

# Report to Committee

Planning and Development Division

To:

Planning Committee

Director, Development

Date:

March 7, 2016

From:

Wayne Craig

File:

ZT 15-709967

Re:

Application by Alex Jane (AWJ Investments Inc.) for a Zoning Text Amendment

to the Auto-Oriented Commercial (CA) zone to permit a Retail Pawnshop at

3779 Sexsmith Road, Unit 2187

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9528, for a Zoning Text Amendment to the "Auto-Oriented Commercial (CA)" zone to amend the regulations regarding the locational criteria for Retail Pawnshop uses be introduced and given first reading.

Wayne Craig

Director, Development

WC:db

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

FOR JOY FREEDA

#### Staff Report

#### Origin

ALEX JANE (AWJ INVESTMENTS INC.) has applied to amend the "Auto-Oriented Commercial (CA)" zone of Zoning Bylaw 8500 to permit a retail pawnshop use at 3779 Sexsmith Road, Unit 2187. The application is to amend the regulations regarding the City's locational criteria to allow a pawnshop at the subject site.

## **Findings of Fact**

The applicant had operated Richmond Pawnbrokers at 6892 No. 3 Road for approximately 11 years as a legally non-conforming use. The building where the firm was located was slated for demolition by June, 2015, forcing them to relocate. This site is currently being prepared for construction.

The business owner/operator was unable to find a suitable site that would also meet the locational criteria of the CA zone, after more than nine months of searching.

Recognizing the difficulties involved in finding a location for this use, the City's Chief Business Licence inspector, in consultation with the Director of Development, agreed that AWJ Investments could relocate to 3779 Sexsmith Road, Unit 2187 in the "Continental Shopping Centre". The operator was advised that a Zoning Text amendment application to allow the pawnshop use was required and that the decision on permitting the retail pawnshop use would rest with Council as this location does not meet the locational criteria of the CA zone. The business is currently operating under a "second hand retailer licence" (pending) which is a permitted use under the site's current zoning.

Retail pawnshop uses are only permitted within the CA zone but the location of these uses is restricted in terms of proximity to certain uses. Specifically, under the existing CA zone a retail pawnshop cannot be located closer than 100 m from a residential or institutional zone and no closer than 1,500 m from a site specific zone that permits a casino.

On-going redevelopment in the City Centre has reduced the number of potential sites where pawnshop uses would be permitted to locate because of the locational criteria.

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 1).

#### Surrounding Development

The "Continental Shopping Centre" is located in Capstan Village sub area of the City Centre Planning Area. The parent property is zoned "Auto-Oriented Commercial (CA)".

The Continental Shopping Centre's lot is approximately 2.52 ha (6.23 ac) in area and has two (2), two-storey buildings containing a variety of auto-oriented commercial retail services. The strata unit proposed for the pawnshop use is located on the ground floor in the southern-most building (building "A" shown in Attachment 2) facing the interior parking area of the site.

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To the North: Five single family lots zoned "Single Detached (RS1/F)" and a 1.37 ha (3.39 acre) under construction with three residential high rise towers on a site zoned "High Rise Apartment (ZHR12) – Capstan Village (City Centre)".

To the South: Along the south side of Cambie Road are four large lots containing a funeral home zoned "Funeral Home Commercial (ZC2) – Aberdeen Village (City Centre)", a self storage operation on a site zoned "Industrial Business Park (IB1)" and "LUC 039)" and a limited retail business park "Industrial Business Park Limited Retail (Z17) – Aberdeen Village (City Centre)".

To the East: Eight single family lots zoned "Single Detached RS1/F" and a 760 m² (0.19 acre) corner lot zoned "School & Institutional Use (SI)" currently owned by the Pui Ying Christian Services Society. Just to the east of the residential lots is a 0.81 ha (2.0 acres) lot zoned "Assembly (ASY)" owned by the Congregation of the Richmond United Church of Canada.

To the West: A 1.36 ha (3.37 ac) site being developed as a park under a "School and Institutional Use (SI)" zone. The land and park design were established through Polygon's "Avanti" residential development (RZ11-591985/DP12-612510). The City's Parks Department will be undertaking the park construction.

The "Continental Shopping Centre", has approximately 89 strata units. The range of businesses includes personal services (e.g., hair salon, bodycare laser clinic, optical store, etc.) specialty food stores, cafés and restaurants, health food stores, banking, general retail, a number of professional offices and a number of private education centres (e.g., ESL, tutoring, adult education).

#### **Related Policies & Studies**

#### Official Community Plan

The Continental Shopping Centre's lot is designated as "Mixed Use" in the Official Community Plan. This designation provides for residential, commercial, industrial, office and institutional uses. As a commercial use, the proposed retail pawnshop use conforms to the OCP's Mixed Use designation.

# City Centre Area Plan (Capstan Village)

Under the City Centre Area Plan Capstan Village Specific Land Use Map the Continental Shopping Centre's lot is designated as "General Urban T4 (25m)". This designation includes "retail trade & services" as one of the permitted uses. The proposed retail pawnshop use conforms to the CCAP's General Urban Land Use designation.

#### **Public Consultation**

As a Zoning Text amendment, this application will be subject to a public hearing process. No additional consultation processes are required under current City Consultation Policy No. 5043.

# Continental Shopping Centre Owners

The City has received a letter of support for the proposed retail pawnshop use from the Continental Shopping Centre's Strata Corporation owners. A copy of the letter is provided in Attachment 4.

## **Analysis**

# Location Criteria For Retail Pawnshops

The CA zone is the only zone where a retail pawnshop is permitted. The analysis shows that there are very few sites that are CA zoned and meet all the locational criteria to allow a retail pawnshop. Attachment 5 shows the extent of the CA zoned properties and the location of the subject property. The CA zoned areas occur in five Planning Areas: City Centre, Bridgeport, West Cambie, East Cambie and Sea Island.

Locational criteria for retail pawnshops were last considered and approved by Council in 2004, which established a 1,500 m setback to a site specific zone that permits a casino that had recently opened. Give the amount of time that has passed and significant land use changes in the City Centre since 2004, revisions to the locational criteria are warranted.

## Setbacks from Institutional Zones

Under the current "Auto-Oriented Commercial (CA)" retail pawnshops are not permitted to locate closer than 100 m to a property zoned for institutional uses. Typical examples of institutional uses are:

- Child Care
- Education (schools and universities)
- Government service
- Health Service (major and minor)
- Religious Assembly (e.g., churches)
- Interment facility
- Congregate Housing
- Community Care facilities (major and minor)
- Recreation (outdoor e.g., parks)
- Emergency Service

Zones including these uses would trigger the 100 m setback requirement since the location proximity criteria is measured from the zone rather than a business with a specific use.

# Proximity to Residential Zones

Over time, properties adjacent to the CA zoned areas have undergone numerous redevelopments. Staff confirm that, the majority of properties adjacent to CA zones fall under thirteen zones that each permit residential uses. This results in considerable limitations where potential retail pawnshop business can locate without violating the locational criteria of the zone.

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# Proximity to the Casino

The CA zone also specifies a minimum 1,500 m setback from a site specific zone that permits a casino. The applicant's current location, 3779 Sexsmith Road in the Continental Shopping Centre, does not meet the casino setback criteria because of its proximity to the River Rock Casino at 8811 River Road.

#### Combined Setbacks

To illustrate the implications of the overlapping locational requirements of the CA zone for retail pawnshop use, Attachment 6 shows the same coverage of CA zoned areas but overlays the 100 m setbacks from surrounding institutional zones and residential zones and the 1,500 m setback from the casino. The two circled red highlighted properties are the only sites that could comply with the CA zone locational criteria and potentially permit a retail pawnshop use.

Note that for the purposes of illustration the institutional overlay includes only three primary uses (School and Institutional Use (SI), Assembly (ASY), and Health Care (HC)).

## Options Analysis

Staff prepared three options for Council's consideration to address the application:

- Option 1: Modify the locational proximity criteria in the CA Zone (recommended option);
- Option 2: Allow the site-specific retail pawnshop use at 3779 Sexsmith Road through a text amendment to the CA zone;
- Option 3: Deny the application.

