



City of Richmond
Planning and Development Department

Report to Committee

To: Planning Committee

From: Brian J. Jackson
Director of Development

Re: Application by Palmer Yachts Ltd. for Rezoning at 23740 Dyke Road from Light Industrial District (I2) to Comprehensive Development District (CD/204)

To Council - April 14, 2009
To Planning - Apr 7, 2009
Date: March 27, 2009

RZ 08-414589

File: 12-8060-20-8486

Staff Recommendation

That:

1. Bylaw No. 8486, to create "Comprehensive Development District (CD/204) and for the rezoning of 23740 Dyke Road from "Light Industrial District (I2)" to "Comprehensive Development District (CD/204)" and "School & Public Use District (SPU)", be introduced and given first reading, and;
2. Staff be directed to take the required steps to redesignate FREMP Management Unit II-23.1 under the FREMP-Richmond Area Designation Agreement from "Ic" to "Iwc".

Brian J. Jackson, MCIP
Director of Development

BJ:dcB
Att. 5

FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Real Estate Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Parks Planning, Design & Construction ...	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

PALMER YACHTS LTD has applied for permission to rezone 23740 Dyke Road (**Attachment 1**) from Light Industrial District (I2) to Comprehensive Development District (CD/204) and School & Public Use District (SPU), in order to permit development of a mixed use industrial/water oriented shipyard marina complex with nine single-family character residential units and a lot transferred to the City for future park use.

The owner intends to integrate the uses on the fee simple lot with moorage facilities that he plans to construct along the lot's waterfront under a water lot lease arranged through Port Metro Vancouver.

The eastern half of the subject property will contain a marina office and repair facility plus a City lot for future park use, while the single-family character residential units will be confined to the upland area in the western half of the lot. The project will result in an improved street frontage along Dyke Road including sidewalks and trail connections and a link to a waterfront trail along a portion of the western half of the site.

As this development is wholly outside the City's standard diking system, special provisions have been made in the proposal for flood protection and utility servicing. Special landscape enhancements have also been incorporated into the overall site design to address Fisheries concerns.

Findings of Fact

Lot Description and Site History

The property is located within the Hamilton Area south of Highway 91 along the main arm of the Fraser River (see the location map in **Attachment 1**).

The subject property itself is currently in two parts being bisected by the Highway 91A overpass. The western half of the site is approximately 141m wide and typically over 25m deep. The eastern half of the site is approximately 135 m wide and ranges between 23m deep to just over 7m deep at its eastern boundary.

A vegetated riparian area covers roughly the eastern 100m of the site in an area which is proposed to be transferred to the City for future park use. A small habitat compensation area also exists along the foreshore area in the proposed industrial / marina side of the lot for which DFO has required retention and protection.

The lot had been held for an extensive period of time by BC Packers. With the company's closure, the site was cleared of any structures and put up for sale. Relatively little interest was expressed for use of the site no doubt owing, in part, to its long and narrow shape and the lot has been vacant for a number of years. The lot was eventually purchased by Palmer Yachts Ltd. whose owner has expressed a strong interest in cleaning up and improving the waterfront along this area.

The use of the site is also affected by the Highway 91A overpass which bisects the property and by right of ways for sanitary and water lines which run through the site and across the Fraser River to Delta. These right of ways restrict the placement of buildings or structures (including moorage piers) overtop of the service lines.

Options For Use

Palmer Yachts Ltd. has obtained a water lot lease from the Port Authority for marina use in front of the subject property. Under the existing Light Industrial (I2) zoning, the subject property could be used for industrial-marine related activities requiring only a Development Permit for any new on-land structures. However, the owner/proponent is seeking a higher end mix for this site which will provide moorage and repair services to owners of luxury yachts. The owner has indicated his intent that the nine single family character homes in the western half of the site will have the opportunity of dedicated moorage slips along their waterfront. This proposed incorporation of residential units associated with waterfront moorage necessitates the application for rezoning.

Land Use

Functionally, the property has three land use categories:

- multiple family residential and associated marina west of the Highway 91A overpass;
- marine industrial with an office, repair shop and offshore moorage immediately to the east of the overpass, and;
- proposed City lot with a pathway to the private moorage slips offshore.

The moorage marinas are intended to be private access only. Public access will be restricted via secured and gated structures at each pier end.

It is anticipated that the property will be subdivided into three lots separating the western residential/marina, the eastern industrial/marina, and the park components. Upon subdivision, submerged portions of the fee simple lot will revert to the Provincial Crown. A separate application will be required for the subdivision.

Residential Design

As the uses proposed for the subject site necessitate a Comprehensive Development (CD) zoning schedule, the design elements have been prepared at a comparatively detailed level. A site plan and preliminary development plans are provided in **Attachment 2**. The residential units have been designed with a characteristic waterfront theme employing a variety of roofing and window elements, accent shingling, and maritime lighting elements. The plan includes an open outdoor amenity area and a publicly accessible waterfront trail.

The maritime theme is carried through to the industrial building on the eastern half of the site which also incorporates maritime lighting elements and other features similar to the residential units.

A Development Application Data Sheet providing details about the development proposal is shown in **Attachment 3**. The project is subject to a development permit review where final design details will be resolved.

Surrounding Development

The property lies outside the City's diking system and south of Dyke Road. The lot straddles the Highway 91A overpass between Richmond and Delta.

- To the North: Highway 91 and 91A ramps leading to the Alex Fraser Bridge and Delta. Lands adjacent to these highways are owned and controlled by the BC Ministry of Transportation and Infrastructure.
- To the East: Single-family dwellings within the City of New Westminster sub area of Queensborough.
- To the South: The main arm of the Fraser River.
- To the West: A small vacant waterfront lot zoned Light Industrial District (I2). Further west are actively used industrial sites zoned Light Industrial District (I2) and Business Park Industrial District (I3).

Related Policies & Studies

Hamilton Area Plan Designations

The Land Use Map (see **Attachment 4**) in the Hamilton Area Plan shows the western half of the site with a "Mixed Use Water Oriented Industrial/ Residential" land use designation. The eastern half of the site was not assigned a land use designation owing in part to uncertainty as to the location of the Highway 91A overpass at the time the Area Plan was prepared. The uses (i.e. industrial/marina) proposed for this portion of the site do, however, conform to the OCP Schedule 1 designation of Business and Industry.

Considerable discussion took place as to whether the residential should be placed over the water rather than on land. The proponent's vision for the future of this site necessitates that the residential units be located on land allowing the waterside to be utilized for yacht moorage slips which will then be associated with each of the residential units.

The proposed uses generally comply with the Hamilton Area Plan land use designations.

FREMP Designations

Frempt Habitat Coding Designations

Along the site's 345m length, all three of FREMP's Habitat Coding Designations (Red, Yellow, Green coded habitat) can be found. These designations reflect the range of environmental sensitivity evident along this portion of waterfront. Red designations indicate high productivity, yellow indicating moderate productivity and green indicating low productivity. Compensation is typically not considered an option in red coded habitats and development near these areas is very restricted by FREMP and the Dept. of Fisheries and Oceans (DFO).

The proponent has worked closely with City staff and DFO to prepare a plan which respects the more sensitive habitat areas along the foreshore. Ramps to the moorage slips, for example, have been placed only in the green coded habitat areas to minimize impacts. Low wood rail fencing will be placed between most of the upland features and the foreshore riparian areas. In addition, foreshore vegetation planting, have been incorporated to enhance the entire foreshore. The landscaping improvements will be secured through letter of credit and legal agreements to ensure their protection as a condition of final approval.

Both the site development plans and the planting proposals for the site have been prepared with input from DFO representatives.

FREMP-Richmond Area Designation Agreement --Proposed Amendment

In 1991 the City of Richmond entered into an agreement with the member agencies of the Fraser River Estuary Management Program (FREMP) on foreshore uses. The intent of this agreement was to establish a common understanding between the various agencies with regulatory mandates over the foreshore areas on what uses could be supported. While the agreement is not binding, it is considered an important agreement by the FREMP members.

Under the existing Area Designation Agreement (last revision June 21, 2006), the entire waterfront along the subject site is designated "Ic" meaning that the primary supported use is "Industry" and the secondary support use is "conservation".

Industry is defined in the agreement as: *"Land and water designated for industries that require water-borne transportation, surface use of the water or use of submerged lands in their operation"*.

Conservation is defined in the agreement as: *"Areas of habitat where the primary use is the maintenance and enhancement of continued biological productivity. Conservation areas may be used for activities which do not impair the continued biological productivity of the area."*

The Area Designations assigned to this site are reflective of the time when the site was used by BC Packers as a storage facility for fishing activities. With the closure of BC Packers the previous facilities were removed and the site was placed on the market. Few parties expressed any interest in utilizing this narrow waterfront parcel.

In preliminary discussions with FREMP staff, the proposed development conforms to the "Ic" designation but will require an additional designation, "Water Oriented Residential/Commercial W", to accommodate the upland residential uses on the site.

Staff's recommendations for this application include a direction to staff to take the required steps to redesignate FREMP Management Unit II-23.1 under the FREMP-Richmond Area Designation Agreement from "Ic" to "Iwc".

Environmentally Sensitive Area Designation

An Environmentally Sensitive Area (ESA) designation has been applied to all lands within 30m of the high water mark of the Fraser River in recognition of the sensitive nature of the river and its riparian areas. The subject parcel lies entirely within the designated ESA thereby triggering the requirement for a development permit and special measures to minimize impacts to the Fraser River and its riparian habitats. Some of the measures to be undertaken by this development will include specific placement of pier structures away from "red zoned" marsh areas, retention of existing on-site compensation planting areas, enhancement of the foreshore with riparian vegetation, only native species selections for the on-site tree, shrub and ground cover landscaping, and transfer to the City of a riparian portion of the site. Landscaping installations will be secured via letter of credit or bond and the species selections will be reviewed by both the City and the Department of Fisheries and Oceans.

No amendments to the ESA designation are planned as a result of this development since any future redevelopment of the site will similarly need to be reviewed to minimize impacts.

Affordable Housing

The proponent will be making a contribution of \$2.00 per buildable square foot (approximately \$65,072) to the City's affordable housing fund in accordance with the density bonus provision of the Comprehensive Development zoning schedule (CD/204) which are in keeping with the City's Affordable Housing Strategy.

Consultation

No special consultation meetings were held for this development. The application will be reviewed through the standard public hearing process associated with rezoning applications.

Public Input

Staff have received several phone calls about this project – primarily from individuals living or working in the vicinity of the site seeking more information about the proposed development. To the time of writing, no letters or emails have been received from members of the public.

Staff Comments

Staff have undertaken a technical review of the project. The location of the project outside the dike has raised a number of logistical issues for servicing which have required additional engineering to properly address. The technical responses to these issues are reflected through both the rezoning conditional requirements and the servicing agreement that will need to be signed off prior to final adoption of the rezoning.

Analysis*Flood Construction Elevation and Flood Covenant Requirements*

As the development lies outside the City's dike system, special attention has been paid to ensuring that this development addresses potential flood concerns. For the residential units, not only are the habitable spaces required to meet a Flood Construction Elevation of 3.5m GSC, but the enclosed garage spaces as well. Construction of the lower floors will be concrete walls to add an additional level of safety. All mechanical/electrical devices have been raised above the FCL requirements.

Similarly, the industrial/marina office structure is also to be brought up to the required 3.5m GSC elevation.

The registration of legal agreements on title restricting habitable space and ensuring garage conversions do not take place will be required prior to final adoption of the rezoning. Legal agreements will also be sought recognizing that the development occurs outside the City's standard dikes and indemnifying the City for any damages arising from flood related impacts.

It is anticipated that some adjustments to the site's grades will be made through the Development Permit and Servicing Agreement reviews to ensure a workable transition with the adjacent lands and road frontages for both the residential units and the industrial/marina office building.

*Off Site Improvements / Servicing Agreement**Utility Servicing*

Utility servicing outside the dike posed particular engineering challenges for this site. Utilities such as sanitary systems will be sealed systems with any access points being above 4.4m GSC elevation. Connections through the dike system will be fully engineered to required City standards. Various easements and agreements have been added to the rezoning conditions to ensure that the utility services are fully accessible for maintenance purposes. These agreements will include private connections running across City property (titled road parcel) under the Highway 91A overpass and across private lands to the west of the subject lot. Engineering staff have reviewed and accepted the proponent's sanitary sewer capacity analysis for the site. The proponent's stormwater management concept has been reviewed by Fisheries and Oceans Canada which has indicated that the concept is acceptable to DFO subject to further review as the proposal proceeds.

Dyke Road Improvements

The Servicing Agreement for this project will include improvements to the street frontage and Dyke Road itself. A sidewalk / trail linkage will be added to a new boulevard along the south side of Dyke Road allowing a more formal pedestrian connection to Boundary Road.

The proponent is reviewing the possibility of raising Dyke Road with several external utility firms. If permitted, raising the road will have the added benefit of strengthening the dike protection in this area. These details and any limitations imposed by other external agencies (e.g. Ministry of Transportation and Infrastructure, B.C. Hydro, B.C. Gas, etc.) will be determined through the Servicing Agreement for this development. Some adjustment to the calculation of building heights may need to be made via variance at the Development Permit stage depending upon how much Dyke Road is to be raised and what grade transitions are required for the driveways to the residential units from the roadway. The Public Works staff agree with this approach.

Transfer of Lot to the City and Access to the Marina

This project incorporates a transfer of approximately 0.211 acres to the City for future park use. This area is relatively well vegetated with trees and undergrowth which serves as important foreshore habitat and provides valuable food resources for fish in the Fraser River. The transfer will ensure that the stand is protected for the long term.

The owner/proponent has requested that the transferred lot be named "Gordon Palmer Park" after his father. The naming of parks is at Council's discretion as per Policy 2016. A separate report to Council from City Parks staff will explore this proposal at a future date.

The rights of way associated with the two utility service lines (sanitary & water) that cut across the "park" portion of the subject lot and lead to Delta have affected the arrangement of the marina moorage such that the eastern group of piers in front of the park are not able to directly link to the other piers to the west. The only way to access this group of piers will be via a short trail link across the park itself. In order to provide this link once the lot has been transferred to the City a licence agreement will be drawn up as a condition of the rezoning approval. This agreement will provide the conditions for access, limit liability, fee requirements, establish terms for renewal and other legal issues related to the use of the trail link. No servicing connections are currently planned to be carried through the proposed park.

Parking Provisions

Staff had originally requested that the developer investigate the provision of parking on the north side of Dyke Road which has vacant lots owned by the Ministry of Transportation and Infrastructure. The proponent was unsuccessful in his attempts to either purchase or lease these lands from the MOTI. As a consequence the proponent has worked with staff to meet all of the standard parking requirements on the subject lot with the exception of the required setback for vehicle parking adjacent to a public road.

Proposed vehicle setbacks for the industrial/marina (east of the Highway 91A overpass) side of the subject site vary from a minimum of 0.3m to 0.6m as opposed to the minimum standard 3.0m setbacks for industrial and marina developments. The narrowness of the site, the presence of the "no disturbance habitat compensation area" and the desire to maximize the park area, have served to eliminate any alternative layouts for the parking that would achieve the usual 3.0m setback. Staff have noted, however, that the boulevard in front of this development is wider than normal at over 4 metres. In addition, the owner has agreed to install a vegetation screen with a trellis between the parking and the boulevard to reduce the visual impacts from the road. Staff have considered that this to be a reasonable design response given the site constraints. The reduced vehicle setback will further refined through the Development Permit review.

Similar Land Use on Adjacent Lots

The Hamilton Area Plan designation of "Mixed Use Water Oriented Industrial/ Residential" applies to the foreshore area between the Highway 91A overpass and Queens Road. Within this region only the neighbouring property (23700 Dyke Road) has sufficient depth on land to potentially accommodate residential on land. Any future residential uses on the remaining lots within the designated area would typically have to be fully waterborne (e.g. houseboats). The Area Plan does not currently envision any further expansion of residential uses along the north side of Dyke Road west of the subject property and it is expected that this area will remain in business park uses. In effect, the opportunity for further residential uses south of Highway 91 in this region and along the waterfront are limited.

Vegetation Impacts and Compensation Plans

The proponent's landscaping plan has had to meet both the City's requirements and the Department of Fisheries and Oceans' requirements. Trees and shrubs proposed for installation are entirely local native species as required by DFO. DFO has required new vegetation planting along much of the foreshore as well as enhancements within the proposed riparian park area. As noted earlier, a low protective fence barrier is to be installed between the upland uses and the riparian vegetation as well as a previously established "no disturbance compensation area" in the industrial portion of the site. A legal agreement will be required protecting the riparian foreshore planting from disturbance.

The plan proposes the addition of 53 trees on the site. No bylaw sized trees are to be removed to accommodate the development. Several smaller trees will be removed with replacement or relocated elsewhere on the site. An extensive quantity of shrubs and groundcovers are proposed in the landscaping plan. The preliminary landscaping plan is provided in **Attachment 2**.

Pedestrian Access

The plan incorporates public pedestrian accessible trail along the waterside of the four western most residential units. The trail will consist of permeable materials and will link back to Dyke Road in two locations. Design of the trail will be addressed through the Servicing Agreement for the site. It is anticipated that, should the neighbouring lot to the west redevelop, the trail will continue along the waterfront. A public right of passage requirement is included in the rezoning approval conditions.

Pedestrian access to the pier floats will be restricted.

Amenity Space

The project provides an outdoor amenity space of approximately 374 m² in area overlooking the water. More detailed design for the amenity space will be provided in the Development Permit review. Payment of \$1,000/unit is being provided in lieu of indoor amenity space as per OCP policy.

Fire Protection Issues

Several issues have been identified by the Fire Department's review of this application:

- Adequacy of available water supply (this is exclusive of the availability of Fraser River water);
- Proximity of hydrants; and
- A Code consultant is to certify fire protection and overall compliance with NFPA 303 (per BC Fire Code 2.15.1.1).

These issue will be addressed to the satisfaction of the Fire Department through the utility capacity analysis, Servicing Agreements, Development Permit and building permit applications.

CD Zoning

The Comprehensive Development (CD/204) Zoning Schedule has been prepared to address the unique combination and location of the uses proposed for this site and its adjacent waterlots.

Some of the elements incorporated into CD/204 include the following:

- Residential units are separated from the industrial-marina office uses;
- Provides a tighter list of uses than the standard marina district zoning schedule with some elements removed;
- Density Bonus provisions built in as per Council's Affordable Housing Strategy;
- Zoning extending out over the waterlots;
- Allows for a reduced front yard setback for the residential units; and
- Permits resident owners the opportunity to use adjacent marina facilities.

Development Permit Issues

As this application is a Comprehensive Development, the plan submission was required to be prepared at a more detailed level than with a standard rezoning application. Staff anticipate that additional refinement will be necessary through the Development Permit review. Some examples are:

- Detailing the outdoor amenity space and pedestrian walkways;
- Addressing the implications of grade changes on site and with Dyke Road;
- Refining landscaping plans;
- Refining architectural elevations and materials used; and

- Addressing any variance requests (e.g. vehicle setbacks, height calculations due grade related issues, etc.).

Financial Impact or Economic Impact

None.

Conclusion

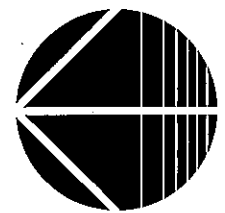
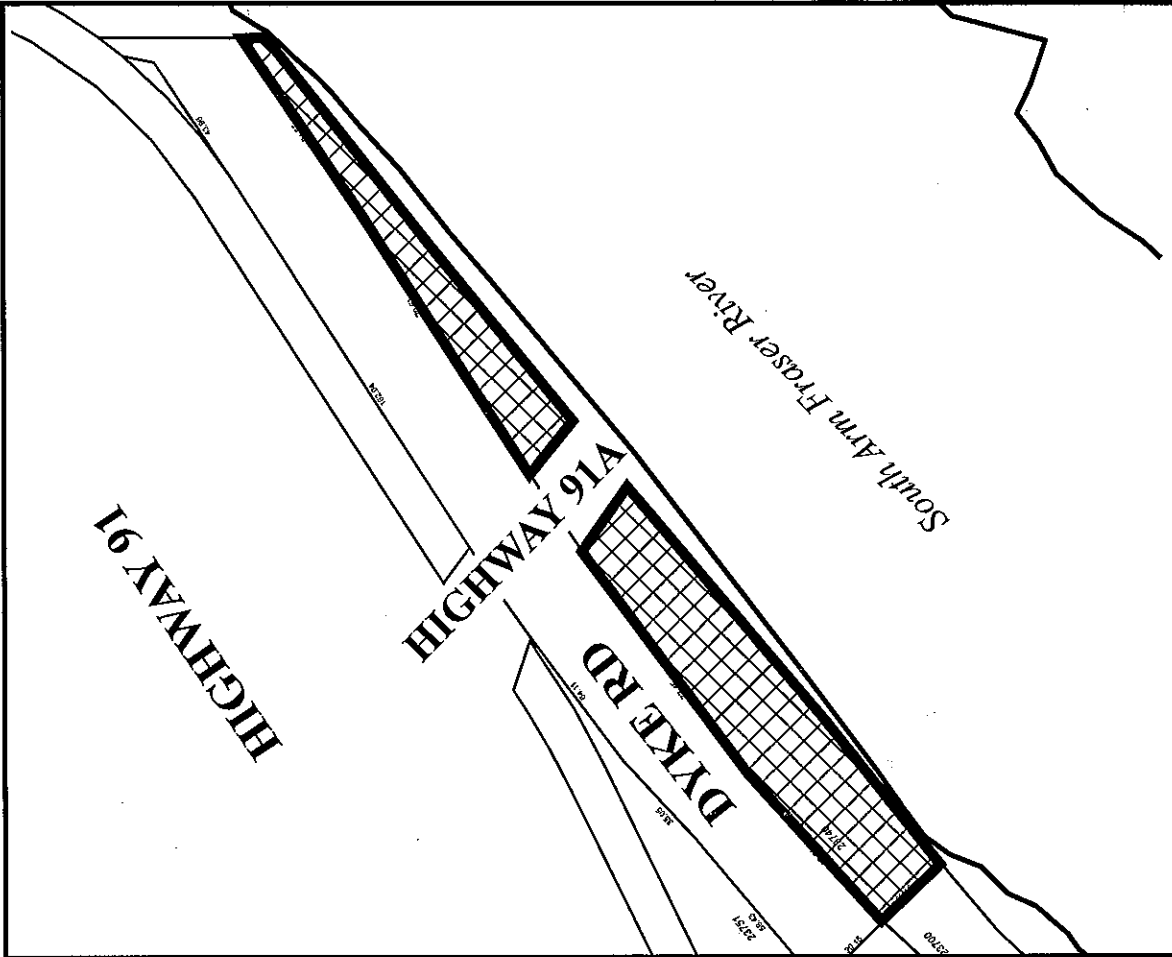
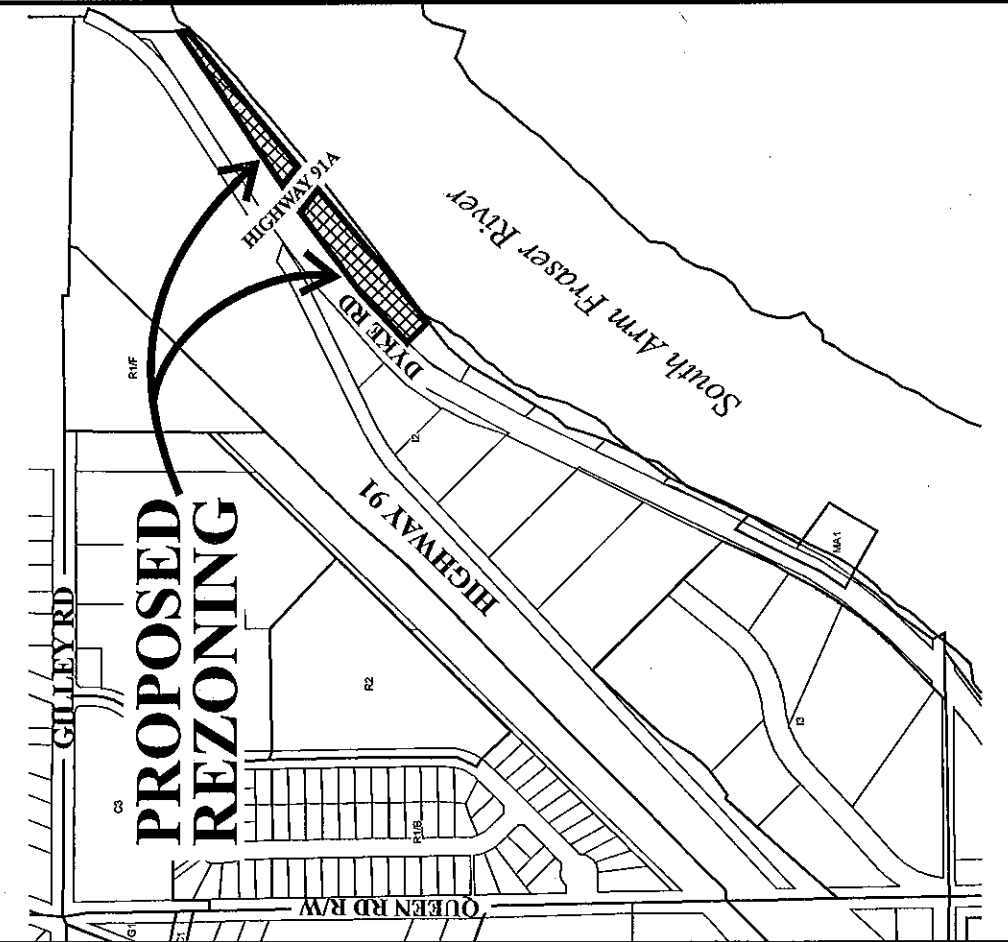
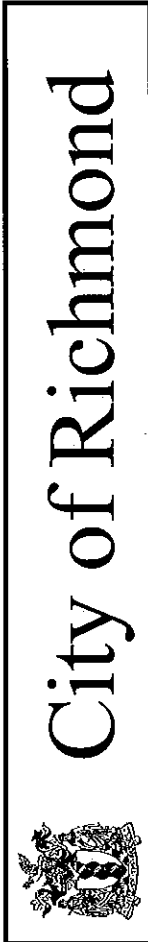
The concept of an integrated land based residential and associated marina moorage plus the industrial/marina is a unique proposal and one with significant technical challenges. The applicant has worked hard to ensure that all the technical concerns have been appropriately addressed. Additional technical work will be required through the Development Permit and Servicing Agreement reviews, however, staff believe that the application has progressed sufficiently to permit the rezoning application proceed for Council's consideration.



David Brownlee
Planner 2

DCB:cas

- Attachment 1: Location Map
- Attachment 2: Conceptual Development Plans
- Attachment 3: Development Application Data Sheet
- Attachment 4: Hamilton Area Plan Land Use Map
- Attachment 5: Rezoning Considerations Concurrence

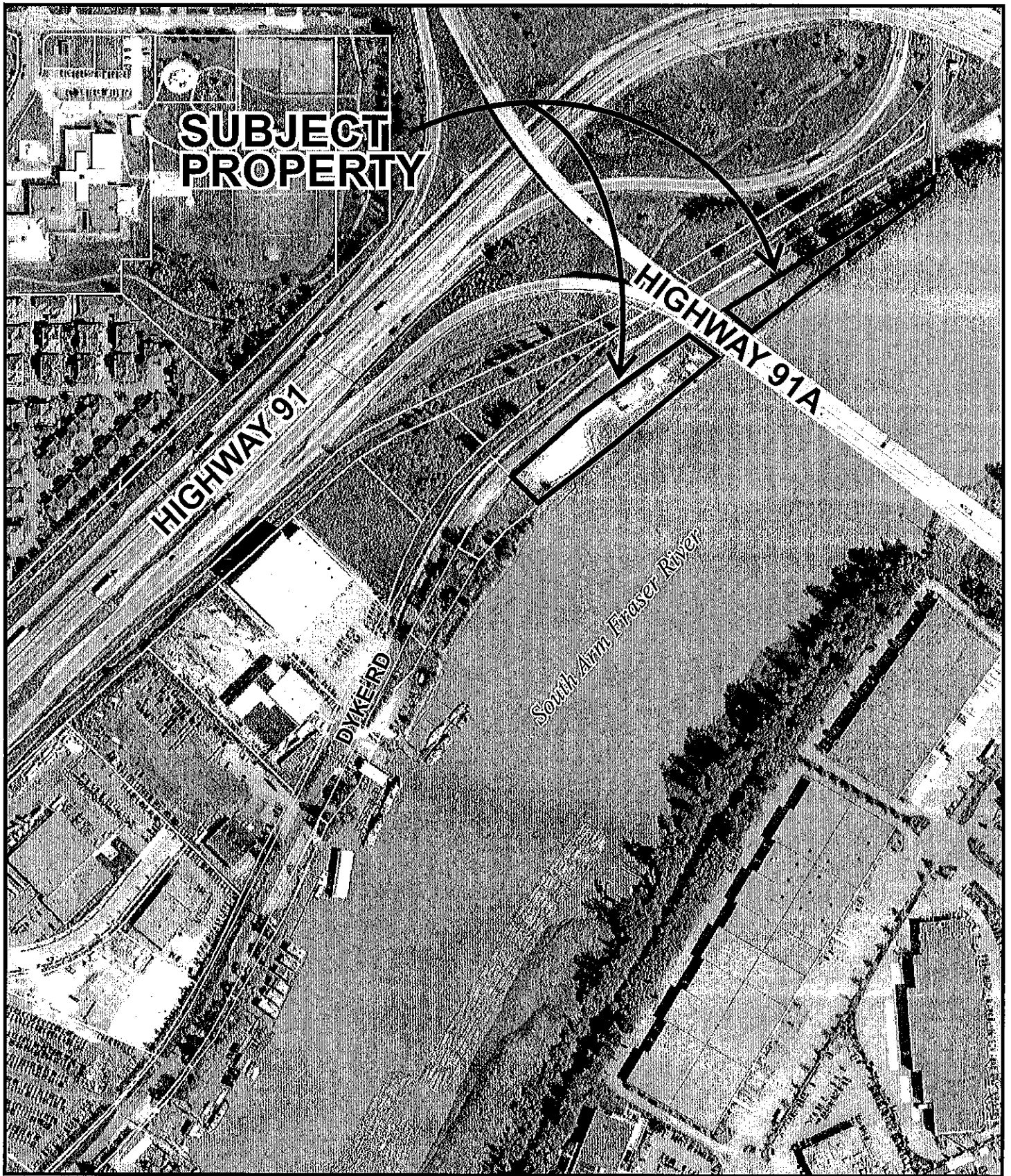


RZ 08-414589

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Revision Date:

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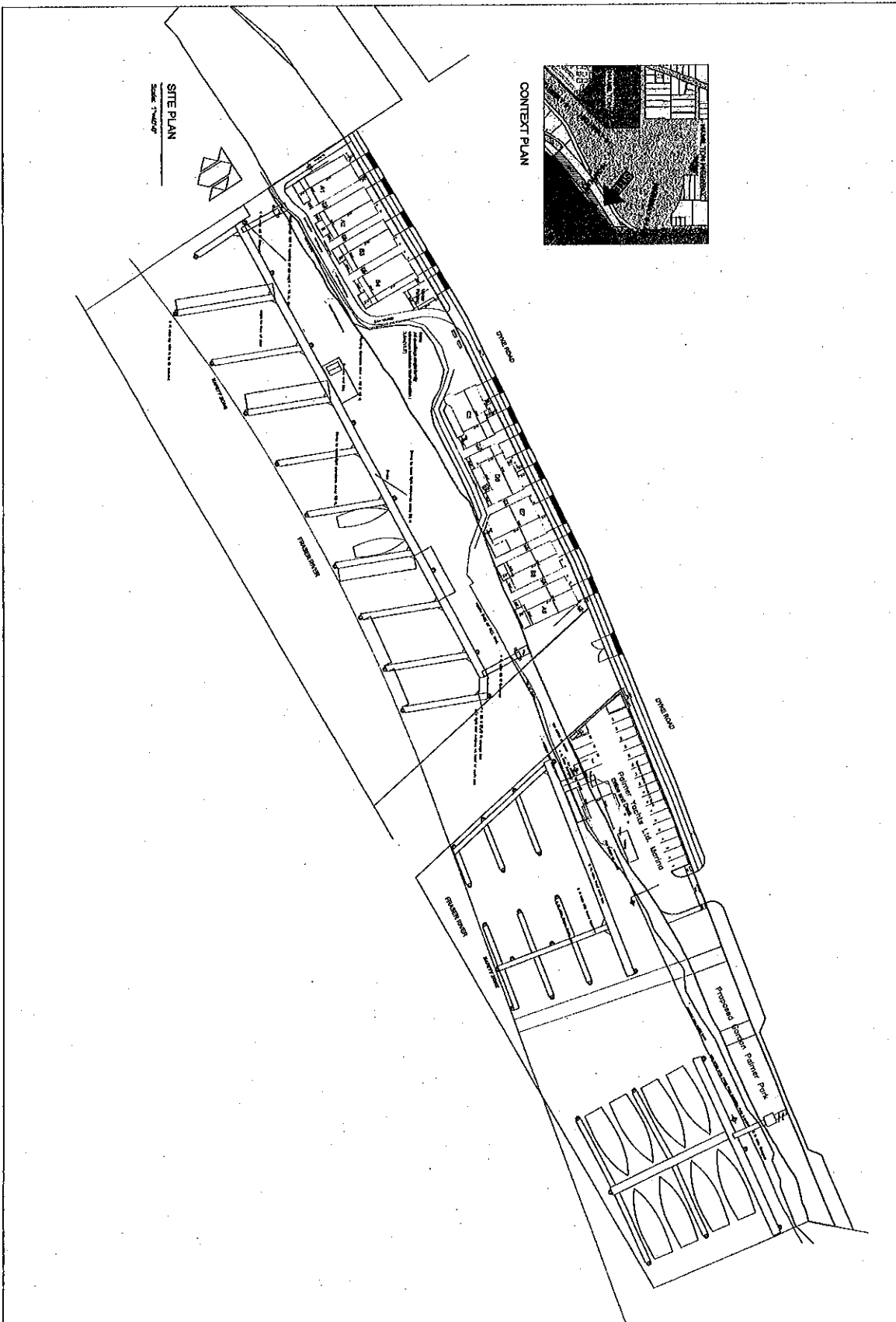


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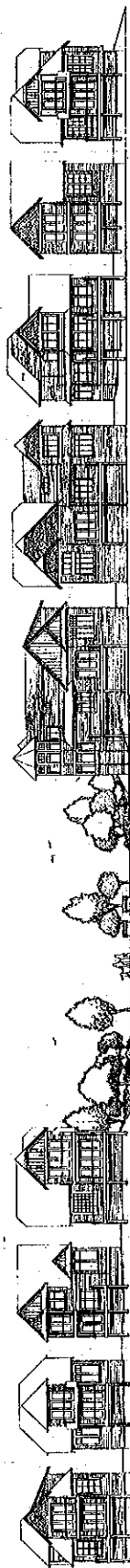
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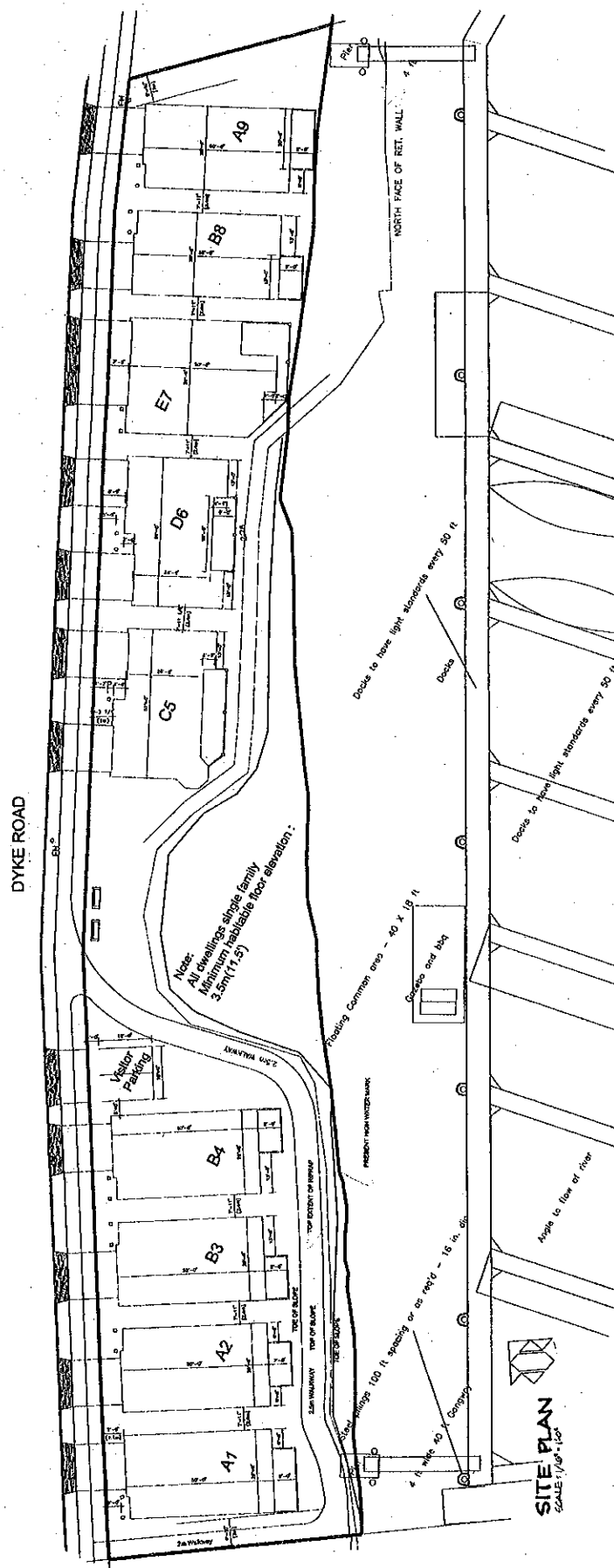


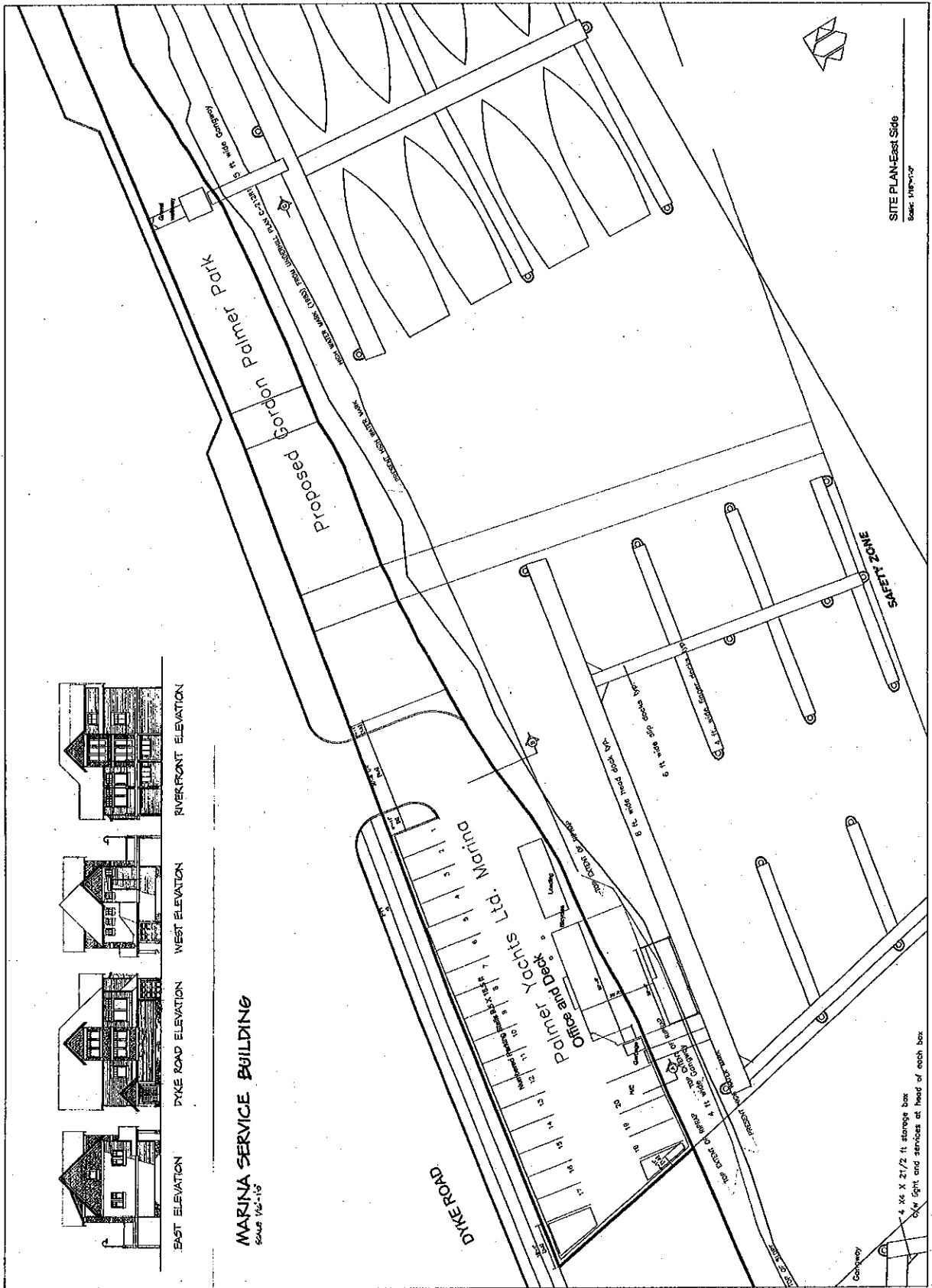


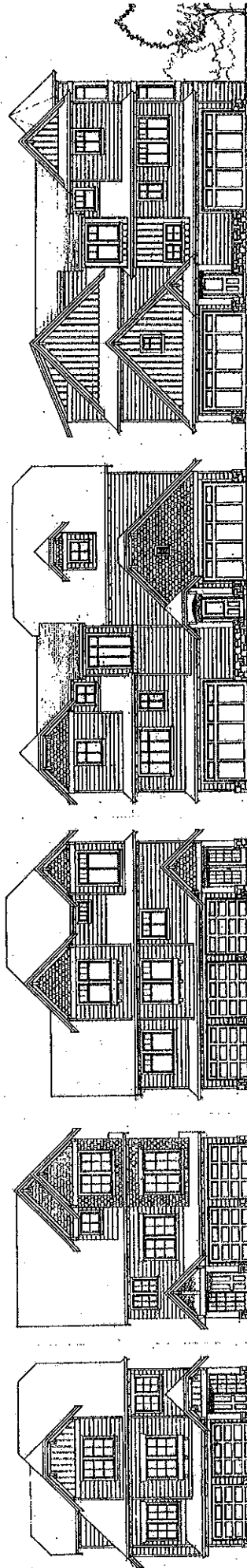
DYKE ROAD ELEVATION



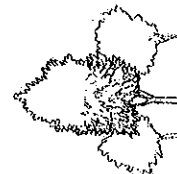
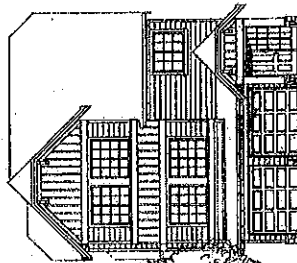
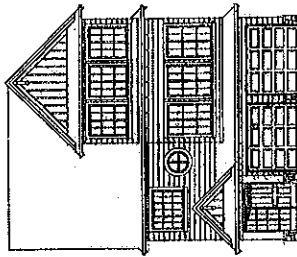
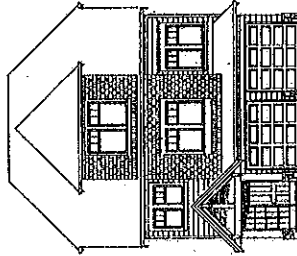
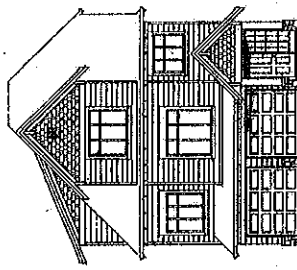
RIVERFRONT ELEVATION

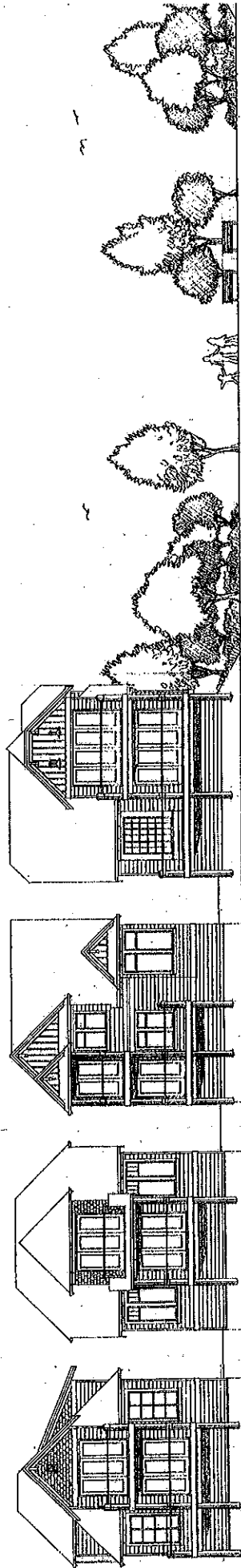




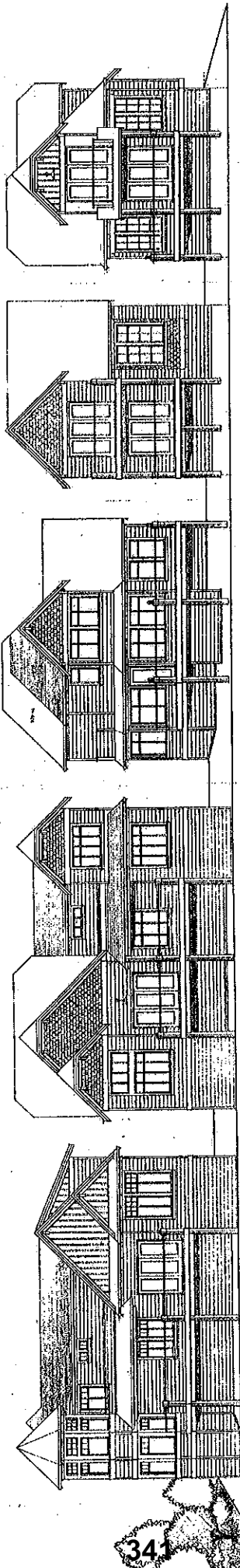


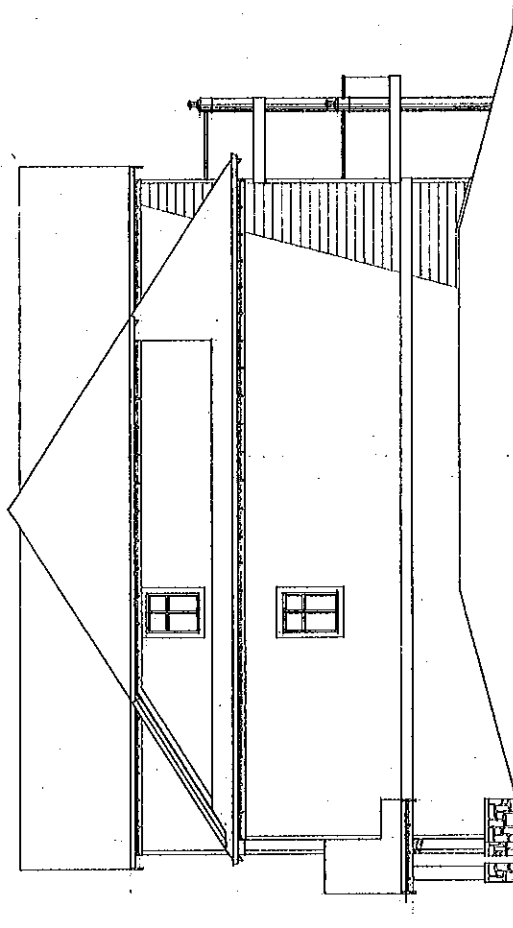
DYKE ROAD ELEVATION



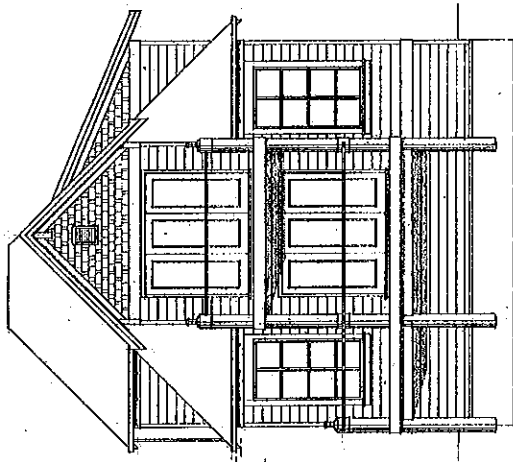


RIVERFRONT ELEVATION

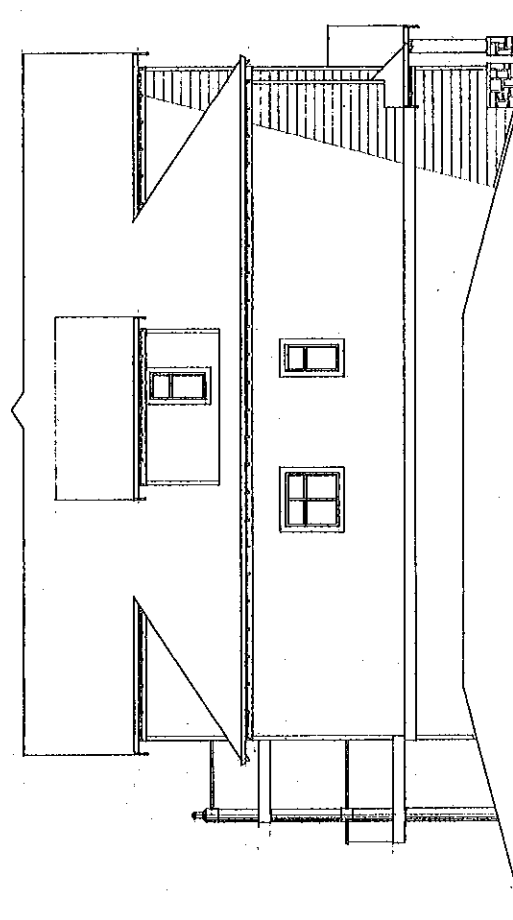




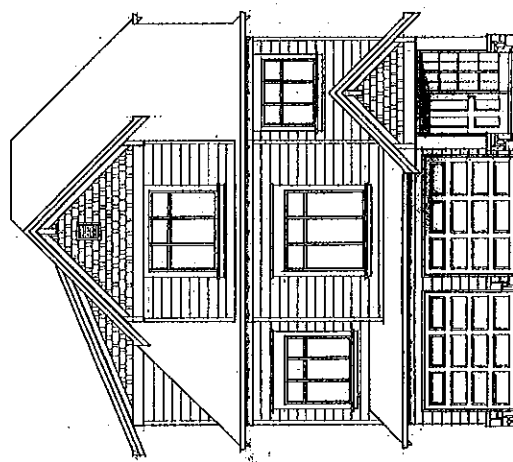
WEST ELEVATION



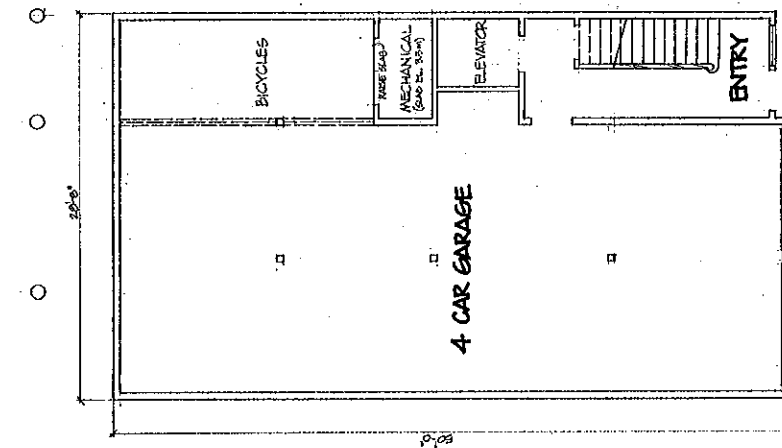
SOUTH ELEVATION (FRASER RIVER)



EAST ELEVATION



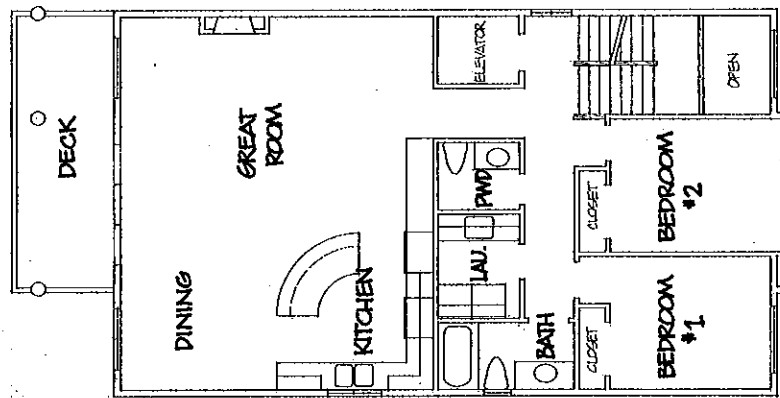
NORTH ELEVATION (DYKE ROAD)
UNIT A1



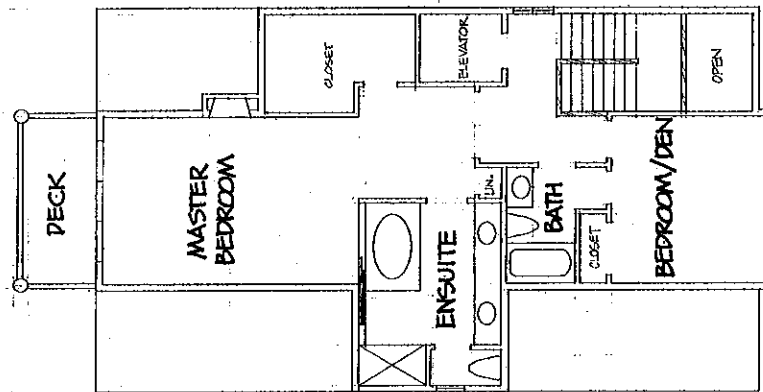
**GROUND FLOOR PLAN
UNIT A1**

215'± FLOOR AREA
1210'± GARAGE AREA
1425'± TOTAL AREA
154'± COVERED AREA
1979'± TOTAL SITE COV.

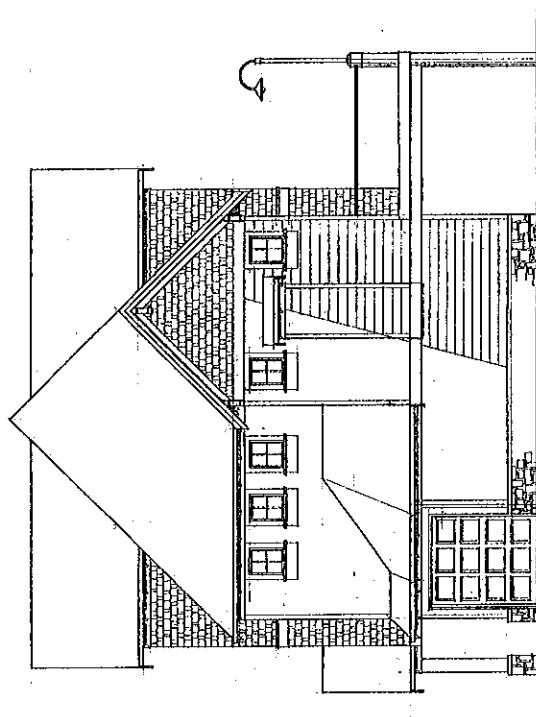
2399'± TOTAL FLOOR AREA



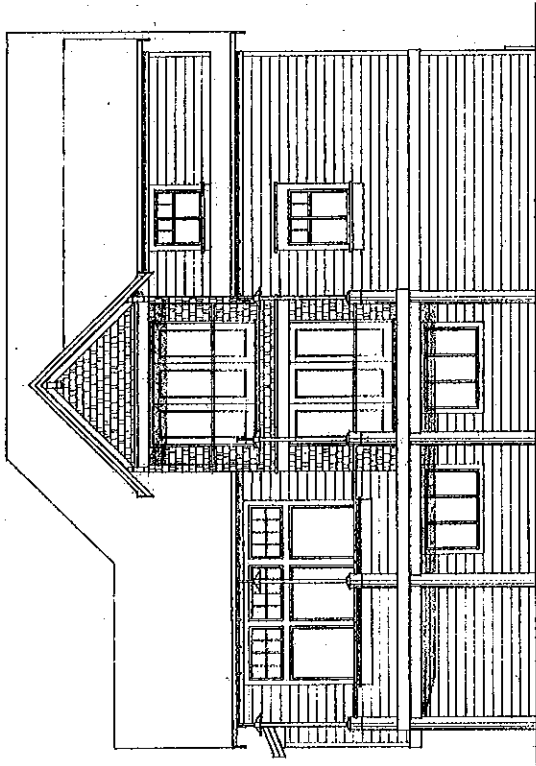
MAIN FLOOR PLAN 1277'± FLOOR AREA



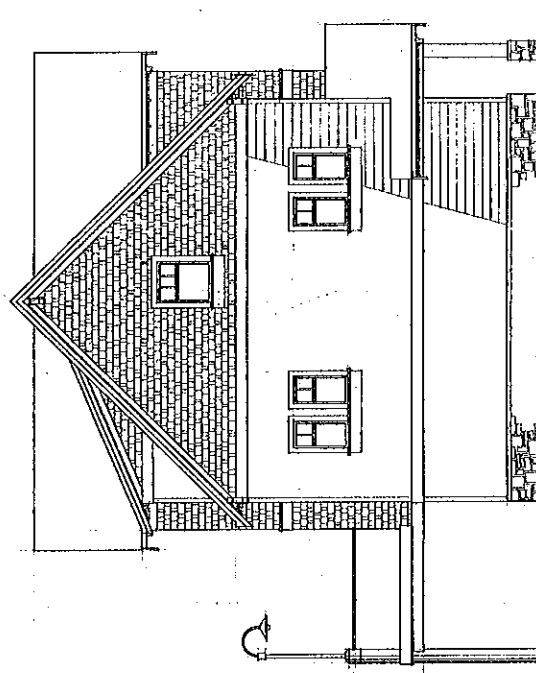
UPPER FLOOR PLAN 907'± FLOOR AREA



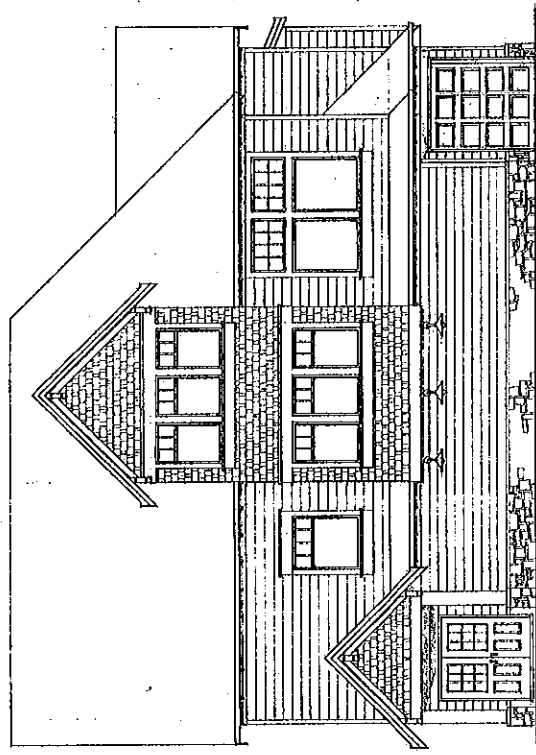
WEST ELEVATION



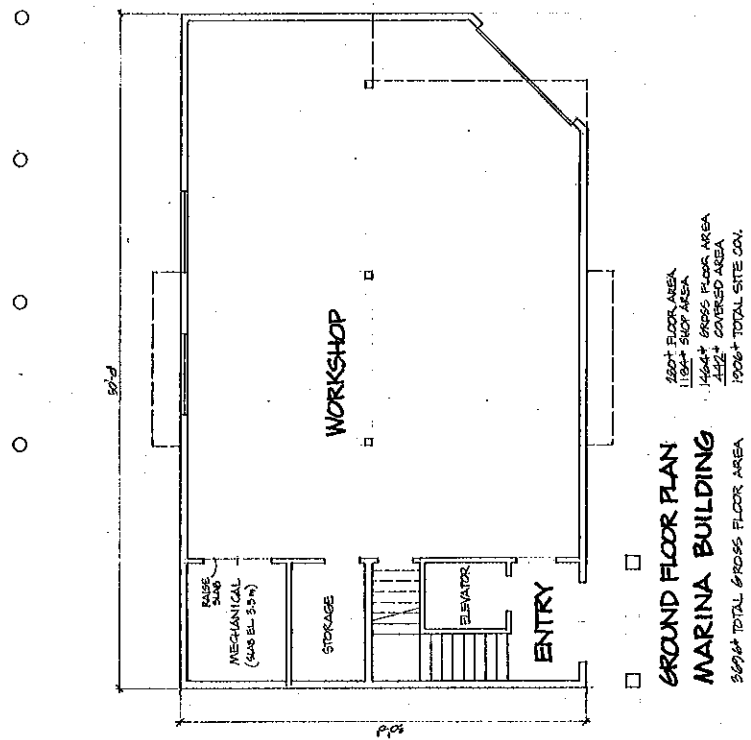
SOUTH ELEVATION (FRASER RIVER)

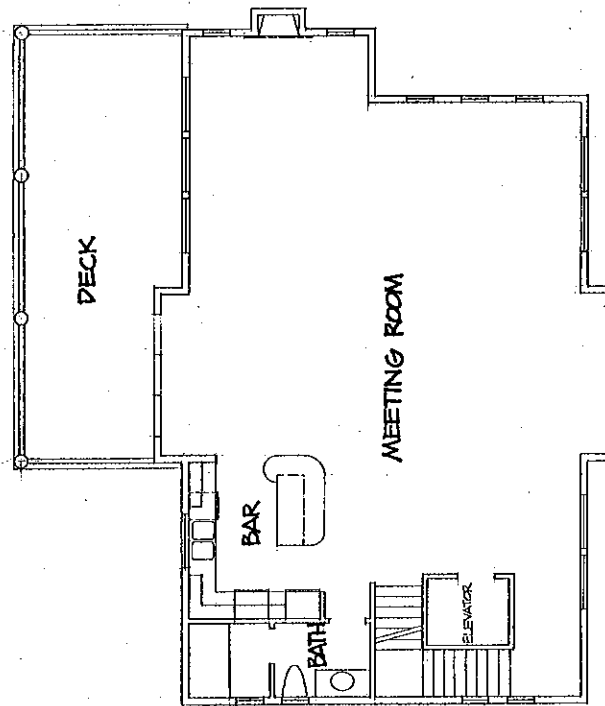


EAST ELEVATION

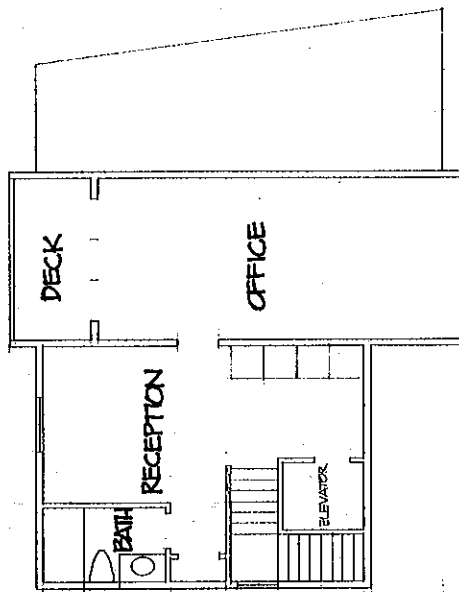


NORTH ELEVATION (DYKE ROAD)
MARINA BUILDING





MAIN FLOOR PLAN 1473+ GROSS FLOOR AREA.
MARINA BUILDING

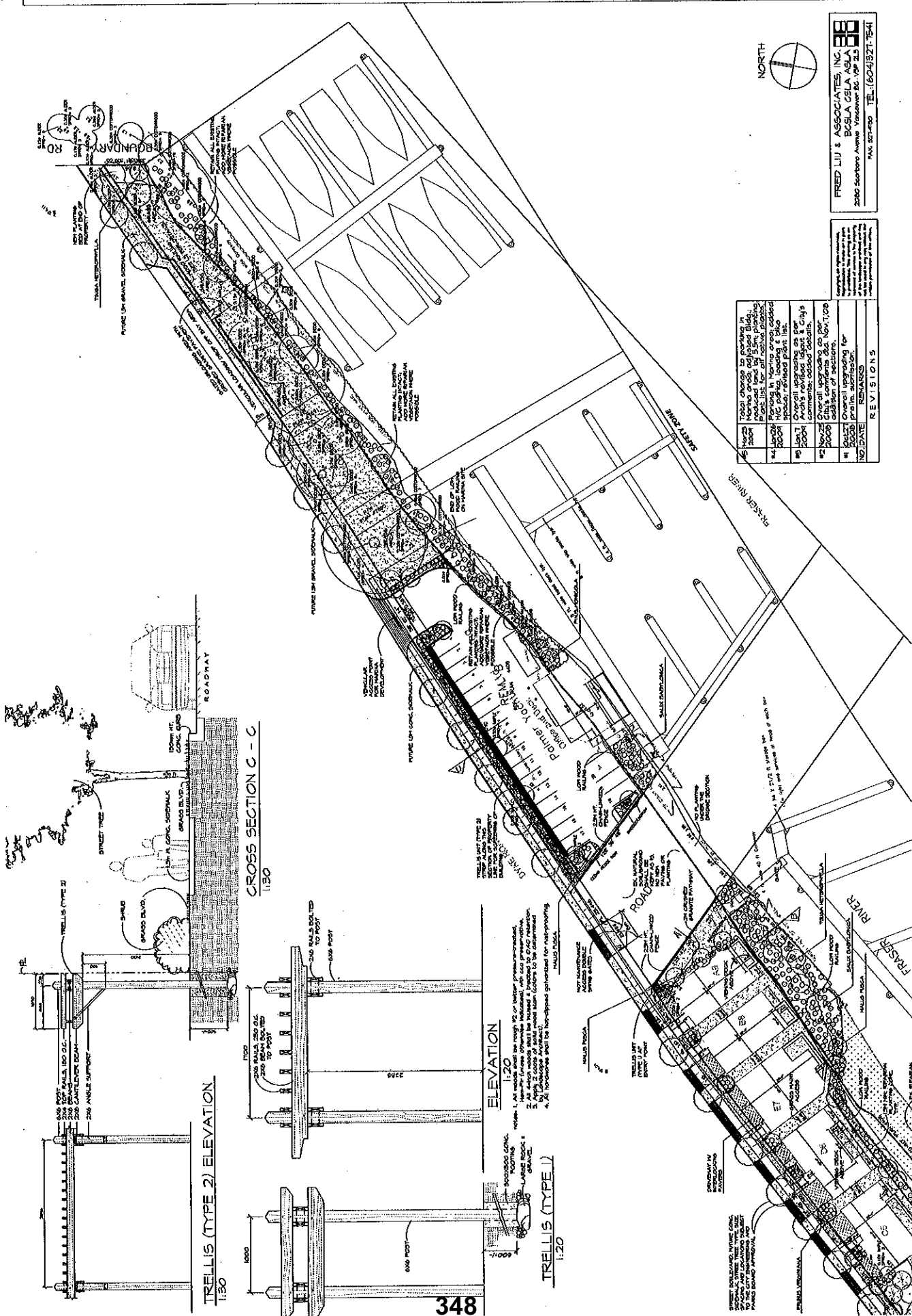


UPPER FLOOR PLAN 759+ FLOOR AREA (STAIRS NOT INCLUDED)

FRIED LU & ASSOCIATES INC. 388
 2000 SUTTER AVENUE VANCOUVER BC V6J 4T1
 TEL: (604) 321-7541



NO.	DATE	REVISIONS
1	09/01/08	Overall upgrading for preliminary submission
2	09/01/08	Overall upgrading for preliminary submission
3	09/01/08	Overall upgrading for preliminary submission
4	09/01/08	Overall upgrading for preliminary submission
5	09/01/08	Overall upgrading for preliminary submission
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100	09/01/08	Overall upgrading for preliminary submission







City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca
604-276-4000

Development Application Data Sheet

RZ 08-414589

Attachment 3

Address: 23740 Dyke Road

Applicant: Palmer Yachts Ltd.

Planning Area(s): Hamilton

	Existing	Proposed
Owner:	Palmer Yachts Ltd.	Same
Site Size (m²):	approx. 5762.5 m ² (62,029.06 ft ²)	Same. Future subdivision will result in the following: Residential lot: 3,022.4 m ² Industrial Marina lot: 1,131.6 m ² Proposed City lot: 852.1 m ² Area reverted to crown: 504.8 m ²
Land Uses:	vacant	mixed use - industrial/water oriented marina complex, nine single-family character residential units and a City lot proposed future park.
OCP Designation:	Business and Industry	Same
Area Plan Designation:	Western portion: Mixed Use Water Oriented Industrial/Residential Eastern portion: no designation	Same
Zoning:	Light Industry (I2)	Comprehensive Development (CD/204) and School & Public Use (SPU) over the City lot.
Number of Units:	None	Nine Single-Family Character in a strata format.
Other Designations:	Environmentally Sensitive Area	Same. Covenants for foreshore planted areas.

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Density (units/acre):	N/A	12.05 upa (residential side only)	none permitted
Floor Area Ratio:	N/A	residential: 0.713 FAR industrial/marina: 0.304	none permitted
Lot Coverage – Building:	N/A	residential: 46.6% industrial/marina: 15.7%	none
Lot Size (min. dimensions):	N/A	residential: 3,022.4 m ² industrial/marina: 1,131.6 m ²	none

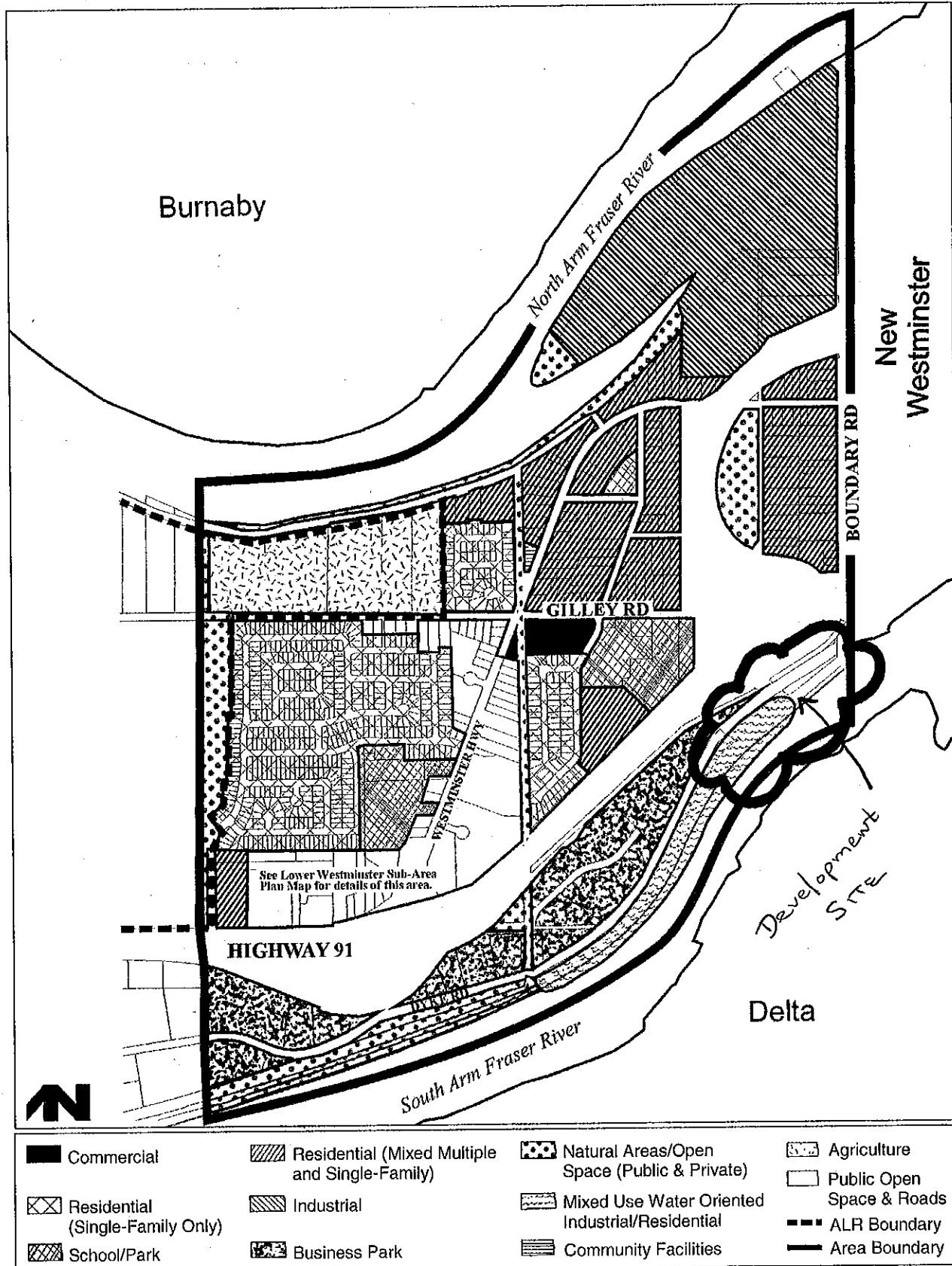
On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Building Setbacks – Front Yard (m):	Residential: N/A Industrial/Marina:Min. 6 m	residential: 2.0 m min industrial/marina: 6+ m	none
Setback – Side & Rear Yards (m):	Residential: N/A Industrial/Marina:Min. 6 m	residential: 2.0 m min industrial/marina: 6+ m	none
Building Height (m):	12 m	12 m	none
Off-street Parking Spaces – Regular (R) / Visitor (V):	Residential & adjacent Marina: 2 (R) and 0.2 (V) per unit plus 1 stall per 2 berths: 18R, 2V, 9M = 29 stalls Industrial Service: 2 spaces / 100 m ² : 7 stalls Marina: 1 stall per 2 berths: 13 stalls	Residential & adjacent Marina:36 (R) and 2 (V) Total = 38 stalls Industrial Service: 7 stalls (including 1 handicapped stall) Marina: 13 stalls	none
Off-street Parking Spaces – Total:	49 stalls	58 stalls	none
Tandem Parking Spaces:	permitted	18 stalls in tandem all within residential units	none
Bicycle Stalls:	Residential: Class1: 1.25/unit: 12 stalls Residential: Class2:0.2/unit: 2 stalls Industrial/Marina Class1: 0.27/100 m ² : 1 stall Industrial/Marina Class2: 0.27/100 m ² : 1 stall	Residential: Class1: 18 stalls Residential: Class2: 4 stalls Industrial/Marina Class1: 2 stall Industrial/Marina Class2: 2 stall	none
Off Street Loading Stalls:	Industrial less than 500 m ² : 1 medium stall	1 medium stall	none
Amenity Space – Indoor:	Pay in Lieu: \$1000/unit	\$9,000	none
Amenity Space – Outdoor:	6 0 m ² per unit: 54 m ²	374.4 m ²	none
Affordable Housing:	\$2.00 /ft. ² buildable: 32,536.06 ft ² x 0.713 FAR:	\$65,072.12	none

Other: 1. Registration of Restrictive covenants for riparian planting areas.

2. Min. 3.5m GSC Flood Construction Elevation Requirement for all buildings.

City of Richmond

Land Use Map

 Bylaw 7561
2007/06/25


Rezoning Considerations

23740 Dyke Road

RZ 08-414589

Prior to final adoption of Zoning Amendment Bylaw 8486, the developer is required to complete the following:

1. Registration of a flood plain covenant on title identifying a minimum elevation of 3.5m GSC. This agreement will also include a recognition that the site is outside the crest of the dike and indemnify the City from any damages arising from flood related impacts.
2. Voluntary contribution of \$1,000.00 per dwelling unit (e.g. \$9,000.00) in-lieu of on-site amenity.
3. Voluntary contribution of \$2.00 per buildable square foot (e.g. \$65,072.12) to the City's affordable housing fund in accordance with the density bonus provisions of CD/204.
4. Registration of a legal agreement on title prohibiting the conversion of the interior parking garage areas into habitable space.
5. Registration of a legal agreement on title protecting the riparian foreshore planting areas from damage or removal.
6. Registration of a public rights of passage allowing the public to use the waterfront trail at the west end of the property. Maintenance for the trail will be the responsibility of the owner.
7. Completion of a licence agreement with the City for use of the access trail through the proposed park to the marina piers.
8. Submission of a landscaping maintenance plan for the riparian foreshore areas.
9. Transfer of the approximately 852.1 m² portion of the eastern edge of the site to the City. Any costs associated with this land transfer shall be at the applicant's expense.
10. The submission and processing of a Development Permit* completed to a level deemed acceptable by the Director of Development.
11. Assist the City with its submission to FREMP for amendment of the Area Designation Agreement to permit the proposed uses on the subject property.
12. Approval from the Ministry of Transportation and Infrastructure.
13. Enter into a Servicing Agreement* for the design, construction and costs of frontage improvements, utility works, the design and construction of works including, but not limited to:

- a. A pathway/walkway on the south side of the Dyke Road along the entire development site and a marked crosswalk on Dyke Road to link the new pathway/walkway to the existing trail on the north side.
- b. Provide/maintain a 8.5m wide pavement surface on Dyke Road. Applicant should verify (and upgrade the road, if necessary) the existing road structure can withstand the expected vehicles and their loads.
- c. Upgrade the south end of Boundary Road at Dyke Road to reduce the grade differentials and improve the sight lines to the intersection. In addition, the corners of this intersection would need to be widened to accommodate for the turning of vehicular traffic. The exact scope of work would be provided later and subject to discussion with New Westminster.
- d. Design the road fronting the site to elevation 3.5m, unless technically not feasible. Design to include an impact assessment of the existing City watermain related to raising the road elevation.
- e. Dyke Road improvements are to include curb and gutter installation.
- f. Design and construction of the public pedestrian pathways associated with the site.
- g. Design and construct works that do not limit the City's ability to raise the City dyke in the future.
- h. Design a storm sewer system to convey and discharge roadway drainage directly to the Fraser River, to the satisfaction of the City.
- i. Register a Utility Right of Way (ROW) required for providing a servicing corridor for the storm sewer.
- j. Provide written proof of approvals from the Fisheries and Oceans Canada and FREMP for the following:
 - i. The storm drainage design for the development site drainage directly discharging to the Fraser River; and
 - ii. The storm drainage design for roadway drainage directly discharging to the Fraser River.
- k. Register a non-exclusive easement and explanatory plan over City owned land, for the private sanitary sewer system to connect from the northeast portion of the lot to the southwest portion of the lot. The location of the easement shall be to the City's satisfaction. The easement shall be subject to Ministry of Transportation and Infrastructure, and the City of Richmond approval. In consideration for granting the easement, the applicant shall pay to the City the fair market value of the interest being granted and will pay all costs associated with the creation of this easement, including all survey, appraisal and other costs and fees.

- l. Prepare a report for the engineered design, construction and maintenance of the sanitary sewer system located outside of the City dyke. The report shall:
 - i. include the design and construction details for a sanitary sewer without any openings below the current proposed top of dyke elevation of 4.4m (i.e. the proposed sanitary system may include water tight lids on manholes and inspection chambers, etc., up to elevation 4.4m; and all onsite fixtures including sink drains, toilets, etc., be above elevation 4.4m);
 - ii. be signed and sealed by a professional engineer;
 - iii. include a clause to limit the sanitary flow rate into the City sanitary sewer system to a maximum of 2.8 litres per second;
 - iv. refer to all works required for the proposed sanitary system including, but not limited to, sanitary sewer pipes, manholes, forcemains, and pump station;
 - v. be addressed to the applicant and the City of Richmond;
 - vi. be reviewed and approved by the City;
 - vii. contain a statement that the report may be relied upon by the City of Richmond.
- m. Register a Section 219 covenant for construction, operation and maintenance of the sanitary sewer system, citing the report from the item above. Occupancy of the buildings on the development site will not be approved until the covenant and report are registered at the Land Titles Office. The covenant shall:
 - i. be registered on all properties containing the proposed sanitary sewer system located outside of the City dyke (i.e. currently identified as 23740 Dyke Road, 23700 Dyke Road and 23631 Dyke Road);
 - ii. include a clause to require the developer to construct the sanitary sewer system in accordance with the report;
 - iii. include a clause to require the property owners to operate and maintain the sanitary sewer system as per the report;
 - iv. include a clause that would prevent the sanitary sewer system from being removed or modified without written consent of the City;
 - v. contain an indemnity in favour of the City;
 - vi. contain other terms the City may require.
- n. Register easements for the purpose of permitting sanitary flow to be conveyed between the properties via the private sanitary sewer system (i.e. for sanitary flow to cross between 23740 Dyke Road, 23700 Dyke Road and 23631 Dyke Road). The easement shall be subject to the City's approval and contain such terms as the City may require.
- o. Additional works and legal agreements may be required as part of the Servicing Agreement subject to the Director of Engineering and the Director of Development.

Prior to Building Permit Issuance, submission of a Construction Parking and Traffic Management Plan to the Transportation Division. 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.

- * 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.

[Signed original on file]

Signed

Date



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 8486 (RZ08-414589)
23740 DYKE ROAD**

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

1. Richmond Zoning and Development Bylaw No. 5300 is amended by inserting as Section 291.204 thereof the following:

"291.204 COMPREHENSIVE DEVELOPMENT DISTRICT (CD/204)

The intent of this zoning district is to provide for water oriented mixed use industrial, townhouse residential and marina needs.

291.204.1 PERMITTED USES

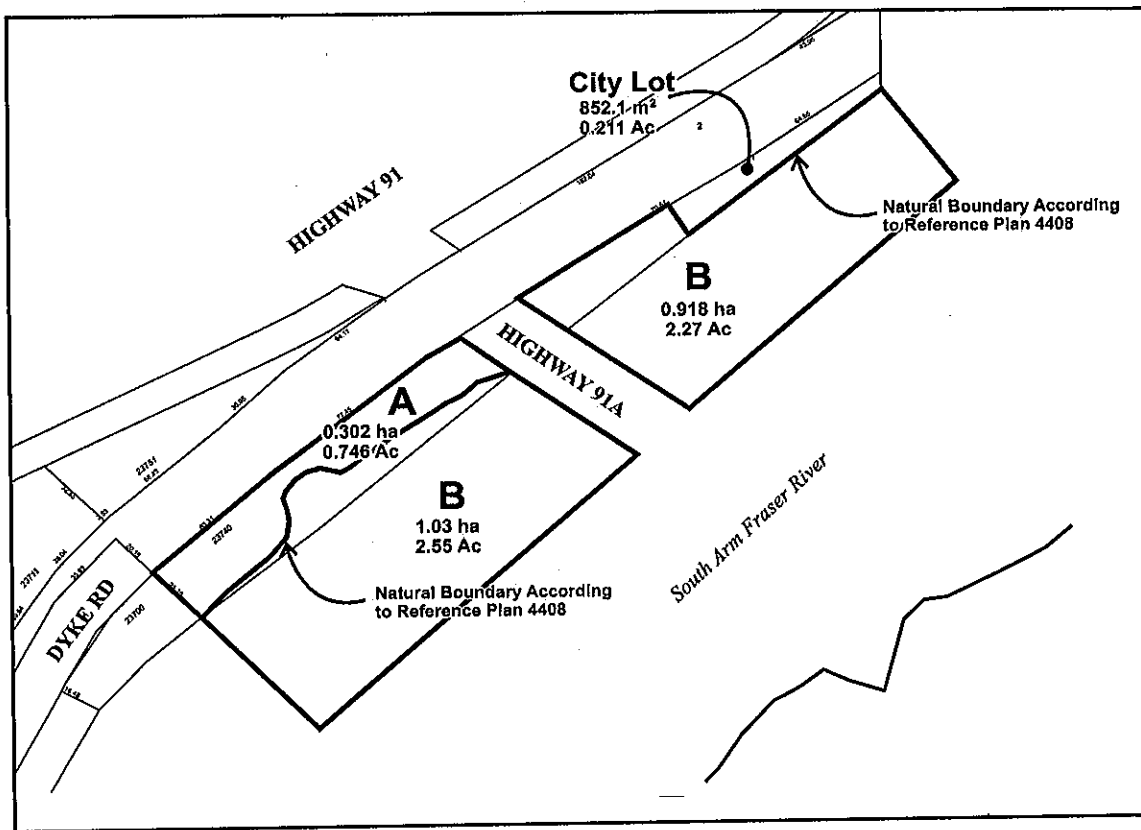
- .01 The following uses are permitted within the area identified as "A" in Diagram 1, Section 291.204.1.03:

RESIDENTIAL, limited to **Townhouses**;
HOME OCCUPATION;
BOARDING & LODGING, limited to two persons per dwelling unit.
COMMUNITY USE;
ACCESSORY RESIDENTIAL USES, but excluding secondary suites.

- .02 The following uses are permitted within the area identified as "B" in Diagram 1, Section 291.204.1.03:

MARINA, including **caretaker residential accommodation** in conjunction therewith;
MARINA-RELATED OFFICES;
RETAIL SALE OF BOATS, BOATING SUPPLIES & EQUIPMENT;
LIGHT INDUSTRY;
COMMUNITY USE;
ACCESSORY USES, BUILDINGS & STRUCTURES.

.03 Diagram 1



291.204.2 PERMITTED DENSITY

- .01 For the area identified as “A” in Diagram 1, Section 291.204.1.03 the maximum **Floor Area Ratio** shall be: 0.5; PLUS
- an additional 0.1 **floor area ratio** provided that it is entirely **used** to accommodate **Amenity Space**;
 - an additional 10% of the 0.5 **Floor Area Ratio** for the **lot** in question, which area must be **used** exclusively for covered areas of the principal **building** which are open on one or more sides;

PROVIDED THAT any portion of floor area which exceeds 5 m (16 ft.) in height, save and except an area of up to 10 m² (108 ft²) per **dwelling unit** which is to be **used** exclusively for entry and staircase purposes, shall be considered to comprise two floors and shall be measured as such.

- .02 Despite Section 291.204.2.01, the references to “0.5” in that Section are increased to a higher density of “0.72” if the owner, at the earliest of the time the Council adopts a zoning amendment bylaw to include the owner’s **lot** in this zoning district has paid into the **affordable housing reserve** the sum of \$2.00 per buildable square foot of the permitted **townhouses**.

- .03 For the area identified as "B" in Diagram 1, Section 291.204.1.03 the maximum **Floor Area Ratio** shall be: 0.5
- .04 For the purpose of Section 291.204.2, **Floor Area Ratio** excludes portions of the **building(s)** that are used for off-street parking and bicycle storage.

291.204.3 MAXIMUM LOT COVERAGE

- .01 For the area identified as "A" in Diagram 1, Section 291.204.1.03 the maximum **Lot Coverage** shall be: 47%
- .02 For the area identified as "B" in Diagram 1, Section 291.204.1.03 the maximum **Lot Coverage** shall be: 40%.

291.204.4 MINIMUM SETBACKS

- .01 For the area identified as "A" in Diagram 1, Section 291.204.1.03 the minimum setbacks shall be:

Public Road: 2.0 m (6.6 ft.);
Top extent of riprap: 1.5 m (5.0 ft.);
Side Yard: 3.0 m (9.8 ft.).

EXCEPT THAT:

- i Porches and verandas which form part of the principal **building**, are less than 5 m (16.4 ft.) in height, and are open on those sides which face or are visible from a **public road** may be located within the required setback, but shall be no closer to a property line than 1.4 m (4.6 ft.);
 - ii Cantilevered roofs and balconies, bay windows, unenclosed fireplaces, and chimneys forming part of the principal **building** may project into the required setback for a distance of not more than 0.6 m (2.0 ft.);
- .02 For the area identified as "B" in Diagram 1, Section 291.204.1.03 the minimum setbacks shall be:

Public Road: 6.0 m (19.7 ft.);
Side Yard: 3.0 m (9.8 ft.).

291.204.5 MAXIMUM HEIGHTS

- .01 **Buildings:** 12 m (39.4 ft.) but containing not more than 3-storeys.
- .02 **Structures:** 6 m (19.7 ft.).
- .03 For the purposes of Section 291.204.5.01 & 291.204.5.02, maximum height shall be determined on the basis of the vertical distance between the highest point on the **building** and the lowest horizontal floor in the building, which will be a concrete floor or the floor of a crawl space, whichever is the lowest.

291.204.6 MINIMUM LOT SIZE

- .01 A **building** shall not be constructed on a **lot** having a total area of less than 1,000 m² (10,764.3 ft²).

291.204.7 OFF-STREET PARKING

- .01 Off-street parking shall be provided and maintained in accordance with Division 400 of this bylaw.

291.204.8 SIGNAGE

- .01 For the area identified as "A" in Diagram 1, Section 291.204.1.03 signage must comply with the City of Richmond's Sign Bylaw No. 5560, as amended, as it applies to a development in the Townhouse District (R2).
- .02 For the area identified as "B" in Diagram 1, Section 291.204.1.03 signage must comply with the City of Richmond's Sign Bylaw No. 5560, as amended, as it applies to a development in the Marina District (MA1)"

2. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **COMPREHENSIVE DEVELOPMENT DISTRICT (CD/204)**:

That area shown outlined with a heavy black line and identified with a letter "A" on "Schedule A attached to and forming part of Bylaw No. 8486."

3. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **SCHOOL AND PUBLIC USE DISTRICT (SPU)**:

That area shown outlined with a heavy black line and identified with a letter "B" on "Schedule A attached to and forming part of Bylaw No. 8486."

4. This Bylaw may be cited as **"Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 8486"**.

FIRST READING

APR 14 2009

A PUBLIC HEARING WAS HELD ON

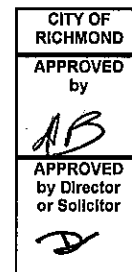
SECOND READING

THIRD READING

MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL

OTHER REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER

