



City of Richmond

Report to General Purposes Committee

To: General Purposes Committee **Date:** April 28, 2009
From: Phyllis L. Carlyle **File:**
General Manager, Law & Community Safety
Re: Lower Mainland Pretrial Centre - Impact of Locating a Pretrial Centre in Richmond, and Evaluation Of Potential Sites

Staff Recommendation

That a letter be sent to Metro Vancouver indicating the City of Richmond does not want to be considered as a potential host community for the new Lower Mainland Pretrial Centre.

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FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Economic Development	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	 REVIEWED BY CAO YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Real Estate Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
R.C.M.P.	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		

Staff Report

Origin

On March 24, 2009 the Solicitor General, John van Dongen announced that he would ask the Mayors of Metro Vancouver to propose a location for the new Lower Mainland Pretrial Centre. The Metro Vancouver Mayors have until September 1, 2009 to make their proposal. However, Metro Vancouver has requested that expressions of interest from municipalities willing to be a host community for a pretrial centre be forwarded by May 15, 2009.

Therefore the purpose of this report is to determine whether there is benefit in the City expressing an interest as a potential host community for the Lower Mainland Pretrial Centre. This investigation included assessing the overall impact of a pretrial centre within the City, as well as analyzing potential sites in Richmond based on the criteria established by the Province, as well as criteria specific to Richmond.

Finding of Facts

The Province is responsible for remanding persons in pretrial centres as they await the outcome of their court proceedings. The lower mainland is the largest area of demand within the province. In the lower mainland there are two pretrial centres – the 150 cell Surrey Pretrial Services Centre, and the 300 cell North Fraser Pretrial Centre in Port Coquitlam. The two current facilities are operating at between 190-210% of their capacity. The proposed Lower Mainland Pretrial Centre would have an initial capacity of 180 cells, with the potential for future growth. The model adopted by the Ministry of Public Safety/Solicitor General (PSSG) is a regional facility, serving courts from Vancouver Provincial, Supreme and Appeal Courts, as well as courts from the Sunshine Coast to New Westminster and Richmond. Remanded inmates from all regional courts will be housed in one location, and because the facility will serve various courts it does not need to be adjacent to any one courthouse, but should be close to the epicentre of all the courts.

In 2006, the PSSG commissioned a Study to search for appropriate sites for a Remand Centre in the Lower Mainland. Carmichael Wilson Property Consultants (CWPC) February, 2007 report looked at 60 sites in the Lower Mainland as possible locations for a pretrial centre - 11 of the sites are located in Richmond.

The PSSG developed further search parameters and key site characteristics to evaluate the suitability of each of the candidate sites for the pretrial centre. As a result of the narrowed search criteria, 31 candidate sites were shortlisted, including the 11 in Richmond. The Ministry then assessed and eliminated these short-listed candidate sites based on one or more of the following criteria:

- Located within the Agricultural Land Reserve
- Located in designated conservation area
- Location does not service multiple regional courthouses
- Economics (over \$1 million/acre: purchase, rezoning and site servicing/readiness)
- Located within floodplain area

Through this process of evaluation, the Willingdon Lands site was identified as the preferred site.

On August 15, 2008 the Provincial government announced plans to locate the new Lower Mainland Pretrial Centre in Burnaby on the site of the former youth detention centre at 3405 Willingdon Avenue. Burnaby City Council expressed concerns with the proposed location at their January 12,

2009 Council meeting, and passed a resolution to advise the Province of their opposition to the proposed development. As result of Burnaby Council's opposition, as well as significant public opposition the Solicitor General announced that he would ask the Mayors of Metro Vancouver to propose a location for the pretrial centre keeping in mind the Provincial criteria.

Analysis

A staff team was assigned to investigate the impacts of a Pretrial Centre in Richmond. The team consisted of the Manager, Economic Development, Director of Development, Manager, Engineering Planning, Manager, Real Estate Services, a representative from the Richmond RCMP Detachment and the Manager, Community Safety Policy and Programs. The team's objectives were to:

- assess the economic, social and environmental (Triple Bottom Line) impacts of a Remand Centre in Richmond,
- review the 11 Richmond sites identified in the CWPC report based on Richmond specific and PSSG criteria
- identify and assess any additional potential pretrial centre sites with the City

Triple Bottom Line Impact

Economic

According to former Solicitor General John van Dongen, the original 180-cell pretrial centre for the Willingdon site would have resulted in a positive net economic impact for the Burnaby community. With an operational budget of \$18.4 million, the Burnaby pre-trial centre would have brought in 200 to 250 construction jobs, 175 long-term employment opportunities and grants to the City in lieu of taxes. The PSSG estimates that the North Fraser Pre-Trial Centre paid over \$400,000 to Port Coquitlam in 2008.¹

The PSSG's economic impact assessment does not take into account the opportunity cost associated with the pretrial centre. All suitable locations for housing the pretrial centre in Richmond, identified in the CWPC consultant report, reside on industrial-zoned land. The following compares the monetary impacts of utilizing the land under a major and light industrial scenarios versus the pre-trial centre scenario. Assumptions:

- Average price of industrial land = \$1.2 million per acre
- Minimum land requirement = 15 acres contiguous space
- Approximately \$267,000 in grants in lieu of tax payments to host municipality (since the North Fraser pretrial centre houses 300 cells, compared to the 180 cells needed under the proposed pretrial centre, it is reasonable to assume the municipality housing the proposed centre would realise about 2/3 of the grant in lieu of tax payments, everything else being equal)

Factor	Pretrial Centre	Major Industry	Light Industry
Minimum Land Cost	\$ 18 Million	\$ 18 Million	\$ 18 Million
Revenue Potential	\$18.4 Million	> \$18.4 Million	> \$18.4 Million
Jobs Potential	175 Employees	> 175 Employees	> 175 Employees
Potential City Revenue	\$267,000	\$374,000	\$345,000

¹ Source: van Dongen, John, "New pre-trial facility will benefit Burnaby", Burnaby NewsLeader (30 January 2009) – http://www.bclocalnews.com/greater_vancouver/burnabynewsleader/opinion/letters/38723499.html

From a cost-benefit perspective, suitable Richmond sites identified in the CWPC consultant report would be larger contributors to the Richmond economy if they housed a major or light industry operation, as per their initial zoning parameters, than a pretrial centre. Profit generation drives business expansion, which in turn may result in revenue growth and hiring. On the other hand, government institutions are profit-neutral and do not generate revenues/employment beyond their operational budgets and capacity. Moreover, industrial land is a scarce commodity in Richmond and the impacts from re-zoning such lands for institutional use are not localized to the site but affect the entire long-term sustainability of the community. A pretrial facility may devalue land around it and thus negatively affect both landowners and City revenues.

In addition, it is difficult to estimate the impact of negative media that Richmond may receive as a result of housing the proposed pre-trial facility. It is expected that such a facility would attract court reporters covering court appearances of remandees. While the vast majority of remandees would come from communities around Richmond, the presence of the media may be misinterpreted as wrong-doing within the community.

Social Impacts

A social benefit of a Lower Mainland pretrial facility residing in Richmond would be the accessibility and proximity for the families of Richmond residents held at such facility. However, a PSSG backgrounder on the origin of detainees for the remand centre estimates that the majority would come from Vancouver (74%) with only a small portion (6%) coming from Richmond.

From a policing perspective, the Coquitlam RCMP Detachment responds on average to 150 files/investigations per year at the North Fraser Pretrial Centre, with 49 files to date in 2009. The investigations are primarily assaults (common, serious, sexual), uttering threats, drugs, and assisting other agencies (warrants, breaches, DNA collection), as well as numerous assists for BC Ambulance and Fire Rescue. These calls for service exist because of the presence of a pretrial centre in Coquitlam, and have a significant impact on police resources.

It is Richmond and Coquitlam Detachments' anecdotal experience that a significant amount of property crime is related to offenders released into the community surrounding the pretrial centre. The Richmond Crime Reduction Unit has surveilled prolific offenders from Richmond upon their release in Coquitlam and observed offences committed within an hour of release (auto theft). Based on PSSG statistics showing 74% of offenders will be from the Vancouver Courts, Richmond RCMP will be responsible for a large amount of follow-up court ordered actions for offenders (DNA collection, warrants, breaches etc) who are not Richmond residents. Richmond RCMP anticipates a rise in criminal activity based upon offenders being released into Richmond resuming criminal activity (primarily property and drug offences). The Coquitlam RCMP is not compensated by the Province with additional funding to cover the increased demand of North Fraser Pre-Trial in their community.

Environmental Impacts

One possible environmental benefit of a lower mainland pretrial centre in Richmond, would be the potential to make such a facility a precedent-setting sustainable Provincial facility. Since the proposed facility would exceed 20,000 sq. ft., Richmond's Green Roof By-law would apply to the pretrial centre and it would be required to either have a green roof or provide alternatives, as per the adopted by-law, which would reduce its environmental impact on the City's infrastructure. The Green Roof By-law would apply to private development of a similar size. The Province may

contend it is not bound by Richmond's bylaws, however staff would attempt to apply Richmond's Green Roof Bylaw or otherwise attempt to make sure that the development was as environmentally sustainable as possible.

All the proposed Richmond sites are located at a maximum distance from existing court facilities and, as such, would result in environmental impacts related to the number of vehicles required to transport remandees and staff to and from the existing courts.

Analysis of locations in Provincial Report

The PSSG established a number of specific suitability criteria that any proposed site for the pretrial centre must meet before it can be considered, these include:

- a minimum buildable area of 5.7 hectares (14 acres), preferably 8.1 hectares (20 acres);
- narrowest dimension of the site should exceed 170 metres (560 feet);
- Serviced, including electricity, gas, water, and sewer;
- Minimal negative environmental conditions;
- Minimal probability of a First nations claim to aboriginal title;
- Maximum probability of expeditious appropriate zoning;
- Proximity to public transit; and
- Not in the Agricultural Land Reserve (ALR).

The site should ideally be located to minimize travel time to the courts in the Metro Vancouver region, however because the pretrial centre will serve various courts it does not need to be adjacent to any one courthouse. The courts are associated with the following estimated proportion of the remand population that will be accommodated:

<u>Court location</u>	<u>% of Remanded Inmates</u>
Vancouver Provincial Supreme and Appeal	74
New Westminster	12
North Vancouver and Sunshine Coast	8
Richmond*	6

*The lease for the Richmond Courthouse expires in 2013, although renewal options are available to extend the leases to 2023, after which time this site is expected to be developed as park and open space.

Analysis of Candidate Sites in Richmond

The criteria used in the 2007 study by which all of the Richmond sites were originally eliminated included any site that is located in the floodplain. However, the Solicitor General's March, 2009 request to the Lower Mainland Mayors did not include that original criteria. Staff reviewed the 11 Richmond sites against the criteria provided and determined that none of the proposed sites would be suitable for a pre-trial facility. None of the sites met all of the criteria provided.

In fact, the sites identified did not meet between four and six of the criteria:

- Seven of the 11 sites are located in the Agricultural Land Reserve.
- All of the sites have moderate to significant environmental issues, ranging from peat soils, which add a considerable premium to construction costs, include Environmentally Sensitive Areas (ESA) or Riparian areas, or may have soil contamination issues.
- None of the proposed sites are located close to frequent public transit service; four of the sites have no public transit.
- None of the sites are located close to the majority of the existing court locations.

- In general, all ALR properties are not serviced with sanitary and may require a Metro Vancouver application to be included in a Metro Vancouver sewerage area.
- Some locations have services available but may require upgrades or an extension to the site.
- Finally, none of the sites would have a maximum probability of expeditious zoning because of the loss of valuable industrial or agricultural land.

A map of Richmond with the locations of the sites, and an analysis of individual sites is contained in Attachment 1.

Criteria from City perspective

In addition to the PSSG criteria, the staff team identified criteria specific to the City based on the priorities and objectives established in various long term plans and strategies:

- Industrial land is at a premium in the City and should not be utilized – there is very limited new supply and diminishing existing supply, particularly in the City Centre Area. Further, there are Council referrals for staff to investigate the options for replacement of the industrial land in the City Centre and elsewhere throughout the City.
- Port Land is too valuable for this use – deep sea port opportunities are vital to the City's economy going forward.
- ALR lands are not to be utilized for non-agricultural uses.
- Residential areas should not be considered as a location for this type of use – local opposition is expected to be significant, and responses could be similar to what has been experienced for proposed group homes and treatment facilities in residential neighbourhoods.
- The City Centre area should not be considered as a location for this type of use – a pretrial centre is not reliant upon other adjacent uses, does not create or stimulate economic uses nearby (i.e., it does not require synergistic adjacent uses as it is a stand alone operation) and in fact could have a sterilizing effect on the surrounding area.
- The remand use is not very land intensive – with the increasing value of land in the City and diminishing opportunities, there are higher and better land uses that could create more and greater economic opportunities for the City.
- Transportation and public transit issues are key locational criteria for the pretrial centre – public transit is excellent within the key areas of Richmond, but generally poor in areas east of Highway 99 and south of Steveston Highway, wherein most of the identified sites are located. In addition, many of the 11 locations arguably have poor or congested access to major transportation corridors.
- Site servicing is integral to the development of the pretrial centre – several of the locations identified have limited if any access at all to municipal services, including appropriately developed roads.

Other Potential Locations

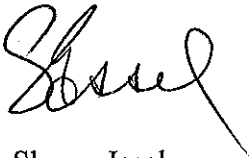
The CWPC report was completed over two years ago, as such it is not necessarily reflective of the availability of other sites within the City which could potentially be the site of the pretrial centre. Notwithstanding the above City criteria, two areas within the CCAP that could, through rezoning, permit a pretrial centre are the non-residential areas north of Bridgeport Road east of Highway 99 to No. 4 Road and the area south of Cambie Road to Alderbridge Way between Hazelbridge Way and Garden City Way. However, there are generally no large sites in these areas and significant consolidation would need to occur. In addition, considerable local opposition would be anticipated.

Financial Impact

There is no financial impact associated with this report.

Conclusion

The 11 Richmond sites identified in the CWPC report for the location of a pretrial centre were reviewed by a staff team and were found to be unsuitable based on the PSSG criteria, as well as the City-specific criteria. In addition to the 11 sites, the availability of other sites in the Richmond was researched, however there are no large sites available that fit the search criteria. The team also examined the overall economic, social and environmental impact of a pretrial centre and found that the disadvantages far outweighed any possible benefits attributable to a City hosting a pretrial centre is their community. Therefore there is no advantage in putting forward the City as a potential host community to Metro Vancouver.

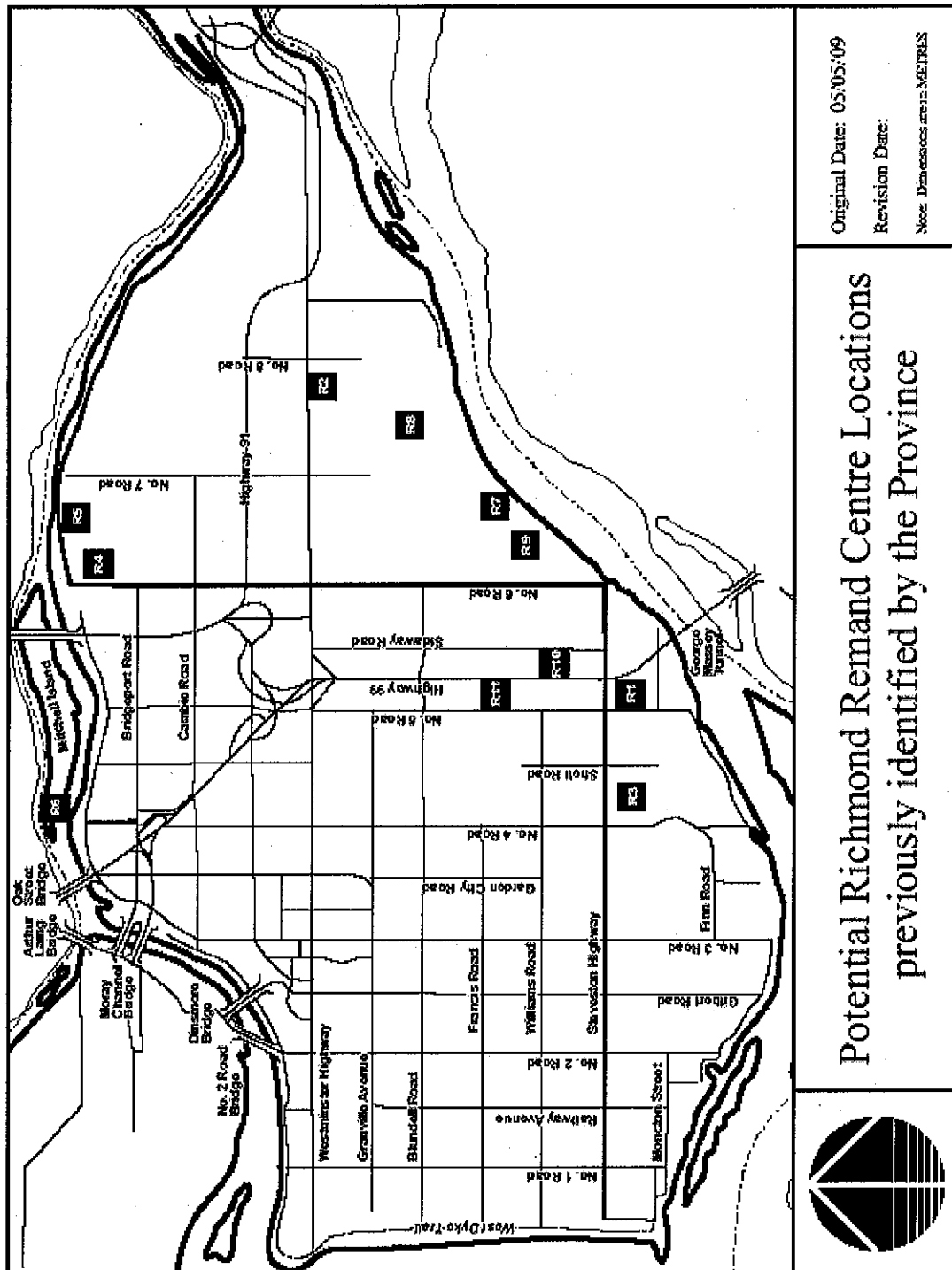


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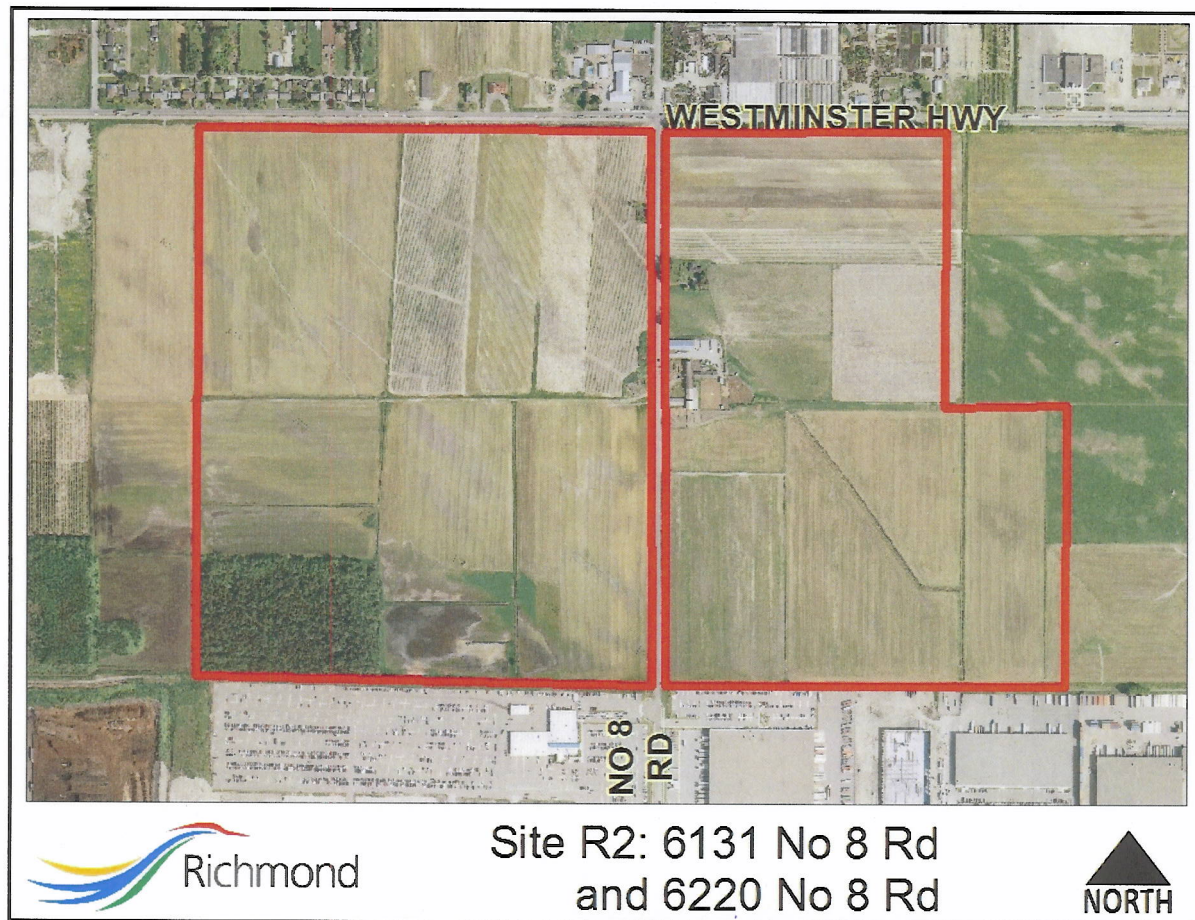




R1 12751 Rice Mill Road

Not suitable:

- does not meet minimum lot dimension of 560 feet
- environmental issues – Environmental Sensitive Areas (ESA - two creeks)
- minimum probability of expeditious zoning because of potential loss of valuable industrial land
- located at the maximum distance from the majority of the court locations
- servicing upgrades required



R2 6131 No. 8 Road and 6220 No. 8 Road

Not suitable:

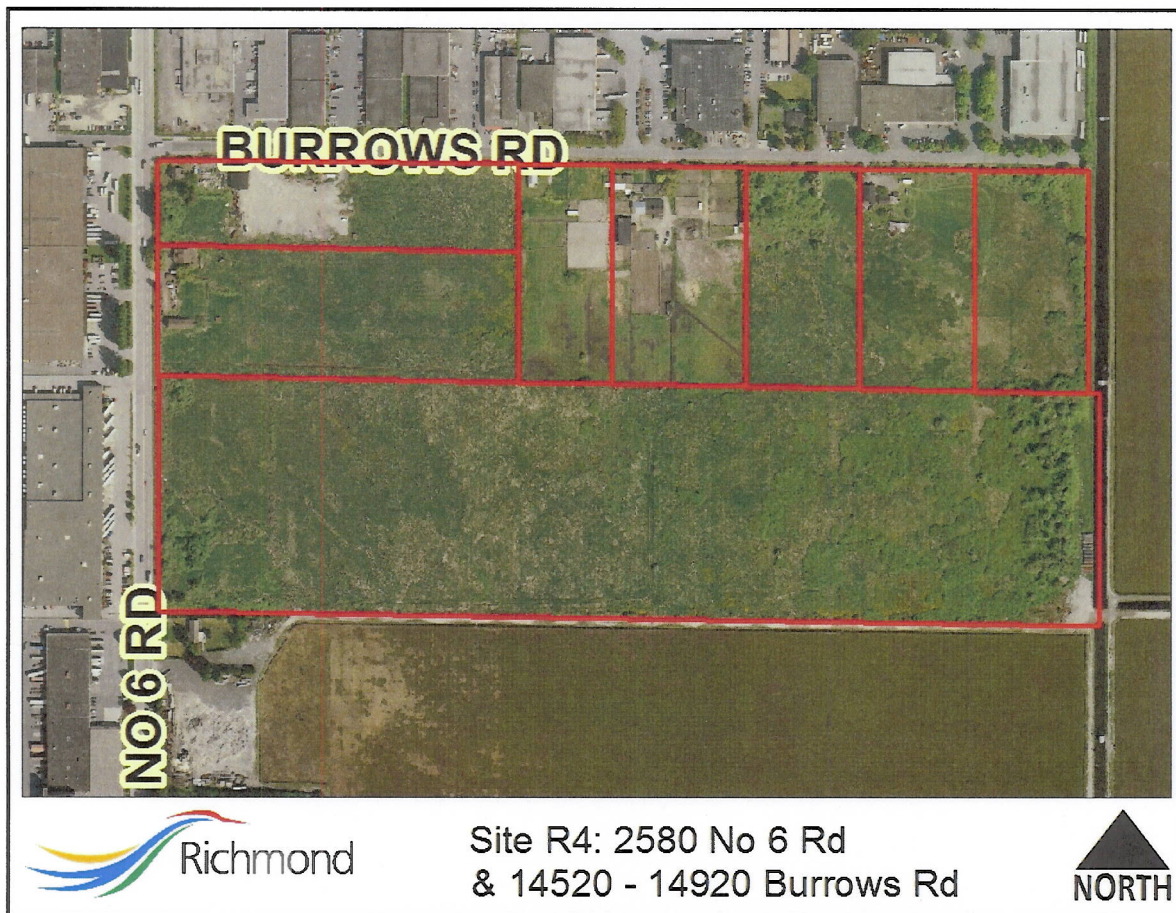
- located in ALR
- limited public transit on Westminster Highway
- environmental issues – soil conditions (peat)
- minimum probability of expeditious zoning because of potential loss of valuable farmland
- located at the maximum distance from the majority of the court locations
- not in a fully serviced area



R3 10400 & 10500 Steveston Highway, 11800 & 13200 No. 4 Road, 10631 & 10871 Dyke Road

Not suitable:

- located in ALR
- environmental issues – soil conditions and ESA issues
- minimum probability of expeditious zoning because of potential loss of valuable farmland
- located at the maximum distance from the majority of the court locations
- not in a fully serviced area



R4 2580 No. 6 Road and 14520-14920 Burrows Road

Not suitable:

- located in ALR
- environmental issues – soil conditions (peat)
- limited public transit on Number 6 Road
- minimum probability of expeditious zoning because of potential loss of valuable farmland
- located at the maximum distance from the majority of the court locations
- servicing upgrades required



R5 14540 Westminster Highway

Not suitable:

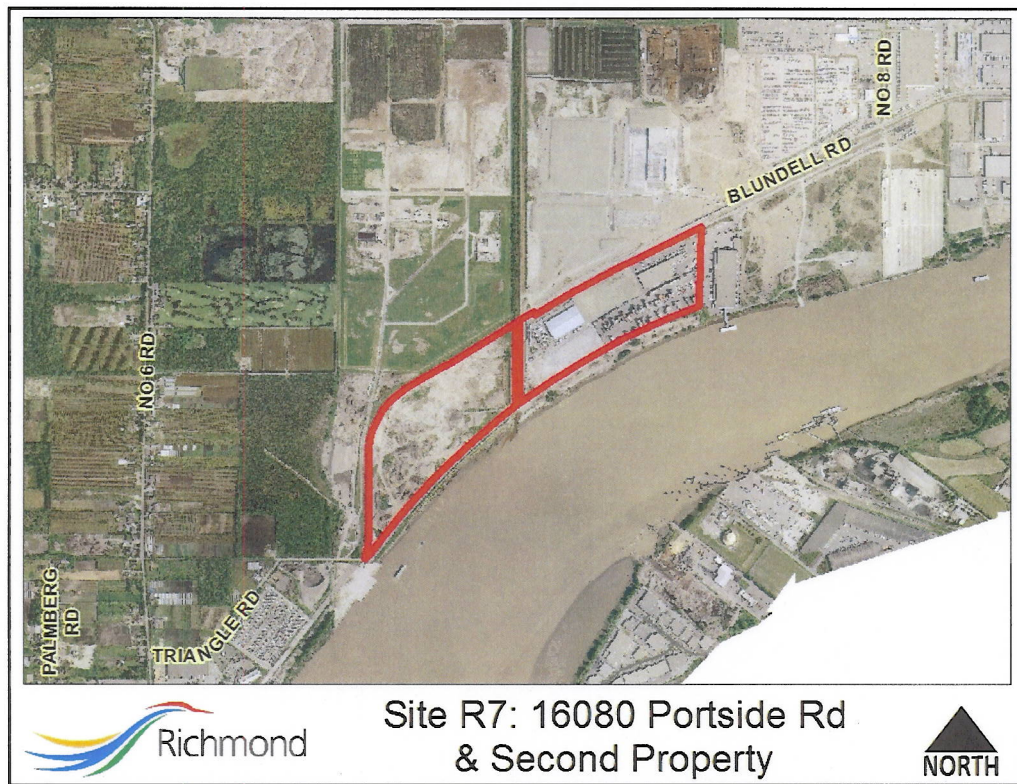
- located in ALR
- environmental issues – soil conditions (peat)
- limited public transit on Westminster Highway
- minimum probability of expeditious zoning because of potential loss of valuable farmland
- located at the maximum distance from the majority of the court locations
- not in a fully serviced area



R6 11 separate titles on Mitchell Island (westernmost tip of the Island)

Not suitable:

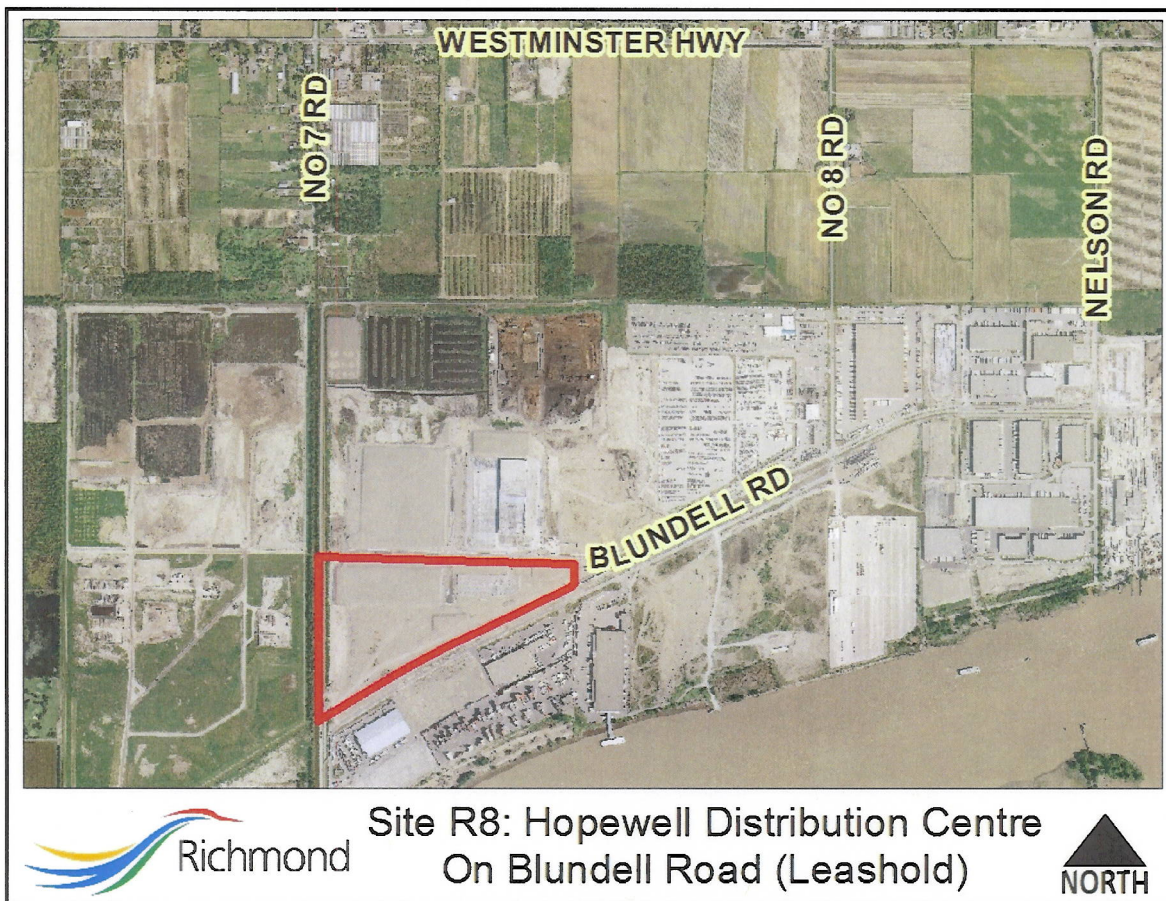
- environmental issues – soil contamination, no dike
- public transit located one mile away
- minimum probability of expeditious zoning because of potential loss of valuable industrial land
- no dike
- servicing upgrades required



R7 16080 Portside Road

Not suitable:

- environmental issues – ESA, Riparian areas, and soil conditions
- no public transit
- minimum probability of expeditious zoning because of potential loss of valuable industrial land
- located at the maximum distance from the majority of the court locations
- servicing upgrades required



R8 Hopewell Distribution Centre on Blundell Road (in Port Metro Vancouver site)

Not suitable:

- environmental issues – soil conditions
- no public transit
- minimum probability of expeditious zoning because of potential loss of valuable industrial land
- located at the maximum distance from the majority of the court locations
- servicing upgrades required



R9 14671 Williams Road

Not suitable:

- located in ALR
- environmental issues – soil conditions (peat)
- no public transit
- minimum probability of expeditious zoning because of potential loss of valuable agricultural land
- located at the maximum distance from the majority of the court locations
- not in a fully serviced area



R10 10051 Sidaway Road

Not suitable:

- located in ALR
- environmental issues – soil conditions and Riparian areas
- no public transit
- minimum probability of expeditious zoning because of potential loss of valuable agricultural land
- located at the maximum distance from the majority of the court locations
- not in a fully serviced area



R11 9220 No. 5 Road

Not Suitable:

- located in ALR
- environmental issues – soil conditions (peat)
- limited public transit on Number 5 Road
- minimum probability of expeditious zoning because of potential loss of valuable agricultural land
- located at the maximum distance from the majority of the court locations
- servicing upgrades required