5442

The subject site is governed by Single-Family Lot Size Policy 5442, which was adopted by City Council on September 17, 1990 and subsequently renewed and amended in 1996, 2005 and 2008 (Attachment 4). The Lot Size Policy allows certain properties to be rezoned and subdivided subject to site-specific provisions for vehicle access, but does not allow multiple-family development (e.g., townhouses).

Consideration of the rezoning application at the subject site requires an amendment to Lot Size Policy 5442. The proposed amendment is to exclude only the subject site at 8220 Gilbert Road from the Policy, and for all other provisions of the Policy to remain unchanged. The proposed amendment to Lot Size Policy 5442 is shown in Attachment 5.

A targeted review of the OCP is currently on-going, which will include a review of the City’s Single-Family Lot Size Policies. The resulting housing policy framework will reflect today’s housing context. This application for rezoning and amendment to Lot Size Policy 5442 is being brought forward for consideration on its own merits given the unique lot geometry and site context. See the “Analysis” section below for more discussion on the proposed Lot Size Policy amendment.

Affordable Housing Strategy

Consistent with the City’s Affordable Housing Strategy, the applicant proposes to submit a cash-in-lieu contribution to the Affordable Housing Reserve fund in the amount of \$12.00 per buildable square foot prior to final adoption of the rezoning bylaw (i.e., \$86,413.00).

Floodplain Management Implementation Strategy

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

Public Consultation

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

As is the practice for rezoning applications involving an amendment to a Lot Size Policy, City staff sent a letter to all owners and residents of properties located within the area governed by Lot Size Policy 5442 in June 2022 to obtain feedback on the proposed lot size policy amendment and on the development proposal (excerpt provided in Attachment 6). The letter contained a description of the development proposal, preliminary drawings, a copy of the existing Lot Size Policy 5442 and additional information about the proposed amendment to Lot Size Policy 5442 were also included in the package.

In response to the letter and information package, City staff received a letter from four residents of Mirabel Court along with an attachment of a previous piece of correspondence (Attachment 7), which is summarized as follows:

- A majority of Mirabel Court owners and residents continue to support the preservation of single-family housing in the neighbourhood, and are opposed to applications that would propose to remove Lot Size Policy 5442 altogether.
- Owners and residents of Mirabel Court are not opposed to reasonable adjustments to Lot Size Policy 5442 that would continue to preserve Policy's intent, but they are nonetheless concerned about potential erosion of the Policy should additional applications be considered to remove properties from the Policy area to intensify infill development.

Given that the broader OCP review will include a review of the City's Single-Family Lot Size Policies and that this application is being considered on its own merits, the proposed amendment to Lot Size Policy 5442 is to exclude only the subject site at 8220 Gilbert Road from the Policy, and for all other provisions of the Policy to remain unchanged.

The applicant has indicated that on October 28, 2022, he met with some of the neighbours immediately surrounding the subject site (i.e., 8200, 8233, 8240 Gilbert Road and 8231 Sunnywood Drive) to discuss the redevelopment proposal and to answer any questions or concerns. The applicant has indicated that the feedback received from the neighbours was positive and that they either had no opinion about the proposal or were looking forward to the subject site being redeveloped.

Should the proposed amendment to Lot Size Policy 5442 be endorsed by City Council and the rezoning bylaw associated with this application be granted first reading, the proposal would be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Analysis

Redevelopment on Arterial Roads and the Proposed Amendment to Single-Family Lot Size Policy 5442

The City has permitted densification along certain arterial roads since the 1999 OCP was adopted. The objectives of the City's current Arterial Road Land Use Policy are to direct a variety of infill housing types in close proximity to commercial services, public amenities, schools, and transit service, as well as to minimize traffic disruption by ensuring that there is no increase in the number of driveways to arterial roads.

Consistent with the objectives of the Arterial Road Land Use Policy, Richmond Zoning Bylaw 8500 indicates that where there is a rezoning application along an arterial road in an existing lot size policy area that has been in place for over five years, Council will determine whether to remove all of the properties in the block fronting the subject arterial road from the applicable lot size policy when considering the rezoning application. As the OCP review will include a review of the City's Single-Family Lot Size Policies, staff feel that it is not warranted to consider the removal of all lots in the block from Lot Size Policy 5442 at this time as the proposed development at the subject site is being considered on its own merits, as follows:

- The lot geometry of 8220 Gilbert Road is unique in that it is the only residential property on the east side of this block of Gilbert Road that lends itself to redevelopment for two duplex lots with shared vehicle access, as it is approximately 28 m wide as compared to the remainder of the lots, which are approximately 20 m wide.
- There are newer single-family dwellings to the north and south of the subject site.
- This proposal responds to the objectives of the Arterial Road Land Use Policy as it is an infill development application close to urban amenities (Blundell Shopping Centre and Blundell Park/Elementary School) and there are transit routes on both Blundell Road and Gilbert Road.
- The proposal contributes to the variety of housing types within the City and it does not require an additional driveway to the arterial road.
- The proposed duplex designs are sensitive to the existing surrounding single-family housing because they follow the same maximum building height and setbacks that would otherwise be permitted for new construction under the existing single-family zoning. Should the rezoning proceed, a Development Permit application will be required to further refine the form and character of the proposed development.

Given the merits described above, as well as the broader OCP review that will look at all of the City's Single-Family Lot Size Policies in the context of today's housing situation, staff recommend that Council consider the proposed amendment to Lot Size Policy 5442 to exclude the subject site from the Policy and for all other provisions of the Policy to remain unchanged.

Proposed Site Planning

- The proposed site plan on each new lot after subdivision consists of a duplex with one unit at the front and one unit at the back, separated by paired garages. Each duplex is located on either side of a shared drive-aisle that runs through the center of the site over the common property line of each new lot. The proposed conceptual development plans are included in Attachment 8.
- Pedestrian access from the public sidewalk to each of the front units is provided by a pathway treated with permeable pavers. Pedestrian access to each of the back units is provided via the shared drive-aisle. The use of the drive-aisle by both vehicles and pedestrians is highlighted by the proposed decorative surface treatment with permeable pavers. The entries to each of the four units are visible from Gilbert Road.
- Private open space for the front units is provided at grade in the front yards and generous private open space for the back units is provided at grade with patios and green space in the rear yards.

Vehicle Access, Parking, and Transportation Improvements

- A single vehicle access point to the site is proposed from Gilbert Road, which is to be shared between the two new lots.
- Consistent with the parking regulations in the Zoning Bylaw, two side-by-side resident parking spaces are proposed on-site within the garages (for a total of four parking spaces per lot), and one visitor parking space is proposed on-site between the duplexes at the east end of the drive-aisle, which is to be shared between the two lots.
- A legal agreement is required to be registered on Title prior to rezoning bylaw adoption for the shared driveway, to ensure no backing out of vehicles onto Gilbert Road, and to ensure that upon subdivision of the property a cross-access easement is registered on Title for the area of the shared drive-aisle and shared visitor parking space.
- Transportation-related improvements required with rezoning include frontage upgrades along Gilbert Road to install a new minimum 1.5 m wide treed/grass boulevard at the curb and a new 2.0 m wide concrete sidewalk at the property line, which are to transition to meet the existing condition to the north and south. These improvements are to be designed and constructed via the Servicing Agreement, which the applicant must enter into prior to subdivision approval.

Tree Retention, Replacement, and Landscaping

The applicant has submitted a Certified Arborist's Report; which identifies on-site tree species, assesses tree structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses one bylaw-sized plum tree on the subject property, which is in very poor condition as the majority of the tree is dead (Tree # 213).

The City's Tree Preservation Coordinator has reviewed the Arborist's Report, supports the Arborist's recommendation to remove Tree # 213 due to its very poor condition, and requires replacement trees be planted and maintained on the proposed lots at a 2:1 ratio consistent with the OCP (minimum 8 cm deciduous caliper/4 m high conifer).

The applicant has agreed to plant a total of eight trees on-site, in excess of the required tree replacement ratio (four trees on each new lot proposed). The preliminary Landscape Plan illustrates that two of the eight trees proposed to be planted on-site are 8 cm deciduous trees, and that the remaining trees are 5 cm-6 cm caliper deciduous and 3.5 m high conifer (Attachment 9). The Landscape Plan is to be finalized as part of the DP application review process, and a landscaping security based on a cost estimate prepared by the Registered Landscape Architect is required to be submitted prior to DP issuance to ensure that the replacement trees are planted and the Landscape Plan is adhered to.

The site survey also shows hedges on-site in the front yard and on the neighbouring properties to the north and east. The applicant proposes to retain the hedge on the neighbouring property to the north. The applicant proposes to remove the hedge on-site in the front yard as it has low landscape value, conflicts with the required boulevard upgrades, and is contrary to the natural surveillance principles of Crime Prevention Through Environmental Design (CPTED). Subject to obtaining the property owner's written authorization, the applicant proposes to remove the hedge on the neighbouring site to the east as it has low landscape value due to heavy pruning. Should the applicant be unsuccessful in obtaining the neighbouring owner's written authorization for hedge removal, the hedge will be retained and protected. The preliminary Landscape Plan illustrates the proposed tree management plan along with protection fencing, if required.

To ensure that the hedge identified for retention on the neighbouring property to the north is protected at development stage, the applicant is required to complete the following items:

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

Energy Step Code and Electric Vehicle Charging

The architect has confirmed that the applicable Energy Step Code performance targets have been considered in the proposed design. At the DP stage, the applicant will be required to engage a qualified energy modeller to ensure that the proposed design can achieve the applicable performance target.

Should the DP and Building Permit applications associated with this proposal be submitted in accordance with the provisions for in-stream applications, the applicable performance target would be Step 3 (or alternatively Step 2 with a Low-Carbon Energy System).

Consistent with the Zoning Bylaw, the proposal is to include an energized outlet capable of providing Level 2 charging or higher for each resident parking space.

Subdivision and Site Servicing

At subdivision stage, the applicant is required to complete the following:

- Pay Development Cost Charges (City, GVS & DD and Translink), School Site Acquisition Charge, and Address Assignment Fees.
- Register a cross-access easement on Title for the shared drive-aisle and shared visitor parking space.
- Enter into a Servicing Agreement for the design and construction of the required water, storm, and sanitary service connections, as well as for the frontage improvements described previously. Complete details on the scope of work required as part of the Servicing Agreement are included in Attachment 10.

Future Development Permit Application Considerations

A DP application is required for the subject proposal to further review form and character of the proposed development to ensure it is consistent with the policies and design guidelines for duplexes that are contained within the OCP, and further refinements may be made to the drawings as part of the review. This includes, but is not limited to:

- Refining the provision of private outdoor space for the front units to include a secondary space that is not in the front yard.
- Refining the concept shown on the site plan for the boulevard upgrades to reflect that the transition to the existing treatments to the north and south of the site is to occur within the subject site frontage.
- Exploring opportunities for aging-in-place and Convertible Unit Features to be incorporated into dwelling design.
- Investigating with external agencies whether the existing bus stop along Gilbert Road needs to be relocated due to its' proximity to the proposed driveway crossing.
- Reviewing the proposed exterior building material and colour palette.
- Reviewing the applicant's design response to the principles of CPTED.
- Gaining a better understanding of the proposed sustainability features to be incorporated into the project.

Financial Impact

This rezoning application results in an insignificant Operational Budget Impact for off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals).

Conclusion

This application is to rezone the property at 8220 Gilbert Road from the “Single Detached (RS1/E)” zone to the “Arterial Road Two-Unit Dwellings (RDA)” zone, to permit the property to be subdivided to create two lots, each of which would contain a duplex.

Consideration of this rezoning application requires an amendment to Single-Family Lot Size Policy 5442. The proposed amendment is to exclude only the subject site at 8220 Gilbert Road from the Policy, and for all other provisions of the Policy to remain unchanged.

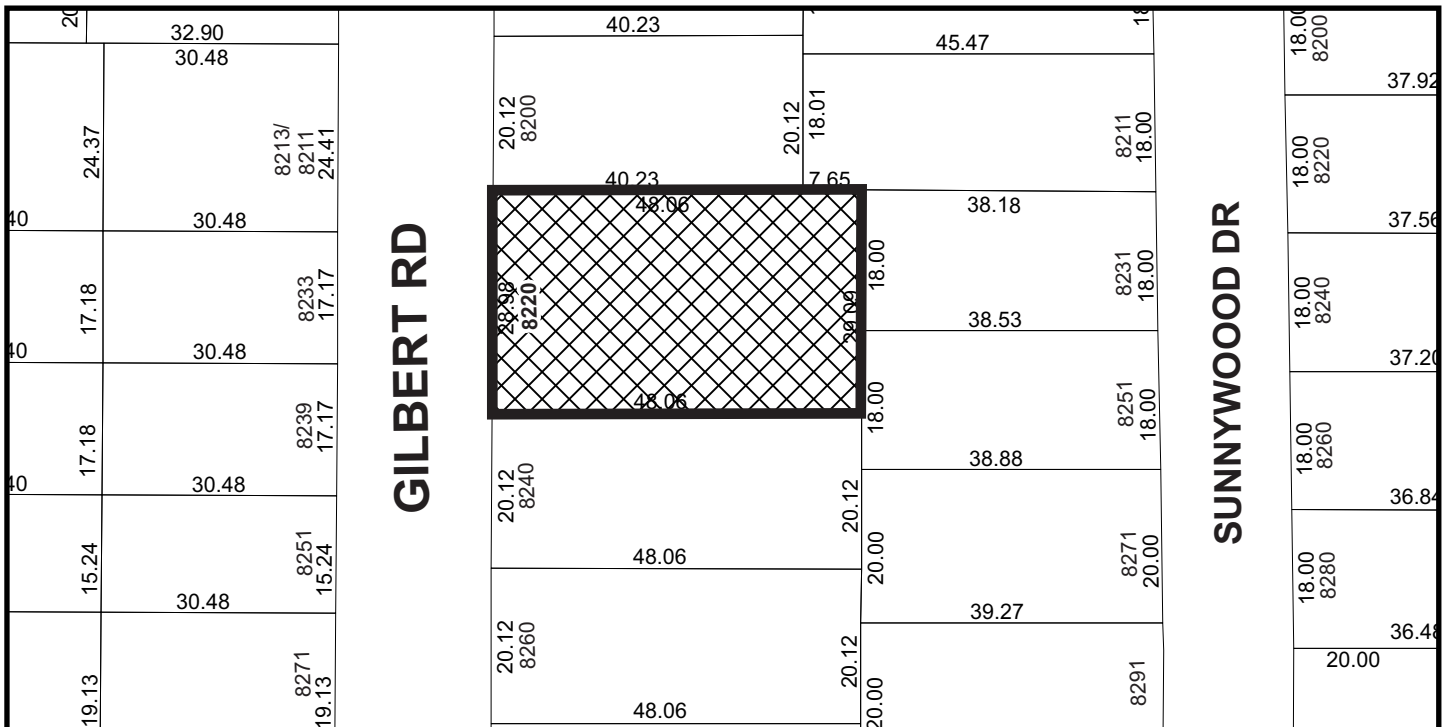
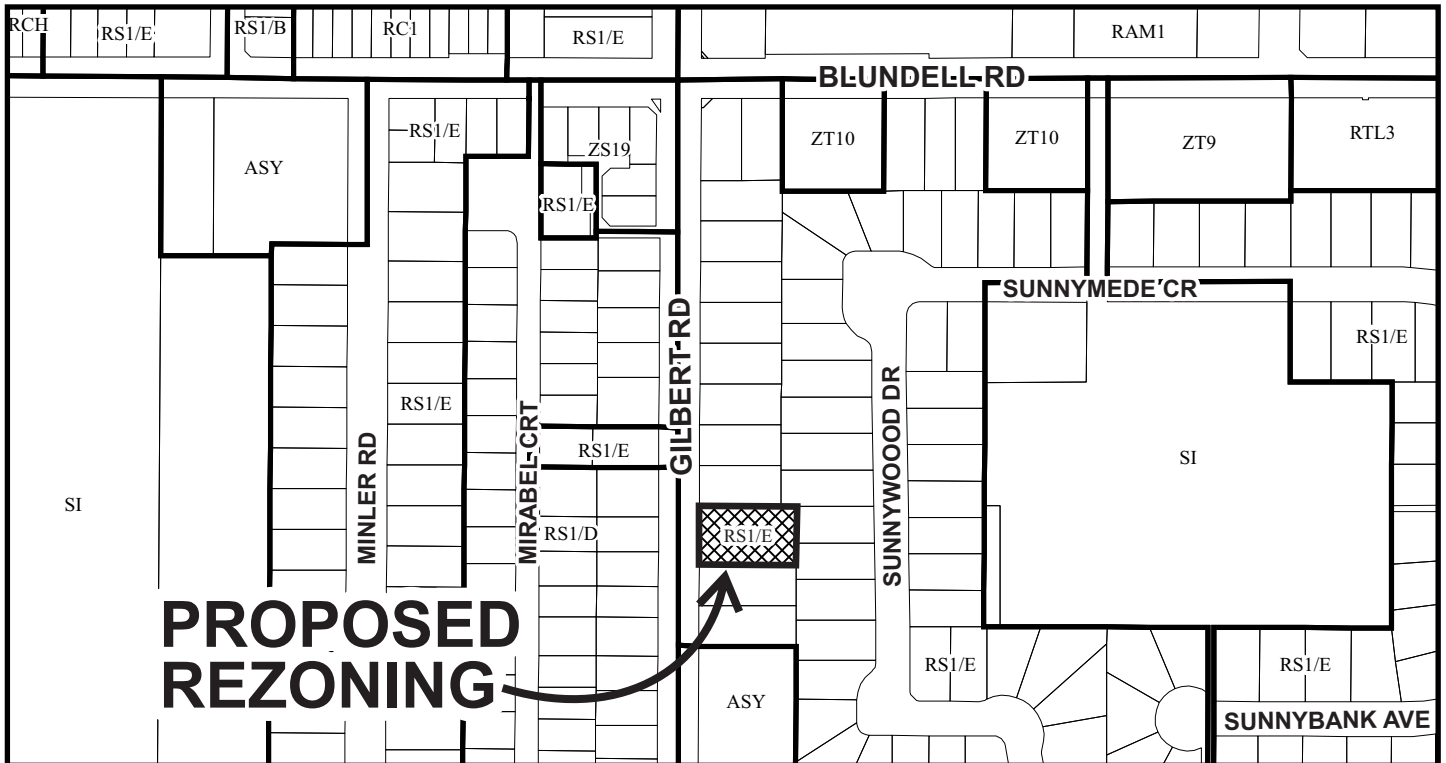
It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10428 be introduced and given first reading.




Cynthia Lussier
Planner 2
(604-276-4108)

CL:js

- Att. 1: Location Map/Aerial Photo
2: Development Application Data Sheet
3: Site Survey
4: Existing Single-Family Lot Size Policy 5442
5: Proposed Amendment to Single-Family Lot Size Policy 5442
6: Letter to Owners/Residents of Lots within Single-Family Lot Size Policy 5442
7: Correspondence from Mirabel Court Residents
8: Conceptual Development Plans
9: Preliminary Landscape Plan
10: Rezoning Considerations





RZ 21-926304

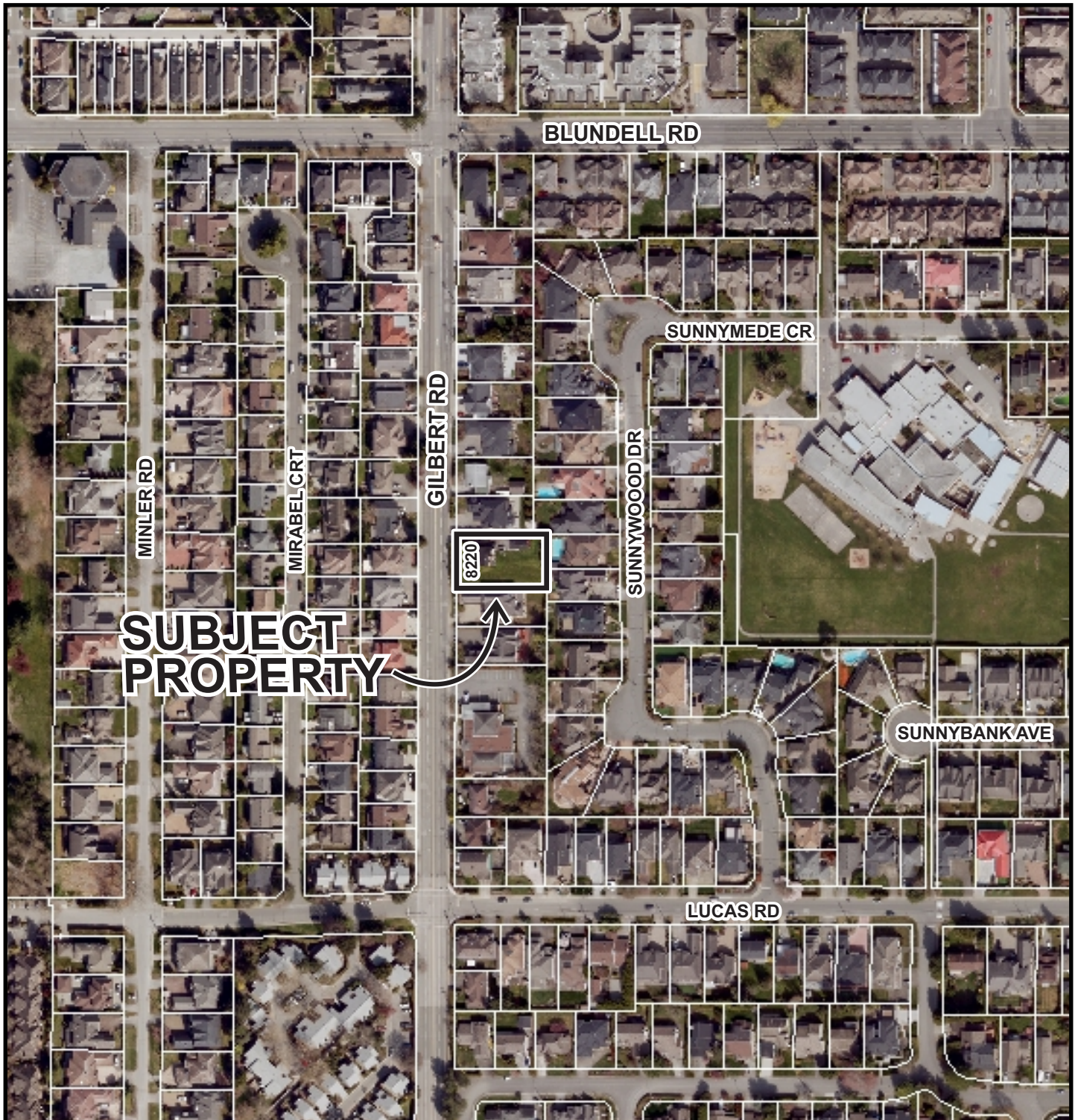
Original Date: 02/17/21

Revision Date:

Note: Dimensions are in METRES



City of Richmond



RZ 21-926304

Original Date: 02/17/21

Revision Date:

Note: Dimensions are in METRES



RZ 21-926304

Address: 8220 Gilbert Road

Applicant: Rick Bowal

Planning Area(s): Broadmoor

	Existing	Proposed
Owner:	Raghibir (Rick) Bowal and Meena Bowal	To be determined
Site Size (m²):	1,390.9 m ² (14,971 ft ²)	North lot – 695.4 m ² (7,485 ft ²) South lot – 695.5 m ² (7,486 ft ²)
Land Uses:	One single detached dwelling	One duplex on each of the two lots created
OCP Designation:	Neighbourhood Residential	No change
Single-Family Lot Size Policy Designation:	Single Detached (RS1/E); multiple-family development not permitted	Amendment to exclude the subject site from the Policy to permit a subdivision to create two lots, each containing a duplex
Zoning:	Single Detached (RS1/E)	Arterial Road Two-Unit Dwellings (RDA)

On Future Subdivided Lots	Bylaw Requirement	Proposed		Variance
Floor Area Ratio:	The lesser of 0.60 FAR and 334.5 m ²	North lot:	0.48 FAR (334.3 m ²)	None permitted
		South lot:	0.48 FAR (333.66 m ²)	
Buildable Floor Area (m ²):	Maximum total 334.5 m ² (3,600 ft ²) (Each unit min. 125.4 m ² and max. 183.9 m ²)	North lot:	334.3 m ² (3,598 ft ²) (Front unit – 166.3 m ² Back unit – 168.0 m ²)	None permitted
		South lot:	333.66 m ² (3,590 ft ²) (Front unit – 166.3 m ² Back unit – 167.36 m ²)	
Lot Coverage (% of lot area):	Buildings: Max. 45% Non-porous Surfaces: Max. 70% Live plant material: Min. 25%	North lot:	Buildings: 37% Non-porous Surfaces: 37% Live plant material: 27%	None
		South lot:	Building: 38% Non-porous Surfaces: 38% Live plant material: 27%	
Min. Lot Size:	464.5 m ²	North lot:	695.4 m ²	None
		South lot:	695.5 m ²	
Min. Lot Dimensions (m):	Width: 10.35 m Depth: 30.0 m	Width: 14.5 m each Depth: 47.8 m each		None

On Future Subdivided Lots	Bylaw Requirement		Proposed	Variance
Setbacks (m):	Front:	Min. 6.0 m	6.0 m	None
	Side:	Min. 1.2 m	1.2 m	
	Rear:	Min. 9.5 m for up to 60% of 1 st storey rear wall and 10.7 m for at least 40% of 1 st storey rear wall and all of 2 nd storey	9.5 m for 60% of 1 st storey rear wall and 10.7 m for 40% of 1 st storey rear wall and all of 2 nd storey	
Height (m):	The lesser of 2 storeys or 9.0 m		2 storeys (7.6 m)	None
On-site Resident Parking Spaces per lot:	2 spaces per unit (4 spaces total)		2 spaces per unit (4 spaces total)	None
On-site Visitor Parking Spaces:	1 space (shared between 2 lots)		1 space (shared between 2 lots)	None
Grand total:	9 spaces		9 spaces	None
Private Outdoor Space:	Min. 30 m ² per unit		North Lot:	None
			Front – 49.2 m ²	
			Back – 142.7 m ²	
			South Lot:	
			Front – 49.1 m ²	
			Back – 140.8 m ²	

TOPOGRAPHIC PLAN FOR PROPOSED
SUBDIVISION OF LOT 7 SECTION 20 BLOCK
4 NORTH RANGE 6 WEST
NEW WESTMINSTER DISTRICT PLAN 10008

ATTACHMENT 3

FOR PERMIT APPLICATION PURPOSES ONLY

CIVIC ADDRESS:
8220 GILBERT ROAD
RICHMOND, BC

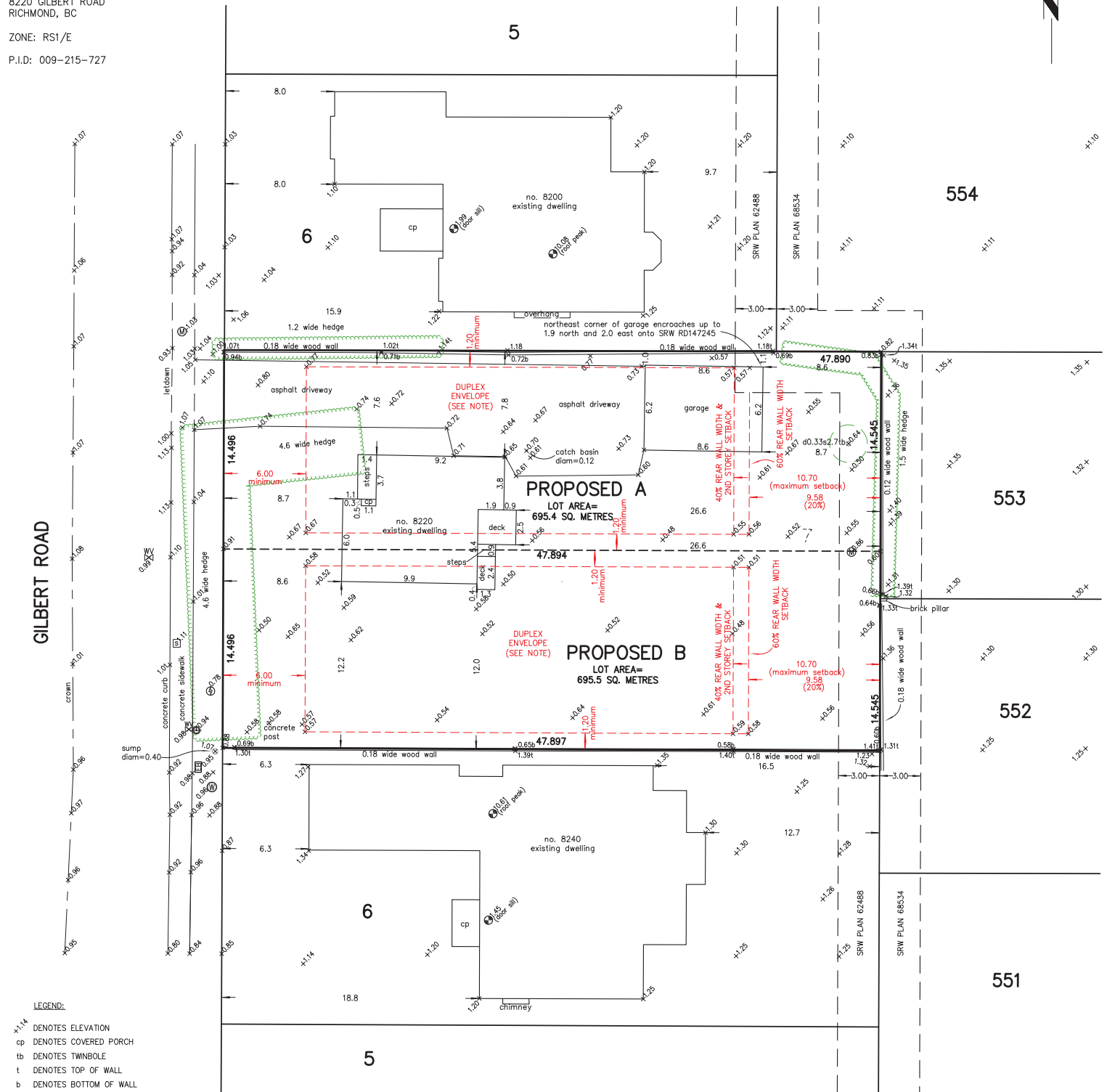
ZONE: RS1/E

P.I.D: 009-215-727

BUILDING ENVELOPE NOTE:

ENVELOPES ARE ONLY AN APPROXIMATE INTERPRETATION OF CITY BUILDING BYLAWS. CONSULT CITY PLANNING DEPARTMENT FOR FINAL ENVELOPES BEFORE THE START OF DESIGN DRAWINGS.

LYON, FLYNN & COLLINS ACCEPTS NO RESPONSIBILITY FOR DISCREPANCIES OR ERRORS THAT MAY INCUR FROM DETERMINING ENVELOPE DIMENSIONS OR LOCATIONS.



NOTES:

ELEVATIONS ARE IN METRES TO CITY OF RICHMOND CVD28GVRD2018 GEODETIC DATUM DERIVED FROM MONUMENT 77H4767 WITH ELEVATION=0.955 METRES AND CONFIRMED TO HPN MONUMENT 77H4686 WITH ELEVATION=0.844 METRES.

ALL TREES AND STUMPS HAVE BEEN PLOTTED AS REQUIRED BY THE CITY OF RICHMOND TREE PROTECTION BYLAW No 8057.

BUILDING DIMENSIONS AND OFFSETS ARE TAKEN TO THE OUTSIDE FACE OF THE BUILDING.

LOT DIMENSIONS AND AREA ARE SHOWN ACCORDING TO LAND TITLE OFFICE RECORDS.

ALL DIMENSIONS OTHER THAN LOT DIMENSIONS ARE SHOWN TO THE NEAREST 0.1 METRES.

CHARGES:

LOT 7 IS SUBJECT TO STATUTORY RIGHT OF WAY RD147245 INTER ALIA.

CERTIFIED CORRECT:
14TH DAY OF APRIL, 2022.

B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

THIS PLAN IS TO BE USED FOR DESIGN
PURPOSES ONLY.



LYON, FLYNN & COLLINS B.C. LAND SURVEYORS
102-1537 WEST 8TH AVENUE, VANCOUVER, B.C.
T: 604-737-8777 E: LYON@TELUS.NET
W: WWW.LFCSURVEY.COM

PH - 223

SCALE: 1 : 200 DATE: 6TH APRIL 2022 FILE NO: 20166ATOPO (METRIC) CHK: KP DRWN: PH



City of Richmond

Policy

Page 1 of 2

Adopted by Council: September 17, 1990
Renewed by Council: February 19, 1996
Amended by Council: September 19, 2005
Amended by Council: September 3, 2008

POLICY 5442

File Ref: 4045-00

SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 19-4-6 and 20-4-6

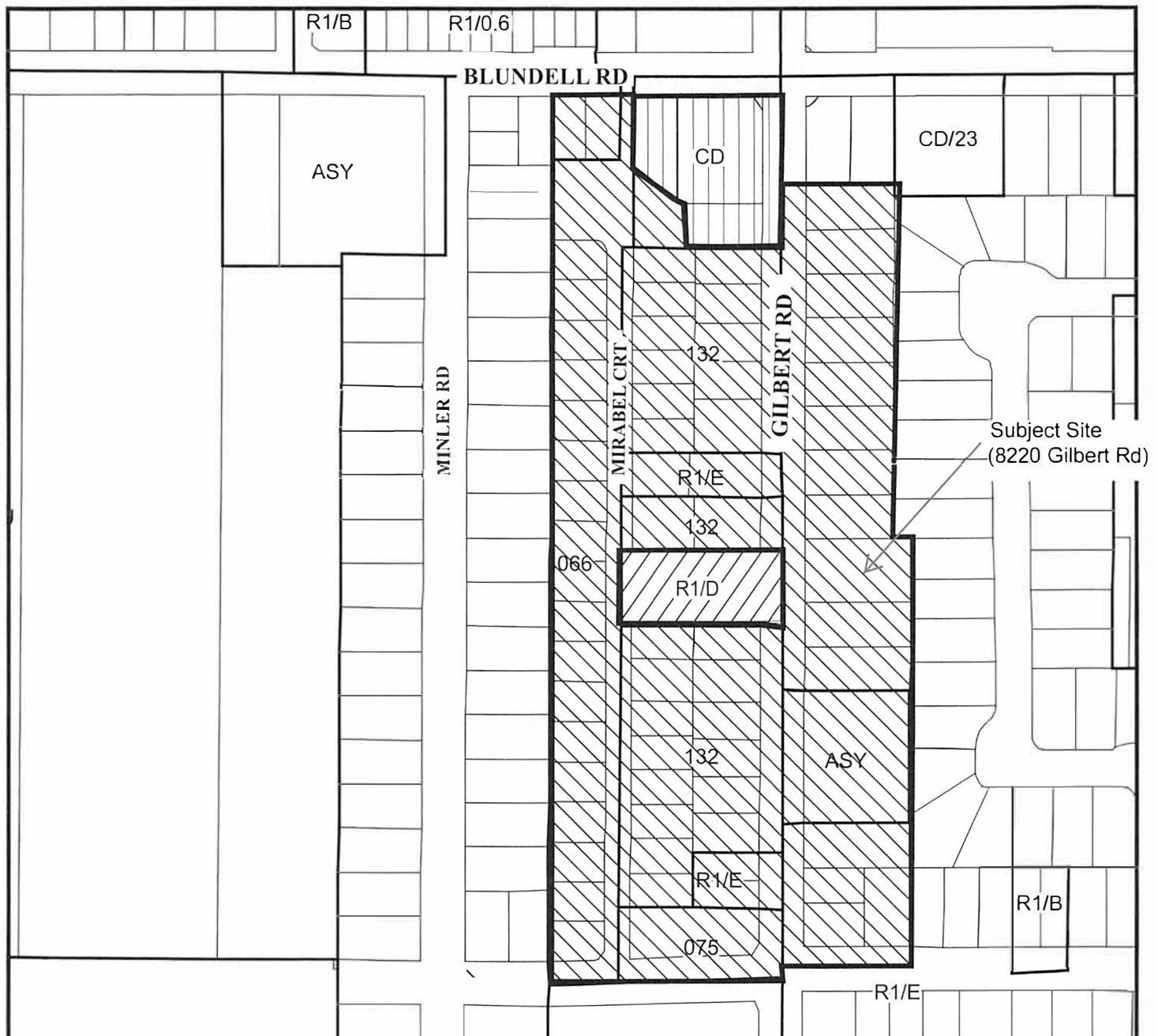
POLICY 5442:

The following policy establishes lot sizes in a portion of Section 19-4-6 and Section 20-4-6 located on Mirabel Court, the south side of Blundell Road, and the west and east sides of Gilbert Road south of Blundell Road:

1. That properties within the area of Mirabel Court, the south side of Blundell Road, and the west and east sides of Gilbert Road, in a portion of Section 19-4-6 and Section 20-4-6, be permitted to subdivide in accordance with the provisions of Single-Family Housing District (R1/E) in Zoning and Development Bylaw 5300, with the following provisions:
 - a) That 8233, 8239 Gilbert Road and 8226, 8228 Mirabel Court be permitted to subdivide as per Single-Family Housing District (R1/D), provided that no new accesses are created onto Gilbert Road; and
 - b) That 8091 Gilbert Road, 6800 and 6760 Blundell Road be permitted to subdivide as per **Comprehensive Development District (CD)**, provided that there are **not more than 6 lots** and that the lots are accessible by a lane which would not be connected to Mirabel Court;

and that this policy, as shown on the accompanying plan, be used to determine the disposition of future single-family rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw.

2. That multiple-family residential development shall not be permitted.



Subdivision permitted as per **R1/E**



Subdivision permitted as per **CD** at 6800, 6760 Blundell Road and 8091 Gilbert Road provided that there are no more than 6 lots and that the lots access a lane not connected to Mirabel Court;



Subdivision permitted as per **R1/D** at 8233, 8239 Gilbert Road and 8226, 8228 Mirabel Court provided that no new accesses are created onto Gilbert Road.



Policy 5442

Section 19-4-6 & 20-4-6

Adopted Date: 09/17/90
Renewed Date: 02/19/96
Amended Date: 09/19/05
09/03/08

Note: Dimensions are in METRES



City of Richmond

Policy Manual

Page 1 of 2

Adopted by Council: September 17, 1990
 Renewed by Council: February 19, 1996
 Amended by Council: September 19, 2005
 Amended by Council: September 3, 2008
 Amended by Council:

**DRAFT
 PROPOSED
 POLICY 5442**

File Ref: 4045-00

SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 19-4-6 and 20-4-6

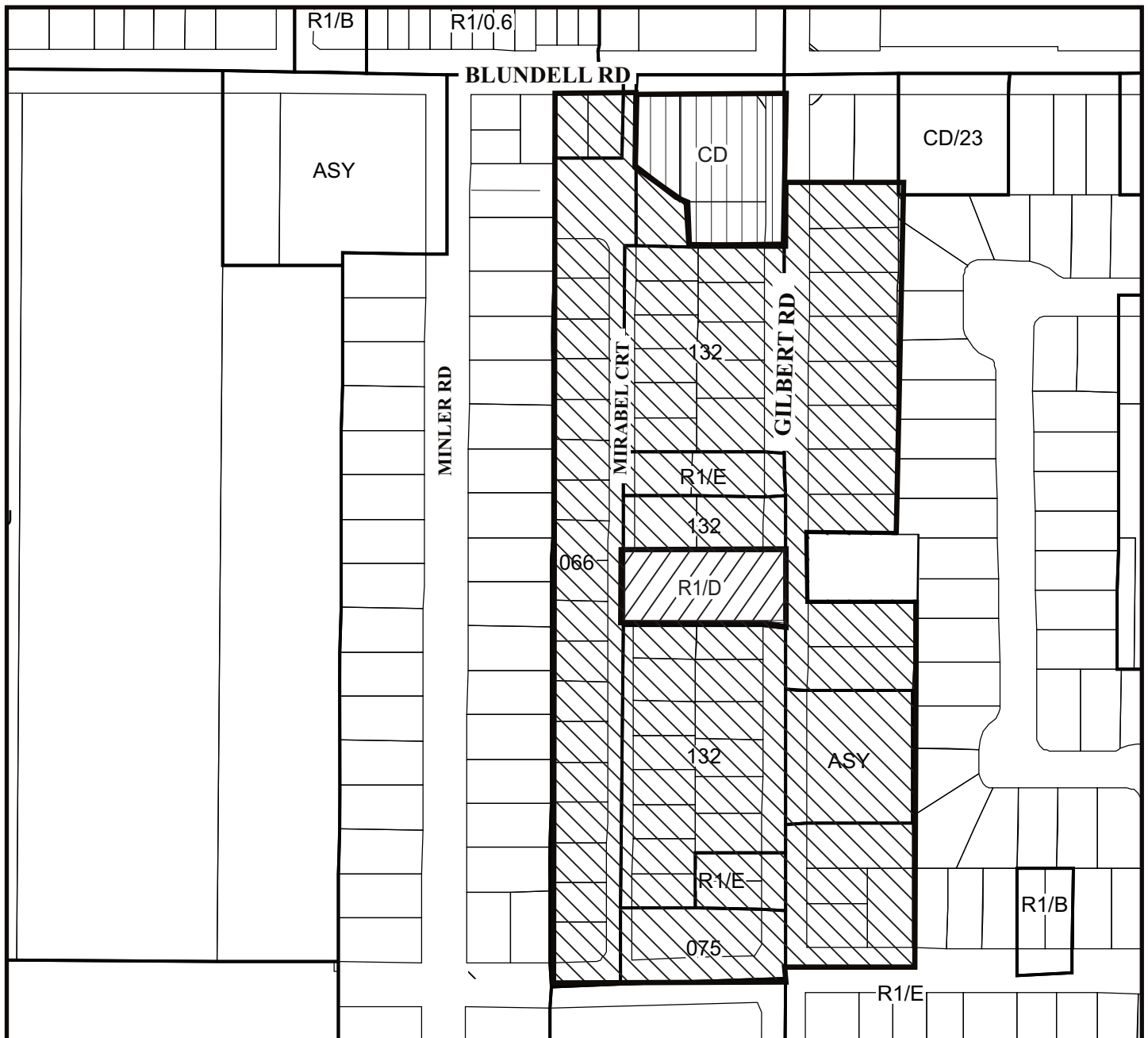
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 - a) That 8233, 8239 Gilbert Road and 8226, 8228 Mirabel Court be permitted to subdivide as per Single-Family Housing District (R1/D), provided that no new accesses are created onto Gilbert Road; and
 - b) That 8091 Gilbert Road, 6800 and 6760 Blundell Road be permitted to subdivide as per **Comprehensive Development District (CD)**, **provided that there are not more than 6 lots and** that the lots are accessible by a lane which would not be connected to Mirabel Court;

and that this policy, as shown on the accompanying plan, be used to determine the disposition of future single-family rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw.

2. That multiple-family residential development shall not be permitted.



Subdivision permitted as per **R1/E**



Subdivision permitted as per **CD** at 6800, 6760 Blundell Road and 8091 Gilbert Road provided that there are no more than 6 lots and that the lots access a lane not connected to Mirabel Court;



Subdivision permitted as per **R1/D** at 8233, 8239 Gilbert Road and 8226, 8228 Mirabel Court provided that no new accesses are created onto Gilbert Road.



Policy 5442

Section 19-4-6 & 20-4-6

Adopted Date: 09/17/90
Renewed Date: 02/19/96
Amended Date: 09/19/05
09/03/08

Note: Dimensions are in METRES



City of
Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

June 6, 2022
File: RZ 21-926304

Planning and Development Division
Development Applications
Fax: 604-276-4052

Dear Owner/Resident:

Re: Proposed Amendment to Single-Family Lot Size Policy 5442 and Proposed Rezoning Application at 8220 Gilbert Road

The purpose of this letter is to advise you that the City of Richmond has received a rezoning application for a property in your neighbourhood at 8220 Gilbert Road, and to provide information on how to comment on this application, should you wish to.

This rezoning application is to enable subdivision of the property to create two medium-sized lots (each approx. 14 m/45 ft. wide) and the construction of a duplex on each new lot. A map showing the location of the property is provided in Attachment 1. Conceptual drawings of the proposed duplexes on each new lot are provided in Attachment 2.

This property is located within the area governed by Single-Family Lot Size Policy 5442 (Attachment 3), which prohibits multi-family development and restricts the majority of properties in the area to a minimum lot width of 18 m (59 ft.). This rezoning application includes an amendment to Single-Family Lot Size Policy 5442 to remove 8220 Gilbert Road from the Policy (Attachment 4).

It is emphasized that this rezoning application and the proposed amendment to Single-Family Lot Size Policy 5442 would not change the zoning of other properties in the area. Any zoning changes proposed to other properties would be subject to the standard rezoning application review process with public consultation including a Public Hearing.

Further details about this rezoning application and the proposed amendment to Single-Family Lot Size Policy 5442 are provided in Attachment 5.

Please submit any comments you may have about this proposal **by July 8, 2022** to clussier@richmond.ca or to Cynthia Lussier, Planner 2, Development Applications Department, City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1.

If you have any questions, please contact me by phone at 604-276-4108 or by email at clussier@richmond.ca.

Note: If you have no comments or concerns about the attached proposal, then no action is required on your part.

Sincerely,

Cynthia Lussier
Planner 2

CL: blg

Att. 5

6852297



Proposed Rezoning Application at 8220 Gilbert Road

Rick Bowal has applied to the City of Richmond for permission to rezone the property at 8220 Gilbert Road from the “Single Detached (RS1/E)” zone to the “Arterial Road Two-Unit Dwellings (RDA)” zone, to permit the property to be subdivided to create two lots (each approx. 14 m/45 ft. wide), with a shared visitor parking space, and vehicle access from a single shared driveway to Gilbert Road. Each lot would contain a duplex (i.e., a building containing two units). The application is being process under City file number RZ 21-926304.

Single-Family Lot Size Policy 5442 and Proposed Amendment

On September 17, 1990, City Council adopted Single-Family Lot Size Policy 5442 to establish the lot sizes that would be considered on properties generally bounded by Mirabel Court, the south side of Blundell Road, the east side of Gilbert Road, and the north side of Lucas Road (included in this package as Attachment 3). The Lot Size Policy indicates that properties be permitted to subdivide in accordance with the “Single Detached (RS1/E)” zone (minimum 18 m/59 ft. wide lots), subject to the following:

- That four mid-block lots on the west side of Gilbert Road be permitted to subdivide as per the “Single Detached (RS1/D)” zone provided that no new driveway accesses are created onto Gilbert Road (8233, 8239 Gilbert Road and 8226, 8228 Mirabel Court).
- That six lots at the southwest corner of the intersection of Blundell and Gilbert Roads be permitted to subdivide as per a site-specific zone (“Single Detached (ZS19)”) provided that vehicle access is from a lane that does not connect to Mirabel Court (6748, 6768, 6788 Blundell Road and 8039, 8059, 8079 Gilbert Road).
- That multi-family residential development is not permitted (e.g., duplexes, triplexes, townhouses etc.)

As it currently exists, Lot Size Policy 5442 requires the property at 8220 Gilbert Road to remain as a large lot zoned “Single Detached (RS1/E)” (approx. 28 m/91 ft. wide), which can accommodate a single-family dwelling including a secondary suite.

Table 1 (below) provides a comparison between what the “Single Detached (RS1/E)” zone allows under the existing Lot Size Policy and what the proposed rezoning to the “Arterial Road Two-Unit Dwellings (RDA)” zone would allow under the proposed amendment to the Lot Size Policy.

The proposed amendment to Lot Size Policy 5442 would remove 8220 Gilbert Road from the Lot Size Policy area so that it could rezone and subdivide into two lots (each approx. 14 m/45 ft. wide) to contain a duplex on each new lot. This property is the largest residential property on the east side of Gilbert Road within the Lot Size Policy area and is the only one that would currently lend itself to this type of infill residential development. All other provisions of the Lot Size Policy would remain unchanged. The proposed amendment to the Lot Size Policy and accompanying map is provided in Attachment 4, with the proposed changes shown in red.

Table 1 – Zoning Summary Comparison (8220 Gilbert Road)

	Permitted Uses	Lot Width	Lot Depth	Lot Area	Max. Buildable Floor Area
<i>Existing Zoning</i> Single Detached (RS1/E)	One single-family dwelling, and a secondary suite	28 m (91 ft.)	48 m (157 ft.)	1,390 m ² (14,968 ft ²)	533 m ² (5,740 ft ²)
<i>Proposed Zoning</i> Arterial Road Two-Unit Dwellings (RDA)	One duplex on each of the two lots created, and a secondary suite*	Each lot 14.0 m (45 ft.)	Each lot 48 m (157 ft.)	Each lot 695 m ² (7,480 ft ²)	Each lot 334.5 m ² (3,600 ft ²)
* Although a secondary suite would be permitted in each duplex unit, there are no secondary suites proposed as part of this development application.					

Next Steps

Please submit any comments you may have about this proposal **by July 8, 2022** to clussier@richmond.ca or to Cynthia Lussier, Planner 2, Development Applications Department, City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1.

If you have any questions, please contact me by phone at 604-276-4108 or by email at clussier@richmond.ca.

Note: If you have no comments or concerns about the attached proposal, then no action is required on your part.

After all public comments are received on July 8, 2022, City staff will complete a report to the Planning Committee of City Council on the proposed amendment to Single-Family Lot Size Policy 5442 and the rezoning application at 8220 Gilbert Road, and will incorporate your feedback as part of the report. If the application is supported by the Planning Committee, it would subsequently be considered by Richmond City Council at a regular Council meeting. You will be provided with the opportunity to address Council directly if the proposed amendment to the Lot Size Policy and the rezoning application proceed to a Public Hearing. There is no obligation for you to provide comments.

It is emphasized that the proposed amendment to Single-Family Lot Size Policy 5442 and the rezoning application at 8220 Gilbert Road do not change the zoning of other properties in the area. Proposed zoning changes on other properties in your neighbourhood would be subject to the standard rezoning application review process (which includes public notification and a Public Hearing).

July 8, 2022

Cynthia Lussier,
Planner 2,
Planning & Development Division – City of Richmond
6911 No. 3 Road, Richmond BC

Re: File RZ 21-926304 – and *continued general protection of Single Family Lot Size Policy 5442*

Ms. Lussier: This note is being provided to you in response to your June 6, 2022, letter to owners and residents at homes within the area covered by the City of Richmond's Single Family Lot Size Policy 5442. This policy generally applies to adjacent, one-block-long sections of Gilbert Road and Mirabel Court, capped by adjoining housing on Blundell Road and Lucas Road.

Your June 6 letter invited comments in response to the proposed amendment to Policy 5442 that would allow the property at 8220 Gilbert Road to be subdivided and developed as a multi-family property that would be exempted from the area's single-family policy that was established by the City almost 32 years ago for the "5442" area.

A review of Richmond's Planning & Development records would confirm that Mirabel Court residents and owners have actively participated in reviews of various development issues during the past 30 years that have involved the 5442 Policy area. An overwhelming majority of residents have endorsed, and continue to support, the preservation of the general single-family character of this mini-neighbourhood, with its exceptional neighbourly spirit. (The City's records show that Mirabel Court homes constitute 55% of all single-family properties within the present 5442 Single Family Lot Size Policy.)

Specifically, it also is a relevant matter of record that 92% of Mirabel residents and owners formally expressed their opposition to the attempt in 2020 by the then owner of 8220 Gilbert Road to pressure the City of Richmond to "scrap Richmond Zoning Policy 5442" in a self-serving campaign. (A copy of the June 22, 2020, Mirabel letter is attached, for your information and reference.) Commendably, City planners and a majority of the members of City Council also did not endorse the attempt to "scrap" Policy 5442.

In particular, Ms. Lussier, please be aware that Mirabel residents were not just responding to an attempted rezoning of 8220 Gilbert Road and they were not advocating a blanket ban on potentially reasonable adjustments that would continue to preserve the general spirit and intent of Policy 5442. Please review the wording of paragraph seven, at the bottom of page one of the attached June 22, 2020, letter accompanying this note.

For your convenience, the pertinent paragraph in the 2020 letter reads as follows:

"Current views by Mirabellers in support of Policy 5442 are consistent with those that have been expressed on several occasions during past years to members of Richmond council and city planners, as some councillors and staff may recall. This is at least the sixth survey that has drawn the support of a strong majority of Mirabel residents and owners. Most of the surveys have endorsed proposed or existing city development guidance policies; some have supported specific, conforming housing projects. It is a matter of record, too, that Mirabellers also have previously advised city council that we respect the fact that appropriate and managed renewal and growth of our residential areas are necessary considerations for Richmond's future."

That said, however, further proposed modification of the existing single-family policy – such as the currently intended multi-family changes at 8220 Gilbert Road – does create unease and concerns about potential erosion of the valued, if limited, protections afforded by Policy 5442. We are aware that openly pro-townhouse speculators have acquired and hold existing single-family homes on Mirabel Court and Gilbert Road, within the Policy 5442 boundary. It appears likely that there will be additional pressures on Richmond planners and City Council members to yield to further bids to exempt other properties from existing single-family zoning designations provided by Policy 5442.

Please be aware that the existing single-family designations continue to be supported and valued by a large majority of the residents on Mirabel Court, and also at least a significant number of residents on the west side of Gilbert Road.

The assurances provided in Attachment 5 of your June 6, 2022, letter to residents are noted and appreciated. However, the reality remains that further specific bids to undo Policy 5442's single-family zoning designations can be initiated at any time.

Mirabel Court is a unique, one-block-long narrow street of very shallow, single-family-home lots originally created from the backyards of existing properties fronting on Gilbert Road and Minler Road. There are no deep and private backyards at Mirabel homes. The continued, reasonable preservation of established Mirabel qualities requires effective and appropriate protection under Richmond City's development rules from the ever-advancing motivations of advocates for multi-family development.

Incidentally, we note that Mirabel Court is twice misrepresented as Mirabel Crescent in an illustration – including a map of the area covered by Policy 5442 – apparently produced and submitted by the architect for the proposed multi-family development at 8220 Gilbert Road and later copied to “5422” residents. The fact that there is only one access opening at just one end of the block for all in-and-out traffic along Mirabel Court's narrow roadway always has mattered a lot in potential development considerations and the correct description should be accurately presented in such documents, for the record.

Thank you.



Pauline Cheung & Peter Cheung, Mirabel Court Block Watch Captain
– 8080 Mirabel Court



Mary Ann Williamson & Robert Williamson – 8166 Mirabel Court

June 22, 2020

For the attention of members of Richmond City Council

(Mayor Malcolm Brodie and councillors Chak Au, Carol Day, Kelly Greene, Alexa Loo, Bill McNulty, Linda McPhail, Harold Steves and Michael Wolfe)

and the Richmond Planning and Development Department

(John Hopkins, Program Manager, Policy Planning)

FOR YOUR RECORDS

New opinion survey establishes that 92% of Mirabel Court homes resoundingly reject one landowner's public campaign to "scrap Richmond Zoning Policy 5442"

For 30 years, Policy 5442 has effectively helped to guide consistent and appropriate development and contributed to fostering community spirit in Richmond's Mirabel-Gilbert 'micro-neighbourhood'

During the third week of May this year, residents of Mirabel Court first became aware of a public, online campaign, apparently launched and being led by the owner of 8220 Gilbert Road, demanding that the City of Richmond "scrap Richmond Zoning Policy 5442".

Policy 5442 was implemented by the City of Richmond in 1990 partly in an acknowledgement of broad neighbourhood opposition to a proposed townhouse mega-project and also to guide future single-family residential development and densities in the area bounded by Gilbert Road, Blundell Road, Mirabel Court and Lucas Road.

The city has responsively adapted the lot-size policy over the years to continue to provide relevant and effective ongoing development guidance to accommodate compatible housing in the area.

Now, responding through a new survey, individuals and family members representing a total, to date, of 37 Mirabel Court homes have affirmed that they "support the continuation of Policy 5442 by the City of Richmond". Combined, these views presently represent 92% of all Mirabel homes.

Mirabel is a unique cluster of relatively shallow lots originally created in the 1970s from the backyards of adjacent homes on the west side of Gilbert Road and the east side of Minler Road. Mirabel homes are served by a narrow access roadway with a single entry-exit at Lucas Road; vehicle parking is permitted only on one side of the street.

This latest, virtually door-to-door expression of support for the civic zoning instrument, Policy 5442, is a further indication of Mirabel's continuing evolution as a hub of neighbourliness that is widely-shared and appreciated along the street.

Current views by Mirabellers in support of Policy 5442 are consistent with those that have been expressed on several occasions during past years to members of Richmond council and city planners, as some councillors and staff may recall. This is at least the sixth survey that has drawn the support of a strong majority of Mirabel residents and owners. Most of the surveys have endorsed proposed or existing city development guidance policies; some have supported specific, conforming housing projects. It is a matter of record, too, that Mirabellers also have previously advised city council that we respect the fact that appropriate and managed renewal and growth of our residential areas are necessary considerations for Richmond's future.

Respecting current coronavirus concerns, Mirabel residents on this occasion opted to express their support via individual emails or in signed, in-person affirmations. Details can be provided upon request.

As some members of council may be aware, a website was established earlier this year by the Gilbert Road landowner who claims credit for the campaign dedicated to eliminating Policy 5442. A self-serving objective is to help him attract a buyer for his property at 8220 Gilbert Road; apparently, he is pursuing a transactional profit of well over \$1.5 million. But a significant, relevant detail to be noted is that throughout recent weeks a total of 30% of the 13 Gilbert Road single-family properties publicly declared to be supporting the online campaign to scrap Policy 5442 also either have been displaying commercial realtors' FOR SALE signs in their front yards, or already had been sold earlier this year.

Online responses on the 'Scrap 5442' website indicate that most of these supporters share multi-family-zoning wish lists for their existing single-family properties on Gilbert Road. Some could be seen as tantamount to advocating a townhouse free-for-all scenario for the area.

This communication is for your reference, please, as may be warranted by subsequent developments. More views can be shared at an appropriate time if the organizer continues with this current, misguided campaign to kill Policy 5442.

We ask for your support to ensure the effective continuation of Policy 5442.

Thank you, on behalf of the concerned survey participants on Mirabel Court.

The image shows two handwritten signatures in cursive. The first signature on the left is 'Mary Ann Williamson' and the second signature on the right is 'Bob Williamson'. Both are written in dark ink.

Mary Ann and Bob Williamson

8166 Mirabel Court
Richmond, BC
604 512-4856

NORTH LOT

EXISTING		PROPOSED:
SITE AREA:	1390.60SM (14967.89SF)	695.40SM (7485.04SF)
LAND USES:	SINGLE-FAMILY DWELLING	DUPLEXES
OCF DESIGNATION:	RESIDENTIAL	NO CHANGE
ZONING:	RS1/E	RDA ARTERIAL ROAD DUPLEX
NUMBER OF UNITS:	1	2
	ALLOWED/REQUIREMENTS:	PROPOSED:
FLOOR AREA RATIO: (NET)	0.600 (317.24SM) MAX. (334.55M)	0.481 334.35M(3598.57SF)
LOT COVERAGE:	BLDGs: 0.450 (312.93SM)	0.367 (255.32SM)
SETBACK-FRONT (WEST)	6.0m (19.68')	6.020m (19.69')
SETBACK-REAR (EAST)	60% GF: 20% LOT DEPTH(9.583m) REST: MAX:10.7m	9.583m (31.44') & 10.726m (35.19')
SETBACK-SIDE (NORTH)	1.2m (3.94')	1.250m (4.10')
SETBACK-SIDE (SOUTH)	1.2m (3.94')	1.219m (4.01')
HEIGHT: (m)	9.000m (29.527')	7.650m (25.10')
LOT SIZE:	28.99m X 47.897m	14.496m X 47.894m
OFF-STREET PARKING RESIDENTIAL /COMMERCIAL:	4 AND 1	4 AND 1(SHARED)
OFF-STREET PARKING ACCESSIBLE:	N/A	0
OFF-STREET PARKING TOTAL	5	5
TANDEM PARKING SPACES:	NONE	NONE

SOUTH LOT

	EXISTING	PROPOSED:
SITE AREA:	1390.60SM (14967.89SF)	695.50SM (7486.12SF)
LAND USES:	SINGLE-FAMILY DWELLING	DUPLEXES
OCF DESIGNATION:	RESIDENTIAL	NO CHANGE
ZONING:	RS1/E	RDA ARTERIAL ROAD DUPLEX
NUMBER OF UNITS:	1	2
	ALLOWED/REQUIREMENTS:	PROPOSED:
FLOOR AREA RATIO: (NET)	0.600 (416.53SM) MAX. (334.5SM)	0.480 333.66SM (3591.48SF)
LOT COVERAGE:	BLDGS: 0.450 (308.87SM)	0.374(259.94SM)
SETBACK-FRONT (WEST)	6.0m (19.68')	6.020m (19.69')
SETBACK-REAR (EAST)	50% GF: 20% LOT DEPTH(9.583m) REST: MAX:10.7m	9.583m (31.44') & 10.70m (35.10')
SETBACK-SIDE (NORTH)	1.2m (3.94')	1.237m (4.06')
SETBACK-SIDE (SOUTH)	1.2m (3.94')	1.219m (4.01')
HEIGHT: (m)	9.000m (29.527')	7.638m (25.06')
LOT SIZE:	28.99m X 47.897m	14.496m X 47.894m
OFF-STREET PARKING RESIDENTIAL/COMMERCIAL:	4 AND 1	4 AND 1(SHARED)
OFF-STREET PARKING ACCESSIBLE:	N/A	0
OFF-STREET PARKING TOTAL	5	5
TANDEM PARKING SPACES:	NONE	NONE



MATTHEW CHENG
ARCHITECT INC.

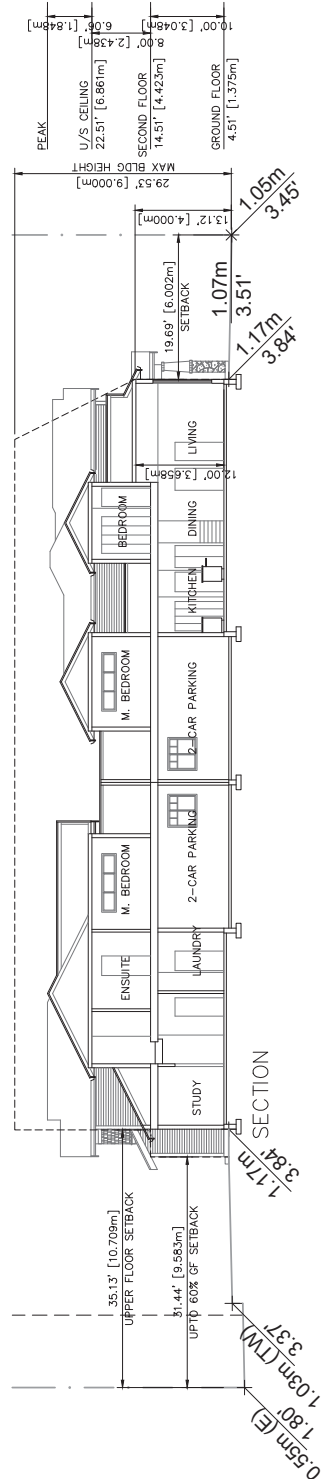
Unit 202 - 670 EVANSAVENUE
VANCOUVER, BC V6A 2K9
Tel: (604) 731-3012 / Fax: (604) 731-3908
Cell: (604) 649-0669 / Email: mathew@mx.ca

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No	Date	Revision

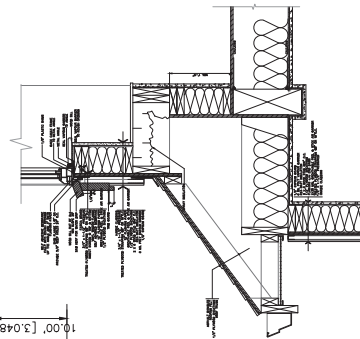
Consultants

PH - 235



AVERAGE GRADES FOR BUILDING HEIGHT CALCULATION

	NORTH BUILDING	SOUTH BUILDING
NE CORNER	1.17m	1.17m
NW CORNER	1.17m	1.17m
SE CORNER	1.17m	1.17m
SW CORNER	1.17m	1.17m
NE CORNER	0.83m	
NW CORNER	1.05m	
SE CORNER	0.60m	
SW CORNER	1.05m	
ENTRANCE BUILDING GRADE HEIGHT	8.03m	7.64m



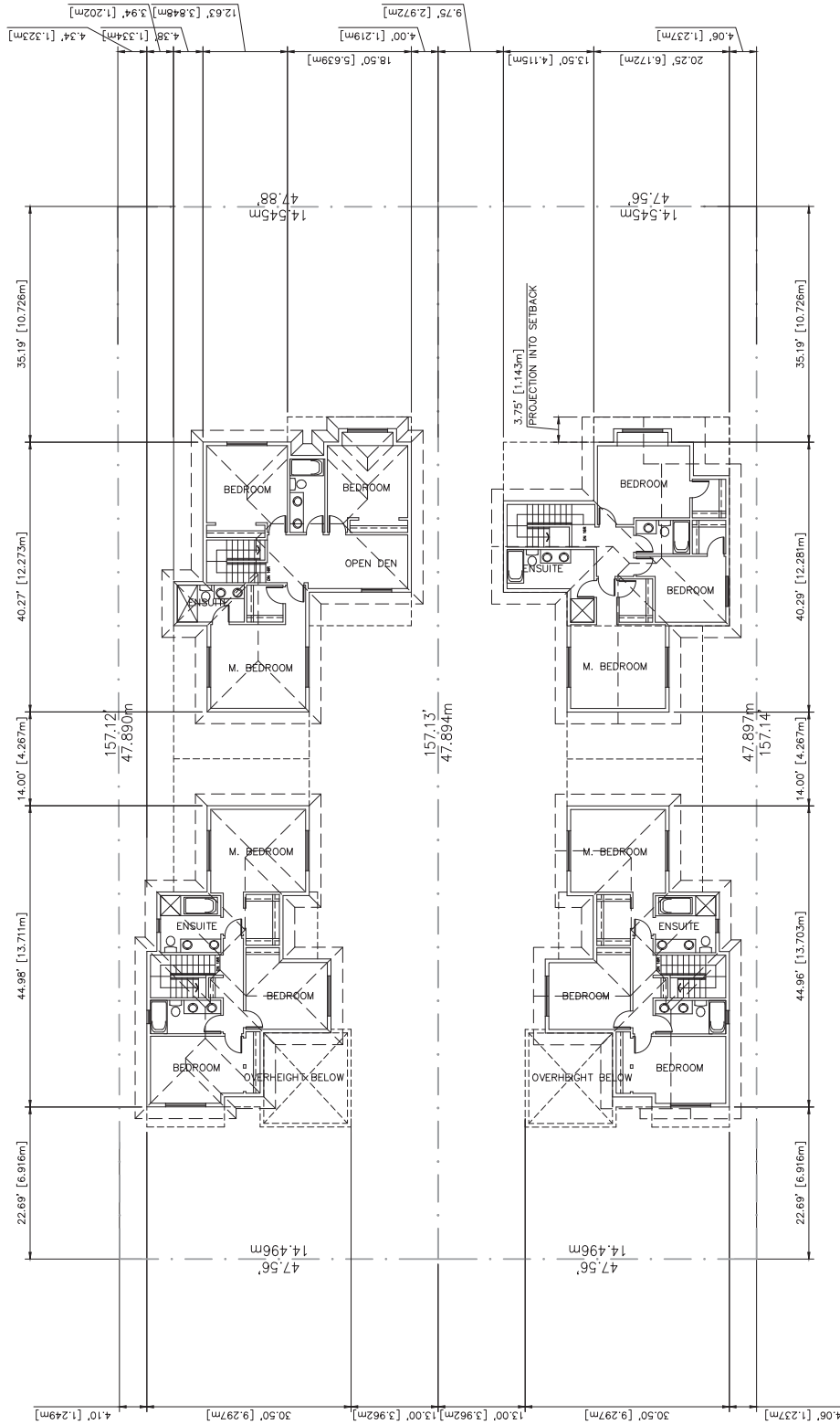
BOX WINDOW DETAIL

Project Title
2-DUPLEX
DEVELOPMENT
3220 GILBERT ROAD
RICHMOND BC

Sheet Title
PROJECT DATA

Drawn: HC
Checked: MC
Scale: 1/8" = 1'-0"
Project Number:

Revision Date: APR. 21, 2022
 Print Date:
 Diag. No. D00





MATTHEW CHENG
ARCHITECT INC.

140-205-073 EVANS AVENUE
VANCOUVER, BC V6L 3C6
TEL: (604) 682-8667 FAX: (604) 682-8667
E-MAIL: matthew@mc-arch.com

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No Date Revision

Consultants

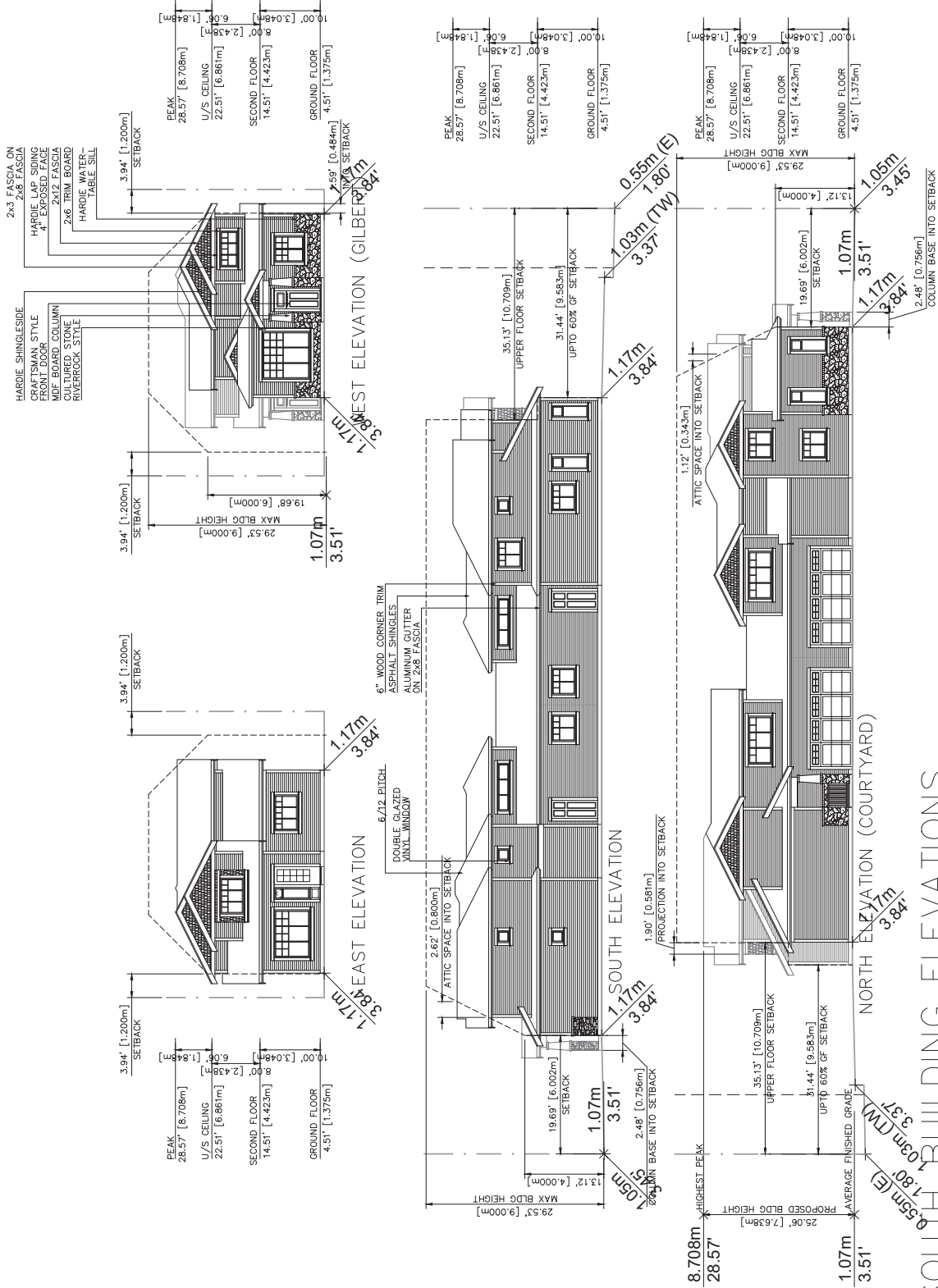
Project Title
2-DUPLEX
DEVELOPMENT
8220 GILBERT ROAD
RICHMOND BC

Sheet Title
ELEVATIONS

Drawn:
HC
Checked:
MC
Scale:
1/8" = 1'-0"
Project Number:

Revision Date:
Rev. No.:
Rev. Description:
Rev. Date:
Rev. By:
Rev. Date:
Rev. By:

D03



PH - 238



MATTHEW CHENG
ARCHITECT INC.

140-205-6733 (VANCOUVER)
250-683-1776 (SEASIDE)
604-683-6967 (EMAIL: matthew@mc.ca)

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No Date Revision

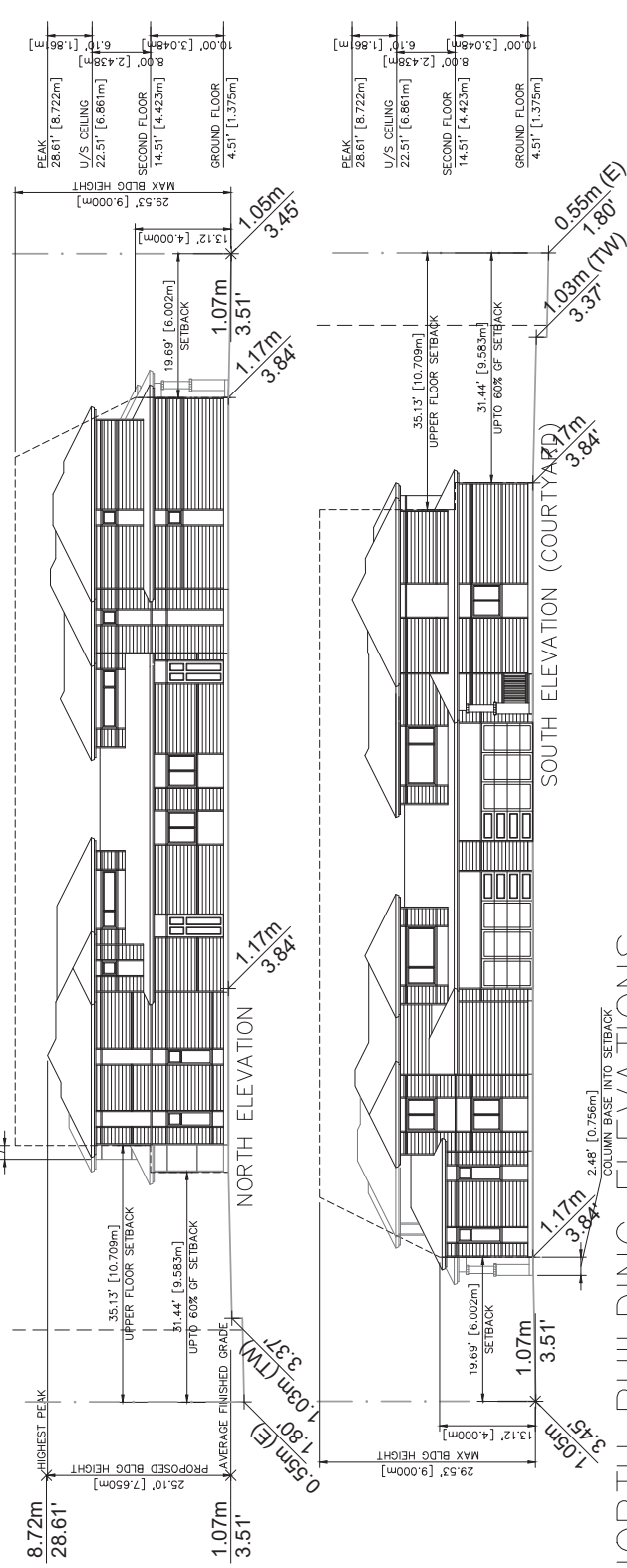
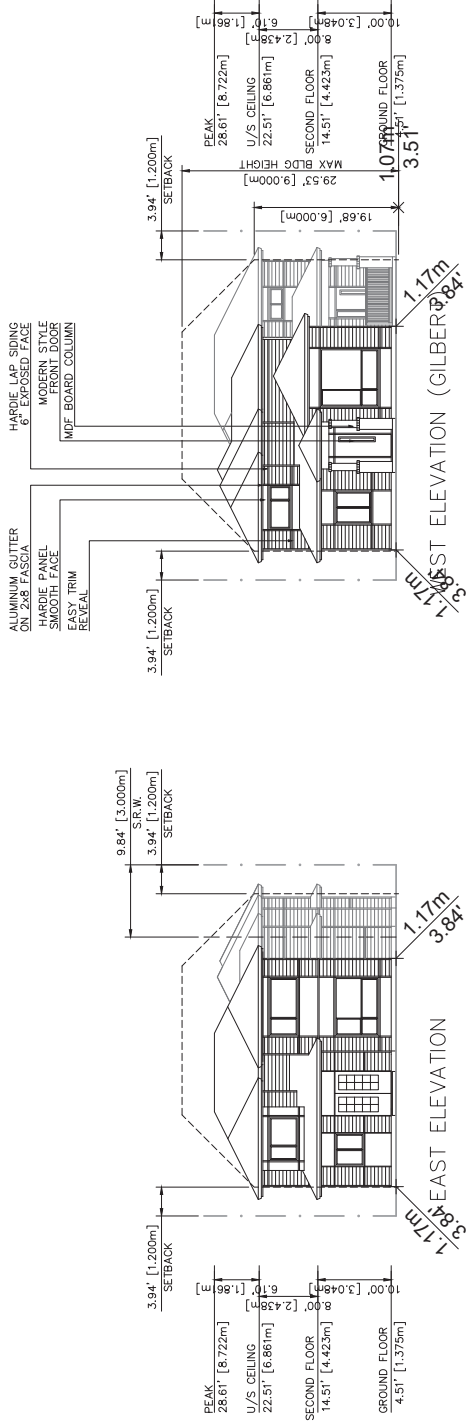
Consultants

Project Title
2-DUPLEX
DEVELOPMENT
8020 GILBERT ROAD
RICHMOND BC

Sheet Title
ELEVATIONS

Drawn: MC
Checked: MC
Scale: 1/8" = 1'-0"
Project Number:

Revision Date: APR. 21, 2022
Drawn By: MC
Project Name: PH - 239
Project Number: D04



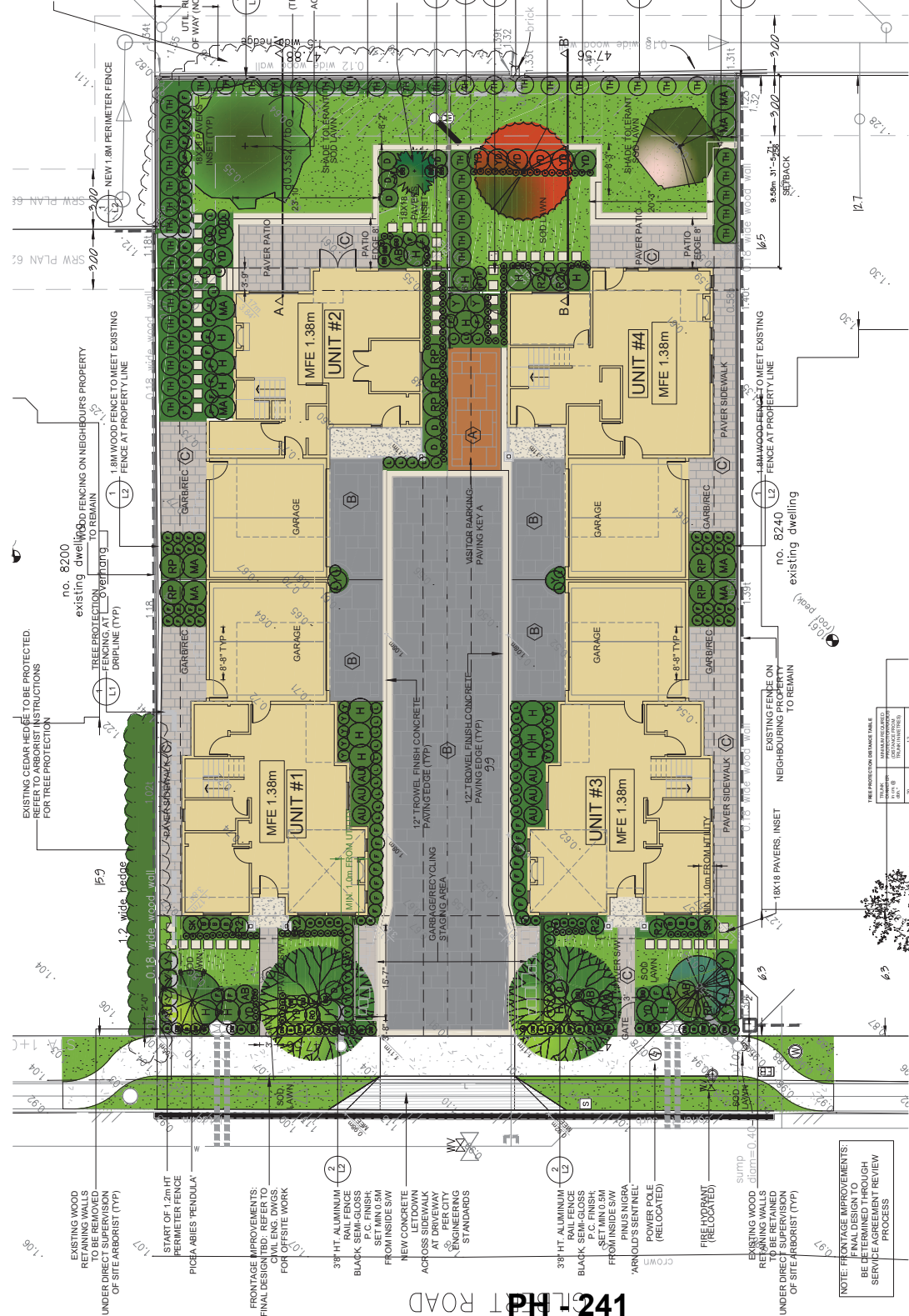
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pmg
LANDSCAPE ARCHITECTS
Suite C100 - 4885 98th Street Drive
Richmond, BC V6X 2C6
P: 604.294.0911 F: 604.294.0022

SEAL

ATTACHMENT 9

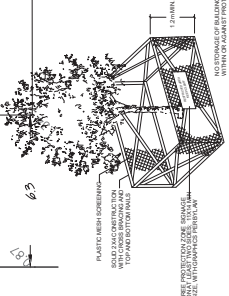
EXISTING HEDGE TO BE REMOVED WITH NEIGHBOUR'S WRITTEN APPROVAL



SITE PLAN
SCALE 1/8"=1'-0"

TABLE 1: TREE PROTECTION DISTANCE TABLE

TRUNK DBH (INCHES)	MINIMUM PROTECTION DISTANCE (FEET)
1-4	5
5-10	10
11-15	15
16-20	20
21-25	25
26-30	30
31-35	35
36-40	40
41-45	45
46-50	50



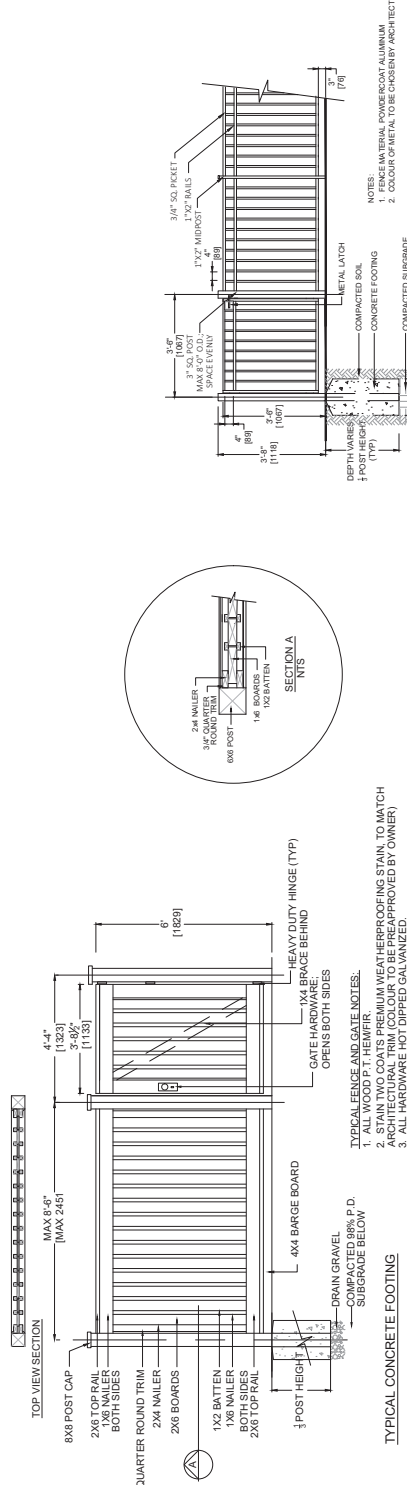
NOTE: 1. REFER TO CITY OF RICHMOND TREE PROTECTION BY-LAW REE AND BULLETIN TREE.GD AND TREE.GD FOR FURTHER INFORMATION ON PROTECTION OF EXISTING TREES.
2. MAXIMUM PERMIT HEIGHT OF 1.8M FROM GRASS.

1. TREE PROTECTION FENCE
SCALE N.T.S.

NOTE: FRONTAGE IMPROVEMENTS: FINAL DESIGN TO BE DETERMINED THROUGH SERVICE USER REVIEW PROCESS

WITH MATTHEW ORING ARCHITECT
PROJECT: 2-DUPLEX DEVELOPMENT
8220 GILBERT ROAD
RICHMOND, BC
DRAWING TITLE: LANDSCAPE PLAN
DATE: 13.12.09
SCALE: VAMES
DRAWN: BJ
DESIGN: PCM
CHECKED: PCM
PMG PROJECT NUMBER: 20-152

DATE: 13.12.09
SCALE: VAMES
DRAWN: BJ
DESIGN: PCM
CHECKED: PCM
PMG PROJECT NUMBER: 20-152



TYPICAL CONCRETE FOOTING

1 1.8M PERIMETER FENCE AND GATE

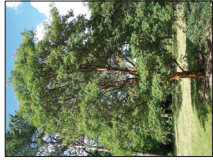
SCALE $\frac{1}{2}'' = 1'-0''$

PLANT SCHEDULE		PLANTING SCHEDULE		COMMON NAME		PLANTED SIZE / REMARKS		PINO JOB NUMBER		20-112	
1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4
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44	44	44	44	44	44	44	44	44	44	44	44
45	45	45	45	45	45	45	45	45	45	45	45

NOTES: * PLANT TYPES IN THIS LIST ARE SPECIFIED ACCORDING TO THE ICG LANDSCAPE STANDARD (FAMMARTI, LATER EDITION). CONTAINER SIZES
SOURCE OF SUPPLY, A TYPE OF PLANT, A PLANTING METHOD, A PLANTING TIME, A PLANTING LOCATION, A PLANTING METHOD, A PLANTING

[illegible]

PROPOSED TREES



ACER GRISEUM



CHAMAECYPARIS
N. 'GREEN ARROW'



FAGUS S. 'DAWYCK PURPLE'



PICE ABIES 'PENDULA'



PINUS 'ARNOLD'S SENTINEL'



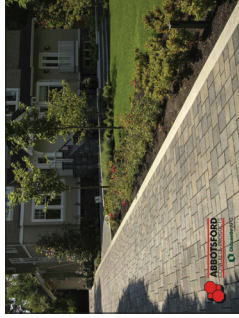
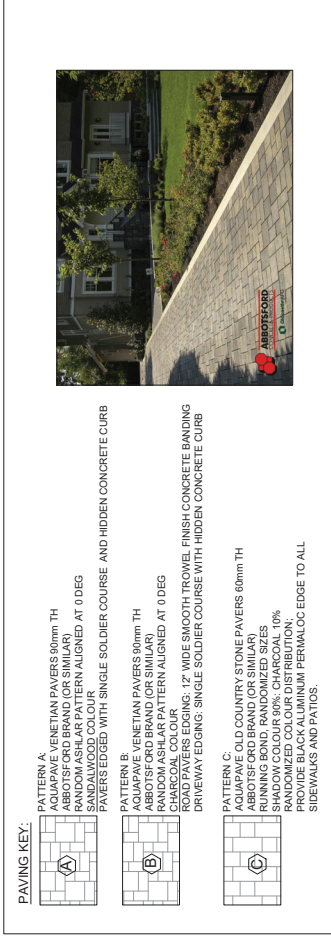
STYRAX "PINK CHIMES"



MAGNOLIA "GALAXY"

1.111m ALUMINUM FENCE AND GATE

SCALE $\frac{1}{2}'' = 1'-0''$





Address: 8220 Gilbert Road

File No.: RZ 21-926304

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10428, the applicant is required to complete the following:

1. Submission of a Contract entered into between the applicant and a Certified Arborist for supervision of any on-site works conducted within the protection zone of the hedges to be retained (i.e., the hedge at 8200 Gilbert Road; and the hedge at 8231 Sunnywood Drive should authorization for removal not be obtained by that property owner). The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
2. Registration of a flood indemnity covenant on title.
3. Registration of a legal agreement on title to ensure that, upon subdivision of the property:
 - a) Vehicular access to the proposed lots is via a single shared driveway crossing, centered on the proposed common property line;
 - b) The buildings on the proposed lots are designed to prevent vehicles from reversing onto Gilbert Road; and
 - c) a cross access easement or other legal agreement (e.g., SRW, covenant, easement), as determined to the satisfaction of the Director of Development, is registered on title over the entire shared internal drive-aisle and shared visitor parking space, to enable vehicles to pass over the common lot line to enter and exit the proposed lots, and requiring a covenant that the owner provide written notification of this through the disclosure statement to all initial purchasers, provide an acknowledgement of the same in all purchase and sale agreements, and erect signage in the initial sales centre advising purchasers of the potential for these impacts.
4. City acceptance of the applicant's offer to voluntarily contribute \$12.00 per buildable square foot (e.g. \$86,413.00) to the City's affordable housing reserve fund.
5. The submission and processing of a Development Permit* completed to a level deemed acceptable by the Director of Development.

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

- Submit a statement by your Coordinating Registered Professional confirming that the applicable Energy Step Code performance target has been considered in the proposed design and that a Qualified Energy Modeller has been engaged to ensure that the proposed design can achieve the applicable performance target. Where a relaxation is allowed with the use of low-carbon energy systems, the statement must identify whether that option will be pursued.

The general thermal characteristics of the proposed building skin (e.g., effective R-values of typical wall assemblies, U-values and solar heat gain coefficients of fenestration, window-to-wall ratios, thermal breaks in balconies and similar features) must be presented in the DP application such that the passive energy performance of the building can be assessed. A one-page summary of the envelope energy upgrades and other energy efficiency measures would be acceptable.

- Submit a cost estimate for the proposed Landscape Plan, prepared by a Registered Landscape Architect (including all materials, installation, and a 10% contingency).

Prior to Demolition Permit* issuance, the applicant is required to complete the following:

- Installation of protection fencing on-site around the neighbouring hedges to be retained (i.e., the hedge at 8200 Gilbert Road; and the hedge at 8231 Sunnywood Drive should authorization for removal not be obtained by that property owner). The protection fencing is to be installed to City standard in accordance with the City's Tree Protection Information Bulletin Tree-03 prior to any works being conducted on-site, and remain in place until construction and landscaping on-site is completed

At Subdivision* stage, the applicant must complete the following requirements:

- Pay Development Cost Charges (City, GVS & DD and Translink), School Site Acquisition Charge, and Address Assignment Fees.
- Register a cross-access easement on Title for the shared drive-aisle and shared visitor parking space.
- Enter into a Servicing Agreement* for the design and construction of frontage improvements, as well as water, drainage, and sanitary sewer connections. A Letter of Credit or cash security for the value of the Service Agreement works, as determined by the City, will be required as part of entering into the Servicing Agreement. The scope of work includes, but is not limited to:

Water Works

- a) Using the OCP Model, there is 634 L/s of water available at a 20 psi residual at the Gilbert Road frontage. Based on the proposed development, the subject site requires a minimum fire flow of 95 L/s.
- b) At the applicant's cost, the applicant is required to submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for on-site fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit stage building designs.
- c) At the applicant's cost, the City will install four water connections, complete with meters, to serve the proposed four units. If feasible, the existing water connection may be retained to serve one of proposed units; if not, it shall be capped and removed.

Storm Sewer Works

- d) At the applicant's cost, the City will install two storm connections, complete with inspection chamber(s), to serve the proposed two lots. If one or more of the existing connections are sized adequately to serve the proposed development, and in good condition, then those connections may be retained. If one or neither of the connections are adequate, the inadequate connection(s) shall be capped and the inspection chamber(s) removed, and a new connection and inspection chamber installed, all at the applicant's cost.

Sanitary Sewer Works

- e) At the applicant's cost, the applicant is required to not start on-site excavation or foundation construction until completion of rear-yard sanitary works by City crews.
- f) At the applicant's cost, the City will:
 - i. Cap the existing sanitary connection and remove the inspection chamber.
 - ii. Install one new sanitary connection, complete with inspection chamber and dual service leads at the common property line of the proposed two lots.

Frontage Improvements

- g) At the applicant's cost, the applicant is required to complete the following boulevard improvements:
 - i. Removal of the existing sidewalk and construction of a new 2.0 m wide concrete sidewalk next to the subject site's west property line.
 - ii. Construction of a new treed/grass boulevard over the remaining width between the new sidewalk and the existing east curb of Gilbert Road.
 - iii. The cross-section of the frontage improvements, measuring from east to west, is to include:
 - the site's west property line
 - the 2.0 m wide concrete sidewalk.

- the minimum 1.5 m wide treed/grass boulevard.
- the existing east curb of Gilbert Road.
- iv. The new sidewalk and boulevard are to transition to meet the existing frontage treatments on Gilbert Road to the north and south of the development's frontage, and are to be constructed using a 3 m x 3 m reverse curve.
- v. The existing driveway crossing to the site from Gilbert Road is to be closed permanently. The applicant is responsible for the removal of the existing driveway letdown and the replacement with barrier curb/gutter, treed/grass boulevard, and concrete sidewalk as per the standards described above.
- vi. The new driveway crossing is to be constructed to City design standards.
- vii. The requirements for street tree placement/spacing/species are to be identified by the City's Parks department as part of the Servicing Agreement design review process.
- h) At the applicant's cost, the applicant is required to coordinate with BC Hydro, Telus and other private communication service providers:
 - i. Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
 - ii. To locate all proposed above-ground third-party utility structures on-site within a right-of-way.

General Items

- i) At the applicant's cost, the applicant is required to:
 - i. Not encroach into City rights-of-ways with any proposed trees, retaining walls, or other non-removable structures. Retaining walls proposed to encroach into rights-of-ways must be reviewed by the City's Engineering Department.
 - ii. Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

Prior to Building Permit* issuance, the applicant must complete the following requirements:

- Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. The 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.
- Incorporation of accessibility measures in Building Permit (BP) plans as determined via the Rezoning and/or Development Permit processes.
- If applicable, payment of latecomer agreement charges, plus applicable interest associated with eligible latecomer works.
- Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.

Note:

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

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

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

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

(signed original on file)

Signed

Date



City of
Richmond

Bylaw 10428

**Richmond Zoning Bylaw 8500
Amendment Bylaw 10428 (RZ 21-926304)
8220 Gilbert 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 **"ARTERIAL ROAD TWO-UNIT DWELLINGS (RDA)"**.

P.I.D. 009-215-727

Lot 7 Section 20 Block 4 North Range 6 West New Westminster District Plan 10008

2. This Bylaw may be cited as **"Richmond Zoning Bylaw 8500, Amendment Bylaw 10428"**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

NOV 28 2022

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



Regular Council
Monday, November 28, 2022

16. **APPLICATION BY RICK BOWAL FOR REZONING AT 8220 GILBERT ROAD FROM “SINGLE DETACHED (RS1/E)” ZONE TO “ARTERIAL ROAD TWO-UNIT DWELLINGS (RDA)” ZONE**

(File Ref. No. 12-8060-20-010428, RZ 21-926304) (REDMS No. 7020591, 7020947, 2501666, 6852297, 6908599)

R22/20-8

It was moved and seconded

(1) *That the following recommendation be forwarded to a Public Hearing:*

(a) *That Single-Family Lot Size Policy 5442 for the area generally bounded by Mirabel Court, Blundell Road, Gilbert Road and Lucas Road, in a portion of Sections 19 and 20 Block 4 North Range 6 West, be amended to exclude 8220 Gilbert Road from the Policy, as shown in the proposed draft Single-Family Lot Size Policy 5442 (Attachment 5).*

(2) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10428, for the rezoning of 8220 Gilbert Road from the “Single Detached (RS1/E)” zone to the “Arterial Road Two-Unit Dwellings (RDA)” zone, be introduced and given first reading.*

The question on the motion was not called as discussion ensued in regards to delaying the proposed rezoning application until after the Official Community Plan (OCP) review process is complete.

The question on the motion was then called and **CARRIED** with Cllrs. Day and Wolfe opposed.



To:	Planning Committee	Date:	October 24, 2022
From:	John Hopkins Director, Policy Planning	File:	08-4060-05-01/2022- Vol 01
Re:	Referral Response on Land Uses Along the Steveston Waterfront and Proposed Amendments to the Steveston Area Plan and Zoning Bylaw		

Staff Recommendation

1. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10371, to revise the land use policies to no longer permit residential uses in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading;
2. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10372, which revises the:
 - a. “Steveston Commercial (CS2)” zoning district to not permit residential and related land uses on a site-specific basis at 3866 and 3900 Bayview Street;
 - b. “Light Industrial (IL)” zoning district to not permit a residential security/operator unit on a site-specific basis at 3540 and 3880 Bayview Street and 12551 No. 1 Road; and
 - c. “Steveston Commercial and Pub (ZMU10)” zoning district to remove residential and related land uses from the zone, be introduced and granted first reading;
3. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10394, which revises the “Steveston Commercial (CS2)”, “Light Industrial (IL)” and “Steveston Commercial and Pub (ZMU10)” zoning districts to not permit certain uses on a site specific basis at 3540, 3800, 3866, 3880, 3900 Bayview Street and 12551 No. 1 Road, be introduced and granted first reading;
4. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10392, to revise the permitted height of buildings to 9 m in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading;
5. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10393, which revises the “Light Industrial (IL)” zoning district to implement a 9 m maximum permitted building height on a site-specific basis at 3540 and 3880 Bayview Street and 12551 No. 1 Road, be introduced and granted first reading;

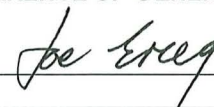

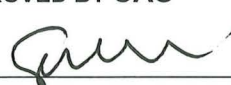
6. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392, having been considered in conjunction with:
- a. the City's Financial Plan and Capital Program; and
 - b. the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans, is hereby found to be consistent with said programs and plans, in accordance with Section 477(3) (a) of the Local Government Act; and
7. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.



John Hopkins
Director, Policy Planning

(604-276-4279)

Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO
		

Staff Report

Origin

The following referral was made at the February 8, 2022 Planning Committee meeting:

To bring forward amendments to the Steveston Area Plan on the south side of Bayview Street between 3rd Avenue and No. 1 Road by:

- (1) Removing the allowance of mixed commercial/residential uses from all plans on the waterfront.*
- (2) Holding active rezoning applications in abeyance until such time as the referral is addressed.*
- (3) Providing a map of the building at 3866 Bayview Street and the walkway around the end of it to examine a way to connect the two sites together.*

The following referral was made at the April 20, 2022 Planning Committee meeting:

That staff be directed to (i) further define the term “mixed commercial” in order to clarify what will be permitted along the Steveston waterfront area, and (ii) provide further follow-up on the in-camera referral regarding the waterfront.

At the April 20, 2022 Planning Committee meeting, staff were also advised to review the 20 m building height allowance along the Steveston waterfront and provide options for consideration.

This report supports Council’s Strategic Plan 2018-2022 Strategy #6 Strategic and Well-Planned Growth:

6.1 Ensure an effective OCP and ensure development aligns with it.

The referrals and responses provided in this report are applicable to the area on the south side of Bayview Street between 3rd Avenue and No. 1 Road. A location map with a summary of existing zoning of this area is contained in Attachment 1. Information on the current provisions of the Steveston Area Plan and existing zoning applicable to the area is contained in the ‘Related Policies and Studies’ section of the report.

This report contains 4 sections which respond to the February 8, 2022 and April 20, 2022 referrals from Planning Committee and a request for staff to review the 20 m building height allowance along the Steveston waterfront. Each section is summarized below:

- Section 1 provides information requested by the Planning Committee on 3866 Bayview Street.
 - Summary – No Steveston Area Plan or Zoning Bylaw amendments proposed.
Section 1 is for information purposes only.
- Section 2 responds to the Planning Committee direction to remove the allowance for residential use and development to occur on the south side of Bayview Street between 3rd Avenue and No. 1 Road.

- Summary – Proposed Steveston Area Plan and Zoning Bylaw amendments (Bylaw 10371 and 10372) to prohibit all types of residential use and development in accordance with the Planning Committee direction on this matter.
- Section 3 clarifies permitted commercial and/or industrial land uses along the Steveston waterfront and proposes amendments to zoning to ensure compatibility to surrounding areas and continued support of the commercial fishing harbor.
 - Summary – Proposed minor amendments (Bylaw 10394) to the Steveston Commercial (CS2), Light Industrial (IL) and Steveston Commercial and Pub (ZMU10) zoning districts to not permit specific uses for the subject area.
- Section 4 reviews building height options along the Steveston waterfront area.
 - Summary – Proposed Steveston Area Plan and Zoning Bylaw amendments (Bylaws 10392 & 10393) to reduce the maximum building height to 9 m.

Related Policies and Studies

Steveston Area Plan

The Steveston Area Plan designates properties on the south side of Bayview Street between 3rd Avenue and No. 1 Road for Heritage Mixed Use that allows for commercial and/or industrial uses with residential and/or office uses above (Attachment 2 – Steveston Waterfront Neighborhood Land Use Map). This current land use designation allows for the potential development of mixed commercial and residential buildings along the Steveston Village Riverfront area.

The Steveston Area Plan allows a maximum density of 1.2 Floor Area Ratio (FAR), a maximum building height of 20 m and a 2-storey building maximum for the Steveston Village Riverfront area.

Existing Zoning

Existing zoning for lots on the south side of Bayview Street between 3rd Avenue and No. 1 Road is summarized in Attachment 1.

Current zoning for the subject area permits more intensive residential uses or a dwelling unit (servicing as a residential caretaker unit). Proposed residential development in the subject area that complies with existing zoning would require approval of a Development Permit and Heritage Alteration Permit by Council if work involves modification to the exterior of the existing building or if new building area is proposed. It is possible under current zoning that a residential use can be added to a site through a building permit process only, with no Council approval required, if the work involves no exterior alterations or new building area.

Section 1 – 3866 Bayview Street Information

Jurisdiction Information

The site at 3866 Bayview Street consists of an upland lot, accessed from Bayview Street, and an adjoining water lot, located to the south (Attachment 3). Steveston Commercial (CS2) zoning applies to the upland lot and water lot. A 3-storey commercial building which was built in the late 1980s is located across both the upland lot and water lot. The water lot is Provincial Crown land and under the jurisdiction of the Province of BC (administered by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development – FLNRORD). Provincial staff have confirmed that the owner of the upland lot at 3866 Bayview Street has a Provincial license of occupation over the water lot to use this area for commercial purposes.

Public Walkway

No public access provisions, through legal agreements or statutory right-of-ways, exists over 3866 Bayview Street (upland and water lot portion). Any kind of public access around the building on the water lot would require an agreement to establish a new Provincial license as administered by FLNRORD. Further, staff at the Department of Fisheries and Oceans – Small Craft Harbours (DFO-SCH) and Steveston Harbour Authority (SHA) have indicated that any projects that enhance public access to and along the waterfront, including opportunities to provide for a continuous walkway, would be beneficial to the commercial fishing harbour so long as harbour operations are not impacted and involve no encroachment onto areas needed to maintain boat access to SHA facilities and safe boat navigation within the harbour is maintained. Discussions will continue with both FLNRORD and SHA staff to find opportunities for a continuous waterfront walkway.

In response to the Planning Committee request about the existing development on the subject site and ability for public walkway connections to be provided to neighbouring sites, staff note the following:

- There is no connection to areas east of the subject site and the current building footprint does not allow for space to accommodate any walkway works along the east portion of the site as shown in the map contained in Attachment 3.
- Through staff research, the original building and commercial retail unit configuration on the ground floor had two separate units located on the water lot portion of the site. With this past unit configuration and to ensure a means of access was available to the southern most unit, access would have been provided through a walkway along the west portion of the site. These two ground floor units were later consolidated into one unit to accommodate a single tenant. As a result, the walkway providing access to the end unit would no longer have been required.
- There is no opportunity to establish a waterfront walkway based on the current development configuration on the subject site. Bayview Street provides an east-west public walkway that enables public access to and along the waterfront, as an interim measure, until a continuous waterfront walkway is established.
- For 3866 Bayview Street (upland and water lot), the opportunity to secure and develop public access to and along the waterfront and connections to neighbouring sites will be

through a comprehensive redevelopment proposal involving a rezoning. Any redevelopment would need to comply with recently amended Steveston Area Plan waterfront walkway policies approved by Council on March 21, 2022 to achieve a continuous waterfront walkway in this area.

Section 2 – Prohibiting Residential Use and Development along the Steveston Waterfront

Proposed Amendments to the Steveston Area Plan

In accordance with the February 8, 2022 referral and direction from the Planning Committee to remove the allowance for mixed commercial/residential development, proposed amendments to the Steveston Area Plan will:

- Replace the existing land use designation for properties on the south side of Bayview Street between 3rd Avenue and No. 1 Road with a new ‘Waterfront Commercial-Industrial’ designation. This new designation would only permit a combination of commercial and/or industrial uses on a site within a building(s), including office use at or above grade. No residential development would be permitted. The proposed Steveston Waterfront Neighbourhood Land Use Map is contained in Attachment 4 for reference purposes.
- Revise various land use policies and Development Permit Guidelines throughout the Steveston Area Plan to be consistent with the new ‘Waterfront Commercial-Industrial’ land use designation and identify that residential land uses are not permitted along the waterfront.

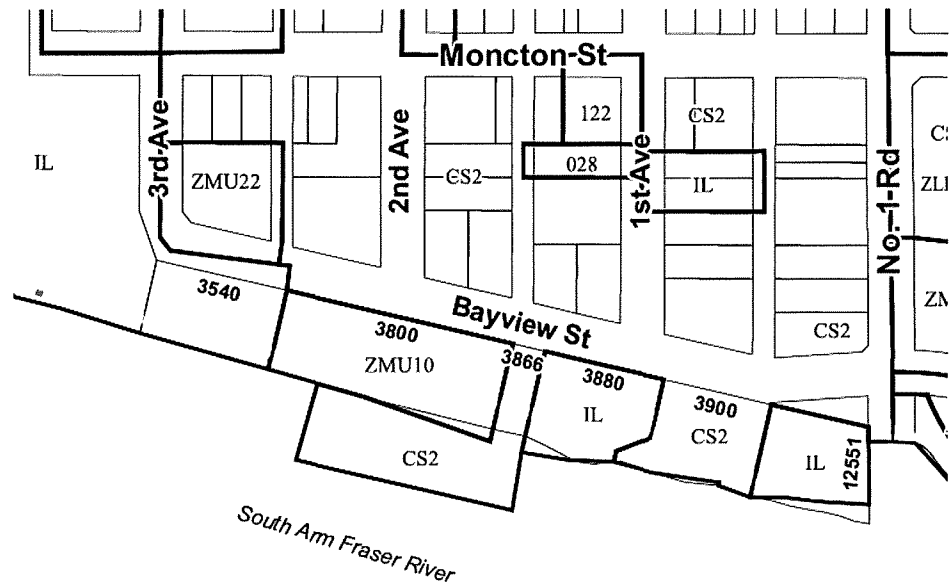
Presently, no residential development exists on the lots south of Bayview Street between 3rd Avenue and No. 1 Road. The introduction of residential development in this area may result in additional pressures on waterfront land based on residential land use priorities (i.e., protection of residential views, noise/activity conflicts) that would undermine the City’s objectives of maximizing public use and access to and along the waterfront.

These proposed amendments would not impact the ability for commercial and/or industrial development to occur along the waterfront between 3rd Avenue and No. 1 Road. The Steveston Area Plan contains supporting land use policies for the development of waterfront lots for commercial and/or industrial use to ensure that this area remains a vibrant commercial centre and supports the commercial fishing harbour. Under these changes, development could consist of commercial only, industrial only or a combination of commercial and industrial development together.

Proposed Zoning Bylaw Amendments

A number of amendments to existing zoning of the six properties located in this area are proposed in response to the February 8, 2022 referral and direction provided to staff. It is staff’s understanding that the referral is intended to remove the allowance of residential uses and ensure no form of residential development establishes in this area. To ensure zoning regulations applicable to these six properties are clear and transparent, amending the zoning for the six properties in this area to remove residential uses is recommended as each zone permits some form of residential development as shown in Diagram 1.

Diagram 1



Site	Current Zoning	Summary of Permitted Residential and Related Uses
3540 Bayview St.	Light Industrial (IL)	Residential security/operator unit.
3800 Bayview St.	Steveston Commercial and Pub (ZMU10)	Apartment housing (condos and/or rental) Includes uses that could occur within a dwelling for boarding and lodging, community care facility and home businesses.
3866 Bayview St.	Steveston Commercial (CS2)	Apartment housing (condos and/or rental) Includes uses that could occur within a dwelling for boarding and lodging, community care facility and home businesses.
3880 Bayview St.	Light Industrial (IL)	Residential security/operator unit.
3900 Bayview St.	Steveston Commercial (CS2)	Apartment housing (condos and/or rental) Includes uses that could occur within a dwelling for boarding and lodging, community care facility and home businesses.
12551 No. 1 Rd.	Light Industrial (IL)	Residential security/operator unit.

The zoning revisions are aligned with the proposed changes to the Steveston Area Plan to remove all residential use provisions for the area. Proceeding with amendments to the Steveston Area Plan only would not address the potential for residential uses to locate or establish in the area as current zoning allows some form of residential development on each site. A summary of the recommended zoning revisions to the six properties between 3rd Avenue and No. 1 Road is provided below.

- Light Industrial (IL): Remove the allowance for a “residential security/operator unit” on a site-specific basis for the properties located at 3540 and 3880 Bayview Street and 12551 No. 1 Road.
- Steveston Commercial and Pub (ZMU10): Remove the allowance for “housing apartment” and all related residential uses (i.e., boarding and lodging; community care facility; home business) in this zone for the site at 3800 Bayview Street.
- Steveston Commercial (CS2): Remove the allowance for “housing apartment” and all related residential uses (i.e., boarding and lodging; community care facility; home business) on a site-specific basis for the properties located at 3866 and 3900 Bayview Street.

Section 3 – Clarification of Permitted Commercial and Industrial Uses

This section responds to the April 20, 2022 Planning Committee referral requesting clarification of the term “mixed commercial” and permitted uses along the Steveston waterfront area.

Proposed ‘Waterfront Commercial-Industrial’ Designation

The proposed ‘Waterfront Commercial-Industrial’ designation is intended to allow commercial, industrial or a mix of commercial and industrial uses along the waterfront. As a result, development on a site could consist of commercial only, industrial only or a combination of commercial and industrial development together.

Assessment of Permitted Commercial and Industrial Uses (Existing Zoning)

In support of the ‘Waterfront Commercial-Industrial’ designation proposed along the Steveston waterfront, staff assessed all of the permitted uses allowed under existing zoning for the area to ensure that uses are compatible with the surrounding area and support the commercial fishing harbor. A summary of the each site’s zoning and the permitted commercial and industrial uses is provided in the first table contained in Attachment 5.

The current zoning allows for a wide range of commercial and/or industrial uses and activities to occur along the waterfront that would service the community, business/industry, visitors and those that work in the area. Minor amendments to the permitted uses in zoning are proposed and summarized in the following section of this report.

Proposed Minor Amendments to Permitted Uses in Zoning along the Waterfront

The second table in Attachment 5 lists the uses that would no longer be permitted for sites along the waterfront as proposed in this report.

For the Light Industrial (IL) zoning, the following uses are proposed to no longer be permitted on the sites at 3540 and 3880 Bayview Street and 12551 No. 1 Road:

- animal shelter;
- auction, minor;
- car or truck wash;
- fleet service; and
- recycling depot.

For Steveston Commercial (CS2) and Steveston Commercial and Pub (ZMU10) zoning, the following uses are proposed to no longer be permitted on the sites at 3800, 3866, and 3900 Bayview Street:

- recycling depot.

These proposed changes are minor in nature and zoning for these sites would continue to support the commercial fishing harbor and business/activities in the surrounding area.

Section 4 – Review of the 20 m Building Height Allowance (Waterfront Area)

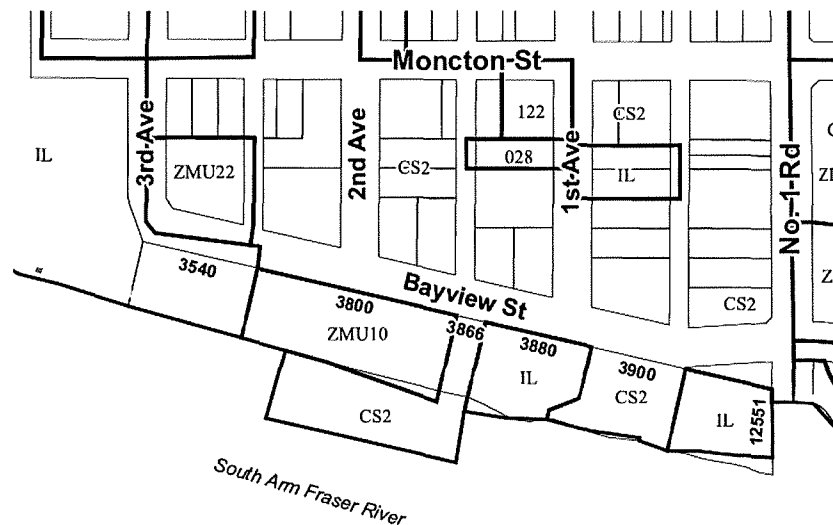
This section responds to the April 20, 2022 Planning Committee request to review the 20 m building height allowance for the Steveston waterfront area and present options for Council's consideration. This review is limited to maximum building height only as provisions in the Steveston Area Plan related to maximum density (1.2 FAR) and number of storeys permitted (2-storey building maximum) are proposed to remain unchanged.

Assessment of Existing Building Height Land Use Policies and Regulations

The Steveston Area Plan current building height maximum is 20 m. This height maximum references the geodetic survey datum of Canada (GSC) as a baseline to measure building height. The maximum building height of 20 m provides for the allowance of cannery type buildings with higher peaked roof ridges, which is characteristic of historical development fronting the water.

Current zoning allows a maximum building height of 9 m for properties zoned Steveston Commercial (CS2) and Steveston Commercial and Pub (ZMU10). For properties zoned Light Industrial (IL), current zoning allows a maximum building height of 16 m (refer to Diagram 2).

Diagram 2



Site	Current Zoning	Maximum Permitted Building Height
3540 Bayview St.	Light Industrial (IL)	16 m
3800 Bayview St.	Steveston Commercial and Pub (ZMU10)	9 m
3866 Bayview St.	Steveston Commercial (CS2)	9 m
3880 Bayview St.	Light Industrial (IL)	16 m
3900 Bayview St.	Steveston Commercial (CS2)	9 m
12551 No. 1 Rd.	Light Industrial (IL)	16 m

Existing development along the waterfront consist of 1 to 3-storey buildings. The following provides a summary of approximate building heights for existing development along the waterfront (note: measurements based on where the building intersects the ground to the top of the roof):

- 3800 Bayview Street (Steveston Landing) – 1 and 2-storey building massing; approximate building height range – 5 m to 9 m.
- 3866 Bayview Street – 3-storey building; approximate building height – 14.5 m.
- 3900 Bayview Street – 1-storey (plus mezzanine) building massing; approximate building height range – 6 m to 9 m.
- 12551 No. 1 Road – 1-storey building massing; approximate building height – 5 m.

Building Height Options

Option 1 – No proposed changes to maximum building height (NOT RECOMMENDED)

Option 1 continues to allow a maximum building height of 20 m along the waterfront for properties on the south side of Bayview Street. No changes to the Steveston Area Plan or existing zoning would be required under Option 1. The intent of having higher building heights was to allow the potential for new development to emulate the historical character of cannery type buildings along the water.

A building with a maximum height of 20 m may result in a significantly large building form that would be taller and out of scale with other existing developments along the waterfront. This may result in challenges to achieving other high priority objectives along the waterfront, which include:

- Maximizing public access to the waterfront from Bayview Street as larger building forms may act to separate the waterfront area from the rest of Steveston Village.
- Ensuring pedestrian friendly and animated streetscapes along waterfront walkway, public sidewalks and access from Bayview Street to the water is coordinated with complementing building forms and massing.
- The challenge of effectively managing adjacency conditions where significant differences in building height occur between sites.

Based on the above, Option 1 is not recommended.

Option 2 – Reduce Maximum Building Height from 20 m to 9 m (RECOMMENDED)

Option 2 proposes to reduce maximum building height from 20 m to 9 m for lots along the south side of Bayview Street between 3rd Avenue and No. 1 Road along the waterfront.

Reducing maximum building height to 9 m along the waterfront area achieves the following:

- Establishes a building height that is similar to existing development that has occurred in the area.
- A building form that provides maximum opportunity for achieving public access to and along the waterfront.

- Effective management of the interface between new and existing developments.
- A pedestrian friendly scale of development in an area.
- Allows Council to consider, on a case-by-case basis, variances to the 9 m maximum building height.

Based on the above, Option 2 is recommended and would involve the following proposed amendments to the Steveston Area Plan and Zoning Bylaw (Bylaws 10392 and 10393):

- Steveston Area Plan – Amend the ‘Steveston Village Land Use Density and Building Height Map’ to reduce the maximum building height to 9 m and revise land use policies and Development Permit Guidelines throughout the Steveston Area Plan to be consistent with the 9 m maximum building height along the waterfront.
- Zoning Bylaw – Amend the Light Industrial (IL) zone, to reduce the maximum building height from 16 m to 9 m for the properties at 3540 and 3880 Bayview Street and 12551 No. 1 Road.

Analysis

Implications to Development Proposals

As outlined in this report, various Steveston Area Plan and Zoning Bylaw amendments are proposed to prohibit residential use/development, clarify commercial/industrial uses and reduce the maximum permitted building height to 9 m along the Steveston waterfront area.

If endorsed by Council, these proposed Steveston Area Plan and Zoning Bylaw amendments will have immediate effect for the properties on the south side of Bayview Street between 3rd Avenue and No. 1 Road.

Within this area, two development applications have been submitted at 3880 Bayview Street (RZ 17-770978) and 3900 Bayview Street (ZT 20-903989). A brief summary description of each project is provided below:

- 3880 Bayview Street (RZ 17-770978)
 - A new 3-storey building (above grade) with a parkade structure below grade.
 - Mixed used development with commercial uses at grade and residential uses above (22 proposed residential dwelling units).
 - Proposed density of 1.51 FAR (approximate).
 - Approximate building height is 19 m.
- 3900 Bayview Street (ZT 20-903989).
 - Proposal to develop a second storey to the existing commercial building and incorporate one residential dwelling unit. New residential floor area from this proposal is (481 m² or 5,175 ft²).
 - Proposed density of 0.72 FAR (approximate)
 - Approximate building height is 9 m.

If Council approves the Steveston Area Plan and Zoning Bylaw amendments outlined in this report, there would be no policy basis to support these applications as they would not be

consistent with the provisions of the Steveston Area Plan. As a result, staff would communicate to both of these applicants that their applications should be withdrawn. If the applicants do not withdraw the applications, staff will bring them forward to Planning Committee in due course with a recommendation that the rezoning applications be denied.

Consultation

Written correspondence has been received by the City for two properties in the area under review (3880 and 3900 Bayview Street) and is contained in Attachment 6. In summary, the correspondence received are opposed to removing residential uses on the south side of Bayview Street. City staff also have been in communication with the applicants for the development applications on Bayview Street, which included a meeting (via web conference) with the proponents of the proposal at 3900 Bayview Street on March 7, 2022. In these discussions, concerns were noted about the referrals, impacts to their existing proposals and future intended use of the property.

City staff also consulted with DFO-SCH and SHA to provide information and updates on the referrals to the waterfront area. Staff also provided information to DFO-SCH and SHA staff on the proposed changes to zoning and permitted commercial/industrial uses in the area that are considered minor and do not impact the viability or operations of the commercial fishing harbour and waterfront area. SHA has reviewed the minor changes to permitted commercial/industrial uses in this area and confirmed they have no objection to these changes. City staff will update DFO-SCH and SHA staff to inform them when this matter will be considered by Council, including opportunities to provide any additional comments and feedback to Council.

The Steveston Area Plan and Zoning Bylaw amendments proposed in this report will be forwarded to a Public Hearing. Prior to the Public Hearing, all impacted properties located on the south side of Bayview Street will be notified and the public will have the opportunity to comment at the Public Hearing. In conjunction with the City's Official Community Plan Consultation Policy No. 5043, no additional consultation is recommended.

Conclusion

This report responds to the:

- February 8, 2022 Planning Committee referral and direction to remove the allowance for residential uses and development along the waterfront area;
- April 20, 2022 Planning Committee referral to clarify commercial/industrial uses and direction to review and provide options on building height along the waterfront.

This report also presents information about the site at 3866 Bayview Street, as requested by Council.

As a result of the land use referrals for the Steveston waterfront area (south side of Bayview Street between 3rd Avenue and No. 1 Road), staff recommend the following:

- To remove the allowance for residential uses and development, Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10371 and Richmond Zoning Bylaw, Amendment Bylaw 10372, be introduced and granted first reading;
- To undertake minor amendments to not permit specific uses, Richmond Zoning Bylaw, Amendment Bylaw 10394, be introduced and granted first reading; and
- To reduce maximum building height to 9 m, Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10392 and Richmond Zoning Bylaw, Amendment Bylaw 10393, be introduced and granted first reading.

Based on the recommendations of this report and implications to existing development applications in the area, City staff will be advising these applicants to withdraw their applications.



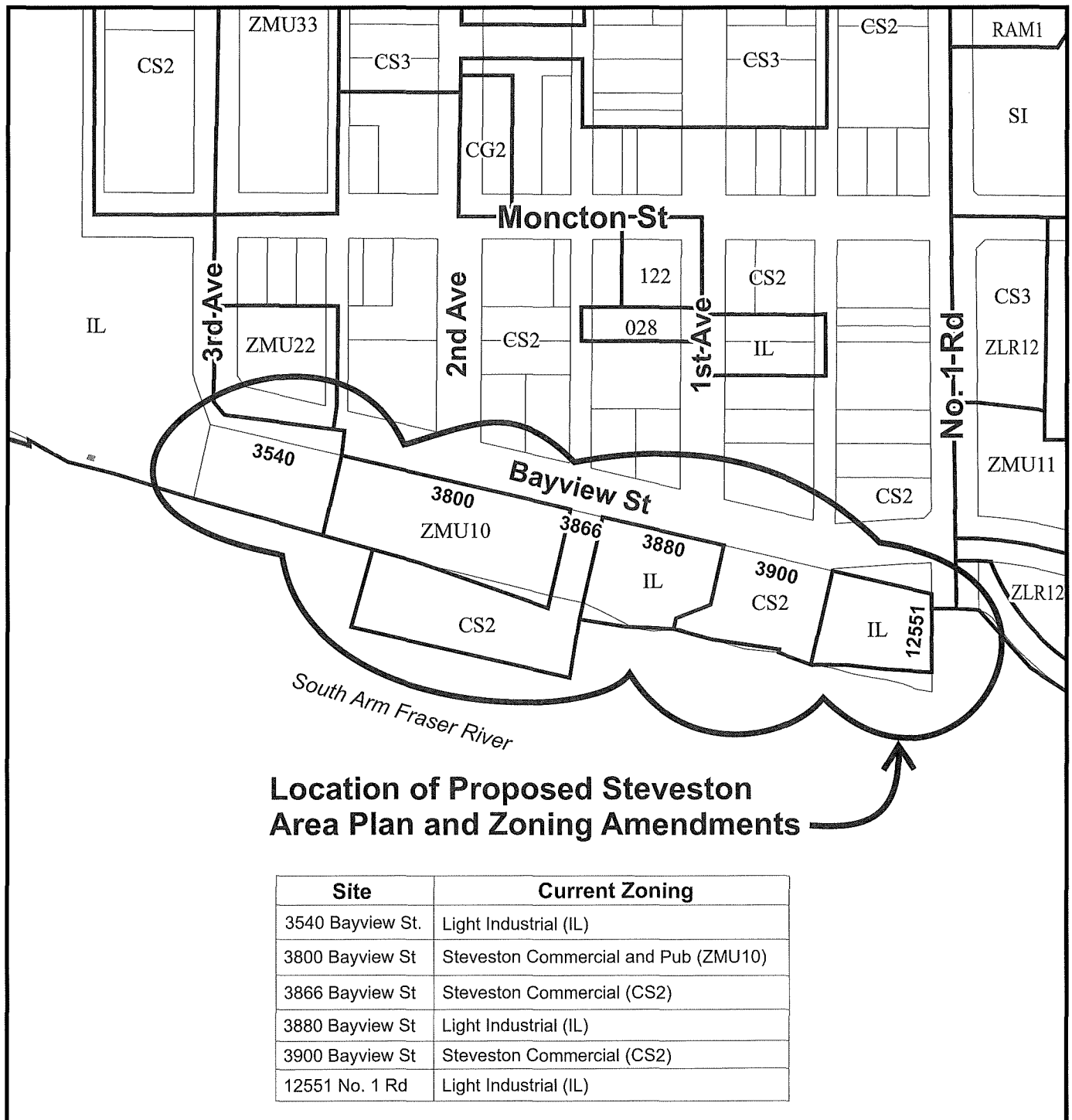
Kevin Eng
Planner 3
(604-247-4626)

KE:cas

- Att. 1: Location Map
- 2: Steveston Waterfront Neighbourhood Land Use Map (Existing)
 - 3: Map of 3866 Bayview Street
 - 4: Steveston Waterfront Neighbourhood Land Use Map (Proposed)
 - 5: Summary Table of Permitted Uses for Zoning along the Steveston Waterfront
 - 6: Public Correspondence



City of Richmond



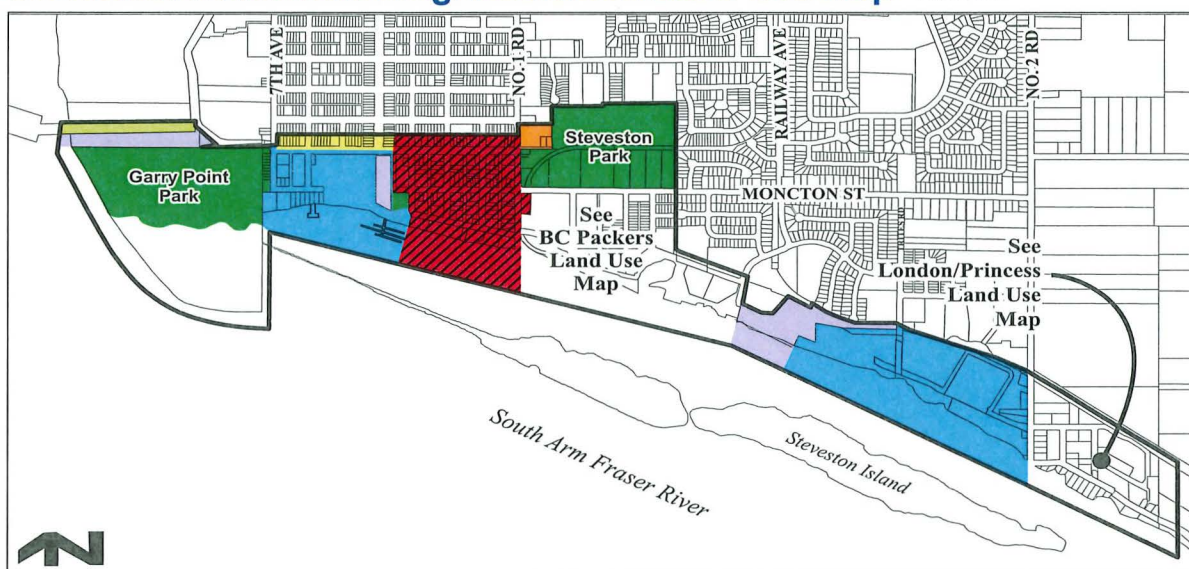
Steveston Village Waterfront Area









Original Date: 11/22/21

Revision Date: 08/09/22

Note: Dimensions are in METRES

City of Richmond

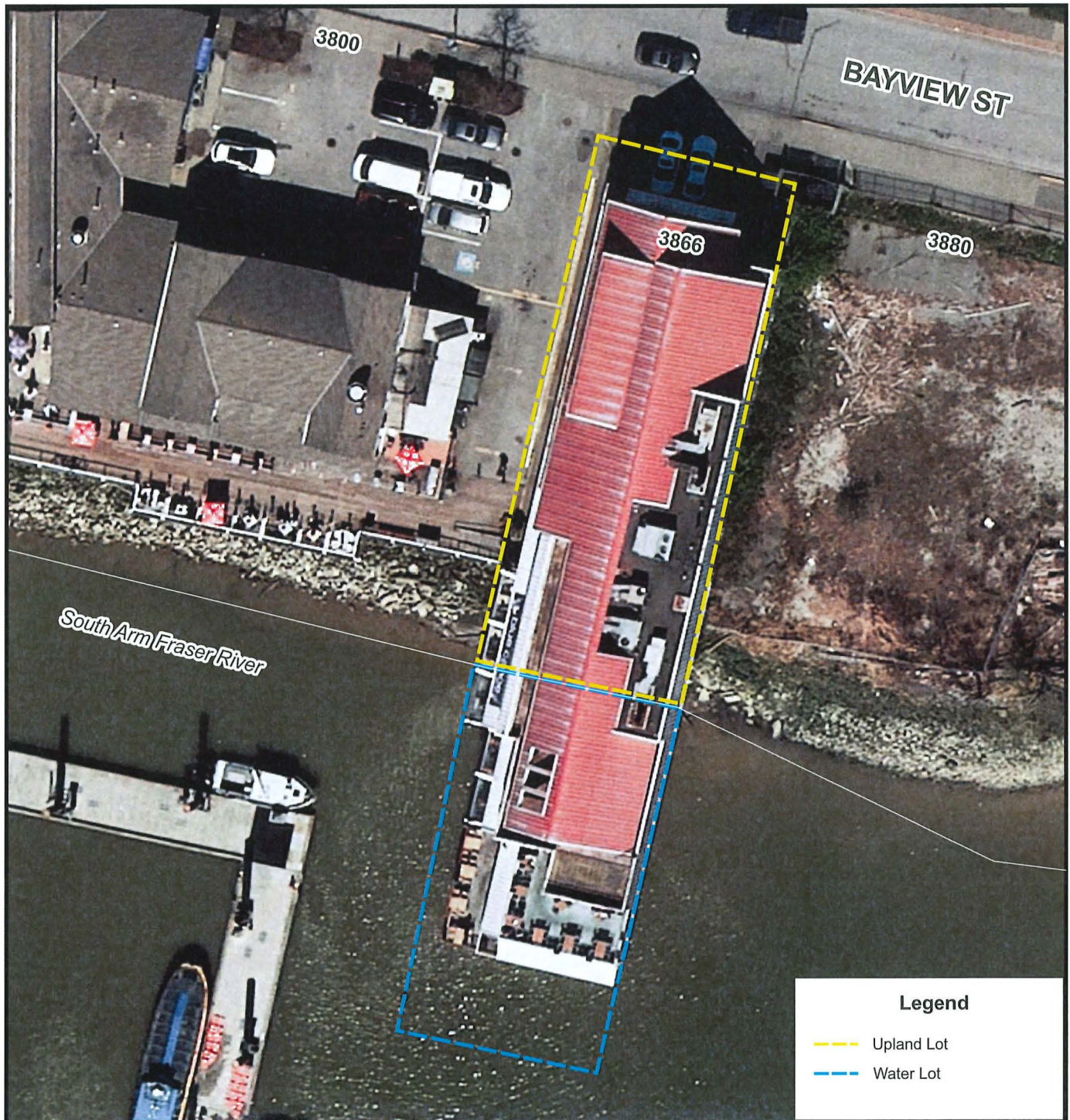
Steveston Waterfront Neighbourhood Land Use MapBylaw 8432
2010/05/25

	Residential		Multiple-Family (Including Congregate Care Housing with complementary Community/Commercial uses)
	Maritime Heritage		Heritage Mixed Use (Commercial-Industrial with Residential & Office Above)
	Industrial		Public Open Space
	Commercial		Conservation Area



City of
Richmond

ATTACHMENT 3

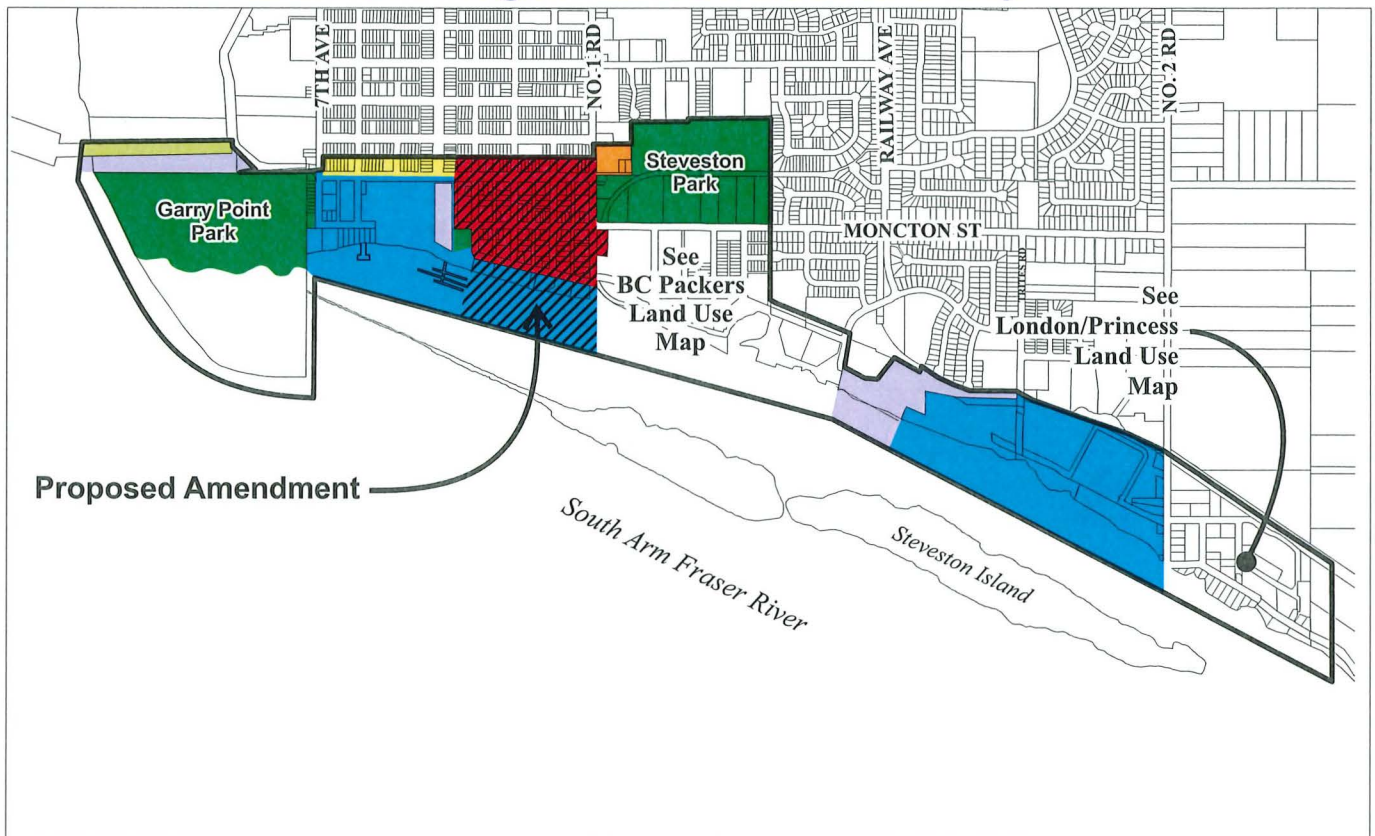


3866 Bayview Street

Original Date: 06/17/22

Revision Date:

Note: Dimensions are in METRES

PROPOSED**Steveston Waterfront Neighbourhood Land Use Map**

Summary Table of Permitted Uses for Zoning along the Steveston Waterfront

Note – Residential and residential-related uses are not included

Zoning/Sites	Commercial Uses	Industrial Uses	Other/Service Uses
Light Industrial (IL) 3540 and 3880 Bayview St. 12251 No. 1 Rd.	-auction, minor -restaurant	-commercial storage -commercial vehicle parking and storage -contractor service -fleet service -industrial, general -industrial, manufacturing -industrial, warehouse -manufacturing, custom indoor -vehicle repair -vehicle body repair or paint shop	-animal daycare -animal grooming -animal shelter -car/truck wash -child care -recreation indoor -recycling depot -recycling drop-off -utility, minor
Steveston Commercial (CS2) 3866 and 3900 Bayview St.	-hotel -liquor primary establishment -office -restaurant -retail, convenience -retail, general -retail, second hand -service, business support -service, financial -service, household repair -service, personal studio -veterinary service	-industrial, general -manufacturing, custom indoor -microbrewery, winery and distillery	-animal grooming -broadcasting studio -child care -education -education, commercial -entertainment, spectator -government service -greenhouse & plant nursery -health service, minor -parking, non-accessory -recreation indoor -recycling depot
Steveston Commercial and Pub (ZMU10) 3800 Bayview St.	-hotel -liquor primary establishment -neighbourhood public house -office -restaurant -retail, convenience -retail, general -retail, second hand -service, business support -service, financial -service, household repair -service, personal -studio -veterinary service	-industrial, general -manufacturing, custom indoor	-animal grooming -broadcasting studio -child care -education -education, commercial -entertainment, spectator -government service -greenhouse & plant nursery -health service, minor -parking, non-accessory -recreation indoor -recycling depot

Summary of Uses Proposed to be Removed from Existing Zoning along the Steveston Waterfront

Zoning	Sites	Uses Proposed to be removed
Light Industrial (IL)	3540 and 3880 Bayview St. 12251 No. 1 Rd.	auction, minor; animal shelter; car/truck wash; fleet service; recycling depot
Steveston Commercial (CS2)	3866 and 3900 Bayview St.	recycling depot
Steveston Commercial and Pub (ZMU10)	3800 Bayview St.	recycling depot

Dear Mayor and Council members

I am Brian Veljacic. A commercial fisherman . I live in the Waves building across the street from the former Esso site on Bayview Street.

I recently watched the Feb 8/22 council meeting. Focus was on the Steveston boardwalk discussion. I want to thank the council's proposal for the continuous boardwalk and proposed access links to the waterfront. This is an excellent Steveston community proposal and long overdue. We want to promote foot traffic, not block it.

I was shocked and jaw droppingly disappointed in the council's comments on the non-residential use south of Bayview Street. This topic was not on the agenda. Also recommended by council, was to stop any in-stream zoning applications.

I presently have a zoning text amendment application for 3900 Bayview Street, known as Riversong. My application was submitted around April 2020. Myself, Architects and city planners (Cynthia and Minhee) have been back and forth working on this for probably 2 years prior to submission. We have been reduced to building only a single unit apartment dwelling. On the second level of the existing building structures. Hence the text amendment to the current CS2 zoning. I am not asking to rezone but to merely make a text amendment to the existing zoning. To allow a single residential unit rather than 2 or more units. As is presently permitted under the current zoning.

I want to thank Mr. Steves. My wife and I met Mr. Steves, 15 years ago, regarding our building application in Steveston Village. 12231 First Ave, known as the Waves building. After Mr. Steves endorsed our plans , we have continued to get public praise as to how beautiful our building turned out. I have lived in the Waves building since it was built. A mixed use building. Thank you.

Our family immigrated from a small fishing village in Croatia. All my brothers, uncles, father and grandparents fished out of the Steveston BC Packers imperial plant. I have fished out of Steveston for 45 years. My dream is to build on the second level at 3900 Bayview street. Live out the rest of my days looking out over the Fraser River where I worked.

3900 Bayview is currently zoned CS2, mixed use residential. I originally purchased the lease property with the intention to build my dream home. We do not plan to exceed the existing footprint or height restrictions. We do not plan to restrict or change any of the existing access corridors. Even after the addition we will still be under the 1.0 FAR. There is already a second mezzanine level in the building. We plan to use this floor level and expand on it.

During the years of back and forth with city planners. They have requested us to contract surveyors, traffic consultants, parking consultants, geotects and architects. We have invested considerable time and funds to move towards our dream. Our proposed addition, like the Waves

building. Will be a welcome addition to Steveston Village. I am confident we will again get continued compliments from the public.

I hope you understand how personal this project is for our family. I am doing this to build a retirement residence not to sell or flip for profit.

Council suggested that mixed use residential on the south side of Bayview Street will restrict public access to the waterfront. I disagree. Once I move into the new unit. This will free up my unit in the Waves building for a family to enjoy our village. Again, our second level unit will not restrict the existing access corridors to the waterfront. We currently have 2 access links to the waterfront on our property now. We will maintain the status quo. Also mixed use residential brings a vibrant living/working atmosphere to our community. Please do not take this away.

Community in Steveston is important to me. I worked hard over the last 15 years maintaining a vibrant Steveston community and will continue to work for the community. I keep a high standard of maintenance on our properties. I am proud to be part of the Steveston Village community.

I wonder if you may be confusing my simple text amendment application with the 3880 Bayview application. The former Esso site. I would be happy to explain our proposal to the council if they are not familiar.

I would like a meeting with all council members to explain my application. To get an explanation from the council, why they believe my single unit will restrict public access to the waterfront. Please explain how the council can stop a 2 year in stream application when we are already zoned CS2 residential mixed use.

I would like you to reconsider your motion and allow our text amendment application to proceed.

Please let me know when we can meet,

Thank you Brian Veljacic

Eng, Kevin

From: Ken Chow (IFA) <ken@interfacearchitecture.com>
Sent: February 9, 2022 1:15 PM
To: Badyal, Sara
Cc: Jason Zhang; Jun Zi; Eng, Kevin; Craig, Wayne
Subject: RE: Planning Committee referral regarding residential development on the south side of Bayview Street

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

Hi Sara:

I was aware that yesterday's Planning Committee was considering waterfront access amendments to the Steveston Area Plan and was resigned to its endorsement. However, this new referral motion to eliminate residential uses south of Bayview is a big surprise, and a project killer. Even without a vested stake in this project, I am shocked by this motion while our proposal is in-stream, as will be the owners.

Since 2017, the goal posts have constantly moved as previous detailed and outlined here:

1. Permitted to develop to a max 1.6 FAR, 3-storeys, mixed-use
2. Dike requirements required designing to Bayview potentially raised 1.5m, 3.25m front yard setback
3. Area Plan revised to reduce to 1.2 FAR, 2-storeys, mixed-use
4. Push to move boardwalk entirely on subject site (no water lot encroachment)
5. Area Plan revises again to relocate Required Connection #5 from east side to west side of subject site.
6. Now, Area Plan proposes removing residential as a permitted use!!!

The owners bought the property in 2016 in good faith with an expected development potential. They will now feel their property ownership rights have been disregarded.

Understand that the various government agencies have been impossible to coordinate support for previous concepts; I now know they are very opaque to deal with and remain silo'd in their roles. We have pushed hard to make progress, but the moving goal posts have caused delays as each new design concept requires additional outreach efforts.

Thanks for listening. I would guess the City deals with these difficult situations from time to time. If there is any course of action that may help our client, please advise.

--

Ken

From: Badyal, Sara
Sent: February 9, 2022 11:23 AM
To: 'Ken Chow (IFA)'
Subject: Planning Committee referral regarding residential development on the south side of Bayview Street

Hi Ken,

I am writing to let you know that yesterday, at the February 8, 2022 Planning Committee meeting:

- Planning Committee endorsed the Steveston waterfront walkway report, titled “Referral Response on Public Access Along the Steveston Waterfront and Proposed Amendments to the Steveston Area Plan” by Kevin Eng.
- Planning Committee passed a referral motion directing staff to remove the ability to construct residential units on the south side of Bayview Street. The referral motion includes language directing staff to hold rezoning applications for residential development in abeyance until the referral is addressed.

As a result of Planning Committee direction, we will not be able to continue to review your application until the referral motion is addressed.

Please note that the report and referral will be placed on the agenda for consideration at the February 14, 2022 Council meeting on Monday night.

Planning Committee Meetings - link to 2022 meeting agendas, minutes and audiovisual recordings:

<https://www.richmond.ca/cityhall/council/meeting/WebAgendaMinutesList.aspx?Category=24&Year=2022>

Council Meetings - link to 2022 meeting agendas, minutes and audiovisual recordings:

<https://www.richmond.ca/cityhall/council/meeting/WebAgendaMinutesList.aspx?Category=6&Year=2022>

If you would like to discuss further or require additional information, please feel free to call me at 604-276-4282.

Regards,

Sara Badyal, M. Arch, RPP

Planner 3

Development Applications Department

City of Richmond | 6911 No. 3 Road, Richmond, BC V6Y 2C1

P (604) 276-4282 | W www.richmond.ca | E sbadyal@richmond.ca

People | Excellence | Leadership | Team | Innovation



**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 10371 (Revisions to the Steveston Area Plan)**

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

1. Richmond Official Community Plan Bylaw 7100, as amended, is further amended at Schedule 2.4 (Steveston Area Plan):
 - a. at Section 3.2 (Waterfront Neighbourhoods Overall Policies), by adding the following clause h) under the heading “Policies: Land Uses”:

“h) Residential uses and development are not permitted in the Steveston Village Riverfront Area along the south side of Bayview Street between 3rd Avenue and No. 1 Road.”;
 - b. at Subsection 3.2.3 (Steveston Village Node), by inserting the following as a new clause e) under the heading “Policies” and renumbering the remaining clauses to f), g), h), i) and j) accordingly:

“e) Residential uses and development are not permitted in the Steveston Village Riverfront Area along the south side of Bayview Street between 3rd Avenue and No. 1 Road.”;
 - c. at Subsection 9.2.2 (Massing and Height), by deleting the paragraph entitled “Cohesive Character Areas” and replacing it with the following:

“Cohesive Character Areas

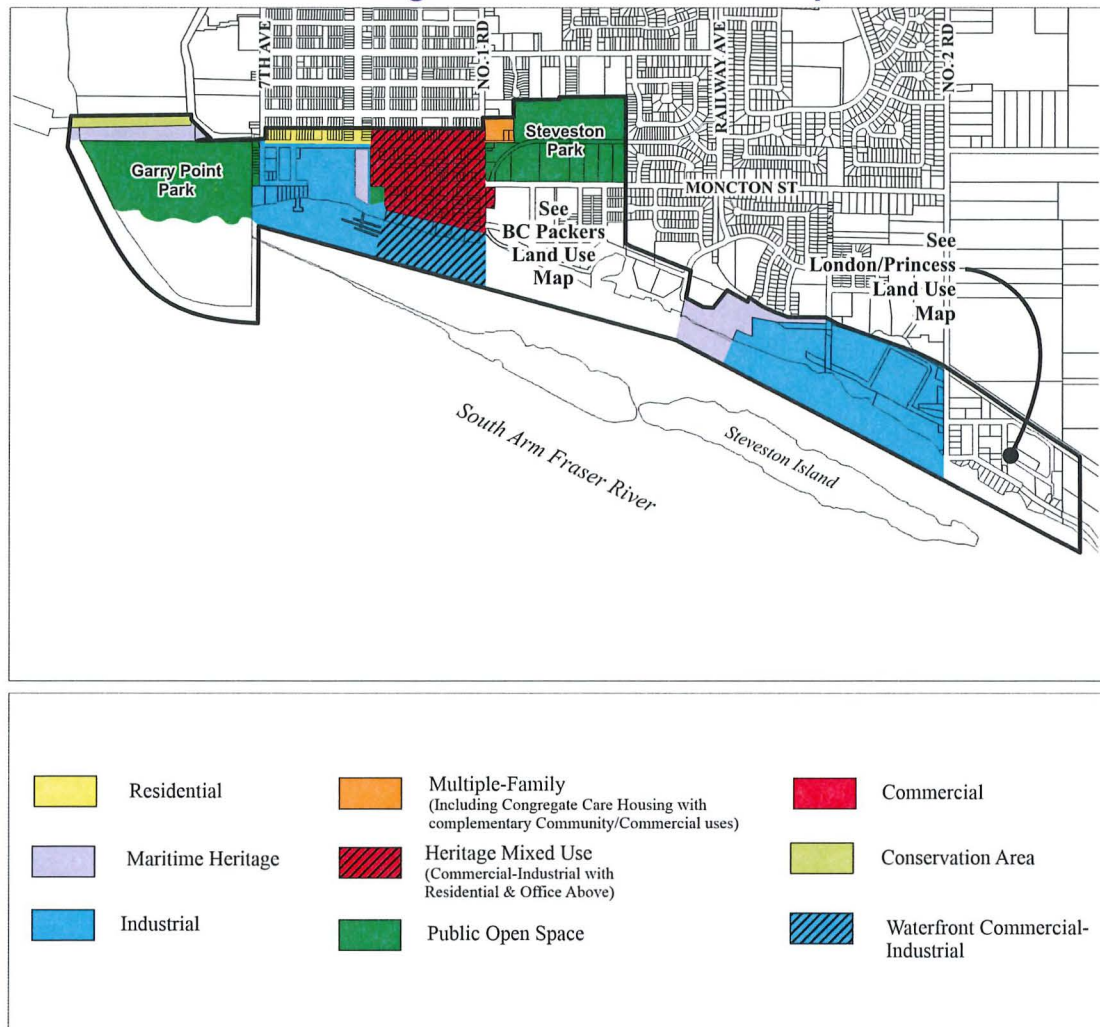
The form of new development should be guided by that of adjacent existing development, even where new uses are being introduced. For example, multiple family residential or commercial uses introduced adjacent to single family homes should adopt a scale and character similar to those existing dwellings, while commercial and/or industrial uses introduced along the riverfront would be better to adopt a scale and form reflective of the area’s historic cannery buildings.”;
 - d. at Subsection 9.3.2.2.b (Steveston Village Riverfront), by:
 - i. deleting the last sentence of the first paragraph and replacing it with the following:

“New development should seek to reanimate the “Riverfront” by integrating new and revitalized maritime-oriented industries and commercial activities within an unconventional, pedestrian friendly environment.”;

- ii. deleting clause i) under the title “Settlement Patterns” and replacing it with the following:
 - “i) Where possible, avoid segregating different uses on a site, in favour of an approach which sees different uses share a common character and features.”;
- iii. deleting the clause e) under the title “Architectural Elements” and replacing it with the following:
 - “e) Employment of architectural elements which enhance enjoyment of the river, the sun, and the view and provide opportunities for open space. Roof decks are not permitted;”;
- iv. deleting clause f) under the title “Architectural Elements” and renumbering the remaining clauses to f), g), h), i), j), k) and l) accordingly; and
- v. deleting subclause a(iii) under the title “Parking and Services” and renumbering the remaining subclause to a(iii) accordingly;

- e. deleting the Steveston Waterfront Neighbourhood Land Use Map and replacing it with the following:

Steveston Waterfront Neighbourhood Land Use Map



- f. at Appendix 1 – Definitions, by inserting the following definitions in alphabetical order:

**“Heritage Mixed Use
(Commercial-Industrial
with Residential &
Office Above)”**

A combination of commercial and industrial uses permitted within the same building, including residential and/or office uses above grade.

**Waterfront
Commercial-Industrial**

A combination of commercial and/or industrial uses contained within a building or buildings, including office use at or above grade.”

2. This Bylaw may be cited as **“Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10371”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

NOV 28 2022

CITY OF RICHMOND
APPROVED by 
APPROVED by Manager or Solicitor 

MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10372 (Revisions to the Steveston Commercial
(CS2) Light Industrial (IL) and Steveston Commercial and Pub
(ZMU10) Zoning Districts)**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended:
 - a. at Section 9.2 (Steveston Commercial (CS2) zoning district), by inserting the following as a new Section 9.2.12.3 and renumbering the remaining sections accordingly:
 - “3. Notwithstanding Section 9.2.3, **boarding and lodging, community care facility, minor, home business, and housing apartment** are not permitted on the following **sites**:

3866 Bayview Street
PID 003-666-387
Lot 12 Block 1 Section 10 Block 3 North Range 7 West New Westminster District Plan 249

3900 Bayview Street
PID 025-114-735
Parcel 1 Section 10 Block 3 North Range 7 West New Westminster District Plan LMP51060”
 - b. at Section 12.2 (Light Industrial (IL) zoning district) , by adding the following as a new Section 12.2.11.6:
 - “6. Notwithstanding Section 12.2.3.A, **residential security/operator unit** is not permitted on the following **sites**:

3540 Bayview Street
PID 003-408-833
Parcel “E” Section 10 Block 3 North Range 7 West New Westminster District Reference Plan 63730

3880 Bayview Street
PID 030-468-132

Lot A Section 10 Block 3 North Range 7 West New Westminster District
Plan EPP81519

12551 No. 1 Road

PID 028-745-701

Lot 1 Section 10 Block 3 North Range 7 West New Westminster District
Plan BCP49814"

- c. at Section 20.10 (Steveston Commercial and Pub (ZMU10) zoning district), by deleting **boarding and lodging, community care facility, minor, home business and housing apartment** from Section 20.10.3 (Secondary Uses).
2. This Bylaw may be cited as **"Richmond Zoning Bylaw 8500, Amendment Bylaw 10372"**.

FIRST READING

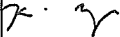

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

NOV 28 2022

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10394 (Revisions to the Steveston Commercial
(CS2) Light Industrial (IL) and Steveston Commercial and Pub
(ZMU10) Zoning Districts**

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

1. Richmond Zoning Bylaw 8500, as amended is further amended:
 - a. at Section 9.2 (Steveston Commercial (CS2) zoning district), by inserting the following as a new Section 9.2.12.3 and renumbering the remaining sections accordingly:
 - “3. Notwithstanding Section 9.2.3, **recycling depot** is not permitted on the following **sites**:

3866 Bayview Street
PID 003-666-387
Lot 12 Block 1 Section 10 Block 3 North Range 7 West New Westminster District Plan 249

3900 Bayview Street
PID 025-114-735
Parcel 1 Section 10 Block 3 North Range 7 West New Westminster District Plan LMP51060”
 - b. at Section 12.2 (Light Industrial (IL) zoning district), by inserting the following as a new Section 12.2.11.6:
 - “6. Notwithstanding Section 12.2.2, **animal shelter, auction, minor, car or truck wash, fleet service and recycling depot** are not permitted on the following **sites**:

3540 Bayview Street
PID 003-408-833
Parcel “E” Section 10 Block 3 North Range 7 West New Westminster District Reference Plan 63730

3880 Bayview Street
PID 030-468-132

Lot A Section 10 Block 3 North Range 7 West New Westminster District Plan
EPP81519

12551 No.1 Road

PID 028-745-701

Lot 1 Section 10 Block 3 North Range 7 West New Westminster District Plan
BCP49814”

- c. at Section 20.10 (Steveston Commercial and Pub (ZMU10) zoning district), by deleting **recycling depot** from Section 20.10.2 (Permitted Uses)
2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 10394”**.

NOV 28 2022

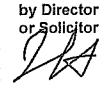
FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 10392 (Revisions to the Steveston Area Plan)**

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

1. Richmond Official Community Plan Bylaw 7100, as amended, is further amended at Schedule 2.4 (Steveston Area Plan):

- a. at Subsection 9.3.2.2.b (Steveston Village Riverfront), by deleting clause c) i) under the title "Massing and Height" and replacing it with the following:

"Typically vary from one to two storeys and up to a maximum building height of 9 m."

- b. by amending the accompanying table associated with the Steveston Village Land Use Density and Building Height Map to delete the text in the Maximum Building Height cell along the Riverfront Area row and replace with the following:

"9 m ***"

- c. by deleting the text under the asterisks (***) at the bottom of the Steveston Village Land Use Density and Building Height Map and replacing it with the following:

"*** Maximum building height along the south side of Bayview Street shall not exceed two storeys above finished site grade."

2. This Bylaw may be cited as "**Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10392**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

NOV 28 2022



MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10393 (Revisions to the Light Industrial (IL) Zoning
District)**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended:
 - a. at Section 12.2 (Light Industrial (IL) zoning district), by inserting the following as a new Section 12.2.7.2 and renumbering the remaining sections accordingly:

“2. Notwithstanding Section 12.2.7.1, the maximum **height** for **buildings** is 9.0 m for the following **sites**:

3540 Bayview Street
PID 003-408-833
Parcel “E” Section 10 Block 3 North Range 7 West New Westminster District
Reference Plan 63730

3880 Bayview Street
PID 030-468-132
Lot A Section 10 Block 3 North Range 7 West New Westminster District Plan
EPP81519

12551 No.1 Road
PID 028-745-701
Lot 1 Section 10 Block 3 North Range 7 West New Westminster District Plan
BCP49814”
2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10393**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

NOV 28 2022

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



Regular Council
Monday, November 28, 2022

15. REFERRAL RESPONSE ON LAND USES ALONG THE STEVESTON WATERFRONT AND PROPOSED AMENDMENTS TO THE STEVESTON AREA PLAN AND ZONING BYLAW

(File Ref. No. 08-4060-05-01; 12-8060-20-010371/10372/10394/10392/10393) (REDMS No. 6920288 v. 5, 6922793, 6860973, 6860974, 6923673, 6923675, 6923674)

R22/20-6

It was moved and seconded

- (1) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10394, which revises the “Steveston Commercial (CS2)”, “Light Industrial (IL)” and “Steveston Commercial and Pub (ZMU10)” zoning districts to not permit certain uses on a site specific basis at 3540, 3800, 3866, 3880, 3900 Bayview Street and 12551 No. 1 Road, be introduced and granted first reading;*
- (2) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10392, to revise the permitted height of buildings to 9 m in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading;*
- (3) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10393, which revises the “Light Industrial (IL)” zoning district to implement a 9 m maximum permitted building height on a site-specific basis at 3540 and 3880 Bayview Street and 12551 No. 1 Road, be introduced and granted first reading;*
- (4) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392, having been considered in conjunction with:*
 - (a) *the City’s Financial Plan and Capital Program; and*
 - (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans, is hereby found to be consistent with said programs and plans, in accordance with Section 477(3) (a) of the Local Government Act; and*



Regular Council
Monday, November 28, 2022

- (5) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaws 10371 and 10392, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.*

The question on the motion was not called as discussion ensued in respect to the proposed 9 metre height restrictions and the option to go with a conservative regulatory framework for height restrictions and then look at exceptions of unique proposals on a case by case basis.

The question on the motion was then called and **CARRIED** with Cllr. Loo opposed.

R22/20-7

It was moved and seconded

- (1) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10371, to revise the land use policies to no longer permit residential uses in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading;*
- (2) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10372, which revises the:*
- (a) *“Steveston Commercial (CS2)” zoning district to not permit residential and related land uses on a site-specific basis at 3866 and 3900 Bayview Street;*
 - (b) *“Light Industrial (IL)” zoning district to not permit a residential security/operator unit on a site-specific basis at 3540 and 3880 Bayview Street and 12551 No. 1 Road; and*
 - (c) *“Steveston Commercial and Pub (ZMU10)” zoning district to remove residential and related land uses from the zone, be introduced and granted first reading.*



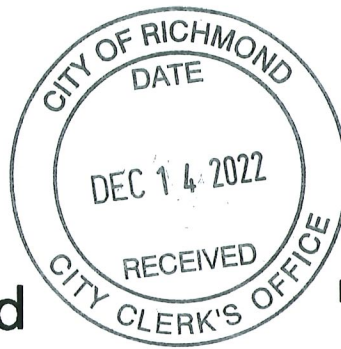
Regular Council
Monday, November 28, 2022

The question on the motion was not called as discussion ensued in respect to (i) continued public access to the waterfront, (ii) maintaining the character of the Steveston waterfront, (iii) the need for a linear walkway along the waterfront, (iv) rationale for not permitting residential uses, and (v) the effectiveness of mixed-use designation to increase population in Steveston Village.

The question on the motion was then called and **CARRIED** with Cllrs. Au, Hobbs and Loo opposed.



City of
Richmond



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

Memorandum

Planning and Development Division
Development Applications

To: Mayor and Councillors
From: Wayne Craig
Director, Development
Date: December 14, 2022
File: RZ 18-836107
Re: Application by IBI Group for Rezoning at 3360, 3380 and a Portion of
3440 Sexsmith Road from "Assembly (ASY)", "Single Detached (RS1/F)" Zone,
and "School & Institutional Use (SI)" to "Residential / Limited Commercial and
Religious Assembly (ZMU51) – Capstan Village (City Centre)" Zone:
Additional Information

At the meeting of Council held on November 14, 2022, Council directed:

That, prior to Public Hearing, staff investigate with the applicant, the condition of the value of the Herrling Residence and examine the potential for relocation in the City of Richmond.

Staff and the applicant have completed the requested investigation and have confirmed that:

- The Herrling Residence is significant as a tangible link with the City Centre's interwar development boom and its Sexsmith Road location is an important character-defining element (Attachment A); and
- The house can be moved outside the immediate area, but would be costly to transport on City streets due to conflicts with overhead wires and utilities.

In recognition of the above findings, the developer proposes to move the house to the developer-owned remnant portion of 3440 Sexsmith Road (not subject to RZ 18-836107), where it can be stored securely until it can be rehabilitated and repurposed as part of the developer's future development of the remnant lot and adjacent lands (at the developer's cost), subject to a future rezoning application (Attachment B).

The proposed retention of the Herrling Residence requires changes to the original rezoning considerations (Attachment 9 to the staff report). The applicant has agreed to the attached revised rezoning considerations (Attachment C), which would secure the developer's commitment, at the developer's cost, to:

- No demolition of the Herrling Residence;
- Relocation of the house to the remnant portion of 3440 Sexsmith Road (for interim storage, protection and maintenance) prior to Building Permit issuance for "Lot B" (Attachment B); and
- Rehabilitation, repurposing and heritage interpretation of the Herrling Residence through the future development of the remnant portion of 3440 Sexsmith Road (subject to a future rezoning).

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DEC 14 2022

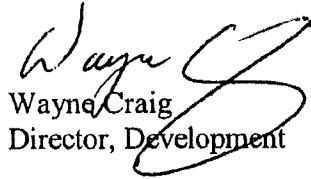
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December 14, 2022

- 2 -

Should Council wish to proceed on the basis of the attached revised rezoning considerations, Council will need to grant second and third readings to the Rezoning Bylaw subject to the attached revised rezoning considerations (Attachment C).

Should you have any questions, please contact the undersigned at 604-247-4625, or wcraig@richmond.ca.


Wayne Craig
Director, Development

WC:sch

Att. A: Statement of Significance
 B: Future Development Site and Proposed Location of the Herrling Residence
 C: Revised Rezoning Considerations (Changes to original marked in red)

pc: SMT
 Marie Fenwick, Director, Arts, Culture and Heritage
 Minhee Park, Planner 2, Policy Planning

STATEMENT OF SIGNIFICANCE

RESOURCE NAME	Herrling Residence
ADDRESS	3360 Sexsmith Road
MUNICIPALITY	City of Richmond
NEIGHBOURHOOD	City Centre
LEGAL DESCRIPTION	Plan NWP3404, Lot 23
PARCEL IDENTIFIER (PID)	003-469-247
YEAR BUILT	1932
ORIGINAL OWNER	Joseph A. and Elsie M. Herrling
BUILDER	Unknown
ARCHITECT/DESIGNER	Unknown

CONTEMPORARY PHOTO



DONALD LUXTON
AND ASSOCIATES INC



DESCRIPTION OF HISTORIC PLACE

The Herrling Residence is located along Sexsmith Road in the City Centre neighbourhood of Richmond. Constructed in 1932, the house is characterized by its one and one-half storey height and clipped gable roof with central clipped gable dormer.

HERITAGE VALUE OF HISTORIC PLACE

The Herrling Residence is valued for its association with the interwar development of Richmond's City Centre neighbourhood. Waves of immigrants arrived following the incorporation of Richmond and early community needs were met with the construction of amenities, including a new town hall, a racetrack, the Interurban tram, and a number of small businesses. The tram provided access to additional commercial services near the intersection of No. 3 Road and Granville Avenue, which helped attract a growing number of businesses to Richmond's new commercial centre. In the 1920s, Richmond experienced a development boom and population resurgence following the disruption of war. As the City further improved community infrastructure, residents responded by constructing homes in the growing city. The Herrling Residence forms part of the interwar development of the City Centre neighbourhood, when the area saw the construction of many single-family homes.

The Herrling Residence, constructed in 1932, is significant for its association with original owners Joseph (1885-1978) and Elsie (née Allen; 1880-1989) Herrling. Joseph was born in the Agassiz district and pursued a lifelong career on the water, working on boats that operated on the Fraser River, as well as points further north in British Columbia and the Yukon. He also is remembered for his participation in the opening of the Deas Island Tunnel in 1959. Elsie is recalled as a member and officer of the local Eburne Star Rebekah Lodge, who also hosted meetings of the Richmond United Church Ladies' Aid and later, operated a beauty salon in this home. The Herrlings lived in the house until 1952, which continues to represent a tangible link to the contributions of early Richmond citizens.

The Herrling Residence is also valued for its Period Revival style of architecture. The design reflects the persistent influence of the Period Revival styles on residential designs between the two World Wars. The interwar years were a time of entrenched traditionalism in residential architecture, hearkening back to the domestic values and ideals of an earlier age. Designed with traditional British Arts and Crafts influences, the Herrling Residence features a picturesque clipped gable roofline, embellished brackets, and arched window assemblies.

CHARACTER-DEFINING ELEMENTS

The elements that define the heritage character of the Herrling Residence include, but are not limited to its:

- location along Sexsmith Road in the City Centre neighbourhood of Richmond;
 - residential form, scale and massing as expressed by its one and one-half storey height with side-gabled clipped roof;
 - wood-frame construction with wooden lapped siding;
 - Period Revival style design features, including: pointed bargeboards, prominent central clipped-gable dormer, and central entryway set significantly above grade, accessed by a flight of steps and featuring a projecting gabled roof supported by embellished triangular brackets;
 - variety of original wooden sash and frame windows, including: arched double-hung assemblies, tripartite assemblies with fixed central window and double-hung windows on either side, and multi-pane casement assemblies; and
 - original wooden front door with glazing.
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RESEARCH SOURCES

"Around Home." Surrey Leader, Oct. 30, 1952.

"Elsie Herrling, M.S.C. [Advertisement]" Marpole-Richmond Review, Oct. 13, 1943.

Knowles, Roy. "Salts Bid Ferries Adieu ..." Surrey Leader, May 28, 1959.

"Marpole Matters." Marpole-Richmond Review, Aug. 12, 1936.

"Marpole Matters." Marpole-Richmond Review, Jun. 2, 1937.

"Marpole Matters." Marpole-Richmond Review, Sep. 15, 1937.

"Richmond Recordings." Marpo/e-Richmond Review, Nov. 4, 1942.

Tax Assessment Rolls. Corporation of the Township of Richmond (City of Richmond Archives)

Waterworks Atlas. Corporation of the Township of Richmond, c.1936 (City of Richmond Archives, 1991-40-45)

Whittle, J. Transcript of interview with Capt. J. Herrling. Jan. 18, 1973 (City of Richmond Archives Richmond Oral History Project fonds).

Attachment B





Address: 3360, 3380, and a portion of 3440 Sexsmith Road

File No.: RZ 18-836107

Prior to final adoption of Richmond OCP Bylaw 7100, Amendment Bylaw 10390, and Zoning Bylaw 8500, Amendment Bylaw 10389, the developer is required to complete the following:

1. **Ministry of Transportation & Infrastructure (MOTI):** Approvals to proceed granted by MOTI, including:
 - 1.1. Preliminary Approval prior to presentation of the Development Permit* (DP) application to DP Panel; and
 - 1.2. Final Approval prior to adoption of the rezoning bylaw.

NOTE: MOTI approval may require the developer to make changes to the City-approved form of development (e.g., access) and/or Servicing Agreement* scope of off-site works (e.g., intersection upgrades), which changes shall be undertaken by the developer, at the developer's sole cost, as determined to the satisfaction of the City.

2. **Subdivision:** Registration of a subdivision plan to the satisfaction of the City.

Prior to the registration of the Subdivision Plan, the following conditions shall be satisfied:

- 2.1. **City Road:** Dedication of land for road and related purposes, generally as described in the Preliminary Subdivision Plan (Schedule A) and the following table, including approximately:

- 2.1.1. Ketcheson Road (i.e. designated as a City Centre Area Plan "minor street"): 20.0 m (65.6 ft.) wide right-of-way bisecting the site;
- 2.1.2. Garden City Road: 4.8 m (15.7 ft.) strip of land along the site's entire east side (i.e. frontage of proposed Lot A), generally comprising a 1.8 m (5.9 ft.) widening and 3.0 m (9.8 ft.) streetscape enhancement area;
- 2.1.3. Capstan Way: 6.8 m (22.3 ft.) strip of land along the site's entire south side (i.e. frontage of proposed "Lot A" and the remnant portion of 3440 Sexsmith Road), generally comprising a 2.8 m (9.2 ft.) widening and 4.0 m (13.1 ft.) streetscape enhancement area; and
- 2.1.4. Sexsmith Road: 3.7 m (12.1 ft.) strip of land along the frontage of proposed "Lot B", generally comprising a 1.1 m (3.6 ft.) widening and 2.6 m (8.5 ft.) streetscape enhancement area.

#	Road Feature	Total Dedication (m²)	Eligible Portions (m²)				Non-Eligible Portions (m²)
			For Density (ZMU51)		For DCC Credits		
			Lot A	Lot B	Lot A	Lot B	
A.	Garden City Road (i.e. widening @ Lot A)	161.7	None	None	None	None	161.7
B.	Sexsmith Road (i.e. widening @ Lot B)	52.2	None	None	None	52.2	None
C.	Capstan Way (i.e. widening including Sexsmith Road corner cut)	607.4	None	None	276.5	330.9	None
D.	Ketcheson Road (i.e. new CCAP "minor street")	1,863.8	931.9	931.9	None	None	None
E.	Sexsmith Road (i.e. streetscape enhancement)	123.4	None	123.4	None	None	None
F.	Capstan Way & Garden City Road (i.e. streetscape enhancement including Ketcheson Road corner cuts)	1,051.3	613.4	437.9	None	None	None
TOTAL (m²)		3,859.8	1,545.3	1,493.2	276.5	383.1	161.7
			3,038.5		659.6		

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- 2.2. **Lot Consolidation:** The creation of two lots for development purposes (i.e. Lot A and Lot B) and a third lot comprising the remnant portion of 3440 Sexsmith Road, generally as shown in the Preliminary Subdivision Plan (Schedule A), including:
- 2.2.1. Lot A (i.e. proposed development site east of Ketcheson Road): 7,361.2 m² (79,235.3 ft²);
 - 2.2.2. Lot B (i.e. proposed development site west of Ketcheson Road): 5,021.6 m² (54,052.1 ft²); and
 - 2.2.3. Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road, which is not subject to rezoning through RZ 18-836107): 2,301.9 m² (24,777.4 ft²).
- 2.3. **No Separate Sale (Lots A & B):** Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title, to the satisfaction of the City, requiring that Lot A and Lot B may not be sold or otherwise transferred separately without prior approval of the City, to ensure that legal agreement and business terms related to financial, legal, development, and other obligations assigned to each of the lots as a result of the subject rezoning are transferred and secured to the satisfaction of the Director of Development and City Solicitor.
- 2.4. **No Development (Remnant Lot C):** Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title, to the satisfaction of the City, securing that "no development" will be permitted on Remnant Lot C, restricting rezoning*, Development Permit* issuance, Building Permit* issuance and Building Permit* inspection granting occupancy for any building on the lot, in whole or in part, unless the developer has submitted rezoning* and Development Permit* applications, approved by the City, that provide provided for the comprehensive development of Remnant Lot C with 3420 and 3426 Sexsmith Road (the "Remnant Lot C Comprehensive Development" site) including, but not limited to, the following, as determined to the satisfaction of the Director, Arts, Culture and Heritage Services, Director, Parks Services, Director, Transportation, Director, Development, and Director, Engineering:
- 2.4.1. With respect to the Herrling Residence, as determined to the City's satisfaction, at the developer's cost:
 - a) Relocation of the Herrling Residence from 3360 Sexsmith Road (part of proposed Lot B) to Remnant Lot C or some other portion of the Remnant Lot C Comprehensive Development site, to the City's satisfaction;
 - b) "No demolition" of the Herrling Residence, in whole or in part, restricting Demolition Permit* issuance, to the City's satisfaction;
 - c) Interim protection, maintenance and monitoring of the Herrling Residence until such time that it is rehabilitated and repurposed, to the City's satisfaction;
 - d) Submission of a Heritage Conservation and Interpretation Plan for the Herrling Residence, prepared by a qualified heritage professional, together with an architect, landscape architect and/or other qualified professionals, as applicable, subject to review(s) by the Richmond Heritage Commission, Council and/or other review(s), to the satisfaction of the Director, Development and Director, Arts, Culture and Heritage Services, which Plan shall, among other things, provide for, at the developer's cost, in a form satisfactory to the City:
 - i. Protection and enhancement of the building's heritage value;
 - ii. Rehabilitation and repurposing of the building for residential, commercial, and/or community use on the Remnant Lot C Comprehensive Development site; and
 - iii. Heritage interpretation; and
 - e) Implementation of the Herrling Residence Heritage Conservation and Interpretation Plan (in coordination with rezoning*, Development Permit*, Building Permit* and other applicable City review and approval processes), to the satisfaction of the Director, Arts, Culture and Heritage Services and Director, Development, which may include, but may not be limited to, permit issuance or occupancy holds, submission of construction and/or post-construction reports by a qualified heritage professional, photo documentation of the building (before and after rehabilitation), a letter of confirmation submitted by the architect assuring that all applicable City's requirements are satisfied, registration of legal agreements (e.g., maintenance or public access), security (Letter

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of Credit), and/or other measures, as determined through the rezoning and City approval processes, to the City's satisfaction.

2.4.1.2.4.2. Vehicle access restrictions, limiting vehicle access to the future comprehensive development to the area secured via the Lot B Cross Access and Lots A and B Driveway Crossings agreements; and

2.4.2.2.4.3. Road dedication and design/construction of frontage and utility upgrades (via a standard Servicing Agreement*), at the developer's sole cost, along the entire Sexsmith Road frontage of the future comprehensive development site.

NOTE: The above development restrictions shall not limit use of Remnant Lot C for residential sales centre use or construction staging purposes related to the developer's proposed development of Lot A and Lot B (subject to Building Permit* and other City approvals, as applicable), to the City's satisfaction.

3. **Capstan Station Bonus (CSB) (Lots A & B):** Registration of a restrictive covenant(s) and/or alternative legal agreement(s), to the satisfaction of the City, securing that "no building" will be permitted on the subject site and restricting Building Permit* issuance for the subject site, in whole or in part, until the developer, on a stage-by-stage basis, satisfies the terms of the Capstan Station Bonus (CSB) as provided for via the Zoning Bylaw and City Centre Area Plan. More specifically, the developer shall provide for cash and public open space contributions as follows:

- 3.1. **Capstan Station Reserve Contribution (Lots A & B):** Preliminary estimated voluntary developer cash contributions are indicated in the table below.

Lot	No. of Dwellings <i>Preliminary estimate</i>	CSB Voluntary Contribution (1) <i>Estimate, based on the City-Approved 2021/2022 Rate (\$9,346.36/unit)</i>
A	201	\$1,878,622.38
B	191	\$1,785,158.58
TOTAL	392 units	\$3,663,780.96

(1) *The actual Capstan Station Reserve contribution shall be adjusted as required, on a Building Permit-by- Building Permit basis, to reflect accurately the number of dwelling units on Lot A and Lot B (including all market strata, affordable housing and market rental units) and the City-approved contribution rate(s) in effect at the time of Building Permit (BP) approval.*

- 3.2. **Publicly-Accessible Open Space Contribution (Lots A & B):** The developer shall provide public open space in compliance with the Capstan Station Bonus and ZMU51 zone, based on 5.0 m² (53.82 ft²) per dwelling unit (including all market strata, affordable housing, and market rental units). More specifically, prior to rezoning adoption the developer shall:

3.2.1. **Maximum Number of Permitted Dwellings (Lots A & B):** Register a covenant and/or alternative legal agreement on title, to the City's satisfaction, to restrict the maximum permitted combined number of dwellings on Lot A and Lot B to 392 units (including all market strata, affordable housing, and market rental units) or as otherwise determined to the City's satisfaction through the Development Permit* process and specified in this agreement.

3.2.2. **Capstan Station Bonus Greenway SRW (Lots A & B):** Grant a statutory right-of-way (SRW) on Lot A and Lot B for the purpose of securing the Capstan Station Greenway SRW, comprising a Multi-Use Path (MUP) and Pocket Park(s). Prior to adoption of the OCP Amendment and Rezoning Bylaws, the agreement shall be registered as a blanket SRW (accompanied by a sketch plan) and shall include provisions for a replacement agreement at Development Permit*, Building Permit*, and/or occupancy, as determined to the satisfaction of the City, at the developer/owner's cost, for the purpose of reflecting accurately the City-approved permits and replacing the sketch plan with a survey plan (which may be volumetric). The specific location, configuration, and design of the SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit*, Servicing Agreement*, and/or other City approval processes, to the satisfaction of the City, taking into account the following items.

- a) The combined total Greenway SRW area on Lots A and B shall be at least 1,960.0 m² (21,097.3 ft²) or the product of 5.0 m² (53.82 ft²) per dwelling unit and the maximum permitted number of market strata, affordable housing, and market rental units on Lots A and B (based on the Maximum Number of Permitted Dwellings covenant as described above), whichever is greater.

CSB Publicly-Accessible Open Space Contribution Rate	Lots A & B Max. Permitted # of Dwellings <i>Preliminary estimate</i>	CSB Voluntary SRW Contribution <i>Minimum Combined SRW Area on Lot A & Lot B</i>
5.0 m ² (53.82 ft ²) per dwelling unit	392	1,960.0 m ² (21,097.3 ft ²)
TOTAL	392 units	1,960.0 m² (21,097.3 ft²)

- b) The Greenway SRW area shall comprise a suitably landscaped, universally accessible portion of the subject site, designed and constructed by the developer/owner, at the sole cost of the developer/owner, as publicly-accessible open space including:
- Approximately 1,131.0 m² (12,174.0 ft²) in the form of a 6.0 m (19.7 ft.) wide Multi-Use Path (MUP) for pedestrians, bicycles, and compatible modes of travel (together with seating, lighting, and other complementary landscape features), as generally shown on the Preliminary (Partial) Statutory Right-of-Way Plan (Schedule B):
 - On Lot A: 495.8 m² (5,336.8 ft²); and
 - On Lot B: 635.2 m² (6,837.2 ft²); and
 - At least 829.0 m² (8,923.3 ft²) contiguous with the MUP in the form of one or more Pocket Parks for public seating, relaxing, and play (which Pocket Park areas shall be provided in addition to the SRW area shown in Schedule B, as determined to the City's satisfaction through the DP process).
- c) The right-of-way shall provide for:
- 24 hour-a-day, year-round, universally accessible, public access in the form of paved walkway(s) and related landscape features, which may include, but may not be limited to, lighting, furnishings, street trees and planting, decorative paving, and storm water management measures, to the satisfaction of the City;
 - Public art;
 - Emergency and service vehicle access, City bylaw enforcement, and any related or similar City-authorized activities;
 - City utilities including, but not limited to, streetlights, traffic control infrastructure (e.g., signals, detector loops, and equipment kiosks), and related or similar features; and
 - Public access (e.g., walkways) to/from:
 - Fronting on-site uses/spaces; and
 - The contiguous linear publicly-accessible open space area (e.g., garden plots, walkways, and related landscape features) secured via statutory right-of-way 8800 Hazelbridge Way and 3300/3311 Ketcheson Road ("Concord Gardens"); and
 - Permanent building encroachments in the form of portions of the building located below finished grade (e.g., parking), provided that any such encroachments do not comprise the quality, functionality, safety, or amenity of the SRW area or associated landscape features (e.g., tree planting), as determined to the satisfaction of the City and specified in the approved Development Permit*.
- d) In addition, the agreement shall provide for the following:
- Emergency Turn-Around:** A vehicle turn-around (3-point turn arrangement), adjacent to the subject site's required Ketcheson Road dedication, for the purpose of facilitating uninterrupted public use of the dedicated portion of Ketcheson Road in the event that the Private (SRW) Road portion of Ketcheson Road (i.e. north of the subject site) is temporarily unavailable to the public, in part or in whole, due to emergencies or City-authorized closures. The turn-around must be designed and constructed to the satisfaction of the Director of Transportation and Director of Engineering, which may include, but may not be limited to, provisions for passenger vehicles, fire trucks, emergency service vehicles, and garbage/recycling trucks, as required to support the subject development.
 - Future Elevated Road Crossing Connection:** A future connection between the MUP and a Future Elevated Road Crossing over Garden City Road for the purpose of providing a continuous grade-separated public route, for pedestrians, bicycles, and compatible modes of travel, between Capstan Village and lands east of Garden City Road. The Future Elevated Road Crossing, including its connection to the MUP, shall be constructed by or on behalf of

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the City, at no cost to the owner of the MUP. Terms of the agreement may include, but may not be limited to, the following:

- The design and construction of the MUP and associated portions of the Lot A building must accommodate a safe and functional connection with the Future Elevated Road Crossing, as determined to the satisfaction of the City, including, but not limited to, compatible elevations (e.g., to ensure the elevated crossing will have adequate roadway clearance), pathway design (e.g., width, grade, materials, lighting, and furnishings), connection point considerations (e.g., structural and related measures), and temporary safety barrier(s) at the connection point (to be removed upon construction of the Future Elevated Road Crossing);
 - Additional SRW area, as applicable, (which additional area would not comprise part of the developer/owner's CSB public open space contribution) for the purpose of potentially locating aerial portions of the Future Elevated Road Crossing, related structure and/or other features on, over, or under a portion of Lot A (which features shall not compromise the City-approved development of Lot A);
 - The ability for the City and its designate(s) to enter Lot A for purposes related to the design, construction, repair, replacement, demolition, operation, and maintenance of the Future Elevated Road Crossing; and
 - Related requirements (e.g., responsibilities, liabilities, and cost sharing), which may include a construction agreement, option to purchase, or other measures.
- ~~v. Heritage Interpretation: Interpretation of the Herrling Residence (3360 Sexsmith Road), as required with respect to the Heritage Protection and Interpretation (Lot A and B) agreement, as determined to the satisfaction of the Director, Development, Director, Arts, Culture, and Heritage Services, and Director, Parks Services and in compliance with an approved Development Permit* and Servicing Agreement*.~~

f)e) The right-of-way shall not provide for:

- i. Driveway crossings or vehicle access (except as described above);
- ii. Building encroachments above the finished grade of the right-of-way; or
- iii. Gates or similar barriers to public access (e.g., chains), except in association emergency, maintenance, repair, or other City-authorized closures. (For clarity, the SRW area cannot be chained or gated nightly.)

g)f) Design and construction of the SRW area shall be the subject of a Servicing Agreement* and Development Permit*, which shall be undertaken at the sole cost and responsibility of the developer/owner, as determined to the satisfaction of the City. Among other things, works essential for public access within the required SRW area are to be included in the Servicing Agreement* and the design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety. After completion of the SRW works, the owner is required to provide a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, as determined to the City's satisfaction, in a form and content acceptable to the City, certifying that the works have been constructed and completed in accordance with the accepted design.

h)g) Maintenance of and liability with respect to the SRW area shall be at the sole cost and responsibility of the owner/developer, except for City utilities and/or other features that are identified through the Servicing Agreement*, at the sole discretion of the City, for maintenance by the City following the expiry of the Servicing Agreement* maintenance period.

i)h) The owner/developer shall be permitted to close a portion of the right-of-way to public access to facilitate maintenance or repairs to the right-of-way and/or the fronting uses, provided that adequate public access is maintained and the duration of the closure is limited, as specified in the agreement and/or approved by the City in writing in advance of any such closure.

j)i) "No development" shall be permitted on the site, restricting Development Permit* issuance for any building on the site, in whole or in part, unless the permit includes the SRW area, to the City's satisfaction.

k)j) On a lot-by-lot basis, no Building Permit* shall be issued for a building on a lot, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit includes the portion of the SRW area located on the lot, as determined to the City's satisfaction.

l)k) On a lot-by-lot basis, "no occupancy" shall be permitted of a building on a lot, restricting Building Permit* inspection granting occupancy for a building on the lot, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the SRW area located on the lot is completed to the satisfaction of the City and the developer has submitted a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, to the City's satisfaction, and received a Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot until the required SRW area is completed to the City's satisfaction.

4. Mid-Block Pedestrian Link SRW (Lot A): Grant a statutory right-of-way (SRW) on Lot A for the purpose of securing unrestricted public pedestrian access between Ketcheson Road, Capstan Way, and Garden City Road via Lot A's central (auto court) plaza and associated walkways and stairs, as determined to the satisfaction of the City through an approved Development Permit*. Prior to adoption of the OCP Amendment and Rezoning Bylaws, the agreement shall be registered as a blanket SRW (accompanied by a sketch plan) and shall include provisions for a replacement agreement at Development Permit*, Building Permit*, and/or occupancy, as determined to the satisfaction of the City, at the developer/owner's cost, for the purpose of reflecting accurately the City-approved permits and replacing the sketch plan with a survey plan (which may be volumetric). The specific location, configuration, and design of the SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit* and/or other City approval processes, to the satisfaction of the City, taking into account the following items.

4.1. The right-of-way shall provide for:

- 4.1.1. 24 hour-a-day, year-round public pedestrian access in the form of paved walkway(s) and related landscape features, which may include, but may not be limited to, lighting, furnishings, street trees and planting, decorative paving, and storm water management measures, to the City's satisfaction;
- 4.1.2. Universal public pedestrian access between Ketcheson Road and on-site uses/spaces (e.g., church, child care, car-share parking spaces, and bicycle racks); and
- 4.1.3. Vehicle use of driveways and driveway crossings (e.g., by owners, operators, tenants, visitors, and car-share operator and users), provided that this activity does not compromise the safe and convenient public pedestrian use of the SRW area;
- 4.1.4. Emergency and service vehicle access, City bylaw enforcement, and any related or similar City-authorized activities; and
- 4.1.5. Permanent building encroachments, provided that any such encroachments do not compromise the quality, functionality, safety, or amenity of the SRW area or associated landscape features, as determined to the satisfaction of the City and specified in the approved Development Permit*, including:
 - a) Portions of the building located below finished grade (e.g., parking); and
 - b) Weather protection, habitable portions of the building, and similar structures and building projections, provided that such features are a minimum clear distance of 2.5 m (8.2 ft.) above the finished grade of the SRW area or as otherwise specified in an approved Development Permit*.

- 4.2. The right-of-way shall not provide for gates or similar barriers to public access (e.g., chains), except in association emergency, maintenance, repair, or other City-authorized closures. (For clarity, the SRW area cannot be chained or gated nightly.)
- 4.3. Design and construction of the SRW area shall be the subject of a Development Permit*, which shall be undertaken at the sole cost and responsibility of the developer/owner, as determined to the satisfaction of the City. The design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety. After completion of the SRW works, the owner is required to provide a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, as determined to the City's satisfaction, in a form and content acceptable to the City, certifying that the works have been constructed and completed in accordance with the accepted design.
- 4.4. Maintenance of and liability with respect to the SRW area shall be at the sole cost and responsibility of the owner/developer.
- 4.5. The owner/developer shall be permitted to close a portion of the right-of-way to public access to facilitate maintenance or repairs to the right-of-way and/or the fronting uses, provided that adequate public access is maintained and the duration of the closure is limited, as specified in the agreement and/or approved by the City in writing in advance of any such closure.
- 4.6. "No development" shall be permitted on the site, restricting Development Permit* issuance for any building on the site, in whole or in part, unless the permit includes the SRW area, to the City's satisfaction.
- 4.7. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit includes the SRW area, as determined to the City's satisfaction.
- 4.8. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the SRW area is completed to the satisfaction of the City and the developer has submitted a certificate of inspection for the works or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, to the City's satisfaction, and received a Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot or the Lot A Religious Assembly and Child Care Building (excluding parking intended as an ancillary use to non-parking uses) until the required SRW area is completed to the City's satisfaction.

5. Driveway Crossings (Lots A & B): Registration of a restrictive covenant(s) and/or alternative legal agreement(s) on title requiring that vehicle access to the subject site shall be limited to the following:
 - 5.1. For Lot A: A maximum of two (2) driveways shall be permitted along the lot's Ketcheson Road frontage. No driveways shall be permitted along the lot's Capstan Way or Garden City Road frontages.
 - 5.2. For Lot B: A maximum of one (1) driveway shall be permitted along the lot's Ketcheson Road frontage, which driveway shall provide for shared access with future development at 3420, 3426, and Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road), as per the required Lot B Cross Access agreement. No driveways shall be permitted along the lot's Sexsmith Road frontage.
6. Cross Access (Lot B): Registration of a cross-access easement, statutory right-of-way (SRW), and/or other legal agreement(s) or measure(s), as determined to the satisfaction of the Director of Development, over the internal drive-aisle in favour of future development at 3420, 3426, and Remnant Lot C (i.e. remnant portion of 3440 Sexsmith Road), including the installation of way-finding and other appropriate signage on the subject property, and requiring a covenant that the owner provide written notification of this through the disclosure statement to all initial purchasers, provide an acknowledgement of the same in all purchase and sale agreements, and erect signage in the initial sales centre advising purchasers of the potential for these impacts. The specific location, configuration, and design of the easement area or SRW area and the related terms of the agreement shall be confirmed through the development's Development Permit*, Servicing Agreement*, and/or other City approval processes, to the satisfaction of the City.

- 6.1. "No development" shall be permitted on Lot B, restricting Development Permit* issuance for any building on Lot B, in whole or in part, unless the developer provides for the required Lot B Cross Access, which may include, but may not be limited to knock-out wall/fence panels, way-finding signage, and submission of a Letter of Credit or cash for the future repair of the affected portion of the Lot B building when cross-access is implemented, as determined to the satisfaction of the City.
- 6.2. No Building Permit* shall be issued for a building on Lot B, in whole or in part, unless the developer provides for the required Lot B Cross Access in the Building Permit*, to the City's satisfaction, and the architect submits a letter confirming that the design of the spaces and uses satisfies all City's requirements.
- 6.3. "No occupancy" shall be permitted on Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot B, in whole or in part, until the Lot B Cross Access requirements are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot until the Lot B Cross Access requirements are completed to the satisfaction of the City.

7. Tandem Parking Restriction (Lots A & B): Registration of a legal agreement on title prohibiting tandem parking (i.e. where one parking space is located behind another such that only one has direct access to a drive aisle).
8. Car-Share Measures (Lot A): Registration on title of a restrictive covenant and/or alternative legal agreement, to the satisfaction of the City, for the purpose of securing the developer/owner's commitment towards implementing, at the developer/owner's sole cost, a car-share strategy comprised of designated car-share parking spaces, car-share vehicles, and contractual arrangements with a car-share operator, all to the satisfaction of the City.
 - 8.1. The car-share parking facility shall provide for the following:
 - 8.1.1. Two (2) car-share parking spaces located together on Lot A where they will be secure, universally-accessible, and provide for safe and convenient 24/7 public pedestrian and vehicle access, as determined to the City's satisfaction;
 - 8.1.2. Operating electric vehicle (EV) quick-charge (240V) charging stations for the exclusive use of and simultaneous charging of the car-share vehicles parked in the required car-share spaces; and
 - 8.1.3. Pedestrian and vehicle access, signage, lighting, and other features necessary to the operation of the car-share facility and vehicles as determined to the satisfaction of the City.
 - 8.2. The required car-share spaces shall be provided by the developer/owner in addition to that parking provided to satisfy Zoning Bylaw parking requirements with respect to residential and non-residential uses on the lot.
 - 8.3. Users of the car-share spaces shall not be subject to parking fees or EV charging fees, except as otherwise determined at the sole discretion of the City.
 - 8.4. The developer/owner shall, to the City's satisfaction, enter into a contract with a car-share operator for the operation of the car-share parking facility for a minimum term of three (3) years, which contract shall require, among other things, that:
 - 8.4.1. The developer/owner provides two (2) car-share cars at no cost to the operator;
 - 8.4.2. The car-share cars shall be electric vehicles, unless otherwise determined to the satisfaction of the car-share operator and the City; and
 - 8.4.3. The required car-share parking facility and vehicles will be 100% available for use upon the required occupancy of the car-share parking facility, as determined to the satisfaction of the City.
 - 8.5. "No development" shall be permitted on the subject site, restricting Development Permit* issuance for a building on the subject site, in whole or in part, unless the developer, to the City's satisfaction:
 - 8.5.1. Designs the subject site to provide for the required car-share parking facility to the City's satisfaction;

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- 8.5.2. Secures the car-share parking facility via a statutory right-of-way(s) and easement(s) registered on title and/or other legal agreements, as determined to the City's satisfaction;
- 8.5.3. Provides a Letter of Credit (LOC) to the City to secure the developer's commitment to the provision of two (2) car-share vehicles, the value of which shall be the estimated retail value of the two (2) car-share cars at the time of purchase or as otherwise determined to the satisfaction of the Director of Transportation and Director of Development; and
- 8.5.4. Registers legal agreement(s) on title requiring that, unless otherwise agreed to in advance by the City, in the event that the car-share parking facility is not operated for car-share purposes as intended via the subject rezoning application (e.g., the operator's contract is terminated or expires), control of the car-share facility shall be transferred to the City, at no cost to the City, and the City at its sole discretion, without penalty or cost, shall determine how the facility shall be used going forward.
- 8.6. No Building Permit* shall be issued for a building on the subject site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless the permit provides for the required car-share parking facility to the City's satisfaction and a letter of confirmation is submitted by the architect assuring that the design of the facility satisfies all applicable City's requirements.
- 8.7. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Car-Share Measures are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement:

- 8.7.1. If occupancy of the building on Lot A is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on Lot A until the required Lot A Car-Share Measures are completed to the City's satisfaction; and
 - 8.7.2. If the City determines, to its sole satisfaction, that operation of the Car-Share Measures shall be delayed following granting of occupancy (e.g., to accommodate the operator's requirements), prior to granting of occupancy, the developer may be required to submit an additional Letter of Credit and/or additional occupancy restrictions may apply to secure the developer's commitment with respect to the operator contract and/or related considerations.
9. Cycling Facilities (Lot A & Lot B): Registration of a restrictive covenant and/or alternative legal agreement on Lot A and Lot B for the purpose of requiring that the developer/owner provides, installs, and maintains cycling facilities on Lot A and Lot B, on a lot-by-lot basis, for the use of each lot's tenants/occupants, to the satisfaction of the City as determined via the Development Permit* review and approval processes. More specifically:
- 9.1. Residential Cycling Facilities (Lot A & Lot B): For residential tenants/occupants on Lot A and Lot B, on a lot-by-lot basis, the developer/owner shall, at the developer's sole cost, design, install, and maintain on the lots:
 - 9.1.1. Three (3) bike maintenance facilities, each in the form of a bike repair and maintenance station comprising a foot-activated pump, repair stand with integrated tools, and a bike wash, including:
 - a) Two (2) on Lot A, including one (1) for the exclusive shared use of the tenants/occupants of the Mixed Income Rental Housing Building (including the housing operator) and one (1) for the exclusive shared use of the tenants/occupants of the Lot A market strata units; and
 - b) One (1) on Lot B for the exclusive shared use of Lot B residential tenants/occupants; and
 - 9.1.2. EV-equipped storage facilities in the form of "Class 1" bike storage spaces for the residential tenants/occupants of the building, as per the Zoning Bylaw and ZMU51 zone, which storage must include 120V energized (duplex) outlets for the shared use of cyclists at a rate of 1 energized (duplex) outlet for each 10 bike storage spaces or portion thereof in each bike storage room or as per Zoning Bylaw or Official Community Plan rates in effect at the time of Development Permit* approval, whichever is greater (which energized outlets shall be located to facilitate shared use by bikes in the storage room), including:

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- a) Two (2) EV-equipped storage facilities on Lot A (each of which shall comprise multiple storage rooms), including one (1) for the exclusive shared use of the tenants/occupants of the Mixed Income Rental Housing Building (including the housing operator) and one (1) for the exclusive shared use of the tenants/occupants of the Lot A market strata units; and
- b) One (1) EV-equipped storage facility on Lot B (comprising multiple storage rooms) for the exclusive shared use of Lot B residential tenants/occupants.

NOTE: For ease of use and security, the components of each of the development's three (3) Residential Cycling Facilities (i.e. bike maintenance facility and residential "Class 1" bike storage) shall be grouped together and situated at the building's ground floor. If the City determines in its sole discretion, as set out in an approved Development Permit*, that one or more of the Residential Cycling Facilities may be on another floor of the building, in whole or in part, they must be adjacent to an elevator/stair core and use of that elevator/stair must be secured (by legal agreement) for unrestricted use by persons using the Residential Cycling Facilities (e.g., strata restrictions shall not restrict access).

- 9.2. **Non-Residential Cycling Facilities (Lot A):** For non-residential tenants/occupants (i.e. commercial, church, child care, and similar or related uses) on Lot A, the developer/owner shall, at the developer's sole cost, design, install, and maintain on the lot:

- 9.2.1. End-of-trip cycling facilities for the shared use of the development's non-residential tenants comprising a handicapped-accessible suite of rooms designed to accommodate use by four or more people (of the same or different genders) at one time, as determined to the City's satisfaction through the Development Permit* review and approval process, including at least two (2) shower/change cubicles with doors, two (2) change cubicles with doors, two (2) toilet cubicles with doors, two (2) wash basins, and a common change room with a bench(s), grooming station (i.e. mirror, counter, and electrical outlets), and lockers;
- 9.2.2. A bike maintenance facility in the form of a bike repair and maintenance station comprising a foot-activated pump, repair stand with integrated tools, and a bike wash; and
- 9.2.3. EV-equipped storage facilities in the form of "Class 1" bike storage spaces for the non-residential tenants/occupants of the building, as per the Zoning Bylaw, which storage must include 120V energized (duplex) outlets for the shared use of cyclists at a rate of 1 energized (duplex) outlet for each 10 bike storage spaces or portion thereof in each bike storage room or as per Zoning Bylaw or Official Community Plan rates in effect at the time of Development Permit* approval, whichever is greater (which energized outlets shall be located to facilitate shared use by bikes in the storage room).

NOTE: For ease of use and security, the components of the Lot A Non-Residential Cycling Facilities (i.e. end-of-trip cycling facilities, bike maintenance facility, and non-residential "Class 1" bike storage) shall be grouped together and situated at the building's ground floor. If the City determines in its sole discretion, as set out in an approved Development Permit*, that the Lot A Non-Residential Cycling Facilities may be on another floor of the building, the required components must be grouped together adjacent to an elevator/stair core and use of that elevator/stair must be secured (by legal agreement) for unrestricted use by persons using the Lot A Non-Residential Cycling Facilities (e.g., strata restrictions shall not restrict access).

- 9.3. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A or Lot B, in whole or in part, unless the developer provides for the required Cycling Facilities to the satisfaction of the City.
- 9.4. On a lot-by-lot basis, no Building Permit* shall be issued for a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Cycling Facilities and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
- 9.5. On a lot-by-lot basis, "no occupancy" shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Cycling Facilities are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy

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all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of:

- 9.5.1. Any non-residential uses on Lot A, in whole or in part, until 100% of the Lot A Non-Residential Cycling Facilities and related uses and spaces are completed to the satisfaction of the City;
- 9.5.2. Any residential uses on Lot A until 100% of the Lot A Residential Cycling Facilities required with respect to the Mixed Income Rental Housing Building and a proportional share of the Residential Cycling Facilities required with respect to the Lot A market (strata) residential units proposed for occupancy, together with all related uses and spaces, are completed to the satisfaction of the City; and
- 9.5.3. Any residential uses on Lot B, in whole or in part, until a proportional share of the Residential Cycling Facilities required with respect to the Lot B market (strata) residential units proposed for occupancy, as applicable, and all related uses and spaces, are completed to the satisfaction of the City.

10. Electric Vehicle (EV) Charging Equipment for Vehicles (Lots A & B): Registration on title of a restrictive covenant and/or alternative legal agreement(s), to the satisfaction of the City, to clarify Zoning Bylaw and related requirements regarding EV charging facilities for vehicles, the details of which shall be specified, to the satisfaction of the Director of Transportation and Director of Sustainability in an approved Development Permit*. More specifically, the agreement shall require that:

- 10.1. 100% of resident parking on Lot A and Lot B (i.e. designated for the use of tenants/occupants of market strata, affordable housing, and market rental housing units) shall be equipped with energized 240V Charging Stations (i.e. energized outlets capable of providing Level 2 charging or higher); and
- 10.2. 5% of non-residential parking on Lot A, based on the total number of non-residential parking spaces approved through the Development Permit* (excluding the two required car-share spaces) shall be equipped with energized 240V Charging Stations (i.e. energized outlets capable of providing Level 2 charging or higher); and
- 10.3. Two (2) car-share spaces on Lot A shall be equipped with 240V Chargers (i.e. 240V Charging Stations plus equipment for delivering electricity from the energized outlets to the vehicles).
- 10.4. The electrical circuits serving the designated parking spaces for:
 - 10.4.1. Market strata uses on Lot A and B must, on a lot-by-lot basis, serve only those parking spaces;
 - 10.4.2. Affordable housing uses on Lot A must serve only those parking spaces;
 - 10.4.3. Market rental housing uses on Lot A must serve only those parking spaces;
 - 10.4.4. Church/child care/related uses on Lot A must serve only those parking spaces;
 - 10.4.5. Commercial uses (including use by residential visitors) on Lot A must serve only those parking spaces; and
 - 10.4.6. Car-share use on Lot A must serve only those parking spaces.
- 10.5. For the car-share parking spaces, as determined at the developer/owner's discretion, the required service shall be provided by either:
 - 10.5.1. dedicating one 40A 208V circuit to each individual parking space such that upon completion of the Car-Share Measures, to the satisfaction of the City, both of the required EV-equipped parking spaces are equipped with an energized outlet box with a receptacle capable of charging electric vehicles and a 240V Charger (i.e. one for each 40A 208-240V circuit); or
 - 10.5.2. servicing the 2 car-share parking spaces with a single 40A 208-240V circuit such that upon completion of the Car-Share Measures, to the satisfaction of the City, each parking space is equipped with an energized outlet with a smart EV Charger connected to a load-sharing system capable of delivering at least 24 kWh of charging to each vehicle within an 8 hour period when both parking spaces are occupied by charging vehicles (e.g. 2-way load share of a 40A 208-240V circuit).

- 10.6. For resident parking (for the tenants/occupants of market strata, market rental, and affordable housing units) and non-residential parking (for commercial tenants/occupants, church/child care, and related uses) as determined at the developer's discretion, the required service may be provided by either:
- 10.6.1. Dedicating one 208V circuit to each individual parking space, such that upon first occupancy of the building, in whole or in part, all of the required EV-equipped parking spaces are equipped with an outlet box with a receptacle capable of charging electric vehicles (i.e. one for each 40A 208-240V circuit); or
 - 10.6.2. Servicing multiple parking spaces with each 40A 208-240V circuit, such that upon first occupancy of the building, in whole or in part:
 - a) The building design supports the future installation by others (e.g., residential and/or non-residential owners) of a load sharing system(s) capable of delivering at least 12 kWh of charging to every car within an 8 hour period when every parking space is occupied by a charging car (e.g. 4-way load share of a 40A 208-240V circuit); and
 - b) Prior to the installation of a load sharing system(s):
 - i. At least 25% of resident parking spaces (including a proportional share of required market strata, market rental, and affordable housing resident parking) and at least 25% of non-residential parking spaces are equipped with an outlet box with a receptacle capable of charging electric vehicles (i.e. one for each 40A 208-240V circuit); and
 - ii. The remaining required EV-equipped resident and non-residential parking spaces each have an outlet box containing capped energized wires covered with a cover plate.
- 10.7. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A or Lot B, in whole or in part, unless the developer provides for the required Electric Vehicle (EV) Charging Equipment for Vehicles, to the satisfaction of the City.
- 10.8. On a lot-by-lot basis, no Building Permit* shall be issued for a building on Lot A or Lot B, in whole or in part, until the developer provides for the required Electric Vehicle (EV) Charging Equipment for Vehicles and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
- 10.9. On a lot-by-lot basis, "no occupancy" shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for any building on Lot A or Lot B, in whole or in part, until the required Electric Vehicle (EV) Charging Equipment for Vehicles required with respect to the lot are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.
- Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of the building on the lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any use on the lot unless, on a stage-by-stage basis, the parking required to be completed with respect to each stage is equipped with Electric Vehicle (EV) Charging Equipment for Vehicles in compliance with this agreement, as determined to the satisfaction of the City.

11. Residential Visitor & Non-Residential Parking (Lot A): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A, to the satisfaction of the City, specifying the amount, distribution, operation (e.g., duration of stay), and use (i.e. exclusive or shared) of parking facilities required to be provided on Lot A to satisfy Zoning Bylaw and related requirements with respect to the Lot A Religious Assembly and Child Care Building, Lot A commercial uses, and visitors to the Lot A Mixed Income Rental Housing Building and Lot A market (strata) dwelling units, to the City's satisfaction.

- 11.1. Provisions in the agreement may include, but may not be limited to, the following, as determined to the City's satisfaction through an approved Development Permit*:
- 11.1.1. Residential visitor parking (for the purpose of satisfying Zoning Bylaw requirements) shall be provided in a combination of spaces secured for the exclusive use of residential visitors (i.e. approximately 23 spaces, which may be managed as a pool or assigned to specific buildings, as determined to the City's satisfaction) and shared use of Lot A's commercial spaces (i.e.

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approximately 18 spaces, which may include spaces allocated for long-term use, hourly use and/or shorter durations) on the same terms as members of the general public, to the satisfaction of the City;

- 11.1.2. Parking spaces shall be provided for the exclusive use of the Lot A Religious Assembly and Child Care Building, to the City's satisfaction;
 - 11.1.3. Parking spaces within the Lot A auto-court shall be secured for short-term use (e.g., 5-minute) to facilitate passenger drop-off/pick-up and related activities by all uses on Lot A and the general public;
 - 11.1.4. Lot A Residential Visitor & Non-Residential Parking shall not include tandem parking spaces; and
 - 11.1.5. Lot A Residential Visitor & Non-Residential Parking must include a proportional number of handicapped parking spaces and small car parking spaces in compliance with the Zoning Bylaw or as otherwise determined to the satisfaction of the Director, Transportation.
- 11.2. "No development" shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Residential Visitor & Non-Residential Parking requirements to the satisfaction of the City.
- 11.3. No Building Permit* shall be issued for a building on Lot A, in whole or in part, until the developer provides for the required Lot A Residential Visitor & Non-Residential Parking and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
- 11.4. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Residential Visitor & Non-Residential Parking and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

Notwithstanding the afore mentioned statement, if occupancy of the building on Lot A is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any use on the lot unless, on a stage-by-stage basis, the parking required with respect to each stage is completed to the satisfaction of the City.

12. Shared Loading Facilities (Lot A): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A, to the satisfaction of the City, specifying the amount, distribution, operation, and shared use of loading facilities, including those required for waste pick-up, as set out in an approved Development Permit*, to the satisfaction of the Director, Development, Director, Transportation, Director, Community Social Development, and Director, Environmental Programs. This shall include, but will not be limited to, shared use of the development's loading and waste management facilities by the tenants/occupants and operator of the Lot A Mixed Income Rental Housing Building, as determined to the satisfaction of the Director, Community Social Development. (All on-street waste management operations shall be prohibited.)
- 12.1. "No development" shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Shared Loading Facilities requirements to the satisfaction of the City.
- 12.2. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Lot A Shared Loading Facilities and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
- 12.3. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Shared Loading Facilities and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

13. **Shared Indoor Amenity Space (Lot A):** Registration of a restrictive covenant and/or alternative legal agreement on title to Lot A, to the satisfaction of the City, to secure the indoor amenity space building fronting the Lot A plaza/auto-court (co-located with the Mixed Income Rental Housing Building,) for unrestricted shared use by the occupants/tenants of all Lot A dwelling units (i.e. market strata, affordable housing, and market rental), as determined to the satisfaction of the Director, Development and Director, Community Social Development through an approved Development Permit*.
- 13.1. "No development" shall be permitted on Lot A, restricting Development Permit* issuance for any building on Lot A, in whole or in part, unless the developer provides for the required Lot A Shared Indoor Amenity Space requirements to the satisfaction of the City.
- 13.2. No Building Permit* shall be issued for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the developer provides for the required Lot A Shared Indoor Amenity Space requirements and a letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City's requirements.
- 13.3. "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Shared Indoor Amenity Space and related uses and spaces are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.
- Notwithstanding the afore mentioned statement, if occupancy of the Lot A building is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any residential units on the lot until the Lot A Shared Indoor Amenity Space and related uses and spaces are completed to the satisfaction of the City.
14. **Mixed Income Rental Housing Building (Lot A):** The City's acceptance of the developer/owner's offer to voluntarily contribute affordable Low-End-Market-Rental (LEMR) housing units and market rental housing (MRH) units, constructed to a turnkey level of finish on the subject site at the sole cost of the developer, the terms of which voluntary contribution shall include, but will not be limited to, the registration of the City's standard Housing Agreement (regarding the LEMR units), Market Rental Agreement (regarding the MRH units) and related covenants (one for each housing type) on title to secure the dwelling units. The form of the Housing Agreement, Market Rental Agreement and related covenants shall be agreed to by the developer and the City prior to final adoption of the subject rezoning application; after which time, only the covenants may be amended or replaced and any such changes will only be permitted for the purpose of accurately reflecting the specifics of the Development Permit* for the subject site and other non-material changes resulting thereof and made necessary by the Development Permit* approval requirements, as determined to the satisfaction of the Director, Development and Director, Community Social Development. The terms of the Housing Agreement, Market Rental Agreement and related covenants shall indicate that they apply in perpetuity and provide for, but will not be limited to, the requirements set out in the Lot A Mixed Income Rental Housing Building Terms of Reference (Schedule C).
15. **Religious Assembly & Child Care Building (Lots A & B):** Registration of a restrictive covenant and/or alternative legal agreement on title to Lot A and Lot B generally as follows:
- 15.1. With respect to the proposed Religious Assembly and Child Care Building on Lot A, the developer shall:
- 15.1.1. Designate a portion of the lot for the exclusive use of the Lot A Religious Assembly and Child Care Building, which area shall generally be located within 33.5 m (110 ft.) of the lot's proposed Garden City Road property line and 53.0 m (174 ft.) of the lot's proposed Capstan Way property line or as otherwise determined to the City's satisfaction through an approved Development Permit*;
- 15.1.2. Limit the use of the Lot A Religious Assembly and Child Care Building to religious assembly and child care, together with customary secondary or ancillary uses as permitted under the Zoning Bylaw and ZMU51 zone (e.g., indoor recreation, but excluding residential uses), to the City's satisfaction;

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- 15.1.3. Provide for the Lot A Religious Assembly and Child Care Building to be located within an Air Space Parcel, approved by the City, together with the registration of legal agreements on title, to the satisfaction of the City (i.e. to ensure that the owners, operators, and users of the Lot A Religious Assembly and Child Care Building have adequate access to and enjoyment of facilities intended for their exclusive use and shared use to the City's satisfaction as generally determined through an approved Development Permit*); and
- 15.1.4. Register additional agreement(s) and/or satisfy additional requirements, as determined to the sole satisfaction of the City via the Servicing Agreement*, Development Permit*, development approval, and/or Building Permit* processes.
- 15.2. "No demolition" shall be permitted of the Herrling Residence located at 3360 Sexsmith Road (part of proposed Lot B), in whole or in part, restricting Demolition Permit* issuance, as determined to the satisfaction of the Director, Arts, Culture and Heritage Services and Director, Development.
- ~~15.2.~~15.3. Notwithstanding section 15.2, restricting demolition of the Herrling Residence, other existing buildings and facilities on 3360 Sexsmith Road (part of proposed Lot B) including, but not limited to, the Herrling Residence), restricting Demolition Permit* issuance for any building on 3360 Sexsmith Road may be demolished, in whole or in part, unless, unless provided that, prior to Demolition Permit* issuance, as determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services:
- ~~15.2.1.~~15.3.1. The subject rezoning bylaw has been adopted (which shall require, among other things, the transfer of 3360 Sexsmith Road to the developer to facilitate the creation of proposed Lot B);
- ~~15.2.2.~~15.3.2. A Development Permit* has been issued for the comprehensive development of Lot A and Lot B, including the Lot A Religious Assembly and Child Care Building and all related spaces and uses, as determined to the City's satisfaction;
- ~~15.2.3.~~15.3.3. With respect to the church, submission of written confirmation from the Richmond Capstan Alliance Church, to the City's satisfaction, confirming that the organization's operations have been satisfactorily relocated off-site (e.g., to temporary accommodation);
- ~~15.2.4.~~15.3.4. With respect to the existing child care tenant at 3360 Sexsmith Road, submission of written confirmation from the owner, to the City's satisfaction, that the following assistance measures have been undertaken:
- a) The child care tenant has been provided with reasonable notice (e.g., a minimum of 6 months) regarding the need to relocate from the property; and
- b) The owner has provided the child care tenant with access to a professional realtor, at the owner's sole cost, in an effort to assist the child care tenant in finding similar, appropriately zoned space to lease within Richmond; and
- 15.3.5. The developer, at the developer's sole cost, has relocated the Herrling Residence to Remnant Lot C or some other portion of the Remnant Lot C Comprehensive Development site, to the City's satisfaction, and provided for the interim protection, maintenance and monitoring of the Herrling Residence on the lot until such time that it is rehabilitated and repurposed, to the City's satisfaction, in compliance with the Lot C No Development agreement, to the to the satisfaction of the Director, Development and Director, Arts, Culture and Heritage Services satisfied the "no demolition" conditions specified in the Heritage Conservation and Interpretation agreement with respect to Herrling Residence.
- ~~15.3.~~15.4. No Building Permit* shall be issued for a building on Lot B, in whole or in part, until the developer relocates the Herrling Residence to Remnant Lot C or the Remnant Lot C Comprehensive Development site (as determined to the City's satisfaction with respect to the Lot C No Development agreement) and satisfies the "no relocation" conditions specified in the Heritage Conservation & Interpretation agreement with respect to the Herrling Residence.

- ~~16. Heritage Conservation & Interpretation (Lots A & B): City acceptance of the developer's offer to voluntarily contribute towards heritage conservation, interpretation and/or documentation with respect to the Herrling Residence (3360 Sexsmith Road), the terms of which voluntary developer contribution shall include the registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lots A and B, generally as follows or as otherwise determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services and an approved Development Permit*:~~
- ~~17.0. "No demolition" shall be permitted on Lot B, restricting Demolition Permit* issuance for any building on Lot B, in whole or in part, unless the developer, at the developer's sole cost, as determined to the satisfaction of the Director, Development and Director, Arts, Culture, and Heritage Services:~~
- ~~18.0.0. Submits photo documentation of the existing Herrling Residence and related heritage features, prepared by a qualified heritage professional, to the City's satisfaction;~~
- ~~19.0.0. Demonstrates that reasonable steps have been taken to relocate the Herrling Residence off site, which steps shall include, but may not be limited to, posting the house on the City's House Moving and Salvage List for 60 days (i.e. for the purpose of offering to move or salvage the house) prior to applying for a Demolition Permit*;~~
- ~~20.0.0. Under the direction of the City, salvages artefact(s) of heritage value from the Herrling Residence and delivers them to Richmond's artefact storage facility; and~~
- ~~21.0.0. Satisfies the "no demolition" conditions specified in the Religious Assembly and Child Care Building agreement with respect to the existing church, child care, and related facilities on 3360 Sexsmith Road (i.e. including, but not limited to, the Herrling Residence).~~
- ~~22.0. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* issuance for any building on Lot A and Lot B, in whole or in part, unless the developer, at the developer's sole cost, prepares and implements a Heritage Interpretation Plan for Lot A and Lot B, as determined to the satisfaction of the Director, Development, Director, Arts, Culture, and Heritage Services, and Director, Parks Services. More specifically, requirements of the Plan may include, but may not be limited to the following:~~
- ~~23.0.0. Plan preparation by a qualified heritage professional (together with an architect, landscape architect, and/or other qualified professionals, as applicable), based on existing City Statements of Significance (SOS) for the Herrling Residence, Capstan Village, and other relevant heritage resources, subject to review(s) by the Richmond Heritage Commission or as otherwise determined to the satisfaction of the Director, Arts, Culture, and Heritage Services;~~
- ~~24.0.0. A comprehensive approach to heritage interpretation, which shall include, but may not be limited to a heritage vision statement for the site and clear set of goals, taking into account opportunities to enhance place making and Capstan Village's role as a designated "arts district", coordination with architectural/landscape design and public art, and the establishment of the Capstan Station Bonus Greenway SRW area on Lot A and Lot B as a key public gateway to the history and stories of Capstan Village;~~
- ~~25.0.0. Interpretative signage, together with other heritage interpretation features (e.g., murals, models, artefacts, landscape structures, special paving or furnishings, or artworks) located within the Capstan Station Bonus Greenway SRW area and/or integrated into the design of buildings and/or landscapes fronting the Greenway SRW;~~
- ~~26.0.0. Design and installation of the interpretation features in coordination with the Development Permit* and/or Servicing Agreement*, the implementation of which shall be secured through the Development Permit* security (Landscape Letter of Credit), Servicing Agreement* Letter of Credit, or other Letter(s) of Credit, as determined to the City's satisfaction; and~~
- ~~27.0.0. Maintenance of and liability with respect to the heritage interpretation features at the sole cost and responsibility of the owner/developer, except for any features that the City (in its sole discretion through an approved Servicing Agreement*) determines shall be transferred to the City (at no cost to~~

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the City) and, following the expiry of the Servicing Agreement* maintenance period, shall be maintained by the City.

~~28.0. On a lot-by-lot basis, "no-occupancy" shall be permitted of a building on Lot A or Lot B, restricting Building Permit* inspection granting occupancy for a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until implementation of the Heritage Interpretation Plan for Lot A and Lot B is completed to the satisfaction of the City (as provided for through the Servicing Agreement*, Development Permit*, and/or other City requirements or legal agreements, as applicable), a letter of confirmation is submitted by the architect assuring that the features satisfy all applicable City's requirements, and the developer has submitted a certificate of inspection for the features or equivalent, prepared and sealed by the owner's engineer, architect, and/or landscape architect, to the City's satisfaction, and received a Building Permit* inspection granting occupancy.~~

~~Notwithstanding the afore-mentioned statement, on a lot-by-lot basis, if occupancy of a lot is permitted to proceed in stages (e.g., tower-by-tower), "no-occupancy" shall be permitted of any market (strata) residential units on the lot unless the required heritage interpretation features and related requirements are complete to the City's satisfaction.~~

30.16. Public Art (Lots A & B): City acceptance of the developer's offer to voluntarily contribute towards Public Art, the terms of which voluntary developer contribution shall include:

30.1.16.1. Prior to rezoning adoption, registration of legal agreement(s) on title to facilitate the implementation of an approved Public Art Plan for the subject site (Lot A and Lot B), together with the ongoing management and maintenance of the artwork(s) and related considerations, which Plan shall be prepared by an appropriate professional based on:

30.1.1.16.1.1. The Richmond Public Art Program, City Centre Public Art Plan, and applicable supplementary public art and heritage planning resources (e.g., Richmond's existing Statements of Significance for Capstan Village and the Herrling Residence), together with review(s) by the Public Art Advisory Committee and presentation for endorsement by Council, as determined to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services; and

30.1.2.16.1.2. A value of at least \$281,418 or the product of the applicable Council-approved contribution rate in effect at the time of Development Permit approval and the maximum buildable floor area permitted under the subject site's proposed ZMU51 zone (excluding permitted floor area exemptions), whichever is greater, as generally indicated in the table below

Use	Max. Floor Area (ZMU51)	Exemptions	Applicable Floor Area	Min. Rate (1)	Min. Contribution (2)
Residential	32,507.0 m ² (349,902 ft ²)	Affordable Housing 3,096.5 m ² (33,330 ft ²) Market Rental Housing 1,542.1 m ² (16,600 ft ²)	27,868.4 m ² (299,972 ft ²)	0.93/ft ²	\$278,974
Commercial	463.4 m ² (4,988 ft ²)	N/A	463.4 m ² (4,988 ft ²)	0.49/ft ²	\$2,444
Church & Child Care	2,853.0 m ² (30,709 ft ²)	2,853.0 m ² (30,709 ft ²)	N/A	N/A	N/A
TOTAL	35,823.4 m² (385,599 ft²)	Varies	28,331.8 m² (304,980 ft²)	Varies	\$281,418

(1) Rates (applicable to maximum permitted buildable floor area) in effect at the time of writing these Rezoning Considerations.

(2) The actual value of the developer contribution shall be confirmed and updated, as necessary, based on the floor areas approved through the Development Permit*. In addition, in the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution Rate shall be revised to comply with the Council-approved contribution rates in effect at the time of rezoning bylaw adoption, where the change is positive.

30.2.16.2. "No development" shall be permitted on Lot A or Lot B, restricting Development Permit* with respect to Lot A and Lot B, until the developer:

30.2.1.16.2.1. Enters into any additional legal agreement(s) required to facilitate the implementation of the City-approved Public Art Plan (e.g., statutory rights-of-way for public access), which may require that, prior to entering into any such additional agreement, a Detailed Public Art Plan is prepared/submitted by the developer and/or an artist(s) is engaged (as generally set out in the Public Art Plan submitted prior to rezoning adoption), to the City's satisfaction; and

30.2.2.16.2.2. Submits a Letter of Credit or cash (as determined at the sole discretion of the City) to secure the developer's implementation of the Public Art Plan or Detailed Public Art Plan, as applicable, the value of which shall be at least \$281,418.

30.3.16.3. On a lot-by-lot basis, "no occupancy" shall be permitted on Lot A or Lot B, restricting Building Permit* inspection granting occupancy of a building on Lot A or Lot B, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until:

30.3.1.16.3.1. The developer, at the developer's sole expense, commissions an artist(s) to conceive, create, manufacture, design, and oversee or provide input about the manufacturing of the public artwork(s), and causes the public artwork(s) to be installed on City property, if expressly permitted by the City, or within a statutory right-of-way on the developer's lands (which right-of-way shall be to the satisfaction of the City for rights of public passage, public art, and related purposes, in accordance with the City-approved Public Art Plan or Detailed Public Art Plan, as applicable);

30.3.2.16.3.2. The developer, at the developer's sole expense and within thirty (30) days of the date on which the public art is installed, executes and delivers to the City a transfer of all of the developer's rights, title, and interest in the public artwork to the City if on City property or to the subsequent Strata or property owner if on private property (including transfer of joint world-wide copyright) or as otherwise determined to be satisfactory by the City Solicitor and Director, Arts, Culture, and Heritage Services; and

NOTE: It is the understanding of the City that the artist's rights, title, and interest in the public artwork will be transferred to the developer upon acceptance of the artwork based on an agreement solely between the developer and the artist. These rights will in turn be transferred to the City if on City property, subject to approval by Council to accept the transfer of ownership of the artwork.

30.3.3.16.3.3. The developer, at the developer's sole expense, submits a final report to the City promptly after completion of the installation of the public art in respect to the City-approved Public Art Plan or Detailed Public Art Plan, as applicable, which report shall, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services, include, but may not be limited to:

- a) Information regarding the siting of the public art, a brief biography of the artist(s), a statement from the artist(s) on the public art, and other such details as the Director of Development and Director, Arts, Culture, and Heritage Services may require;
- b) A statutory declaration, satisfactory to the City Solicitor, confirming that the developer's financial obligation(s) to the artist(s) have been fully satisfied;
- c) The maintenance plan for the public art prepared by the artist(s); and
- d) Digital records (e.g., photographic images) of the public art, to the satisfaction of the Director of Development and Director, Arts, Culture, and Heritage Services.

Notwithstanding the afore mentioned statement, on a lot-by-lot basis, if occupancy of a lot is permitted to proceed in stages (e.g., tower-by-tower), "no occupancy" shall be permitted of any market (strata) residential units on the lot unless the required public art features and related requirements are complete to the City's satisfaction.

31.17. District Energy Utility (DEU) (Lots A & B): Registration of a restrictive covenant and/or alternative legal agreement(s) on title, to the satisfaction of the City, securing the owner's commitment to connect to District Energy Utility (DEU), which covenant and/or legal agreement(s) will include, at minimum, the following terms and conditions:

31.1.17.1. No Building Permit* will be issued for a building on the subject site unless the building is designed with the capability to connect to and be serviced by a DEU and the owner has provided an energy modelling report satisfactory to the Director of Engineering;

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- 31.2.17.2. If a low carbon energy plant district energy utility (LCDEU) service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no Building Permit* will be issued for a building on the subject site unless:
- 31.2.1.17.2.1. The owner designs, to the satisfaction of the City and the City's DEU service provider, Lulu Island Energy Company Ltd. (LIEC), a low carbon energy plant to provide any combination of heating, cooling, and/or domestic hot water heating to the building(s), as directed by the City's service provider (LIEC), to be constructed and installed on the site, with the capability to connect to and be serviced by a DEU; and
- 31.2.2.17.2.2. The owner enters into an asset transfer agreement with the City and/or the City's DEU service provider on terms and conditions satisfactory to the City to transfer ownership of the low carbon energy plant to the City or as directed by the City, including to the City's DEU service provider, at no cost to the City or City's DEU service provider, LIEC, on a date prior to final building inspection permitting occupancy of the first building on the site. Such restrictive covenant and/or asset transfer agreement shall include a warranty from the owner with respect to the on-site DEU works (including the low carbon energy plant) and the provision by the owner of both warranty and deficiency security, all on terms and conditions satisfactory to the City;
- 31.3.17.3. The owner agrees that the building(s) will connect to a DEU when a DEU is in operation, unless otherwise directed by the City and the City's DEU service provider, LIEC.
- 31.4.17.4. If a DEU is available for connection and the City has directed the owner to connect, no final building inspection permitting occupancy of a building will be granted unless, and until:
- 31.4.1.17.4.1. The building is connected to the DEU;
- 31.4.2.17.4.2. The owner enters into a Service Provider Agreement for that building with the City and/or the City's DEU service provider, LIEC, executed prior to depositing any Strata Plan with LTO and on terms and conditions satisfactory to the City; and
- 31.4.3.17.4.3. Prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all Statutory Right-of-Way(s) and/or easements necessary for supplying the DEU services to the building.
- 31.5.17.5. If a DEU is not available for connection, but a LCDEU service area bylaw which applies to the site has been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted unless and until:
- 31.5.1.17.5.1. The City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU;
- 31.5.2.17.5.2. The building is connected to a low carbon energy plant supplied and installed by the owner, at the owner's sole cost, to provide any combination of heating, cooling, and/or domestic hot water heating to the building(s), as directed by the City's service provide (LIEC), which energy plant will be designed, constructed and installed on the subject site to the satisfaction of the City and the City's service provider, LIEC;
- 31.5.3.17.5.3. The owner transfers ownership of the low carbon energy plant on the subject site, to the City or as directed by the City, including to the City's DEU service provider, LIEC, at no cost to the City or City's DEU service provider, on terms and conditions satisfactory to the City;
- 31.5.4.17.5.4. Prior to depositing a Strata Plan, the owner enters into a Service Provider Agreement for the building with the City and/or the City's DEU service provider, LIEC, on terms and conditions satisfactory to the City; and
- 31.5.5.17.5.5. Prior to subdivision (including Air Space parcel subdivision and Strata Plan filing), the owner grants or acquires, and registers, all additional Covenants, Statutory Right-of-Way(s) and/or easements necessary for supplying the services to the building and the operation of the low carbon energy plant by the City and/or the City's DEU service provider, LIEC.

31.6.17.6. If a DEU is not available for connection, and a LCDEU service area bylaw which applies to the site has not been adopted by Council prior to the issuance of the development permit for the subject site, no final building inspection permitting occupancy of a building will be granted until:

31.6.1.17.6.1. The City receives a professional engineer's certificate stating that the building has the capability to connect to and be serviced by a DEU; and

31.6.2.17.6.2. The owner grants or acquires any additional Statutory Right-of-Way(s) and/or easements necessary for supplying DEU services to the building, registered prior to subdivision (including Air Space parcel subdivision and strata plan filing).

32.18. Tree Protection, Compensation & Relocation:

32.1.18.1. Off-Site (City) Trees: The City's acceptance of the developer's voluntary contribution to the City's Tree Compensation Fund (for the removal of 2 tree) and submission of tree survival security (for 16 trees). The removal of one dead tree (Tag # C05) shall not require compensation or replacement.

Recommended Action	# City Trees	Applicable Rate	Min. Developer Contribution
Removal	1 tree (Tag #898)	Cash-in-lieu compensation @ \$1,500/tree for the planting of replacement trees	\$1,500 (Cash) (1) Tree Compensation Fund (Account # 2336-10-000-00000-0000)
Relocation	11 Capstan Way street trees (Tag # C01-C04 & C06-C12)	Survival security @ \$6,250/tree	\$100,000 (Letter of Credit) Survival Security
Retention	5 trees (Tag # C13-C17)		
TOTAL	19	Varies	Varies

(1) In the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution shall be revised to comply with the City contribution rate in effect at the time of rezoning bylaw adoption, where the change is positive.

32.2.18.2. On-Site Trees: Submission of tree replacement security (Letter of Credit) as indicated in the table below.

NOTE: This tree replacement security shall be returned to the developer upon issuance of a Development Permit* that includes the required replacement trees and the developer's submission of the Development Permit* Landscape Security for the installation of on-site landscaping including the replacement trees.

Recommended Action	# On-Site Trees	# Replacement Trees	Min. Size of Replacement Trees	Replacement Tree Security		Cash-In-Lieu
				Rate/Tree	Total	
Removal	6	12 conifers	Min. 5.0 m height Larger calliper trees required	\$3,000	\$36,000	Not permitted
Removal	30	60	As per Tree Protection Bylaw (1)	\$750	\$45,000	Permitted (2)
TOTAL	36	72	Varies	Varies	\$81,000 (2) (Letter of Credit)	Varies

(1) Minimum replacement size to be as per Tree Protection Bylaw No. 8057 Schedule A – 3.0 Replacement Trees (i.e. minimum 6.0 cm deciduous calliper or 3.5 m high conifers).

(2) If through the Development Permit*, the City determines in its sole discretion that all of the required replacement trees cannot be accommodated on-site, the developer shall submit a cash-in-lieu contribution in the amount of \$750 per outstanding replacement tree to the City's Tree Compensation Fund (for the City's planting of trees elsewhere in Richmond).

32.3.18.3. Tree Protection: Installation of appropriate tree protection fencing around all trees to be retained as part of the development prior to any construction activities, including building demolition, occurring on-site.

32.4.18.4. Arborist Contract: Submission of a contract entered into between the applicant and a certified arborist for supervision of any works conducted within the tree protection zone of the trees to be retained. The contract should include the scope of work to be undertaken, including the proposed number of site monitoring inspections and the arborist's submission of a post-construction assessment report to the City for review.

33.19. Phasing Agreement (Lots A & B): Registration of a restrictive covenant and/or alternative legal agreement(s) on title to Lot A and Lot B, to the satisfaction of the City, securing that "no development" will be permitted on the subject site and restricting Development Permit* issuance, together with various Building Permit* and occupancy restrictions, as required to ensure that all development and other obligations assigned to each of the lots as a result of the subject rezoning are completed to the City's satisfaction. Details of the development's phasing will be determined

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through the Development Permit* and Servicing Agreement* review and approval processes, to the satisfaction of the Director, Development, Director, Transportation, Director, Community Social Services, Director, Arts, Culture and Heritage Services, Director, Parks Services, and Director, Engineering. Provisions in the agreement may include, but may not be limited to, the following, as determined to the City's satisfaction.

33-1-19.1. In general, the development will comprise a maximum of four sequential stages as follows:

33-1-1-19.1.1. Stage #1 ("Rental Building Stage"), which shall include, to the City's satisfaction:

- a) Development Works:
 - i. Entirety of the Lot A Mixed Income Rental Housing Building;
 - ii. Commercial units fronting Capstan Way at the base of the Lot A Mixed Income Rental Housing Building;
 - iii. Lot A Shared Indoor Amenity Space;
 - iv. Lot A Shared Loading Facilities;
 - v. Lot A Non-Residential Cycling Facilities; and
 - vi. Entirety of related spaces and uses (e.g., all parking for the rental building occupants, all commercial parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works:
 - i. All underground City and private utilities;
 - ii. All above-grade City and private utilities, where feasible;
 - iii. All Ketcheson Road works;
 - iv. All Capstan Way upgrades; and
 - v. All traffic signal modifications, upgrades, and new installations, where feasible.

33-1-2-19.1.2. Stage #2 ("Initial Market Strata Stage"), which shall include, to the City's satisfaction:

- a) Development Works:
 - i. The first of two stages of market (strata) housing construction, which shall include all the market (strata) units on one lot (i.e. either Lot A or Lot B, but not both), to the City's satisfaction; and
 - ii. All related spaces and uses (e.g., parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to the lot including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on the lot and all above-grade City and private utilities on the lot.

33-1-3-19.1.3. Stage #3 ("Church/Child Care Building Stage"):

- a) Development Works:
 - i. Entirety of the Lot A Religious Assembly and Child Care Building;
 - ii. Lot A Mid-Block Pedestrian Link SRW area and Lot A auto-court/plaza; and
 - iii. Entirety of related spaces and uses (e.g., parking, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City's satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to Lot A including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on Lot A and all above-grade City and private utilities on Lot A.

33.1.4.19.1.4. **Stage #4 (“Final Market Strata Stage”)**, which shall include, to the City’s satisfaction:

- a) Development Works:
 - i. The second of two stages of market (strata) housing construction, which shall include all the market (strata) units not constructed in Stage #2 (“Initial Market Strata Stage”), to the City’s satisfaction; and
 - ii. All related spaces and uses (e.g., parking, bike storage, EV charging facilities, and waste management facilities), including those secured by legal agreement and/or specified in the Development Permit*, to the City’s satisfaction; and
- b) Servicing Agreement* Works: Completion of all outstanding Servicing Agreement* requirements applicable to the lot including, but not limited to, the portion of the Capstan Station Bonus Greenway SRW on the lot and all above-grade City and private utilities on the lot.

33.2.19.2. “No development” shall be permitted on Lot A or Lot B, restricting Development Permit* issuance with respect to Lot A and Lot B, in whole or in part, unless the entirety of the proposed development on Lot A and Lot B is subject to one comprehensive Development Permit*, as determined to the satisfaction of the Director, Development.

33.3.19.3. Building Permit* issuance for the development’s four stages may proceed sequentially or concurrently, but a later stage may not advance, in whole or in part, ahead of an earlier stage (e.g., Stage #2 shall not receive Building Permit* issuance ahead of Stage #1).

33.4.19.4. Building Permit* inspection granting occupancy for the development’s four stages may proceed sequentially or concurrently, but a later stage may not advance, in whole or in part, ahead of an earlier stage (e.g., occupancy of Stage #2 shall not be permitted, in whole or in part, ahead of Stage #1).

Notwithstanding the afore mentioned statement, consideration may given to permitting occupancy of Stage #4 ahead of Stage #3 if, prior to any Stage #4 occupancy, in whole or in part, all Stage #3 Development Works and Servicing Agreement* Works shall be completed to the City’s satisfaction EXCEPT the interior fit-out (tenant improvements) of the Lot A Religious Assembly and Child Care Building.

33.5.19.5. “No demolition” shall be permitted at 3360 Sexsmith Road (i.e. existing Richmond Capstan Alliance Church property), restricting Demolition Permit* issuance with respect the existing church and child care buildings on 3360 Sexsmith Road, in whole or in part, until the developer satisfies the “no demolition” conditions specified in the Religious Assembly and Child Care Building (Lots A and B) agreement and the Heritage Conservation and Interpretation (Lots A and B) agreement, to the City’s satisfaction.

34.20. **View and Other Development Impacts (Lots A & B):** Registration on title of a restrictive covenant(s) and/or alternative legal agreement(s), to the satisfaction of the City, requiring that the proposed development must be designed and constructed in a manner that mitigates potential development impacts including without limitation view obstruction, increased shading, increased overlook, reduced privacy, increased ambient noise, increased ambient night-time light, and increased public use of fronting streets, sidewalks, public open space areas, and similar spaces (e.g., plaza/auto court on Lot A and various public paths on Lots A and B) caused by or experienced as a result of, in whole or in part, development on the lands and future development on or the use of surrounding properties. The covenant shall include, but not be limited to the following:

34.1.20.1. For the eastern portion of the proposed development (i.e. proposed Lot A), as it is mixed use, the covenant shall notify residential tenants of potential noise and/or nuisance that may arise due to proximity to retail, restaurant, other commercial uses, church, child care, and related activities;

34.2.20.2. The owner shall provide written notification of potential view and development impacts to all initial purchasers through the disclosure statement, and erect signage in the initial sales centre advising purchasers of the potential for such impacts;

34.3.20.3. The legal agreement shall include a Report (which may include the acoustic report prepared with respect to the development’s required Aircraft Noise covenant) prepared by an appropriate registered professional(s), which demonstrates that adequate development impact mitigation measures will be incorporated into the

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building's design and construction (e.g., building/unit/amenity space orientation; screening from neighbours; window coverings; no building-controlled lighting on balconies); and

34.4.20.4. Prior to Development Permit* and Building Permit* approvals, the owner shall submit letters of assurance prepared by an appropriate registered professional confirming that the building has been designed in conformance with the Report.

35.21. Aircraft Noise (Lots A & B): Registration on title of a standard City of Richmond (mixed use) aircraft noise sensitive use covenant.

36.22. Flood Construction (Lots A & B): Registration on title of a standard City of Richmond ("Area A") flood indemnity covenant.

37.23. Rental of Strata Dwellings (Lots A & B): Registration of a restrictive covenant prohibiting (a) the imposition of any strata bylaw that would prohibit any residential dwelling unit from being rented; and (b) the imposition of any strata bylaw that would place age-based restrictions on occupants of any residential dwelling unit.

38.24. Other Rights-of-Ways, Indemnifications, Releases & Agreements: As determined to the sole satisfaction of the City via the Servicing Agreement*, Development Permit*, development approval, and/or Building Permit* processes.

39.25. Existing Charges on Title: Changes to the following, together with any additional agreements requiring modification or discharge as determined to the City's satisfaction through the Development Permit*, Building Permit*, and/Servicing Agreement* processes:

39.1.25.1. Utility SRW (AB247194; Plan 79913): Modification of the existing utility statutory rights-of-way (storm drainage) along the entire south side of 3440 Sexsmith Road (to facilitate City maintenance and related requirements), as determined to the City's sole satisfaction, in coordination with the approved Servicing Agreement* for utility upgrades, road widening and frontage improvements along Capstan Way.

40.26. Community Planning: The City's acceptance of the developer's voluntary contribution towards future City community planning initiatives (CC-Community Planning and Engineering Account # 3132-10-520-00000-0000), as set out in the City Centre Area Plan, as indicated in the table below.

Max. Floor Area (ZMU51)	Floor Area Exemptions	Applicable Floor Area	Min. Contribution Rate (1)	Min. Developer Contribution (2)
35,823.4 m ² (385,599 ft ²)	(Lot A) Affordable Housing: 3,096.5 m ² (33,330 ft ²)	28,331.8 m ² (304,960 ft ²)	\$0.31/R ²	\$94,537.60
	(Lot A) Market Rental Housing: 1,542.1 m ² (16,600 ft ²)			
	(Lot A) Church/Child Care: 2,853.0 m ² (30,709 ft ²)			

(1) The Council-approved contribution rates in effect at the time of writing these Rezoning Considerations.

(2) In the event that the developer contribution is not provided within one year of the rezoning application receiving third reading of Council (Public Hearing), the Minimum Developer Contribution shall be revised to comply with the Council-approved contribution rate in effect at the time of rezoning bylaw adoption, where the change is positive.

41.27. Development Permit (DP): The submission and processing of a Development Permit* for the entirety of Lot A and Lot B, completed to a level deemed acceptable by the Director of Development.

42.28. Servicing Agreement* (SA): Enter into a Servicing Agreement(s)* for the design and construction, at the developer's sole cost, of full upgrades across the subject site's frontages, together with various engineering, transportation, and parks works, to the satisfaction of the City. Prior to rezoning adoption, all Servicing Agreement* works must be secured via a Letter(s) of Credit, as determined by the City. All works shall be completed prior to first occupancy of the building on the site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses on the site), unless otherwise permitted by the City and set out in a City-approved Phasing Agreement registered on title, to the satisfaction of the Director, Engineering, Director, Transportation, Director, Parks Services and Director, Development.

Servicing Agreement* works shall include, but may not be limited to, the following:

42.1.28.1. Engineering Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of water, storm sewer, sanitary sewer, frontage improvements, and general engineering works to the satisfaction of the Director, Engineering, which works shall include, but may not be limited to, those set out in Schedule D. (Development Cost Charge (DCC) credits may apply.)

42.2.28.2. Transportation Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of road and related improvements, together with the Capstan Station Bonus Greenway SRW area (i.e. multi-use path and related improvements), to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in Schedule E. (Development Cost Charge (DCC) credits may apply.)

42.3.28.3. Parks Servicing Agreement* Requirements: The developer shall be responsible for the design and construction of the Capstan Station Bonus Greenway SRW area (i.e. multi-use path and related improvements), to the satisfaction of the Director, Parks Services, Director, Development, Director, Transportation, Director, Engineering, and Director, Arts, Culture, and Heritage Services. The conceptual design of the Parks Servicing Agreement* Requirements will be completed, to the City's satisfaction, through the Development Permit* review and approval processes. (Development Cost Charge (DCC) credits shall not apply.)

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

1. **Rezoning Requirements:** Submit a signed/sealed letter (with an itemized list) from the project architect confirming that the Development Permit* building/landscape design complies with the terms of the development's Rezoning Considerations (RZ 18-836107) and related required legal and Servicing Agreement* requirements.
2. **BC Energy Step Code & District Energy Utility (DEU):** Incorporate measures in the Development Permit* plans and, as applicable, register additional legal agreement(s), to the City's satisfaction, with respect to measures facilitating the development's compliance with applicable BC Energy Step Code requirements and the future connection of the lands to a City DEU system. This may include, but shall not be limited to, providing for the developer's construction and future transfer of an on-site low carbon energy plant to the City, at no cost to the City (on the basis of which, the development's Step Code level may be relaxed as permitted under City bylaw).

NOTE: The developer has submitted a written statement from a registered professional confirming that the rezoning-stage design takes into consideration the applicable BC Energy Step Code performance targets (REDMS #6997590).

3. **NAV Canada Building Height:** Submit a letter of confirmation from a registered surveyor assuring that the proposed building heights are in compliance with Transport Canada regulations.
4. **Aircraft Noise:** Complete an acoustical and thermal/mechanical report and recommendations, prepared by an appropriate registered professional, which demonstrate that the interior noise levels and noise mitigation standards comply with the City's Official Community Plan and Noise Bylaw requirements.
5. **Richmond Fire Department (RFD):** Satisfy design review requirements, which may include, but may not be limited to, addressing (e.g., visible from the street, contrasting colours); fire hydrant measurements (e.g., principle entrance, RFD connection); fire panel (e.g., operation sequence, stages, elevator operation); RFD connection (e.g., inter-connected, connections at amenities, podium roof, other accessible rooftops and open spaces); fire ratings (e.g., podium); RFD access route measurements (e.g., widths, lengths, dead ends); smoke control measures (e.g., vestibules, stairwells, kitchens); tank permits (e.g., emergency generator); emergency generator (e.g., power) and the spaces serviced (e.g., firefighter elevator, annunciator panel, emergency lights); designated firefighter elevator; firefighter voice communication; fire extinguisher installation areas (e.g., measurements); and alarm-activated front door release.
6. **Additional Requirements:** Register additional legal agreements, as determined to the satisfaction of the Director, Development, Director, Transportation, Director, Engineering, Director, Real Estate Services, Director, Community Social Services, Director, Parks Services, and Director, Arts, Culture and Heritage Services.
7. **Landscape Security:** Register a legal agreement on title and submit a Letter(s) of Credit for landscaping, based on a cost estimate provided by a CSLA registered landscape architect (including 10% contingency), excluding landscape works that are subject to a Servicing Agreement* Letter of Credit.

Prior to Building Permit* Issuance, the developer is required to:

1. **Existing Legal Agreements:** On a lot-by-lot basis, complete, to the City's satisfaction, the terms of all applicable legal agreements registered on title to Lot A and Lot B prior to rezoning, Development Permit issuance, and/or other permits as applicable. This may include the discharge of existing agreements and the registration of modifications,

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replacements, and/or new legal agreement, as determined to the City's satisfaction, and may require the developer's submission of security (Letters of Credit), cash payments, reports or letters of assurance, and/or other items, and shall include, but shall not be limited to:

- 1.1. **Capstan Station Bonus:** Payment of the Capstan Station Reserve contribution for each of Lot A and Lot B.
2. **Construction Parking & Traffic Management Plan:** Submit a Management Plan to the Transportation Department. The Plan shall include locations 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.
3. **Accessibility:** Incorporate accessibility measures in the Building Permit* plans as determined via the Rezoning and/or Development Permit* processes.
4. **Construction Hoarding:** Obtain a Building Permit* (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit*. For additional information, contact the Building Approvals Department at 604-276-4285.

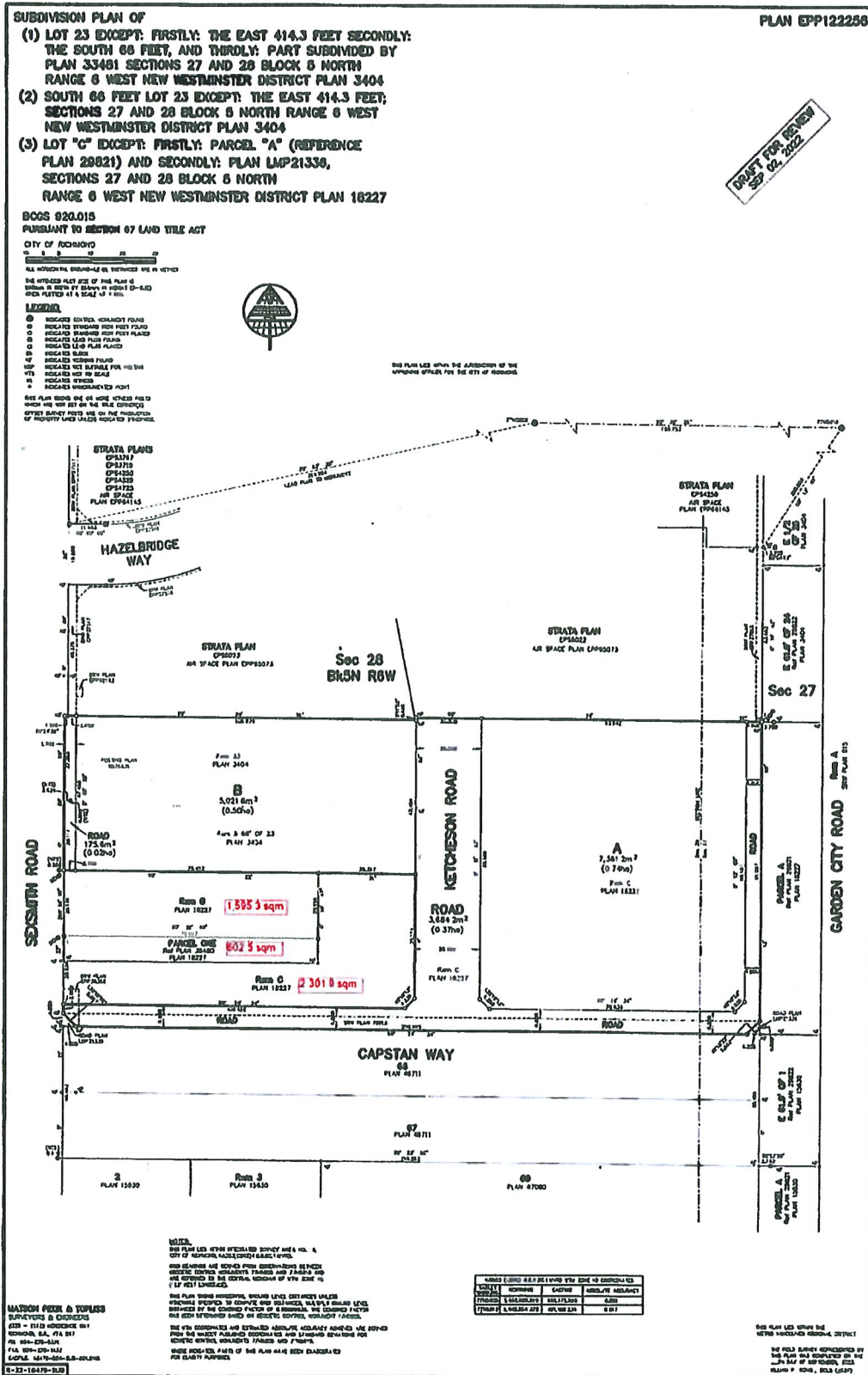
NOTE:

- Items marked with an asterisk (*) require a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.
All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.
The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial Wildlife Act and Federal Migratory Birds Convention Act, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed Signed Copy on File

Date _____

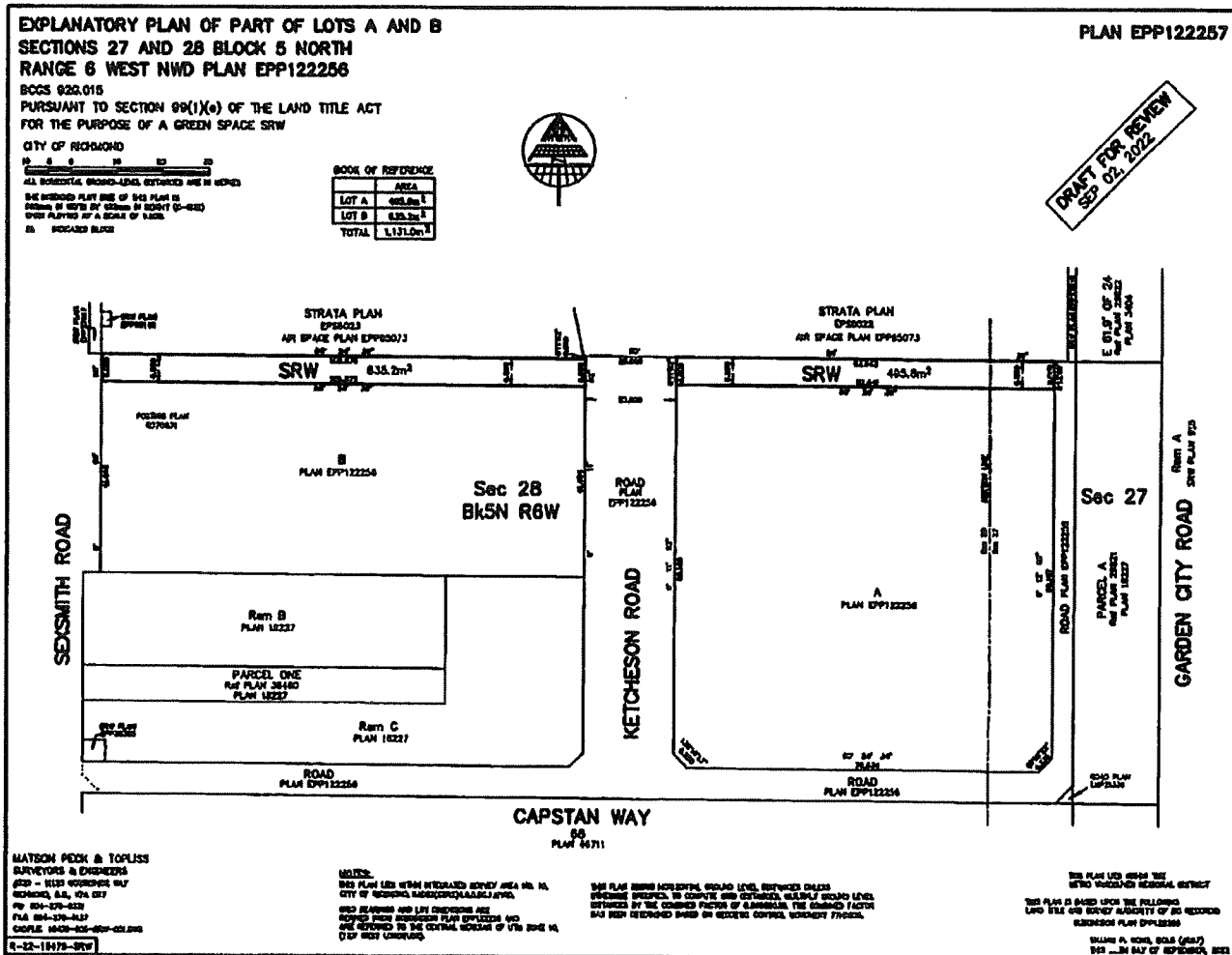
SCHEDULE A
Preliminary Subdivision Plan



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SCHEDULE B

Preliminary (Partial) Statutory Right of Way Plan



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RZ 18-836107

Lot A Mixed Income Rental Housing Building

Terms of Reference

Prior to final adoption of Richmond OCP Amendment Bylaw No. 10390 and Zoning Amendment Bylaw No. 10389, the developer/owner is required to complete the following:

Mixed Income Rental Housing Building (Lot A): The City's acceptance of the developer/owner's offer to voluntarily contribute affordable Low-End-Market-Rental (LEMR) housing units and market rental housing (MRH) units, constructed to a turnkey level of finish on the subject site at the sole cost of the developer, the terms of which voluntary contribution shall include, but will not be limited to, the registration of the City's standard Housing Agreement (regarding the LEMR units), Market Rental Agreement (regarding the MRH units) and related covenants (one for each housing type) on title to secure the dwelling units. The form of the Housing Agreement, Market Rental Agreement and related covenants shall be agreed to by the developer and the City prior to final adoption of the subject rezoning application; after which time, only the covenants may be amended or replaced and any such changes will only be permitted for the purpose of accurately reflecting the specifics of the Development Permit for the subject site and other non-material changes resulting thereof and made necessary by the Development Permit* approval requirements, as determined to the satisfaction of the Director of Development and Director of Community Social Development. The terms of the Housing Agreement, Market Rental Agreement and related covenants shall indicate that they apply in perpetuity and provide for, but will not be limited to, the requirements set out in the Lot A Mixed Income Rental Housing Building Terms of Reference (Schedule C).*

1. **Stand-Alone Building & Not-for-Profit Operator:** The developer/owner has submitted a preliminary Memorandum of Understanding (MOU) with an experienced non-profit housing operator to demonstrate the developer/owner's intent to engage the non-profit organization as the:
 - Operator of the subject development's LEMR units, all of which units shall be located in the proposed Mixed Income Rental Housing Building; and
 - Possible operator of the MRH units located in the proposed Mixed Income Rental Housing Building.

In light of this arrangement, the City is willing to accept clustering of the required LEMR units and MRH units in the form of a stand-alone building, together with the clustering of other building features intended for the exclusive use of the LEMR and MRH unit occupants (e.g., parking), provided that the Mixed Income Rental Housing Building shall:

- a) Be located on Lot A (with direct and convenient access from Ketcheson Road to the main building entrance);
- b) Be integrated with the development's underground parking structure, roof deck, and related features, but function as an independent building that does not share common circulation (e.g., lobbies, hallways, elevators, or stairs) with Lot A market strata or Lot A non-residential uses; and
- c) Be located within an Air Space Parcel approved by the City. Legal agreements shall be registered on title, to the satisfaction of the City, to ensure that the occupants of the Mixed Income Rental Housing Building, operator(s), guests, and designates have adequate access to and enjoyment of facilities intended for their:
 - i. exclusive use (e.g., resident parking, "Class 1" resident bike storage, and outdoor amenity space);
 - ii. shared use with the Lot A market strata occupants (e.g., indoor amenity space and loading); and
 - iii. shared use with the Lot A market strata and Lot A non-residential occupants (e.g., driveways),
 as determined to the City's satisfaction through the Development Permit*.

NOTE: In the event that any exclusive or shared facilities are not part of the Air Space Parcel (e.g., parking) and the operator is subject to additional charges for the use of such facilities, any such charges may not exceed the rates charged to other users on Lot A for access to/use of similar uses and spaces, as determined to the City's satisfaction.

2. **Minimum Required Floor Area:** The required minimum floor area of the Mixed Income Rental Housing Building, exclusive of parking, bike storage, indoor amenity space, and uses not intended for the exclusive use of the occupants of the Mixed Income Rental Housing Building, shall be determined to the satisfaction of the Director of Development

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SCHEDULE C

and Director of Community Social Development, as set out in an approved Development Permit*, which floor area shall include, but may not be limited to:

- a) For affordable housing, at least 3,096.5 m² (33,330 ft²) or 10% of the maximum combined residential floor area permitted on Lot A and Lot B (exclusive of market rental density bonus floor area permitted under the ZMU51 zone), whichever is greater, in the form of habitable dwelling unit floor area only;
 - b) For market rental housing, at least 1,542.1 m² (16,600 ft²) in the form of habitable dwelling unit floor area and a proportional share of the floor area of common space in the building (e.g., circulation and lobbies, but excluding indoor amenity space), as per the market rental density bonus provision under the ZMU51 zone;
 - c) Additional floor area, including:
 - i. Circulation (e.g., lobbies, hallways, elevators, and stairs) intended for the exclusive use of the Mixed Income Rental Housing Building occupants; and
 - ii. All walls, mechanical, electrical, and similar spaces required to facilitate the developer/owner's provision of the proposed Mixed Income Rental Housing Building on the lot.
3. **Residential Amenity Space:** In addition to the minimum floor area of the Mixed Income Rental Housing Building described above, the developer/owner shall construct residential amenity space (i.e. for recreation and socializing) for the unrestricted use and enjoyment of the occupants of the Mixed Income Rental Housing Building, to the satisfaction of the Director of Development and Director of Community Social Development, as set out in an approved Development Permit*, including:
- a) Indoor amenity space on Lot A (i.e. outside, but convenient to, the Mixed Income Rental Housing Building) for the shared use of the Mixed Income Rental Housing Building occupants and the Lot A market strata occupants, the size of which shall include:
 - i. At least 2.0 m² (21.5 ft²) per dwelling unit, based on the combined total number of LEMR, MRH, and market strata units permitted on Lot A; plus
 - ii. At least 18.6 m² (200.0 ft²) as administrative space for the use of the non-profit housing operator; and
 - b) Outdoor amenity space integrated with the Mixed Income Rental Housing Building (e.g., landscaped rooftops) for the exclusive use of the building's occupants, the size of which shall include at least 6.0 m² (64.6 ft²) per dwelling unit, based on the total number of dwellings permitted in the Mixed Income Rental Housing Building.
4. **Housing Requirements:** As required under the ZMU51 zone, the Mixed Income Rental Housing Building shall contain at least 69 Residential Rental Tenure dwelling units, comprising a mix of LEMR and MRH units, as determined to the satisfaction of the City through an approved Development Permit*.
- a) **Affordable Housing:** The developer/owner shall provide for:
 - i. At least 49 LEMR units (comprising at least 30% family-friendly 2- and 3-bedroom units), all of which shall comply with the Zoning Bylaw's Basic Universal Housing standards, unless otherwise determined to the satisfaction of the Director, Community Social Development through an approved Development Permit*.

	Minimum Unit Area	Maximum Monthly LEMR Unit Rent***	Total Maximum Household Income**	Project Unit Targets	
				Unit Mix**	BUH Units*
Studio	37 m ² (400 ft ²)	\$811	\$34,650	70% (34 units)	100%
1-Bedroom	50 m ² (535 ft ²)	\$975	\$38,250		100%
2-Bedroom	69 m ² (741 ft ²)	\$1,218	\$46,800	30% (15 units)	100%
3-Bedroom	91 m ² (980 ft ²)	\$1,480	\$58,050		100%
TOTAL	Varies	Varies	Varies	100% (49 units min)	100%

* BUH units mean those units that comply with the Zoning Bylaw's Basic Universal Housing standards.

** The unit mix will be confirmed to the satisfaction of the City through the Development Permit* process. The recommended LEMR unit mix is indicated in the table; however, based on approved design, which may take into account non-profit housing operator input, the LEMR unit mix may be varied provided that at least 15% of units have 2 bedrooms and at least 5% have 3 bedrooms.

*** Rate may be adjusted in accordance with the Housing Agreement.

- ii. Full and unlimited use by the LEMR unit occupants of features provided for the use of the LEMR unit occupants in compliance with an approved Development Permit* (together with necessary access and related or similar requirements) at no charge to the LEMR unit occupants (i.e. no monthly rents

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SCHEDULE C

or other fees shall apply for the casual, shared, or exclusive use of the features), which features may include, but may not be limited to:

- Indoor and outdoor amenity spaces intended for the exclusive or shared use of the LEMR unit occupants;
- Waste management and loading facilities intended for the exclusive or shared use of the LEMR unit occupants; and
- On-site parking, "Class 1" bike storage, and related electric vehicle (EV) charging stations intended for the exclusive or shared use of the LEMR unit occupants.

NOTE: For clarity, those occupants of the LEMR units who utilize the vehicle EV charging stations may be required to pay for the cost of their utility usage, but not for their use of the EV charging equipment or associated parking.

- b) **Market Rental Housing:** The developer/owner shall provide for at least 20 MRH units (comprising at least 40% family-friendly 2- and 3-bedroom units), all of which shall comply with the Zoning Bylaw's Basic Universal Housing standards, unless otherwise determined to the satisfaction of the Director, Community Social Development through an approved Development Permit*.

5. **Transportation Requirements:** On-site parking, "Class 1" bike storage (including electric bicycles and similar modes), bike repair/maintenance facility (i.e. comprising a foot-activated pump, repair stand with integrated tools, and bike wash), and related electric vehicle (EV) charging stations for passenger vehicles and bicycles shall be provided for the use of Mixed Income Rental Housing Building occupants as per the OCP, ZMU51 zone, and an approved Development Permit*, as determined to the satisfaction of the City.

6. **Level of Finish:**

- a) The Mixed Income Rental Housing Building, related uses (e.g., parking, garbage/recycling, indoor and outdoor amenities), and associated spaces and uses shall be completed, to a turnkey level of finish, at the sole cost of the developer, to the satisfaction of the Director of Development and Director, Community Social Development.
- b) The Mixed Income Rental Housing Building (e.g., all dwelling units, common indoor and outdoor areas, and related uses and spaces), together with those portions of Lot A that are intended for shared use by the occupants of the Mixed Income Rental Housing Building and Lot A market strata unit occupants (e.g., indoor amenity spaces) shall be accessible to people with disabilities, in compliance with the BC Building Code or as otherwise determined to the satisfaction of the Director of Community Social Development and Manager of Building Approvals.
- c) The Mixed Income Rental Housing Building, including its common areas and dwelling units, shall be equipped with an audio/visual alarm system.

7. **Prior-to Requirements:**

- a) "No development" shall be permitted on the subject site, restricting Development Permit* issuance for a building on the site, in whole or in part, until the developer, to the City's satisfaction:
- i. Submits, for consideration by the City, a current memorandum of understanding with a non-profit operator demonstrating, among other things, support for the developer's proposed Mixed Income Rental Housing Building design and related features;
 - ii. Designs the lot to provide for the Mixed Income Rental Housing Building and required ancillary spaces and uses (e.g., Basic Universal Housing units, parking, bicycle facilities, and related electric vehicle (EV) charging infrastructure, indoor and outdoor amenity spaces, and waste management facilities);
 - iii. Amends or replaces the covenant registered on title with respect to the LEMR units and MRH units to reflect accurately the specifics of the Mixed Income Rental Housing Building and ancillary spaces and uses as set out in the approved Development Permit*; and
 - iv. As required, registers additional legal agreements on title to the site to facilitate the detailed design, construction, operation, and/or management of the Mixed Income Rental Housing Building and/or ancillary spaces and uses (e.g., parking) as determined by the City via the Development Permit* review and approval processes.

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SCHEDULE C

- b) No Building Permit* shall be issued for a building on the subject site, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), unless:
- i. The developer provides for the required Mixed Income Rental Housing Building and ancillary spaces and uses (e.g., Basic Universal Housing units, parking, bicycle facilities, and related electric vehicle (EV) charging infrastructure, indoor and outdoor amenity spaces, and waste management facilities) in the permit;
 - ii. The detailed design of the Mixed Income Rental Housing Building and all related spaces and features are satisfactory to the Director of Development and Director, Community and Social Development in their sole discretion; and
 - iii. A letter of confirmation is submitted by the architect assuring that the design of the facilities satisfies all applicable City requirements.
- c) "No occupancy" shall be permitted of a building on Lot A, restricting Building Permit* inspection granting occupancy for a building on Lot A, in whole or in part (excluding parking intended as an ancillary use to non-parking uses), until the required Lot A Mixed Income Rental Housing Building and all relate spaces and uses are completed to the satisfaction of the City, a letter of confirmation is submitted by the architect assuring that the facilities satisfy all applicable City's requirements, and the facilities have received Building Permit* inspection granting occupancy.

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RZ 18-836107

Engineering
Servicing Agreement* Requirements

Scope: *IBI GROUP has applied to the City of Richmond for permission to rezone 3426, 3440, 3360 and 3380 Sexsmith Road from Single Detached (RS1/F), Assembly (ASY), School & Institutional (SI) to a Site Specific Mixed Use Development with 4 residential towers 8 to 14 storeys, Limited Retail and Religious Assembly developed on two sites with a proposed road (Ketcheson Road) in the middle*

A servicing agreement is required to design and construct the following works.

1) Water Works:

- a) Using the OCP Model with the proposed upgrades, there is 416 L/s of water available at a 20 psi residual at the Capstan Way frontage, and 197 L/s of water available at a 20 psi residual at the Sexsmith Road frontage. Based on your proposed development, your site requires a minimum fire flow of 220 L/s.
- b) At Developer's cost, the Developer is required to:
 - i) Submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage building designs.
 - ii) Review hydrant spacing on all road frontages and install new fire hydrants as required to meet City spacing requirements for the proposed land use.
 - iii) Install approximately 100 m of new 200 mm water main along the extension of Ketcheson Road, from Capstan Way existing water main. The proposed main shall have a dead end with an automatic flushing system complete with its kiosk to be located in a utility ROW. The details of automatic flushing system and its required ROW shall be determined through the servicing agreement. A hydrant at the dead end water main shall be required. The following works relating to the automatic flushing system shall be at the developer's cost:
 - (1) Supply and installation cost of the automatic flushing system (complete with a dechlorination system designed specifically for the automatic flushing device) and registration of the required utility right of way. No encroachment under the required utility right of way is allowed.
 - (2) Supply and Installation of a water meter to monitor water consumption of the automatic flushing system. The City shall charge the developer of the water consumed by the automatic flushing system.
 - (3) Operations of the system (e.g., setting controls, etc.) shall be done by City crews (at developer's cost).
 - (4) Maintenance of the proposed automatic flushing system shall be done by City crews (at developer's cost).
 - (5) Future removal of the automatic flushing system and future discharge of the required utility right of way.
 - iv) Install approximately 266 m of new 200 mm water main along Garden City Road from the existing water main at Capstan Way to tie in to the existing water main at Patterson Rd.
 - v) Install one new water connection for each proposed lot, complete with meter. Meters to be located onsite (i.e. in a mechanical room).
- c) At Developer's cost, the City will:
 - i) Complete all tie-ins for the proposed works to existing City infrastructure.

2) Storm Sewer Works:

- a) At Developer's cost, the Developer is required to:
 - i) Perform a capacity analysis to size the proposed storm sewers on Ketcheson Way and Capstan Way, and confirm the capacity of the existing storm sewer on Garden City Road.
 - ii) Install approximately 260 m of new storm sewer along Capstan Way from manhole STMH5984 at Garden City Road to manhole STMH131085 at Sexsmith Road, due to conflict between the proposed frontage improvements (street trees) and the existing storm sewer. The new storm sewer shall be located within the roadway.
 - iii) Remove the existing storm sewer in the right-of-way along Capstan Way, from the manhole STMH5984 at Garden City Road to manhole STMH131085 at Sexsmith Road.

Initial: _____

SCHEDULE D

- iv) Install approximately 100 m of new storm sewer along the Ketcheson Road extension, and tie in to the storm sewer on Capstan Way. The new storm sewer shall be located within the roadway and sized via a capacity analysis.
 - v) If the existing storm sewer on Garden City Road does not have adequate capacity:
 - (1) Install approximately 110 m of new storm sewer along Garden City Road from manhole STMH6631 to the proposed storm sewer along Capstan Way. The new storm sewer shall be located within the roadway.
 - (2) Fill and abandon the existing storm sewer along Garden City Road from manhole STMH6631 to manhole STMH5984.
 - vi) Reconnect all existing connections to the new storm sewers.
 - vii) Remove all existing connections to the development site.
 - viii) Install one new storm connection for each proposed lot, complete with inspection chamber.
 - ix) Provide an erosion and sediment control plan for all on-site and off-site works, to be reviewed as part of the servicing agreement design.
- b) At Developer's cost, the City will:
- i) Complete all tie-ins for the proposed works to existing City infrastructure.

3) Sanitary Sewer Works:

- a) At Developer's cost, the Developer is required to:
- i) Install approximately 125 m of new 300 mm sanitary sewer along Capstan Way, from Ketcheson Road to Sexsmith Road.
 - ii) Install one new sanitary connection for each proposed lot, complete with inspection chamber. Where feasible, the existing sanitary connection stubs provided along Sexsmith Road shall be utilized.
- b) At Developer's cost, the City will:
- i) Complete all tie-ins for the proposed works to existing City infrastructure.

4) Frontage Improvements:

- a) At Developer's cost, the Developer is required to:
- i) Coordinate with BC Hydro, Telus and other private communication service providers:
 - (1) To pre-duct for future hydro, telephone and cable utilities along all road frontages.
 - (2) Before relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
 - (3) To underground overhead lines and poles along Sexsmith Road and Garden City Road.
 - ii) Prior to City accepting dedication on Sexsmith Rd, the existing BC Hydro Vista located Southwest corner of the lot shall be relocated out of the dedication. Developer to provide an updated site plan that shows the location of the existing Vista in relation to the old and new property lines.
 - iii) Locate/relocate all above ground utility cabinets and kiosks required to service the proposed development, and all above ground utility cabinets and kiosks located along the development's frontages, within the developments site (see list below for examples). A development plan showing conceptual locations for such infrastructure, coordinated with the development's civil and electrical consultants and the owners of the respective utilities, is required prior to the development permit report being written. Please coordinate with the respective private utility companies and the project's lighting and traffic signal consultants to confirm the requirements (e.g., statutory right-of-way dimensions) and the locations for the aboveground structures. If a private utility company does not require an aboveground structure, that company shall confirm this via a letter to be submitted to the City. The following are examples of statutory right-of-ways that shall be shown on the architectural plans, the servicing agreement drawings, and registered prior to SA design approval:
 - BC Hydro PMT – 4.0 x 5.0 m
 - BC Hydro LPT – 3.5 x 3.5 m
 - Street light kiosk – 1.5 x 1.5 m
 - Traffic signal kiosk – 2.0 x 1.5 m
 - Traffic signal UPS – 1.0 x 1.0 m
 - Shaw cable kiosk – 1.0 x 1.0 m
 - Telus FDH cabinet – 1.1 x 1.0 m

SCHEDULE D

- iv) Provide street lighting according to the following:
 - a) City Streets
 - a. Capstan Way (North side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire and 1 duplex receptacle, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, or irrigation.
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and 1 duplex receptacle, but EXCLUDING any flower basket holders, or irrigation.
 - b. Sexsmith Road (East side of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire and duplex receptacles, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, or irrigation.
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and duplex receptacles, but EXCLUDING any banner arms, flower basket holders, or irrigation.
 - c. Garden City Road (West side of street)
 - i. Roadway lighting @ median – NO CHANGE (Existing lighting to remain)
 - ii. Pole colour: Grey
 - iii. Pedestrian lighting between sidewalk & bike path: Type 8 (LED) INCLUDING 2 pedestrian luminaires set perpendicular to the roadway and duplex receptacles, but EXCLUDING any banner arms, flower basket holders, or irrigation.
 - iv. Note: Staff must confirm if the Garden City Road cross-section will include an off-street bike path. Streetlight requirements may change if it is decided that there will be no bike path/lane or and an on-street bike lane.
 - d. Ketcheson Road Extension (Both sides of street)
 - i. Pole colour: Grey
 - ii. Roadway lighting @ back of curb: Type 7 (LED) INCLUDING 1 street luminaire, but EXCLUDING any pedestrian luminaires, banner arms, flower basket holders, irrigation, or duplex receptacles.
 - b) Off-Street Publicly-Accessible Walkways & Opens Spaces
 - a. To be determined
 - i. *[TO BE CONFIRMED IN COORDINATION WITH THE LANDSCAPE & PARKS DESIGNS VIA RZ & SA]*
 - ii. Pole colour: Grey
 - iii. Pedestrian lighting: Type 8 (LED) INCLUDING 1 or 2 pedestrian luminaires, but EXCLUDING any banner arms, flower basket holders, irrigation, or duplex receptacles.
- v) Complete other frontage improvements as per Transportation requirements.

5) General Items:

- a) At Developer's cost, the Developer is required to:
 - i) Provide, prior to start of site preparation works or within the first servicing agreement submission, whichever comes first, a preload plan and geotechnical assessment of preload, dewatering, and soil preparation impacts on the existing utilities fronting the development site and provide mitigation recommendations.
 - ii) Provide a video inspection report of the existing storm and sanitary sewers along the development frontages prior to start of site preparation works or within the first servicing agreement submission, whichever comes first. A follow-up video inspection, complete with a civil engineer's signed and sealed recommendation letter, is required after site preparation works are complete (i.e. pre-load removal, completion of dewatering, etc.) to assess the condition of the existing utilities and provide recommendations to retain, replace, or repair. Any utilities damaged by the pre-load, de-watering, or other ground preparation shall be replaced or repaired at the Developer's cost.
 - iii) Conduct pre- and post-preload elevation surveys of all surrounding roads, utilities, and structures. Any damage, nuisance, or other impact to be repaired at the developer's cost. The post-preload elevation survey shall be incorporated within the servicing agreement design.

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SCHEDULE D

- iv) Monitor the settlement at the adjacent utilities and structures during pre-loading, dewatering, and soil preparation works per a geotechnical engineer's recommendations, and report the settlement amounts to the City for approval.
- i) Submit a proposed strategy at the building permit stage for managing excavation de-watering. Note that the City's preference is to manage construction water onsite or by removing and disposing at an appropriate facility. If this is not feasible due to volume of de-watering, the Developer will be required to apply to Metro Vancouver for a permit to discharge into the sanitary sewer system. If the sanitary sewer does not have adequate capacity to receive the volume of construction water, the Developer will be required to enter into a de-watering agreement with the City to discharge treated construction water to the storm sewer system.
- ii) Coordinate the servicing agreement design for this development with the servicing agreement(s) for the adjacent development(s), both existing and in-stream. The developer's civil engineer shall submit a signed and sealed letter with each servicing agreement submission confirming that they have coordinated with civil engineer(s) of the adjacent project(s) and that the servicing agreement designs are consistent. The City will not accept the 1st submission if it is not coordinated with the adjacent developments. The coordination letter should cover, but not be limited to, the following:
 - (a) Corridors for City utilities (existing and proposed water, storm sewer, sanitary and DEU) and private utilities.
 - (b) Pipe sizes, material and slopes.
 - (c) Location of manholes and fire hydrants.
 - (d) Road grades, high points and low points.
 - (e) Alignment of ultimate and interim curbs.
 - (f) Proposed street lights design.
- iii) Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

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RZ 18-836107

Transportation

Servicing Agreement* Requirements

The developer shall be responsible for the design and construction of road and related improvements, to the satisfaction of the Director of Transportation, which works shall include, but may not be limited to, those set out in **Schedule E**. (Development Cost Charge (DCC) credits may apply.)

1. **Ministry of Transportation & Infrastructure (MOTI) Approvals:**

- a) Preliminary MOTI approval is required before Development Permit* (DP) presentation to DP Panel.
- b) Final MOTI approval is required prior to rezoning adoption.

NOTE: MOTI approval may require the developer to make changes to the City-approved form of development (e.g., access) and/or Servicing Agreement* scope of off-site works (e.g., Intersection upgrades), which changes shall be undertaken by the developer, at the developer's sole cost, as determined to the satisfaction of the City.

2. **Road Works:**

The following cross-section descriptions are intended to describe "typical" conditions. The approved design may be required to vary from these "typical" conditions to address site-specific conditions and/or other requirements, as determined to the sole satisfaction of the City through the Servicing Agreement* design/approval processes. Likewise, the attached **Interim Functional Plan** is provided for reference purposes only. The actual details and scope of the frontage works required to be completed by the developer will be confirmed through the Servicing Agreement* review/approval process, to the satisfaction of the City. Prior to approval of the Servicing Agreement* design, the developer shall submit a **Final Functional Plan**, confirming all Transportation requirements, to the satisfaction of the Director, Transportation.

NOTE: In addition to the following, landscape features are required to the satisfaction of the City, as determined via the Servicing Agreement* and Development Permit* review and approval processes. Landscape improvements may include, but shall not be limited to, street trees, landscaped boulevards, hard- and soft-scape features, street furnishings, decorative paving, and stormwater management measures. Measures that enhance the viability of City street trees are encouraged (e.g., continuous soil trenches, silva cell system, etc.), taking into account necessary coordination with City/private utilities and other infrastructure, as determined to the City's satisfaction.

At a minimum, the developer will be responsible for the design and construction of the following works to the satisfaction of the Director, Transportation.

- a) **Ketcheson Road:** To align with the existing "private road" portion of Ketcheson Road to the north, and the approved extension of Ketcheson Road south of Capstan Way. Works include, listed in order from the road's West property line:
 - 4.05m (including 2m sidewalk, 1.5m boulevard)
 - 0.15m curb and gutter
 - 2.5m parking lane
 - 3.3m lane
 - 3.3m lane
 - 2.5 m parking lane
 - 0.15m curb and gutter
 - 4.05m (including 2m sidewalk, 1.5m boulevard)
- b) **Capstan Way:** Works include, listed in order from the road's North property line:
(NOTE: Cross section varies by section of Road – refer to Interim Functional Plan)
 - 2.5m sidewalk
 - 0.7m buffer
 - 2.5m bike lane
 - 2.5m boulevard
 - 0.15m curb and gutter
 - 3.3m parking lane
 - 3.3m travel lane
 - 3.1m left turn lane
 - 0.6m raised median
 - 3.9m travel lane
 - 0.15m curb and gutter
 - 4.208m (for sidewalk, boulevard)

SCHEDULE E

- c) Sexsmith Road: Works EXCLUDE the Sexsmith Road frontage of 3420, 3426, and 3440 Sexsmith Road (which lands are not subject to RZ 18-836107). Works include, listed in order from the road's West property line:
- 2.0m bike lane
 - 0.6m buffer
 - 1.5m boulevard
 - 0.15m curb and gutter
 - 2.5m parking lane
 - 3.3m travel lane
 - 3.3m left-turn lane/painted median
 - 3.3m travel lane
 - 2.5m parking lane
 - 0.15m curb and gutter
 - 1.5m boulevard
 - 2.0m bike lane
 - 0.6m buffer
 - 2.0m sidewalk
- d) Garden City Road: Works include, listed in order from the road's West property line to the Median:
- 3.0m sidewalk
 - 2.0m boulevard/bus pad
 - 0.15m curb and gutter
 - 3.1m bus bay
 - 1.8m bike lane (NOTE: Interim Function Plan must be revised to provide for a protected off-street bike path.)
 - 3.5m travel lane
 - 3.5m travel lane

3. Traffic Signal Requirements:

The traffic signal requirements will be finalized through the road functional design required as a condition of the Servicing Agreement* and the Servicing Agreement* traffic signal design review/approval processes. Works shall include, but may not be limited to, the following:

- a) Upgrade existing traffic signals: With the road and intersection improvements noted above, as well as the need to upgrade other existing traffic signals to accommodate enhanced traffic operations, applicant is to upgrade (as necessary) the following existing traffic signals:
- Sexsmith Road & Capstan Way; and
 - Garden City Road & Capstan Way.
- b) Install new Traffic Signal Device: With the road and intersection improvements noted in above, new traffic signal devices (i.e., intersection pre-ducting, special x-walk with downward lighting, pedestrian signals, or full traffic signals) will be necessary at the following location, with the exact upgrade to be determined with a traffic signal warrant to the satisfaction of the City.
- Capstan Way & Ketcheson Road

A Traffic Signal Modification detail design submission shall be prepared, to the satisfaction of the City, for each of the 3 intersections along on Capstan (i.e. Sexsmith, Ketcheson, and Garden City), which designs shall be coordinated with the signal requirements already established for the approved development on the south side of Capstan Way. Signal upgrades shall include, but may not be limited to: upgrade and/or replace signal pole, controller, base and hardware, pole base, detection, conduits (electrical & communications), signal indications, communications cable, electrical wiring, service conductors, APS (Accessible Pedestrian Signals), traffic cameras, and illuminated street name sign(s), etc.

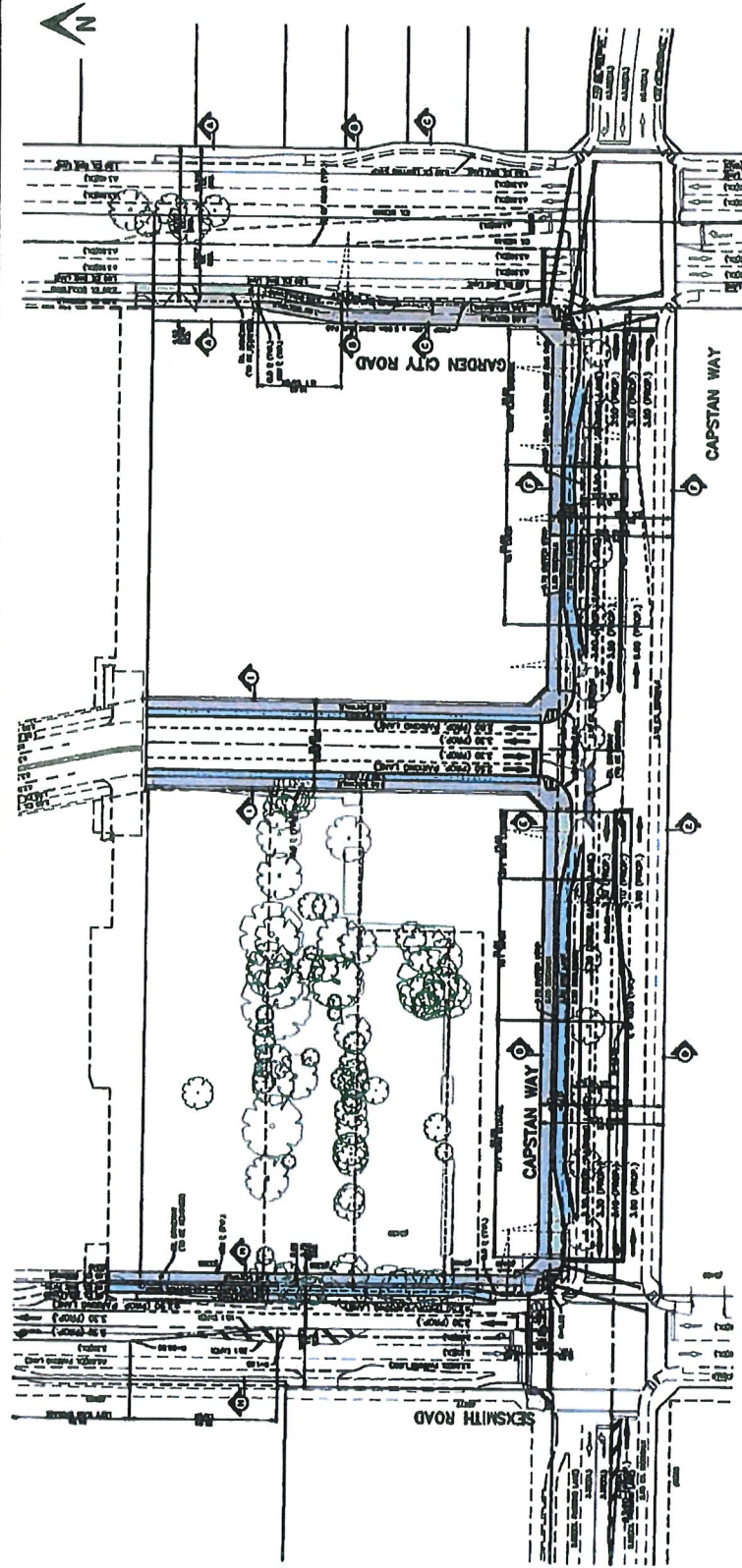
NOTE: SA 22-009501 (RZ18-836123) provides for signal modifications on the south side of Capstan Way (Sexsmith Road to Garden City Road) and the construction of a traffic signal at the new intersection of Ketcheson Road/Capstan Way (at the E, W and S legs only).

4. Capstan Bonus Greenway Statutory Rights-of-Way (SRW) – Developer owned and maintained

Design and construction of the SRW area shall be the subject of a Servicing Agreement* and Development Permit*, as determined to the satisfaction of the City. Among other things, works essential for public access shall be included in the Servicing Agreement* (e.g., multi-use path; emergency turning area at Ketcheson Road; and, provisions to facilitate a future connection to an aerial crossing of Garden City Road). The design of the SRW area must be prepared in accordance with good engineering practice with the objective of optimizing public safety, as determined to the City's satisfaction.

Initial: _____

INTERIM FUNCTIONAL PLAN



Initial: _____