



City of Richmond

Report to Committee Planning and Development Department

To: Planning Committee **Date:** April 2, 2012

From: Brian J. Jackson
Acting General Manager, Planning and Development **File:** ZT 11-593771

Re: **Application by Townline Gardens Inc. for a Zoning Text Amendment to the Commercial Mixed Use (ZMU18) – The Gardens (Shellmont) Zoning District at 10880, 10820 and 10780 No. 5 Road and 12733 Steveston Highway (The Gardens Development Lands)**

Staff Recommendation

That Bylaw No. 8891, to amend the “Commercial Mixed Use (ZMU18) – The Gardens (Shellmont)” zoning district, be introduced and given first reading.

Brian J. Jackson

Brian J. Jackson
Acting General Manager, Planning and Development

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Att.

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ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Parks	Y ☒ N ☐	<i>Brian J. Jackson</i>
Community Social Services	Y ☒ N ☐	
Project Development	Y ☒ N ☐	
Law	Y ☒ N ☐	

Staff Report

Origin

This report:

1. Proposes minor text amendments to the existing Commercial Mixed Use (ZMU18) – The Gardens (Shellmont) zoning district to introduce commercial use floor area maximums and increase the number of storeys from 4 to 5 still within the 20m overall height allowed by the existing zoning bylaw for one building.
2. Formalizes the relocation of the proposed future child care facility from the Gardens development lands to the City-owned site at 10640 No. 5 Road previously agreed to by City Council and brings forward modifications and revisions to the existing legal agreement registered on title of 10880, 10820 and 10780 No. 5 Road and 12733 Steveston Highway (the Gardens development lands) as a result of the relocation.

For reference, a site plan of the Gardens development lands is contained in **Attachment 1**.

Findings of Fact

The Gardens development lands received final rezoning adoption on July 25, 2011 (RZ 08-450659). A Development Permit (DP 10-544504) for Phase 1 of the project at 10880 No. 5 Road (Lot 1) was issued by Council on July 25, 2011. Staff are currently reviewing a Development Permit application (DP 12-599057) at 10820 No. 5 Road.

The area of land contained in the Agricultural Land Reserve (ALR) was subdivided and transferred to the City as part of the fulfillment of rezoning considerations for the development land (RZ 08-450659). On March 14, 2011, a rezoning approval was granted for 10640 No. 5 Road to rezone the front portion of the site to an Assembly (ASY) zoning district (RZ 10-546755). The rezoning application facilitated development of a residential sales centre and relocation of the Coeverden Castle on the City-owned land by the developer.

Currently, neither the Gardens development lands nor the City-owned site at 10640 No. 5 Road has an existing child care facility in operation. This report formalizes the location of the future child care facility on the City-owned site directly to the north of the Gardens development lands, which is being provided by the developer to fulfill obligations associated with the rezoning of the development lands.

1. Proposed Text Amendments to Commercial Mixed Use (ZMU18) – The Gardens (Shellmont) Zoning District

Proposed Amendments to ZMU18

Minor amendments to the existing ZMU18 zoning district, which is the zoning in place for all lots forming part of the Gardens development lands, are summarized in the following table:

	Existing Zoning Regulations	Proposed Amendments
Permitted Density	- Identifies a maximum floor area allocated for residential use development (53,511 sq.m). - Identifies a maximum floor area ratio (1.43 FAR) applicable to the entire development lands.	- Maintain existing maximum floor areas for residential use at 53,511 sq.m. - Maintain existing Floor Area Ratio of 1.43 FAR over the entire development lands based on net site area. - Add a provision to establish maximum floor areas for commercial use at 9,000 sq.m.
Permitted Heights	Identifies a maximum height for buildings of 20m and not more than 4 storeys over a parking structure for buildings located within 90m of No. 5 Road.	- Maintain the existing 20m maximum height limitation for buildings located within 90m of No. 5 Road. - Revise height provisions to allow for an increase of 4 to 5 storey building on 10820 No. 5 Road (Lot C).

Rationale and Analysis

Inclusion of Density Provisions

The existing ZMU18 zoning district has existing provisions that place a maximum floor area that can be allocated to residential use over the entire development lands (bounded by the ALR boundary, Highway 99, Steveston Highway and No. 5 Road). This provision will remain and will not be changed as part of the proposed text amendment.

The current zoning district does not include provisions of establishing maximum floor area for commercial uses throughout the development lands. Based on the issued Development Permit for 10880 No. 5 Road (DP 10-544504) and the Development Permit application at 10820 No. 5 Road (DP 12-599057), approximately 7,000 sq.m of commercial space floor area will be developed as part of the initial phases of project build-out. Townline Gardens Inc. has requested that the maximum floor area that is to be allocated to commercial use over the entire development lands be 9,000 sq.m, which would encompass all commercial floor areas proposed on the development lands. The proposed zoning provision identifying a maximum floor area for commercial use supports the mixed-use residential and commercial development model associated with the Gardens development.

Placing a maximum floor area for commercial use over the entire development lands assists in accurately assessing land for taxation purposes by the BC Assessment Authority (BCAA). Without a commercial floor area maximum contained within the zone, the developer has indicated that the BCAA approach is to tax the remaining development lands as though they are being developed strictly for commercial and business use. This approach does not recognize the mixed residential and commercial development model for the project. Inclusion of specific maximum floor areas for commercial use in the zoning will assist in the accurate taxation of the site to be reflective of a mixed residential and commercial development.

