



To: Planning Committee **Date:** April 24, 2012
From: Brian J. Jackson, MCIP **File:** 08-4045-20-
10/2012-Vol 01
Re: City Centre Area Plan (CCAP) Text Amendments: Density Calculation Clarification for Minor Streets, Lanes, Mews, Parks, and Open Spaces Not Identified in Richmond's Development Cost Charge (DCC) Program

Staff Recommendation

1. That Official Community Plan Amendment Bylaw No. 8888, which amends Official Community Plan Bylaw No. 7100 by making text amendments to Schedule 2.10 (City Centre Area Plan) to clarify the intent of the Plan in respect to lands voluntarily dedicated or otherwise transferred to the City by developers for use as "minor streets" (i.e., as designated under the Plan), lanes, mews, parks, and open spaces not identified in the Development Cost Charge (DCC) program for land acquisition purposes, and make clear that the City may, in its discretion on a project-by-project basis, include such lands in the calculation of "net development site" for the purpose of determining the maximum permitted floor area, be introduced and given first reading.
2. That Bylaw No. 8888, 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 deemed to be consistent with said program and plans, in accordance with Section 882(3)(a) of the Local Government Act.
3. That Bylaw No. 8888, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby deemed not to require further consultation.

Brian Jackson
 Brian J. Jackson, MCIP
 Acting General Manager, Planning and Development
 BJ:spc
 Att.

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ROUTED TO:	CONCURRENCE		CONCURRENCE OF ACTING GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	<i>Brian Jackson</i>
Parks	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Transportation	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

The purpose of this staff report and bylaw is to propose text amendments to the City Centre Area Plan (CCAP) for the purpose of:

- Clarifying the intent of the Plan in respect to lands that are voluntarily dedicated or otherwise transferred to the City (i.e., fee simple lot) by developers for use as “minor streets” (i.e., as designated under the Plan), lanes, mews, parks, and open spaces, but are not identified in the Development Cost Charge (DCC) program for land acquisition purposes; and
- Making clear that the City may, in its discretion on a project-by-project basis, include such lands in the calculation of “net development site” for the purpose of determining the maximum permitted floor area.

Findings of Fact

The CCAP identifies new parks and roads to be secured as voluntary developer contributions via Richmond’s development approval processes. In cases where the contributors of these features are not eligible for financial compensation via the DCC program (i.e., most “minor streets”, lanes, mews, and some parks are not identified for land acquisition purposes on the DCC program), the CCAP permits such features to be secured via means that do not reduce the contributing developer’s buildable floor area. Typically, a statutory right-of-way is used for this purpose, but there is increasing concern among City staff that this may result in unclear ownership responsibilities (e.g., maintenance standards, liability), hardship for private owners (i.e., long-term maintenance of statutory right-of-way areas), and related development and administrative challenges. The CCAP permits non-DCC features (i.e., features not identified on the DCC program) to be dedicated or otherwise transferred to the City (i.e., fee simple lot) without any loss of buildable floor area (i.e., no reduction in “net development site” area upon which density is calculated), and such means are easier to administer than statutory right-of-ways. Unfortunately, however, to date the effective use of the relevant CCAP provisions for this purpose has been hampered by the Plan’s lack of clarity and transparency.

Related Policies & Studies

CCAP Policy Review

Key CCAP directions requiring consideration include the following:

- a) Density is calculated on “net development site” area, which is defined as site area “net of street and park dedications required to satisfy the intent of Area Plan and other City policies”; and
- b) Dedication is not required to satisfy the intent of the Plan in respect to:
 - Non-DCC park and open space (policy 4.1.m); and
 - Non-DCC “minor streets”, lanes, and mews, provided that securing such features via an alternate means results in an outcome equal to or better than what could otherwise have been reasonably achieved under the Plan (policies 4.1.j and 4.1.k).

Based on the above, it is understood that the CCAP does not require the exclusion of non-DCC parks, open spaces, “minor streets”, lanes, or mews from “net development site” area for the purpose of calculating buildable floor area, regardless of how such features are secured (i.e., statutory right-of-way, dedication, or fee simple lot). Furthermore, given that the current Plan allows for density to

be calculated on non-DCC features, how those features are secured (i.e., statutory right-of-way versus dedication or fee simple lot) is of no consequence to the City Centre's projected total buildable floor area, population, anticipated demand for services/amenities, or related considerations.

Consultation

OCP Bylaw preparation Consultation Policy No. 5043 provides direction with regard to consultation requirements for an OCP amendment. As the proposed OCP amendment is limited to text changes clarifying existing CCAP policy and will not increase development nor change existing land use policy, no consultation is required with the Vancouver International Airport Authority (VIAA) or School District No. 38 (Richmond). Notice published in Richmond newspapers and the statutory Public Hearing will provide Richmond residents and interested parties with an opportunity to comment.

Analysis

Proposed CCAP Text Amendments

To make it clear that the City may, in its discretion on a project-by-project basis, include lands dedicated or otherwise transferred to the City for use as non-DCC features in the calculation of "net development site" for the purpose of determining the maximum permitted floor area within the City Centre, text amendments are proposed to the definition of "net development site" and implementation strategies in respect to transportation features (policies 4.1.j and 4.1.k) and park and open space features (4.1.l and 4.1.m), as shown in Attachment 1 and summarized below:

1. **Net Development Site (*Definition*)** – The existing definition is expanded to make clear that "net development site" can include parks, open spaces, "minor streets", lanes, or mews provided that the feature is not identified on the DCC program for land acquisition purposes and the outcome would be equal to or better than what could otherwise have been reasonably achieved under the Plan, as determined to the satisfaction of the City and in accordance with criteria set out in Section 4.0 Implementation and Phasing Strategies of the Plan (as per items 2 and 3 below).
2. **Transportation Features (*Implementation Policies 4.1.j & 4.1.k*)** – Two existing implementation policies are replaced with one new policy that makes clear, among other things, that "minor streets", lanes, and mews may be secured via means that do not reduce "net development site" area for the purpose of determining the maximum permitted floor area, provided that this contributes towards:
 - Equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and
 - Enhanced transportation function, specifically including, but not limited to, expanded network continuity (e.g., the introduction or completion of a "minor street" connecting two or more existing public streets and constructed to its full functional width as determined to the satisfaction of the City).
3. **Park & Open Space Features (*Implementation Policies 4.1.l & 4.1.m*)** – Information regarding the DCC program is redundant and is, thus, repealed. In addition, as with the transportation policies (above), two existing park policies are replaced with one new policy that makes clear, among other things, that park and open space may be secured via means that

do not reduce “net development site” area for the purpose of determining the maximum permitted floor area, provided that this contributes towards:

- Equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and
- Enhanced park and open space function and amenity (e.g., equitable distribution and improved access).

Zoning Considerations

Unlike the CCAP, the Zoning Bylaw determines maximum buildable floor area based on “net site area” (i.e., excluding all road and park secured as dedications and fee simple lots), even in the case of non-DCC features. The implementation of the CCAP policies clarified via the subject text amendments, therefore, requires that the zoning of affected properties are drafted/amended on a project-by-project basis to permit “gross floor area” (based on site area including non-DCC features) to be constructed on “net site” area (excluding non-DCC features). The resulting zones will indicate, on a site-specific basis, that increased density is permitted, provided that the owner dedicates or otherwise transfers to the City a specified amount of land for (non-DCC) park and/or road purposes, as determined to the satisfaction of the City. An example of such a Zoning Bylaw amendment, in respect to the pending rezoning of 7731 and 7771 Alderbridge Way (Onni, RZ 11-585209, first reading of Council, April 23, 2012) is provided for reference as Attachment 2.

Financial Impact

None.

Conclusion

The CCAP identifies new non-DCC parks and roads that may be secured without reducing “net development site” area for the purpose of determining the maximum permitted floor area. Statutory right-of-ways are typically used for this purpose, but dedication and fee simple lots are preferable. To facilitate this alternate approach, text amendments are proposed to clarify existing CCAP policies, and guidance is provided in respect to related project-by-project Zoning Bylaw requirements.



Suzanne Carter-Huffman
Senior Planner/Urban Design

SPC:cas

Attachment 1: Comparison of Existing & Proposed CCAP Policy

Attachment 2: Example of a Draft Zoning Bylaw (Standard Zone) Amendment (RZ 11-585209)

Attachment 1
Comparison of Existing & Proposed CCAP Policy

POLICY	EXISTING CCAP	PROPOSED CCAP TEXT AMENDMENTS
Definition	<p>Net Development Site</p> <p>Net Development Site means the area of a Development Site, net of street and park dedications required to satisfy the intent of Area Plan and other City policies.</p>	<p>Net Development Site</p> <p>Net Development Site means the area of a Development Site net of land dedicated or otherwise transferred to the City for street and park purposes, except the City may, in its discretion on a project-by-project basis, include land dedicated or otherwise transferred to the City for a park, open space, Minor Street, lane, or mews in the calculation of Net Development Site (for the purpose of determining the maximum permitted floor area) if the following criteria are satisfied:</p> <ul style="list-style-type: none"> • the feature is not identified for land acquisition purposes on Richmond's Development Cost Charge (DCC) program; and • the development outcome would be equal or better than what could otherwise have been reasonably achieved under the Plan, as determined to the satisfaction of the City and in accordance with Section 4.0, Implementation and Phasing Strategies, of the Plan.
4.1.j)	<p>Major Thoroughfares, Major Streets & Minor Streets</p> <p>These streets are to be dedicated and their alignment should be considered fixed as per the Plan, except that in the case of Minor Streets, the City may determine that this can be varied, provided that the alternative alignment and/or means of securing a designated Minor Street for public use results in a specific benefit to the community and a situation that the City considers to be equal or superior to what would otherwise have been achievable under the Plan with regard to:</p> <ul style="list-style-type: none"> • the intended transportation functions of the street and related mobility and access networks; • costs, risks, and liability incurred by the City; • the form of development on the affected development site and its neighbours. 	<p>Major Thoroughfares, Major Streets, Minor Streets, Lanes & Mews</p> <p>These features are to be dedicated and their alignment should be considered fixed as per the Plan, except that, at the discretion of the City on a project-by-project basis, Minor Street, lanes, and mews may be:</p> <ul style="list-style-type: none"> • realigned, closed, or added to enhance network continuity, functionality, and related characteristics of the feature for vehicles, pedestrians, bicycles, loading, and other uses; and • secured such that the area of the feature may be included in Net Development Site (for the purpose of determining the maximum permitted floor area) provided that the feature is not identified for land acquisition purposes in Richmond's Development Cost Charge (DCC) program and the development outcome would be equal or better than what could otherwise have been reasonably achieved under the Plan, including: <ul style="list-style-type: none"> ▪ equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and ▪ enhanced transportation function, specifically including, but not limited to, expanded network continuity (e.g., the introduction or completion of a Minor Street connecting two or more existing public streets and constructed to its full functional width as determined to the satisfaction of the City).
4.1.k)	<p>Lanes & Mews</p> <p>The alignment, the means by which these routes will be secured for public use, and the nature of that use (e.g., vehicles, pedestrians, bicycles, loading, other public uses) will be determined, to the satisfaction of the City, through Richmond's development review process.</p>	<p>INTENTIONALLY BLANK</p>

POLICY	EXISTING CCAP	PROPOSED CCAP TEXT AMENDMENTS
4.1.l)	<p>Park & Open Space on the DCC Program</p> <p>Where specific parkland acquisition and parkland development are in the City-Wide DCC Program, developers will be eligible for DCC credits or rebates if they have given land for park or constructed the park improvements, but only to the maximum extent of the park costs in the City-Wide DCC Program and the maximum extent of their parkland acquisition and development DCC payments to the City-Wide DCC Program.</p>	<p>Park & Open Space</p> <p>These features are to be dedicated or otherwise transferred to the City (i.e., fee simple lot) and their size and location should be considered fixed as per the Plan, except that, at the discretion of the City on a project-by-project basis, features may be:</p> <ul style="list-style-type: none"> • reconfigured to enhance network continuity, functionality, public amenity, site-specific considerations, and related characteristics of the feature; and • secured such that the area of the feature may be included in Net Development Site (for the purpose of determining the maximum permitted floor area) provided that the feature is not identified for land acquisition purposes in Richmond's Development Cost Charge (DCC) program and the development outcome would be equal or better than what could otherwise have been reasonably achieved under the Plan, including: <ul style="list-style-type: none"> ▪ equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and ▪ enhanced park and open space function and amenity (e.g., equitable distribution and improved access).
4.1.m)	<p>Park & Open Space Not on the DCC Program</p> <p>Where specific park and open space are not on the City-Wide DCC Program, developers will be required to:</p> <ul style="list-style-type: none"> • provide a right-of-way to secure the park and open space as privately owned publicly accessible areas (POPAs) as part of the development approval process; or • acquire the parkland and develop the parkland, or contribute to the acquisition and development of all or a portion of the parkland, in order to advance their development and that particular park and open space ahead of the City's DCC Program. 	<p style="text-align: center;">INTENTIONALLY BLANK</p>



**City of
 Richmond**

Bylaw 8884

**Richmond Zoning Bylaw 8500
 Amendment Bylaw No. 8884 (RZ 11-585209)
 7731 and 7771 Alderbridge 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 adding a new sub-section 3 to Section 8.12.4 Permitted Density as follows:
 - “3. Notwithstanding Section 8.12.4.2, for the RAH2 zone the maximum floor area ratio for the net site area of the site located within the City Centre shown on Figure 1 below shall be 2.28, provided that:
 - (a) the conditions in either paragraph 8.12.4.2(a) or 8.12.4.2(b) are complied with; and
 - (b) not less than 3,538 m² of the site is dedicated to the City as road.

Figure 1



2. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, as amended, is further amended by repealing the existing zoning designation of the following lots and designating them High Density Low Rise Apartments (RAH2)

P.I.D. 000-859-958
 Lot 89 Section 5 Block 4 North Range 6 West New Westminster District Plan 38045

P.I.D. 000-806-943
 Lot 96 Section 5 Block 4 North Range 6 West New Westminster District Plan 39888

3. This Bylaw may be cited as “Richmond Zoning Bylaw 8500, Amendment Bylaw No. 8884”.

FIRST READING
 A PUBLIC HEARING WAS HELD ON
 SECOND READING
 THIRD READING
 OTHER REQUIREMENTS SATISFIED
 ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

 MAYOR

 CORPORATE OFFICER



Richmond Official Community Plan Bylaw 7100
Amendment Bylaw No. 8888
CITY CENTRE AREA PLAN

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

1. Richmond Official Community Plan Bylaw 7100, Schedule 2.10 (City Centre Area Plan) is amended by:

- 1.1. On page A-1, repealing the definition of “Development Site – Net” and replacing it with the following:

“Net Development Site means the area of a Development Site net of land dedicated or otherwise transferred to the City for street and park purposes, except that the City may, in its discretion on a project-by-project basis, include land dedicated or otherwise transferred to the City for a park, open space, Minor Street, lane, or mews in the calculation of Net Development Site (for the purpose of determining the maximum permitted floor area) if the following criteria are satisfied:

- the feature is not identified for land acquisition purposes in Richmond’s Development Cost Charge (DCC) program; and
- the development outcome would be equal to or better than what could otherwise have been reasonably achieved under the Plan, as determined to the satisfaction of the City and in accordance with Section 4.0 Implementation and Phasing Strategies of the Plan.”

- 1.2. On page 4-3, repealing policy 4.1.j) and replacing it with the following:

“Major Thoroughfares, Major Streets, Minor Streets, Lanes & Mews

These features are to be dedicated and their alignment should be considered fixed as per the Plan, except that, at the discretion of the City on a project-by-project basis, Minor Streets, lanes, and mews may be:

- realigned, closed, or added to enhance network continuity, functionality, and related characteristics of the feature for vehicles, pedestrians, bicycles, loading, and other uses; and
- secured such that the area of the feature may be included in Net Development Site (for the purpose of determining the maximum permitted floor area) provided that the feature is not identified for land acquisition

purposes in Richmond's Development Cost Charge (DCC) program and the development outcome would be equal to or better than what could otherwise have been reasonably achieved under the Plan, including:

- equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and
- enhanced transportation function, specifically including, but not limited to, expanded network continuity (e.g., the introduction or completion of a Minor Street connecting two or more existing public streets and constructed to its full functional width as determined to the satisfaction of the City)."

1.3. On page 4-3, repealing policy 4.1.k) and leaving it intentionally blank.

1.4. On page 4-3, repealing policy 4.1.l) and replacing it with the following:

"Park & Open Space

These features are to be dedicated or otherwise transferred to the City (i.e., fee simple lot) and their size and location should be considered fixed as per the Plan, except that, at the discretion of the City on a project-by-project basis, features may be:

- reconfigured to enhance network continuity, functionality, public amenity, site-specific considerations, and related characteristics of the feature; and
- secured such that the area of the feature may be included in Net Development Site (for the purpose of determining the maximum permitted floor area) provided that the feature is not identified for land acquisition purposes in Richmond's Development Cost Charge (DCC) program and the development outcome would be equal to or better than what could otherwise have been reasonably achieved under the Plan, including:
 - equal or better results in respect to built form and character, level of public amenity, adjacency considerations, and City goals, objectives, costs, risks, liability, and related considerations; and
 - enhanced park and open space function and amenity (e.g., equitable distribution and improved access)."

1.5. On page 4-3, repealing policy 4.1.m) and leaving it intentionally blank.

- 2. This Bylaw may be cited as "Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 8888".

FIRST READING

MAY 28 2012

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by <i>[Signature]</i>
APPROVED by Director or Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER