




To: Planning Committee **Date:** February 10, 2020
From: Barry Konkin **File:** 08-4050-10/2020-Vol
Director, Policy Planning 01
Re: **Referral Response on Education, Dormitory and Child Care Uses in the
No. 5 Road Backlands Policy Area and for Sites in the Agricultural Land
Reserve**

Staff Recommendation

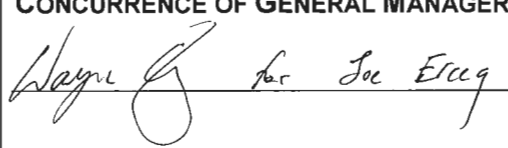

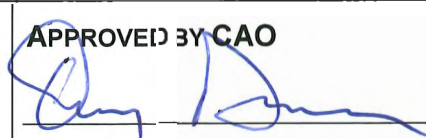
1. That Richmond Official Community Plan (OCP) Bylaw 9000 and 7100, Amendment Bylaw 10132, to revise Section 7.3 of Schedule 1 of the OCP (No. 5 Road Backlands Policy) and Schedule 2.13A of the OCP (East Richmond Area McLennan Sub-Area Plan) to clarify permitted uses and related policies for religious institutional uses, be introduced and granted first reading.
2. That Richmond Official Community Plan Bylaw 9000 and 7100, Amendment Bylaw 10132, having been considered in conjunction with:
 - a) the City's Financial Plan and Capital Program;
 - b) the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;is hereby found to be consistent with said program and plans, in accordance with Section 477 (3) (a) of the *Local Government Act*.
3. That Richmond Official Community Plan (OCP) Bylaw 9000 and 7100, Amendment Bylaw 10132, having been considered in conjunction with Section 477(3) (b) of the *Local Government Act*, be referred to the Agricultural Land Commission for comment prior to a Public Hearing.
4. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10133, to revise the "Assembly (ASY)" zoning district contained in Section 13.3 to prohibit education and dormitory as permitted uses in this zone for areas within the No. 5 Road Backlands Policy area located in the Agricultural Land Reserve and revise the "Religious Assembly (ZIS7) – No. 5 Road" zoning district contained in Section 24.7 to prohibit education use in this zone, be introduced and granted first reading.

5. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10141, to revise the “Assembly (ASY)” zoning district contained in Section 13.3 to prohibit education and dormitory uses for areas outside of the No. 5 Road Backlands Policy area and located in the Agricultural Land Reserve, be introduced and granted first reading.
6. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10140, to revise the “Assembly (ASY)” zoning district contained in Section 13.3 to add site-specific dormitory use regulations for the property at 8100 No. 5 Road, be introduced and granted first reading.
7. That final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10140 be considered in conjunction with Richmond Zoning Bylaw 8500, Amendment Bylaw 9586 (RZ 14-667707).
8. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10146, to revise the “Assembly (ASY)” zoning district contained in Section 13.3 and revise the “Religious Assembly (ZIS7) – No. 5 Road” zoning district contained in Section 24.7 to regulate child care use in these zones for lands located in the Agricultural Land Reserve, be introduced and granted first reading.
9. That staff bring to Council all building permit applications involving education, dormitory or child care uses for lands zoned “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” located in the Agricultural Land Reserve, received more than 7 days after the date of first reading of Richmond Zoning Bylaw 8500, Amendment Bylaws 10133, 10141, and 10146, for consideration of a resolution that the building permit be withheld pursuant to Section 463 of the *Local Government Act*.



Barry Konkin
 Director, Policy Planning
 (604-276-4139)

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications Community Social Development Law	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

This report responds to two separate Committee referrals:

Planning Committee (December 3, 2019)

That staff review the Backlands Policy for the Highway to Heaven (No. 5 Road) and provide updated wording to ensure that only religious institutions are permitted.

General Purposes Committee (January 7, 2020)

That staff examine removing school use as a permitted use in the No. 5 Road backlands plan and when reporting back include consideration of the December 3, 2019 Planning Committee related referral.

Staff examination of current land use policy and regulations in response to these two referrals has determined that:

- the current regulations are too broad in relation to accessory dormitory uses; therefore, additional OCP Amendments in relation to the No. 5 Road Backlands Policy area and additional Zoning Bylaw Amendments are proposed that would also prohibit dormitory uses;
- City zoning regulations for child care for applicable zoning districts located in the ALR are also too broad and would potentially allow for large standalone child care facilities on farmland; therefore, an additional Zoning Bylaw Amendment is proposed that would regulate child care uses on lands zoned “Assembly (ASY)” and located within the Agricultural Land Reserve. This amendment would also be applicable to the site-specific agricultural zone – the “Religious Assembly (ZIS7) – No. 5 Road” zone – for the property occupied by the Lingyen Mountain Temple.

This report supports Council’s Strategic Plan 2018-2022 Strategy #6 Strategic and Well-Planned Growth:

Leadership in effective and sustainable growth that supports Richmond's physical and social needs.

6.1 Ensure an effective OCP and ensure development aligns with it.

Official Community Plan (OCP) Bylaw 9000 and 7100, Amendment Bylaw 10132 proposes policy clarification to only consider religious institutional uses and prohibit education and dormitory uses in the OCP No. 5 Road Backlands Policy area and the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A). Amendments are also proposed to Richmond Zoning Bylaw 8500, through Amendment Bylaws 10133 and 10141 to prohibit “education” use as follows:

- on sites that are zoned “Assembly (ASY)” or “Religious Assembly (ZIS7) – No. 5 Road” that are located in the No. 5 Road Backlands area; and

- on sites that have existing “Assembly (ASY)” zoning outside of the No. 5 Road Backlands area, and which are located in the Agricultural Land Reserve (ALR).