Height (Building Storey) Amendment

Staff are currently reviewing the Development Permit application for 10820 No. 5 Road (DP 12-599057 - Lot C; Building D) involving a mixed-use development with commercial floor area at grade and low-rise residential building over-top of structured parking. The proposed amendment does not impact existing 20 m maximum height limitations contained in the zone that will remain unchanged. The proposed amendment increases the number of storeys from 4 to 5 for the building. The additional fifth storey is able to be accommodated as a result of the developer switching from wood frame (originally envisioned at rezoning) to concrete construction, which reduces clearance distances between floors and enables space to accommodate an additional storey within the existing 20m building height limitation.

Currently, the Development Permit drawings identify a building height of approximately 17.7 m to the roof parapet of the fifth storey of the building and an approximate height of 19.4 m to the top of the elevator roof enclosure. City staff are satisfied that the additional fifth storey massing of the building is designed and set back appropriately. Further review of the form, massing, urban design and architectural detailing of this project will be fully assessed through the Development Permit application process.

Preliminary building elevation drawings of Building “D” associated with the Development Permit at 10820 No. 5 Road (DP 12-599057) with fifth storey building elements highlighted for reference purposes is shown in **Attachment 2**.

2. Relocation of the Child Care Facility from the Gardens Development Lands to City-owned Land at 10640 No. 5 Road and Related Modifications to the Existing Legal Agreement on the Gardens Development Lands

Background

Through the rezoning of the Gardens development lands, provisions for the developer to provide a 37-space child care facility prior to 67% of the maximum build-out was secured as a rezoning consideration. The general developer obligations at the time of rezoning were as follows:

- Developer to provide and build a 37-space child care facility (including all indoor, outdoor and parking areas) at its sole cost.
- Adherence to the “Child Care Facility Terms of Reference – Developer Requirements” (**Attachment 3**) to identify project parameters agreed to by the City and developer.
- Agreements to ensure that once the child care facility and all accessory uses (i.e., parking and outdoor spaces) are completed, ownership of the facility will be transferred to the City.

Existing Legal Agreement Registered on the Gardens Development Lands

To secure a developer-provided child care facility, a legal agreement was registered on the Gardens development lands that limited build out of the site to 67% of the maximum permitted buildable floor area until such time that construction and transfer of ownership to the City of the child care facility is completed. When the developer obligations of providing the child care facility are met, the City would discharge the legal agreement, enabling full build-out of the project.

The above referenced legal agreement was secured and registered on title of the Gardens development lands through the prior rezoning approval process.

Relocation of Future Child Care Facility from the Development Lands to City-owned Land

City staff and the developer have reviewed options for the required child care facility and determined a viable option to provide a child care facility on the neighbouring adjoining City-owned lands at 10640 No. 5 Road that also is able to meet existing developer obligations.

The proposal to change the location of the future child care facility from the Gardens development lands to the neighbouring City-owned lands to the north is summarized as follows:

- Utilize the existing residential sales centre building and Coeverden Castle (relocated onto the City-owned lands by the developer) as the future child care facility.
- Once use of the existing building (constructed by the developer) as a residential sales centre office is complete, undertake conversion of the former sales centre building and castle to a child care facility (including outdoor spaces).
- Develop the child care facility and all required outdoor spaces, interior finishing and parking spaces in accordance with the existing obligations secured for the child care facility at rezoning.
- All costs associated with the conversion and repurposing the existing sales centre and castle building to a child care facility will be at the developer's sole cost.

Previous ALR Land Use and Rezoning Approvals

In 2011, Richmond City Council and the Agricultural Land Commission (ALC) approved a non-farm use application (AG 11-558240) for the parking lot and landscaped area located to the immediate north of the residential sales centre and castle building, which are located in the ALR. ALR non-farm use approval of the portion of the site containing the buildings was not required as this land is exempt from the ALC Act.

Council approved a rezoning application (RZ 10-546755) on March 14, 2011 to rezone the front portion of the ALR portion of land associated with the Gardens site (that was transferred to the City as part of the rezoning) to an Assembly (ASY) zoning district. The rezoning facilitated interim use of the site for a residential sales centre. The ASY zoning district also allows child care as a permitted use. As a result, the relocation of a child care facility to the City-owned property at 10640 No. 5 Road complies with existing zoning provisions.

Proposed Revisions to the Existing Legal Agreement

To facilitate the relocation of the developer-provided child care facility, modifications to the existing legal agreement registered on the Gardens Development lands is required and generally involves the following revisions:

- A revised legal agreement would continue to be registered on title of the Gardens development lands.
- Removal of clauses and relevant subdivision plans (showing the Gardens development lands) that reference the provisions of the child care facility to be provided on the Gardens Development lands.
- Inclusion of appropriate wording in the legal agreement to indicate that the child care facility to be provided at the sole cost of the developer is to be located on the Assembly (ASY) zoned portion of City land at 10640 No. 5 Road.
- Inclusion of the appropriate subdivision plan to identify the City-owned land (10640 No. 5 Road).
- Maintain existing clauses, provisions and subdivision plans securing the legal agreement that restricts build-out of the Gardens development lands to 67% until such time that a

child care facility is provided on City-owned land at 10640 No. 5 Road by the developer (at their sole cost).

- Conversion of the existing buildings located at 10640 No. 5 Road (the City-owned site) to a child care facility to the standards and guidelines established in the “Child Care Facility Terms of Reference – Developer Requirements”.
- The general provisions contained in the attached schedule to the legal agreement identifying the “Child Care Facility Terms of Reference – Developer Requirements” be maintained with revisions to reflect the location of the facility on city lands and other changes as deemed necessary.

Revisions to the existing legal agreement will be secured as a rezoning consideration to the zoning text amendment proposed to ZMU18 in this staff report. Registration of this revised legal agreement on title of the Gardens development lands is required to be completed prior to Council adoption of the proposed zoning text amendments (**Attachment 4** – Rezoning Considerations).

Future Conversion of the Sales Centre and Existing Castle Building to a Child Care Facility

Conversion of the existing residential sales centre and castle building to a child care facility, based on the parameters established in the “Child Care Facility Terms of Reference – Developer Requirements”, will be undertaken by the developer in coordination with City staff. As noted, the existing zoning district for the City-owned site (Assembly – ASY) allows child care as a permitted use. ALR approval of land uses for applicable components of the project was addressed in the previous ALR non-farm use application (AG 11-558240) approved by the ALC on March 10, 2011.

In addition to compliance with the terms of reference established for the child care facility, specific conversion plans also need to be developed in consultation with a future operator for the facility as well as Vancouver Coastal Health (VCH) child care licensing staff. Currently, the developer is working on compiling survey data so that working drawings of the existing residential sales centre and castle building can be generated to assist in the development of future conversion plans.

Timing for the conversion of the current buildings at 10640 No. 5 Road to a City-owned child care facility is dependent on the following factors:

- Identification of an operator for the future child care facility (lease of the facility by a child care operator is subject to review and approval by Richmond City Council).
- Development of conversion plans to the satisfaction of City staff, with consultation from the future operator and VCH licensing staff.
- Market activity and sales on approved phases for the Gardens development lands, which impacts project build-out and timing of forthcoming Development Permit submissions for latter phases.
- Anticipated duration of use of the existing building as a residential sales centre by the developer. An existing License Agreement is in place between the City and developer that covers use of the building as a residential sales centre and includes provisions for extension of the term.

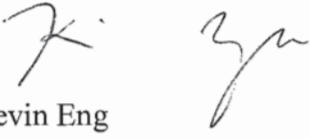
Consultation with Vancouver Coastal Health Staff

Consultation with VCH child care licensing staff has been undertaken about locating a child care facility on City land upon conversion of the sales centre and castle by the developer. VCH staff are supportive of this proposal and will work with the project team through the conversion and child care licensing process to ensure compliance with appropriate regulations.

Conclusion

Staff recommend support of the minor amendments to Commercial Mixed Use (ZMU18) – The Gardens (Shellmont) zoning district to include provisions for maximum floor area allocations for commercial uses and increase the maximum height regulations to allow for a 5-storey building to be constructed on 10820 No. 5 Road (Lot C) within the permitted 20m height restriction.

Amendments are also proposed to the existing legal agreement registered on title of the Gardens development lands to reflect the relocation of the 37 space child care facility (required to be provided by the developer) from the development lands to City-owned land at 10640 No. 5 Road.



Kevin Eng
Planner 1

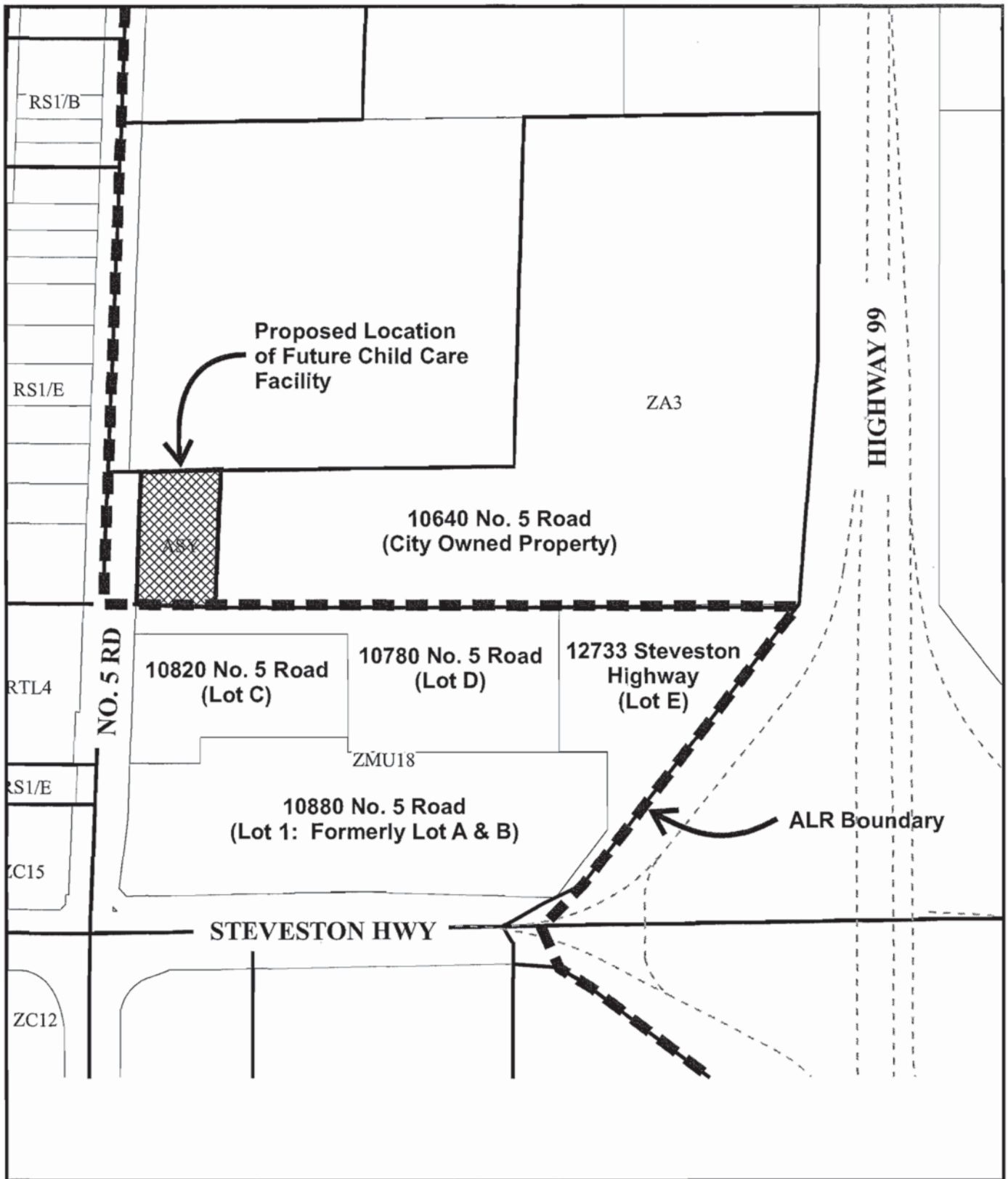
KE:rg

Attachment 1: Reference Site Plan – The Gardens Development Lands

Attachment 2: Preliminary Building Plans – Building ‘D’ (10820 No. 5 Road – Lot C)

Attachment 3: Child Care Facility Terms of Reference – Developer Requirements

Attachment 4: Rezoning Considerations



The Gardens Development Lands

Original Date: 03/28/12

Revision Date: 03/29/12

Note: Dimensions are in METRES

ATTACHMENT 2



SALES CENTRE / DAYCARE

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STREET ELEVATION
NO. 5 ROAD

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Scale	1/2" = 1'-0"	A4.01
Owner	MAC	
Checked	AJ	
Approved	SK	
Date	2012.01.25	Revisions

Empirical/Policy Issues

KEY PLAN



MATERIALS LEGEND

- 1 ARCHITECTURAL CONCRETE EXPOSED
- 2 ARCHITECTURAL CONCRETE PAINTED COLOR A
- 3 ARCHITECTURAL CONCRETE PAINTED COLOR B
- 4 ARCHITECTURAL CONCRETE PAINTED COLOR C
- 5 BRICK CLADDING
- 6 COMMERCIAL GLAZING CLEAR LOW-E
- 7 RESIDENTIAL GLAZING CLEAR LOW-E
- 8 TRANSLUCENT GLASS SCREEN
- 9 ALUMINUM WINDOW FRAMES COLOR A
- 10 ALUMINUM WINDOW FRAMES COLOR B (CLEAR ANODIZED)
- 11 METAL PANEL
- 12 GUARDRAIL GLASS - CLEAR
- 13 GUARDRAIL GLASS - ACID ETCH PANEL (WHITE)
- 14 ALUMINUM GUARDRAIL - PAINT FINISH
- 15 COMMERCIAL ALUMINUM FABRIC AWNINGS ON METAL FRAMES (PAINT COLOR MATCH)
- 16 COMMERCIAL GLAZING PAINTED STEEL W/ GLASS PANELS
- 17 METAL PANEL - LITENESS COLOR
- 18 GUARDRAIL LOUVER COLOR ANODIZED ALUMINUM
- 19 GLAZED WOOD LOUVERS
- 20 PAINTED STEEL COLOR COLOR A

2	ISSUED FOR DEVELOPMENT	10/25/2017
1	PRE-APPLICATION SET	10/25/2017
No.	Description	Date
Revisions:	Feed Up	

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Appr'd	RK		
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KEY PLAN



