



City of Richmond

Report to Committee

To: Planning Committee

Date: January 13, 2016

From: Wayne Craig
Director, Development

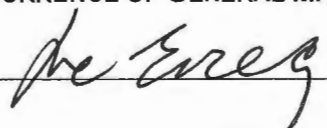

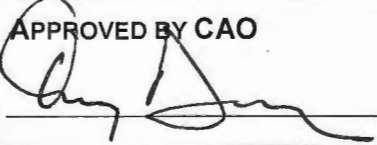
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Re: Proposed Amendments to the Downtown Commercial (CDT1) Zone

Staff Recommendation

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9284 to amend the "Downtown Commercial (CDT1) Zone" be introduced and given first reading.


Wayne Craig
Director, Development
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REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering Building Approvals	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

As part of the on-going review of the Richmond Zoning Bylaw 8500, staff have identified two proposed amendments to the Downtown Commercial (CDT1) zone. The first amendment is proposed to clarify the calculation of density and thereby enhance the ability to secure required road dedication for fronting roads and secondary (lane) access as part of a Development Permit application where required by the City. The second proposed amendment will clarify the required Affordable Housing contribution specified in the zone.

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

Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.

- 3.1. *Growth and development that reflects the OCP, and related policies and bylaws.*
- 3.2. *A strong emphasis on physical and urban design.*

Analysis

Currently, there are 111 parcels under the CDT1 zone, all located within the boundaries of the City Centre. A number of these properties have rear or side lane access.

In order to ensure safe and functional physical access to these sites, staff typically request additional lane and road widening as part of Development Permit applications in the City Centre area. To date, staff have negotiated some dedications for lanes, and in other projects have used the registration of statutory rights-of-way on title to ensure appropriate and safe vehicle access.

In the recent past, the Engineering Department has raised concerns with the use of rights-of-way to provide the desired widening for road or lane, and has requested that all future Development Permit applications under the CDT1 zone provide road and lane widening through dedication. Securing road widening through dedication is expected to enhance the City's ability to deal with third-party utilities (Hydro, Telus, etc.), improve the City's ability to undertake required maintenance and reduce the City's liability arising from work on private property. Dedicated road and lane widening further supports the City's long term objectives of optimizing the road network and improving circulation in the City Centre.

The provisions of the BC *Local Government Act* limit the legal requirement to dedicate roads to either a subdivision, or as a requirement of a rezoning application. As such, a number of projects in the CDT1 zone have proceeded to development through only a Development Permit application with the provision of road widening being secured via statutory rights-of-ways. Staff have faced a number of issues in negotiating dedicated roads and lanes under the CDT1 zone; specifically:

- The City has limited authority to require road dedication under a Development Permit; and
- Developers often raise the concern that the resulting buildable area after road dedication will be substantially reduced.

It is in the best interests of the City to develop an approach that allows road and lane widening in the CDT1 zone to be achieved through dedication. The proposed approach, described below, is to use gross site area for density purposes. It is intended that this amendment will facilitate the dedication of roads required to allow full and improved access to sites zoned CDT1, while still maintaining development potential under the zone and consistency with the City Centre Area Plan (CCAP).

An amendment is also proposed to clarify floor area for affordable housing units within the CDT1 zone. Where applicable under density bonus provisions, the habitable area of affordable housing units must comprise at least 5% of the residential floor area, not total building area, given the mixed use character of the zone.

Proposed Zoning Bylaw Amendments

Density Calculations and Gross Site Area

The proposed amendment to the CDT1 zone will allow the calculation of project density for Development Permit applications on properties which are already zoned CDT1 to be calculated based on the gross site area, before road dedication for fronting roads or rear lanes.

Proposed Bylaw 9284 has been drafted to insert a new clause in Section 9.3.4 Permitted Density:

“1. For a Development Permit application in the CDT1 **zone**, not involving a rezoning, the permitted **density** is based on gross **site** area, before required **road** or **lane** dedications.”

The proposed change would align with current practice where the registration of a statutory right-of-way does not reduce the physical site area.

The proposed amendment to calculate permitted density on the gross site area would result in new buildings constructed under the amended CDT1 zone, to achieve the same size and character as a site where road improvements have been addressed via a statutory right-of-way. The proposed amendment is expected to achieve a greater willingness from developers to dedicate land required for road and lane widening. This approach will also meet the Engineering Department desire for dedicated road and lane widening.

It should be noted that, where a developer wishes to rezone a property to the CDT Zone, the dedication of roads or lanes would be required, as permitted under the *Local Government Act*. In these instances, density would be calculated based on the net site area, after any required dedications have been provided.

Affordable Housing Contributions

As currently worded, Section 9.3.4.3 of the CDT1 zone permits a density bonus from the base FAR of 3.0 to 3.15, if 5% of the total building area is provided as rental units, secured by a Housing Agreement with the City of Richmond. Section 9.3.4.5 of the CDT2 zone also permits a density bonus (from a base FAR of 2.0 to 3.0 for rezoning applications involving more than 80 apartment housing dwelling units), if the same condition for rental housing is met.

Other high density multiple family residential zones such as the RAH and the RAM zones, which have been used in and around the City Centre, require affordable housing contributions based on the total building area constructed. These zones, however, do not permit any non-residential uses. In the mixed-use Downtown Commercial zone, the intent of the Zoning Bylaw is to allow the density bonus if the rental units comprise 5% of the total residential floor area.

The proposed amendment to Sections 9.3.4.3 and 9.3.4.5 would clarify that the density bonus is permitted if, prior to the first occupancy of the building, the owner:

“provides in the **building** not less than four **affordable housing units** and the combined **habitable space** of the total number of **affordable housing units** would comprise at least 5% of the total residential **floor area**;”.

Staff support the proposed revision to the CDT1 zone to ensure a level playing field for developers. The proposed amendment will render the CDT1 zone consistent with other higher density residential zones in the City Centre.

Consultation

The Urban Development Institute (UDI) was contacted by telephone and email and asked to review the proposed amendments to the CDT zone. No comment was provided.

The public will have an opportunity to comment further at the Public Hearing.

Financial Impact


None.

Conclusion

Two amendments to the Downtown Commercial (CDT) zone are proposed in this report. The first amendment is to clarify that the calculation of density in the CDT1 zone is based on gross floor area to secure required road and lane dedications at Development Permit stage. The second amendment will clarify that the required Affordable Housing contribution in the CDT1 and CDT2 zone is based on total residential floor area constructed. This is consistent with other similar zones in the City Centre.



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TA/BK:cas



Richmond Zoning Bylaw 8500
Amendment Bylaw 9284
(Amendments to the Downtown Commercial (CDT1) Zone)

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

- 1. Richmond Zoning Bylaw 8500, as amended, is further amended in Section 9.3.4 by inserting the following as Section 9.3.4.1 and renumbering the remaining sections accordingly:

“1. For a Development Permit application in the CDT1 zone, not involving a rezoning, the permitted density is based on gross site area, before required road or lane dedications.”

- 2. Richmond Zoning Bylaw 8500 is further amended in Section 9.3.4.3 a) by deleting this section in its entirety and replacing it with the following:

“9.3.4.3 a) provides in the building not less than four affordable housing units and the combined habitable space of the total number of affordable housing units would comprise at least 5% of the total residential floor area; and”.

- 3. Richmond Zoning Bylaw 8500 is further amended in Section 9.3.4.5 b) i) by deleting this section in its entirety and replacing it with the following:

“9.3.4.5 b) i) provides in the building not less than four affordable housing units and the combined habitable space of the total number of affordable housing units would comprise at least 5% of the total residential floor area; and”.

- 4. This Bylaw may be cited as “Richmond Zoning Bylaw 8500, Amendment Bylaw 9284”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

FEB 09 2016

CITY OF RICHMOND
APPROVED by
APPROVED by Director or Solicitor

MAYOR

CORPORATE OFFICER