Option 1: Modify the locational proximity criteria in the CA Zone (Recommended) This option proposes amendments to the "Auto-Oriented Commercial (CA)" zone to:

- 1. Reduce the adjacency requirement to the casino zone from 1,500 m to 750 m;
- 2. Eliminate the adjacency requirements for residential and institutional uses;
- 3. Confine retail pawnshops to only CA zoned sites within the City Centre Planning Area;
- 4. Permit only one pawnshop business per property;
- 5. Restrict the gross floor area to 200m<sup>2</sup> or less; and
- 6. Reinforce the requirements of the Business Regulation Bylaw No. 7538 for submission of transaction records to the RCMP.

### Pros:

- Clarifies the location criteria.
- The 750 m setback from the Casino remains a sufficient deterrent in terms of a walking distance or an immediate proximity to the casino operations.
- Directs the use to the area in and around the No. 3 Road corridor.
- The limitation of one pawnshop business per lot provides flexibility of location within a common strata building (e.g., allows relocation within a shopping centre).
- Limits the size of any retail pawnshops to 200 m<sup>2</sup>.
- Encourages pawn brokers to operate legitimately by improving the availability of acceptable locations for their businesses.
- Allows an established Richmond business to continue operating within Richmond.

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#### Cons:

- Potential for more concerns about compatibility between pawn operations and nearby businesses and residents.
- Potential increase in the number of pawnshops in the City.
- Potential to increase RCMP monitoring needs over time.
- Potential Business Licence enforcement issues to increase.

Option 2: Allow a retail pawnshop use at 3779 Sexsmith Road on a site-specific basis alternative Bylaw No. 9529 (Not Recommended)

This option proposes amendments to the "Auto-Oriented Commercial (CA)" zone to permit the retail pawnshop at 3779 Sexsmith Road as a site specific use. The location does not meet the location criteria in the CA zone. Should Council wish to consider this alternative, Bylaw 9529 in Attachment 8 could be considered. This Bylaw would:

- 1. Allow the site specific use;
- 2. Limit the use to one pawnshop business per lot
- 3. Limit the gross floor area to 200 m<sup>2</sup> or less.
- 4. Reinforce the requirements of the Business Regulation Bylaw No. 7538 for submission of transaction records to the RCMP.

#### Pros:

- Allows Council to decide on a case by case basis whether to allow each new application.
- Allows an established Richmond business to continue operating in Richmond.
- The limitation of one pawnshop business per lot provides flexibility of location within a common building.
- The maximum size of any retail pawnshop business will be limited to 200 m<sup>2</sup>.
- Business licencing will continue to regulate the use while the RCMP will continue to monitor transactions.
- Allows an established Richmond business to continue operating within Richmond.

#### Cons:

- Does not address fundamental location issues for pawnshops (i.e. no clear rules on spatial separation).
- The scope of institutional land uses to determine locational criteria remains somewhat vague.
- If legitimate locations cannot be found pawnshop dealers may look to alternative approaches to conduct business.

Should Council prefer the site specific approach presented by Option 2 an alternative Bylaw 9529 is attached in Attachment 8.

# Option 3: Deny the application (Not Recommended)

This option rejects the request to amend the locational adjacency requirements in the "Auto-Oriented Commercial (CA)" zone, based on existing locational criteria.

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#### Staff Recommendation

Staff recommend support for Option 1: Modify the locational proximity criteria in the CA Zone. Business Licence staff do not believe that the proposed amendment to the CA zone will result in an abundance of these businesses in the Community and note that they will have the ability to monitor changes over time as per existing Bylaw practices. As any other type of business in Richmond, the market will determine whether these operations will be successful. Council can direct staff to revisit the use within the CA Zone should any concerns arise in the future.

Based on discussions with the current operator and Business Licence staff there is a market for retail pawnshops in the City. Staff believe it is preferable to have a legally permitted Retail Pawnshop use over illegally operating brokers with no monitoring of transactions by the RCMP.

#### RCMP Consultation

Staff consulted with the RCMP on the proposed pawnshop business location within the Continental Shopping Centre and on the proposed amendments to the CA zone – i.e. relaxing the adjacency requirements from other defined uses (i.e. residential, institutional, casino).

The RCMP indicated that they have no specific concerns with the proposed retail pawnshop business being located within the Continental Shopping Centre. They report that the applicant has been continuing to provide the RCMP with pawn transaction records as required under Richmond's Business Regulation (Bylaw 7538) and which are routinely monitored by the RCMP.

On the broader question of relaxing adjacency requirements, the RCMP recognize that the growth and change of uses over time have resulted in difficulties in locating retail pawnshop uses within the City. From an enforcement perspective, the RCMP indicated a preference to confining future pawnshop businesses to the Automobile Commercial (CA) zone and within the City Centre Planning Area (effectively the area in and around the No. 3 Road corridor). The RCMP did not have specific concerns with staff's proposal to eliminate setbacks from residential and institutional uses and reducing the setback from the Casino from 1,500 m to 750 m.

Through discussion with both the RCMP and Richmond's Business Licence staff, the proposed bylaw amendments incorporate language to reinforce the reporting of all pawn transactions to the RCMP as required under Richmond's Business Regulation Bylaw No. 7538.

#### Financial Impact or Economic Impact

None.

#### Conclusion

Alex Jane (AWJ Investments Inc.) has applied for permission to amend zoning district "Auto-Oriented Commercial (CA)" of the Zoning and Development Bylaw 8500 to permit a retail pawnshop use to be located at 3779 Sexsmith Road, Unit 2187. Based on discussions with the RCMP and a detailed staff review of the issue, staff recommend that the locational criteria in the CA zone for retail pawnshop be amended to reduce the adjacency requirements to the casino zone from 1,500 m to 750 m and eliminate the adjacency requirements for residential and institutional uses, limit retail pawnshop use to CA zones within the City Centre Planning area, to limit the number of retail pawnshops to one such business per lot and to restrict the size of retail pawnshops to no more than 200 m<sup>2</sup> as indicated in this report and shown in Bylaw 9528.

It is recommended that Zoning Bylaw 8500, Amendment Bylaw 9528 be introduced and given first reading.

David Brownlee

Planner 2

DCB:dcb

Attachment 1: Location Map
Attachment 2: Site Plan

Attachment 3: Development Application Data Sheet

Attachment 4: Letter from Philip Ng, on behalf of the Strata Corporation owners

Attachment 5: Current Auto-Oriented Commercial (CA) Zones

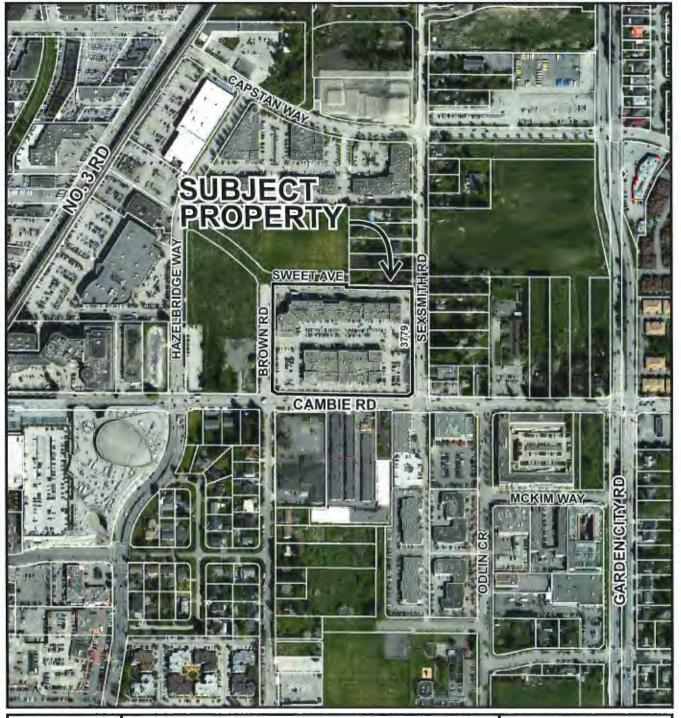
Attachment 6: Existing 1500 m Casino Buffer with 100m Residential Buffer & 100 m

Institutional Buffer

Attachment 7: Proposed 750 m Casino Buffer

Attachment 8: Alternative Bylaw 9529







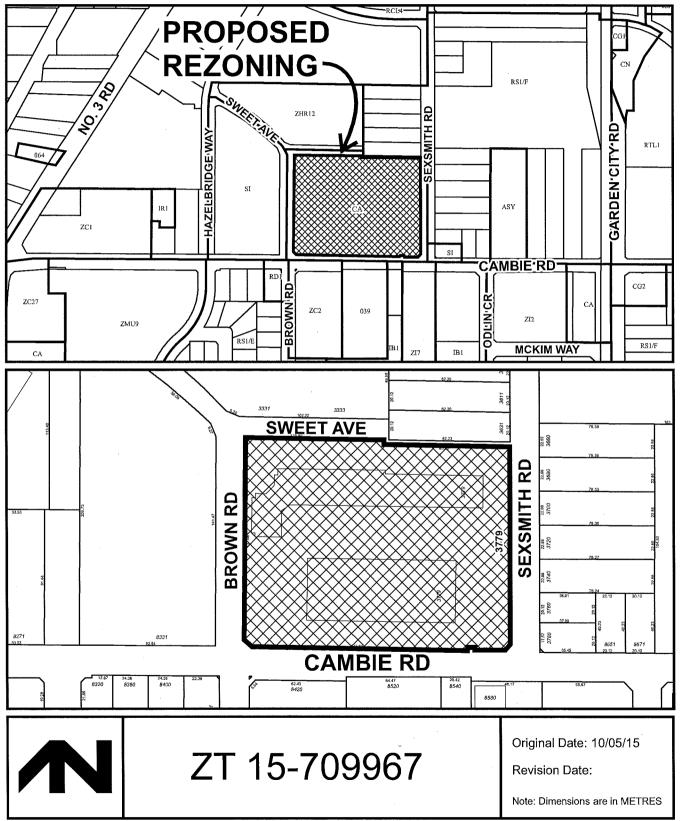
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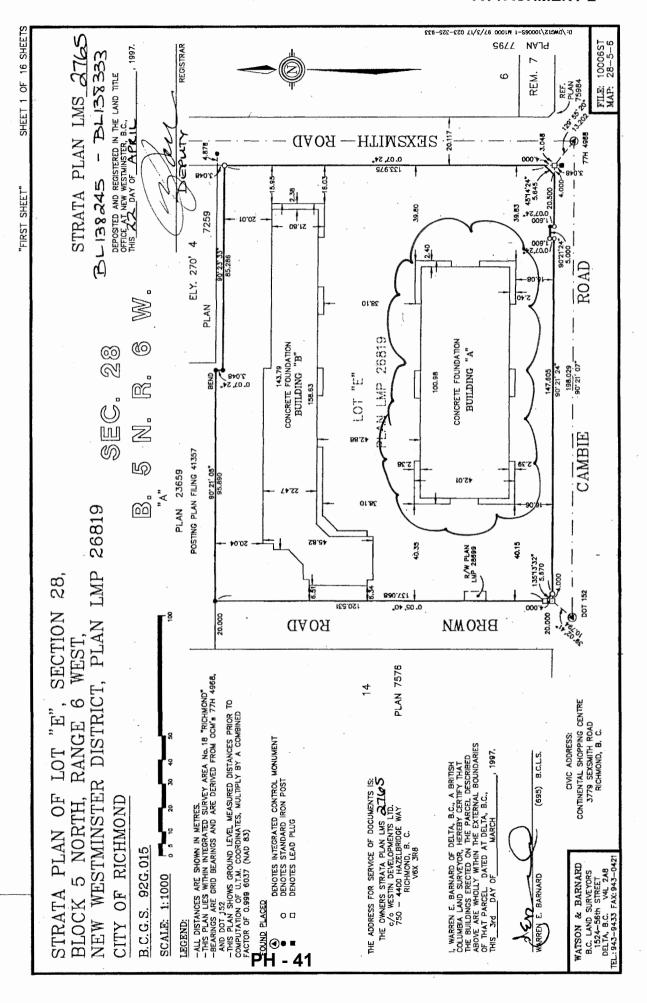
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Revision Date:

Note: Dimensions are in METRES





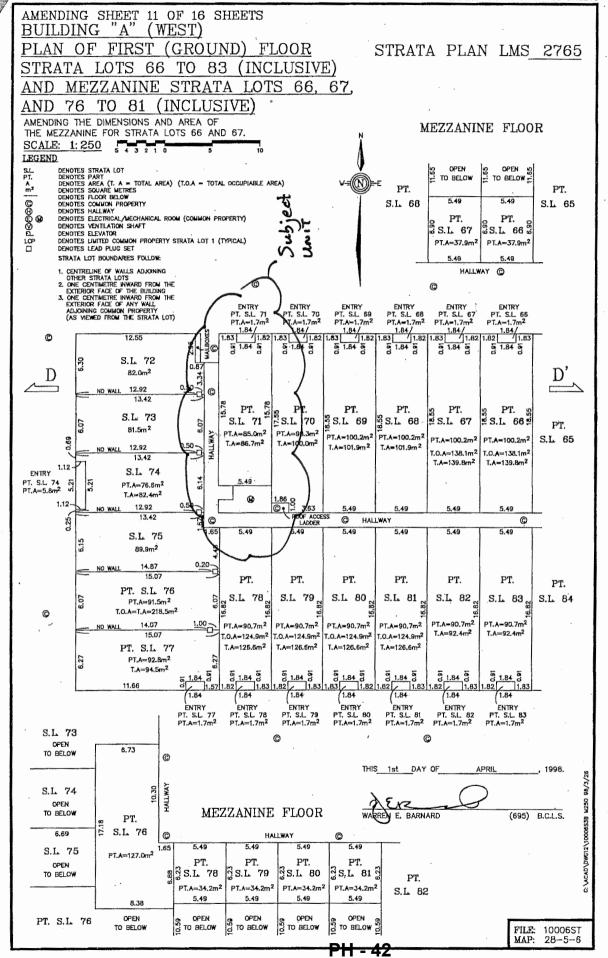


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# **Development Application Data Sheet**

**Development Applications Department** 

ZT 15-709967 Attachment 3

Address:

3779 Sexsmith Road, Unit 2187

Applicant:

Alex Jane (AWJ Investments Inc.)

Planning Area(s):

City Centre

	Existing	Proposed
Owner:	Marianne Yin Fong Tse, Ellis Yin Kai Tse, Annissa Yin Ha Tse	No Change
Unit Size (m²):	86.7 m2	No Change
Land Uses:	Commercial Retail	No Change
OCP Designation:	Mixed Use	No Change
Area Plan Designation:	General Urban T4 (25m) with a Village Centre Bonus	No Change
Zoning:	Auto-Oriented Commercial (CA)	Same but amended to permit a retail pawnshop at the subject site
Other Designations:	NEF Area 1A	No Change

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance	
Floor Area Ratio:	Max. 0.5	No Change	none permitted	
Lot Coverage – Building:	Max. 50%	No Change	none	
Setback – Front Yard (m):	Min. 3.0 m	No Change		
Setback - Side & Rear Yards (m):	Min. 3.0 m	No Change	none	
Height (m):	12.0 m	No Change	none	

Warrington PCI Management #1700-1030 West Georgia Street Vancouver, BC, Canada V6E 2Y3



T: 604.602.1887 F: 604.688.2328 www.warringtonpci.com

August 28, 2015

Joanne Hikida Supervisor, Business Licence 6911 No. 3 Road Richmond, B.C. V6Y 2C1 Phone - 604-276-4155 Fax - 604-276-4157

Dear Joanne,

RE: LMS2765 Unit 2187 (Richmond Pawnbrokers) Text Amendment Process

We are writing on behalf of The Owners, Strata Plan LMS2765 (The "Strata Corporation").

The strata corporation did not find any restrictions for the operation of pawnbroker business in the current bylaws of the Continental Shopping Centre; and would not raise objection for the applicant, Alex Jane to operate such business in the Continental Shopping Centre.

Yours truly,

WARRINGTON PCI MANAGEMENT

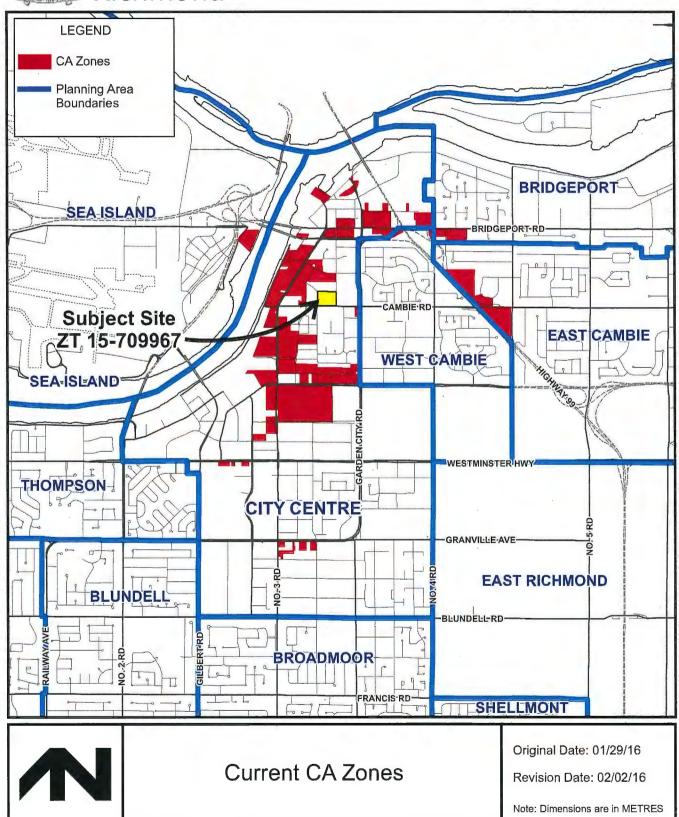
Philip Ng

Strata Manager

Agent for The Owners, Strata Plan LMS2765

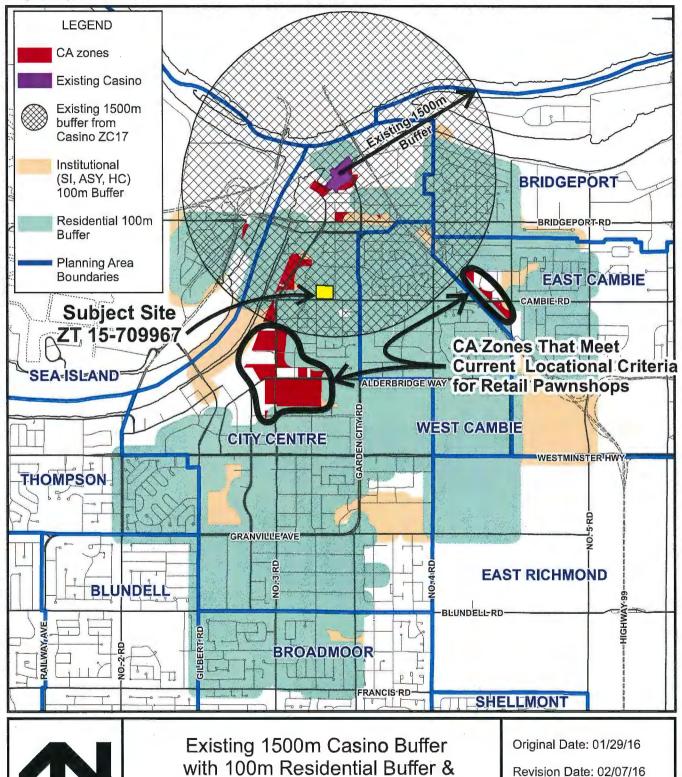
cc: Council





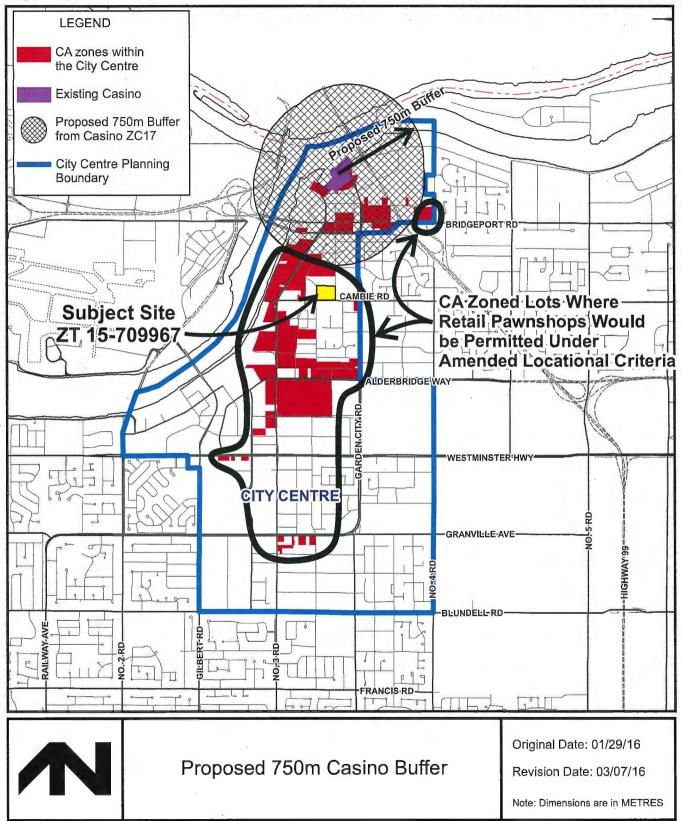
Note: Dimensions are in METRES





100m Institutional Buffer





**Bylaw 9529** 

# Richmond Zoning Bylaw 8500 Amendment Bylaw 9529 (ZT 15-709967) 3779 Sexsmith Road, Unit 2187

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

- 1. Richmond Zoning Bylaw 8500 is amended by inserting the following Sections into the "Auto-Oriented Commercial (CA)" zone and renumbering subsequent Sections as necessary;
  - "10.3.11.6 Not withstanding Section 10.3.6.5, **retail pawnshop** shall be permitted at the following site(s):
    - a) 3779 Sexsmith Road
      Strata Lot 71 Section 28 Block 5 Range 6 West New Westminster
      District Strata Plan LMS 2765 together with an interest in the
      common property in proportion to the unit entitlement of the strata
      lot as shown on form 1
  - 10.3.11.7 In the case of Section 10.3.11.6.a, the **retail pawnshop** at 3779 Sexsmith Road shall be limited to one (1) pawnshop business on the **lot** and that business shall have a **gross floor area** not exceeding 200 m<sup>2</sup>."
  - 10.3.11.8 **Retail pawnshop** brokers shall comply with the Business Regulation Bylaw No. 7538 and shall transfer the required pawn transaction information to the Police by means mutually agreed by both the Richmond RCMP and the Pawnbroker Operator."

2. This Bylaw may be cited as "Richmond Zoning By	law 8500, Amendment Bylaw 9529".	
FIRST READING	CITY O RICHMO	DNC
PUBLIC HEARING	by P	/
SECOND READING	APPRO by Director or Solic	ctor
THIRD READING	·	/
OTHER CONDITIONS SATISFIED		
ADOPTED		
MAYOR	CORPORATE OFFICER	



# Richmond Zoning Bylaw 8500 Amendment Bylaw 9528 (ZT 15-709967) 3779 Sexsmith Road, Unit 2187

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

- 1. Richmond Zoning Bylaw 8500 is amended by:
  - a) Repealing Section 10.3.6.5 of the "Auto-Oriented Commercial (CA)" zone and replacing it with the following:
    - "10.3.6.5 **Retail pawnshop** shall not be located closer than 750.0 m to the **site** specific zone that permits a casino."
  - b) Inserting the following Sections into the "Auto-Oriented Commercial (CA)" zone and renumbering subsequent Sections as necessary:
    - "10.3.11.6 **Retail pawnshop** shall only be permitted within the **City Centre** and shall be limited to one (1) pawnshop **business** per **lot** and that **business** shall have a gross **floor area** not exceeding 200 m<sup>2</sup>."
    - "10.3.11.6 **Retail pawnshop** brokers shall comply with the Business Regulation Bylaw No. 7538 and shall transfer the required pawn transaction information to the Police by means mutually agreed by both the Richmond RCMP and the Pawnbroker Operator."

2. This Bylaw may be cited as "Richmond Zoning Byl	aw 8500, Amendment Bylaw 9528".	
<ol> <li>This Bylaw may be cited as "Richmond Zoning Byl FIRST READING</li> </ol>	MAR 2'9 2016	CITY OF RICHMOND
PUBLIC HEARING		APPROVED by
SECOND READING		APPROVED by Director
THIRD READING		or Solicitor
MINISTRY OF TRANSPORTATION		
ADOPTED		
MAYOR	CORPORATE OFFICER	