2	ISSUED FOR DEVELOPMENT PERMIT	140	25
1	PRE-APPLICATION SET	140	25
No.	Description	Date	Dr.
Revisions: Head Up			



- MATERIALS LEGEND**
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 - 2 ARCHITECTURAL CONCRETE PAINTED COLOR A
 - 3 ARCHITECTURAL CONCRETE PAINTED COLOR B
 - 4 ARCHITECTURAL CONCRETE PAINTED COLOR C
 - 5 BRICK CLADDING
 - 6 COMMERCIAL GLAZING CLEAR LOW-E
 - 7 RESIDENTIAL GLAZING CLEAR LOW-E
 - 8 TRANSLUCENT GLASS SCREEN
 - 9 ALUMINUM WINDOW FRAMES COLOR A
 - 10 ALUMINUM WINDOW FRAMES COLOR B (CLEAR ANODIZED)
 - 11 METAL PANEL
 - 12 GUARDRAIL GLASS - CLEAR
 - 13 GUARDRAIL GLASS ACCENT PANEL (8878)
 - 14 ALUMINUM GUARDRAIL - PAINT FINISH
 - 15 COMMERCIAL SHADOW FABRIC Awnings ON METAL FRAMES (FABRIC COLOR Varies)
 - 16 COMMERCIAL SHADOW FABRIC Awnings ON GLASS PANELS
 - 17 MECHANICAL COVERS COLOR D
 - 18 BUNGLE/SHADE/COVERS COLOR ANODIZED ALUMINUM
 - 19 GAZEBO WOOD LOUVERS
 - 20 PAINTED STEEL COLOR: COLOR A



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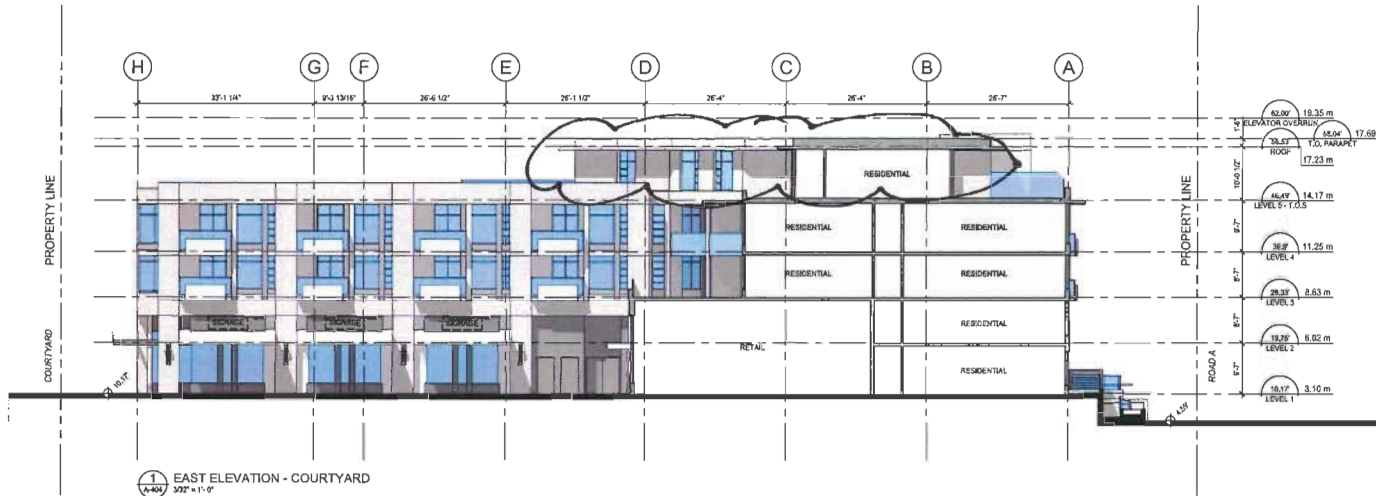
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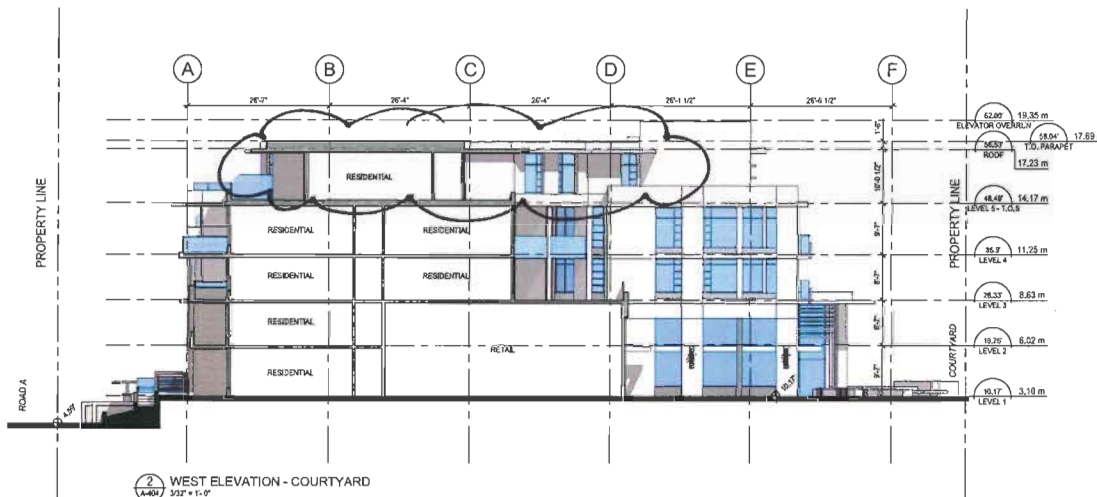
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KEY PLAN



2	ISSUED FOR DEVELOP PERMIT	Jan 25 2012	
1	PRE-APPLICATION SET	Jan 26 2012	
No.	Description	Date	Dr.
Revisions: Read Up			



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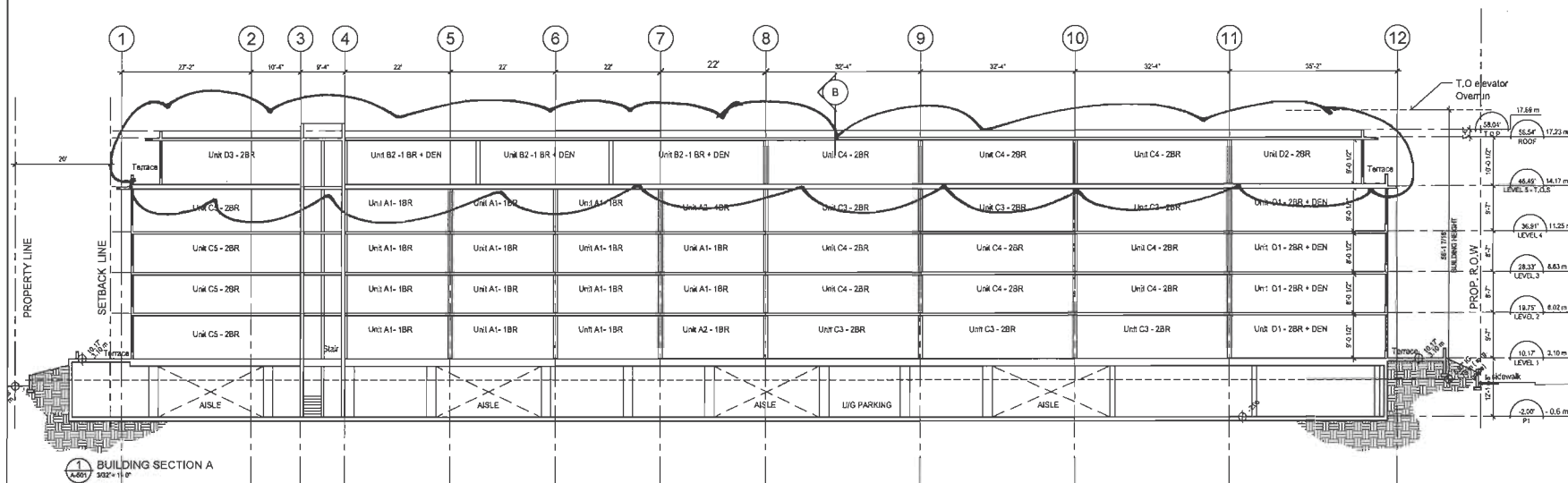
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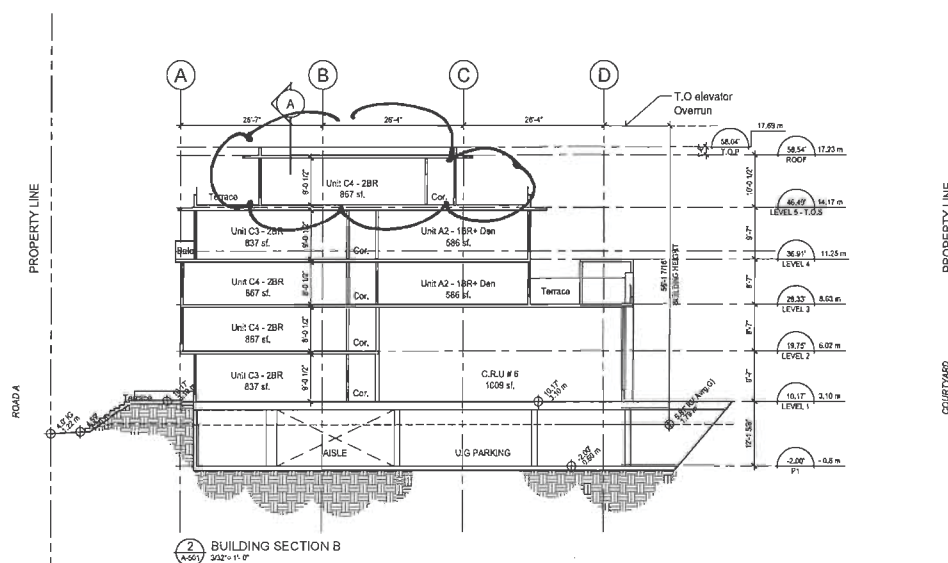
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KEY PLAN



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1	PRE-APPLICATION SET	140 35	
No.	Description	Date	Dr.
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Sheet Title

SECTIONS

Job No.	1115-000	Sheet No.	
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Approved	RK		
Date	2012.01.25	Revision	

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**THE GARDENS:
Child Care Facility Terms of Reference – Developer Requirements
RZ 08-450659**

Prior to final adoption of Official Community Plan (OCP) Amendment Bylaw No. 8531 and Zoning Amendment Bylaw No. 8532, the developer must complete Rezoning Amendment Considerations, including those regarding the developer's voluntarily contribution of a City-owned, 37-space child care facility to the satisfaction of the City as per this Terms of Reference.

Intent

The child care facility must:

1. Be capable of accommodating a minimum of 37 children between the ages of birth and 6 years (Note that the age range may be narrowed as determined through consultation with the City and operator through the development design and review processes.);
2. Have a total minimum indoor floor area of 372 m² (4,000 ft²) or as required to satisfy licensing requirements and adopted City policy, whichever is greater, together with required outdoor spaces;
3. Satisfy Richmond Childcare Design Guidelines (or the applicable City policy in effect at the time the facility is to be developed);
4. Be capable of being licensed by Vancouver Coastal Health Authority's Community Care Facilities Licensing Staff and/or other relevant licensing policies and/or bodies at the time of the facility's construction and in accordance with applicable Provincial Childcare Regulations;
5. On an ongoing basis, be functioning, affordable, and fully operational, to the satisfaction of the City (see "Performance" under Development Processes/Considerations);
6. Be run by a non-profit operator and be designed, developed, priced, and operated within the spirit of the City's Childcare Development Policy (#4017); and
7. Embody best practices in sustainable design and construction practices. (LEED silver or better standards for construction and interior finishes will be encouraged.)

Development Processes/Considerations

1. Operator Involvement –
 - The indoor floor plan and the outside play area for the childcare facility should be developed in collaboration with the operator or its representative, as determined by the City.
 - An operator should be secured prior to the start of the childcare facility design process.
 - To ensure the facility is satisfactory for childcare programming and related purposes and will be a viable operation, the operator should have input into:
 - space needs and design;
 - operation and functioning of the facility;
 - maintenance;
 - fittings and finishes;
 - equipment; and
 - related considerations.
2. Childcare Licensing Officer Involvement – The application of the Provincial Childcare Regulations can vary based on the local Childcare Licensing Officer's interpretation of programs needs; it is therefore essential that the Licensing Officer be involved with the design and development of the facility from the outset.

3. Performance – As a condition of Development Permit (DP), to ensure the facility will, on an ongoing basis, be both functioning and operational to the satisfaction of the City, the developer will be required, in consultation with the City, operator, and other affected parties, to define a standard of performance and the measures necessary to safeguard that those standards will be achievable (e.g., responsibility for maintenance).

Facility Description

1. General Considerations - As noted above, the facility must satisfy all City of Richmond, licensing, and other applicable policies, guidelines, and bylaws as they apply at the time of development.

In addition, the facility's indoor and outdoor spaces must not be situated:

- Near the project's affordable housing component if that housing is to be "subsidized housing", unless such a location is specifically approved in advance by the City; and
- Within 15 m of Highway 99, Steveston Highway, or No. 5 Road.

2. Access - Safe, secure, and convenient access for children, staff, and parents is key to the viability of a child care facility. Where determined necessary via the Development Permit (DP) review/approval process, the City may require that the facility is equipped with special features designed to address the challenges of locating a child care facility in a medium-density development. This may include, but is not limited to, the following:

- private/secured entry from the fronting publicly-accessible street or driveway;
- drop-off/pick-up parking spaces and bike parking (as per City bylaw) situated immediately adjacent to the primary child care entry and designated for the exclusive use of the child care;
- over-sized walkways, sidewalks, ramps, gates, and doorways designed to provide convenient and attractive public access to the facility, including accommodation for 3-child strollers, handicapped access, and large groups of people; and
- pedestrian weather protection at the facility entry, outdoor areas for waiting and congregating, and drop-off/pick-up areas.

3. Outdoor Space - The outdoor play space must be:

- immediately adjacent to and directly accessible from (visually and physically) the indoor child care space;
- generally at the same elevation as the indoor child care space, and any change in grade between the indoor and outdoor spaces or within the outdoor space must be handicapped-accessible;
- designed to minimize conflict between the child care and adjacent uses (e.g., noise impacts on residents);
- designed to enhance the relationship between the child care and adjacent open spaces and activities;
- protected from noise pollution (e.g., highway traffic, vehicle idling) and air pollution (e.g., vehicle exhaust, restaurant ventilation exhausts, garbage and recycling, noxious fumes);
- safe and secure from interference by strangers and others;
- sited and designed to provide for adequate sun exposure and weather protection in order to ensure the space is attractive and can accommodate heavy use and a broad range of activities throughout the year (e.g., quick drying surfaces, winter "sun trap", garden plots, covered play areas);
- tailored to meet the various developmental needs of the ages of children being served;

- landscaped with a combination of hard and soft play surfaces, together with appropriate fencing and access, to provide for a wide variety of passive and active recreation and social activities including, but not limited to, the use of wheeled toys, ball play, and gardening; and
 - fully equipped with play structures and other apparatus that meet the requirements of Licensing authorities and are to the satisfaction of the operator and the City of Richmond.
4. Noise Mitigation – Special measures should be incorporated to minimize traffic noise levels, both indoors and outdoors.
 5. Height Above Grade – The facility’s indoor and outdoor spaces (excluding parking) are to be located:
 - at a minimum elevation of 2.9 m geodetic or in conformance with the City of Richmond Flood Construction Level Bylaw or other relevant requirements at the time of the facility’s construction, whichever is greater;
 - at or above the finished grade of the outdoor publicly-accessible areas upon which the child care facility fronts (e.g., sidewalk, street, open space); and
 - on the lowest habitable floor of the building.
 6. Parking (including Bicycles) & Loading - As per applicable zoning and related bylaws, unless determined otherwise to the satisfaction of the City.
 7. Natural Light & Ventilation – The facility’s indoor spaces (with the exception of washrooms, storage, and service areas) must have operable, exterior windows offering attractive views (near or far) and reasonable privacy/overlook, as determined through Richmond’s standard Development Permit (DP) review/approval processes.

Level of Finish

1. Developer Responsibility - The child care facility must be turnkey and ready for immediate occupancy upon completion, with the exception of loose furnishings and related items. This includes, but is not limited to, the following:
 - Indoor Areas -
 - Finished floors installed (e.g., resilient flooring);
 - Walls and ceiling painted;
 - Window coverings installed (e.g., horizontal blinds);
 - Kitchen fully fitted out, including major appliances (e.g., stove/oven, refrigerator, microwave) and cabinets;
 - Washrooms fully fitted out, including sink, toilet, and cabinets;
 - Wired for cablevision, internet, phone, and security;
 - Non-movable indoor cabinets installed, including cubbies; and
 - Operable, exterior windows.
 - Outdoor Areas –
 - All outdoor landscaping (e.g., hard and soft landscaping, fencing, lighting, water and electrical services) installed;
 - All permanently mounted play equipment, furnishings, and weather protection, together with safe play surfaces and related features, installed;
 - Accommodation made for the future installation by others (e.g., operator) of additional equipment and furnishings (i.e. in addition to that provided by the developer); and
 - Features installed outside the bounds of the childcare space that are required to ensure a safe and attractive interface between the childcare and adjacent park or non-park uses (e.g., additional fencing, screening, lighting, signage, grading, planting).

2. Operator Responsibility - The operator will provide all loose equipment and furnishings necessary to operate the facility (e.g., toys, kitchen wares).

Tenure

Preference: Air Space Parcel or Strata Lot

Ownership: Developer transfers ownership to the City.

Legal

As a condition of completing the pending rezoning (RZ 08-450659), legal documents will be required to secure the child care facility contribution, including a “no-development” covenant, an option to purchase, a Letter of Credit, and/or other measures, as determined to the satisfaction of the City.

Signed copy on file (Received September 16, 2009)

Signed (Applicant)

Date



City of
Richmond

Rezoning Considerations

Development Applications Division
6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 10880, 10820 and 10780 No. 5 Road and 12733 Steveston Highway (The Gardens Development Lands) **File No.:** ZT 11-593771

Prior to final adoption of Zoning Amendment Bylaw 8891, the developer is required to complete the following:

1. Undertake all necessary modifications and revisions to the existing Legal Agreement registered on title of 10880, 10820 and 10780 No. 5 Road and 12733 Steveston Highway (reference legal documents CA2088652 to CA2088656) to the satisfaction of the Director of Development in order to achieve the following:
 - a) A revised legal agreement would continue to be registered on title of the Gardens development lands.
 - b) Removal of clauses and relevant subdivision plans (showing the Gardens development lands) that reference the provisions of the child care facility to be provided on the Gardens Development lands.
 - c) Inclusion of appropriate wording in the legal agreement to indicate that the child care facility to be provided at the sole cost of the developer is to be located on the Assembly (ASY) zoned portion of City land at 10640 No. 5 Road.
 - d) Inclusion of the appropriate subdivision plan to identify the City-owned land (10640 No. 5 Road).
 - e) Maintain existing clauses, provisions and subdivision plans securing the legal agreement that restricts build-out of the Gardens development lands to 67% until such time that a child care facility is provided on City-owned land at 10640 No. 5 Road by the developer (at their sole cost).
 - f) Conversion of the existing buildings located at 10640 No. 5 Road (the City-owned site) to a child care facility to the standards and guidelines established in the "Child Care Facility Terms of Reference – Developer Requirements".
 - g) The general provisions contained in the attached schedule to the legal agreement identifying the "Child Care Facility Terms of Reference – Developer Requirements" be maintained with revisions to reflect the location of the facility on city lands and other changes as deemed necessary.
 - h) That this revised and amended legal agreement be registered on title of the Gardens development lands (10880, 10820 and 10780 No. 5 Road and 12733 Steveston Highway) in conjunction with any required discharges and/or release of existing legal agreements on title that are to be replaced.



**Richmond Zoning Bylaw 8500
Amendment Bylaw 8891 (ZT 11-593771)
10880, 10820 AND 10780 NO. 5 ROAD AND 12733 STEVESTON
HIGHWAY**

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

1. Richmond Zoning Bylaw 8500 is amended by:
 - i. Repealing section 20.18.4.4 and 20.18.4.5 (Permitted Density) and replacing it with:

“20.18.4 Permitted Density

 4. The total **floor area** used for:
 - a) **Commercial use** within the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve** shall not exceed 9,000.0 m²;
 - b) **Residential use** within the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve** shall not exceed 53,511.0 m².
 5. For the purpose of Section 20.18.4, **floor area ratio** shall be calculated based on the area bounded by Highway 99, Steveston Highway, No. 5 Road and the **Agricultural Land Reserve**, regardless of **subdivision**.”
 - ii. Repealing section 20.18.7.1 (Permitted Heights) and replacing it with:

“20.18.7 Permitted Heights

 1. The maximum **height** is:
 - a) For **buildings**: 20.0 m, but containing not more than 5 **storeys** over a parking **structure**, except that:
 - i) For **buildings** located more than 90.0 m from No. 5 Road: 25.0 m, but not containing more than 6 **storeys** over a parking **structure**.”

2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 8891”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER