



City of Richmond

Report to Committee

To: Planning Committee

Date: June 16, 2015

From: Wayne Craig
Director of Development

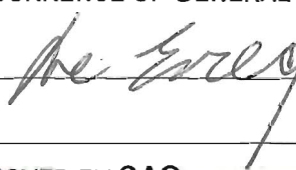


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Vol 01

Re: **Proposed Zoning Text Amendment – Notification Signs for City-initiated Rezoning or Text Amendments**

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9264, that clarifies that notification signs for City-initiated rezoning or text amendments are not required, be introduced and given first reading.


Wayne Craig
Director of Development
(604-247-4625)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Clerks	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

On April 27, 2015, Richmond City Council directed staff to bring forward bylaws that would result in the early termination of all 93 land use contracts (LUC) that include single-family properties within the City of Richmond. In addition to the early termination of LUC's, staff are also directed to bring forward bylaws to establish underlying zoning for the 93 LUC areas. Prior to bringing forward underlying zoning bylaws and related LUC terminations bylaws, a bylaw amendment to Richmond Zoning Bylaw No. 8500 is needed to clarify that a notification sign on each individual property is not required.

A public hearing for the early LUC termination and underlying zoning bylaws is anticipated to occur in late 2015. In the interim, a comprehensive public information process is underway to help inform residents and other stakeholders of the proposed changes.

This report supports Council's 2014-2018 Term Goal #3 A Well-Planned Community:

3.1. Growth and development that reflects the OCP, and related policies and bylaws.

This report supports Council's 2014-2018 Term Goal #7 Strong Financial Stewardship:

7.2. Well-informed and sustainable financial decision making.

This report supports Council's 2014-2018 Term Goal #9 A Well-Informed Citizenry:

9.2. Effective engagement strategies and tools.

Findings of Fact

The requirement to post a notification sign is an obligation of Richmond's Zoning Bylaw rather than the *Local Government Act*. Section 2.4 of Richmond's Zoning Bylaw requires that all rezoning applicants post a notification sign on the site at least 14 days prior to a public hearing. This section is intended to ensure area residents are aware of specific development proposals rather than situations where multiple properties are affected by the same zoning amendment at the same time. For City-initiated rezonings or text amendments, the City does not have the ability to post notification signs on private property.

Background on Land Use Contracts

The provincial legislation enabling land use contracts (LUC) was in effect for a short period of time between 1973 and 1979. During that time, the City of Richmond entered into several LUC's with property owners addressing the use and development rights of a property. Many of those regulations are out of date and are not consistent with more modern use and development rights provided in Richmond Zoning Bylaw No. 8500 which is the current zoning bylaw. Until recently, consent from both the municipality and property owner was required prior to modifying or discharging a LUC from the title of a property and establishing the underlying zoning.

After repeated efforts by Richmond City Council requesting the Provincial government to provide municipal governments with the authority necessary to address LUC's, the *Local Government Act* was amended on May 29, 2014.

Since the new legislation was adopted, staff and Richmond City Council have been reviewing the legal and procedural requirements of terminating LUC's prior to the sunset date of June 30, 2024. In order to pursue the early termination of LUC's, the following must take place:

- adopt underlying zoning for all LUC properties (this has to be completed no later than June 30, 2022);
- schedule and hold a public hearing on both the underlying zoning and the early termination of 93 LUC's as per the legal requirements of the *Local Government Act* (this will require a mailed notification to over 15,000 residents, and securing a larger venue in anticipation of a high level of interest);
- provide the Board of Variance with new authority to hear appeals on the early termination of LUC's and to extend the dates set in early termination bylaws for reasons of hardship, up to the sunset date of June 30, 2024.

On April 27, 2015, Council directed staff to bring forward bylaws that would result in the early termination of all 93 LUC's that include single-family properties. Some of the 93 LUC's also include multi-family residential (townhouses and apartments) and institutional uses. In addition to the early termination of the LUC's, staff are also directed to bring forward bylaws to establish underlying zoning for the 93 LUC areas.

Prior to bringing forward underlying zoning bylaws and related LUC termination bylaws, there are a number of steps that must be taken. They include:

- Bylaw amendments to Richmond Zoning Bylaw No. 8500 to clarify that the requirement for a notification sign on an individual property for City-initiated rezoning or text amendments which is the subject of this report;
- Preparation of a new Board of Variance Bylaw to establish application fees for the optional LUC early termination bylaw appeals, update the application procedures and requirements, update and review the notification procedures, and provide for other housekeeping updates which is the subject of a separate report;
- Establish the form of the public hearing notice that will include up to 186 separate bylaws and will be mailed to over 15,000 residents; and
- Ensure availability of off-site venues that can host a larger sized public hearing.

It is anticipated that two sets of bylaws will be introduced to Council in the fall of 2015. The first set of bylaws will establish underlying zoning for properties affected by the 93 LUC's. The second set of bylaws will terminate those 93 LUC's. If Council gives first reading to those bylaws, the bylaws would be forwarded to a special public hearing to be held later in 2015. The public hearing will provide an opportunity for those who believe that their interest in property is

affected by the proposed bylaws to be heard or to present written submissions. Following the public hearing, Council would consider adoption of the bylaws.

The provincial legislation requires a transition period of at least one year after the LUC termination bylaw is adopted unless otherwise specified by City Council. For example if LUC termination bylaws are adopted at the end of 2015, then the LUC would still be valid for a minimum of one year before the LUC is terminated. The provincial legislation has also given the City's Board of Variance new authority to consider appeals by a property owner regarding timing of the LUC termination date due to hardship. The Board of Variance can extend the termination date for a LUC for a particular property to a later date up to June 30, 2024. If granted, the extension would only apply to the particular property owner and would end if the property ownership changes.

Analysis

As part of the process to terminate LUC's, underlying zoning would have to be established for the more than 4,000 properties that would be affected. Read extremely narrowly, section 2.4 of Richmond's Zoning Bylaw could be interpreted to indicate a notification sign should be posted on each property prior to a public hearing. This would be impossible as the City has no authority to post signage on private property. The City has already begun a multi-faceted communications strategy to provide members of the public with information on what the City is doing with respect to the establishment of underlying zoning and the early termination of LUC's.

To date, the communication strategy has included the following:

- a press release explaining the proposed changes and process;
- a separate webpage link at www.richmond.ca/plandev/planning2/projects/LUC.htm that includes a summary of the process and frequently asked questions;
- a separate email address (luc@richmond.ca) and phone number (604-204-8626) for members of the public to contact if they have questions or wish to provide comments and other feedback; and
- static display boards with summary information and maps which can be found in the main lobby at City Hall.

The addition of a notification sign for each property that is proposed to have underlying zoning would not be necessary due to the comprehensive communication strategy.

The City will post a notification sign if an individual City-owned parcel is subject to a rezoning proposal. A recent example is the temporary fire hall at 6931 Granville Avenue where a text amendment was required to the existing zone to allow for emergency services. In that case, two notification signs were used, in addition to the required public hearing notices. The statutory requirements to inform residents and adjacent property owners and tenants would ensure that there is sufficient notice. The City will also consider additional consultation with the community, in addition to the public hearing requirements.

Financial Impact

None.

Conclusion

As part of the process to terminate land use contracts that have single family properties, an amendment would be required to Richmond Zoning Bylaw 8500 to clarify that notification signs for City-initiated rezoning or text amendments are not required. A multi-faceted communications strategy is underway to properly inform the public on the implications of terminating land use contracts. As such, requiring over 4,000 notification signs would not be necessary.

It is recommend that Zoning Bylaw 8500, Amendment Bylaw 9264, be introduced and given first reading.



John Hopkins, MCIP
Senior Planner
(604-276-4279)

JH:cas



**Richmond Zoning Bylaw 8500
Amendment Bylaw No. 9264**

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

1. Richmond Zoning Bylaw 8500 is amended by adding the following to Section 2.4:

“2.4.9. Notwithstanding Section 2.4.1, a notification sign is not required for City-initiated rezoning or text amendments.”
2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw No. 9264”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by

APPROVED by Director or Solicitor


MAYOR

CORPORATE OFFICER