



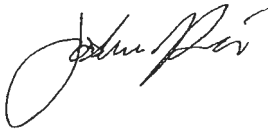
City of Richmond

Report to Committee

To: Planning Committee **Date:** August 22, 2024
From: Joshua Reis **File:** 08-4105-00/Vol 01
 Director, Development
Re: **Early Review of Rezoning Applications Involving a Major OCP Amendment**

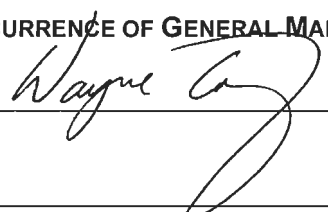

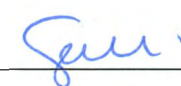
Staff Recommendation

That staff bring forward all new rezoning applications involving a major amendment to the City's Official Community Plan for early review by Planning Committee and Council, as described in the report titled "Early Review of Rezoning Applications Involving a Major OCP Amendment", dated August 22, 2024 from the Director, Development.



Joshua Reis, MCIP, RPP, AICP
 Director, Development
 (604-247-4625)

JR:sb

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Parks	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO
		

Staff Report

Origin

On May 16, 2023, Planning Committee passed the following resolution:

That staff review how Council can review projects early in the process to allow for Council input on initial concepts prior to final development of a project, and report back.

This report responds to the above referral and recommends that Planning Committee and Council be engaged in the early review of new rezoning applications that have an associated major amendment to the City's Official Community Plan (OCP).

This report supports Council's Strategic Plan 2022-2026 Focus Area #2 Strategic and Sustainable Community Growth:

Strategic and sustainable growth that supports long-term community needs and a well-planned and prosperous city.

Analysis

Rezoning Application Technical Review Process

Prior to securing a development site and pursuing a development project, including submitting a rezoning application, developers assess the economic feasibility of their development projects, including reviewing the OCP, Area Plans, City Council policies, strategies and requirements. In addition, developers may engage staff in informal pre-application meetings to discuss the potential redevelopment of a site, which may include the review of concept plans and associated material.

When a formal rezoning application is submitted to the City, staff promote public awareness of the application by mailing early notification postcards to owners and occupants of neighbouring properties and requiring applicants to install informational signage onsite. Staff regularly maintain and publish a list of current development applications received throughout the year on the City website (www.richmond.ca/business-development/devzoning/currentdevapps.htm).

Rezoning applications are brought forward to Planning Committee for consideration as quickly as possible upon resolution of a broad range of technical matters. The timing of the technical review process is dependent on the applicant submitting the information needed for review and for achieving resolution of any identified issues. Each rezoning application undergoes a thorough technical review and analysis by staff, including land use, density, site planning, project design, as well as parking, existing tree management and accommodations for firefighting, bicycle and vehicle parking and loading. Road network and servicing needs of each site and proposal are reviewed, including coordination of works with other City departments such as transportation, engineering and public works and Richmond Fire Rescue. This process includes a review of technical studies, which may include Transportation Impact Analysis reports, Arborist Tree Management reports, Qualified Environmental Professional reports and Engineering studies.

Applications are reviewed for compliance with the City's Official Community Plan, Area Plans, Sub-Area Plans and associated policies and strategies, and the City's Zoning Bylaw and other bylaws.

Rezoning application proposals often change through the rezoning application review process as a result of responding to the City's technical review, changes in scope initiated by the developer, or changes in ownership and may include changes to building height, massing, orientation, access, distribution of land uses, onsite project design and off-site City infrastructure and servicing design. The technical analysis and review must be complete prior to Council's consideration of a rezoning application as it defines the items secured through the zoning bylaw and corresponding rezoning considerations, both of which must be agreed to in advance by the applicant.

Staff reports regarding rezoning applications are brought forward to Planning Committee as soon as possible upon completion of this technical review, completion of proposal details and preparation of a staff report including all rezoning considerations and conditions. In addition, the subsequent Development Permit application provides further opportunity for design development in response to any direction provided by Council at the time of the rezoning.

When all rezoning documents are complete, the application is forwarded to Planning Committee for consideration and may subsequently be forwarded to a Council meeting and a Public Hearing, as required, where members of Council and the public may provide input.

The rezoning application review and approval process is the same for applications that comply with the OCP or propose to amend the OCP.

Effects of Provincial Housing Legislation (Bill 44) on the Rezoning Process

The Province, through Bill 44, now prohibits Council from holding a Public Hearing when an application for rezoning involves 50 per cent or more residential use and is consistent with the OCP. This legislation is aimed at streamlining the process and reducing timelines for approvals.

Municipal Scan

Staff conducted a scan of processes for rezoning application early review by Council or Council-appointed committees in a number of other local governments in the region. Based on this scan, staff have discovered that the early review of rezoning applications by Council is not the norm, and of those municipalities where there is an early review process, the review is limited to those applications where there is a major or significant amendment to the OCP.

Two of the local governments provide opportunities for early review by Council of major applications only (City of New Westminster and City of Port Moody) and a third local government (City of Coquitlam) provides staff with discretion to seek early review by Council.

Rezoning Application Referral History

Since January 1, 2021, approximately 106 rezoning staff reports have been reviewed by General Purposes Committee and Planning Committee and only five rezoning applications, representing less than five per cent, were referred back to staff.

The five applications referred back to staff either included a major OCP amendment or the referrals were limited to site-specific issues that would not have been identified until after staff had completed their detailed technical review of the applications.

The five rezoning applications were generally referred for the following reasons:

- Consideration of additional affordable housing and market rental housing provisions.
- Further heritage design development and consideration.
- Additional information from the applicant and economic analysis.
- Consideration of public comments received at a Public Hearing respecting site access.
- Consideration of changes requested by the applicant at the Public Hearing.

Legal Limitations

There are legal limitations on Council's early review of a rezoning application so that it does not conflict with, or fetter, Council's discretion when making formal decisions regarding the subsequent rezoning staff report and the associated zoning and OCP amendment bylaws.

Accordingly, the direction provided by Council to staff through an early review process must avoid approving or denying the rezoning application so that: (a) Council's future discretion to approve or deny the application is maintained; and (b) Council's formal approval or denial of an application occurs within the official legal process for consideration of the application.

Proposed Early Review by Planning Committee and Council of New Rezoning Applications Involving a Major OCP Amendment

Based on staff's review and analysis, there is value in obtaining early input from Council where a major OCP amendment would be required as part of a rezoning application.

Staff recommend that new rezoning applications, received after Council's approval of this report, and that include a major OCP amendment be forwarded to Planning Committee and Council for early informal review. Major OCP amendments would be limited to those amendments that increase the permitted land use prescribed in the OCP or change the location of lands designated for park purposes. Examples include, but are not limited to requests to amend the OCP to:

- change land use designation from industrial to commercial or residential use;
- change the form of development from townhouses to apartments; or
- change the location of lands designated as Park (e.g., move lands designated as park from one location on a subject site to another).

The purpose of this early review process would be for City staff to receive, and the applicant to consider, preliminary comments provided by Planning Committee and Council pertaining to the request for a major OCP amendment.

These comments would then be used to help inform the technical and comprehensive review of the rezoning application, which would be brought to Planning Committee and Council for consideration as part of a future staff report together with bylaws for consideration. The future staff report and bylaws would, if endorsed by Council, be forwarded to a Public Hearing where members of Council would have the opportunity to hear from the community.

This new process is recommended to provide an opportunity for Planning Committee and Council to provide preliminary informal comments regarding new rezoning applications that seek to deviate from established Policy. This would involve an additional step in the review process for rezoning applications involving a major OCP amendment, which would require additional staff time to complete. However, if the applicant addresses the preliminary informal comments, efficiencies could be gained to save time overall. Given the number of applications involving a major OCP amendment that the City receives (approximately one to three applications per year), this new process is not anticipated to result in significant application processing timeline impacts for the affected OCP amendment applications or other development applications already under review.

Limits on the amount of detail and Council's decisions

While the early review process would provide Planning Committee and Council with an opportunity to provide informal review comments on a request for a major OCP amendment early in the application process, the early input staff report would be limited to a high-level overview of the areas of non-compliance with the existing Official Community Plan (OCP), along with the initial concept site plan and land uses. Detailed information, including but not limited to technical engineering requirements, compliance with Council approved City policies and bylaws, amenity contributions, tree assessment and retention, site grading and the proposed zoning and OCP amendment bylaws, would not yet be available at this stage.

Under this early review process, Planning Committee and Council could make one of two decisions without fettering their discretion and future consideration of the rezoning report and associated bylaws:

1. That staff work with the applicant to consider the provided preliminary review comments as part of the comprehensive review of the rezoning application; or,
2. That staff work with the applicant to revise their proposal to comply with existing OCP policy.

Minor OCP Amendments and In-Stream Applications

This process would not apply to new rezoning applications that comply with the OCP or rezoning applications that include minor OCP amendments, such as housekeeping text amendments, minor clarifications, or changes to the location of roads and pedestrian or cycling routes.

Rezoning applications meeting this general criteria would continue to be reviewed and brought forward to Planning Committee and Council upon completion of a comprehensive and technical review of the proposal, consistent with staff's current practices. Staff do not recommend seeking early input on these applications, as it would result in an increase in the application processing time and divert staff resources away from other applications.

The early review process would apply to new rezoning applications received on a go-forward basis, as comprehensive technical review has already commenced on those applications that are already in-stream. In-stream rezoning applications will proceed to proposal finalization, staff report preparation and Planning Committee review as soon as possible.

Financial Impact

The proposed early review by Council of rezoning applications with a major OCP amendment can be accommodated within the existing budget and staff resources. Further, staff do not recommend any change in application fees as a result of the implementation of this new process.

Conclusion

In response to the referral from Planning Committee, staff investigated opportunities for Council's early review and comments regarding rezoning applications early in the process.

Staff recommend implementing an early review process for new rezoning applications involving a major OCP amendment, limited to those OCP amendments that increase the permitted land use prescribed in the OCP or change the location of lands designated for parks purposes.



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