Additional information is provided later in this report on one application at 8100 No. 5 Road (RZ 14-667707) that has been granted third reading (following the November 21, 2016 Public Hearing) that would be impacted by the proposed OCP and Zoning Bylaw amendments. Information on in-stream development applications within the ALR that are in process with staff is provided for information purposes only.

Background Information

History of the No. 5 Road Backlands Area

Staff reviewed the history of policy development for the No. 5 Road Backlands Policy area. A timeline of the policy can be found in Attachment 1. Land use policy applicable to the No. 5 Road Backlands Area has included provisions for education institutions since 1990. As a result, various properties within the area have made applications (i.e., ALR Non-Farm Use and rezoning) and received approval from Council and the Agricultural Land Commission for education institutions. Staff note that there are 5 existing schools located in the No. 5 Road Backlands Policy area.

Official Community Plan

The No. 5 Road Backlands Policy was moved to Schedule 1 of the OCP in 2016, and applies to lands on the east side of No. 5 Road generally bounded by Steveston Highway to the south and 7890 No. 5 Road to the north (one property to the north of Blundell Road) (Attachment 2).

The No. 5 Road Backlands Policy area is located in the ALR and subject to the *Agricultural Land Commission Act* legislation and all accompanying ALR regulations. Development proposals in this area are required to obtain land use approvals through an ALR Non-Farm Use Application, which requires Council consideration and endorsement of the proposal before it is forwarded to the ALC for a decision. If an ALR Non-Farm Use application is endorsed by the ALC, a subsequent rezoning application would also be required.

The East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A of the OCP) contains land use policy and accompanying land use maps and designations for a portion of this area (north of Francis Road) of the No. 5 Road Backlands Policy area.

Zoning Bylaw – Uses

As the Council referrals have directed staff to examine the suitability of education uses in the Backlands Policy area, some background information is provided for in this section of the report.

Education is defined in the Zoning Bylaw 8500 as follows:

Education “means a school, provincial school or francophone school as defined by the *School Act* and independent school as defined by the *Independent School Act* normally offering kindergarten to Grade 12 classes, and which may include, on the same site,

accessory administration, food and beverage service, and student, recreational, religious and cultural services, patron participation entertainment, and subordinate housing for students, staff and faculty of that education facility, but does not include commercial education.”

Education facilities that fall under this land use definition are those that provide schooling in the Provincial curriculum for Kindergarten to Grade 12 (K-12), regardless of religious affiliation and status as a for profit or not for profit organization.

Other types of schools and education facilities involved in providing training, instruction and certification for a specific trade, skill or service and universities/colleges are defined separately in Zoning Bylaw 8500 and are not permitted uses in the ALR or in any of the assembly related zoning districts proposed for amendment in this report.

Over the recent past, there has been interest in the provision of dormitory space associated with institutional or religious uses in the Backlands Policy area. As the Richmond Zoning Bylaw 8500 does not contain any limits or regulations on this use, staff propose new regulations for dormitory use for lands within the No. 5 Road Backlands Policy Area. The proposed regulations would also apply to “Assembly (ASY)” zoned lands outside this policy area but located in the ALR.

Dormitory is defined in the Zoning Bylaw 8500 as follows:

***Dormitory** “means a building containing sleeping units for occupancy by students or staff members affiliated with a school, religious assembly, hospital, university or similar institution, and which is regulated by such institution.”*

Dormitory facilities, which are a permitted secondary use in the “Assembly (ASY)” zone, are not dwelling units as they are not permitted to have self-contained cooking facilities or kitchens. The Zoning Bylaw currently does not contain any restrictions or limitations on the number of people that can be accommodated in a dormitory or a maximum floor area for a dormitory use. Dormitory uses are a form of residential use that can result in conflicts with normal agricultural uses and farm practices and can place additional and undue development pressures on farmland for non-farm uses. In staff’s opinion, a dormitory use is not appropriate on ALR land and amendments are proposed in this report to prohibit dormitories in the ALR.

A third area which staff have identified for additional regulation for areas within the No. 5 Road Backlands Policy Area and outside this policy area but located in the ALR is child care. Child care is currently permitted as a principal use in the “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” zoning districts. Based on the provisions of these existing zoning districts, standalone child care facilities not attached to another principal use (i.e., religious assembly institutions) are allowed in these zones. Furthermore, there are no regulations that limit the total maximum number of child care spaces in such child care facilities. A number of new regulations for child care facilities in the No. 5 Road Backlands Policy area and within the ALR in general are proposed in this report.

Existing Zoning Districts in the No. 5 Road Backlands Policy Area

For properties that have redeveloped within the No. 5 Road Backlands Policy area, current zoning consists primarily of sites with “Assembly (ASY)” zoning generally on the west 110 m of the site – consistent the Backlands policy – and the balance of the site zoned “Agriculture (AG1)”. One site in the area – the Lingyen Mountain Temple at 10060 No. 5 Road – is zoned “Religious Assembly (ZIS7) – No. 5 Road”. The “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” zoning districts both currently allow education and child care as a principal use and dormitory as a secondary use.

No revision is proposed to the dormitory regulations associated with the Lingyen Mountain Temple “Religious Assembly (ZIS7) – No. 5 Road” zoning at 10060 No. 5 Road as these were approved by Council on a site-specific basis through a previous rezoning application (RZ 13-641554). The current zone allows dormitory as a secondary use that shall not exceed 70 people. However, amendments to prohibit education as a permitted use and regulate child care within the site-specific zone of this site are proposed.

Sites Zoned “Assembly (ASY)” in the ALR Outside of the No. 5 Road Backlands Policy Area

There are a total of nine sites within the ALR that have existing “Assembly (ASY)” zoning and located outside of the No. 5 Road Backlands Policy area. New regulations are proposed in this report that will prohibit education and dormitory uses on these sites, and will also regulate child care uses for these properties.

Analysis

ALC Approval Requirements for Education, Child Care and Dormitory Uses

Notwithstanding the OCP and Zoning Bylaw amendments proposed in this report, any non-farm uses proposed for sites located in the ALR are subject to an ALR Non-Farm Use application, which requires consideration and endorsement from Richmond City Council prior to the application being forwarded to the ALC for consideration. The proposed OCP and Zoning Bylaw Amendments contained in this report would not change the requirement for an ALR Non-Farm Use application.

Proposed Bylaw Amendments

Official Community Plan Amendment

An amendment is proposed to the No. 5 Road Backlands Policy contained in Section 7.3 of the OCP to:

- allow religious institutions only;
- no longer allow education and dormitory uses in the Policy area; and

- remove the ‘Community Institutional’ (OCP land use definition) wording referenced in the No. 5 Road Backlands Policy area and replace with ‘religious institutional’ to reflect the proposed range of permitted uses as outlined in this report.

Other types of schools and education facilities involved in providing training, instruction and certification for a specific trade, skill or service and universities/colleges are defined separately in Zoning Bylaw 8500 and are not permitted uses on lands within the ALR or in any of the zoning districts proposed for amendment in this report.

An excerpt of the proposed OCP amendment to the No. 5 Road Backlands Policy, to address these matters is as follows:

- “a) the types of uses which may be considered in the Frontlands (westerly 110 m of the site) are religious institutions only. Education and dormitory uses (as defined in Richmond Zoning Bylaw 8500) are not permitted;*
- b) proposed uses in the Frontlands must be considered and approved by the City and the Agricultural Land Commission through the necessary land use approval process;*
- c) in the Frontlands, clearly ancillary uses to the principal religious institutional use may be considered, except for an accessory dormitory use, which is not permitted; and*
- d) principal residential uses (e.g., congregate housing, community care facility, multi-family housing) are not permitted.”*

Amendments are also proposed to the East Richmond Area (McLennan Sub-Area) Plan (Schedule 2.13A) OCP to ensure policy statements and land use map designations and definitions contained in this area plan are consistent with the proposed revisions to the No. 5 Road Backlands Policy. The proposed amendments to the East Richmond Area (McLennan Sub-Area) Plan will replace an existing policy statement and land use definition as follows:

- *Land use and development in the Agriculture, Institutional and Public designated areas in the accompanying Land Use Map shall be consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3).*
- *Amended definition for Agriculture, Institutional and Public – Land uses that are consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3) and Richmond Zoning Bylaw 8500.*

Zoning Bylaw Amendments

Richmond Zoning Bylaw 8500, Amendment Bylaw 10133 would apply to the No. 5 Road Backlands Policy area only. A summary of the proposed changes is as follows:

- education uses would be prohibited in all sites zoned “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road”;
- dormitory uses would be prohibited in all sites zoned “Assembly (ASY)” in the Policy area.

A second amending bylaw is proposed for Richmond Zoning Bylaw 8500 – Amendment Bylaw 10141 – which would apply to all land zoned “Assembly (ASY)” outside of the No. 5 Road Backlands Policy area and located within the ALR. This bylaw would prohibit education and dormitory uses.

A third amending bylaw is proposed for Richmond Zoning Bylaw – Amendment Bylaw 10146 – which would apply to all land zoned “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” and located in the ALR both within and outside of the No. 5 Road Backlands Policy area. This bylaw proposes to:

- restrict child care as a secondary use accessory to a religious assembly institution;
- operation of a child care facility must be by the principal religious assembly institution only; and
- establish a maximum limit of 37 children in care.

The proposed limit of 37 children reflects a modest sized child care facility, and is the maximum number of child care spaces that is typically provided in city-owned child care facilities. Staff are of the opinion that the proposed 37 space limit would allow religious institutions to provide child care services, without the risk of large facilities locating there, which would take away from the intended uses of the area.

The combined effect of these three bylaws would be to ensure continuity of regulations regarding education, dormitory and child care uses for all land in the ALR. This approach avoids the potential for pressures on ALR land outside of the No. 5 Road Backlands Policy area that may result if the proposed zoning regulations are not consistent.

For property owners where future proposals or development may be impacted by the proposed zoning amendments, the option exists to apply for a site-specific rezoning application in addition to applying for and obtaining the applicable ALR Non-Farm Use approval.

Pre-Existing Schools, Dormitory and Child Care Uses (Legal Non-Conforming Status)

If the proposed bylaws are adopted by Council, all existing education, dormitory and child care uses that were consistent with the “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” zone in the ALR, including the No. 5 Road Backlands Policy Area, would be rendered legal non-conforming uses. The provisions for non-conforming uses is contained in Part 14, Division 14 of the *Local Government Act* and would apply to all education, dormitory and child care uses that existed prior to the adoption of the Zoning Bylaw Amendments. Legal non-conforming status of uses would generally be subject to the following:

- if a legal non-conforming use is discontinued for a period greater than 6 months, any subsequent use is subject to current zoning regulations;
- a non-conforming use cannot be expanded upon or altered in a manner that would increase the scale or extent of the non-conforming situation; and
- non-conforming buildings or structures that are significantly damaged or destroyed (75% or more of its value above its foundations as determined by a building inspector) must not be repaired/reconstructed except in accordance with current zoning regulations.

Any new development and use of land would be subject to the proposed prohibition on education and dormitory uses and regulations proposed for child care uses. Property owners also have the option to apply for a site-specific rezoning application in addition to applying for and obtaining the applicable ALR Non-Farm Use approval for development proposals that do not comply with zoning regulations.

Staff have reviewed existing building permits and business licenses to determine the number of sites that have existing education facilities, child care operations and religious assembly facilities with an accessory dormitory component (Attachment 3). A breakdown of the existing uses (constructed) and their location in the City is summarized as follows:

- within the No. 5 Road Backlands Policy area:
 - 5 existing schools;
 - 6 religious assembly facilities with an accessory dormitory component; and
 - 4 licensed child care operations.
- outside of the No. 5 Road Backlands Policy area and located in the ALR:
 - 3 existing schools;
 - 1 religious assembly facility with an accessory dormitory component; and
 - 5 licensed child care operations.

If the proposed Zoning Bylaw amendments are adopted, the above uses would be rendered legal-non-conforming uses, which would not be able to be expanded or altered in accordance with the provisions contained in the *Local Government Act*, unless the applicable ALR Non-Farm Use and rezoning application approvals are in place.

Development Application – Rezoning Already Granted Third Reading

There is one rezoning application at 8100 No. 5 Road (RZ 14-667707; Bylaw 9586) for a proposed new religious assembly facility (temple) and accessory dormitory use that has been previously considered by Council, and was granted third reading following a Public Hearing on November 21, 2016. The associated ALR Non-Farm Use application for the proposal was approved by the ALC on May 24, 2016.

Based on Council's prior consideration and endorsement of this application, staff recommend revising the "Assembly (ASY)" zoning district for this site only. Proposed Richmond Zoning Bylaw 8500, Amendment Bylaw 10140 is provided in this report, which would add site-specific

dormitory use regulations for the property to allow the proposal to be consistent with the previous non-farm use and rezoning applications.

Staff also recommend coordinating final adoption of the proposed Richmond Zoning Bylaw 8500, Amendment Bylaw 10140, with final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9586 (RZ 14-667707).

Development Applications in Process in the ALR

Four development applications have been submitted for sites located in the ALR (summarized in table below), which staff are currently reviewing and are provided for information purposes only.

Address	Files	Submission Dates	Proposal	Subject to the No. 5 Road Backlands Policy
8240 No. 5 Road (Dharma Drum Mountain Buddhist Association)	DV 19-872522	DV: Sep 5, 2019	Construct an addition to the existing accessory dormitory building.	Yes
7890 No. 5 Road (Cornerstone Evangelical Baptist Church)	AG 19-873428 DP 19-869484	AG: Sep 19, 2019 DP: Jul 30, 2019	Construct a new elementary school and accessory facilities (incl. gym and auditorium).	Yes
11371 No. 3 Road (Christian Missionary Alliance)	AG 19-853589	AG: Feb 15, 2019	Obtain approval from the ALC for existing education uses.	No
20451 Westminster Highway (Choice School for Gifted Children)	AG 19-881146	AG: Dec 23, 2019	Construct an addition to the existing school.	No

A summary of each application is provided below, including the impact of the proposed OCP and Zoning Bylaw amendments where applicable.

- 8240 No. 5 Road: Should the proposed OCP and Zoning Bylaw amendments be adopted, the proposed variance at 8240 No. 5 Road to add additional floor area to the existing dormitory building could not be supported, and a rezoning application would be required. If the proposed OCP and Zoning Bylaw Amendments outlined in this report are approved by Council, there would be no policy basis to support this application.
- 7890 No. 5 Road: Should the proposed OCP and Zoning Bylaw amendments be adopted, the proposal at 7890 No. 5 Road would require a rezoning application, in addition to the existing non-farm use and development permit applications, due to the proposal for a new school (education use) and accessory facilities. If the proposed OCP and Zoning Bylaw Amendments outlined in this report are approved by Council, there would be no policy basis to support this application.

- 11371 No. 3 Road: The subject site contains an existing religious assembly building that leases space to a small private school. No previous ALC approval of the school exists. The ALC has determined that an ALR Non-Farm Use application is required for the school. Should the proposed OCP and Zoning Bylaw amendments be adopted and if the ALR Non-Farm Use application is endorsed by Council and approved by the ALC, no rezoning application would be required.
- 20451 Westminster Highway: Should the proposed OCP and Zoning Bylaw amendments be adopted, the proposal at 20451 Westminster Highway would require a rezoning application, in addition to the ALR Non-Farm Use application. The proposal is located within the ALR but outside of the No. 5 Road Backlands Policy area and is designated for Agriculture in the OCP. As a result, there would be no policy basis to support this future rezoning application.

Consultation

The proposed amendments to the Official Community Plan and Zoning Bylaw involve land contained in the ALR. As a result and in accordance with Section 477(3) (b) of the *Local Government Act*, the proposed Official Community Plan Bylaw 9000 and 7100, Amendment Bylaw 10132 is recommended to be forwarded to the ALC for review and comment should Council grant first reading to this bylaw amendment. The proposed Richmond Zoning Bylaw, Amendment Bylaws 10133, 10141, 10140 and 10146 would also be forwarded to the ALC for review and comment in conjunction with Official Community Plan Bylaw 9000 and 7100, Amendment Bylaw 10132. The consultation outlined in this report is consistent with OCP Consultation Policy No. 5043 and provisions in the *Local Government Act*.

On February 3, 2020, City staff met with a number of landowners (Highway to Heaven Association) that represented approximately 8 existing religious organizations for the area. This group identified concerns about potential restrictions being looked at for schools and other accessory uses based on the Council referrals on this matter. City staff also provided information about the public process involved for any amendments to land use regulations and options for religious organizations and property owners to provide feedback to Council.

Prior to the Public Hearing, all properties impacted by the proposed amendments will be notified and the public will have an opportunity to comment at the Public Hearing.

Temporary Withholding of Building Permits

Staff recommends that Council grant first reading to Richmond Zoning Bylaw 8500, Amendment Bylaws 10133, 10141 and 10146 to prohibit education and dormitory uses in the “Assembly (ASY)” zone, prohibit education in the “Religious Assembly (ZIS7) – No. 5 Road” zone and regulate child care use in the “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” zones located in the Agricultural Land Reserve. Should Council wish to withhold the issuance of building permits related to the bylaws under preparation, a resolution would need to be endorsed by Council as follows:

That staff bring to Council all building permit applications involving education, dormitory or child care uses for lands zoned “Assembly (ASY)” and “Religious Assembly

(ZIS7) – No. 5 Road” located in the Agricultural Land Reserve, received more than 7 days after the date of first reading of Richmond Zoning Bylaw 8500, Amendment Bylaws 10133, 10141, and 10146, for consideration of a resolution that the building permit be withheld pursuant to Section 463 of the Local Government Act.

The above referenced resolution, in accordance with Section 463 of the *Local Government Act*, enables Council the ability to review and withhold any building permits for these types of uses.

Financial Impact

None.

Conclusion

In response to two separate Committee referrals from December 3, 2019 Planning Committee and January 7, 2020 General Purposes Committee, this report recommends amendments to the Official Community Plan and Richmond Zoning Bylaw.

- Clarify the OCP to consider religious institutional uses only and not permit education and dormitory uses in the No. 5 Road Backlands Policy area.
- Prohibit education and dormitory uses in the “Assembly (ASY)” zone and prohibit education use in the “Religious Assembly (ZIS7) – No. 5 Road” zone for sites located within the No. 5 Road Backlands Policy area.
- Prohibit education and dormitory uses in the “Assembly (ASY)” zone for sites located within the ALR.
- Regulate child care uses in the “Assembly (ASY)” and “Religious Assembly (ZIS7) – No. 5 Road” zoning districts for sites located within the ALR.
- Implement a site-specific zoning regulation through Richmond Zoning Bylaw 8500, Amendment Bylaw 10140 that is related to a rezoning application that has been granted third reading for the proposal at 8100 No. 5 Road (Zoning Bylaw 8500, Amendment Bylaw 9586; RZ 14-667707). Coordination of final adoption of these two Zoning Bylaw Amendments is recommended.

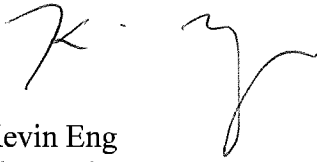
In conjunction with the Zoning Bylaw Amendments being recommended for first reading, a withholding resolution in accordance with Section 463 of the *Local Government Act* is recommended.

The proposed OCP and Zoning Bylaw Amendments will ensure a consistent OCP policy approach for the No. 5 Road Backlands Policy Area and zoning regulations to prohibit education uses and dormitory uses and regulate child care uses for all land located in the ALR.

February 10, 2020

- 13 -

It is recommended that Richmond Official Community Plan (OCP) Bylaw 9000 and 7100, Amendment Bylaw 10132 and Richmond Zoning Bylaw 8500, Amendment Bylaws 10133, 10141, 10140 and 10146, be introduced and granted first reading.



Kevin Eng
Planner 2
(604-247-4626)

KE:cas

- Att. 1: History of the No. 5 Road Backlands Area
- Att. 2: OCP No. 5 Road Backlands Policy Area Map
- Att. 3: Existing Schools, Dormitory and Child Care Uses in the ALR

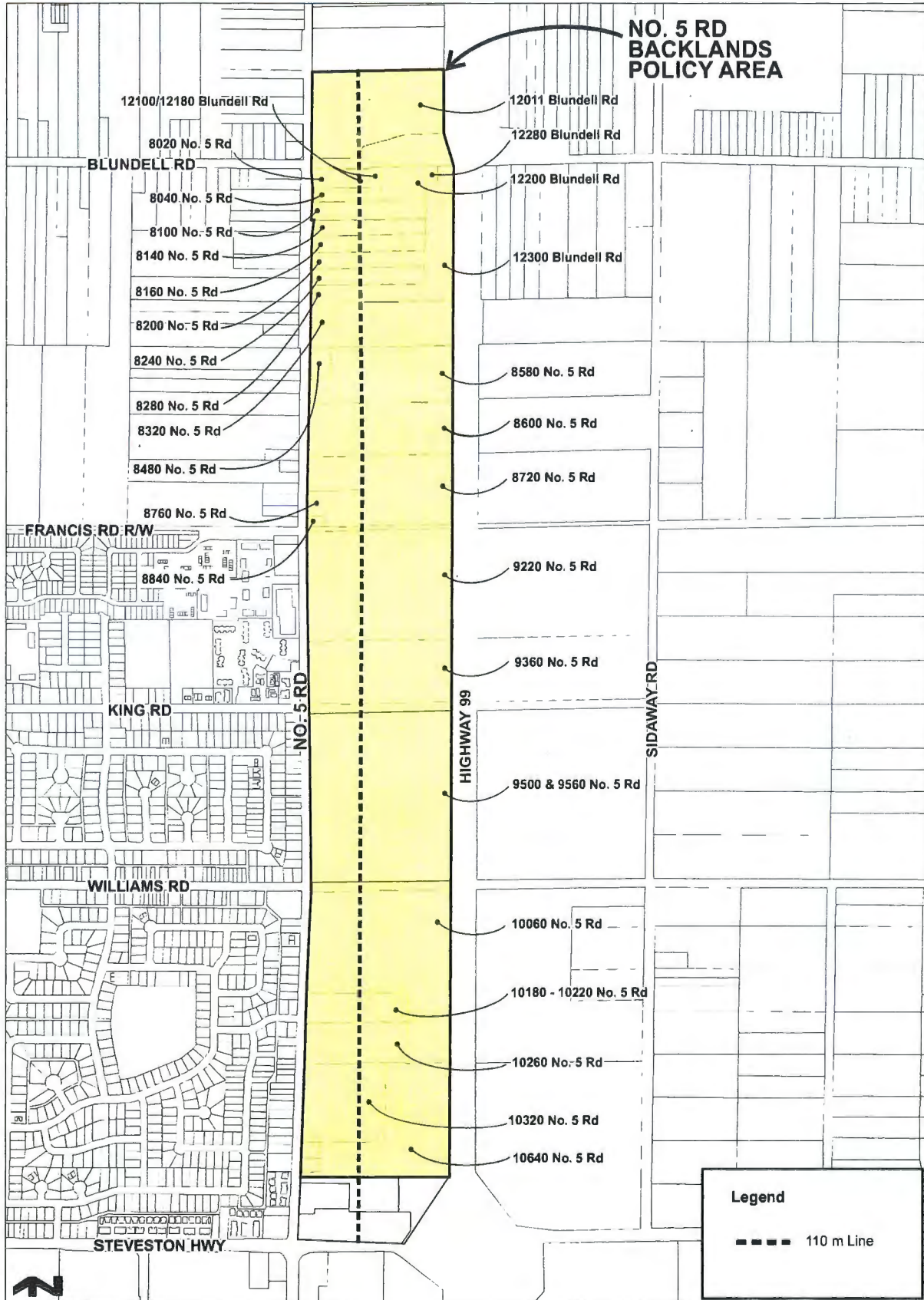
History of the No. 5 Road Backlands Area

- From 1990 to 2000, Council had two separate land use policies in place for the No. 5 Road Backlands area. Policy 5006 (Non-Farm Use Along the No. 5 Road Corridor – Approved 1990) and Policy 5035 (No. 5 Road Backlands – Approved 1998).
- These two policies identified that the type of development/uses should be limited to “Assembly District (ASY)” and a number of “School & Public Use District (SPU)” uses (Note: These uses were found in the “Assembly District (ASY)” and “School & Public Use District (SPU)”, which were the zones in place at the time under the previous Richmond Zoning and Development Bylaw 5300).
- In 2000, Council approved a new policy for the Backlands Area – Policy 5037 (No. 5 Road Backlands Policy) to replace Policy 5006 and Policy 5035. Policy 5037 continued to allow consideration for “Assembly District (ASY)” and certain “School & Public Use District (SPU)” uses in conjunction with measures to ensure farming of the backlands. As a result of a staff review, Policy 5037 brought about changes to strengthen the process and requirements to ensure active farming of the backlands.
- Private educational institutions (now mainly described as independent schools) were an outright permitted principal use in the “Assembly District (ASY)” zone under Richmond’s previous Zoning & Development Bylaw 5300.
- All of the above referenced policies were reviewed and endorsed by the Agricultural Land Commission (ALC).
- In 2016, the OCP was amended to include the No. 5 Road Backlands Policy, which replaced Policy 5037. The OCP No. 5 Road Backlands Policy referenced the consideration of development and uses consistent with the Community Institutional OCP land use definition, which includes educational activities.
- From 1990 to the current day, land use policy applicable to the No. 5 Road Backlands Area has included provisions for education institutions. As a result, various properties within the area have made application (i.e., ALR Non-Farm Use and rezoning) and received approval for education institutions. Staff note that there are 5 existing schools located in the No. 5 Road Backlands Policy area.



No. 5 Road Backlands Policy Area Map

Bylaw 9506
2016/02/15



**Table Summarizing Existing Schools, Child Care and Dormitory Uses in the
Agricultural Land Reserve**

Within the No. 5 Road Backlands Policy Area – Existing Schools
10260 No. 5 Road (Richmond Christian School)
8760 No. 5 Road (Richmond Jewish Day School)
10220/10160 No. 5 Road (BC Confederation of Mennonite Brethren Churches)
12300 Blundell Road (BC Muslim Association)
12011 Blundell Road/7890 No. 5 Road (Cornerstone Evangelical Baptist Church)
Outside of the No. 5 Road Backlands Policy Area – Existing Schools
6340 No. 4 Road (Our Saviour Lutheran Church of Richmond BC)
11371 No. 3 Road (Christian Missionary Alliance)
20451 Westminster Highway (Choice School for Gifted Children)
Within the No. 5 Road Backlands Policy Area – Existing Dormitories
8140 No. 5 Road (Thrangung Monastery Association)
8240 No. 5 Road (Dharma Drum Mountain Buddhist Association)
8480 No. 5 Road (Tung Cheung Tuen Buddhist Association)
8580 No. 5 Road (Shia Muslim)
8600 No. 5 Road (India Cultural Centre)
10060 No. 5 Road (Lingyen Mountain Temple)
Outside of the No. 5 Road Backlands Policy Area – Existing Dormitories
18691 Westminster Highway (Nanaksar Gurdwara)
Within the No. 5 Road Backlands Policy Area – Existing Licensed Child Care Operations
7890 No. 5 Road (Cornerstone Evangelical Baptist Church)
8580 No. 5 Road (Shia Muslim)
8760 No. 5 Road (Richmond Jewish Day School)
10640 No. 5 Road (City of Richmond – Garden’s Children Centre)
Outside the No. 5 Road Backlands Policy Area – Existing Licensed Child Care Operations
11051 No. 3 Road (Congregation of the South Arm, United Church of Canada)
6340 No. 4 Road (Our Saviour Lutheran Church of Richmond BC)
7600 No. 4 Road (Immanuel Christian Reformed Church)
11371 No. 3 Road (Christian Missionary Alliance)
13780 Westminster Highway (Armenian Apostolic Church of BC)



**Richmond Official Community Plan Bylaw 9000 and 7100
Amendment Bylaw 10132 (Clarification of Permitted Land Uses in the
No. 5 Road Backlands Policy Area)**

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

1. Richmond Official Community Plan 9000, as amended, is further amended by:
 - a. Repealing the second paragraph in the Overview subsection contained in Section 7.3 and replacing it as follows:

“The purpose of the Policy is to allow religious institutional uses on the westerly 110m (“Frontlands”) of the properties located on the east side of No. 5 Road between Blundell Road and Steveston Highway (the area outlined in bold lines on the No. 5 Road Backlands Policy Area Map), if the remaining portions (“Backlands”) are actively farmed.”
 - b. Repealing the Objective subsection contained in Section 7.3 and replacing it as follows:

“Objective:

Religious Institutional uses may be permitted in the Frontlands if the Backlands are actively farmed.”
 - c. Repealing subsections a) and b) under the Policies subsection contained in Section 7.3 and replacing it with the following and renumbering subsequent subsections accordingly:
 - “a) the types of uses which may be considered in the Frontlands (westerly 110 m of the site) are religious institutions only. Education and dormitory uses (as defined in Richmond Zoning Bylaw 8500) are not permitted;
 - b) proposed non-farm uses in the Frontlands must be considered and approved by the City and the Agricultural Land Commission through the necessary land use approval process;
 - c) in the Frontlands, clearly ancillary uses to the principal religious institutional use may be considered, except for an accessory dormitory use, which is not permitted;
 - d) principal residential uses (e.g., congregate housing, community care facility, multi-family housing) are not permitted in the Frontlands or the Backlands;”

- d. Repealing subsection a) under the Development Application Procedure and Requirements subsection contained in Section 7.3 and replacing it as follows:
 - “a) all proposals for religious institutional development are subject to City and ALC approval through the necessary development application process to be reviewed on a case-by-case basis and in accordance with the OCP;”
 - e. Repealing the first sentence in subsection b) under the Development Application Procedure and Requirements subsection contained in Section 7.3 and replacing it as follows:
 - “b) consideration of religious institutional development in the Frontlands is generally subject to:”
2. Richmond Official Community Plan Bylaw 7100, as amended, is further amended as follows:
- a. Repealing subsection a) under the Policies subsection contained in Section 6.0 (Community Facilities and Services) of the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A) and replacing it with the following:
 - “a) Land use and development in the Agriculture, Institutional and Public designated areas in the accompanying Land Use Map shall be consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3).”
 - b. Repealing the definition of Agriculture, Institutional and Public contained in Appendix 1 of the East Richmond Area McLennan Sub-Area Plan (Schedule 2.13A) and replacing it with the following:

“Agriculture, Institutional and Public

Land uses that are consistent with the provisions of the No. 5 Road Backlands Policy contained in Official Community Plan Bylaw 9000 (Section 7.3) and Richmond Zoning Bylaw 8500.”

- 3. This Bylaw may be cited as **“Richmond Official Community Plan Bylaw 9000 and 7100, Amendment Bylaw 10132”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER



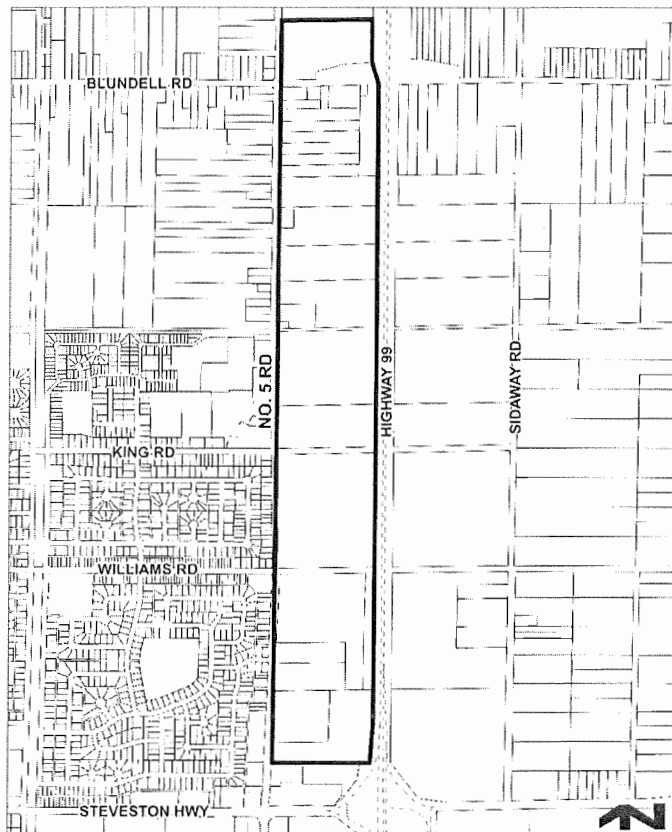


**Richmond Zoning Bylaw 8500
Amendment Bylaw 10133 (Education and Dormitory Use in the
Assembly (ASY) and Religious Assembly (ZIS7) – No. 5 Road Zoning
Districts within the Official Community Plan No. 5 Road Backlands
Policy Area)**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by:
 - a. Inserting the following in Section 13.3.11 (Other Regulations) in the Assembly (ASY) Zone as new Sections 13.3.11.4, 13.3.11.5, and 13.3.11.6:
 - “4. The provision of Sections 13.3.11.5 and 13.3.11.6 shall apply to any site that is zoned ASY (Section 13.3) within the area bounded by the bold black line as shown in Diagram 1

Diagram 1



- 5. **Education** is not permitted on lands identified in Diagram 1.
- 6. **Dormitory** is not permitted on lands identified in Diagram 1.”
- b. Removing the following permitted use in Section 24.7.2 (Permitted Uses) in the Religious Assembly (ZIS7) – No. 5 Road Zone:

“Education”

2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 10133”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER



Richmond Zoning Bylaw 8500
Amendment Bylaw 10140 (Site Specific Dormitory Use Regulations in the Assembly (ASY) 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 by:
a. Inserting the following in Section 13.3.11 (Other Regulations) in the Assembly (ASY) Zone as a new Section 13.3.11.8:
"8. Notwithstanding Sections 13.3.11.4, 13.3.11.5, 13.3.11.6 and 13.3.11.7, a dormitory to accommodate a maximum of 4 people with a maximum floor area of 140 m2 contained in one building shall be permitted on the following site only:
8100 No. 5 Road
P.I.D. 003-413-110
Lot 2 Except: The South 115 Feet; Block "A" of Section 19, Block 4 North, Range 5 West, New Westminster District Plan 4090"

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10140".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

Five horizontal lines for signature or date entry.

CITY OF RICHMOND
APPROVED by [Signature]
APPROVED by Director or Solicitor [Signature]

MAYOR

CORPORATE OFFICER



Richmond Zoning Bylaw 8500
Amendment Bylaw 10141 (Education and Dormitory Use in the
Assembly (ASY) Zoning District for Remaining Properties in the
Agricultural Land Reserve)

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

- 1. Richmond Zoning Bylaw 8500, as amended, is further amended by:
a. Inserting the following in Section 13.3.11 (Other Regulations) in the Assembly
(ASY) Zone as a new Section 13.3.11.7:
"7. Notwithstanding Sections 13.3.11.4, 13.3.11.5 and 13.3.11.6, education and
dormitory are not permitted on any site that is zoned ASY (Section 13.3)
that is located in the Agricultural Land Reserve."
2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw
10141".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

Five horizontal lines for signatures corresponding to the reading stages.

CITY OF RICHMOND
APPROVED by
[Signature]
APPROVED by Director or Solicitor
[Signature]

MAYOR

CORPORATE OFFICER



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10146 (Child Care Regulations in the Assembly
(ASY) and Religious Assembly (ZIS7) – No. 5 Road Zones)**

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

1. Richmond Zoning Bylaw 8500, as amended, is further amended by:
 - a. Inserting the following use in Section 13.3.3 (Secondary Uses) in the Assembly (ASY) Zone:

“**child care**”
 - b. Inserting the following in Section 13.3.11 (Other Regulations) in the Assembly (ASY) Zone as a new Section 13.3.11.9:

“9. **Child care** shall only be permitted as a **secondary use** for any **site** that is zoned ASY (Section 13.3) that is located in the **Agricultural Land Reserve** and subject to the following:

 - a) **Child care** must be operated by the **religious assembly** institution located on the **site**; and
 - b) **Child care** is limited to a maximum of 37 **child care** spaces.”
 - c. Removing the following use in Section 24.7.2 (Permitted Uses) in the Religious Assembly (ZIS7) – No. 5 Road Zone:

“**child care**”
 - d. Inserting the following use in Section 24.7.3 (Secondary Uses) in the Religious Assembly (ZIS7) – No. 5 Road Zone:

“**child care**”
 - e. Inserting the following in Section 24.7.11 (Other Regulations) in the Religious Assembly (ZIS7) – No. 5 Road Zone as a new Section 24.7.11.5:

“5. **Child care** shall only be permitted as a **secondary use** for any **site** that is zoned ZIS7 (Section 24.7) that is located in the **Agricultural Land Reserve** and subject to the following:

- a) **Child care** must be operated by the **religious assembly** institution located on the **site**; and
- b) **Child care** is limited to a maximum of 37 **child care** spaces.”

2. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10146**”.

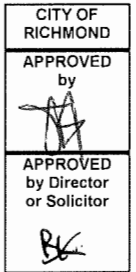
FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER