

To Public Hearing	
Date:	December 19, 2016
Item #:	3
Re:	BYLAW 9614

SUITE 1700 - 1040 WEST GEORGIA STREET
 VANCOUVER, BC V6E 4H1
 TEL 604.685.8877 FAX 604.685.3259
 WWW.STEVENS VIRGIN.COM

stevensVIRGIN

LITIGATION COUNSEL / law corporations

NATHALIE BAKER
 DIRECT LINE 604.694.2831
 NBAKER@STEVENS VIRGIN.COM

December 16, 2016

File No: 5340 -001

VIA FAX

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

Attention: Mayor and Council

Dear Sirs/Mesdames:

Re: Richmond Zoning Bylaw 8500, Amendment Bylaw 9614

We are the solicitors for the strata council for Strata Plan BCS 1607.

The owner of strata unit #110 has applied for a text amendment to the IB1 zone in order to permit a "Microbrewery, Winery and Distillery" with an ancillary store at #110-12500 Horseshoe Way, PID 026-556-791.

This rezoning application was not filed on behalf of the strata corporation but rather the owner of one of the units in this 26 unit strata. The City is proposing to amend the IB1 zone to permit the microbrewery use and ancillary retail store at unit #110 only.

I am writing on behalf of our client to express the Strata Council's opposition to this rezoning application.

Section 479 of the *Local Government Act* authorizes Local Governments to adopt zoning bylaws. S.479(4) provides that a bylaw under s.479 may make different provisions for one or more of the following:

- (a) different zones;
- (b) different uses within a zone;
- (c) different locations within a zone;
- (d) different standards of works and services provided;
- (e) different siting circumstances;
- (f) different protected heritage properties.



There is no authority in the *Local Government Act* to amend the IB1 Zone to permit a microbrewery and retail store in one of the 26 units. The proposed bylaw is contrary to section 479 and is unlawful. In order to permit this use at 12500/12520 Horseshoe Way

(the "Property"), the Property, as opposed to Unit #110, would have to be rezoned to permit the proposed use. The Strata Council, however, is opposed to the proposed use of a microbrewery and retail store and would not apply for or support such a rezoning application.

The 26 strata lots at the Property are housed in two separate buildings, with addresses at 12500 and 12520 Horseshoe Way. There are only 59 limited common property parking stalls assigned for the exclusive use of the 26 strata lots. These parking stalls are reserved for the exclusive use of the strata units to which they are assigned and cannot be used by visitors to other strata units.

In addition, there are 15 common property visitor parking stalls. These 15 stalls are shared amongst all of the businesses on the Property. 15 visitor parking stalls for 26 strata units is equivalent to only 0.6 stalls per strata unit. Furthermore, I am advised that the statement at page 4 of the Staff Report that the existing parking and loading for unit #110 meets the parking requirements for the proposed use is incorrect. There are not "two (2) shared loading spaces for the building complex near the front of the existing brewery and the proposed retail store". These two parking stalls referred to in the staff report are in fact limited common property, not shared loading spaces as stated.

I am advised by client that when the Strata Plan BCS 1607 was originally built, it was not zoned for retail uses. The applicable zoning bylaw permitted offices, wholesale and warehousing uses, not retail. The layout of the existing onsite parking reflects the permitted uses at the time of construction. There is simply insufficient parking at the Property or on the street for the proposed use.

Lack of parking has been a significant and persistent problem at the Property for the last several years. Any proposed zoning amendment to permit a Microbrewery with an ancillary store at this Property will only exacerbate the current problem.

The Strata Council is opposed to this rezoning.

Yours truly,

STEVENS VIRGIN

Per:



Nathalie Baker
Associate Counsel

NB/